

CIH
Suites 5 & 6
Rowan House
Westwood Way
Coventry CV4 8HS

By email to: VAconsultation@levellingup.gov.uk Department for Levelling Up,
Housing and Communities

Dear Sir/Madam

CIH response to the Department for Levelling Up Housing and Communities (DLUHC) consultation on the proposed replacement legislation for the Vagrancy Act.

Initial comment

Chartered Institute of Housing (CIH) is the professional body for people who work in housing, the independent voice for housing, and the home of professional standards. Our mission is to support housing professionals to create a future in which everyone has a place to call home.

CIH was delighted to welcome the announcement from government in February 2022 that the outdated Vagrancy Act 1824 would be repealed, and we are pleased to see the government progressing quickly with its consultation on the repeal. CIH welcome the opportunity to submit evidence on this important consultation topic exploring the best way of supporting people sleeping rough. We do, however, have significant concerns on the further legislation being proposed and the scope and intent of that proposed replacement legislation.

Repealing the Vagrancy Act presents an opportunity to embed more trauma-informed, support-led, multi-agency approaches across the country and to strengthen our shared aim of ending rough sleeping. However, we are concerned that the proposals risk replacing one set of harmful and punitive legislation with another, which will fail to support those in our society who are amongst the most vulnerable experiencing homelessness and destitution.

Given the short time frame for this consultation response we have structured our response around key themes of the consultation questions and taken our lead from Crisis who led the '[Scrap the Vagrancy Act' campaign](#), and their [research](#) which formed the basis of the campaign.

Our consultation response

The introduction of new offences (relating to consultation questions 1 - 3)

We do not agree that the government should introduce new offences to prevent specific forms of begging. We are aware and acknowledge that some forms of begging can be harmful. For example, harassment, coercion, and fraud. These crimes can sometimes be committed in conjunction with begging. When consulting to repeal the Vagrancy Act 1824, Crisis received extensive legal advice that highlighted the existing legislation that gives the police powers to deal with these harmful types of begging, including:

- 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 et
- 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

Therefore, we consider that additional legislation to target specific forms of begging is likely unnecessary, given the existing powers.

The consultation suggests that proposed replacement legislation will introduce more punitive measures than the Vagrancy Act and other existing legislation. Throughout the campaign led by Crisis, significant evidence was supplied of the negative impact fines have on people who are begging and how they are an ineffective tool. Indeed, the consultation document itself even acknowledges that fines are ineffective deterrents and can be counterproductive, steering individuals away from treatment. Measures to fine people living on the street and begging when they are destitute simply adds to further destitution, shame, and stigmatisation, driving people further away from support and entrenching harmful stereotypes.

The consultation suggest that the new legislation would not combine rough sleeping with begging as the Vagrancy Act did and proposes targeting six types of begging. Whilst the consultation seeks to point out that measures would not be used to target people sleeping rough, it is not a simple case of separating rough

sleeping and begging. These are complex and intertwined issues affecting people in the most severe forms of destitution and social exclusion. We are concerned that if this legislation is introduced it will still end up targeting people sleeping rough. We know that people sleeping rough sometimes beg and that there is not a simple and clear division between people sleeping rough and people begging. Therefore, it is highly likely that any expansion of the laws that punish begging will result in some people sleeping rough being targeted. We are concerned about the wide scope of the legislation which targets anyone who is begging rather than only focusing on more aggressive forms. We do not believe that people should be criminalised simply for being destitute and begging. Only in situations of additional harassment or anti-social behaviour is the criminalisation route justifiable, in which case the existing legislation already covers this.

Supporting the police and others to engage with and support individuals experiencing rough sleeping (relating to consultation questions 4 - 8)

The acknowledgement in the consultation of the importance of multi-agency working led by local authorities is extremely welcome. Encouraging a multi-agency approach is key to ensuring people are offered support out of homelessness and destitution rather than penalising them further. Partnership working can help pool resources, improve accountability across organisations, and align local systems to target support at the right people, at the right time and in the right way. Police can have a key role to play in helping people who are sleeping rough access support. However, as submissions to the [Kerslake Commission](#) demonstrated, sometimes the way police recognise and respond to homelessness could be much improved. Providing the police with the right training will be crucial to this. Police officers need to be trained in trauma-informed approaches so that they can appropriately respond with people experiencing homelessness. Crisis and the National Police Chief's Councils' practical guide '[From enforcement to ending homelessness](#)' shares practical ways of supporting people who are sleeping rough and homelessness, without the need for further legislation. It also highlights approaches to specifically support women, LGBTQ+ people and people with disabilities. We urge Government to focus on these positive and proven approaches to supporting people who are homeless.

We encourage the government to carefully consider the evidence from frontline service providers in the homelessness sector as well as those with lived experience when designing any replacement measures. CIH support the replacement of the Vagrancy Act with sustained trauma informed outreach, matched with offers of housing and ongoing support, as outlined as a key recommendation in the [final report of the Kerslake Commission on homelessness and rough sleeping](#). As well as this, the Kerslake Commission suggests that the government should clarify some aspects of the Anti-social Behaviour, Crime and Policing Act 2014, setting

out 'enforcement principles' that provide safeguards, to ensure that people who simply need help are not criminalised. Crisis' [original amendment](#) to repeal the Vagrancy Act enabled the Home Office to update guidance related to the Anti-social Behaviour, Crime and Policing Act (2014) to clarify procedures on rough sleeping and begging, following feedback from the police on implementing the law. We would recommend Government explore this option, rather than further legislation.

It is well documented that the most successful way to support someone off the streets is to give them access to housing and the support to maintain it, including through a [Housing First](#) model where appropriate. CIH believe that Housing First has an important role to play in helping to break the cycle that sees people with complex needs and facing multiple disadvantages revolving in and out of hostels, insecure accommodation, and rough sleeping. In addition, anyone who is sleeping rough should be able to reach out for support without fear of losing their right to live and work in this country.

Finally, legislation alone will not address homelessness. We would take this opportunity to stress the importance of building more social homes to ease the pressure on the housing system and reduce the numbers of people living in temporary and insecure accommodation. This must be underpinned by a functioning welfare system that provides the security net that people need.

If you wish to discuss any of our consultation response further, please contact me. CIH would be pleased to be part of the ongoing conversation on this meaningful issue.

Yours sincerely,

Hannah Keilloh
Policy and Practice Officer
CIH
Hannah.keilloh@CIH.org
www.cih.org