Response from The Connection at St Martin’s to the call for input on Decriminalization of homelessness and extreme poverty from the from the Special Rapporteurs on the Right to Adequate Housing and on Extreme Poverty and Human Rights

September 2023

The Connection at St Martin’s is a charity supporting people sleeping rough in the heart of London, helping them to recover and find their way off the streets. We provide support such as 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. Our outreach team goes out on to the borough’s streets to engage with the daytime street population. We also run a supported housing project in South London for former rough sleepers with complex needs. We support an extremely vulnerable group of people who are likely to be victims of violence, verbal abuse and harassment, and can often experience mental health issues and substance use as a result of very difficult life experiences, yet many support systems are not set up to respond to their needs.

We have responded to questions 1, 2 and 6.

1. **Laws or regulations that prohibit begging, eating, sleeping, or performing personal hygienic activities in all or certain public places, including their texts and whether they are still in force and enforced.**

It was announced in February 2022 that the Vagrancy Act – legislation that criminalises rough sleeping and associated behaviours such as begging – would be repealed, and in May 2022 we responded to the public consultation on legislation that should replace it in order to protect against anti-social behaviour. The Act has still not been repealed and we do not know when this repeal will be effected. We also have concerns about replacement legislation that could continue to impact vulnerable people who are rough sleeping and push them further away from support. We feel that introducing new measures that are punitive would be counterproductive and risk punishing people who are in the greatest need of support. There already exists legislation to tackle criminal and anti-social behaviour, but begging in and of itself is not criminal or anti-social. We therefore question the purpose of new legislation to prevent begging.

We currently don’t see the Vagrancy Act being applied to our clients in Westminster, and instead see other anti-social behaviour legislation being used for activity such as begging and loitering. We feel that this demonstrates how existing legislation is sufficient for any behaviour that actually is anti-social, rather than legislation that risks penalising people for being homeless and destitute.

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.

We have seen how cautioning with a condition can be a tick-box exercise and does not result in positive change. People need to be supported into services properly and cannot be coerced to do so. People may have several underlying and painful issues that they need support with, and can only address when they are ready to do so for support to be effective.

Penalties such as Public Spaces Protection Orders (PSPOs) can result in someone being banned from an area, meaning they can no longer access essential support such as food, prescribed medications or overnight accommodation. While the Home Office statutory guidance says PSPOs shouldn’t be used to target those experiencing homelessness, [research has found that they often can be](https://www.shu.ac.uk/news/all-articles/latest-news/pspo-impact-on-homeless). This can place people in a constant cycle of displacement and dispersal, yet many will end up returning to the area. There is a need for greater clarity about how the tools and powers from the Anti-Social Behaviour, Crime and Policing Act (2014) are used, to make sure they’re not used disproportionately against people experiencing street homelessness.

We are aware that 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. 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. There can also be a lot of prejudice towards people who are in this extremely vulnerable state.

While it is important that behaviour that is genuinely anti-social is tackled with urgency, 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). In a focus group with our clients to discuss enforcement around rough sleeping, it was found that enforcement methods are extremely detrimental to building trust and push them further away from support. It seemed that 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 raised the issue of people having things stolen from them and not going to the police as they thought it would be pointless or they felt 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.’

During the pandemic, we saw people who were unable to beg to pay for their addiction being housed as a result of the Everyone In initiative and put on to a methadone script for the first time. This was extremely positive but only happened when there was the right package of wraparound support combined with this accommodation, such as casework, mental health support or support around addiction.

1. **Laws or regulations that allow for petty offences the detention or imprisonment of individuals who are unable to pay the respective fine.**

Our clients, who often experience complex needs and multiple disadvantage, can find it challenging to attend specific appointment times and would find it challenging or be unable to pay a fine. They are more likely to be marginalised and impacted by financial penalties. This would risk pushing them further into hardship and making them more vulnerable. The Government itself has also acknowledged the often counter-productive effect of financial penalties in its consultation on the Vagrancy Act, as requiring people to pay fines they can’t afford does not help them towards recovery.

A caution or penalty that will appear on someone’s criminal record can result in further marginalisation and the likelihood of reoffending. This could also cause them difficulties in future; for example, with employment, and can impact trust of the police and services and push them further away from support. Once someone is criminalised they are more likely to be pushed further on a downward spiral and towards harmful criminal activity.

1. **Measures and services available at national, regional or municipal level to support people living in poverty or in situations of vulnerability from having to resort to begging, sleeping, washing, defecating or performing other hygienic activities in public places, because they lack access to employment, social assistance, adequate housing, public showers and toilets.**

Providing people with accommodation in hotels through Everyone In provided an unexpected opportunity during the pandemic and has been the most impactful action by far. As people were placed in stable accommodation, they were in a much better position to address other needs they had. This gave us the opportunity to work more intensively with these people and provide wraparound support. It also highlighted what wasn’t working so well, i.e. shared rooms, and the increased dignity that self-contained accommodation provided.

However, now that much of that support has ended, especially for people who have no recourse to public funds, we are seeing an extremely concerning increase in numbers of people requiring our support. At The Connection, we’ve seen a 69% increase in the number of people requiring our services compared to last summer, with over 140 people visiting our day centre on our busiest days. Levels of need this extreme are indicators of a serious problem. We’re anticipating issues around access to basics like food, hygiene items and clothes this winter. We’re also really concerned about the number of people who will need emergency bed spaces as the temperatures start to drop.

During all of the lockdowns, there were people who did not accept support, or avoided services. This tells us that there is significant mistrust in authorities and services for a small minority of rough sleepers. Their experience of the pandemic has exacerbated this situation and we see how there is a real lack of support for people with more complex needs, especially around substance use and mental health.

Mental health needs among the homeless population are extremely high, both as a cause or the result of homelessness. In a recent survey of 30 of our clients by our Street Engagement Team, the majority indicated some form of mental distress, with 72% reporting anxiety, 66% low mood, and 34% hearing voices. However, 59% reported that they had never been under the care of a mental health team. The main barrier to accessing support was identified as the difficulties around attending appointments.

In this survey, 90% of people disclosed that they were using substances, yet 41% of people said they are not currently accessing any interventions around their use. Only 15% of people felt that they did not need support around their substance use. This highlights that while there is recognition that people need support, the services available are not meeting their needs for this and there is clearly a significant cohort of people falling through gaps in services. When asked about barriers to accessing drug and alcohol services, much like the mental health service barriers, struggling to attend appointments was identified as a key barrier (35%) and 44% of people said that if these barriers did not exist they would access treatment services.

This survey included people with dual diagnosis of mental health and addiction issues. This is a key and frustrating barrier to support, with addiction acting as a barrier to mental health support, and mental health issues acting as a barrier to addiction support. Given the frequent coexistence of mental health issues and addiction, there is urgent need to tackle the lack of support here.

Mental health support also needs to be available at the early stages when someone is aware they need help, as long waiting times can exacerbate someone’s condition. As one client explained to us, ‘You’ve got to be suicidal before they’ll help you… You’ve got to be at breaking point,’ demonstrating the sense that mental health support is not readily available until someone reaches crisis point. He explained how he had tried to get help for his mental health issues before becoming homeless when he approached his local council, and became homeless when he was told he wasn’t a priority need for help.

There is an urgent need to address the underlying causes of homelessness by investing in social care, appropriate accommodation, and mental health and addiction treatment services, ensuring these are set up to support those who are extremely vulnerable and with multiple needs.