

Written evidence submitted by Crisis to the House of Commons Committee on the Crime and Policing Bill (CPB64).

Crisis is the national charity for people facing homelessness. We know that homelessness is not inevitable, and we know that together, we can end it. Crisis is dedicated to ending homelessness by delivering life-changing services and campaigning for change. Every year we work directly with thousands of people experiencing homelessness, to help them rebuild their lives and leave homelessness behind for good.

Executive Summary

1. Crisis welcomes that there are no specific enforcement measures targeted at people who are homeless or at risk within this Government's Crime and Policing Bill. We know that enforcement measures against people who are homeless do little to help them. People who are homeless and have faced enforcement measures have told us how they felt dehumanised and targeted simply because they existed. In reality, enforcement measures break down trust with police and other services and push people further away from support.
2. We do however note that the Bill introduces further powers via Respect Orders that may unintentionally impact people who are homeless or at risk. We are therefore calling for the Government to amend the Bill to allow for the Secretary of State to issue guidance to prevent this from happening. In campaigning to repeal the Vagrancy Act, a number of police forces told us they need more guidance to clarify the use of existing antisocial behaviour (ASB) powers and we therefore urge the Government to develop such guidance with a view to ensuring people in vulnerable situations such as homelessness are not caught up in enforcement measures that will do little to help them.
3. For years, Crisis has led a campaign alongside partners to scrap the Vagrancy Act of 1824, with politicians from all parties, people facing homelessness, housing, homelessness and human rights organisations, local authorities and police forces. In February 2023, both Houses of Parliament supported the repeal of the Vagrancy Act via an amendment to the Police, Crime, Sentencing and Courts Bill in a landmark rejection of the outdated laws that criminalises sleeping rough. However, no commencement date was included so the Vagrancy Act technically remains in force.

4. We therefore call on the Government to immediately commence repeal of the Vagrancy Act, either by statutory instrument or via an amendment to the Crime and Policing Bill.

Recommendations

5. Immediately repeal the outdated Vagrancy Act 1824 either via an amendment to the Crime and Policing Bill or a Statutory Instrument laid by the Home Secretary.
6. Amend the Crime and Policing Bill to require the Secretary of State to issue guidance to persons and organisations responsible for using ASB powers to prevent discrimination against people experiencing homelessness. The Government should also consider similar guidance for the Anti-Social Behaviour, Crime and Policing Act (2014).
7. Collect and publicise data from non-police agencies on ASB reports they have received and on use of ASB powers by non-police agencies to enable the better monitoring of ASB interventions and help to inform future activity to tackle ASB.

What new changes does the Bill introduce that are relevant to homelessness and what impact would these have on people facing homelessness?

8. The Crime and Policing Bill would introduce new Respect Orders as well as altering existing anti-social behaviour (ASB) powers by extending the duration of dispersal direction from 48 hours to 72 hours and increasing the upper limit for fines from £100 to £500 for breaches of Public Space Protection Orders (PSPOs) and Community Protection Notices.
9. Respect Orders are a new civil behavioural order that police, local authorities and housing associations (the last in respect of their housing only) can apply to a county court for. The bill proposes that Respect Orders enable positive and negative requirements to be applied by a county court judge on a person, for which non-compliance is a criminal offence punishable by a fine, or, finally, a short prison sentence. The intention of the legislation is to provide a stronger ASB power for use against adults, to increase the speed of effect (by permitting applications for Respect Orders without serving notice on the person) and to divert people away from the antisocial behaviour through the order requirements.
10. Respect Orders applications made to county court can include positive requirements on a person such as to engage with specific services or programmes, or negative requirements to avoid being in certain locations, or for a person drinking outside who is

deemed to display “behaviour causing harassment, alarm or distress to a member or members of the public”.

11. Crisis is concerned that Respect Orders could be granted against someone experiencing homelessness to require them to, for example, stop sitting in a certain place or to engage with a particular agency against their will. We also note that existing legislation is already in place that provides for similar powers. For example, under Chapter 1 of the Anti-Social Behaviour, Crime and Policing Act 2014, police and local authorities can impose Community Protection Notices (CPNs) on an individual if satisfied that the conduct of an individual is having a persistent or continuing detrimental effect on the quality of life of those in the locality, and that conduct is unreasonable. CPNs can already include requirements to stop doing specified things, do specified things and take reasonable steps to achieve specified results. This is already an extremely broad power addressing a potentially wide range of anti-social behaviour, which is already frequently used to target rough sleeping and begging. We therefore question the need to implement further, similar measures via Respect Orders.
12. With regards to the approach for people to engage in ‘positive’ behaviours, we note the evidence previously given to the APPG for Ending Homelessness from Janine Green, an ASB practitioner who trains others, and who gave evidence representing the voices of hundreds of practitioners. In her testimony, Janine highlighted evidence that demonstrates these positive requirements that already exist in ASB tools do not work. The Civil Justice Council produced a report in 2020 on ‘Anti-Social Behaviour and the Civil Courts’ highlighting how cases are often not tackled collaboratively by the public services concerned and that underlying and often causative issues such as mental health and substance abuse are therefore not addressed.¹
13. Crisis does not support the procedure of being able to make an application for a Respect Order without serving notice to the person. In our experience, sustained efforts to engage with people and offer them support is a more effective approach and therefore we argue people should be aware of any action that is going to be taken against them. Unexpected enforcement can also further breakdown trust between individuals and authorities.

¹ APPG for Ending Homelessness, meeting on the Criminal Justice Bill March 2024:
<https://www.crisis.org.uk/media/rx1h5vka/appgeh-minutes-from-meeting-on-criminal-justice-bill-march-2024.pdf>

14. Further, evidence shows that criminalisation is more likely to push people away from services and opportunities that can enable people to move on from their current situation. Our experience supporting thousands of people who are homeless and at risk leads us to understand that increasing fines for breaches of PSPOs and Community Protection notices will be effective, and we are concerned about the impact that increased financial penalties will have on people who are experiencing homelessness and poverty. We see in our services that fines that become debts can act as a barrier for people to stable housing and affect their ability to move on from homelessness in the future.
15. We remain clear that dispersal powers and PSPOs can disproportionately affect people experiencing homelessness, and we know from consultation with people sleeping rough and who have been criminalised by the Vagrancy Act that displacing them from areas without offering support that can end their homelessness and address their needs has entrenched their support needs further, making it harder to resolve their homelessness. In a survey of people sleeping rough carried out by Crisis, 56% said enforcement measures such as the Vagrancy Act contributed to them feeling ashamed of being homeless. A quarter (25%) said that following an enforcement intervention their alcohol consumption increased as a result, and 21% said the same for drug use. It can also push people into other riskier behaviour to secure an income such as shoplifting or street-based sex work.
16. This risk of unfair application has been shown in research by Sheffield Hallam University that also offers [guidance](#) on the use of civil tools and powers with people experiencing street homelessness.
17. The concern around further enforcement measures has also been echoed by ASB professionals. In giving evidence to the APPG for Ending Homelessness, Janie Green also stated that there are already appropriate dispersal and injunction powers set out in the Anti-social Behaviour, Crime and Policing Act (2014).²

What additional measures are needed to mitigate any risk of criminalising people experiencing homelessness via the Bill?

² APPG for Ending Homelessness, meeting on the Criminal Justice Bill March 2024:
<https://www.crisis.org.uk/media/rxlh5vka/appgeh-minutes-from-meeting-on-criminal-justice-bill-march-2024.pdf>

18. Although it does not seem that criminalising people for homelessness is the purpose of the legislation, **Crisis calls on the Government to restate its commitment to ending the criminalisation of homelessness**, which our [report](#) 'From enforcement to ending homelessness' has shown is not effective. Working with the National Police Chiefs' Council, Crisis identified ways that police, local authorities and voluntary sector organisations are working to support people sleeping rough.
19. Best practice by police, local authorities and voluntary sector organisations clearly shows us that, to resolve the root causes and prevent reoccurring homelessness effectively, we need to support those who are sleeping rough and or begging and provide the right individualised support, from whichever agency or service is needed, as soon as possible.
20. In our work with police forces, they also made clear that they would find guidance around the use of existing antisocial behaviour powers useful, and Crisis has long called for updated guidance for the Anti-Social Behaviour, Crime and Policing Act (2014) that ensures powers are not unintentionally used to criminalise homelessness.
21. **Crisis continues to call for Statutory guidance on use of ASB powers to be updated in order to advise relevant professions that powers should not be used to target people based solely on the fact that they are homeless or rough sleeping.** We are supportive of [Justice's submission to the Bill committee](#) (p.7) that there should be an amendment requiring the Secretary of State to issue guidance to persons and organisations responsible for using ASB powers to prevent discrimination against people experiencing homelessness. Crisis agrees that the guidance should include the following principles:
- Before using ASB powers, people must consider whether a person who has been involved in begging or sleeping rough could be referred to support services to address their needs
 - Begging or sleeping rough does not itself amount to action causing harassment, alarm or distress
 - Begging or sleeping rough does not in itself amount to unreasonable conduct
 - Policing and other enforcement action should balance protection of the community with sensitivity to the underlying causes of people sleeping rough or engaging in begging; and
 - Powers contained in the ASB legislation including the Anti-social behaviour 2014 and the Respect Orders in the Crime and Policing Bill should not be used in relation to people sleeping rough.

22. There are alternative ways to engage with people experiencing homelessness. We know how assertive outreach - the delivery of services to people who are homeless through partnership working and collaboration between outreach services, local authority staff and police - can help people away from the street. Assertive outreach is the delivery of services to people who are homeless. It happens wherever they are and generally does not require them to present themselves to a particular place. It works best when services are actively seeking people and are focused on helping to end a person's homelessness. It works with the most disengaged people who are sleeping rough and have complex support needs. The evidence shows effective assertive outreach has three main features:

- The primary aim is to end homelessness
- It needs to be person centred and include multidisciplinary support
- It is persistent and purposeful, but enforcement activity should only ever be used as a last resort and if genuine anti-social behaviour is also present.

23. Understanding more about the principles of assertive outreach and how these are applied locally can help reduce the need for enforcement action and focus on more effective help that addresses the root causes of a person's situation. Working in this way can build trusting relationships that can help support people to move away from the streets, facilitate rapid rehousing into appropriate accommodation and access support. Effective principles for engagement with people experiencing rough sleeping are set out in the diagram below:

Positive interventions



24. Crisis agrees with the Government that there is a current gap in the national picture of the incidence of ASB and the use of ASB powers. We support the greater collection of

data from non-police agencies on ASB reports they have received and on use of ASB powers by non-police agencies to enable the better monitoring of interventions and help to inform future activity and approaches. This information should be made public to enable scrutiny of and learning from current patterns of ASB and the powers used.

Why the Vagrancy Act 1824 should be repealed immediately

- 25. Crisis, alongside numerous homelessness, housing, social justice and human rights organisations, are calling for the Government to immediately implement the repeal of the Vagrancy Act 1824 as legislated for in Section 81 of the Police, Crime, Sentencing and Courts Act 2022. This can be achieved either through an amendment to the Crime and Policing Bill or via the Home Secretary laying a Statutory Instrument.

- 26. There is little to no support for replacement powers criminalising rough sleeping to replace those in the Vagrancy Act 1824, as the previous government itself acknowledged in its response to the consultation reviewing the Vagrancy Act at the end of 2023. Further, as set out in this briefing, there is no need for these either because there are already effective approaches to supporting people rough sleeping through assertive outreach which don't require replacement legislation. Additionally, the Crime and Policing Bill will add further powers to those already in existence (set out in the table below) for police and local authorities to use in addressing the impact of anti-social behaviour on communities:

Crime	Legislation
Anti-social behaviour, including threatening words and harassment	Anti-social Behaviour, Crime and Policing Act (2014) Public Order Act (1986)
Begging under false pretences of need	Fraud Act (2006)
Forcing others to beg, including children	Serious Crime Act (2007) Modern Slavery Act (2015)
Trespassing, including on private land, with power to remove unauthorised campers	Criminal Law Act (1977) Criminal Justice and Public Order Act (1994) Public Order Act (1986) Highways Act (1980)

April 2025.