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ENFORCEMENT AND INTERVENTIONIST RESPONSES TO ROUGH SLEEPING AND BEGGING: Opportunities, challenges and dilemmas

Report from the event hosted by Glasgow Homelessness Network and Crisis, with the support of the Economic and Social Research Council-funded Welfare Conditionality Project, at the Adelphi Centre, Glasgow, on Tuesday 25 October 2016.

Sarah Johnsen (Heriot-Watt University)



Background

In a context where a number of Scottish local authorities report increasing levels of rough sleeping and/or begging, this event offered a forum for stakeholders from a range of relevant sectors in Scotland to reflect on the opportunities, risks and dilemmas associated with 'interventionist' responses, including those containing elements of 'enforcement' (eg, byelaws, ASBOs) and/or 'persuasion' (e.g., assertive outreach).

These issues have been subject to intense debate in England over the past decade or so given the widespread use of, and controversies associated with, interventionist approaches in a number of English towns and cities. This event provided an opportunity to consider the experiences and 'lessons learned' (achievements and mistakes) in those contexts, and use this as a prompt for discussions regarding whether elements of such approaches might (or might not) command support in Scotland.

The event was associated with the major five-year (2013-2018) Economic and Social Research Council funded 'Welfare Conditionality: sanctions, support and behaviour change' research project. One stream of this study, which involves collaboration amongst six Scottish and English universities, aims to assess the efficacy and ethicality of interventions that actively promote behaviour change amongst street homeless people and those involved in 'street culture' activities such as begging.

Drawing on evidence from this and previous research, and the first-hand experience of agencies working with street homeless people and individuals who beg in Scotland and England, the event aimed to promote an open and constructive dialogue about the rationale used to justify and/or oppose such measures in England, what is known about outcomes, the complex practical and ethical issues associated with their use, and whether there is appetite to consider employing them in Scotland.

Delegates included more than 40 invited representatives of (national and local) statutory

and voluntary organisations from across Scotland, including a mix of those working within homelessness, substance misuse, migration, community safety and policing sectors. 'Chatham House rules' were employed, such that delegates were asked to avoid disclosing individual identities or organisational affiliations when discussing attendees' contributions, so as to foster an open and honest dialogue about these highly sensitive issues.

Opening contributions: kick-starting the conversation

The event opened with presentations from three speakers, including: Sarah Johnsen (Professorial Fellow, Heriot-Watt University), Jeremy Swain (Chief Executive, Thames Reach), and Margaret-Ann Brunjes (Director, Glasgow Homelessness Network). Summaries of their contributions are provided below. The presentation slides may be downloaded from: <http://www.ghn.org.uk/blog/enforcement-interventionist-responses-rough-sleeping-begging-opportunities-challenges-dilemmas/>.

Sarah Johnsen - a review of the research evidence - 'Interventionist responses to rough sleeping and begging: controversies, opportunities and challenges'

Sarah provided an overview of the range of 'interventionist' responses employed to address rough sleeping and begging in England which include elements of 'force' (e.g., arrests under the 1824 Vagrancy Act, Anti-Social Behaviour Orders, Public Spaces Protection Orders, Designated Public Places Orders, Dispersal Orders and 'designing out', etc.) and/or 'persuasion' (e.g., assertive outreach). She acknowledged that debates about the appropriateness of all these - and also 'non-interventionist' approaches which do not aim compel or 'push' individuals to change their behaviour - can be very heated given the strength of feeling on different sides of the argument.

She summarised research evidence about the characteristics of street homeless people and people who beg, noting that it is widely accepted that rough sleepers are extremely vulnerable (susceptible to violence and severe ill health, with disproportionately high levels of mental health and/or substance misuse problems, widespread experience of trauma etc.), but it is also true that rough sleeping can have a very negative impact on the general public, especially when it is concentrated in specific areas (for example if residents have to navigate through human excreta and used hypodermic needles).

She also noted that existing research confirms that there is a strong overlap between the begging and homelessness 'scenes' (amongst UK nationals), with many people who beg being street homeless or in temporary accommodation; also that most people who beg spend the majority (if not all) the proceeds on feeding an addiction. That said, she noted that the current picture was complicated somewhat in recent years by the escalation in benefit sanctions, and acknowledged that begging amongst migrants and people of Roma descent presents a different set of issues.

Drawing on research evidence compiled over several years, Sarah explained that proponents of interventionist approaches typically justify their use, in part, on reports that rough sleeping and begging is intimidating for the public and/or damaging to local business and tourism. They also emphasise the damaging effects of street lifestyles on the wellbeing of those involved by highlighting their vulnerability to attack and extreme ill health, their disproportionate representation in drug-related deaths, and restricted ability to discern what is in their own best interests given the incapacitating effects of substance misuse or mental ill health.

Conversely, opponents object on grounds of the inadequacy of the 'offer' made to rough sleepers and people who beg (e.g. the poor supply and/or quality of temporary accommodation or substance misuse treatment), the paternalistic imposition of values on those they believe should have a 'right' to sleep rough or live an alternative lifestyle,

damage to the therapeutic conditions required for recovery from trauma, and/or the risk of further compromising the welfare of already vulnerable individuals in light of evidence that 'harder' approaches do not always 'work'.

Sarah reported that the use of force reduces the visibility of rough sleeping and begging in areas targeted, but that the impacts on the individuals affected varies. When used without associated support, they do not tend to lead to beneficial outcomes, but rather to displace these activities (see below). When combined with suitably tailored and intensive support, however, enforcement can be effective in deterring someone from begging or sleeping rough and encouraging them to accept help. In such instances, enforcement acts as an effective prompt for reflection and change.

Yet, evidence indicates that enforcement can also lead to geographical displacement (wherein the individuals targeted continue to sleep rough or beg but do so elsewhere) and/or activity displacement (wherein they shoplift or engage in sex work as an alternative to begging, for example). There are practical things that can be done to minimise the likelihood of these unintended consequences, but the risks cannot be eradicated entirely and it is not possible to predict accurately when enforcement will or will not 'work'. Enforcement might be seen as a 'high risk' strategy for this reason.

Sarah explained that there has also been a marked shift away from traditional 'ameliorative' toward more 'assertive' approaches to street outreach in England, wherein outreach workers are now much more proactive in dissuading rough sleepers from remaining on the street and persuading them to accept offers of accommodation or treatment. There was a degree of controversy surrounding assertive outreach when it was first endorsed by commissioners in England, but the approach is now mainstream within the sector.

There also continues to be a number of homelessness services such as traditional winter shelters and soup runs characterised by little if any 'push' for behaviour change. Many (but by no means all) are faith-based and each aims to support people to change in their own time if and

when they self-identify as being ‘ready’ to do so. There is now a relatively sharp divide between these staunchly non-interventionist services on the one hand, and those (mainly statutory-funded) services on the other which strongly endorse the use of persuasion (and force if necessary).

In essence, Sarah explained, non-interventionists accuse interventionists of compromising the therapeutic conditions needed to promote change and/or of potentially making the lives of already vulnerable people worse. Conversely, interventionists accuse non-interventionist of being irresponsible for standing by and ‘allowing’ vulnerable people to engage in behaviours that are detrimental to their wellbeing, and/ or of facilitating damaging street lifestyles by making them easier to bear.

In concluding, Sarah acknowledged the sensitivity surrounding interventionist approaches, given the practical and ethical dilemmas they raise. She noted that there is an increasing consensus in England that interventionism in its ‘hardest’ forms (ie, enforcement) is justified when someone is clearly harming others (as is the case with so-called ‘aggressive’ beggars, for example); also that the vast majority of homeless people support the use of force use in such circumstances.

There is less agreement, however, regarding the justifiability of enforcement in cases when someone is ‘only’ harming themselves – for example if their health is clearly deteriorating but they are not obviously having a negative impact on anyone else. Some stakeholders will say that enforcement should be used to safeguard that person’s wellbeing anyway; others will not support its use in any circumstances.

Jeremy Swain – viewpoint from a London practitioner – ‘Why not using enforcement and assertive outreach is a high risk strategy’

Jeremy explained how his stance on interventionism has changed since he worked as an outreach worker in the 1980s. He is now Chief Executive of Thames Reach, an organisation

providing outreach services across 20 London boroughs together with a range of other services in the capital. His key argument was that not using enforcement and assertive outreach is a ‘high risk’ strategy.

Jeremy explained that his team has worked in partnership with many supportive and enforcement agencies to assist in the implementation of a range of interventions, including: Community Protection Notices, Criminal Behaviour Orders, Public Spaces Protection Orders, sectioning under the Mental Health Act, Dispersal Orders, Designated Public Places Orders, anti-begging campaigns, and by-laws to stop areas becoming tent cities.

He noted that Thames Reach views support and enforcement as complementary, and argued that they should be used in combination rather than separately or consecutively in responses to rough sleeping and begging. He emphasised that the primary purpose of an overtly interventionist approach is to help people escape rough sleeping, and that he and his staff are convinced that it is more effective than alternative approaches.

A primary motivation for this stance, Jeremy explained, is the extremely high mortality rate of rough sleepers. In London there is a database called CHAIN comprising current or former rough sleepers being helped by homelessness agencies either on the street or in hostels and supportive accommodation. Eighty-three individuals on this database were found to have died during 2015-16. He noted that he and his team feel an overwhelming responsibility to rough sleepers, and their families, to prevent them perishing on the street.

He gave examples of a number of cases where an interventionist approach had led to positive outcomes for people the agency has worked with. He also pointed out that staff members with personal experience of homelessness tend to be the most ‘enforcement-focused’, given the wisdom that comes with lived experience and hindsight.

He recounted situations where Thames Reach had been criticised for its interventionist approach, often because concerned individuals did not

appreciate the ‘reality’ of either the circumstances of the individuals targeted or the impacts of their actions on the immediate neighbourhood (which included persistent street drinking, public drug use and defecation in one example). Jeremy noted that some of the media coverage, and the language used (e.g., ‘criminalisation of the homeless’), was misleading and unhelpfully inflammatory.

On one occasion, a local authority in London responded to a death of a rough sleeper by instituting a Serious Case Review to consider whether the death could have been avoided. Jeremy believed this process was extremely beneficial and a rare example of a death of a person on the street being treated with the same gravity as someone housed. A major finding of the review was that the Mental Capacity Act 2005 should be considered more often when, as in the case reviewed, there is strong evidence that an individual does not have the capacity to make a decision about their care and treatment.

Jeremy explained that he and his staff team do not accept that rough sleeping is a ‘lifestyle choice’. He recalled that he had never felt that he had put ‘too much’ pressure on any individual to come off the streets, but that he does have regrets that he had not been more assertive in some cases, especially when the person concerned had subsequently died. ‘Not taking no for no an answer’, he concluded, reflects respect for and belief in the individuals concerned.

Margaret-Ann Brunjes – reflections from the Scottish context – ‘Inconsistency and *saying the wrong things*’

Margaret-Ann talked about the sensitivities associated with discussions about rough sleeping, begging and any attempts to respond. In particular, she focused on inconsistencies in the messages that various stakeholders hold and communicate, and the apparent inevitability of ‘saying the wrong things’ when addressing the subject.

Margaret-Ann noted that as individuals, organisations, communities, and as a country,

there are inconsistencies in what we do and say about begging and rough sleeping. She argued that in order to fully understand the causes of these issues and develop the most appropriate solutions we will probably offend some people’s sensitivities (however unintentionally) at some point.

She challenged everyone present to start asking ourselves why we let these problems exist and consider what we are going to do about them given that ‘more of the same’ is clearly not the answer. All honest attempts to widen and deepen discussion should be welcomed, she argued.

She acknowledged that rough sleeping and begging are symptomatic of wider problems, but that they generate their own problems as well. It is our job, she argued, to keep improving the offer we provide until that offer, and the timing of it, ‘fits’ for the individual concerned.

Margaret-Ann emphasised that many people ‘care’ - to various extents and in different ways - about begging and rough sleeping. These include the individuals involved, the general public (howsoever defined), local retailers and those involved in the hospitality industry, and all of ‘us’ working in our various roles. The extent to which individuals and groups are genuinely informed about and fully understand the issues varies, however.

Drawing on research and work conducted by GHN, she confirmed that the ‘wants’ of people involved in begging and rough sleeping are not big ‘asks’: to be acknowledged, to have somewhere safe to live, to have more money, to sort out money problems, to have good relationships, to be in work, and to have support.

Public reactions to begging and rough sleeping are many and varied, Margaret-Ann noted. They can include, for example: anger, irritation, and blame directed at the person involved and/or at authorities for failing to do their job properly; bullying and mockery; frustration and distress; empathy and concern; guilt, shame and embarrassment; and/or fear of the person or what they represent.

Margaret-Ann pointed out that while not everyone feels equally sympathetic toward individuals involved in begging and rough sleeping, we are

all united in wanting to see streets free of such activities. She concluded by arguing that many people are calling for clarity regarding the causes and nature of the issues, and direction regarding how they should respond.

Discussion: identifying areas of consensus, dissensus and paths forward

The presentations were followed by discussions amongst delegates, which revolved around the following questions:

- Is there (or should there be) an appetite to move toward using more interventionist approaches in Scotland? Why/why not?
- Is there any role for enforcement in this? In what circumstances, if at all?
- Which (if any) forms of interventionism might gain buy-in from service providers, commissioners and/or policy makers in Scotland?
- What opportunities and risks might the use of such interventions present in Scotland? How might the risks be minimised?
- What lessons (re mistakes and achievements) might be learned from the use of these approaches in England?
- How can/should this agenda be taken forward in Scotland?

Key themes emerging from the discussion included:

- There is a strong appetite to take forward discussion about responses to begging and rough sleeping and the role that interventionist approaches might play in Scotland, so that stakeholders are in a position to 'do something different'. It was widely agreed that this should involve a 'whole system' conversation including stakeholders from the homelessness, migration, community safety, substance misuse, and criminal justice etc. sectors.
- A 'twin-track' approach should be adopted, wherein the conversation develops at both national and local levels. There is an appetite for national-level guidance amongst local

authorities, service providers, and enforcement agents, but dialogue should also be encouraged locally given geographic variation in the nature of the issues faced and services available.

- Importantly, attendees consistently emphasised the imperative of 'not losing sight' of the systemic and structural causes underpinning rough sleeping and begging. Any response to these issues (interventionist or otherwise) should not detract from policy attention to, and investment in, preventative 'upstream' measures, nor from ensuring that all statutory duties to the individuals concerned are met.
- The critical role of supportive interventions was a strong focus of discussion, particularly as regards the imperative of ensuring that the 'offer' is 'good enough' (ie, support is of an appropriate type and quality, and is instantly accessible). It was emphasised that the inadequacy of temporary accommodation which is particularly problematic in some cities would need to be redressed if more interventionist approaches were to be justified.
- There was a strong consensus that all political, policy and public deliberations about the use of interventionist approaches, and indeed street homelessness and begging more generally, should be explicitly evidence-based. This is vital given the high level of misinformation and misunderstanding regarding the reasons people sleep rough or beg and the options available to them.
- Delegates were generally open to further discussion about the value of assertive approaches to street outreach. It was noted that these are not widely used in Scotland at present. That said, some outreach providers report that they are working in an interventionist way, including in partnership with enforcement agents when necessary, but that this is not 'advertised' because of fears of potential reputational damage.
- Views regarding enforcement were divided. Many delegates were supportive of its use as 'last resort' when individuals are unreceptive to (suitably intensive and tailored) supportive

interventions. A few however indicated that they would not support the use of enforcement under any circumstances. Some also expressed anxieties regarding the potential for enforcement 'done badly' to jeopardise the relationship between service provider and user.

- It was noted that the importance of 'getting to know' and maintaining relationships with rough sleepers and people who beg should remain to the fore in discussion and practice. In this sense, recent learning as regards the value of 'stickability' in supporting people with complex needs (including for example Psychologically Informed Environments and Housing First models) should inform initiatives going forward.
- A number of reservations and cautions were raised regarding the risks associated with, or inappropriateness of, assertive and enforcement approaches with refugees and migrants who have No Recourse to Public Funds.
- There was a call for more research into the housing and other circumstances of people who beg and their motivations for doing so, given that most of the existing evidence on this is now dated. It is anticipated that the profile of those involved may have changed given the escalation in benefit sanctions and changing demography of the street population. The need for a better understanding of Roma begging in particular was also highlighted.

Next steps

As noted above, the event indicated that there is appetite to take forward discussion about these issues at national and local levels. A useful first step in doing so will be a focus on the subject at the next Homelessness Prevention and Strategy Group conference hosted by the Scottish Government.

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Further information

For further information about the Welfare Conditionality study, and to access policy briefing and interim findings reports on this subject, see the project website: <http://www.welfareconditionality.ac.uk/>

Welfare Conditionality: Sanctions, Support and Behaviour Change is a major five-year programme of research funded under the Economic and Social Research Council's Centres and Large Grants Scheme. The project aims to create an international and interdisciplinary focal point for social science research on welfare conditionality and brings together teams of researchers working in six English and Scottish Universities.

