

# **ANTI SOCIAL BEHAVIOUR**

## **A Practitioners Guide**

**December 2009**

**Warwickshire Safer Communities Partnership**

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## 1. INTRODUCTION

### 1.1 Defining anti-social behaviour.

In general terms, any unreasonable behaviour or action that interferes with a resident's quiet enjoyment of their home or which adversely affects the quality of life of people within the local community, could be considered to be anti-social.

The definition of anti-social behaviour in Section 1 of the Crime and Disorder Act 1998 – 'behaviour which causes or is likely to cause harassment, alarm or distress to one or more people who are not in the same household as the perpetrator' – is not prescriptive. It reinforces the idea that anti-social behaviour is to some extent, dependant on the tolerance and perception of the person affected.

Anti-social behaviour (ASB) can therefore encompass a wide range of activities, from those that cause minor nuisance or irritation to major instances of harassment, threats or actual acts of violence.<sup>1</sup>

Whilst this document contains examples of activities that could be classed as anti-social behaviour, it is by no means exhaustive. In general terms, ASB falls within one of two broad areas:

- Interpersonal/malicious ASB by a single perpetrator on an individual, or family, or
- ASB related to groups or gatherings at community level

We believe that our residents have the right to live peacefully in their homes. We recognise the effect that anti-social behaviour has on individuals, families and whole communities and we have a clear role to play in tackling all forms of nuisance and anti-social behaviour, taking the appropriate response to each reported incident.

In responding to reports of nuisance or anti-social behaviour we will be mindful of the fact that in many cases conflict can be the result of a clash of lifestyles. We need to ensure that our response is appropriate and proportionate to the particular circumstances and that it recognises the rights of *all* those involved.

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<sup>1</sup> The full list of ASB categories recorded on the STORM incident system consists of: Street Drinking, Begging / Vagrancy, Substance Misuse, Prostitution Related Activity, Rowdy/Nuisance - Environmental Damage/Littering, Rowdy/Nuisance – Neighbours, Rowdy/Nuisance - Rowdy and Inconsiderate Behaviour, Noise, Abandoned Vehicle (Not stolen), Vehicle Related Nuisance, Hoax Call to Emergency Services, Malicious Communications, Animal Nuisance, Inappropriate Use/Sale/Possession of Fireworks and Trespass

Tackling anti-social behaviour is a priority for partners within Warwickshire. ASB is one of the six partnership targets within the Safer Communities Block of the Local Area Agreement 2008-11 (through links to National Indicator 21) and Warwickshire has a countywide ASB Strategy, developed and agreed by partners in 2008.

### **1.1.1 What the community can expect of us.**

Our commitment, which is made explicit in this document and the procedures accompanying it, will be demonstrated through our proactive approach to tackling and resolving incidents of anti-social behaviour.

We will take a preventative approach to tackling anti-social behaviour in the first instance, working with residents and other agencies to achieve this.

We will encourage the reporting of incidents and respond quickly and sensitively to all complaints made. Our procedures will detail our approach to dealing with different types of ASB and what complainants can expect of us by way of a response.

We recognise, however, that complaints are likely to be received by a number of partner agencies, particularly the Police and Local Authority. We will establish effective communication and information sharing processes to ensure that the complaint is dealt with effectively, no matter how it is received.

When investigating complaints and taking any necessary action, we will support complainants and witnesses through the process and ensure that their interests are given due weight and consideration.

We will provide information and advice to complainants explaining how we deal with different types of anti-social behaviour and make sure that complainants are directed towards other agencies that might be able to provide help and support.

We will be proactive in promoting the work that we do in responding to and tackling anti-social behaviour so that our residents, the wider community and other agencies are made aware of what we can and will do.

### **1.1.2 Monitoring and review.**

We will monitor all reports of anti-social behaviour, recording the type of incident and where it occurred. This will ensure that our approach remains responsive to local circumstances and enables us to target our resources appropriately. We will also monitor the action that we take and our success in resolving complaints of anti-social behaviour.

We will develop key performance indicators, which will enable us to monitor our effectiveness at dealing with anti-social behaviour.

We will report on performance against key indicators on a regular basis.

### **1.1.3 Equality and Human Rights**

In dealing with anti-social behaviour, we will be mindful of the need to ensure equality of opportunity to all across the six equality strands of race, gender, disability, age, sexual orientation and religion or belief.

In particular:

Where anti-social behaviour is attributable, either directly or indirectly, to problems of alcohol or substance misuse, mental health problems or other support needs, we will work with other agencies to facilitate intervention to support the perpetrator.

We will be mindful of the Disability Discrimination Act 1995, taking account of behaviour that may be related to a disability and making sure that any enforcement action is appropriate and proportionate to the individual circumstances.

We are opposed to all forms of discrimination and will give positive support and assistance to victims of racial and other harassment.

In our approach to tackling nuisance and anti-social behaviour, we will have regard for Article 8 of the Human Rights Act 1998, which states:

“Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except as in accordance with the law and as is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others”

We will take a balanced approach in our response to reports of anti-social behaviour, acting only where the effect of the anti-social behaviour to one or more residents outweighs the effect of the interference in the private lives of another resident.

### **1.1.4 Data Protection and Confidentiality**

In dealing with complaints of anti-social behaviour, it is necessary for us to respect the confidentiality of all those involved. We will seek the complainant's permission to disclose their identity before sharing this information with the perpetrator or any other third party.

In all our work we will ensure that we adhere to Data Protection legislation, paying particular attention to the provisions of the Warwickshire Sharing of Information Protocol.

## **1.2 Tackling anti-social behaviour.**

### **1.2.1 Key principles.**

It is universally acknowledged that **early intervention** can often prevent ASB escalating into more serious activity such as criminal damage and violence.

Whilst action by individual agencies can be extremely effective, we recognise that often the most productive way of tackling anti-social behaviour will be in a partnership. In most cases **working together** is an essential part of the investigation process and the management of anti-social behaviour.

In principal, we will adopt a balanced approach to tackling complaints of nuisance and anti-social behaviour, employing a **range of** preventative, diversionary, legal and non-legal **interventions** depending on the nature of the ASB.

### **1.2.2 Scoping ASB**

The **Problem Oriented Partnership (POP)** approach to crime reduction refers to the process used by agencies working in partnership to address the fundamental problems that underpin crime in order to improve community safety in a locality.

POP approaches attempt to move beyond community safety being solely a matter of dealing with offenders through the criminal justice system. Whilst robust enforcement is an important part of the process, relying solely this has been described as treating the symptoms but not the illness. POP encourages the wider use of intelligence within a partnership setting to identify patterns of offences in relation to type of offenders, localities or victims. Problem solving techniques are employed to get to the root of the pattern and to put in place solutions that will make ASB less likely to take place in the future.

Adopting a problem oriented approach involves several stages, which in the best practice are followed through meticulously; identifying a pattern using a variety of data sources from a range of agencies to order to better understand the pattern; examining the Problem Analysis Triangle (victim, perpetrator and location) to identify how the pattern can be interrupted; put in place an effective and sustainable response which is tailored to address the cause and not the symptoms of the problem; and assessing whether the chosen response had the desired and expected effect on the problem. In essence the focus of POP is on

analysing and understanding problems, developing tailored responses to reducing them and understanding why they have had the impact evidenced.

Several different models have been developed to help practitioners apply the problem solving approach in their work. The SARA model (Scanning-Analysis- Response-Assessment), has been used by community safety practitioners across many different organisations. A fuller explanation of the SARA model is available at:  
<http://www.crimereduction.homeoffice.gov.uk/learningzone/sara.htm>.

### **1.2.3 Evidence gathering.**

In order to establish the scale of alleged ASB, it is normal to ask complainants to complete an incident log. This does not merely record the nature and duration of ASB, but, significantly, the effect (degree of alarm/distress) that resulted from the activity. An examples is included in the appendix to this document.

## 2. THE INTERVENTION PROCESS.

The charts which follow are intended to navigate practitioners through some of the key options available for intervention in the broad areas of victim, locality and perpetrator. They provide a framework which aims to ensure that all practitioners are able to deal with any complaint of nuisance or anti-social behaviour in a consistent and professional manner.

The charts are also available electronically, via <http://www.warwickshire.gov.uk/asbprotocols>. The online version allows practitioners to drill down and access further information, contact details etc relevant to each intervention.

The process is not prescriptive – the nature of interventions will obviously depend on the circumstances of the individual complaint. It may be important, however, to demonstrate that a particular action has been considered, even if it was subsequently discarded as inappropriate.

In particular, the charts highlight those areas where the Lead Agency (normally the body which has received the complaint) may wish to involve partners in a multi-agency approach.

Where a complaint of ASB cannot be resolved by early intervention, it may be referred to the **ASB Group** (see section 3) for discussion and formal case management. All cases where the circumstances indicate that the eventual outcome may be application for an ASB Order should be presented to the ASB Group for consideration.

### 2.1 Interventions in outline.

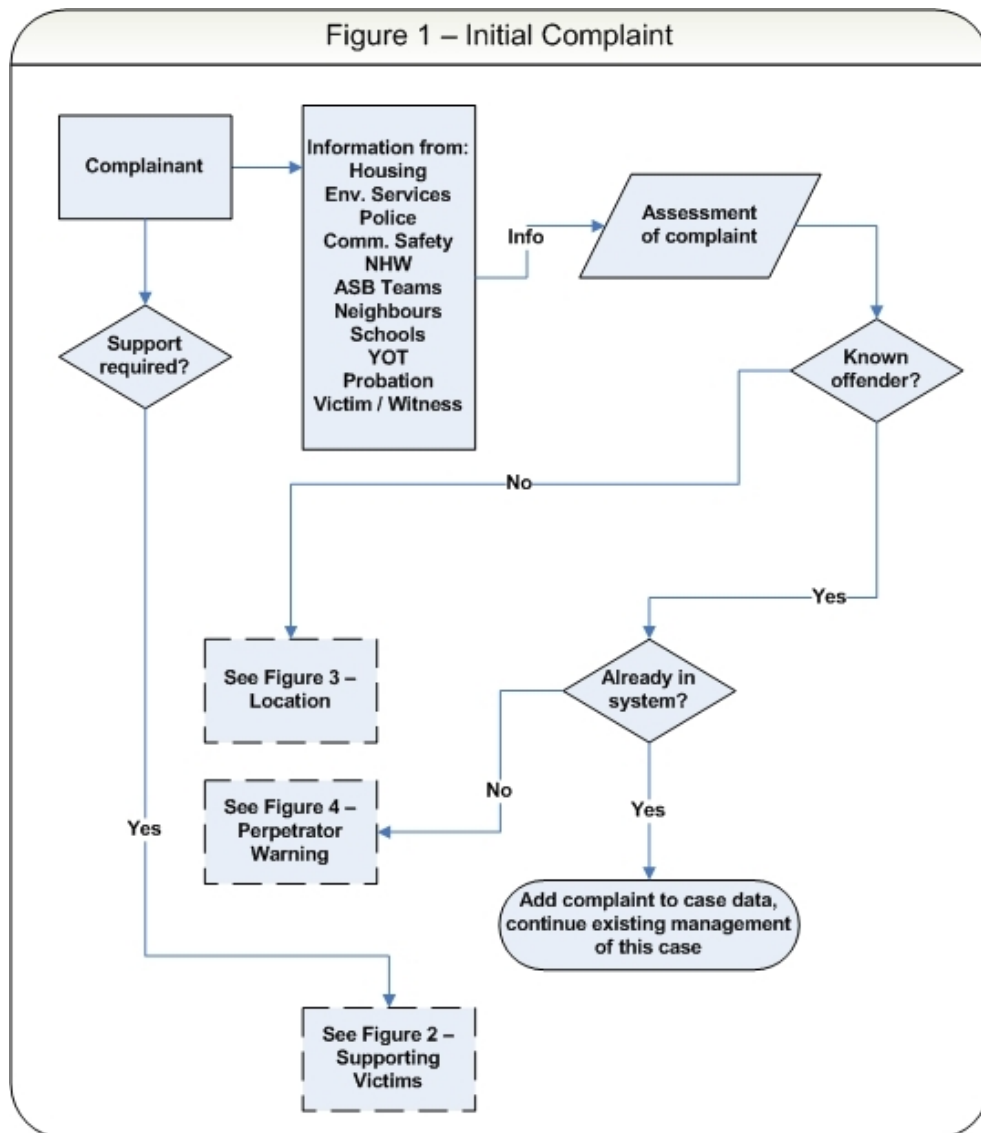
The Home Office **Guide to Anti-Social Behaviour Tools and Powers**, ([http://www.asb.homeoffice.gov.uk/uploadedFiles/Members\\_site/Documents\\_and\\_images/Enforcement\\_tools\\_and\\_powers/ToolsPowersGuideMay08\\_0145.pdf](http://www.asb.homeoffice.gov.uk/uploadedFiles/Members_site/Documents_and_images/Enforcement_tools_and_powers/ToolsPowersGuideMay08_0145.pdf)) published in May 2008 contains detailed guidance on interventions, legislation and supportive measures which can be implemented alongside enforcement tools.

WSCP has identified six priorities which would normally be considered when developing a package of interventions;

- Parenting** – support for families through targeted services.
- Education** – linked through the implementation of the Safer Schools Programme and the rollout of the Common Assessment Framework.
- Community and Environment** – includes the appearance of an area and the quality of life of its residents.

- **Alcohol and Drugs** - integral to the causes of much ASB
- **Prevention / Diversion** – covers wide range of formal and informal activity.
- **Enforcement** – involves a multi-agency and sometimes innovative approach.

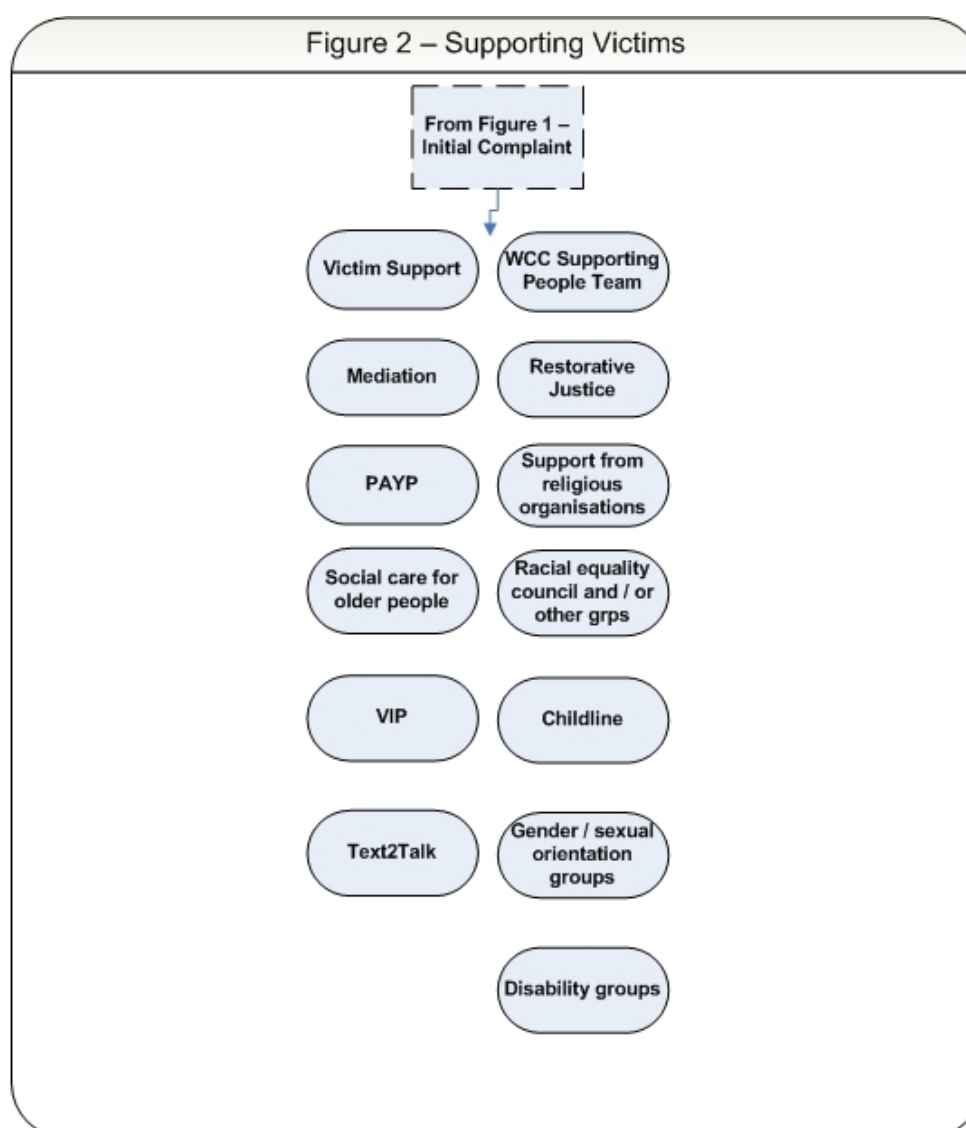
The chart which follows will guide the practitioner through the initial stages of assessing the complaint and identifying broad options for intervention, possibly against a multi-agency background.



## 2.2 Interventions – Victims

The Home Office **Guide to Supporting Victims and Witnesses in Anti-Social Behaviour Court Cases** ([http://www.asb.homeoffice.gov.uk/uploadedFiles/Members\\_site/Documents\\_and\\_images/Community\\_engagement/WitnessSupportInCourt0143.pdf](http://www.asb.homeoffice.gov.uk/uploadedFiles/Members_site/Documents_and_images/Community_engagement/WitnessSupportInCourt0143.pdf)) published in May 2008, contains detailed guidance on civil court processes.

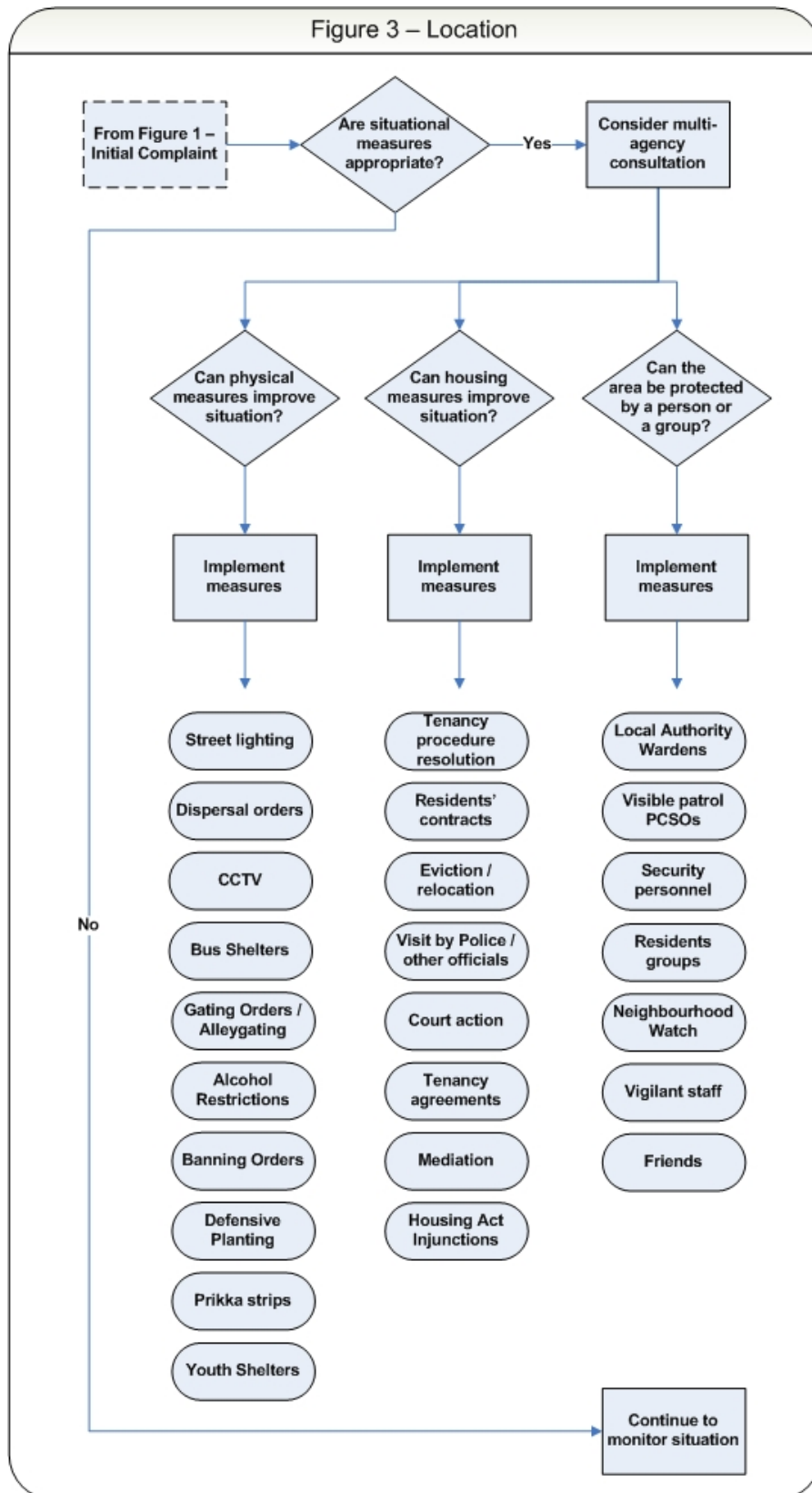
The chart which follows will guide the practitioner through the options available to support victims of ASB in Warwickshire.



## 2.3 Interventions – Locations

A Visual Audit of the location may reveal physical measures which can be implemented to address some of the causes of ASB. This often has the added benefit of active Community Engagement.

The chart which follows will guide the practitioner through the some of the options available in Warwickshire.



## 2.4 Interventions – Perpetrators

There are a number of factors which increase the risk of individuals becoming involved in criminality and anti-social behaviour. These include (but are not limited to); low educational achievement, poor housing, poor health and the presence of mental health issues.

An early positive intervention can help prevent people becoming troubled and troublesome. A wide range of interventions is available to support the perpetrators of ASB and their families. The Home Office **Guide to Anti-Social Behaviour Tools and Powers**, ([http://www.asb.homeoffice.gov.uk/uploadedFiles/Members\\_site/Documents\\_and\\_images/Enforcement\\_tools\\_and\\_powers/ToolsPowersGuideMay08\\_0145.pdf](http://www.asb.homeoffice.gov.uk/uploadedFiles/Members_site/Documents_and_images/Enforcement_tools_and_powers/ToolsPowersGuideMay08_0145.pdf)) published in May 2008 contains detailed guidance on interventions, legislation and supportive measures which can be implemented alongside enforcement tools.

There is a commonly held misconception that the vast majority of perpetrators of ASB are children and young people, and that young people 'hanging around' on its own constitutes ASB. The Audit Commission report **Tired of hanging around**, ([www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)) emphasises the use of sport and leisure activities to prevent ASB and reduce this perception.

In some circumstances, it may be appropriate to consider offering the opportunity to undertake a Common Assessment in order to identify the young person's needs as fully as possible. The Common Assessment Framework (CAF – see [www.warwickshire.gov.uk/esn](http://www.warwickshire.gov.uk/esn)) is aimed at children, young people and families who currently require extra support to minimise the need for intensive assistance in the future. The aim is to build the resilience and independence to deal with problems in the long term. A large proportion of the young people currently causing difficulties will respond positively to a Common Assessment, preventing them heading further down the road of anti-social or criminal behaviour.

The charts which follow will guide the practitioner through the some of the options available in Warwickshire.

Figure 4 – Perpetrator Warning

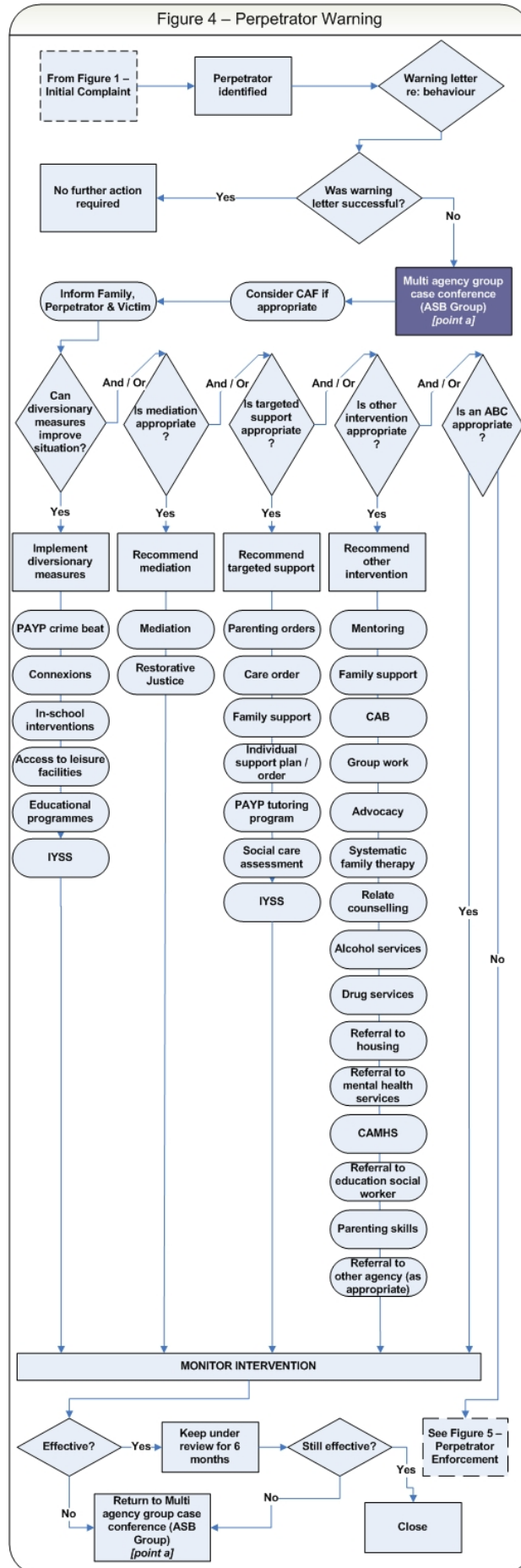
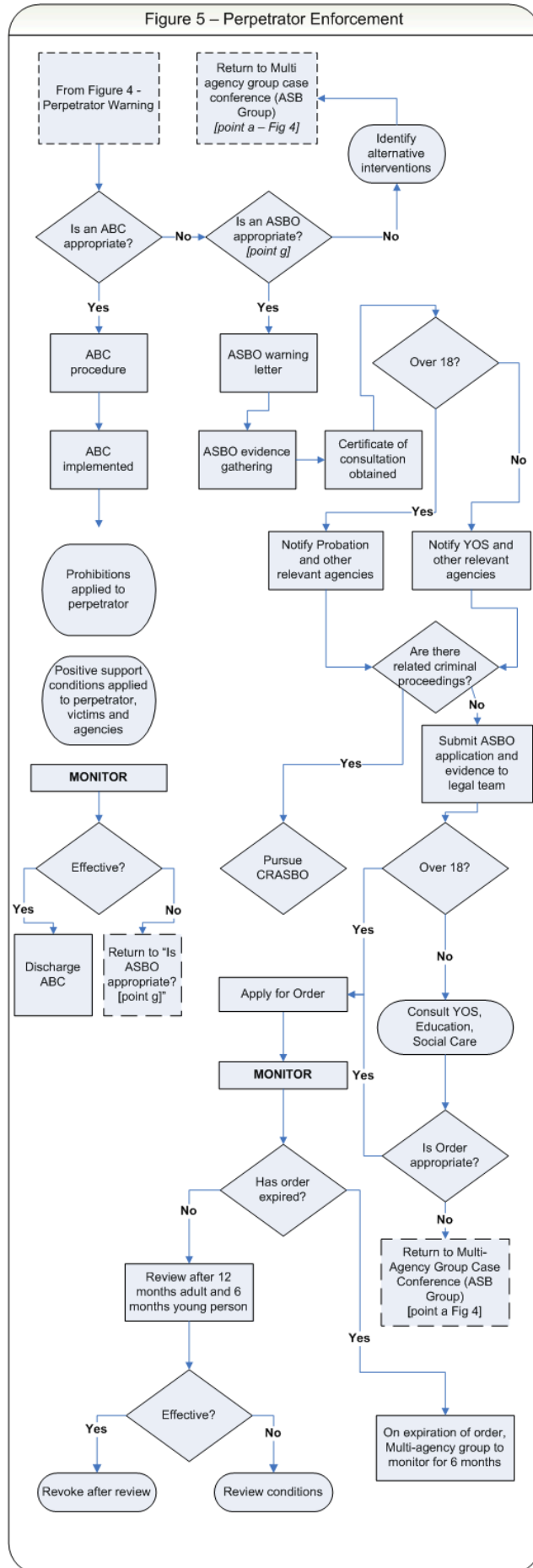


Figure 5 – Perpetrator Enforcement



## 2.5. Stage 1 – First intervention

An incident of anti-social behaviour is reported and names and addresses are taken of person(s) involved.

- A letter informing perpetrator of the fact that they have come to Police/Council notice for anti-social behaviour (or parent / guardian that their child has come to notice), is sent by the relevant ASB Officer.(Copies attached for group/individual activities)

## 2.6 Stage 2 – Acceptable Behaviour Contract

### 2.6.1 Good Practice in Acceptable Behaviour Contracts.

*Note – this guidance should be read in conjunction with the Home Office document **Acceptable Behaviour Contracts and Agreements** (August 2007) (<http://www.crimereduction.homeoffice.gov.uk/antisocialbehaviour/antisocialbehaviour058.htm>)*

*Note - whilst the purpose of an Acceptable Behaviour Contract is to modify the (mis)behaviour of a perpetrator at the earliest possible stage, practitioners should bear in mind the possibility that breach of an agreed Contract could be used to support an application for an Anti-Social Behaviour Order. Consistency of approach is, therefore, very important.*

An Acceptable Behaviour Contract (sometimes referred to as an Acceptable Behaviour Agreement - ABA) is a written, voluntary agreement between a person who has been involved in anti-social behaviour and one or more local agencies whose role it is to prevent such behaviour. ABCs can be used with the same age group as for anti-social behaviour orders (i.e. anyone aged 10 or over) but also children under the age of 10. However, where under 10s are involved, agencies may prefer to use a parenting intervention such as a parenting order or parenting contract instead. ABCs are useful for stopping low levels of anti-social behaviour and nipping it in the bud. Their flexibility means they can also be used effectively in other more serious or problematic situations.

### 2.6.2 Aims of an ABC

ABC's aim to ensure that people who behave anti-socially take responsibility for their actions and improve their behaviour. They are made aware of their impact on other people's lives, and warned of the possible consequences to them and their family, should their anti-social behaviour continue. During the ABC interview diversion projects may be suggested, for example, through local clubs, mentoring or

counselling. The contract, while taking the form of guidance rather than punishment, will include behaviour that the person has agreed to stop.

An Acceptable Behaviour Contract is, in essence, an action plan and should be used to help a person become responsible for their own actions. If you want a person to improve their behaviour, their commitment makes it more likely to succeed.

When approaching issues specifically concerning adolescent behaviour the following may be of help:

(i) Be Supportive - Ensure that the young person understands the process they are part of, and avoid making them feel inadequate- but set clear standards of performance/behaviour. High performance standards are a positive motivator;

(ii) Keep discussion impersonal- It is the easiest thing in the world to attack the young person when confronting an issue. Avoid this by focussing on the PROBLEM- even if the person is perceived to be the problem. " I don't have a problem with you- but I do have a problem with what you are doing";

(iii) Be specific about the ASB - defining the right problem is important if you are to find the right solution;

(iv) Handle problems in a concise manner- focus on the results of the young person's behaviour;

(v) Keep an open mind- don't leap to any assumptions, wait for ALL the facts. Some of the facts will only come to light if you listen to the young person. Suspect what you like but avoid pursuing suspicions too hard. As you look for a solution you will discover whether or not your suspicions are well founded;

(vi) Encourage the young person to play a full part in developing the contract, make comments and make suggestions. When encouraging suggestions, be ready to build on part ideas. However DO NOT do all the running, it is more likely to be successful if they work out the solutions for themselves, with your help.

(vii)Don't rush for a solution- lasting solutions take time and this is important with something new. Not allowing sufficient time will be counter productive;

(viii) Agree actions and dates- The action(s) contained in the contract must be appropriate to the young person and free of legalised jargon. Action and completion targets must be clear if you expect young people to comply.

(ix) Always set a review date-this sets a deadline and allows any actions by either party to be monitored.

After the ABC has been signed, the partner agencies will continue to monitor the contract which the person is expected to successfully complete and offer alternative interventions if required.

A Parental Responsibility Contract (see page 17) should be considered on every occasion when a young person is the subject of an Acceptable Behaviour Contract.

### 2.6.3 Process

- PCSO/SNT Officer with relevant ASB Officer to invite the subject and parent/guardian (required if the subject is a young person under 17 – good practice for under 18s) to the Police Station to draw up an ABC between Lead Agency, the subject, and the parent (if relevant)
- All parties must agree to the conditions.
- A photograph of the subject should be attached to the ABC if possible.

### 2.6.4 ABC conditions

- Must be **relevant, realistic, reasonable and proportionate** – there is no point in drafting a Contract which the subject will not/cannot adhere to.
- Must relate to actions already committed by the subject and which may be committed again.
- Must be clear, concise, accurate and set out in terms which the subject can relate to and understand.
- Must be particularly clear about matters of time and place (Scale OS maps will be used to mark out roads and areas which are subject to any prohibitions)
- Need not be confined to acts which are already criminal, but may also prohibit actions which, although not criminal themselves, would be necessary precursors to a criminal act e.g. a prohibition on entering a shop rather than shoplifting
- If the subject and/or parent refuse to enter into an ABC it must be recorded in the evidence log for a possible ASBO.
- The Contract normally lasts for six months after which time it will be reviewed. It is not legally binding, but if breached, can be

## **2.7 Stage 3 – Review/Possible breach**

Continuation of unacceptable behaviour or serious breaches of the ABC may lead to enforcement action. This may result in an application to the Court for an Anti-Social Behaviour Order and/or criminal proceedings.

If there are minor breaches, a meeting will normally be held with the subject to reiterate the terms of the contract and decide whether any further action needs to be taken or the ABC amended.

If the ABC conditions have been breached, the case should be referred back to the multi-agency ASB group. If not, a sign-off letter can be issued to the subject.

## **2.8 Stage 4 – Breach – final warning**

If the ASB continues, at this stage the case should be referred back again to the multi-agency ASB groups and partners should begin gathering evidence for an ASBO application.

If the ASB has ceased, a sign-off letter can be issued to the subject.

## **2.9 Stage 5 – ASB Order application**

Application is made to the Magistrates' Court, via the ASB Group, for an Anti-Social Behaviour Order.

## **2.10 Parental Responsibility Contract**

This is a Contract made between the Lead Authority and a young person who has behaved anti-socially, and their parents.

The completion of a Parental Responsibility Contract should be sought on every occasion when a child is the subject of an Acceptable Behaviour Contract.

By signing the Contract, the parents are agreeing to do their best to ensure that the conditions of the ABC are adhered to, and that any breaches of the agreed conditions will be reported to the Police or the Anti-Social Behaviour Officer.

## **2.11 Breach of a PRC**

Continuation of unacceptable behaviour or serious breaches of the PRC and an ABC may lead to enforcement action. This may result in an application to the Court for an Anti-Social Behaviour Order and/or criminal proceedings.

If there are minor breaches of the agreement, a meeting will normally be held with the young person and their parent. This meeting will consider the implications of the breach and decide on any further action, which may be necessary.

Alongside a PRC, the Lead Authority may wish to consider alternative parenting interventions such as parenting classes or guidance.

### 3. THE ANTI-SOCIAL BEHAVIOUR GROUP

The principal role of the ASB Group is to actively case-manage incidents of ASB which have not been resolved by early intervention to the level of ABC. The guidance which follows is intended to ensure a consistent countywide approach to ASB case management.

The Home Office **Guide to Anti-Social Behaviour Orders** ([http://www.respect.gov.uk/uploadedFiles/Members\\_site/Documents\\_and\\_images/Enforcement\\_tools\\_and\\_powers/ASBOGuidance\\_HOAug2006\\_0043.pdf](http://www.respect.gov.uk/uploadedFiles/Members_site/Documents_and_images/Enforcement_tools_and_powers/ASBOGuidance_HOAug2006_0043.pdf)) is a comprehensive source of information on the process for applying for an ASB order, although it should always be supplemented by up-to-date legal advice.

#### 3.1 Structure and purpose of the ASB Group.

An Anti-Social Behaviour Group (ASBG) has been established within the administrative area of each of the 5 district councils in Warwickshire. The Group is responsible to the local Crime and Disorder Reduction Partnership (CDRP) and includes representatives from the relevant Responsible Authorities (the District/Borough Council, the Police, the County Council, Primary Care Trust, Fire Authority and Police Authority) together with any other appropriate partner agencies such as Probation, Youth Offending Service, Social Landlords etc.

The ASBG should meet regularly, with timescales to be agreed locally.

The purpose of the Group is to review incidents of unresolved ASB referred to it by any of the Groups' members to:-

- (a) Ensure a complaint has not been made as a result of malice or discrimination.
- (b) Decide which agency is to take the lead, where the reporting agency has not already assumed this role.
- (c) Agree an action plan aimed at:
  - Supporting the victims and witnesses of anti-social behaviour
  - Preventing further anti-social behaviour by identifying and assigning specific actions relating to perpetrator, victim and location, as appropriate
- (d) Monitor the progress and outcomes of action plans.
- (e) Monitor and review progress with ABCs.
- (f) Formally review ASB Orders, Individual Support Orders and Parenting Orders.
- (g) Provide a performance report to the parent CDRP.
- (h) Where appropriate, refer case management to the local Prolific and Priority Offender Group or the Multi-Agency Public Protection Arrangement.

## 3.2 Conduct of the ASB Group.

3.2.1 In determining which should be the lead agency in a particular case the following considerations will apply:

- **Registered Social Landlord(s)}** Where the incidents take place
- **British Transport Police}** primarily on, or affect premises, for which they are responsible.
- **The Police}** A matter for negotiation between
- **The Local Authority}** the police and local authority

3.2.2 The lead agency will appoint a lead officer to be responsible for progressing the case in accordance with the decision of the ASBG and the action plan.

3.2.3 Whilst the lead agency would normally be expected to bear the costs of any ASBO application, partners should be able to reach agreement on apportionment where an Order would benefit the community as a whole.

3.2.4 The co-ordinating agency will normally chair the ASB meeting and provide administrative support for the Group.

3.2.5 The co-ordinating agency will decide on the urgency of the case. Where a case is designated as urgent the co-ordinating agency will appoint the police or local authority as the lead agency and arrange consultation with partner agencies for urgent comments. If necessary, the co-ordinating agency will convene a special meeting of the Group.

3.2.6 If the circumstances of the case indicate that an application for an Interim ASBO is appropriate, the lead agency should coupled make immediate contact with the Court.

3.2.7 In non-urgent cases, the co-ordinating agency will arrange for the case to be considered at the next scheduled meeting of the ASBG.

3.2.8 If there is a possibility that the anti-social behaviour is also affecting people in an adjoining local authority area, the co-ordinating agency will consult the relevant agencies in that area, in case there is a need for an action plan applying to more than one local government area.

3.2.9 Whilst there is no absolute requirement to advise a person that an application for an ASB Order is to be considered in his or her case, it is recommended that, unless there are exceptional circumstances, the Chair of the Group offers that person a chance to comment on the proposal.

3.2.10 In cases where it is necessary to seek the consent of an individual or to inform them that information will be shared in order to comply with the fair processing principle of data protection legislation, the co-

ordinating agency will take the necessary steps to obtain consent or inform the individual.

3.2.11 At the meeting of the ASBG, each partner agency will be invited (within the parameters of the current version of the Warwickshire Sharing of Information Protocol) to exchange any relevant information and comments about a case.

3.2.12 In agreeing the content of an action plan to prevent further anti social behaviour the ASBG will take the following considerations into account:

- Is there evidence that an identified individual has acted in a manner that caused harassment, alarm or distress to another person not of the same household in circumstances where there is no reasonable excuse for the conduct, and which constitutes a pattern of behaviour over the relevant period of time?
- Is there evidence that the actions of the individual have had a serious negative impact on others?
- What action (if any) has been taken to restrain the type of conduct or to divert the individual to more positive ends?
- What courses of action are still available and which (at this stage) might be appropriate?
- Whether there are potential or ongoing Court proceedings where the ASBO could be applied for within those proceedings rather than a “free standing” application being made to the Court. (Government Guidance stresses that it is good practice for the lead agency to consult with partners before applying for an Order on Conviction to ensure that any conditions are as comprehensive as possible).
- Whether the ASBG agrees that it is appropriate and necessary in the circumstances to apply for an ASBO
- If the ASBG decides that to apply for an ASBO is appropriate, what other actions (if any) are being taken or should be taken in parallel?
- If the ASBG decides an ASBO is NOT appropriate, what alternative action is agreed and why?
- Whether publicity should be sought once a Court Order has been made? If the action is to be publicised then the impact of that decision should be explored with partner agencies.
- There is no requirement for the lead agency to demonstrate that it has exhausted every other remedy before applying for an ASBO.

3.2.13 The resulting Action Plan is an agreed, time specific strategy with responsibility and accountability allocated to relevant officers for the purposes of supporting witnesses/victims, preventing further anti social behaviour and pursuing remedies as agreed.

As a minimum there should be a record of;

- Name, address, date of birth, gender and ethnicity of perpetrator;

- Name, address, age, gender and ethnicity of the victim(s)-or a statement that the case involved no identified victim;
- Brief details of current interventions;;
- Details of any contributory issues e.g. drugs, alcohol and substance misuse and/or mental health problems
- Details of any aggravating factors e.g. racial motivation;
- Date and conditions of any ABC/ASBO;
- Outcomes in terms of whether or not the anti-social behaviour ceased.

### **3.3 Recording and Implementing the ASBG's Decision**

3.3.1 Where there has been a meeting of the ASBG, the minutes and the note of the action plan will be circulated within 5 working days unless the Group requests greater urgency. The action plan will commence from the date of the Group and will be reviewed after one calendar month or at the next Group meeting.

3.3.2 The action plan should not be varied without reference back to the agencies involved in the case management meeting.

3.3.3 If a decision is taken to apply for an ASBO, the delegated officer for the lead agency will, in addition to obtaining the minutes and action plan from the ASB Group, arrange for the relevant authorities to sign a Certificate of Consultation. The legislation does **not** require any indication as to whether the party being consulted was in agreement with the decision or not. Supporting statements or reports from partner agencies should be provided separately.

3.3.4 If the Group is unable to agree on a course of action, the lead agency will need to review whether there are reasons for applying for an ASBO despite the absence of a consensus.

3.3.5 If it is decided to apply for an ASBO the co-ordinating agency will:

- Ensure that complainants are kept informed of the progress of the case and take responsibility for handling the media, given that there may or may not be reporting restrictions in court;
- Monitor progress against the action plan to assess the needs of victims and witnesses and to discuss future handling of the case;
- Appoint an officer in overall charge of the case.
- Keep the partner agencies in touch with the progress of the action plan.

## 4. APPENDICES

### 4.1 Evidence Gathering – Letter & Incident Log

Dear Resident

Re: Anti Social Behaviour – (area/nuisance youths)

You may be aware of incidents of Anti Social Behaviour occurring in the area that are affecting the quality of life for residents.

- Warwickshire Police have reported problems with groups of youths using abusive language and playing ball games in unsuitable areas.
- Etc
- etc

Anti Social Behaviour is the behaviour of the minority that blights the lives of the majority, affecting people who are subjected to it. The term Anti Social Behaviour is defined as “behaviour that causes, or is likely to cause harassment, alarm or distress to one or more people who are not in the same household as the perpetrator.”

Anti Social Behaviour requires a wide range of interventions and responses to deal with it effectively. The local Police team and South Warwickshire Anti Social Behaviour Officer are working together to take action against those responsible, so that you can live in a more tolerable environment.

To assist us we strongly urge you to report any such incidents. Once a report has been made we will ask you to complete a nuisance diary to identify the individuals and areas concerned, once the form has been completed and returned we will use the information to decide on the most effective course of action to take.

We can consider warning letters, Acceptable Behaviour Contracts and Anti Social Behaviour Orders for more serious incidents; we may take action under the Tenancy Agreement for Local Authority tenants.

All criminal acts need to be reported to the Police direct, and a crime number put on your incident diary.

Please note that you must fully complete the Incident Diaries in order for action to be taken. The Council will guarantee complainants anonymity.

Yours sincerely

**4.2 Incident Diary**

# Incident Diary

PLEASE DO NOT PHOTOCOPY EXTRA BLANK SHEETS

Your Name: ..... Your Telephone Number(s):.....

Your Address: .....

<i>What happened?</i>	<i>When (date/time) did it happen, and for how long?</i>	<i>Where did it happen?</i>	<i>Who did it?</i>	<i>Any witnesses? (Contact details)</i>	<i>How did this affect you?</i>

Please Note – In the event of legal proceedings, this diary may be produced as evidence in Court

### **4.3 ABC Stage 1 – Advisory letter (Group)**

Dear Parent or Guardian

Anti Social Behaviour

Both the Police and the Local Authority have received reports of incidents of Anti Social Behaviour occurring in

A number of young people are congregating in the area causing alarm and distress to local residents. There are allegations of anti-social behaviour as a result of underage drinking and the Police have confiscated alcohol from a number of youths.

Whilst not suspected of being involved in criminal activity or anti-social behaviour, your son/daughter, was reported as being a member of the group involved. This is to make you aware of his/her presence in the area, which will be subject to increased Policing.

Should you require any further information, please contact me.

Yours sincerely

#### 4.4 ABC Stage 1 – Advisory letter (Individual)

Dear Parent

Anti Social Behaviour

I have received a report from Warwickshire Police of anti social behaviour involving your son/daughter Insert name. Complaints have been received that Insert name

- **Insert alleged ASB details here**

This is a written warning that the above behaviour cannot be allowed to continue. Failure to address this behaviour will result in further action against Insert name and may lead to the following consequences:

Acceptable Behaviour Contract:

This is a written agreement between the Police, the Council, yourself and your son/daughter. If the contract is breached, Anti Social Behaviour Order proceedings could be initiated.

Anti Social Behaviour Order:

This is an application to the Magistrates' Court for an order to prohibit the perpetrator from acting in a manner likely to cause harassment, alarm or distress to one or more persons not of the same household. If this is breached, the perpetrator could be liable on conviction to terms of up to 5 years imprisonment or a fine or both.

Please be aware that if you live in rented accommodation, Insert name's behaviour may constitute a breach of your tenancy conditions. Information concerning the incidents will be passed to your landlord for further investigation; it is possible a Notice Seeking Possession may be served on you. If such a notice is served on you, you and your family could be ordered to leave your home by the County Court.

I strongly advise that Insert name should modify his/her behaviour immediately and I hope that I do not have to contact you further on this matter.

Yours sincerely

4.5 ABC Stage 2

# ACCEPTABLE BEHAVIOUR CONTRACT

THIS CONTRACT is made on the 00th day of September 2009  
BETWEEN: Warwick District Council, Warwickshire Police

**And**

Name:

Address:

Date of Birth: 00/00/0000

Insert name **AGREES** the following in respect of future conduct-

This Contract is entered into voluntarily and is valid for 6 months. The Contract is designed to help you stop any offending or anti-social behaviour or other conduct causing concern.

To put things right, I agree to:

Further insert name enters into a commitment with the Police and Council not to act in a manner, which causes or is likely to cause harassment, alarm or distress to one or more persons not in the same household.

If insert name does anything which s/he has agreed not to do under this Contract, which the Police or Council considers to amount to anti-social behaviour, the Police or Council may make an application to the Magistrates' Court for an Anti-Social Behaviour Order to prohibit insert name from acting in a manner likely to cause harassment, alarm or distress to one or more persons not of the same household.

## Declaration

I confirm that I understand the meaning of this contract and that the consequences of a breach of the contract have been explained to me.

Signed .....Young Person

Date .....

Signed .....Parent/Responsible Adult

Date .....

## Witnessed

Signed .....Police Officer

Date .....

Collar No.....

Signed .....Anti Social Behaviour Officer

Date .....

#### **4.6 ABC Stage 3/4**

Congratulations on successfully behaving in accordance with your Acceptable Behaviour Contract.

This is an excellent achievement and it is appreciated by all concerned that it required a tremendous amount of hard work and determination from you.

It is encouraging to see that you have been able to work with the Police and Council, rather than being at odds with them and I hope that this situation can continue.

Something, which I hope your achievement may lead to, is that this new self-belief will set a good example to your friends.

Once, again, well done on your success and I encourage you to continue this for the future.

## **5. KEY CONTACT INFORMATION**

As a starting point for enquiries with any individual agency, you may wish to use the following contacts.

### **Coventry, Solihull and Warwickshire Partnership: Connexions**

Telephone: 02476 707400

### **District and Borough Contacts**

North Warwickshire Borough Council

Contact: Community Development Officer- Safer Communities

Telephone: 01827 719354

Nuneaton and Bedworth Borough Council

Contact: Regeneration Officer – Community Safety

Telephone: 02476 376322

Nuneaton & Bedworth Leisure Trust

Contact: Youth Inclusion Officer

Telephone: 02476 400596

Rugby Borough Council

Contact: Community Safety Partnership Manager

Telephone: 01788 533247

Stratford District Council

Contact: Community Safety Manager

Telephone: 01789 260801

Warwick District Council

Contact: Community Safety Manager

Telephone: 01926 456021

### **Victim Support Warwickshire**

Telephone: 01926 450514

### **Warwickshire Association of Youth Clubs**

Telephone: 01926 450156

### **Warwickshire Children and Voluntary Youth Service**

Telephone: 01926 413611

Warwickshire County Council

Community Safety Team  
Contact: Community Safety Support Officer  
Telephone via switchboard 01926 410410

Drug and Alcohol Action Team  
Contact: DAAT Team Administrator  
Telephone via switchboard 01926 410410

Positive about Young People  
Contact: Administration Manager  
Telephone: 02476 754168

Trading Standards  
Telephone: 01926 414040

Youth and Community Service  
Contact: Area Managers  
North Warwickshire: 01926 413900  
Nuneaton and Bedworth: 02476 382815  
Rugby: 01926 736500  
Stratford: 01926 413604  
Warwick: 01926 498088

Youth Justice Service  
Leamington Office: 01926 736200  
Nuneaton Office: 02476 482900  
Rugby Office: 01788 331256

Warwickshire Family Information Service

Information, advice and guidance service for families, children and young people, schools and service practitioners  
Telephone: 0845 090 8044

Warwickshire Fire and Rescue Service

Arson Reduction Manager  
Telephone: 02476 483205

Young People's Initiatives Manager  
Telephone: 01926 410800

Youth Development Manager  
Telephone: 02476 383486

Warwickshire Police

ASB Manager  
Telephone: 01926 415000 (ext: 4340)

To find contact details for your local Safer Neighbourhood Team, visit  
<http://www.safer-neighbourhoods.co.uk>

Other services via main switchboard: 01926 415000

*Warwickshire Prolific and Other Priority Offenders (PPO) Scheme*

Contact: PPO Scheme Co-ordinator

Telephone: 01926 686051

*Warwickshire Probation*

Contact: Unpaid Work Scheme Manager

Telephone: 02476 482822