

No One Left Out: Communities Ending Rough Sleeping

Good Practice Notes: Developing a strategic response and offer for people from the A8 and A2 countries who are sleeping rough in England

1.0 Background

1.1 Policy context

The government's new rough sleeping strategy "No one left out: communities ending rough sleeping" was launched on 18th November 2008. Building on the success in reducing the numbers of people sleeping rough by two thirds over the last 10 years, the strategy sets out a new ambitious objective of ending rough sleeping in England by 2012.

In the strategy it was noted that some migrants from central and east Europe have not been successful in finding or keeping work, and are a growing proportion of the people still sleeping rough. The strategy noted that in London people from these countries make up 20 per cent of rough sleepers.

Legislation and policy around this group is complex and these notes are not intended to give detailed and definitive legal advice or guidance. These good practice notes are intended to provide a general awareness on the key challenges for people from A8 and A2 countries who face destitution, and set out what can be done for them through local authorities work on preventing homelessness.

People from the A8 and A2 countries¹ who become members of the EU in 2004 and 2006 respectively have restricted rights under the Treaty signed when their countries acceded to the EU. They are entitled to freedom of movement and have the right to enter Britain and reside for an initial period of three months. Thereafter they should be exercising their Treaty rights by working under the WRS, self employed or able to be self sufficient and support themselves.

A8 workers must register with the WRS once they obtain employment unless they are self employed. An A8 national needs to be working and registered under the WRS, or can demonstrate that they have worked continuously as a registered worker for at least 12 months in order to access certain public funds.

Workers from the A8 and A2 countries who are in employment and who are registered on the WRS are eligible for in-work benefits such as tax credits. If the same group of people are on a low income they *may* be eligible for housing benefit and council tax benefit. After a year of continuous employment workers can claim a right to reside, and once this is granted benefits such as Job Seekers Allowance and Housing Benefits are available as they would be to all other citizens

The people from A8 and A2 countries who are sleeping rough are usually those who have not been able to find or maintain formal work for the required period. Many are therefore unable to pay for basic necessities and cannot pay the rent for hostels or other accommodation. It is therefore difficult to assist people from these countries through the usual services and routes off the streets provided by local authorities and voluntary sector organisations.

¹ The A8 countries include Latvia, Lithuania, Estonia, Hungary, Slovakia, Czech Republic, Poland and Slovenia ; the A2 countries include Romania and Bulgaria

1.2 Scale of rough sleeping by central and east European migrants

Since the publication of the strategy in November 2008, Homeless Link surveys and the CHAIN data base have shown that the number of people sleeping rough in London has increased. It is now estimated that around 25 per cent of those sleeping rough in London are from the A8 and A2 countries

A survey undertaken in January and February 2009 of all local authorities in England found that 14 per cent of the respondents highlighted difficulties with A8 and A2 nationals sleeping rough in their areas. These local authorities were predominantly in the East of England, the West Midlands, North West, South East and London.

Recent media coverage has highlighted the growth of encampments of rough sleepers from the A8 and A2 countries.

A call for further information in March 2009 has resulted in 50 local authorities saying they have people from the A8 and A2 countries sleeping rough in their area. Although ten of these authorities are in London, where there are established issues, 38 local authorities outside London have also reported rough sleepers from the A8 and A2 countries in their areas. In some, numbers are relatively low and populations transient, but others report the growth of encampments and highly visible groups of people sleeping rough. There are particular concentrations in the East Midlands and East of England, with significant hot spots reported in the South East, North West, West Midlands, and South West. Further authorities report concerns that this may arise as a result of people in overcrowded private rented accommodation losing work, as a result of the downturn, and being evicted onto the streets.

1.3 Rough sleeping: impacts on communities and individuals

There are serious community cohesion concerns in some areas linked to the presence of people from central and east Europe, especially as many are more visible because they are sleeping rough, begging or street drinking as a result of not being able to maintain work. In Lambeth, Peterborough and Hereford there have been murders, reprisal assaults and threats for reprisal in both areas between the migrants and local communities. Those sleeping out are highly visible and vulnerable to attack.

Many of those sleeping rough are facing destitution because they have no recourse to (designated/ prescribed) public funds and cannot claim benefits.

A number of people have been offered financial support to return home, but they are reluctant to do so as a result of hoping to secure future work; facing an uncertain situation (homelessness and worklessness) in their home countries; and feeling shame at not succeeding and returning in penury.

Many of these people are also the least skilled and resilient, and have lost casual work as a result of the economic downturn. They are often alcohol dependent and their physical health is very poor because of living rough. This means they are very unlikely to be able to find work from their current position. Many are being sustained by local faith groups or community organisations such as day centres on whom they are reliant for basic food.

2.0 Central government responses and actions

As part of its work outlined in "*No One Left Out: Communities ending rough sleeping*" Communities and Local Government has undertaken a number of actions to prevent and tackle rough sleeping by people from the A8 and A2 countries.

2.1 Information

CLG commissioned Homeless Link to develop an action plan to tackle rough sleeping by A8 and A2 nationals in London. The Homeless Link website (developed from work funded by CLG during 2008) provides information for outreach teams and day centres on what is required around initial engagement for migrants from the A8 and A2 countries. Key publications include:

Homeless Link and UR4Jobs at the Upper Room have produced a guide on how help CEE clients access work. View the guide here:

<http://www.homeless.org.uk/policyandinfo/issues/EU10s/howtoaccesswork.pdf/>

Homeless Link has produced two guides on Communication: how to recruit volunteers who speak CEE languages (written in partnership with CAB), and how to communicate with your clients. Visit the Communication section of their Services page for details:

<http://www.homeless.org.uk/policyandinfo/issues/EU10s/services#communication>

Homeless Link has also updated their accommodation and health pages. Visit them here:

<http://www.homeless.org.uk/policyandinfo/issues/EU10s/services>

They have published a briefing on the use of the National Assistance Act to house EEA nationals, which can be downloaded from the accommodation page of their website <http://www.homeless.org.uk/policyandinfo/issues/EU10s/accommodation>

2.2 Outreach and Reconnections

A Polish charity Barka has contracted with a number of local authorities, mostly in London, to provide reconnections for Polish and some migrants of other nationalities. People are escorted back to Poland to join Barka's community based social enterprises and supportive housing communities across the country. This enables them to return to a home and a job, but they must be willing to abstain from alcohol. CLG has provided some funding to support Barka's administration and ensure the sustainability of the organisation's growth.

As a result of the action plan developed with Homeless Link, CLG commissioned a dedicated London Reconnections team which commenced operations in January 2009. The London reconnections team is run by Thames Reach and works in London boroughs only. Its services are aimed at people who are very vulnerable, through poor mental or physical health or alcohol dependency, and for whom the Barka service is not suitable. People are linked back with families or referred into supported housing projects or detox services in their home countries, and a supported escort home is provided. Between January and July 2009, 80 people have been helped to return home.

CLG is also funding on a trial basis a peripatetic National Reconnections team. The team will work in local authority areas with high numbers of A8 and A2 nationals sleeping rough, where the authority does not have the capacity (expertise and existing resources) to tackle the problem themselves. Initially the team will focus its work in areas in the East of England, where there are a number of encampments and the numbers of rough sleepers are putting them at risk and having an adverse impact upon local services and community cohesion. Local authorities will have a key co-ordinating role to ensure the impact of the additional workers will be effective and complement existing services.

CLG has also advised local authorities to ensure that commissioned outreach services pay proper attention to language needs of this emerging rough sleeping population. These services in London have engaged volunteers, sessional workers and translation services.

2.3 Advice to help exercise Treaty Rights

A limited number of specialist responses from the voluntary sector in London have been developed to help migrants sleeping rough find work. These include Upper Room, Thames Reach SBEG scheme and the Olallo Project, which is funded by an independent charity.

Some day centres provide low level support in form of documents and WRS although funding is an issue and many are not geared up to do the more complex employment related work

2.4 Treatment to enable people to return home

CLG has negotiated access to treatment beds at Brooke Drive (funded by CLG) for use by the Reconnections Team in London, and provided a budget for treatment as part of the National Reconnections team funding. The intention is that access to short term treatment will facilitate people's return home. There may be scope to extend the treatment services to enable people to re-enter the work force, but there is a need to carefully manage demand.

2.5 Accommodation

There are a very small number of "reconnections" beds in London. These are provided by The Passage in Westminster, Dellow Centre in Tower Hamlets and The Ollalo Project (a fully faith group funded venture) in Camden.

All these provide short term accommodation free of charge for people, that is contingent upon them engaging with support to return home (Dellow and The Passage) or funding work (Ollalo). These services provide respite from the streets for people as part of a planned reconnection process or return to employment.

Local authorities should consider the use of similar accommodation on a short term basis for people who need support and are at risk on the streets, pending a return home being arranged.

2.6 Contribution based benefit checks

DWP advice is that some individuals may have entitlements to benefits based on contributions paid in their country of origin. They state:

- If a person from an A8 or A2 country has worked and paid contributions in their home country (or any other EU country) then these contributions count towards determining entitlement to contribution-based benefits. If they have worked for three years and the benefit in question has a two year contributory qualifying period then they may be eligible.
- Which country should pay the contribution-based benefits depends on whether the person has worked in the UK.
- If they have worked in the UK, even for one day, and paid contributions on that income, then the UK will be the "competence state" and the DWP should assess them and pay any contribution-based benefit that they would be entitled to in the UK (e.g. Jobseekers Allowance or Employment Support Allowance).

- If they have never worked in the UK (or have worked but have not paid any contributions) then the last place they worked and paid contributions is assessed as their "competence state" and this country should pay them any contribution-based benefits that they may be entitled to.
- Some contribution-based benefits (like sickness benefit) are portable.
- Regulation 1408 covers these issues.

DWP advise that assessing an individual's entitlement to benefits in these circumstances is complex and needs to be undertaken on an individual basis.

CLG is seeking further guidance from DWP on this issue.

2.7 Enforcement

CLG are working with UKBA in London to develop a protocol to support joint working between UKBA officials, local authority and outreach teams, and the police. UKBA has offered to support local authorities' and the police to remove migrants who are deemed "harmful foreign nationals" or an "unreasonable burden".

A process is being developed to identify and provide evidence of harm, and enable selected removals to act as both a deterrent and to promote benefits of voluntary reconnection.

A briefing meeting for UKBA staff in London is being arranged for April, to help them understand the scale and issues of rough sleeping amongst this group and to build support for their involvement in reconnections activity. We will seek to invite key people from the relevant UKBA regions to attend.

The Cross London Policing Partnership comprises of police and local authority street population co-ordinators working together in the 8 central London boroughs to develop shared responses to rough sleeping and street activity. They see this as part of actively manage community cohesion issues – both to enhance enforcement and also to protect highly visible migrant groups if they are sleeping rough

3.0 Local authority responses and actions

Building on the work already commenced in London, CLG is keen to support local authorities in the regions to tackle rough sleeping amongst people from the A8 and A2 countries who will otherwise be facing destitution.

CLG have supported a number of information events to promote awareness of the issue. These include:

- Homeless Link held a conference on "Destitution" amongst migrant communities and others with no recourse to public funds on 21st May
- CLG have commissioned Homeless Link to run four regional seminars to update and advise local authorities and their partners of what actions and services can and should be made available to rough sleepers. Seminars ran on 15th July for the East of England and East Midlands and 20th July for the West Midlands and North West. For future dates, contact Homeless Link or the CLG specialist advisers.
- A workshop on this issue was also run at the National Conference on 11th June

In addition, this informal guidance note is intended to promote awareness of the responses local authorities can take if people from A8 and A2 countries are sleeping rough in their areas.

3.1 No Recourse to Public Funds (NRPF) Network

The No Recourse to Public Funds (NRPF) Network is run on behalf of local authorities in the UK by London Borough of Islington. They provide advice and guidance to social services departments on assessing and meeting the needs of people with NRPF, including A8 and A2 nationals.

A8 and A2 nationals should have access to the NHS, as there are reciprocal arrangements between the health services of all European countries as a condition of EU membership.

Access to social care, however, is restricted, and A8 and A2 nationals are specifically excluded from the 1948 National Assistance Act, under which social services have a duty to provide support to destitute adults if they are in need of “looking after”. However, where A8 and A2 nationals are in a condition where their human rights may be breached, social services can carry out an assessment under the Human Rights Act, and provide interim support to avoid a breach. This support is unlikely to be indefinite, and is likely to include an offer of tickets home/ supported reconnection as a means of resolving the situation, unless to do so would in itself be a breach of human rights.

For further information, contact the NRPF Network at nrpf@islington.gov.uk or visit their website at www.islington.gov.uk/nrpfnetwork

3.2 Responses to destitution: the offer

A clear “offer” needs to be developed by local authorities. In most cases, the lead department will be Housing if the need arises out of people being homeless and sleeping rough. However, other corporate departments/ teams including social services, community safety and community cohesion, can make key contributions.

The offer should set out what assistance the authority can provide with reconnections and short term support pending a return home. This must be consistently communicated to the people sleeping rough, local communities, faith groups and statutory and voluntary organisations working with these individuals.

The offer could comprise of the following elements:

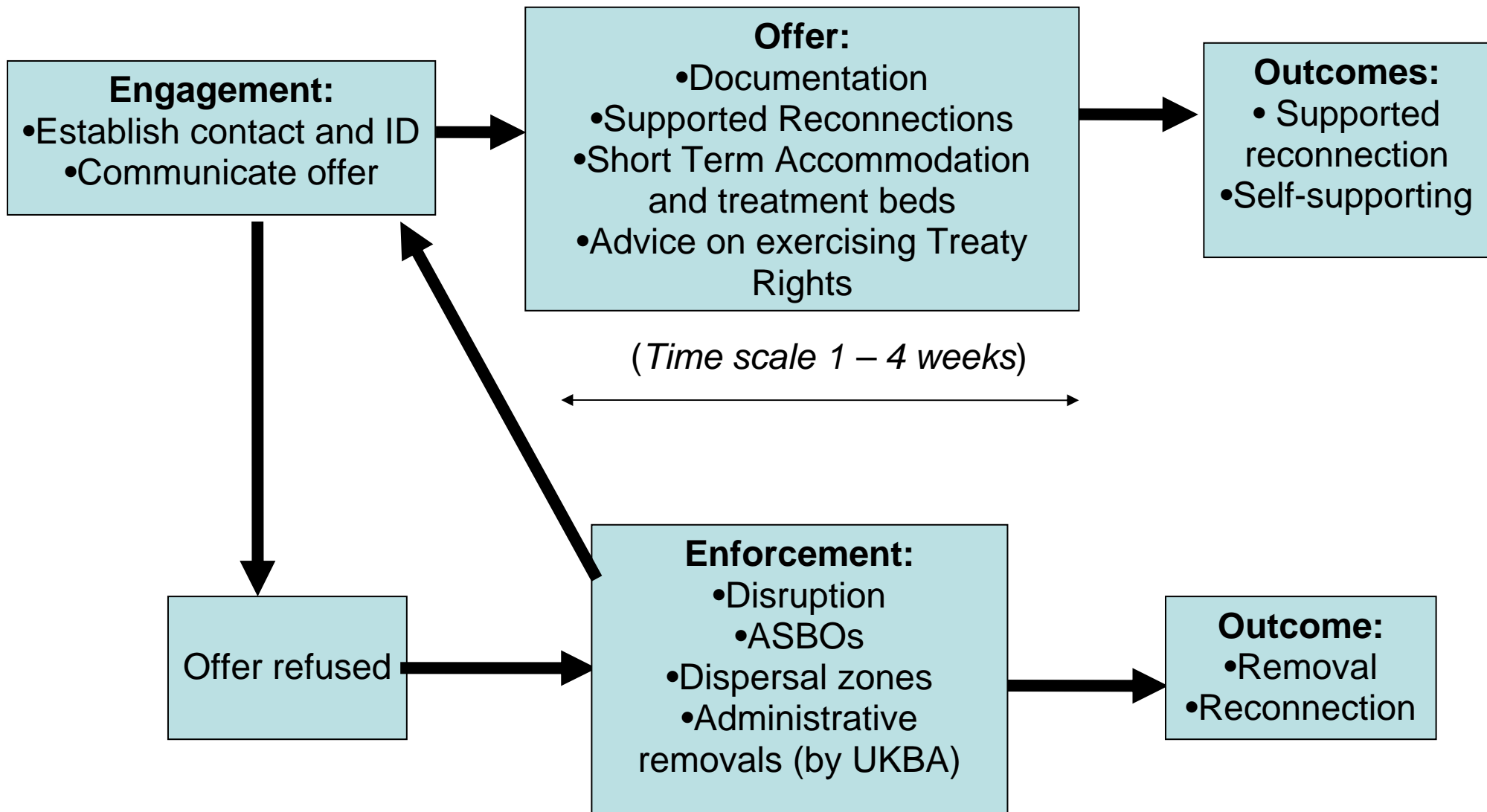
- (1) Assistance to secure ID and documentation where this is required to enable people to travel home
- (2) Reconnections assistance and support to return home should include referrals to “home country” supported housing and treatment services, so people do not have to return to the uncertainty of homelessness or where they cannot cope with returning to their family
- (3) Short term reconnection beds may be considered if this would assist people in returning home. These should be time limited and contingent upon people accessing employment and/ or returning home within an agreed period (1 – 2 weeks maximum).
- (4) Treatment – where this is required to facilitate a return home consideration may be given to funding short term treatment services
- (5) Basic advice and assistance to exercise Treaty Rights. This might include paying the Workers Registration Scheme fee so that people can be self-supporting. Information on employment agencies that can link migrant

workers into work opportunities should be made available. Local authorities should ensure any local services are properly registered to avoid the anecdotal reports of “gang master” exploitation
(6) Referral to DWP agencies for contribution based benefits checks

As these activities are to prevent homelessness, Local authorities may use their Homelessness Grant.

3.3 Responses to destitution: combined engagement and enforcement

A consistent approach and response needs to be developed and implemented consistently the local authority and its partner agencies, in particular the police and voluntary sector. Where appropriate and where resources permit, the regional UKBA office can play a key role. This approach should combine both engagement and enforcement: to achieve the pathways and options below:



3.3 Communications Strategy

Local Authorities need to develop a communication strategy to ensure a consistent corporate response, and to ensure local people understand the approach and the offer available to destitute migrant workers.

The vast majority of migrants from the A8 countries have been successful, and achieved the dreams and aspirations they held by coming to Britain and working. The people sleeping rough are a small minority, and generally lack the skills – including language skills - and resilience to cope, as shown by the evidence that many people in this situation become alcohol dependent. It is very unlikely that once someone is sleeping rough they will be able to secure sustainable employment. Returning home is a positive option, and provides the opportunity for people to recover, learn the language and gain skills that will enable them to exercise Treaty Rights should they decide to return. Remaining in Britain and sleeping rough is not healthy for the individual or the community and is not a “choice” that should be supported. Returning home through supported reconnections, with links to support and accommodation is a route that is far more likely to enable people to meet their aspirations of working in Britain, than remaining destitute on the streets.

3.4 Engaging the faith groups

Faith groups can offer a useful contribution in befriending and supporting people to avoid destitution in the short term. However, where such activity sustains a rough sleeping “lifestyle” over a period of time, evidence shows that people’s health deteriorates. There are also public health and safety concerns associated with concentrations of people sleeping rough, or people sleeping rough over protracted periods. Faith groups and others who are enabling people to stay on the streets should be educated about the harm that can arise, and alternative ways of helping people suggested.

Offering short term sustenance is something that could be used to link people into services, and offer them a base from which assessments and targeted support can be offered to either secure employment or return home. Some day centres in London and food projects in other parts of the country have opted to offer targeted sessions for these groups, to link them into structured support.

CLG has undertaken some initial discussions with Crisis and Housing Justice to explore how the volunteering offer of faith groups can be channelled constructively to support people to leave the streets. Over the next 12 months, these options will be identified on the Homeless UK and Homeless London website run by Homeless Link.

3.5 Corporate and Statutory Partners

It is essential that local authorities bring together their key statutory and voluntary partners in developing and delivering a co-ordinated response. These will need to include:

- Housing Options team – using Homeless Grant to fund reconnection beds at the night shelter or in hostels, WRS fees, reconnection costs, referrals to supported housing services in home countries, and rent deposits to access the PRS
- Police and ASB/ Community Safety Teams – to support the outreach worker(s) and undertake any necessary enforcement action, including the use of dispersal zones (to prohibit rough sleeping in specific areas, and to disrupt sleeping sites by the removal of bedding etc.)
- Supporting People commissioners and Social Services
- Community Cohesion teams
- Voluntary sector providers and faith groups

- PCT and DAAT – to fund treatment beds and help provide information on the use of A&E and other health services
- Jobcentre Plus and employment services – to undertake contribution based benefits checks and refer to employment agencies who can link people back into work so that they can support themselves and exercise their Treaty Rights
- UKBA – to assist with the identification of people who are an “unreasonable burden” or can be designated as “harmful foreign nationals” and to facilitate administrative removals

Other councils have also reported it useful to brief and offer training to local magistrates to ensure they understand the use of ASBOs and the courts to build evidence where there are public safety issues.

3.6 Case Management

There should be multi-agency case management meetings on a regular (weekly or fortnightly) basis. Each individual rough sleeper should have an action plan with all key agencies involved to ensure consistent messages and co-ordinate actions.

3.7 Outreach

Outside London and the urban centres many local authorities lack a dedicated outreach service. CLG recommend contracting with an experienced national provider for an agreed period of time to provide the capacity and expertise required. The provider should have links with supported housing services in the A8 and A2 countries, and experience of reconnections. CLG has commissioned a National Reconnections Service to support the local authorities with an identified need for time limited interventions to tackle local rough sleeping.

An assertive outreach approach is essential, with a clear message on the importance of returning home if the individual is unable to exercise their Treaty Rights in current circumstances.

3.8 Embassy Contacts

Local authorities should identify named contacts with the relevant local consulates nearest to their area in which people are sleeping rough. Local authorities should clarify the information the consulates need to provide replacement documentation (where required by people sleeping rough). This will be important to enable reconnections.

3.9 UKBA

UKBA in London is working to clarify the information and standard of evidence they require to identify someone as a “harmful” foreign national or “unreasonable burden”. These are pre-requisites for an administrative removal. A procedure for use in London, that can be replicated elsewhere with regional UKBA teams, is being developed. This will also cover the implications of restrictions on re-entry as a result of administrative removals. CLG are holding a briefing session in London for UKBA officials on the challenges of people from the A8 and A2 countries sleeping rough. Regional UKBA contacts will be invited to this briefing.

3.10 Member involvement

Local authorities with high numbers of rough sleepers from migrant communities are advised to brief members on the seriousness of the situation and on the local strategy and actions being put in place. The presence of encampments of rough sleepers and the possibility of ensuing anti-social behaviours and community safety issues should be highlighted.