

Guidance on Antisocial Behaviour Strategies

Antisocial Behaviour etc. (Scotland) Act 2004



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SCOTTISH EXECUTIVE

Guidance on Antisocial Behaviour Strategies

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INTRODUCTION

1. Part 1 of the Antisocial Behaviour Etc (Scotland) Act 2004 (“the 2004 Act”) places a statutory duty on each local authority and relevant chief constable to prepare a strategy for dealing with antisocial behaviour in the authority’s area. This can be viewed at: www.hmsso.gov.uk

2. Part 1 of the Act also places duties on local authorities and relevant chief constables in relation to the following:

- *Content*: essential information to be included in the strategy;
- *Process*: who must be consulted in the preparation of the strategy;
- *Information sharing*: how the local authority and chief constable will coordinate their functions and exchange information and what other agencies are required to do in respect of information-sharing; and
- *Monitoring, review and reporting*: how the strategy should be reviewed and reported on.

3. Section 83 of the Criminal Justice (Scotland) Act 2003 placed a duty on local authorities and the police to prepare antisocial behaviour strategies. However this provision never commenced and has been repealed and replaced by Part 1 of the Antisocial Behaviour (Scotland) Act 2004. The new provisions come into effect on **28 October 2004**.

4. This guidance has been produced to assist local authorities and chief constables to meet their statutory duties under Part 1 of the 2004 Act. It has been produced by the Scottish Executive, in close collaboration with the Convention of Scottish Local Authorities (COSLA), the Association of Chief Police Officers in Scotland (ACPOS), Scottish Children’s Reporter Administration (SCRA) and the Scottish Federation of Housing Associations (SFHA). It has been prepared following an extensive consultation with a wide range of interests.

5. In order to ensure that discussions on future financial support from the Executive from 2005 and the associated Outcome Agreement reflect the strategic approach being taken in each local authority area, we would strongly recommend that the first edition of local strategies should be finalised and published by **31 March 2005**.

6. At the same time as this guidance is issued, the Executive will issue statutory guidance on other provisions in the 2004 Act. These will cover:

- Antisocial Behaviour Orders (ASBOs), including ASBOs for under 16s
- Dispersal of groups
- Closure of premises
- Noise nuisance
- Graffiti removal

- Banning of spray paint
- Disclosure and sharing of information

7. Guidance on other parts of the Act, including Parenting Orders, intensive support and monitoring of under 16s and the national registration of private sector landlords will be issued in due course, in time for the commencement of these provisions.

Contacts

8. If you have any queries about this guidance please contact the Antisocial Behaviour Unit on: 0845 774 1741 or e mail antisocialbehaviourunit@scotland.gsi.gov.uk.

9. In addition, as part of the wider programme of support for the implementation of the Antisocial Behaviour etc (Scotland) Act 2004, the Executive is funding a telephone advice line for practitioners. The service will provide telephone advice and support on a wide variety of technical issues such as how to apply for an Antisocial Behaviour Order, the process of granting a closure notice etc. This service will be available from the end of November 2004 and the number will be widely published in advance. If you want to find out more information about the advice line, you can contact the Executive's Antisocial Behaviour Unit by email at antisocialbehaviourunit@scotland.gsi.gov.uk

CONTEXT

The 2004 Act and Wider Strategy

10. The Partnership Agreement following the May 2003 Scottish election committed the Executive to introducing legislation to tackle anti-social behaviour. The full text of the Act can be found at:
<http://www.scotlandlegislation.hms.gov.uk/legislation/scotland/acts2004/20040008.htm>

11. The Act provides a range of new legal tools - in the areas of justice, the environment, housing and child welfare - which will enable local authorities and other agencies to tackle anti-social behaviour more effectively.

12. The Act is part of wider national strategy for tackling antisocial behaviour which aims to bring about a step change in people's attitudes and behaviour. The strategy focuses on four themes:

- Protecting and empowering communities
- Preventing antisocial behaviour by working with children and families
- Building safe, secure and attractive communities
- Effective enforcement.

13. The strategy is underpinned by five key principles. These are:

- Everyone has a right to live without the scourge of antisocial behaviour, but everyone also has responsibilities - to respect themselves, their immediate neighbours and the community generally.
- Building on what has gone before. There is a lot of good work being done across Scotland to tackle antisocial behaviour. Many individuals, local authorities and agencies already invest considerable energy, commitment and resources to address antisocial behaviour, its causes and effects. The 2004 Act and the wider antisocial behaviour strategy are designed to give added impetus to this work, so that antisocial behaviour can be tackled more effectively wherever it occurs.
- Prevention is better than cure and voluntary or negotiated solutions usually better than sanctions. Preventing antisocial behaviour and tackling it at the earliest possible stage continue to be essential. But enforcement is still needed and there have to be effective sanctions to deal with those who persistently fail to respond and for the most serious cases. The Executive has committed considerable investment, both direct and indirect, in support of these measures.
- Tackling antisocial behaviour is not about stigmatising particular groups of people. The 2004 Act and wider strategy are about supporting the great majority of people who want to live harmoniously with others in safe and secure communities. This includes the great majority of young people, who are more often the victims of antisocial behaviour, than the perpetrators. But we also need to tackle the small minority in communities whose present behaviour undermines this.
- Joined up action at the local level within a national framework. Action to tackle antisocial behaviour must respond to local needs and priorities, and must take into account differences between communities in local authority areas. It is only local agencies, working together in a concerted and coordinated way with local people, that can tackle antisocial behaviour effectively. However, this action needs to fit with national priorities and with the national accountability framework that the Executive is currently developing with COSLA and other partners.

Defining antisocial behaviour

14. Section 143 of the 2004 Act sets out the interpretation of antisocial behaviour in relation to the Act. This provides that a person engages in antisocial behaviour if they:

- act in a manner that causes or is likely to cause alarm or distress; or
- pursue a course of conduct that causes or is likely to cause alarm or distress

to at least one person not of the same household as them.

15. The Act further clarifies that:

- “conduct” includes speech;
- “a course of conduct” must involve conduct on at least two occasions;
- “likely to cause” has the effect that someone other than a victim of the antisocial behaviour can give evidence of its occurrence. This is intended specifically to enable the use of professionals as witnesses where those targeted by antisocial behaviour feel unable to come forward, for example, for fear of reprisals or intimidation.

16. In practice, antisocial behaviour can mean different things to different people. It can cover a wide range of behaviours from litter to serious harassment, from dog fouling to criminal damage to property. Behaviour regarded as acceptable by some can be seen as antisocial and can be completely unacceptable to others. Expectations of standards of behaviour can also vary between communities and groups within communities. In addition, antisocial behaviour is not necessarily behaviour that is merely different, or that is the result of a medical or developmental condition or a mental health problem. So, tolerance and awareness of others’ needs is an important part of tackling antisocial behaviour. In addition, there are currently few measures of antisocial behaviour and data collection is hampered by under-reporting of incidents and difficulties in analysis of complaints made.

17. For these reasons, the definition of antisocial behaviour has been left deliberately wide and flexible. It is for local agencies in consultation with local people to decide on the particular nature of problems in particular communities and the appropriate action to be taken. In defining antisocial behaviour an important factor that should guide agencies is the effect of the behaviour on the wider community.

Links to Community Planning

18. Community Planning provides the overarching framework in Scotland for making public services more responsive to, and better organised around, the needs of communities. It also provides the means by which agencies can work together to coordinate more effectively the delivery of services, and will improve the connection between national priorities and those at regional, local and neighbourhood levels. The Local Government in Scotland Act 2003 provides the statutory basis for the Community Planning process in Scotland.

19. Tackling antisocial behaviour, which is one of the highest priorities of communities, needs the active engagement of local people. They are the ones that experience the effects of antisocial behaviour and they need to be closely involved in developing the solutions. It also requires local agencies to work closely together. To ensure this happens as effectively as possible, action to tackle antisocial behaviour should be integrated in the framework of Community Planning.

20. In fulfilling their responsibilities under Part 1 of the 2004 Act, local authorities and their partners should therefore have regard to the statutory guidance on Community Planning and should refer to the Advice Notes that supplement it. <http://www.communityplanning.org.uk/legislation.html>. We do not intend to reproduce this guidance in this document but provide hyperlinks to relevant sections of the Community Planning guidance.

21. While the preparation and publication of antisocial behaviour strategies and the production of progress reports is a new requirement for local authorities and chief constables, tackling antisocial behaviour is not a new endeavour. Across the country local agencies already have in place plans and frameworks for tackling antisocial behaviour, usually as part of Community Safety strategies, and are already working closely with local people to address both its causes and effects. The intention is that local agencies should build on these existing plans and frameworks in developing their antisocial behaviour strategies.

22. In developing strategies, local authorities, chief constables and their partners will need to take account of the work of other strategic partnerships set up under the Community Planning framework, and will need to ensure close integration between the strategy and other policies and strategies that also have a role in tackling anti-social behaviour. These include:

- Community Plan
- Community Safety strategies
- Regeneration Outcome Agreements
- Local Housing strategies (and tenant participation strategies)
- Integrated Children's Services Plans and Youth Justice strategies
- Health improvement (particularly drug/alcohol strategies)
- Community learning and development strategies
- Victims support strategy
- Equalities (particularly strategies to tackle race/other hate crimes)
- Homelessness strategies

23. Although not a requirement of the Act, it is recommended that strategies include a section on how other plans and strategies contribute to the delivery of the antisocial behaviour strategy, or at least appropriate cross-references. The intention is not to duplicate the work that has already gone into producing these strategies, but to ensure coherence and synergy. It is hoped that this will result in a more holistic approach across the range of strategies, as well as reducing bureaucratic procedures.

24. At the local/neighbourhood level, action to tackle antisocial behaviour will need to link to other neighbourhood based structures and initiatives, including:

- structures to take forward Community Planning at the local level
- Social Inclusion Partnerships (SIPs) and successor arrangements through the integration of SIPs into CPPs.
- Integrated community schools

- Neighbourhood management structures
- Neighbourhood compacts (linked to community warden schemes.
- Neighbourhood Watch schemes.

Equal opportunities

25. Section 140 of the 2004 Act provides that any person discharging a function by virtue of the Act shall do so in a manner that encourages equal opportunities and in particular the observance of equal opportunity requirements, as defined in the Scotland Act.

26. "Equal opportunities" means the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

27. "Equal opportunity requirements" means the requirements of the law for the time being relating to equal opportunities. It is important that local authorities and their partners not only commit to the principles of equal opportunities but can demonstrate how they will take this forward through the strategy, including issues particularly affecting black and ethnic minority groups.

WHO SHOULD PREPARE STRATEGIES?

28. The 2004 Act requires each local authority and relevant chief constable, acting jointly, to prepare, publish, review and revise strategies to tackle antisocial behaviour in the authority's area. The Act defines "relevant chief constable" as being "the chief constable for the police area which forms all or part of the area of the local authority".

29. In addition to requiring local authorities and the chief constable to consult Registered Social Landlords (RSLs) on strategies, the Act gives Scottish Ministers the power to make regulations to require particular RSLs to participate in the preparation, review and revision of strategies under Section 1 of the Act. This power has been adopted because of the very varied nature of RSLs, some of which are very large, having received local authority stock, while others, for example in rural areas, may be managing relatively few properties. We would expect those RSLs that are the main or a major housing provider in the local authority area to be more closely involved in all aspects of the strategy than smaller ones.

Community Safety Partnerships and other Community Planning structures

30. Although the legal responsibility for strategies rests with the local authority and chief constable, in practice strategies will be prepared using Community Planning processes and structures.

31. It is for Community Planning Partnerships to determine the most appropriate Community Planning structures, at strategic, operational and geographic levels, that will most effectively provide a coordinated and coherent approach to the preparation, delivery and review of antisocial behaviour strategies. In most local authority areas the appropriate structure will be the Community Safety Partnership, most of which already have tackling antisocial behaviour as one of their priorities. In some local authority areas it may be necessary to consider widening the remit and/or activities of Community Safety Partnerships to ensure that the CSP is able effectively to act as the point for preparing the strategy and overseeing its delivery.

32. “*Safer Communities in Scotland*” (Scottish Executive, July 1999 www.scotland.gov.uk/library2/doc01/scis-00.htm) provides comprehensive guidance to assist Community Safety Partnerships to create the framework necessary to undertake community safety audits, develop strategies and action plans. The guidance recommends that, as a minimum, partnerships should involve, at a senior level, the local authority, police, health board and/or trust and the fire service. It also stresses that partnerships should consider the role of the private and voluntary sectors, RSLs and racial equality councils, either as members of the core partnership groups, or by being involved in specific working groups.

33. “*Threads of Success*” (www.scotland.gov.uk/library3/society/tosm-00.asp), a study of 5 community safety Pathfinder Councils, recommended that Community Safety Partnerships should operate at three levels - a strategic senior partners group to commit their organisations, direct, agree and review action; an operational group to manage tasks and implement; and task groups to deliver on key priorities.

34. In view of their statutory responsibilities, Community Safety Partnerships will want Authority Reporters involved at the strategic level. Consideration should also be given to involving the Area Procurator Fiscal. At the operational level, local Procurators Fiscal, Children’s Reporters, and key voluntary groups, for example victims’ organisations, will also have a role to play. Since all key players in the justice system have an interest in the way that antisocial behaviour is tackled, local authorities and chief constables will also want to consider how they might involve organisations, such as Sheriffs and/or their staff in these discussions.

35. The Executive is currently undertaking a review of support for CSPs which will be published soon.

Proactive Antisocial Behaviour Units

36. The Partnership Agreement commits the Executive to encouraging local authorities to set up proactive antisocial behaviour units. A number of local authorities have already established such units, operating at local authority wide and/or neighbourhood levels. They have proved successful in bringing relevant local authority departments together (eg Housing, Education, Children’s Services, Social Work, Environmental Services, Legal Services, Leisure Services) with other agencies, such as the police, RSLs, and relevant voluntary/community organisations (eg those providing services such as victim support and mediation) to tackle antisocial behaviour. These units need to work closely with Youth Justice Action Teams and Drug Action Teams to ensure a coherent and coordinated response.

37. In smaller local authorities it may not be necessary, nor cost-effective, to establish a dedicated antisocial behaviour unit as such, but there should, as a matter of good practice, be one person - at senior level within the authority- who has strategic responsibility for ensuring a coherent approach to tackling antisocial behaviour across all relevant local authority departments, and who would coordinate the strategy preparation and delivery process.

WHO SHOULD BE CONSULTED?

38. The 2004 Act requires consultation on the preparation, review and revision of the strategy with the following:

- the Principal Reporter;
- registered social landlords (RSLs) which provide or manage property in the authority's area;
- community bodies and other persons that the local authority considers appropriate. In considering who to consult, the local authority should seek to include those who are representatives of people adversely affected by antisocial behaviour.

Principal Reporter

39. The Principal Reporter is the chief officer of SCRA which is a national body delivering its services in all of Scotland's local authority areas. The basic role of SCRA is to act as the gatekeeper for the Children's Hearings system. Children's Reporters are professionals trained to investigate the circumstances in a child's life and to decide if compulsory measures of supervision may be required.

40. However, Ministers have also recently asked SCRA to take on a wider role: to lead and drive improved outcomes within the system; to identify areas of concern; to act to understand the root causes; and, in partnership with others, how those causes might be eliminated.

41. Although the Act provides formally that the Principal Reporter must be consulted on the preparation, review and revision of strategies, in practice this will be the Authority Reporter from SCRA. This will ensure that local authorities are provided with informed comment from an officer who can represent the views of partners in the Children's Hearing System locally and nationally. In consulting with SCRA, local authorities should allow sufficient time for this process to take place to ensure a quality response can be prepared.

Registered Social Landlords

42. There are various reasons why RSLs must be consulted on the development, review and revision of strategies. RSLs own and manage 238,000 homes across Scotland, a figure which is likely to grow still further. Tackling antisocial behaviour is an integral part of providing an efficient and effective housing management service; hence RSLs having the right to apply for ASBOs and interim ASBOs, including those for under 16s. Many RSLs also play a wider role in supporting the communities in which they operate. RSLs are regulated by Communities Scotland and are expected to work in partnership with other agencies to manage antisocial behaviour.

43. At the local/neighbourhood level, consultation between local authorities and RSLs is important so that they can identify their relevant services and agree common/shared approaches to be established to resolve problems within local areas, irrespective of ownership/landlord/tenure.

44. Local authorities are encouraged to develop protocols with RSLs, to cover respective roles in and circumstances under which each would tackle antisocial behaviour, including ASBOs. Protocols could also cover the circumstances in which the local authority would/would not charge for services, for example investigation teams.

45. In consulting RSLs, local authorities should allow sufficient time to allow RSLs to consult their tenants. This is not to suggest that local authorities should not consult their own tenants: rather, that RSLs and their tenants should not be excluded from the consultation process on antisocial behaviour strategies.

Community bodies

46. “Community bodies” are defined as having the meaning given in the Local Government in Scotland Act 2003. This defines them as “bodies or other groups, whether or not formally constituted, established for purposes which consist of or include that of promoting or improving the interests of any communities (howsoever described) resident or otherwise present in the area of the local authority”.

Victims of antisocial behaviour

47. In considering who to consult, the 2004 Act requires local authorities to seek to include those who are representative of people adversely affected by antisocial behaviour, irrespective of housing tenures. The people most adversely affected by antisocial behaviour will differ from place to place and decisions on who to consult need to be taken locally. However, research evidence shows that certain groups of people are likely to be worst affected by antisocial behaviour, including:

- the poorest individuals and families who are least able to move away or bear the cost of antisocial behaviour;

- children and young people, who can be an easy target for negative peer group pressure, or who are vulnerable because they are outside traditional support structures such as school or work;
- those who are already discriminated against because of their race, ethnicity, religion or sexual orientation, who may have fewer support networks or be less willing to ask local organisations or the police for help;
- other vulnerable people, eg older people, women and disabled people, including children/adults with mental health or learning difficulties, who are some of the people most affected by the fear of crime.

Consultation structures and processes

48. It is recognised that, because of their social exclusion and vulnerability, the views of the above groups can be difficult to gather. In many areas, Community Planning structures and processes already exist that will help to ensure effective consultation with community bodies including groups representing those outlined in paragraph 47 above. But in other areas there may be a need to build on these structures or establish new ones so that the perspectives and experience of anti-social behaviour of particularly vulnerable people are heard and their proposals for solutions fed in.

49. In relation to young people, there are various sources of useful information on effective methods of consultation and engagement. For example, Dialogue Youth, whose website contains sections on consulting young people in community planning [www.dialogueyouth.org].

In addition, Save the Children's Fund's toolkit on participation of 9-15 year olds could be used to consult children and young people on antisocial behaviour strategies [<http://www.savethechildrenscot.org.uk/pages/communities/pdfs/reaction-toolkit.pdf%20>].

Finally, Children in Scotland's website has useful information, including practical guides on how to consult children and young people with disabilities: http://www.childreninscotland.orgk.uk/html/par_res.htm.

50. In consulting young people, the views of particularly vulnerable and excluded young people should be included, eg looked after children, those excluded from school and other groups likely to be affected by antisocial behaviour.

51. Community Planning guidance requires equalities objectives to be mainstreamed into Community Planning processes. More detailed guidance on how to mainstream equalities has been prepared by the Scottish Equalities Coordinating Group

<http://www.cosla.gov.uk/attachments/publications/bvequalitiesguidance.pdf>.

Advice on consultation with equalities groups can also be found at

<http://www.scotland.gov.uk/library5/social/gpgc-00.asp>

52. In engaging with communities bodies, CPPs should have regard to the statutory guidance on Community Planning and also Community Planning advice note 5 (“Effective Community Engagement”).
<http://www.scotland.gov.uk/library5/localgov/cpan-06.asp> . CPPs should also note that the Scottish Community Development Centre, on behalf of Communities Scotland and in dialogue with key stakeholders, is developing and testing a set of National Standards for Community Engagement. Draft standards have been prepared and are available on Communities Scotland’s website [<http://www.communitiesscotland.gov.uk/nmsruntime/saveasdialog.asp?IID=4747&slD=3352>]. The standards are currently being pilot tested over the period to April 2005.

Consulting other bodies

53. Although not a requirement of the Act, local authorities and their partners will want to consult with private sector housing interests - private landlords or owners’ associations - where they exist. The Scottish Executive already encourages local authorities to engage with private rented sector landlords on the development and delivery of policy to raise standards in the sector, in the context of the Private Sector Housing Grant and Local Housing Strategies. Against this broader background, local authorities will want to discuss with the sector how to encourage good practice in the management of antisocial behaviour, including the provision of advice and assistance and the use of antisocial behaviour notices under Part 7 of the Bill. They will also want to engage with the sector to ensure that registration is used as a positive step towards a healthier private rented sector in their area, alongside initiatives such as voluntary accreditation.

54. Local authorities and their partners will also want to consult relevant business organisations, particularly those in areas of significant antisocial behaviour, as often members of staff, for example in retail premises, can be victims and witnesses of antisocial behaviour. Appropriate organisations to consider include Chambers of Commerce, local traders’ associations and branches of the Federation of Small Businesses.

Consulting at local area/neighbourhood level

55. In addition to consulting on the overall local authority-level antisocial behaviour strategy, the 2004 Act requires local authorities to set out in their strategies arrangements for consulting communities at the local area/neighbourhood level where antisocial behaviour is a problem or is likely to become one.

56. Antisocial behaviour can happen anywhere but in developing strategies local authorities, the police and other local partners will want to identify those areas where there is a history of antisocial behaviour or where it is particularly prevalent so that resources can be focused. In these areas, there need to be in place mechanisms which will allow local agencies to engage with local people, irrespective of housing tenure, on an ongoing basis, not just on what they would like to see in the local authority level strategy.

57. The Community Planning guidance makes clear that consultation should not be seen as a one-off activity related only to the identification of problems. Communities need to be involved in agreeing solutions and ways forward. The guidance also makes clear that consultation with communities is not the same as community engagement. Community engagement involves an ongoing process of dialogue and requires mutual trust, cooperation and the active participation of people. This is particularly important in relation to tackling antisocial behaviour, where community engagement at an early stage within a specific area can avoid more serious problems later on, and where patterns of antisocial behaviour and the concerns of communities can change over time.

In consulting with local communities, local agencies will need to ensure there are mechanisms for ongoing dialogue with children and young people (and youth workers) and that discussions include the need for appropriate facilities and opportunities for them at community level, including those for legitimate recreation.

WHAT INFORMATION SHOULD STRATEGIES CONTAIN?

58. The 2004 Act sets out various information that must be included in strategies. Strategies must:

- set out an assessment of the extent of occurrences of antisocial behaviour in the authority's area;
- set out an assessment of the types of antisocial behaviour in the authority's area;
- specify arrangements for consulting community bodies and others, (including young people) in areas where antisocial behaviour is a problem or becomes a problem about how it will be dealt with;
- specify the range and availability in the authority's area of services for people generally but also for people under 16, victims and witnesses of antisocial behaviour and people involved in neighbourhood disputes;
- set out how the local authority and the chief constable will work jointly to deal with antisocial behaviour, how they will coordinate their functions and how they will exchange information relating to antisocial behaviour.

59. The following sections cover these provisions in more detail.

Assessing extent and types of antisocial behaviour

60. Before developing a local plan of action and deciding on the level of resources needed to implement it, local authorities and their partners need to identify and understand the range and extent of antisocial behaviour, specific to their areas. This means gathering and analysing a range of information, with the involvement of local people, including:

- ***the types of antisocial behaviour taking place, how often, where, when and why.***

61. Paragraphs 14 to 17 above discussed the definition of antisocial behaviour and the reasons why the Act employs a broad and flexible definition. What constitutes antisocial behaviour, and the priority attached to dealing with it, must be defined by local people supported by local authorities, the police and their partners. Annex A sets out a framework for defining antisocial behaviour, which local agencies may find useful in defining problems and agreeing priorities with local communities. The Annex is not intended to imply that these activities are the only activities that can be considered antisocial. It should be treated as a guide.

62. One of the current difficulties in mapping the extent and type of antisocial behaviour is the lack of a standardised system for recording reported incidents, both within and across local authority areas. Local authorities and relevant chief constables are therefore encouraged to standardise the recording of reported incidents within the local authority area. This will enable uniform baseline data to be collected on the extent and type of antisocial behaviour, comparisons to be made between local/neighbourhood areas, and the assessment of trends over time.

- ***the profile of victims*** – age, gender, ethnicity, area where they live, patterns of repeat victimisation;
- ***the profile of offenders*** – age, gender, ethnicity, area where they live, persistent offending, risk factors associated with antisocial behaviour. (This should not be confined to offenders who have been apprehended. Methods such as local victims’ surveys and local neighbourhood surveys can help to understand who is engaging in antisocial behaviour, even though they may not have been charged with offences).
- ***the financial cost of antisocial behaviour problems*** - eg repair costs, loss of business, housing voids.
- ***contextual information*** – information on risk factors.

63. It is recognised that for some local authorities and their partners gathering this type of data will be new and challenging, within the timescales for the first strategy. If this is the case, strategies will be expected to set out clearly how local partners will put in place systems that will enable this information to be recorded and assimilated for further strategies.

64. There are a range of factors that can lead to antisocial behaviour, with the misuse of drugs and alcohol a significant contributory factor. Local authorities and their partners will need to consider how best to structure arrangements at the local level so that action to tackle antisocial behaviour and alcohol and drug problems can be joined up effectively.

65. Strategies will capture information about the extent and type of antisocial behaviour in the local authority area at a particular time. But it is important that this

information is regularly updated, in order to drive ongoing operational activity and to avoid the possibility of stigmatising groups and/or areas over time. This will be particularly important at the local/neighbourhood level. Ministers will issue guidance on the frequency of reviewing local authority-area strategies (see paragraph 87 below). In relation to local areas/neighbourhoods, decisions on the frequency of review will need to be determined by agencies in consultation with local people and will depend on the nature of problems at this level.

66. One of the Crime Reduction Toolkits produced by the Home Office covers antisocial behaviour. This includes a range of practical advice on how to assess the extent and type of antisocial behaviour.

<http://www.crimereduction.gov.uk/toolkits/as00.htm>.

Specifying arrangements for community consultations in areas of high antisocial behaviour

67. As explained in paragraph 58 above, the 2004 Act requires strategies to specify arrangements for consulting community bodies and other persons (including in particular young people) in each part of the authority's area in which there are (or are likely to be) occurrences of antisocial behaviour, about how to deal with antisocial behaviour there. This is in addition to consultations on the overall strategy. The local authority and its partners, in consultation with local people, need to decide the local areas/neighbourhoods that will be chosen for concentrated action and support, and the criteria for selecting these.

68. Arrangements need to be in place that will allow this engagement to take place on an ongoing basis, for example through community planning structures, community councils, tenants and residents associations, youth groups. Experience shows that interaction between the local authority, the police and other local agencies and communities, using a problem solving approach, can help to identify problems early on and diffuse growing tensions. This is important, not only to nip problems in the bud, but means that agencies will be in a better position to determine when enforcement measures, such as ASBOs or dispersal provisions are appropriate.

Assessing range and availability of services

69. Having assessed the extent and type of antisocial behaviour in the authority's area, the 2004 Act requires the strategy to set out the range and availability of services which are designed to deal with it, both its consequences and prevention, for the following groups:

- people generally
- people under 16
- victims of antisocial behaviour
- people who witness occurrences of antisocial behaviour
- people requiring mediation for neighbourhood disputes

70. In assessing services local authorities and their partners will need to ensure a balanced package of measures, including prevention, remedial action and ultimately enforcement. Assessment should not be confined to those services provided by the local authority and the police but should include the range of partners at the local level, including voluntary organisations. Local authorities and their partners should also ensure that relevant individuals and bodies, as described in paragraphs 38 (bullet 3) and paragraph 47 above, are also consulted at this stage, to ensure that services are tailored and responsive to local needs and priorities.

71. The types of measures to consider include:

Prevention: putting in place measures that will create a physical and social environment where antisocial behaviour is less likely to arise in the first place and dealing quickly with the first signs, eg vandalism and graffiti; putting in place and developing services and productive programmes to help young people avoid getting drawn into antisocial behaviour.

Early intervention and diversion: putting in place measures that will help to identify problems early on, both in relation to individuals and communities, and activities that will divert people from antisocial behaviour, warnings, mediation, Acceptable Behaviour Contracts, referral to the children's reporter, enforcement of tenancy agreements.

Enforcement: making use of the new powers in the 2004 Act, including ASBOs and interim ASBOs, parenting orders, closure of premises and other laws and powers eg the Housing (Scotland) Act 2001. Reference should be made in strategies to the local policy on the use of ASBOs.

Rehabilitation: putting in place measures that will break the cycle of repeated antisocial behaviour, for example support to young offenders on release, and that will minimise perverse outcomes such as homelessness.

72. Annex B sets out possible interventions/tactics that could be used under each of the above responses to antisocial behaviour. It may not be necessary to set out all services in detail in the body of the strategy; a supporting document or appendix will suffice. The prime consideration, however, should be accessibility of the information to the general public.

73. In considering services for victims, witnesses and those requiring mediation in neighbourhood disputes, local authorities and their partners may find the checklists at Annex C useful.

74. As an aid to assessing implementation of, and reporting on, the strategy, local authorities and their partners will need to put in place and maintain systems for recording a range of interventions. The 2004 Act requires each local authority to keep records of ASBOs and interim ASBOs but it is likely that recording of other interventions/measures will also be required. Further information on this will be circulated in due course.

Information sharing

75. The 2004 Act requires each local authority and relevant chief constable to make provision for:

- how they will coordinate the discharge of their functions in tackling antisocial behaviour;
- how they will exchange information on antisocial behaviour;
- how they will obtain information from and share information with other interested parties.

76. Information sharing is essential to the success of any strategy to tackle antisocial behaviour. Despite the clear benefits to be gained by sharing information, there are a number of real and perceived barriers, particularly in relation to personal data. For example:

- understanding what data is available, who holds them and how to use them;
- a lack of willingness by partners to share information;
- legislative issues, particularly misunderstandings about the implications of the Data Protection Act;
- consistency in defining data between partners.

77. There is no single model for information sharing. However, the development of “protocols” or formal agreements as a basis for information sharing is strongly encouraged and is likely to result from the activities set out above. This should go beyond protocols between the local authority and the police, and include other bodies which have a role in information provision to support the preparation, delivery, monitoring and evaluation of antisocial behaviour strategies, for example RSLs and SCRA.

78. Community Planning Advice Note 8 provides more information on information sharing. <http://www.scotland.gov.uk/library5/localgov/cpan-09.asphyperlink>]. In addition, the Scottish Data Sharing Working Group has been working with the Department of Constitutional Affairs to produce a data sharing “toolkit” which includes guidance on developing protocols <http://www.dca.gov.uk/foi/sharing/toolkit/index.htm>. Finally, the Senior Officer Group on Data Sharing has produced a Strategic Data Sharing Framework, which is available at <http://www.scotland.gov.uk/about/FCSD/21stCG/00018836/page2138712433.aspx>.

79. More detailed guidance on information sharing will be contained in the separate guidance note currently being prepared on this issue, which will be published at the same time as this guidance.

80. While the 2004 Act requires all antisocial behaviour strategies to contain the above information, it is recognised that the process of preparation and consultation will be more complex in larger local authorities areas than in smaller local authority areas.

SETTING AIMS AND OBJECTIVES

81. While not specified in the 2004 Act, the strategy will need to set out clearly the overall aims of the strategy (outcomes) and the specific objectives with timescales which will contribute towards the overall aim.

82. In relation to the former, it has been agreed that from 2005 Executive funding for tackling antisocial behaviour will be linked to outcome agreements with Community Planning Partnerships. The Executive is currently working with COSLA and other key stakeholders to produce a national accountability framework which will define broad outcomes to be achieved at national and local authority level, with appropriate indicators. This should ensure consistency across the country in terms of assessing success of the strategy, at the same time as allowing local flexibility in terms of service priorities and other activities. Guidance on the content of Outcome Agreements will be issued in due course.

RESOURCES

83. An integral part of the strategy preparation process will be assessing aims, objectives and activities with the resources available. Inevitably priorities will have to be made, in terms of geographic areas or type of activity. In determining the level of resources available, the resources from the Scottish Executive under Antisocial Behaviour Outcome Agreements should be included. Without being prescriptive about form and content, it is expected that the strategy would set out the contributions provided by different partners and broad categories of proposed expenditure.

MONITORING, REVIEWING, EVALUATING AND REPORTING ON STRATEGIES

84. The 2004 Act requires each local authority and the relevant chief constable to keep the strategy under review, revise it as and when necessary and to publish the revised strategy.

85. The Act also requires local authorities to publish reports from time to time on:

- how the authority and relevant chief constable have implemented the strategy; and
- the results of that implementation.

86. The relevant chief constable, the Principal Reporter and any RSL which provides or manages property within the local authority area will have a duty to provide information to help the local authority review implementation of the strategy and produce progress reports.

87. The Act gives Scottish Ministers the power to make regulations about the form, content, frequency and timing of publication of these reports. The Executive will in due course draw up guidance covering reporting, to issue at the same time as the guidance on accountability frameworks. In doing so, the Executive will take account of the need to strike a balance between giving top priority to action, rather than process, and the requirement to keep communities properly informed of the action being taken in their interests.

TYPES OF BEHAVIOURS THAT CAN BE DESCRIBED AS ANTISOCIAL ***

DISREGARD FOR COMMUNITY/PERSONAL WELLBEING	ACTS DIRECTED AT PEOPLE	ENVIRONMENTAL DAMAGE	MISUSE OF PUBLIC SPACE
<p>Noise Noisy neighbours Noisy cars / motorbikes Loud music Alarms (persistent ringing / malfunction)</p> <p>Rowdy behaviour Shouting & swearing Fighting Drunken behaviour Hooliganism/loutish behaviour</p> <p>Nuisance behaviour Urinating in public Setting fires (not directed at specific persons or property) Inappropriate use of fireworks Throwing missiles Climbing on buildings Impeding access to communal areas Games in restricted / inappropriate areas Misuse of air guns Letting down tyres</p> <p>Hoax calls False calls in emergency services</p> <p>Animal related problems Dog fouling</p>	<p>Intimidation / harassment Groups or individuals making threats Verbal abuse Sending nasty / offensive letters Obscene / nuisance phone calls and text messages Menacing gestures</p> <p>Can be on the grounds of Race Sexual orientation Gender Religion Disability Age (including youth as well as older people)</p>	<p>Criminal damage / vandalism Graffiti Damage to bus shelters Damage to phone kiosks Damage to street furniture Damage to buildings Damage to trees / plants / hedges</p> <p>Litter/rubbish Dropping litter Dumping rubbish Fly-tipping Fly-posting</p>	<p>Drugs / substance misuse and dealing Taking drugs Sniffing volatile substances Discarding needles / drug paraphernalia Presence of dealers or users</p> <p>Street drinking</p> <p>Prostitution Soliciting Discarded condoms</p> <p>Kerb crawling Loitering Pestering residents</p> <p>Abandoned cars</p> <p>Vehicle related nuisance & inappropriate vehicle use Setting vehicles alight Racing cars Off road motorcycling / quad bikes</p>

*** Please note that this list is not intended to cover every possible action that can be regarded as antisocial behaviour. It also does not cover serious criminal acts which can also be considered antisocial.

ASB MEASURES AND POSSIBLE INTERVENTIONS/TACTICS

	INTERVENTION / TACTIC
Prevention	<ul style="list-style-type: none"> – Adopt physical/situation measures eg improved lighting, anti-graffiti paint; CCTV; Secure by Design. – Provide a quick response to local environmental problems caused by vandalism, littering, rubbish dumping to avoid ASB getting a hold – Agree local lettings plans/policies that contribute to and reinforce stable and sustainable communities. – Use Short Scottish Secure Tenancies (SSSTs) robustly, to deal with individual cases of ASB where appropriate and provide necessary support – Provide adequate, accessible and affordable leisure facilities for young people, at times to suit their needs. – Gather and share information on ASB to highlight emerging problems and target preventative measures – Coordinate preventative services across local authority departments and other agency services – Use integrated case management approaches – Develop mediation and victim support services – Promote neighbourhood management approaches, including introducing community warden schemes and neighbourhood compacts – Involve schools and youth services – Use local media to promote public awareness of antisocial behaviour and ways of addressing it – Put in place Service Level Agreements/Memoranda of Understanding between partner agencies.
Early Intervention / Diversion	<ul style="list-style-type: none"> – Use Acceptable Behaviour Contracts (ABCs) – Use mediation services – Use reparation/restorative justice programmes – Work with schools to identify children in danger of offending and design action to minimise risks. – Provide targeted diversionary activities for young people, either directly or in partnerships with the voluntary sector – For under 16s, referrals to Children’s Reporter – Develop support services to help perpetrators change their behaviour

<p>Enforcement</p>	<ul style="list-style-type: none"> - Develop specialist multi-agency teams - Take out interim ASBOs and ASBOs; parenting orders - For under 16s, use compulsory measures of supervision imposed by a children's hearing - Use police powers of dispersal - Use police powers to close premises - Use enforcement powers in Housing Acts, eg eviction, compulsory transfer, use of SSSTs - Use other appropriate legislation/ police powers -
<p>Rehabilitation</p>	<ul style="list-style-type: none"> - Provide outreach and residential services for individuals and families whose involvement in ASB is linked to a range of other problems that need to be addressed. - Adopt case conference approach with partner agencies drawing up a package of services - For under 16s, regular case reviews and continuation of supervision where required - Placing evicted people or people who have abandoned housing due to ASB into suitable accommodation, where they can receive services and support - Provide support and guidance for people taking up tenancies following release from prison or substance abuse rehabilitation.

GOOD PRACTICE GUIDANCE ON SERVICES TO SUPPORT PEOPLE SUFFERING FROM ANTI-SOCIAL BEHAVIOUR

Services that allow people to report ASB incidents without fear of harassment and intimidation

There are various ways in which local authorities and their local partners can provide services that can encourage people to report ASB incidents without fear of harassment and intimidation. The most common of these are help-lines, backed up by various forms of specialist anti-social behaviour staff/teams.

Help-lines

A number of Scottish local authorities currently run help-lines. There are various models:

- Out of hours services for local people involved including cases that are already allocated to a specialist anti-social behaviour investigation team. Typically a call will result in an officer of the team being called out to act as a witness to an incident in an ongoing case and/or offer reassurance to the caller. No direct general public access to this service.
- Help-lines which operate out-with normal working hours during the week and with 24 hour cover at weekends. Directly accessible by members of the public. Leaflets are generally widely available so citizens are aware of the services.
- Combination of 1 and 2. Typically a helpline will be staffed by one or two office base staff from 5.00pm until the early hours. Any citizen is able to access the service for advice but only cases already allocated/registered with a specialist team would be eligible for call-out visits.
- Variations on all above but available 24 hours per day.
- Joint hot-lines run by local authority and local police in “hot-spot” areas to report crime and anti-social behaviour, though not necessarily to seek assistance. Usually temporary to address a specific problem.

Local authorities may find the following questions helpful in assessing whether they need to improve on current services.

Does the service operate 24 hours a day, seven days a week? Does it need to operate on a 24:7 basis?
Is the service promoted locally through the distribution of leaflets and posters?
Does the service monitor and evaluate its performance, including a measurement of client satisfaction?
Are records of calls kept safe and up to date and are they used to generate reports on use level?
Does the Helpline have a clear policy on confidentiality and is this publicised to users?
Are staff trained in sympathetic interviewing and reasonably knowledgeable about responses to anti-social behaviour and neighbour disputes?
Does the Helpline have target timescales for: <ul style="list-style-type: none">• answering calls• returning calls• passing on complaints for action• appropriate referral to other relevant agencies
Is the Helpline open to all residents in the local authority area regardless of housing tenure?
Is the Helpline a Freephone number?
Does the service offer tailored arrangements for young people, for example text messaging which might encourage greater reporting than telephoning?

Services that keep people informed of the progress and outcome of complains and that support victims and witnesses from initial complaints, through court processes and afterwards.

The Audit of local authority practice in relation to anti-social behaviour found some good examples of consistently applied victim and witness support but under half of local authorities had thoroughly embedded systems.

Where authorities had robust and consistent support mechanisms they were much more likely to keep the witnesses and victims on board to the conclusion of the case and to have a successful outcome.

A number of local authorities are introducing enhanced victim and witness support with first round funding.

Local authorities may find the following questions helpful in assessing whether they need to improve on current services.

Is the service promoted locally through distribution of leaflets and posters?
Does information explain the service in clear simple language?
Are there simple methods in place to help witnesses capture information eg incident diaries, video/audio recording, translation services?
Are there clear and easy to use referral procedures for appropriate local agencies such as police, environmental services and social housing providers?
Does the service monitor and evaluate its performance, including a measure of user satisfaction?
Is use recorded and reports produced on levels of use?
Is there a case management system with provision for tracking cases?
Is appropriate guidance and training provided to staff and volunteers to ensure the service is sensitive to the needs of individual users?
Is the service available to all residents, regardless of tenure?
Is physical protection provided for cases of severe anti-social behaviour, eg door and window security, panic alarms, policy "drive bys"
Are professional witnesses available in cases where there is genuine and justifiable fear of harassment and intimidation?
Is there support for court appearances and briefing on what to expect?
Is there support after court appearances?

Services that help people resolve neighbourhood disputes

Community mediation has been established in recent years as a tried and tested means of resolving neighbourhood conflict. It is comparatively cheap, quick, gets to the root of the problem, and can be successful to help nip problems in the bud before they escalate. Almost all Scottish local authorities now have access to mediation services or are currently planning for such provision.

Different models of service provision have been developed, from the use of independent specialist voluntary sector agencies to in-house mediation services. Similarly, the range of mediation activity and client access arrangements also differ widely: some services, for instance, are open to all members of the public directly, while others require a formal referral from a housing agency; in some authorities services are only open to council tenants, in others all tenures are served. Such differences in approach can also be found in relation to levels of independence, training, case management and a range of other practice issues.

It is increasingly the case that local authorities are using Community Mediation services for a range of mediation interventions other than individual neighbour disputes. These can involve mediation between groups of people/agencies, mediation and conflict resolution in schools, and mediation between homeless young people and their parents/guardians. In such cases, it is possible to sustain a viable service with much smaller population bases.

Local authorities may find the following questions helpful in assessing whether they need to improve on current services.

Does the mediation service have a distinct independent identity?
Is the service promoted locally through the distribution of leaflets and posters?
Are there clear and easy to use referral procedures for appropriate local agencies such as police, environmental services and social housing providers?
Does the service monitor and evaluate its performance, including a measure of client satisfaction?
Are case records kept safe and up to date, and are they used to generate statistical reports on service casework levels?
Is there a written case management system with provision for tracking cases?
Is service practice formally accredited eg under the Mediation UK Accreditation Scheme? If not, does the service meet those standards?
Is mediator competence measured and monitored?
Are mediators trained to minimum standards via an accredited and appropriate training course of at least 30 hours?
Is there a structure for supervision and continuous professional development of mediators?

Does the service have clear and direct community influence on its direction and activities through the use of volunteer mediators or a local management/ advisory committee?

Does the service keep up to date with current developments in mediation through the membership of an appropriate network such as Mediation UK, Scottish Mediation Network, or the Scottish Community Mediation Network?

Scale of provision

The scale of the service needs to match likely demand. There will of course be local factors that are not always easy to quantify, and socio-economic profiles in particular can have an effect on demand, but experience indicates that around one case per year for every 1200 of the population can be anticipated. An authority with a population of 240,000 should therefore expect to provide for around 200 cases a year.

Based on expert advice, the type of mediation provision will be influenced by the scale of provision, as there is a base point below which a stand-alone specialist service is not likely to be viable. The following is therefore suggested as a starting point in matching demand against service delivery models:

- 1-10 cases per annum – Spot purchase provision. This can either be from a neighbouring mediation service or freelance mediators.
- 10-50 cases per annum – Training existing staff as mediators (with appropriate ring-fenced time off, and provision for co-ordination and administrative support), or spot purchase provision.
- 50-100 cases per annum – small independent or in-house mediation service (Co-ordinator plus one staff member with possible group of 5 or 10 trained volunteers).
- 100-200 cases per annum Medium independent or in-house mediation service. (Co-ordinator plus two staff members with possible group of 5 to 15 trained volunteers).
- 200+ cases per annum – Large independent or in-house mediation service (Co-ordinator plus three staff members with possible group of 10 to 20 trained volunteers).

ABBREVIATIONS AND GLOSSARY

ABCs

Acceptable Behaviour Contracts

ASB

Antisocial behaviour

ASBOs

Antisocial Behaviour Orders

ACPOS

Association of Chief Police Officers in Scotland

CPPs

Community Planning Partnerships

CSPs

Community Safety Partnerships

COSLA

The Convention of Scottish Local Authorities

DATs

Drug Action Teams

ROA

Regeneration Outcome Agreement

RSLs

Registered Social Landlords – housing associations; legally means a body registered in the register maintained under section 57 of the Housing (Scotland) Act 2001

SCRA

Scottish Children's Reporter's Association – SCRA supports the work of the Principal Reporter and provides accommodation for Children's Hearings

SFHA

Scottish Federation of Housing Associations

SSST

Short Scottish Secure Tenancy

SIPs

Social Inclusion Partnerships

Youth Justice Action Teams

Responsible in each local area for ensuring effective co-ordination of Youth Justice work

