

January 2024

Criminal Justice Bill: call for evidence

Written evidence submitted by The Connection at St Martin-in-the-Fields to the Criminal Justice Bill Public Bill Committee

Executive summary

1. The Connection is a homelessness charity based in Westminster. We support people sleeping rough in the heart of London, helping them to recover and find their way off the streets. Our outreach team goes out on to the borough's streets to engage with the daytime street population, and we provide support such as with finding somewhere to live, with physical and mental health issues, or legal advice, as well as practical help such as a hot meal or a shower. In partnership with Westminster City Council we have run a number of temporary accommodation projects in local hotels. We also run a supported housing project in South London for women who have slept rough with complex needs.
2. We were pleased when the Government announced that it would repeal the Vagrancy Act, and responded to their consultation in 2022 on what legislation should replace the Act. In our response we shared our concerns that new punitive measures would be counterproductive and risk punishing people who are in the greatest need of support. We highlighted that begging and rough sleeping are not in themselves criminal or anti-social, and instead demonstrate systemic issues. Punitive legislation would therefore risk marginalising an already vulnerable group and pushing them further away from the support that could help.
3. We are concerned that when referring to 'nuisance' rough sleeping and begging, the Criminal Justice Bill differentiates between those who will engage with support straight away, and those who have more complex needs and may not do so. In our experience the path to support is often not that straightforward, especially for people who have experienced trauma and have not had their needs met by services in the past. Their likelihood to accept offers of help when they don't have confidence in that service is low.
4. People who are begging or rough sleeping can be extremely vulnerable and have many support needs. It can take time to engage with these individuals and build trust. Introducing state-based enforcement measures, however well intentioned, further alienate people and undermine their confidence in the support being offered. They can, in fact, drive people further away from offers of help from anyone perceived as being in a position of authority. People access support most readily when they feel safe and ready to do so. Enforcement and penalties do not provide that safety.
5. Activity that can be perceived as anti-social or 'nuisance' – such as begging, sleeping on the street and substance use – can be an essential part of life for someone who is rough sleeping. Any response needs to understand this and be trauma-informed, with a focus on helping them to access meaningful support.
6. There is a real lack of appropriate support available, especially for addiction and mental health, and suitable accommodation for people with complex needs, trapping them in cycles of homelessness. People in this situation must not be penalised for this.
7. Penalties and enforcement do not work to address the root causes of homelessness and instead can contribute towards perpetuating cycles of perceived anti-social behaviour.

8. We are very concerned that by introducing the tough measures contained in this Bill, the Government is maintaining the harmful penalties contained in the Vagrancy Act, which runs contrary to its commitment to repeal it, despite its reasons for repealing the Act still standing.

'Nuisance' rough sleeping and begging

9. While we acknowledge the harm caused by behaviour that is genuinely anti-social, it is also essential to acknowledge the role of perception in defining what is a nuisance, and how this is extremely subjective. We question how such behaviour would be assessed as a 'nuisance', who would have the authority to make that judgement, what training and experience they would have in trauma and complex needs and how they would work alongside specialist voluntary-sector organisations. We are concerned that people who are not specialised in this area will be able to make a decision that could have extremely harmful consequences for someone who is unwell and vulnerable.
10. We often see how some of our clients can be targeted as being anti-social for behaviours such as begging, drinking in the street or public places, taking drugs outdoors or in public spaces, or sleeping in tents. This activity can be an essential part of someone's lifestyle who has no other option of anywhere else to go or a lack of appropriate support available, and can be a coping mechanism for challenging life experiences. There can be a lot of prejudice towards people who are in this extremely vulnerable state, and any response to this needs to have this understanding at the forefront.
11. We recognise that rough sleeping, including sleeping in tents, and begging are not a solution for anyone; however, many people feel they have no other option. The lack of appropriate housing provision and support around this where required pushes people into rough sleeping and is a serious public health issue that endangers people's lives. There is very limited availability of appropriate support and accommodation that clients with more complex needs require, meaning they are trapped in cycles of homelessness. In Westminster, there is a severe lack of bed spaces, limited immediate emergency accommodation, and waiting lists can be months long. This lack of spaces means that people who have multiple needs are spending longer on the streets than needed, increasing their risk of trauma and being more entrenched in rough sleeping. We believe that a focus on the provision of appropriate accommodation would have a far greater and more positive impact to everyone than further enforcement.
12. Homelessness itself is not 'nuisance' behaviour, and the associated behaviours come from a lack of options, rather than offending. While many people experiencing homelessness have both addiction and mental health issues, there is a real dearth of support services set up for people with complex needs. In fact, complex needs are often a barrier to accessing support. There is a group of people here who are extremely vulnerable with high support needs, yet that support is not available to them and they then are often penalised and stigmatised for this.
13. We are aware that instead of carrying out criminal activity themselves by begging, people who are begging have often been pushed into this activity by their own experiences as a victim of crime, such as abuse, violence, exploitation and discrimination.
14. We especially have concerns for people with no recourse to public funds. As they will not be eligible for most statutory services or support, they may need to turn to begging as their only source of income, with no other options for support.

Penalties do not address the root causes of homelessness

15. The potential of penalties and enforcement in incentivising people to engage with support is questionable. In a focus group with our clients on the impact of enforcement, one participant described a time he was arrested for lying down outside St Paul's Cathedral and taken to Belmarsh Prison. He didn't know what was happening but was scared to ask questions and then was given a criminal record for loitering. Another participant said he was given an Anti-Social Behaviour Order (ASBO) for taking food from a bin and not tying the rubbish bag up after. Another said she was given an ASBO, which prevented her from hanging around with more than three people at a time. Others described how such penalties left them feeling scared, bullied and insulted, being criminalised for doing nothing wrong and impacting their future employment prospects. Such examples of penalties do not help people into stable accommodation or encourage them to engage with support, but instead increase their distrust of authorities and drive them further away from services that could support them.
16. Enforcement methods are often extremely detrimental to building trust. Our clients have described how their experiences with the police were varied, and they generally felt that enforcement was arbitrary and would depend on the mood of that particular police officer. Three participants had a discussion about homeless people having things stolen from them and not going to the police as they thought it would be pointless or they feel scared. They felt they were branded as bad people by the police and so wouldn't expect help from them if they were in trouble. It was raised that the police should be there to protect them too and to help them feel safe, but that they feel that this is not the case and generally feel victimised. As one of our clients observed, 'If there is money for enforcement and to sanction people, there should be money to provide safety for people.'
17. We often see how there is a disproportionate response towards our clients, who are experiencing homelessness, yet a slow response when crimes are committed against them (for example, assault and theft). Enforcement can be a very heavy-handed and an inappropriate response for someone who is vulnerable, and end up pushing them further away from support and perpetuating a cycle of behaviour that is perceived as anti-social or 'nuisance'.
18. Begging and homelessness need to be addressed as public health issues, as stated by the Kerslake Commission on Homelessness and Rough Sleeping. There is a need to invest in better and more accessible support for people, with specialist services for people with complex needs, multi-agency working and cross-commissioning across services (especially mental health and addiction support, which are greatly needed and severely lacking). Far too often, services work in silo and depend on different funding streams, which acts as a real barrier to support.
19. We would like to see established protocols between the police and agencies supporting people who are begging. These protocols should recognise that this is a public health issue primarily, and therefore the response should emphasise health and social care. Protocols should be underpinned by joint training for both police and support staff.

Recommendations

20. Remove the language of 'nuisance' begging and rough sleeping, as this is subjective and too difficult to define in a way which will support effective action.

21. Clarify at what point enforcement will be used as a last resort and what paths to support will be on offer.
22. Establish protocols for enforcement to work with specialist services, and increased partnership working between public services and the voluntary sector.
23. Focus on ending rough sleeping and associated behaviours such as begging by treating it as a public health issue, and commissioning evidence-based treatment services in rough sleeping hotspots which meet the needs of people with mental health and addiction, attached to housing options such as Housing First
24. Engage with people with lived experience in developing any legislation or response to rough sleeping or begging.