

# Homeless Link's response to Government's consultation on the review of the Vagrancy Act and effective replacement

May 2022

Homeless Link is the national membership charity for frontline homelessness agencies. With over 900 members, we work to improve services and campaign for policy change that will help end homelessness and ensure that everyone has a place to call home and the support they need to keep it.

Due to the limited period for this consultation this response is based on insight gathered through a brief member engagement exercise. We have collected views through a dedicated discussion with a group of members, and through our standard forums for intelligence gathering across our membership.

Homeless Link welcomes the opportunity to respond to this consultation.

## 1. Do you agree that the government should introduce new offences to prevent specific forms of begging that may be harmful to individuals or detrimental to communities?

- Homeless Link and our members support the government's commitment to repealing the 1824 Vagrancy Act and agree with the Rough Sleeping and Housing Minister Eddie Hughes when he stated, "No-one should be criminalised simply for having nowhere to live, and it is right that we repeal the outdated Vagrancy Act."
- Whilst we welcome consultation to explore the best way of supporting people sleeping rough we do not agree that replacement legislation is needed to address begging, and that existing legislation exists that already allows for enforcement if necessary.
- We acknowledge that there remains concerns from some local authorities and police forces that existing legislation does not fully equip them to manage aggressive and problematic begging. However, we believe that existing legislation already exists to give the police powers to address begging.
- We support the legal advice received by Crisis' that sets out existing legislation that gives police powers to deal with harmful types of begging. The relevant legislation include:
  - The Anti-Social Behaviour Act (2014) includes the impact on the wider community in its approach to criminalising harmful behaviour.
  - Highways Act 1980 – obstructive behaviour
  - Serious Crime Act 2007 – begging that involves crime or joint enterprise etc
  - Criminal Justice and Public Order Act 1994 – to remove trespassers from private land
  - Theft Act 1968 addresses burglary
  - Criminal Law Act 1977

- Public Order Act 1986 threatening words or behaviour or disorderly behaviour likely to cause harassment, alarm or distress
  - Fraud Act 2006, dishonestly making false representation and intending to do so to make a gain for oneself or to cause loss to another
  - Police and Criminal Evidence Act 1984 – breach of the peace
  - Protection from Harassment Act 1997
- In particular we believe that amendment to the Anti-social Behaviour, Crime and Policing Act (2014) clarifying procedures on rough sleeping and begging would be sufficient to meet these needs. Crisis' substantive research and engagement with police as part of their work on repeal of the Vagrancy Act sets out a clear mechanism in which to do this.
  - We are concerned by the scope and the intent of the proposed legislation, which although sets out an intent to not criminalise rough sleeping, proposes a broader definition of begging than is currently considered through the Vagrancy Act and in which the risk of conflating rough sleeping and begging would be considerable. We know there is considerable overlap between people rough sleeping and begging and we are concerned that this legislation would continue to target people sleeping rough.

**2. Do you agree that begging is harmful to individuals and detrimental to communities? What forms of begging cause greatest harm to individuals and /or detriment to communities? Are there any forms, in addition to those listed above, that cause particular concern?**

- Homeless Link members' with direct experience of supporting people who currently, and historically beg report that those individuals are people who are experiencing significant destitution, trauma and health and social care needs.
- We acknowledge that not all individuals who beg are currently street homeless but members spoke to experience of supporting people begging for wide ranging needs including those who have had their benefits sanctioned to enable payment of rent or living costs, individuals with no recourse to public funds who are in receipt of hardship payment only, or those with addictions including substance misuse and gambling.
- Members highlighted that it is the causes of begging being the issues that cause harm to individuals and not the begging itself. For example for those who are begging due to substance misuse problems, the begging is not the cause of the harmful behaviour but a means in which to feed addiction. Taking away income source from begging does not reduce the drugs dependency and without sufficient substance misuse support services in the community, could lead to other illegal forms of raising income or a reliance on cheaper drugs which can lead to higher rates of death.
- Without sufficient services in place to provide support, the reduction of income through preventing begging risks driving people into more harmful behaviour. An example of this provided by our members was women who have had begging routes cut off turning to sex work instead. Without meaningful and sustained support, enforcement of all begging behaviour could have significant negative consequences

that drive people to greater harm and ultimately have a wider impact on statutory provision including policing and health and social care.

- We remain concerned that insufficient levels of available needed support including access to substance misuse services, mental health services, and affordable and supported accommodation mean that some individuals choose to beg over engagement with services. We believe this is not beneficial to individuals but that until adequate levels of support exist that it is extremely difficult to engage people who are begging as there is no incentive for them to engage.
- Homeless Link members highlighted that for those with prolonged engagement with begging that they observe similar behaviours as with other forms of addiction and that long-term begging should be considered in a similar harm reduction approach as we do for other addictions including gambling.
- Homeless Link members did speak to specific cohorts of people begging who are there due to exploitation or coercion including through forms of modern day slavery. Members spoke to examples ranging from people forced to beg through gangs, through to people coerced into begging through abusive relationships.
- We agree that greater enforcement of the perpetrators of these activities is needed but we believe that the proposed replacement legislation would risk criminalising the victims of these crimes instead.
- We do acknowledge that some forms of begging and street behaviour can be disruptive and anti-social to local communities. However as set out in answer to question 1 we believe that this can, and should be addressed through amendment to the Anti-social Behaviour, Crime and Policing Act (2014) and a greater understanding of the potential value and use of other existing legislation.

**3. Do you agree there may be benefit in raising public awareness about the drivers of begging, and the links this activity may have to sustaining an individual's life on the street?**

- Homeless Link and our members think there is benefit to a public awareness raising campaign helping to explore the complexities of begging and the different reasons why people might engage with begging behaviour.
- We believe that this would need to be framed as a behavioural change campaign that educated the public on the impact of begging on individuals including how sustained begging can limit engagement with services.
- Any public awareness raising must be cognisant of evidence that suggests the general public do not like to be told what to do with their money, and that giving to people begging is a personal choice. The focus, therefore, must be on helping people to understand the structural drivers that lead people to begging and the local solutions that exist to support instead. This must be backed up by greater investment in local support systems to ensure that reduction in begging income does not drive people to more harmful activities but to appropriate support.

**4. What types of offences and associated powers, requirements and penalties are most appropriate to incentivise individuals to engage with support? We would welcome any views about the current options available to the police, local authorities and courts as outlined above.**

- Homeless Link and our members feel strongly that there are no type of offences and associated powers, requirements and penalties that are appropriate to incentivise individuals to engage with support.
- By default enforcement decreases engagement, makes individual less trusting of support services and risks pushing people away from all forms of support. Once someone is disengaged from services it becomes a significant task to reengage them with support.
- There was some mixed reflections amongst Homeless Link members on the value of Court Orders particularly in relation to Drug Treatment Order however it was noted that this can only be an appropriate incentive if there is sufficient, good quality support available.
- Members identified examples of people who had been found in breach of their Order due to refusal of support which was due to inappropriate or inadequate support being offered. This included lack of gender specific services or expectation of engagement in abstinence only services for people with alcohol addiction needs.
- In relation to substance misuse services specifically members highlighted barriers to engagement due to services not being equipped to deal with recent drug trends including NPS and Spice and therefore not being appropriate for individuals despite mandates drug treatment.
- Whilst we do consider Court Orders preferable to imprisonment for begging and associated offences this can only be successful with the necessary investment to ensure appropriate levels of support are available.

**5. What more could be done to make sure any new offences for begging support the right environment to deliver services and engage with vulnerable people?**

- Homeless Link and our members do not agree that there should be new offences for begging however we are supportive of considerations within this consultation to looking at improved collaborative and partnership work between police, local authorities and other services to create the right environment to engage with vulnerable people.
- People begging and people sleeping rough are not mutually exclusive groups, and although some people begging are not street homeless similar support needs present across both populations including mental health needs, substance misuse support, and wider support around financial support and access to long-term secure housing. In this context we believe that similar approaches are needed to engagement with people begging as with people sleeping rough.

- This includes ensuring that police are approaching individuals in a Trauma Informed manner and are equipped to sign post to appropriate services that can provide relevant specialist support.
- The following case study sets out an example of best practice in relation to building collaborative, partnership working across police, local authorities and the voluntary sector to approach tackling begging and anti-social behaviour in a way that addresses underlying causes rather than criminalising vulnerable individuals.
- The Street Engagement Hub in Greater Manchester is a partnership driven initiative between Manchester Council, Greater Manchester Police and voluntary sector organisations. The Hub provides practical support and advice around a range of issues for people who beg or engage in antisocial behaviour and may be homeless or sleep rough. The Hub model works through three phases:
  1. Engagement: The partnership between Manchester City Council and Greater Manchester Police work to engage this cohort and support their arrival at the 'Hub'.
  2. Triage: Individuals are welcomed to the hub with a friendly environment and person-centered conversations. Once settled each person is triaged by a member of the team to identify appropriate positive interventions.
  3. Intervention: Following the triage process individuals are offered a range of potential interventions bespoke to them. This covers a huge range of support from engagement with benefit advisors and support; pathways to mental health services; dedicated support for substance misuse as well as same day prescribing services; accommodation support; dedicated support for male and female sex workers; temporary Big Issue passes as short term alternative to begging; and peer support.

An evaluation of the Hub model shows that between November 2019 and July 2021 over 850 people had engaged with the service. The co-location and range of different support on offer were identified by services and those engaging with support as being extremely valuable.

Local Police on the Street Engagement Team have built strong trusting relationships with the people they are trying to engage. Requests to attend the Hub from the police were viewed as referrals rather than a form of enforcement or coercion, which in turn meant individuals felt more encouraged to attend, and once there more likely to engage positively.

- Models like the Street Engagement Hub were identified by Homeless Link members as being the needed approach to reduce begging and ensure police are part of supportive pathways for those who are street homeless.
- 6. What changes should be considered to better equip the police, local authorities and other agencies with the tools to engage those sleeping rough and support them away from the streets? What is the best approach if individuals refuse support or where harmful behaviour is involved?**

## Homeless Link

- Homeless Link and our members believe that in most cases engagement with people sleeping rough should be done through the role of specialist outreach workers across the homelessness sector who have experience and training in how to engage and work with people on the streets. Where harmful behaviour is involved we believe existing legislation would allow for police or other agencies to intervene as appropriate either for the safety of other or for the individual themselves.
- Homeless Link members report concerns that there are not sufficient numbers of outreach workers to meet demand and therefore we call on increased funding and local strategies to ensure that there is adequate levels of outreach workers to engage people into relevant local support services.
- For many individuals on the streets previous bad experiences with services including experiences of violence, intimidation and environments that make it harder to sustain alcohol or drug reduction, mean that there can be a reluctance to engage again. Outreach work is not an instant process and in some cases can take months to build a trusting relationship with someone that would lead to engagement with services.
- Local police will have an awareness and relationship with people sleeping rough in their area and we recognise that the importance of this. To help ensure that police engage with these individuals in an appropriate and supportive way we recommend training in Trauma Informed Care for relevant police officers. Trauma informed care (TIC) is an approach that creates an environment where someone who has faced trauma feels safe and that they can establish trust with those supporting them. TIC provides for a more compassionate and ultimately more effective means by which providers deliver their services.
- Building a trusting relationship is key to engagement and Homeless Link members highlighted positive outcomes achieved through dedicated police liaison workers who specialised in supporting people experiencing homelessness or with multiple and complex needs.
- Local police should also be equipped with the knowledge to signpost individuals sleeping rough to local support services including Local Authority Housing Options, day centres, and other relevant homelessness services that can provide the specialist support and advice needed.
- Building relationships with individuals that leads to them wanting to engage with support only works if the associated relevant support is available for them. Therefore it is critical that there is sufficient investment in the needed supported services across housing, health and social care, substance misuse, and training to enable people to not only move off the streets but move towards happy and fulfilled lives.
- The Rough Sleeping Initiative introduced in 2018 has provided local authorities with funding to develop practice and approaches to developing locally informed services and support to help reduce and end rough sleeping in their local areas. We welcome the recent Comprehensive Spending Review announcement and associated RSI 2022-2025 prospective that provides for three year funding and allows local areas to develop longer term, embedded and partnership driven approaches.



- The Everyone In initiative also demonstrated on a national level the importance of housing in ending rough sleeping. The scale of people supported through the pandemic was an incredible achievement by all involved but it was only possible through the provision of hotel rooms and other forms of self-contained accommodation that is not sustainable outside of emergency times. Local authorities, police and other agencies will not be able to support people away from the streets without necessary levels of affordable housing including social housing, sufficient private rented accommodation at Local Housing Allowance rate, and sufficient supported housing including Housing First units.
- Housing First is crucial to plans to end rough sleeping as it provides an effective solution for people facing the most complex support needs. Encompassing a housing-led approach with intensive, unconditional support and no fixed end point, it catalyses the system flex that people facing the most acute multiple disadvantage require.<sup>1</sup>
- Growing evidence from England and elsewhere shows that Housing First residents are able to stabilise and improve outcomes in a number of areas, often when nothing else has worked. It has been proven to end homelessness for 80% of people with high support needs, reduce anti-social behaviour, stabilise or reduce substance misuse and reduce use of emergency and criminal justice services.<sup>2 3</sup> Significantly, the then MHCLG's second evaluation report of the Government regional pilots shows a remarkable 87% tenancy sustainment rate for the 534 people housed so far.<sup>4</sup>

**7. What other changes should be considered to better equip police, local authorities and other agencies to engage with people who are rough sleeping including in tents or trespassing on private property?**

- We do not believe additional legislation is needed to address those rough sleepers trespassing on private property as we consider the necessary powers to be covered by existing legislation including the Criminal Justice and Public Order Act 1994.
- Homeless Link does not believe that enforcement of anyone rough sleeping regardless of whether they are in a tent or not should be subject to criminalisation and that the same considerations for support should apply as do for anyone sleeping on the streets.

**8. Are there any other issues that would emerge from repeal of the Vagrancy Act that you think should be considered in bringing forward replacement legislation?**

- Not applicable – we do not consider replacement legislation necessary.

**9. What do you consider to be the equalities impact on individuals with protected characteristics of any of the proposed options for replacement legislation? Please give reasons and any evidence that you consider relevant.**

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<sup>1</sup> Homeless Link. (2021) *About Housing First*. London: Homeless Link

<sup>2</sup> Pleace N & Bretherton J. (2013) *The Case for Housing First in the European Union: A Critical Evaluation of Concerns about Effectiveness*. European Journal of Homelessness

<sup>3</sup> Bretherton J & Pleace N. (2015) *Housing First in England An Evaluation of Nine Services*. York: Centre for Housing Policy

<sup>4</sup> MHCLG. (2021) *Evaluation of the Housing First Pilots Second Process Evaluation Report*. London: MHCLG

- Most of the begging and rough sleeping population should be considered vulnerable, many of whom have disabilities, both physical and/or mental health related, as defined by the Equalities Act 2014. Barriers to accessing both physical and mental health services can lead to perpetuation or increase in substance misuse and other behaviours that may lead to begging.
- We believe women may also be particularly at risk through the proposed replacement legislation as both criminalisation of begging or other anti-social behaviour can push individuals into less visible and more dangerous spaces, and the loss of associated income can drive them to riskier activities such as sex work.

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