

CRIMINALISING YOUTH HOMELESSNESS:

Evidence on the impact of the Vagrancy Act
and the incoming Criminal Justice Bill

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Introduction

For years, homelessness organisations, local authorities, police forces and other interested parties have campaigned for the Vagrancy Act to be abolished. These campaigns were successful and, in early 2022, the government committed to repealing the Vagrancy Act as part of the Police, Crime, Sentencing and Courts Bill. However, the Government now plans to replace the Vagrancy Act with new legislation, the Criminal Justice Bill, within which laws restricting rough sleeping are prominent.

This research examines how Government legislation is being, and may be, used to criminalise young people who are rough sleeping. In doing this, we examine Freedom of Information Request data delineating how the Vagrancy Act has affected young people and explore interview and survey data highlighting the extent to which young people are criminalised by measures such as Public Space Protection Orders. Through this lens, we then analyse the potential impact of the Criminal Justice Bill on young people experiencing homelessness.



Policy Context

The Vagrancy Act is a 200-year-old law which criminalised people for begging and rough sleeping.¹ According to official legislation, it is summarised as “An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in England.” It is a highly outdated piece of legislation that does not focus on supporting vulnerable people out of homelessness.

Research from Crisis has found that police officers using the Act regularly moved rough sleepers on and banned them from certain locations, all under the threat of arrest - but for the majority of cases (81 per cent), no kind of support was ever offered.²

In 2022, both Houses of Parliament supported the repeal of the Vagrancy Act through an amendment to the Police, Crime, Sentencing and Courts Bill. However, the Westminster Government has yet to announce a commencement date, meaning that the Vagrancy Act technically remains in force.

Beyond the Vagrancy Act, the then Coalition Government provided police forces and local authorities with additional powers to prevent aspects of rough sleeping via the Anti-Social Behaviour, Crime and Policing Act, 2014. Public Spaces Protection Orders (PSPO) allow councils to restrict or ban activities in public spaces, and can be issued if a council believes activities carried out in a public place ‘have had a detrimental effect on the quality of life of those in the locality’ or that ‘it is likely that activities will be carried on in a public place within that area and that they will have such an effect’.³

PSPOs are often targeted at rough sleepers – even when they are not exhibiting anti-social or disorderly behaviour – leaving those experiencing street homelessness at risk of being removed from locations, such as city centres, in which they are likely to receive support.⁴

Moreover, the Government recently announced that it will be replacing the Vagrancy Act with a “suite of modern replacement powers to enable the police and local authorities to respond to begging and rough sleeping where it causes nuisance to the public”. These new regulations will be part of the incoming Criminal Justice Bill, and will give police forces and local authorities new powers to “help move vulnerable individuals off the streets”.¹

However, Centrepoin believes that these provisions are unlikely to be used to support rough sleepers. While the Government has repeatedly stated that it aims to reduce, and eventually eliminate, rough sleeping, the Criminal Justice Bill’s ‘nuisance rough sleeping’ provisions will likely further the criminalisation embedded in the Vagrancy and Anti-Social Behaviour, Crime and Policing Acts, ensuring that those most in need are pushed further away from vital means of support.

¹ For further information, see: <https://www.gov.uk/government/publications/criminal-justice-bill-2023-factsheets/criminal-justice-bill-nuisance-begging-and-rough-sleeping>

Key findings

- ! Police constabularies across England have used the Vagrancy Act to arrest 16 – 25 year olds 620 times since 2019/20. This number represents 25 per cent of all Vagrancy Act arrests (2444 in total) over the last four financial years.
- ! Young people aged 16 – 25 constituted one third of all arrests under the Vagrancy Act by the Metropolitan Police Service (705 total arrests). In London, however, CHAIN stats show that young people consistently make up around 10 per cent of rough sleepers.
- ! Public Space Protection Orders provide local authorities with significant powers to criminalise young people experiencing homelessness, enabling them to move them on from city centres and populated areas and away from invaluable sources of support.

Recommendations

- ✓ **To prevent the criminalisation of rough sleeping:** the Home Office should exclude all provisions related to rough sleeping from the Criminal Justice Bill. This would ensure that homeless young people are not criminalised for rough sleeping and do not face greater barriers to accessing housing and support in the future.
- ✓ **To support young people experiencing rough sleeping:** the Home Office should amend the Criminal Justice Bill to include provisions obligating agencies to provide support to rough sleepers. This will require increased funding for homelessness outreach and support services, with a particular focus on services with expertise in supporting young people.
- ✓ **To end rough sleeping:** the Government must provide adequate funding to local authorities and other agencies to address the causes of and prevent rough sleeping – particularly at a young age. This must include investment in: youth specific emergency bed spaces for rough sleepers; social housing, with a focus on one bedroom social housing accessed by single people; and guaranteed support for homeless people when they first present to their local authority as homeless or at risk of homelessness.

Methodology

- » A survey of staff from 43 organisations supporting homeless people in the UK.
- » Freedom of Information requests were sent to all police constabularies in England. They were asked to provide the number of arrests under the Vagrancy Act for the financial years 19/20, 20/21, 21/22, and 22/23 segregated by age. We received data from 31 out of 39 constabularies.
- » Interviews with staff from Centrepoin and partner organisations across England, wherein participants shared their experiences and expertise of young people rough sleeping and being affected by relevant legislation.



The impact of the Vagrancy Act

Freedom of information (FOI) request data shows that English police constabularies have used the Vagrancy Act to arrest 16 – 25 year olds 620 times since 2019/20. This number represents 25 per cent of all Vagrancy Act arrests (2444 in total) over the last four financial years.

On average, the Vagrancy Act has been used to arrest young people 20 times per constabulary in England – with the average for all ages totalling 76 Vagrancy Act arrests per constabulary.

Over 70 per cent of constabularies that responded to the FOI request reported that their use of the Vagrancy Act to arrest young people was below the national average (20). However, other constabularies reported that they had used the Vagrancy Act more than the national average, with West Yorkshire and West Mercia using the legislation to arrest young people 59 and 61 times respectively. While not a reliable metric for rough sleeping rates, the Government’s Rough Sleeping Snapshot shows that, between 2019 and 2022, 16 young people aged 16-25 were counted as rough sleeping in each area respectively.⁵ This suggests that young people are around three times more likely to be arrested under the Vagrancy Act than identified as rough sleepers in these areas.ⁱⁱ

Moreover, as a proportion of all age arrests, young people arrested using the Vagrancy Act account for 16 and 24 percent of total arrests in West Yorkshire and West Mercia respectively.

Figure 1: arrests 16-25 as a proportion of arrests for all ages.

	Metropolitan Police	West Yorkshire Police	West Mercia Police
Arrests 16-25	237	59	61
Arrests all ages	705	365	253
% 16-25	33.6%	16.2%	24%

The constabulary with the highest number of Vagrancy Act arrests for all age groups was the Metropolitan Police Service with 705 total arrests. Of these arrests, 237 were people aged 16 – 25, meaning that young people constituted one third of total arrests in the four year period. In London, however, CHAIN stats show that young people consistently make up around 10 per cent of rough sleepers.⁶ These findings highlight that there is a consistent imbalance between rates of arrest under the Vagrancy Act and reported cases of rough sleeping for under 25s in London.

ii This ratio could suggest that the Vagrancy Act is being used to target young people for reasons other than homelessness and/or that young people are more likely to be targeted for police action than be identified by agencies, such as local authorities who conduct the Rough Sleeping Snapshot for the Department for Levelling Up, Housing and Communities, who have the expertise to provide support.

“The risk of criminalising them from the more visible spots is that it doesn't help resolve people's homelessness at all. It's just pushing them further and further out, so it's making them more vulnerable.”

Member of Centrepoint Rough Sleeping Team, North West England

Survey findings:

Of the organisations that participated in the survey, 16 per cent reported that they had supported someone who had been arrested under the Vagrancy Act in the last year. Additionally, 10 per cent of respondents reported that use of the Vagrancy Act by police forces had slightly or significantly increased compared to previous years.

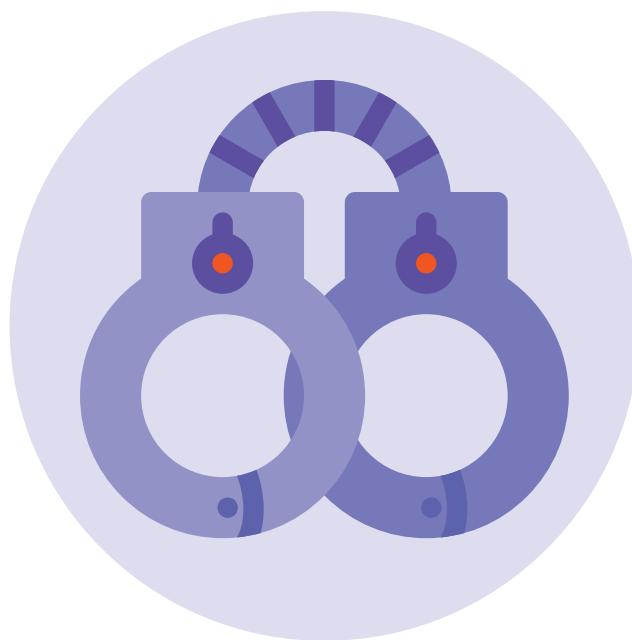
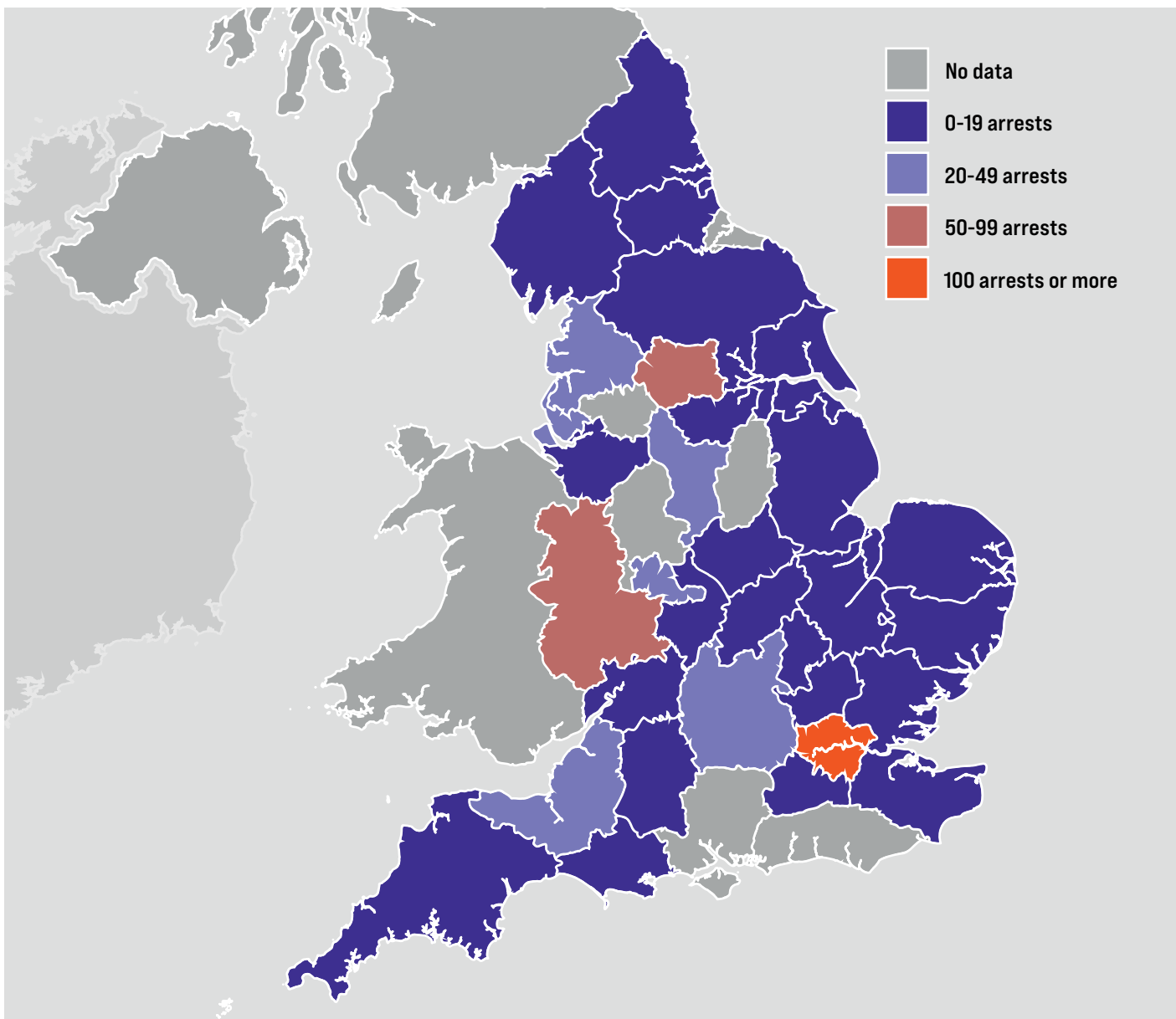


Figure 2: heat map showing rates of arrest by constabulary



Of those constabularies that provided disaggregated data for the type of arrest under the Vagrancy Act, constabularies reported that 'vagrant being found in or upon enclosed premises' was used as a reason for arrest in 62 percent of instances.ⁱⁱⁱ While the proportion of constabularies that provided this data

was relatively small, this indicates that young people have been more likely to be arrested for sheltering and/or remaining in a location in which it is suspected that they are sleeping rough – although this aspect of the Act has also been used to deal with people suspected of burglary.

Figure 3: rates of arrest under the Vagrancy Act by cause

Cause	16-25	% 16-25	All ages	% all ages
Begging	87	38%	425	53%
Vagrant	141	62%	371	47%
Total	228	100%	796	100%

iii Centrepoint only received this data for a third of constabularies.

The use of Public Space Protection Orders

All councils have different PSPOs in place and enforce them differently. For example, some councils may have PSPOs against congregating in groups of four or more at certain times of the day, while others may create PSPOs that relate to the ages of those congregating e.g. no gatherings of under-16s.⁷ Evidence shows that young people can be unfairly criminalised using PSPOs and other low level anti-social behaviour orders. For example, staff reported that enforcement officers have followed young people in city centres in the hopes that they will find them doing something considered to be capable of causing a nuisance. As what can be defined as a nuisance is largely at the discretion of enforcing officers, a wide variety of behaviours can be restricted and, potentially, criminalised using PSPOs.

Moreover, staff reported that PSPOs and other anti-social behaviour orders are often more strictly enforced when local events, such as Christmas markets, are taking place. In highlighting this, staff suggested that these measures have been used to displace homeless young people from town centres at busy periods.

"The number of reports we get from clients who have been given Public Space Orders goes up every week at this time of year due to the Christmas markets. Clients get three warnings before the order is given. However, clients report being followed after the first warning. If they sit down they are warned again, and then if they go in shopping centre or train station this will result in the third warning. They say it's like playing cat and mouse across town. Young people then cannot access services or food provision and are left vulnerable to gangs and exploitation."

Staff member from homelessness organisation in North West England

Survey findings:

Almost 30 per cent of survey respondents reported that they had supported someone who had been punished for breaching a Public Space Protection Order in the last year. 14 per cent of respondents reported that enforcement of breaching Public Space Protection Orders had slightly or significantly increased compared to previous years.

This evidence demonstrates that PSPOs, as well as a number of other powers introduced via the Anti-Social Behaviour, Crime and Policing Act, 2014, have given agencies, such as local authorities, significant powers to prevent rough sleeping. It is, therefore, unclear why the Westminster Government is introducing additional measures that will likely further criminalise homeless people.

"The public space protection orders are used mostly in our town centre. This deprives some rough sleeping individuals accessing a warm space, not all are engaged in criminal behaviour but feel they are being treated like they are."

Staff member from homelessness organisation in the West Midlands

The Anti-Social Behaviour, Crime and Policing Act, 2014:

Introduced to simplify existing anti-social behaviour legislation, the Act introduced six new powers to tackle anti-social and disorderly behaviour, including new dispersal powers, Community Protection Notices and Public Spaces Protection Orders (PSPO). These powers were designed to enable police and local authorities to prevent instances of rough sleeping, yet research by Crisis (2017) shows that the legislation has contributed to rough sleepers being criminalised.



The Criminal Justice Bill

At the end of 2023, the government introduced the Criminal Justice Bill in the House of Commons.⁸ The Bill reflects the Government's zero-tolerance approach to crime and anti-social behaviour, and includes increased police powers and tougher sentences. In doing this, the Bill introduces measures to replace the Vagrancy Act, including provisions on nuisance rough sleeping. These provisions expand police and local authority powers to enforce restrictions on rough sleeping and further criminalise those experiencing homelessness.

Currently, 20 per cent of the young people that Centrepunkt supports have reported that they have slept rough.⁹ Additionally, in London between October and December 2023 there were 375 young people sleeping rough. This figure represents 9 per cent of the total number of people sleeping rough in London and was 26 per cent more compared to the same period in 2022.¹⁰

These figures demonstrate that a large proportion of homeless young people experience rough sleeping and suggest that it is on the rise amongst members of this cohort. When young people have nowhere to stay, many of them are forced to spend the night in a range of unsafe and unsheltered locations. For example, previous Centrepunkt research found that 33 per cent of young people facing homelessness spent a night in a park and 27 per cent had stayed in a tent when they had nowhere else to stay.¹¹

Young people who are rough sleeping are extremely vulnerable, and punishments for sleeping rough will likely exacerbate the already precarious situations in which they find themselves. Thus, depending on the scope of the provision when it comes into law, 'nuisance rough sleeping directions' may prevent homeless young people from entering premises in which essential support sites, such as a drop-in centres, are located. Additionally, nuisance rough sleeping directions can make it more challenging for street outreach teams to locate those in need of support if rough sleepers are moved on from areas in which they usually reside. Furthermore, the experience of being issued a rough sleeping direction may make young people who are rough sleeping less likely to engage with future support and could, consequently, entrench their homelessness.

Additionally, the Bill enables authorities to fine rough sleepers a maximum of £2,500 - putting young people, who are already extremely vulnerable, under significant financial pressure. Moreover, fines can have a particularly negative impact on young people experiencing homelessness as they can diminish access to private rented accommodation - with many landlords reluctant to rent to people with criminal records and who have unpaid debts and/or court judgements.

Instead of an offence-led approach, it is important that the Government invests in increasing local authority and public sector capacity. In doing this, Government should increase funding for: emergency bed spaces for young rough sleepers; social housing, including additional one bedroom social housing; and support for people when they first present to their local authority as homeless or at risk of homelessness.

Rough sleeping measures:

The Bill defines 'nuisance rough sleeping':

"A person does "something that is a nuisance" if the person – (a) causes or does something capable of causing damage, disruption, harassment or distress"

By using "capable of causing..." it allows for the criminalisation of behaviour when not currently causing "damage, disruption, harassment or distress, or a security or health and safety risk". As the definition is unclear, it gives authorities discretion to decide what behaviours can cause nuisance.

Additionally, the Bill introduces measures to combat rough sleeping:

Nuisance rough sleeping directions require that a person does not return to an area in a 72 hour period. Non-compliance can lead to imprisonment for up to one month or a fine of £2,500.

Nuisance rough sleeping orders set out what someone can and cannot do for up to five years. Where someone is required to engage in services, this can only be done through a court order.

"I don't think there's a single one of those [entrenched rough sleepers] that the threat of a dispersal order or the threat of a fine or the threat of a prison sentence that's gonna be the thing that makes people come inside."

Member of Centrepunkt Rough Sleeping Team, North West England

Conclusion

While the Government has stated that it is committed to ending rough sleeping, the decision to replace the Vagrancy Act with the Criminal Justice Bill reflects an ongoing motivation to further criminalise and isolate the most vulnerable members of society. As evidenced by police and local authority use of the Vagrancy Act and PSPOs, legislative powers are frequently harnessed to restrict and criminalise people experiencing rough sleeping, in many cases young people with no alternative to life on the streets. In fact, evidence shows that young people are often unduly affected by these types of powers, with homeless 16-25 year olds experiencing excessive rates of arrest compared to reported instances of rough sleeping for this age group.

It is, therefore, apparent that any new legislation aimed at strengthening powers to criminalise and restrict rough sleeping will further affect young people aged 16 - 25. It is, therefore, vital that the new powers to tackle nuisance rough sleeping are scrutinised and, if possible, removed from the legislation, and that greater resources are allocated to supporting vulnerable young rough sleepers out of homelessness.





End notes

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