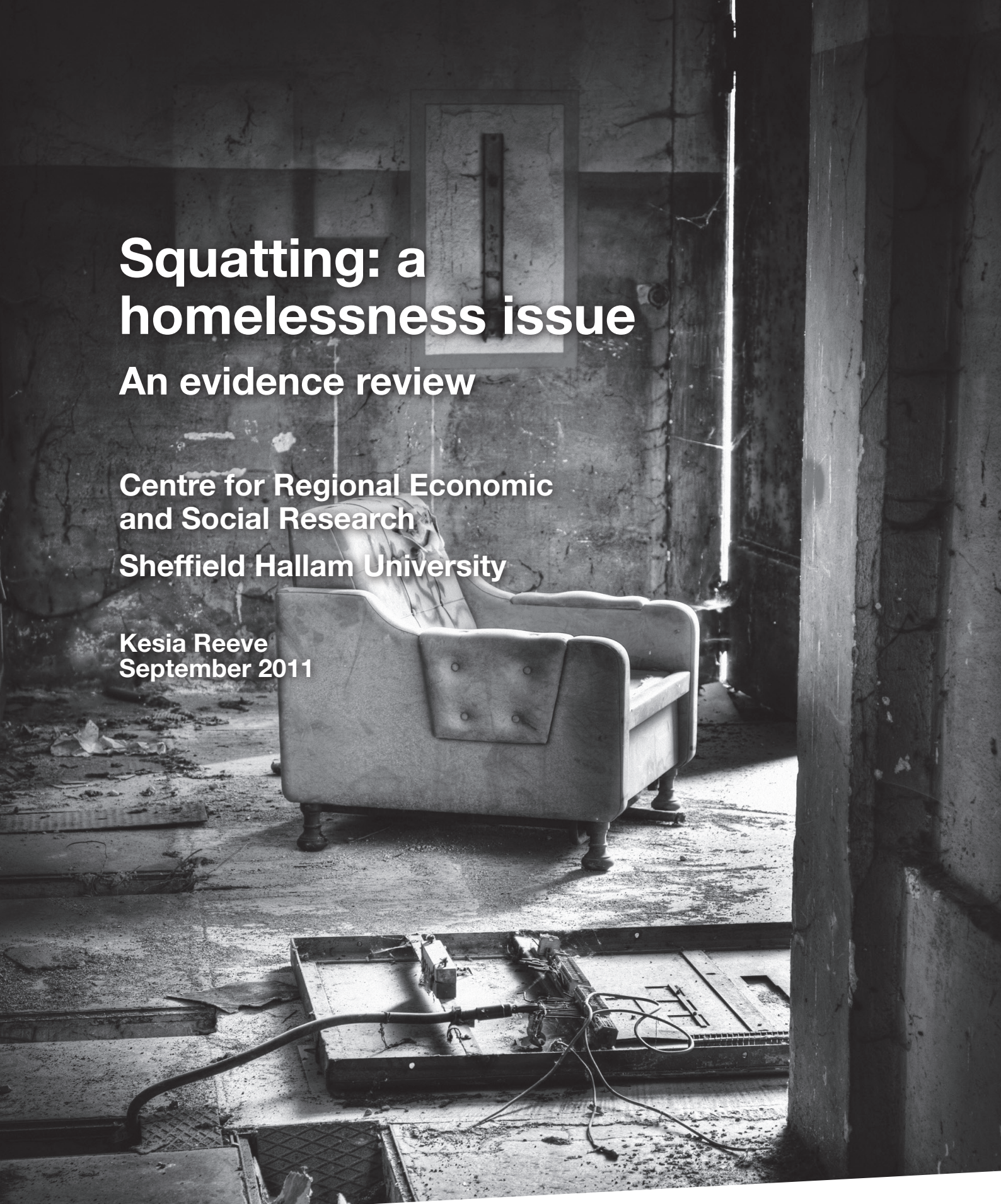




Squatting: a homelessness issue

An evidence review

Centre for Regional Economic
and Social Research

Sheffield Hallam University

Kesia Reeve
September 2011

About Crisis

Crisis is the national charity for single homeless people. We are dedicated to ending homelessness by delivering life-changing services and campaigning for change.

About CRESR

The Centre for Regional Economic and Social Research was established in 1990 and is one of the UK's leading academic research centres specialising in social and economic regeneration, housing and labour market analysis.

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Summary of findings and recommendations

This report synthesises research commissioned by Crisis and other organisations about the nature and extent of squatting. It was commissioned to inform debate about squatting, particularly in the context of current Government proposals to criminalise squatting. The key conclusions, and recommendations which flow from them, are as follows:

Squatting is a common response to homelessness, with evidence suggesting that 40 per cent of single homeless people squat (6 per cent on any one night).

Most homeless people who squat try other avenues for resolving their housing problems before turning to squatting. They approach local hostels and shelters but find there are no spaces in the hostels, or they are not eligible, and that the assistance provided does not help them resolve their housing problem. The majority of those who approach a local authority are recognised as homeless. However, most are not entitled to housing because they are not recognised as being in priority need or are deemed intentionally homeless.

Many squat as a last resort, when the only alternative is rough sleeping. The evidence suggests that the majority of squatters were sleeping rough immediately prior to squatting.

Squatting, then, typically reflects a lack of other options, a scarcity of provision, and inadequate support and assistance to single homeless people.

Many squatters have significant welfare needs including mental and physical health issues and other vulnerabilities. The evidence shows consistently that homeless people who squat have higher levels of needs than those who do not. The most recent study, for example, found that 34 per cent of homeless people who squat had been in care, 42 per cent had physical ill health or a disability; and 41 per cent reported mental ill health (compared with 19 per cent, 27 per cent, and 32 per cent respectively of homeless people who had not squatted)

Homeless people who squat occupy empty, usually disused or abandoned property, not other people's homes. Strengthening laws or enforcement activity against squatters in occupied buildings is likely to have minimal impact on levels of squatting but significant impact on squatters themselves.

Squatting, then, is a homelessness and welfare issue, not a criminal justice issue. There is a need to acknowledge squatting as a manifestation of housing need and as a product of inadequate and insufficient support for single homeless people. Squatting needs to be debated within this context.

Criminalising squatting will criminalise a vulnerable homelessness population and is likely to increase the number of rough sleepers. Instead, government and service providers should consider the following:

- 1. Do not introduce further squatting related criminal offences.** Squatting is not a criminal justice issue but a housing and welfare one and any change to the existing law risks harming an already very vulnerable population.
- 2. Improve the evidence base** so fully informed debate can take place and appropriate interventions developed. At present, no national data are available and studies tend to be small scale.
- 3. Raise awareness and dispel some of the myths about squatters.** Squatting needs to be recognised as a homelessness issue.
- 4. Provide support and outreach services targeted at squatters.** Many want and require assistance but, for various reasons, are disengaged from support services.
- 5. Protect homelessness services from cuts, and increase homelessness provision.** Many people squat because they have no other options. Squatting is likely to escalate if homelessness services are cut.
- 6. Ensure all local authorities provide effective 'advice and assistance' when single homeless people approach a local authority.** Many homeless people who squat approach a local authority first but the assistance they receive does not help them resolve their housing problems.

1. Introduction

The popular characterisation of squatters in the media, typically focuses on squatters as people who occupy the homes of others, displacing them in the process and damaging property. Squatting is portrayed as a lifestyle choice. The extent to which squatting is a manifestation of homelessness and housing need is largely absent from the prevalent discourse.

The evidence base upon which the popular characterisation of squatting has been built is scant, and often anecdotal. National statistics about the nature and scale of squatting do not exist and very little research has been conducted. But rhetoric and anecdote are powerful. The result is an agenda which typically positions squatting as a criminal justice issue, and it is within a criminal justice framework that debate is currently taking place. The Coalition Government has recently published a consultation paper proposing changes to the legal framework for dealing with squatting. Squatting is not being discussed as a housing, homelessness, or welfare issue.

The distinction between people who squat by choice (as an act of political protest or a means through which to live a non-traditional lifestyle) and those who squat by necessity (as a response to homelessness) is challenged by some squatters, and the reality is somewhat blurred¹. Nevertheless, the political and media emphasis on 'lifestyle squatting' fails to acknowledge those people who squat as a direct response to their situation of homelessness.

This report specifically focuses on the link between squatting and homelessness, drawing on, and synthesising evidence from a range of research projects conducted with homeless people who squat. Presenting evidence about the profile, experiences and needs of homeless people who squat, the report highlights the often hidden side to squatting, and in turn it dispels some of the common perceptions about the nature of squatting.

The Evidence

In 2003 Crisis commissioned research exploring squatting in England. Nearly a decade later *'Life on the Margins: the experiences of homeless people living in squats'* (Reeve, 2004) remains the only research report solely about squatting. In 2010, Crisis' research into hidden homelessness, culminating in the report *"The Hidden Truth about Homelessness"* contained more recent evidence about squatting (Reeve & Batty, 2011).

This report synthesises evidence from these two studies. Two other sources offering insights about squatting are also drawn upon: research for Crisis in 2006 exploring the experience of homeless women² and research for Stoke-on Trent City Council in 2009 exploring the housing needs of homeless people with complex needs^{3,4}. Limited insights can also be gleaned from a small number of other sources which are referenced in the text

¹ The very limited evidence about squatting as a political or lifestyle 'choice', for example, suggests that these squatters are often experiencing housing problems when they start squatting (see for example Kearns, K. (1979) Intraurban squatting in London, *Annals of the Association of American Geographers*, 69:4 pp589-598; and Reeve, K. (2005) 'Squatting since 1945: the enduring relevance of material needs', in Somerville, P and Sprigings, N., *Housing and Social Policy*. London: Routledge

² Culminating in two reports: *Still Being Failed yet Striving to Survive* (Reeve, K, Casey, R, and Goudie, R. 2006); and *Homelessness Careers, Homelessness Landscapes* (Reeve, 2007).

³ Four outputs were produced from this research, authored by Reeve, K., Batty, E., Casey, R. & Green, S., in 2009

What is Squatting?

There is no legal definition of squatting in England and Wales but squatters are generally defined as people occupying property or land without permission of the owner or person legally entitled to occupy it. Legally, squatters are trespassers and trespass is a civil matter - i.e. a dispute between individuals - not a criminal matter. Thus squatting is unlawful (a breach of civil law) but not illegal (a breach of criminal law). People who have been given permission to occupy a property (for example tenants, sub-tenants, licensees) are not trespassers, and therefore not squatters, even if they fail to vacate the property once their tenancy or licence has expired.

Although squatting in England and Wales is not illegal there are a number of existing offences relating to squatting under the terms of the Criminal Law Act 1977 and the Criminal Justice and Public Order Act 1994:

- squatting in property that is currently occupied as someone's home (a 'displaced residential occupier') or in a property that someone is about to move into (a 'protected intending occupier), and refusing to leave when asked to do so is a criminal offence.
- failure to comply with an Interim Possession Order (IPO) by vacating a squatted property within 24 hours of the Order being served is a criminal offence. IPOs were introduced in the 1994 Act and provide a 'fast track' eviction process, in some circumstances, against squatters preventing a 'protected intending occupier' from moving in.

Squatters can also commit criminal offences entering and occupying squats. They can be arrested for criminal damage, for example, if they break into a property to gain access, and using utilities such as gas, electricity and water without contacting the suppliers is also illegal.

The Scale and Nature of Squatting

How many people squat?

There are no reliable statistics about the prevalence of squatting in England and Wales. However, independent **research has consistently found that squatting is a common way in which homeless people obtain shelter** (see Table 1 overleaf for a summary of the evidence).

The most recent evidence suggests that as many as **40 per cent of single homeless people squat as a response to homelessness** with 6 per cent of the single homeless population squatting on any one night. Two key conclusions emerge from these figures:

- firstly, squatting is not a marginal or minority tenure amongst the homeless population. It is a prominent feature of peoples' homelessness careers.
- secondly, it is likely that a significant proportion of the squatting population is constituted by people squatting as a direct response to homelessness.

4 These four projects were conducted by CRESR, Sheffield Hallam University (also the author of this report) so the raw data were available. These data have been revisited to extract detailed information about the squatters in the sample and so not all the statistics or quotes presented appear in the original reports. Each study included a survey of single homeless people (see Table 1 for the number of people surveyed) and in depth interviews with between 27 and 53 single homeless people.

Table 1: The prevalence of squatting: the evidence

The Hidden Truth About Homelessness (Reeve & Batty 2011)	Life on the Margins (Reeve, 2004)	Still Being Failed yet Striving to Survive (Reeve et al, 2006)	The Homelessness Journeys of Homeless People with Complex Needs (Reeve et al 2009)	Reaching Out (Shelter 2007)
40% of the 437 single homeless people surveyed had squatted 6% were squatting at any one time	26% of the 165 single homeless people surveyed had squatted 7% squatted the night prior to the survey	21% of the 144 single homeless women surveyed had squatted while homeless	46% of the 156 single homeless people with complex needs surveyed had squatted	13% of the 257 street homeless people surveyed had squatted in the preceding year

Where do people squat?

Homeless people squat in residential, commercial, industrial and agricultural buildings in the public and private sector. Most commonly those participating in the studies reviewed squatted residential property or disused warehouses but some had squatted empty schools, shops, barns, garages, nightclubs, and factories. Reviewing the evidence, several clear findings emerge:

- **Homeless people who squat occupy empty buildings**, including flats awaiting demolition, derelict and apparently abandoned residential and commercial buildings. None of the squatters interviewed for the studies reviewed had squatted in properties occupied by an owner or tenant.
- **The type of accommodation in which homeless people squat is determined more by opportunity than preference.** Squatters seek buildings which are empty, easy to enter (i.e. to avoid committing a criminal offence), and where they are least likely to attract attention.
- **Squats are often in poor condition**, sometimes structurally unsound or unfit. Broken windows, lack of running water, electricity or heating, unsafe stairwells and damp are common. **Squatters are more likely to make basic repairs to properties and prevent further deterioration through habitation than to cause further damage.** There is, however, risk of fire damage, from use of candles in properties with no electricity.

Who squats and what are their needs?

We know little about the socio-demographic profile of squatters, there being no national statistics, but homelessness research points to a diverse population spanning different age groups, nationalities and backgrounds. The evidence also indicates a significant population of vulnerable people squatting – people with mental ill health, care leavers, young women, and those with multiple needs.

Profile of homeless people who squat

Research suggests that homeless people who squat are most likely to be male, White British and aged 21-40. However, a significant number are over the age of 40 (37 per cent according to the most recent study) and of minority ethnic origin (38 per cent in the most recent study⁵).

Although women are in the minority, many do squat (21 per cent of those participating in the Homeless Women research and 29 per cent of those surveyed for the Hidden Homelessness study). Very vulnerable women may be particularly at risk: 59 per cent of homeless street sex workers surveyed for the Complex Needs research had squatted.

Research also suggests that **specific groups may be more likely to squat** than others:

- **non statutory single homeless people.** Lower incidence of squatting is found amongst statutory homeless families than single homeless people⁶. The local authority owed no duty to accommodate the vast majority of the single homeless squatters participating in the four main studies reviewed.

- **People with limited access to welfare benefits** who cannot, therefore, meet the housing and related costs of hostels and other homelessness provision. This includes A8 Nationals, failed asylum seekers, young people under the age of 16 and some under the age of 18. Research by Homeless Link found that 27 per cent of A8 nationals accessing 43 front-line homelessness services were currently squatting. According to recent research 58 per cent of people who become homeless under the age of 16 squat (see Harvey and Katie's stories).
- **People living in particular locations.** *Life on the Margins* found that squatting may be more prevalent in certain locations, for example areas where empty property is abundant, visible or badly managed or where the housing market is more pressured, resulting in restricted access to rented (social and private) housing.

Multiple exclusion

The research evidence suggests that **a significant proportion of the squatting population are vulnerable people with support needs** – people with mental ill health, care leavers, people struggling with dependency, and those with multiple needs. According to the most recent study, for example, 34 per cent of the homeless people surveyed had been in care, 42 per cent had physical health problems or a disability, and 47 per cent had experienced drug dependency (see Table 2 overleaf). **The highest incidence of squatting is found in research focused specifically on homeless people with complex needs.** In this study, 46 per cent of survey respondents had squatted as a response to homelessness.

⁵ Minority ethnic people comprise just 14 per cent of the UK population

⁶ One study (Pleace, N., Fitzpatrick, S., Johnson, S., Quilgars, D. & Sanderson, D. (2008) *Statutory homelessness in England: The experiences of families and 16-17 year olds* London: HMSO) found that 8 per cent of statutory homeless families had squatted or slept rough.

Table 2: Squatting and multiple needs: the evidence

	The Hidden Truth about Homelessness (Reeve & Batty 2011) (n=437)		Life on the Margins (Reeve, 2004) (n=165)		Still Being Failed yet Striving to Survive (Reeve et al, 2006) (n=144)		Homeless People with Complex Needs (Reeve et al, 2009) (n=165)	
	squatters	non squatters	squatters	non squatters	squatters	non squatters	squatters	non squatters
has (self reported) mental ill health*	41%	32%	37%	29%	45%	32%	51%	22%
has been in care	34%	19%	35%	18%	38%	15%	38%	23%
has experienced drug dependency	47%	23%	46%	29%	65%	24%	77%**	43%
has a (self reported) learning disability	no data	no data	15%	8%	10%	5%	23%	11%
first homeless aged 15 or under	25%	13%	no data	no data	no data	no data	28%	18%
was excluded / suspended from school	43%	23%	no data	no data	38%	25%	53%	39%
has physical ill health or a disability	42%	27%	no data	no data	no data	no data	no data	no data
sometimes self harms	21%	14%	no data	no data	48%	26%	29%	19%

* Respondents in each study were presented with the statement 'I have mental health problems' and asked whether that statement applied to them. The term 'mental health' was not defined for them.

** The particularly high proportion of drug users in this particular sample reflects that drug users were one of several groups targeted for inclusion in the study

Table 2 compares evidence on the needs of homeless people who have and who have not squatted. It shows consistently that **homeless people who squat have higher levels of needs than those who do not.** Homeless people who squat are, for example, more likely than those who do not:

- to have been in care
- to have experienced homelessness before adulthood
- to have had a disrupted education
- to have physical health problems, and
- to self harm.

Across all studies, homeless people with mental ill health were more likely to have squatted as a response to homelessness than those without mental health issues. According to the most recent study, for example, 46 per cent of the survey respondents reporting mental ill health has squatted compared with 36 per cent who reported no mental health issues. (See Table 3, and Lorna's story presented overleaf).

Table 3. Squatting and mental health: the evidence

Study	% homeless people with mental ill health who had squatted*	% homeless people without mental ill health who had squatted
The Hidden Truth About Homelessness (Reeve & Batty, 2011) (n=437)	46	36
Life on the Margins (Reeve, 2004) (n=165)	37	29
Still Being Failed yet Striving to Survive (Reeve et al, 2006) (n=144)	29	19
Homeless People with Complex Needs (Reeve et al, 2009) (n=156)	64	33

* Respondents in each study were presented with the statement 'I have mental health problems' and asked whether that statement applied to them. The term 'mental health' was not defined for them.

Lorna, Katie and Harvey's stories (overleaf) all illustrate the vulnerability of many homeless people who squat. The research evidence suggests that their stories also illustrate a common pathway into squatting. Lorna, Katie and Harvey were all vulnerable - by virtue of their mental health, their youth, their difficult and disruptive childhoods, their experience of local authority care and poor parenting. These experiences acted sometimes as triggers and sometimes as underlying causes of their

homelessness. Facing homelessness they all engaged with services (including social services, local authority housing departments, mental health teams and hostels), but without any positive outcomes. Lorna, Katie and Harvey did not receive the help they needed to resolve their housing problems or address their support needs. With no other options, they turned to squatting.

Case Study: Lorna

Lorna first experienced homelessness ten years ago, at the age of 29, following a mental health breakdown. She had been sectioned under the Mental Act several times and her eight year old daughter was eventually removed permanently from her care as a result.

“The last time they took her off me altogether and once the child had gone I was left in the family home on my own and from there it deteriorated and I ended up homeless.”

Lorna was not coping in her home and an NHS mental health team placed her in a residential facility for people experiencing mental ill health. After a few weeks, however, Lorna was asked to leave because she would not accept the support on offer. She explained why:

“My mental health was too poor to talk to anybody...to poor to be able to speak to them.”

Lorna slept rough for a while and then squatted in some disused flats which had been emptied pending redevelopment. When work began on the flats Lorna returned to the streets.

In 2007 a mental health outreach team found Lorna a place in a supported housing project but a year later she was asked to leave, again for failing to engage with support. Lorna explained that:

“I wasn’t accessing support, I wasn’t getting on with living there, I was too poorly, I suffered with hearing voices”.

Lorna returned to the flats where she had squatted, and which had now been redeveloped, and found a bin cupboard where she has spent the past two and a half years sleeping.

Since leaving her supported housing Lorna has approached the local authority for assistance and has twice been provided with 28 days hostel accommodation. Lorna has no idea whether she has made a homelessness application or the outcome of any application.

Source: The Hidden Truth about Homelessness, Reeve & Batty, 2011

Case Study: Katie

Katie had a difficult childhood, suffering sexual and physical abuse. At the age of 13 she ran away, squatting and sleeping rough until she came to the attention of Social Services and was placed in a children's home. Unhappy in the children's home, Katie ran away, once again squatting and sleeping rough.

When she turned 16 she approached the local authority and was referred to a voluntary sector hostel until, six weeks later, she was allocated a council tenancy. Katie had no experience of independent living. She had never been responsible for paying bills or managing a household and no organisation was working to support Katie at this time. She abandoned her tenancy:

"I was 16 years old and they just said 'here's your council flat, off you go'...it was awful, they just dumped me out in this council flat and then when I applied for a community care bond to furnish it they turned me down...I just went 'oh well, there's no point living here is there? I won't get any furniture' [and] I just left it."

Katie slept rough for a few months and then went back to the local authority but was deemed intentionally homeless. She spent one night in a night shelter but was raped by a male resident and left immediately. She spent the next four years squatting, sleeping rough, and staying with friends, too fearful to stay in formal homelessness provision. She developed dependencies on heroin and crack cocaine and her only contact with services was the day centres she used to wash, keep warm and eat cheaply.

Eventually a rough sleeper outreach worker helped Katie access a place at a women's night shelter and from there she moved on to a women's hostel where a key worker is helping her apply for settled accommodation and referring her for help with other issues in her life.

Why do Homeless People Squat?

Homeless people squat in order to put a roof over their head, other options being few and far between. Research suggests that squatting typically represents a short term solution to a housing crisis, and that many homeless people who squat do so intermittently, moving through a range of different situations such as rough sleeping, staying with friends, in hostels and night shelters (see Harvey and Katie's story, for example). The evidence consistently points to squatting as a manifestation of housing need, and of inadequate support and provision for single homeless people. For example:

- **Squatting often represents a last resort alternative to rough sleeping.** As one man replied when asked why he first decided to squat, *"It's simple innit? It's either that or sleep on the streets"*.

Squatting as a last resort

"I met up with some old friends and they told me about a squat so I joined them... my options ran out, I had no other options. If I hadn't seen my friend I'd have been on the street" (Tom, quoted in Life on the Margins, 2004)

"I tried other avenues but nowt worked, no other alternatives but squatting" (Alex, quoted in Life on the Margins, 2004)

"..I was sleeping on lots of people's sofas and floors and my luck ran out of places to go" (John, quoted in Life on the Margins, 2004)

The majority of the squatters interviewed for the *'Life on the Margins'* and the *'Hidden Truth about Homelessness'* research were rough sleeping immediately prior to squatting for the first time and

many returned to rough sleeping after (see Harvey, Chris and Lorna's stories). 90 per cent had slept rough at some point.

- **The research evidence reveals no examples of homeless people choosing to squat despite having access to alternative, adequate housing.**

Alternative accommodation may have been available in a few cases but was considered unsafe or inappropriate. This included couples who could not be accommodated together in hostels and women fearful of mixed provision. Katie is a case in point; having been raped in a mixed night shelter she no longer felt safe in hostels and shelters. A few of the homeless people interviewed for *Life on the Margins* pointed to the merits of squatting compared with hostel accommodation (including not being bound by strict rules in hostels; being able to work, which the high cost of hostels prohibits; having one's own space).

- **Most homeless people try other avenues for resolving their housing crisis before moving into a squat but find a scarcity of provision.** Harvey, for example, tried the local hostels before squatting but was ineligible because of his age. Chris tried the only direct access hostel many times but there were never any places. Both approached a local authority for help but to no avail. Others describe queuing each evening in the hope of securing a bed for that night.

Squatters experiences of trying to access alternative accommodation

"I tried all the B&Bs, tried all the hostels, rang Shelterline, they couldn't help me... I had friends to ask but I felt cheeky" (Ian, quoted in Life on the Margins, 2004)

“Got eventually told where the night shelter was...at my age they wouldn’t allow me in coz I was too young” (Joseph, quoted in ‘The Hidden Truth About Homelessness, 2011)

“Ended up with nowhere [to live] and no money to get anywhere else. The council gave me a list of private landlords but I had no money” (Alex, quoted in Life on the Margins, 2004)

“Not been any beds [at the hostels], council couldn’t do nothing so... that was it really, just had to wait”. (Martin, interviewed for the Complex needs research, 2009)

- **According to the research evidence, most homeless people who squat approach their local authority for help** (78 per cent of those surveyed for the most recent study), usually in the early stage of their homelessness career, before they squat. Most are also recognised as homeless by the LA (78 per cent) but few are entitled to accommodation under the terms of the homelessness legislation, typically because they are not considered ‘priority need’, or are deemed ‘intentionally homeless’. Reports that the advice and assistance offered by LAs is of little use are common (see Harvey and Chris’s stories). This is particularly concerning if

we consider the multiple needs of many homeless people who squat (see previous section), suggesting that **vulnerable homeless people are being left without adequately housing assistance**. In the absence of other options, they turn to squatting.

The evidence suggests, then, that people squat because they cannot access alternative accommodation. This situation is likely to worsen. The full impact of public sector spending cuts is yet to be seen but Homeless Link’s Cuts Monitoring Project find that homelessness services are expecting average cuts of 26 per cent and a 20 per cent reduction in bedspaces in 2011-12⁷. Their Survey of Needs and Provision shows that in March 2011 there were at least 1,169 fewer bed spaces than the previous year⁸. And as services contract, demand is increasing. The latest Government statistics show that the number of people approaching a local authority as homeless has risen sharply in 2011, and the first report of ‘The Homelessness Monitor’⁹ predicts that the combination of recession and welfare and housing reform will drive up homelessness.

⁷ Information correct in August 2011. See <http://www.homeless.org.uk/cuts-monitoring> for weekly updates

⁸ Homeless Link (2011), *Survey of Needs and Provision: Services for homeless single people and couples in England*, London: Homeless Link

⁹ Fitzpatrick, S., Pawson, H., Bramley, G. and Wilcox, S. (2011) *The Homelessness Monitor: tracking the Impacts of Policy and Economic change in England 2011-2013*, London: Crisis.

Case Study: Harvey

Harvey ran away from home at the age of 14 to escape abuse. Family friends let him stay but only until he finished school and so at the age of 16 he found himself homeless with no income (he was too young to qualify for benefits and did not know about hardship payments). Harvey approached the local hostels but was ineligible because of his age. He also went to the local authority for help:

"I said 'I'm homeless, I need help', [they did] nothing. They said 'fill out a form' and I didn't even hear from them. ...I filled it out there, the woman done it for me cos I can't write...she goes 'we'll get straight in contact with you' and then they never... I went back but still like never helping me."

Harvey spent the next ten years squatting, sleeping rough, and staying with friends on the odd night. He engaged in sex work on several occasions when he was 16 so he could buy food and pay for a night in a B&B. The houses he squatted were usually derelict and he described them in the following terms:

"You find empty buildings where you're not going to bother anyone...doesn't matter I the windows are put through, you're going to make your own little cardboard bed" Harvey developed physical and mental health problems, being diagnosed with schizophrenia and hospitalised with fluid on the lung. He took drugs for a while to cope with the conditions in which he was living, explaining that "it was hard, it was like to keep the cold out, and it was a comfort blanket."

After a brief two year interlude spent living with a partner Harvey returned to squatting, rough sleeping, and sofa surfing. Assuming no help would be forthcoming from the local authority he didn't approach them.

Now in his late 20's Harvey revisited the City's hostels. Spaces were scarce and he queued each evening in the hope of securing a bed for that night. It was only when Harvey got in touch with a local housing association that he accessed the help and support he needed after nearly 20 years of homelessness.

Source: The Hidden Truth about Homelessness, Reeve & Batty, 2011

The experiences and consequences of squatting within the current legal framework

The media makes much of squatters living in luxury, enjoying comfortable rent free housing at the expense of others. Research evidence suggests that the reality is quite different.

Squatting can represent one of the least secure and most marginalised forms of accommodation in which homeless people stay. *The Hidden Truth about Homelessness* and *Life on the Margins* show that squatters rarely remain in their squats for longer than a couple of months, often staying just a few days. They are evicted or moved on at very short notice, they are arrested, they return home to find their squat boarded up and no longer accessible. Squatters never know when they might be out on the streets. And many do sleep on the streets when they are moved on or evicted: more squatters interviewed for the *Hidden Truth about Homelessness* research slept rough after leaving a squat than went into any other housing situation.

The evidence is also clear that **when people squat they expose themselves to risks on a daily basis.** This includes risk to personal safety, poor housing and environmental conditions, risk of arrest and imprisonment, and exposure to danger. The Complex Needs research is a stark reminder of this – the research was commissioned following the death of a local homeless couple in a fire in a disused warehouse in which they were squatting. Other risks, and consequences of squatting revealed by research evidence include:

- **Squatting exposes homeless people to the risk of arrest and imprisonment.** The act of squatting is not a crime but it can necessitate committing an offence (for example criminal damage while entering a squat). Chris's story is an illustration: despite having no other criminal convictions Chris has served four prison sentences for squatting-related offences.

- Squatters keep a low profile - detection can mean eviction and the loss of their shelter. Some stay out all day, make no noise when at home, and enter their squat via less visible openings. But this carries risks. Crisis' research highlights examples of **squats being boarded up with residents inside**, and of squatters moving out just in time, before the wrecking ball moves in.

Avoiding detection

"I'd tidy up in the morning, make it look like you hadn't been there, Take your belongings and go out...begging or asking churches for food, anything you could do until 7 o'clock at night (Andrew, quoted in Life on the Margins, 2004)

"[we all stayed] in one room and kept quiet so nobody else would know we were in there" (David, quoted in Life on the Margin, 2004)

"It was a derelict flat, they were knocking the estate down...I was there about three weeks then they started coming on to pull them down" (Chris, interviewed for the Hidden Homelessness Research, 2011)

"the other week the council put shutters on it, we got locked in and we had to prise ourselves out" (Tim, quoted in Life on the Margins, 2004)

- When squatters do come to the attention of others, they can experience **harassment**. Chris was harassed out of his squat by local youths and another squatter recounted the following:

I was there one Friday night [and someone] threw the window with bricks and I was covered in glass and, and he were like 'fucking this fucking that' chucking bricks 'get out of there now before we burn you out'. ... so that was me dry shelter gone then, wouldn't dare go back there, give me a kicking. (Larry, quoted in 'The Homelessness Journeys of Homeless People with Complex Needs, 2009)

- **Poor physical conditions** in squats, including lack of amenities, are a common experience. Some squats are in reasonable condition, squatters make repairs and renovations, and arrange for utilities to be connected. But many squatters live in structurally unsound and unsafe buildings with no heat, light or water..

Property conditions

"It's very damp inside. We sleep in the kitchen because the floor has a carpet on it. The other rooms are very bad, walls breaking up, it's not very safe I don't think" (Alison, quoted in 'Life on the Margins' 2004)

"The ground floor is ruined, we think there was burning, but second floor is quite good." (Andnej quoted in 'The Hidden Truth about Homelessness', 2011)

"It's got a downstairs which is just open space with a big hole in the ground where they drilled...I think it was to look at the subsidence...but we don't use that room." (Pat, quoted in 'Life on the Margins', 2004)

- **Health impacts:** Such living conditions are found to threaten squatters' health and wellbeing. Exposure to cold, poor

living conditions and no access to basic amenities take its toll on people's health.

Squatting and deteriorating health

"It's affecting me now [squatting], I know that, I'm a chronic asthmatic...it's always dusty, I find it hard to breathe" (Chris, quoted in The Hidden Truth about Homelessness, 2011)

"It was very, very cold time, I frost my feet...after a few days there start infection in my foot...I still have problem, cold destroyed my nerves in fingers" (Andnej, quoted in The Hidden Truth about Homelessness, 2011)

There is also evidence that when people squat they become disengaged from, or struggle to access, essential services:

- **Disengagement from support services.** The evidence suggests a correlation between periods of squatting and disengagement from services. The same conclusion is drawn by three of the studies reviewed - that homeless people tend to lose contact with services (with the exception, sometimes, of day centres) when they squat. As a result, their capacity to escape homelessness diminishes.
- **Difficulties accessing welfare benefits and essential services.** *Life on the Margins* uncovered several examples of squats being boarded up with squatters' possessions, including documentation, inside. With no proof of identification claiming benefits is extremely difficult. Having no fixed address is found to compound the problem, further limiting access to services such as dentists and GPs.

Case Study: Sarah

When Sarah was evicted from her squat by police at 5am in the morning she was not given time to collect her belongings. The property was quickly boarded up with her essential documents inside. As a result, she was unable to prove her identity when she subsequently made a claim for benefits. She explained that *"I've made a new claim but they said they couldn't do it coz I didn't have any identification because my passport, my birth certificate are all locked up"*

Source, Life on the Margins, Reeve, 2004

Case Study: Chris

Chris lived with, and cared for his grandma. She passed away when he was 30 so he went to the council but was told he could not succeed the tenancy. One day, Chris returned home to find the locks had been changed. He returned to the council, presented as homeless but was told he did not fit the criteria.

"All the did was give me a booklet which I can't read." (Chris is severely dyslexic)

Estranged from his parents and with few friends, Chris walked around until he came across an empty flat and squatted there for a week. He was harassed by local kids so he moved on to a disused warehouse. After a month he was arrested, charged with breaking and entering and given a 12 month prison sentence. On release six months later Chris was given the same 'home finder pack' he had been provided with by the council and his discharge grant of £47. Chris went to the council and was given his third home finder pack. He squatted in another empty flat. After a few weeks he met a local woman, embarked on a relationship with her and moved into her flat.

Over the next four years Chris and his partner separated and reunited many times. Each time they separated Chris found an empty building and squatted. He was arrested and imprisoned for breaking and entering a further three times during these years (he was given sentences of six months, five months and two months). He returned to the local authority twice more, each time on release from prison, and was given yet more copies of the starter pack and told he did not fit the criteria for rehousing. His relationship irretrievably broke down when he came out of prison two months ago. He did not return to the local authority. He has been sleeping rough since too scared to squat because to do so would breach his license.

"I don't want to get arrested again and go to prison... I'll be breaching my licence for breaking and entering so I'll be re-sentenced, got no choice if I want to keep out of prison." He uses a local day centre for food and washing facilities but has no contact with other services.

Source: The Hidden Truth about Homelessness, Reeve and Batty, 2011

Conclusion

This review of homelessness research evidence about squatting suggests that the popular characterisation of squatters bears little resemblance to reality.

It finds that many squatters are people in housing need, who have tried to find alternative accommodation, who have been to their local authority for help, who have tried to secure a place in a hostel and who are facing rough sleeping. There was no evidence of homeless squatters displacing anyone from their home. Rather, they find empty, abandoned and often derelict buildings. Some repair their squats, others live with the conditions they find - often very poor, structurally unsound and with no amenities. Squatting and homelessness are inextricably linked.

Dealing with the 'problem of squatting', then, requires a welfare response, not a criminal justice response. Criminalising squatting will result in the criminalisation of homeless people, many of whom are vulnerable and who squat because accessing adequate affordable housing in England and Wales in 2011 proves so difficult.

Recommendations

The Government is currently seeking views on how to address, and reduce squatting. The research evidence suggests that legislating against squatters is not the answer. A number of alternative recommendations flow from the evidence.

- 1. Do not introduce further squatting related criminal offences.** Squatting is not a criminal justice issue but a housing and welfare one and any change to the existing law risks harming an already very vulnerable population.
- 2. Improve the evidence base:** This report has drawn what insights it can from available research evidence but studies are few and tend to be small scale. Fully informed debate could be had, and appropriate interventions developed, if robust national data were available. Surveys conducted and monitoring data gathered (for example by local authorities and homelessness service providers) should always include 'squatting' as a distinct tenure category.
- 3. Raise awareness and dispel some of the myths about squatters.** There is a need to acknowledge squatting is a manifestation of housing need, and is a homelessness and welfare issue
- 4. Provide support and outreach services targeted at squatters.** This is a sizeable population, many of whom, for a variety of reasons, are disengaged from services and are vulnerable. Many also require and want support, assistance and alternative housing.
- 5. Protect homelessness services from cuts, and increase homelessness provision.** Many people squat because they have no other options. Increasing and improving access to temporary housing provision, to housing advice and support, and doing more to help single homeless people find affordable housing will prevent people having to squat. Squatting is likely to escalate if there are cuts to homelessness services.
- 6. Ensure all local authorities provide effective 'advice and assistance' when single homeless people approach a local authority.** Local authorities should always refer single homeless people to whom they owe no duty to relevant agencies able to help them resolve their housing problems. No vulnerable homeless person should be left without support.

Appendix 1. Proposed changes to the legislation: what the evidence says

The Coalition Government is proposing to criminalise squatting, although a series of alternative options are also being considered. The consultation document, 'Options for Dealing with Squatting' presents five options. These are:

1. Create a new offence of squatting in buildings. This would make squatting a criminal offence
2. Extend existing offences in the Criminal Law Act 1977 which relate to squatters who displace residential occupiers and prevent 'protected intending occupiers' from moving in, so they apply to non-residential buildings
3. Repeal or amend the Criminal Law Act 1977 so it no longer offers any protection to squatters (at present property owners who are not 'displaced residential occupiers' or 'protected intending occupiers' would be committing an offence if they forcibly entered their property to remove squatters)
4. Leave the law unchanged but improve enforcement of existing laws
5. Do nothing

The evidence reviewed for this report suggests that strengthening the law against squatters risks criminalising homeless people. Many of these are vulnerable people in need of assistance, not a criminal record, who started squatting because they became homeless and could not access alternative accommodation.

Laws exist prohibiting squatting in occupied residential property and in residences with occupiers waiting to move in. Squatters causing the most inconvenience are, therefore, already subject to legal sanction.

Improving enforcement action against squatters displacing residents from their homes, or extending these laws is unlikely to reduce levels of squatting because the vast majority of squatters do not occupy habited buildings. Amending, repealing and developing new laws to use against a minority of the squatting population seems somewhat disproportionate.

The proposal to strengthen the laws against squatting responds to a particular characterisation of squatters, fuelled by the media (for example in the form of the recent Telegraph campaign to criminalise squatting). The narrative, which has found its way into the Government Consultation Paper, suggests that squatters do so by choice (that there are enough services for genuinely homeless people), depriving law abiding home owners of their properties, and causing damage and distress in the process. The table below uses the evidence presented in this report to respond to some of the assumptions and arguments presented in the media and the Consultation Paper.

The argument	What the evidence says
Legitimate occupants are being deprived of use of their properties	Squatters very rarely squat properties which are occupied or in use. Many are derelict, apparently abandoned or awaiting demolition / redevelopment. It is already a criminal offence to refuse to vacate a property occupied as someone's home or intended home, and immediate action can be taken by police where squatters are preventing someone moving in. Owners of properties which are not their home can seek a Possession Order through the civil courts. They can also apply for an Interim Possession Order, which normally takes a few days to be made and served. Squatters are committing a criminal offence if they do not then leave within 24 hours.
Squatting is on the rise	The research evidence does not reveal squatting trends. However, homelessness is rising and so a corresponding increase in squatting would be no surprise. If squatting is on the rise, this probably indicates increasing housing need in England and Wales.
Most squats are occupied by professional squatters who squat as a lifestyle choice	Some people squat as a lifestyle choice or as an act of political protest but they are likely to be a very small minority. The very high proportion of homeless people found to squat suggests that these people constitute a significant proportion of the squatting population. There is no evidence of people choosing to squat despite having access to adequate alternative accommodation.
Being tough on squatters is part of being tough on crime	Homeless people who squat are not criminals, they are people in housing need trying to accommodate themselves.
Criminalising squatting will deter people from squatting	The evidence is not clear on this issue. However, squatting is a last resort for many and so, unless other options are made available, they are likely to continue doing so. Some squatters may be deterred for fear of legal sanctions. We have seen that Chris is no longer squatting because he risks imprisonment if he does. However, many homeless people deterred from squatting are likely to sleep rough.
Squatters damage properties and leave owners to fit the bill	Many squatted properties are already in disrepair when squatters move in. There is some evidence that squatters repair squats and arrest further decay through habitation. There may be risk of fire damage from use of candles and fires in squats with no amenities.
The law should follow the Scottish example where squatting is already a criminal offence	Squatting is a criminal offence in Scotland (under the terms of the Trespass (Scotland) Act 1865) and carries a maximum penalty of a Level 1 fine (currently £200). In addition, the owner or lawful occupier of a squatted property has the right to evict squatters without notice or recourse to the courts as long as they do not break the law. However, the legal context in Scotland is very different to England and Wales. The Scottish law is very broad, covering all forms of trespass on private property. Following the Scottish example would involve criminalising a group of people far wider than just squatters. Distinguishing squatting related offences from other forms of trespass can also be difficult. There have also been very few prosecutions in Scotland under the Trespass (Scotland) Act. Only 26 people were convicted under the Act between 2005 and 2010.

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Homelessness ends here