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Conditionality Briefing: Homelessness and 'Street Culture'

Sarah Johnsen, Suzanne Fitzpatrick & Beth Watts

Recent years have witnessed an escalation in the use of conditional, enforcement and/or interventionist approaches in responses to rough sleeping and 'street culture' activities such as begging and street drinking. These have been marked by increasing expectations that homeless people engage with supportive interventions and/or desist from behaviours that have a detrimental effect on their own wellbeing or that of other people.

Key points

- The escalation in the use of enforcement, coercion and interventionism in the homelessness sector has been most marked in England. The most common measures used have included: Anti-Social Behaviour Orders (ASBOs), arrests under the Vagrancy Act 1824, controlled drinking zones, dispersal orders, diverted giving schemes, and manipulation of the built environment to 'design out' street activity.
- Rough sleepers and other non-statutory ('single') homeless people throughout the UK have also been subject to the increasing conditionality of welfare benefits and use of sanctions for those who fail to comply with specific behavioural requirements, particularly as regards seeking work or engaging in work-related activity. Some of these have been relaxed very recently in recognition of their disproportionate impact on especially vulnerable groups, including rough sleepers.
- Evidence regarding the effectiveness of such initiatives, and the extent to which and manner in which they are accompanied with supportive interventions, remains limited. Their implementation has also caused a great deal of controversy within and beyond the homelessness sector, in large part as a result of the vulnerability and complex needs of many of the individuals targeted.
- Stakeholders who endorse the use of conditional, enforcement or interventionist approaches typically do so on grounds that rough sleeping and street culture has a negative impact on local business and tourism, is intimidating to members of the public, and/or is highly damaging to the individuals involved given strong associations between such activities and substance misuse.
- Those who oppose such initiatives generally do so because they believe that they can exacerbate the already difficult circumstances of vulnerable people by for example depriving them of support services, subjecting them to increasingly severe penalties (including lengthy prison sentences), and/or 'driving' them into more dangerous spaces or activities.

Background

Street homelessness has been a policy priority in the UK for some time, with successive governments investing substantial resources in attempts to reduce its prevalence from the 1980s onwards (Jones and Johnsen, 2009). In England, recent years have witnessed the increasing use of 'control' as well as 'care' in various initiatives targeting rough sleepers; so too people involved in 'problematic street culture' such as begging and street drinking (Fitzpatrick and Jones, 2005; Johnsen and Fitzpatrick, 2010). Rough sleepers and other non-statutory ('single') homeless people throughout the UK have also been affected by the increasing conditionality of, and use of sanctions within, the welfare benefit system more generally (Homeless Watch, 2013). These developments have generated a great deal of controversy within and beyond the homelessness sector, largely in the context of limited evidence regarding the effectiveness and ethicality of such initiatives as regards this vulnerable group.

Key policy developments on enforcement, interventionism and conditionality

The ascendance of what has been described as a 'tough love' ethic in responses to homelessness, evident in England far more than in other UK jurisdictions, can be traced back to the late 1980s (Fitzpatrick and Jones, 2005). Improvements in the accessibility and quality of services at the time were accompanied by an increase in expectations that rough sleepers 'come inside' and actively engage with the support available. Later, in the early 2000s when the number of rough sleepers had reduced significantly, policy attention was increasingly directed to the 'hard core' remaining, especially those involved in 'street culture' activities. Begging was a particular focus under the Government's mandate to combat anti-social behaviour, but street drinking was also targeted, as was rough sleeping to a lesser extent (Johnsen and Fitzpatrick, 2010).

Central Government endorsed the use of a range of measures employing various degrees of force, coercion and/or persuasion to combat rough sleeping and problematic street culture in England. These were adopted in different combinations, and with varying degrees of associated support, by local authorities (Johnsen and Fitzpatrick, 2007). The main tools promoted, most of which remain in use, include:

- *Arrests under the Vagrancy Act 1824* which specifies that begging and persistent begging are arrestable offences; also that it is an offence to sleep rough, albeit only when an individual has been directed to a 'free place of shelter' and failed to take this up.
- *Anti-Social Behaviour Orders (ASBOs)*¹, these being civil orders intended to protect the public from behaviour that causes 'harassment, alarm or distress'. A breach of ASBO conditions is a criminal offence carrying a maximum penalty of five years imprisonment.

- *Controlled drinking zones* such as Designated Public Places Orders (DPPOs), within which individuals refusing to comply with police requests that they stop drinking or surrender alcohol for confiscation can be arrested and fined.
- *Dispersal Orders*, giving the police powers to require groups, such as street drinking 'schools' to disperse from a designated public place. Refusal to comply is a criminal offence.
- '*Designing out*', that is, manipulation of the built environment to make it less conducive to street culture activities (by removing seating or gating off 'hotspot' areas, for example).
- *Diverted giving schemes*, that is, campaigns attempting to dissuade members of the public from giving money to people who beg and to give directly to charity instead.

There has also been a trend toward increasing levels of 'interventionism' in support services, reflecting an escalation in expectations that homeless people 'engage' and/or change aspects of their lifestyle or behaviour (Dobson, 2011; Whiteford, 2010). Street outreach services, for example, traditionally employed an 'ameliorative' approach, but now widely adopt a more 'assertive' stance which overtly aims to persuade street homeless people to move into accommodation (Parsell, 2011). Similarly, under the Places of Change (Hostels Capital Improvement) Programme, hostel staff were encouraged to adopt a much more proactive approach to moving people on from homelessness services into settled homes, jobs and/or training (Jones and Pleace, 2010). More recently, the No Second Night Out (NSNO) approach piloted in London required 'new' rough sleepers to engage with a 'single service offer' (SSO) developed by homelessness agency staff; failure to do so rendered them ineligible for support from participating agencies within that area (Hough et al., 2011). Such requirements have become more commonplace as most local authorities across England have endorsed NSNO principles (Homeless Link, 2014), albeit that the prevalence and means of SSO implementation varies geographically (Johnsen and Jones, forthcoming).

This trend has nevertheless been paralleled by the development of (or at least increasing interest in) initiatives that relax requirements regarding service user engagement and behaviour change. At present, these initiatives have been few in number, small in scale, and targeted at the most 'entrenched' or 'service resistant' rough sleepers, the majority of whom have multiple and/or complex support needs. Two notable examples of such interventions include: a) the introduction of 'Housing First' which enables service users to determine the extent and manner of their engagement with support without compromising their eligibility for settled housing and other services (Johnsen, 2013; Tsemberis, 2010); and b) emergence of the 'personalisation' agenda which engages with service users more 'on their own terms' than is typically the case with traditional outreach, often utilising individualised budgets in so doing (see for example Brown, 2013; Hough and Rice, 2010; Teixeira, 2010).

Rough sleepers and other homeless people in all parts of the UK have also been affected by the increasing conditionality of welfare benefits and use of sanctions for those who fail to comply with specific behavioural requirements. Those in receipt of Jobseekers Allowance (JSA), for example, can have their benefits reduced or stopped if they do not attend advisory interviews, turn down a job or training offer, fail to apply for particular jobs, or leave work or training. Employment and Support Allowance (ESA) recipients may be sanctioned for not participating in a work-focused interview or compulsory work-related activity. Sanctions may apply for a minimum of four weeks and a maximum of three years (see Homeless Watch, 2013). The requirements affecting some homeless people have however been relaxed recently in light of evidence that they and other vulnerable groups are disproportionately affected by sanctions (Homeless Watch, 2013; see also Oakley, 2014). In this vein, in July 2014 Jobcentre Plus advisors were granted discretionary powers to temporarily exempt rough sleepers and homeless people in supported accommodation from requirements that they be available for work, actively seek work or participate in the Work Programme (Spurr, 2014).

Key arguments for and against enforcement, interventionism and conditionality

Those stakeholders in favour of the use of enforcement and greater degrees of interventionism typically justify their stance on grounds that street homelessness and street culture: has a negative effect on local business and tourism; is intimidating to members of the public; and/or is damaging to the individuals involved given strong associations between street activities (begging and street drinking in particular) and substance misuse (Fitzpatrick and Johnsen, 2009; Fitzpatrick and Jones, 2005). Advocates of enforcement typically justify its use on grounds that 'service resistant' individuals are unlikely to alter their behaviour unless compelled to do so and therefore argue that it is irresponsible to 'allow' them to continue behaving in ways that are detrimental to their own wellbeing (and in extreme cases can prove fatal). Some also argue that the ability of people to make decisions in their best interests is impaired by substance misuse and/or severe mental health problems, thus the decision about whether or when to engage with support cannot justifiably be left to the service user (see Johnsen et al., 2014). Many commentators will also point to evidence that when accompanied by intensive tailored support, the use of enforcement measures (e.g. ASBOs) can in some circumstances lead to positive outcomes (e.g. engagement with drug treatment programs), albeit that they also have the capacity to undermine the wellbeing of individuals targeted, and the reasons why they 'work' for some homeless people but not others are at present poorly understood (Johnsen and Fitzpatrick, 2007).

Stakeholders who oppose the use of enforcement and interventionist approaches generally do so on grounds that the difficult circumstances of vulnerable people may be exacerbated, by for example: denying them access to support services; subjecting them to increasingly severe penalties (including

lengthy prison sentences); and/or 'driving' them into more dangerous spaces or activities via geographical or activity displacement (Crisis, 2003; Housing Justice, 2008). In their view, such approaches contravene the therapeutic conditions required for people to recover from addiction and serious trauma, for example, as service resistant people may be more receptive to non-interventionist approaches based on 'kindness and gentle persuasion' than they are to those making explicit demands regarding behaviour change (Murray and Johnsen, 2011). For many (particularly faith-based) organisations, interventionist approaches seriously challenge core tenets of their value systems, most notably notions of unconditional care (or 'love') and hospitality (Johnsen, 2014). Furthermore, opponents of conditionality highlight the disproportionate impacts of welfare benefit sanctions on homeless people (see above). Particularly grave concerns have been expressed about deleterious outcomes (including potential destitution) for homeless people with multiple and complex needs (e.g. co-occurring mental health and substance misuse problems) given their limited capacity to comprehend the consequences of their actions or inactions as regards work and work-related activity (Homeless Watch, 2013).

Conclusions

The future stages of this study will enable the further investigation of, and collation of empirical evidence to inform, the key debates highlighted above. These will include assessments of: the impact of sanctions (or threat thereof) on the engagement of homeless people with supportive interventions and/or desistance from harmful behaviours; the influence of the balance and timing of support and sanction on individual behaviour; the influence of complex needs such as addiction and/or mental ill health on homeless peoples' receptivity to conditional or interventionist approaches; and the intersections between 'street-based' forms of interventionism and conditionality and other social policy initiatives, most notably in the housing, anti-social behaviour and welfare fields. The distinctions between England and other UK jurisdictions in the use of enforcement in particular will provide scope for exploring the impact of divergent policy rationales and frameworks on the lived experiences of a key group subject to welfare conditionality.

About the Project

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, running 2013-2018. 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 i.e. University of Glasgow, Heriot-Watt University, University of Salford, Sheffield Hallam University, University of Sheffield and the University of York, which acts as the central hub for this collaborative partnership. Central to our work is a desire to inform international policy and practice through the establishment of an original and comprehensive

evidence base on the efficacy and ethicality of conditionality across a range of social policy fields and diverse groups of welfare service users.

For further information about the project please visit www.welfareconditionality.ac.uk or contact the Project Manager, Fleur Hughes on 01904 321299 or email info@welfareconditionality.ac.uk

About the Authors

Prof Sarah Johnsen, Prof Suzanne Fitzpatrick and Dr Beth Watts are members of the Institute for Social Policy, Housing, Environment and Real Estate (I-SPHERE) at Heriot-Watt University and are leading on the Homelessness element of the research.

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¹ The Anti-Social Behaviour, Crime and Policing Bill, which received royal assent in March 2014, introduced new powers to replace ASBOs, including Injunctions to Prevent Nuisance and Annoyance (IPNAs) and Criminal Behaviour Orders (CBOs) (Home Office, 2014).