

Lincolnshire Anti-Social Behaviour Partnership Policy

July | 2013



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I Policy Identification Page

Lincolnshire Anti-Social Behaviour Policy

Senior Owner: Phil Vickers, Lincolnshire Police Superintendant – Lead for the Anti Social Behaviour Strategic Management Board.

Links or overlaps with other policies/strategies include:

Lincolnshire Police Hate Crime Strategy
Data Protection Policy
Information Sharing
Restorative Justice Policy
Lincolnshire Health and Wellbeing Strategy

The Lincolnshire Anti-Social-Behaviour Partnership comprises of:

Lincolnshire County Council
Lincolnshire Police
Youth Offending Service
West Lindsey District Council
East Lindsey District Council
City of Lincoln Council
North Kesteven District Council
Boston Borough Council
South Holland District Council
South Kesteven District Council
Longhurst
NewLinx Housing
Boston Mayflower
Acis
Lincolnshire Fire and Rescue

Policy Effective Date: July 2013

Policy Review Date: July 2014



2 Legislative Compliance

This document has been drafted to comply with principles of the;

Human Rights Act 1998
Crime and Disorder Act 1998
Equality Act 2010
Data Protection Act 1996
Anti-Social Behaviour Act 2003
Police Reform Act 2002

This Policy is not protectively marked and is a publicity available document.

Adherence to this policy will ensure compliance with all relevant legislation and internal policies.

3 Policy Statements/Intentions

3.1 The principles and scope of the policy

Lincolnshire partners are committed to providing every member of the community with the highest possible standard of service irrespective of age, gender, race, sexual orientation, disability, religion and belief. Our equality and diversity aims are central to how we deal with anti-social behaviour (ASB).

The purpose of this policy to provide a framework to allow Lincolnshire partners to work collaboratively to manage and resolve reports of ASB effectively and ensure clear lines of responsibility and communication across Lincolnshire's strategic and third sector partner organisation.

Tackling ASB is a key priority for all partners. We collectively understand the impact ASB has on community cohesion and crime, and are committed to investing resources to develop procedures to deal with it effectively.

Our focus is on the victim through protection, prevention and support. We intend to focus more on the victim's perspective, to better assess the harm and risks caused and encourage those experiencing ASB to come forward.

As a partnership we recognise the complexity of ASB and the challenging nature of some victims, offenders and locations. This policy promotes and supports a Problem Solving methodology, developing an approach that seeks to tackle the cause rather than attending



4 Introduction/Legal Basis

to the symptoms time after time.

In addition it is intended to provide a framework to all staff across the partnership, customers and other stakeholders on what action we will take when a complaint of ASB is made. As a partnership we recognise that every ASB case is unique and we have written this policy with a view to providing staff with a “best practice” approach to managing reports of ASB.

3.2 The aim of the policy

Aims

To ensure the communities of Lincolnshire receive the best, consistent service and support from all partners in respect of preventing, reducing and managing ASB, irrespective of location or service provider.

Objectives

- Manage incidents of ASB more effectively and efficiently across all partners within Lincolnshire;
- Provide improved service and protection to the public;
- Increase public confidence through improved engagement and understanding;
- Identify repeat and vulnerable victims and respond more efficiently;
- Identify repeat offenders and explore opportunities to implement interventions to reduce their negative impact on communities
- Improve information sharing across all partners extending into the third sector and charities such as victim support

4.1 The origins/background information

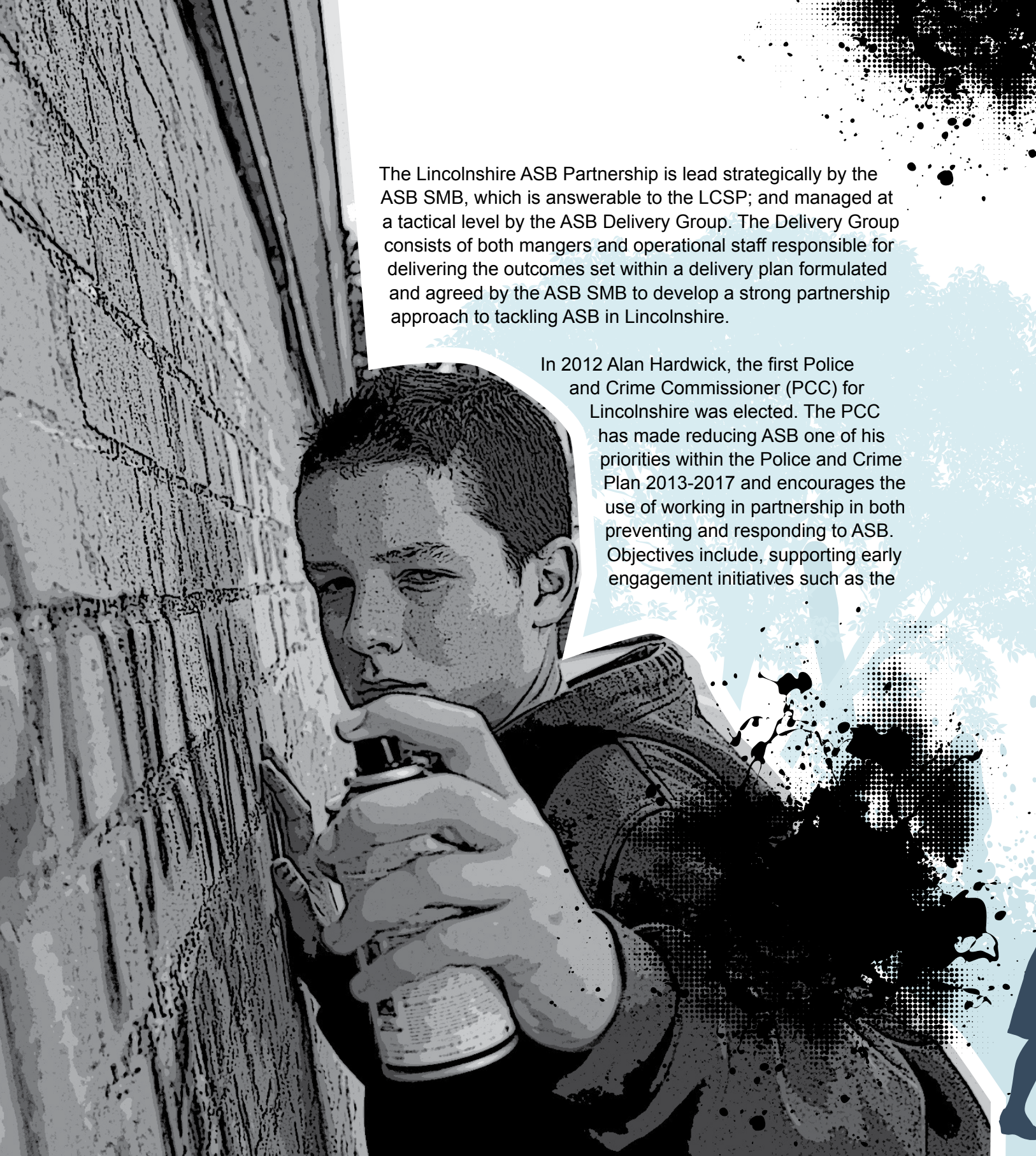
This document should be regarded as an “umbrella” policy document intended to cover all types of ASB including hate crime.

In 2012 the Lincolnshire Police alone received in excess of 26,000 calls to service. In the first full year of operating the Sentinel case management model the ASB Partnership have identified and managed in the region of 3,000 repeat and vulnerable victims.

In 2012 the County Community Safety Board (CCSB), now named Lincolnshire Community Safety Partnership (LCSP) was restructured with a view to improving the connection between themselves and local Community Safety Partnerships (CSP’s), aligning strategic objectives through tactical and operational activity managed by both Strategic Management Boards (SMB’s) and CSP’s. The LCSP has agreed five strategic priorities for the period 2013/14,


- Drugs Harm
- Alcohol Harm,
- Anti-Social Behaviour
- Domestic Abuse
- Road Safety.

These priorities have been ratified and also adopted by some local Community Safety Partnership statutory partners.



The Lincolnshire ASB Partnership is lead strategically by the ASB SMB, which is answerable to the LCSP; and managed at a tactical level by the ASB Delivery Group. The Delivery Group consists of both managers and operational staff responsible for delivering the outcomes set within a delivery plan formulated and agreed by the ASB SMB to develop a strong partnership approach to tackling ASB in Lincolnshire.

In 2012 Alan Hardwick, the first Police and Crime Commissioner (PCC) for Lincolnshire was elected. The PCC has made reducing ASB one of his priorities within the Police and Crime Plan 2013-2017 and encourages the use of working in partnership in both preventing and responding to ASB. Objectives include, supporting early engagement initiatives such as the



'Families Working Together' and educational programmes such as 'It's that Easy'; and collaborating with partners to better co-ordinate the response against ASB through specialist officers to identify trouble spots and respond quickly to prevent repetition.

This Policy underpins Lincolnshire's multi-agency approach to tackle ASB. It marks steps to improve work between organisations and communities across Lincolnshire working together to challenge ASB.

Anti-Social Behaviour

The term 'anti-social behaviour' was formalised in the late 1990's to describe a wide range of nuisance, disorder and crime that affect people's daily lives. Including:

- Noise nuisance
- Intimidation and threatening behaviour
- Rubbish or litter lying around
- Vandalism, graffiti and other deliberate damage to property or vehicles
- People using or dealing drugs
- People being drunk or rowdy in public places
- Abandoned or burnt out cars
- Neighbour disputes

ASB therefore includes many different types of behaviour. Such acts are sometimes dismissed as trivial, however ASB can have a huge impact on the quality of life of a particular individual, group or community and it is the public's number one concern when it comes to local crime issues.

Following a period of consultation with the community and all partner agencies in Lincolnshire the three definitions were identified;

The Crime and Disorder Act 1998 defines ASB as:

'Acting in a manner that has caused, or is likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant).'

Alternatively, the Housing Act (1996) states ASB is:

'Engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to persons engaged in lawful activities'

Furthermore, The Chartered Institute of Housing (1995) describes it as:

'Behaviour that unreasonably interferes with other people's rights to the use and enjoyment of their home and community'

On the 16th November 2010, giving due consideration to the 3 utilised definitions, the ASB SMB agreed that the overarching definition for ASB is:

Behaviour by an individual or group that



results in:

- Another party feeling personally threatened
- Creates a public nuisance, or
- Has a detrimental impact upon the environment and thereby has a detrimental effect upon the quality of life of an individual or the community as a whole

The Partnership acknowledge that such behaviour does not exclude criminal offences, and recognise that if ASB escalates to crime it will continue to be dealt with as ASB, incorporating required criminal sanctions into the intervention process.

4.2 Motivators/Driving Forces

It is the one issue that survey after survey, both local and national, identifies that our communities consider ASB to be the key issue for Police and Partners to tackle. It is recognised that our communities do not differentiate between crime and ASB, nor do they care who tackles the problem so long as someone does something.

This is clearly highlighted in the case of Fiona Pilkington who killed herself and her daughter, Francesca Hardwick, after suffering years of ASB and hate crime. Fiona made numerous reports to various agencies asking for help, to no avail. The 2011 Equality and Human Rights Commission (EHRC) inquiry titled 'Hidden in Plain Sight', published following this tragic case found that there were

“...systemic failings by public authorities to;

recognise the extent and impact of harassment and abuse of disabled people, take action to prevent it happening in the first place and intervene effectively when it does”

Not only does this emphasises the importance of working in partnership, but also highlights how those members of the community who are least able to protect themselves can be targeted. In recognition that those most vulnerable in our society, or those from diverse backgrounds are proportionally more likely to become victims of ASB, this policy has been integrated with the Lincolnshire Hate Crime Strategy and the priorities set within it. This policy also incorporates the findings of the Bradley Report (2009) which found an overwhelming need for partner agencies to identify and support victims, or offenders with mental health problems or learning disabilities; and also recognise their vulnerability. ASB Partnership is the ideal forum for liaison between statutory and voluntary sector agencies to raise awareness and develop early intervention initiatives and referral pathways.

The publication of Her Majesty's Inspectorate of Constabulary (HMIC) report titled 'Stop the Rot' in 2010 and Professor Innes's inquiry in 2013 titled 'Rethinking the policing of anti-social behaviour' have also provided a driving force for change in the way Lincolnshire Police best tackle ASB. Lincolnshire Police's performance was rated by the HMIC as “in line with the national average” and lower levels of ASB per head of population. However, they did identify key areas of development in order for the force

to provide victims of ASB with a good service, resulting in Lincolnshire Police exploring how they can make improvements and also promote partnership working.

Partners in Lincolnshire recognise the need to tackle ASB and its perception within our communities. As a result, we have developed a multi-agency ASB Policy, which reflects the recommendations outlined in these reports.

4.3 General Principles of the Policy

Statement of Purpose

This policy outlines a framework of activity aimed at developing greater public confidence in local policing and partners, recognising that this cannot be achieved without the support and commitment of our staff, officers and partners across the county.

We do not underestimate the impact ASB can have on people's lives or ignore the fact it is one of the communities top concerns when it comes to local crime and disorder. In order to address the negative impact ASB has in our communities we have developed a multi-agency approach to effectively and consistently tackle ASB in Lincolnshire.

We are not only committed to reducing ASB but also to providing a high quality service which meets the needs of individuals and communities and provides a service that people value.

The policy challenges the way partners respond to reports of ASB and recognises the need for a consistent approach in the case management of vulnerable and repeat victims, and area 'hot spots' of ASB across the county. All partners have now purchased a web based I.T system named Sentinel to carry out this function (some partners have also adopted the system as their incident logging database for all reports of ASB). An Information Sharing Agreement has been signed by all partners to allow authorised persons to be able to view the collective information that has been input by the different sources and for it to be progressed appropriately.

All Sentinel users are allocated user groups and assigned privileges according to their role. There are geographic security measures for viewing cases but at least one person from each partner will have 'global access' to see all cases.

This system not only allows us to deliver a uniformed case management process across partners but by the nature of the shared technology enforces managed and risk assessed information sharing.

Taking a Partnership Approach

We take all reported cases of ASB seriously, recording, investigating and keeping victims informed of actions in conjunction with other key agencies. No one agency is responsible for ASB and by working at all levels we will

- Share appropriate data using joint tasking and co-ordination arrangements with partners, in order to proactively identify and reduce ASB.
- Improve co-ordination across the county and across partners to intervene and protect the public and Lincolnshire communities, particularly the most vulnerable.
- Have an Information Sharing Agreement in place, working within current legislation on data sharing.
- Undertake effective multi-agency case management, linking incidents and victims where appropriate
- Promote a “problem solving” approach to reducing ASB.
- Train staff from all partners to effectively deal with reports of ASB effectively using all tools available to them.

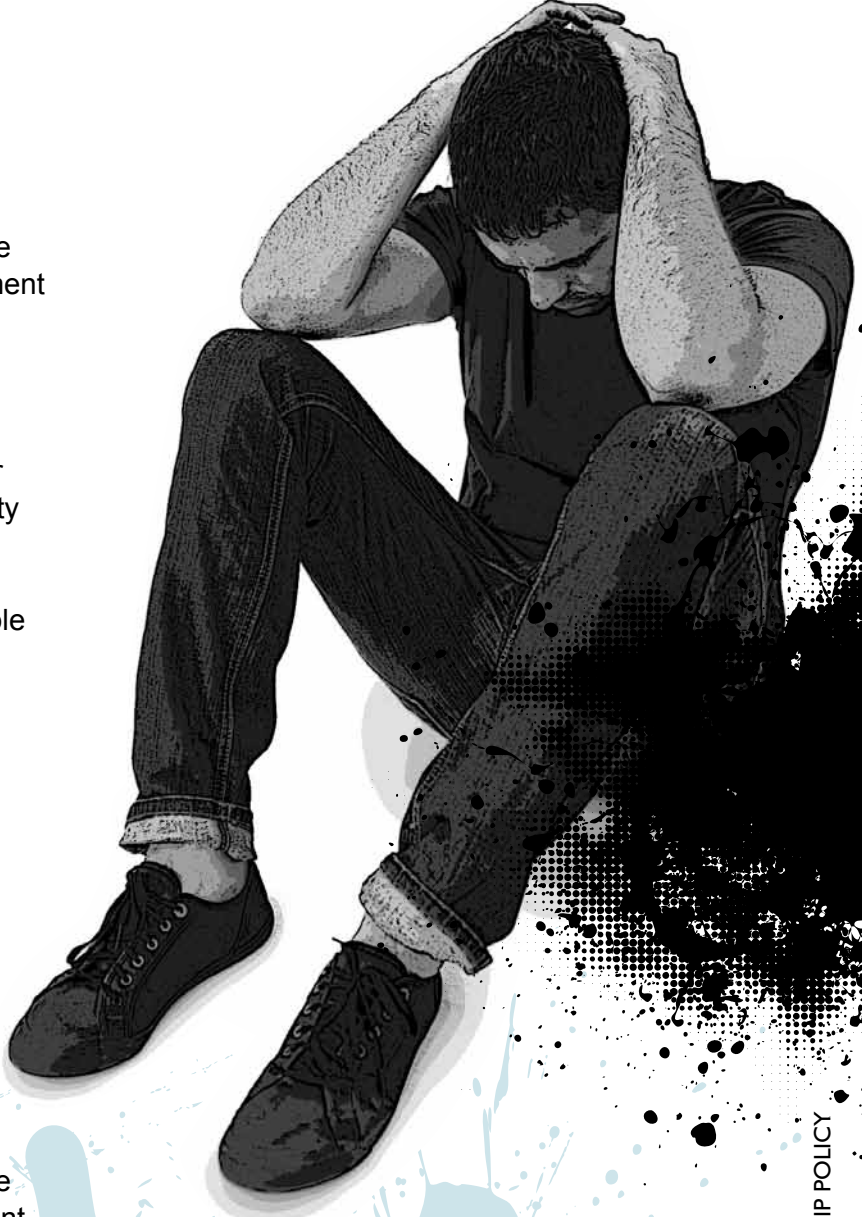
Understanding the Needs of Our Communities

We are committed to providing services which are visible, accessible and responsive and particularly aim to assist those who are at increased risk or are vulnerable no matter of age, gender, race, sexual orientation, disability, religion and belief. The introduction of agreed definitions, procedure and case management will ensure partners across the county have an improved and real understanding of ASB. This will be further supported by analytical evidence, through monthly analysis and generating reports to allow partners to consistently assess and maintain performance levels.

The importance of community involvement is stressed in government policy and has been widely advocated with regard to crime prevention initiatives, an issue raised in December 2012 by PCC.

Firstly, there is the desirability of residents to participate in decisions, which affect their lives (Crawford 1998, Fitzpatrick et al 2000). Secondly, there is an assumption that local residents, being closer to experiences of crime in the area, have the best understanding of what their needs are and how those needs might be met (Cairns 1996, McArthur et al 1996, Crawford 1998). Certainly, public consultation can generate data to fill gaps in information





concerning local crime problems, for example by providing data on victimisation to supplement recorded crime figures and on perceptions of crime. Public consultation can also help to generate ownership of crime prevention work and thus enhance public participation, encourage residents to take responsibility for their own problems and improve their capacity for self-help. This results in making schemes more self sustaining and durable (Liddle & Gelsthorpe 1994; Thomas 1999). Local people need to feel that they are stakeholders in the crime prevention process and that they have something to contribute as well as receive.

Vulnerable and Repeat Victims

We will take a victim led approach by addressing the needs of victims and assess their needs through a partnership approved Risk Assessment.

The definition of a vulnerable victim for the county as agreed by all partners is:

A vulnerable person is one whose experience and/or effect of harm as a result of the incident is likely to be more significant because of their individual personal circumstances.

Who is “vulnerable” to ASB?

A victim of ASB is vulnerable:

If the conduct in question causes an adverse impact on their quality of life; or they believe they are vulnerable; or they have suffered ASB or something similar before.

What does “adverse impact” include?

- Risk of harm,
- Deterioration of their health, mental and/or emotional well being, or an
- Inability to carry out normal day to day routine through fear and intimidation

This definition of “vulnerable” puts emphasis on how the complainant feels about the problem and how they perceive the level of intimidation. Every victim’s opinion is important when the partners are determining the risk to them. This policy recognises that we need to consider vulnerability in respect of age, gender, race, sexual orientation, disability, religion or belief, however, it is the impact ASB has on the individual or community that is imperative when identifying vulnerable victims of ASB, taking into account personal/social isolation, location, repeat victimisation and the type of ASB being reported.

All calls to service will be risked assessed, enabling partners to establish the needs of the victim and inform the appropriate response.



Repeat Victimisation

Repeat victimisation occurs when the same person or address is subjected to a third incident of ASB within a rolling 12 month period.

It is widely recognised that victims rarely report their first experiences of ASB, often waiting until such behaviour begins to impact upon their life. Therefore this definition includes both reported and unreported incidents of ASB within the 12 month time frame.

A growing body of evidence shows that certain people and places suffer repeated incidents of crime.

- Analyses of the British Crime Survey 2000, for example, have estimated that 4% of victims account for between 38% and 44% of all crime reported to the survey.
- The evidence is that high crime areas have such high crime levels, not because they have more victims but because they have more heavily victimised victims.

Past victimisation is often a predictor of future victimisation and is, therefore, preventable;

- Through the use of improved skills and knowledge for the potential victims, empowering children and young people to protect themselves.
- Improved awareness among professionals and services of children and young people's vulnerability and previous experiences.
- The targeting of resources to help reduce risks and increase safety more effectively.

Tackling Repeat Victimisation has a number of benefits

- It helps protect those who are vulnerable and safeguard them from crime or abuse.
- It helps to reduce crime and disorder.
- It makes better use of limited resources by targeting them where they can be most effective.
- It can help the police to target prolific offenders.
- By reflecting the true nature of victimisation, it addresses people's fear of crime and can stimulate improvements in the quality of services to victims.

Repeat and 'hot spot' locations

This policy also acknowledges the need to identify ASB 'repeat locations or 'hot-spots', and respond accordingly.

Repeat locations or 'hot spots' tend to be those areas most accessible to the public, for example a shopping precinct, children's play park, or public car park, and can even expand to cover entire housing estates. They often involve multiple offenders and more than one complainant, resulting in a wider impact on the community.

Taking this into consideration the Partnership defines a repeat location as an area where:

3 or more incidents of ASB have occurred in the same location within a one month period, reported by more than one person.

By clearly defining such 'hot spot' areas partners can implement a multi-agency response tailored to the needs of a specific location, considering both short and long term measures of intervention.

The ASB Partnership will identify such areas by reviewing analytical products and sharing information. A multi-agency problem solving approach will be applied and case managed on Sentinel.

Making a Difference

When we receive a complaint of anti social-behaviour:

We will:

- Record the complaint
- Treat the complaint seriously and act professionally
- Conduct an initial risk assessment, to establish the required response based on threat, risk and harm. This involves the partner asking the victim a set questions including;
 - › Is the offender still in the area?
 - › Are they known to you?
 - › Have you reported this type of incident before? If yes who to?
 - › Do you know of any reasons why this has happened or maybe happening e.g. disability, ethnicity, live alone, age etc?



- Issue the complainant with a reference number and agree a preferred means of contact
- Ensure all complainants identified as being vulnerable and repeat, related to a repeat location, or deemed as high risk are properly recorded, risk assessed and case managed via Sentinel, enabling us to ensure victims receive a response and service appropriate to their needs.
- Agree an action plan with the complainant outlining how we aim to investigate and resolve their complaint
- Ensure that victims are kept up to date with the progress of their case and given regular feedback.

Staff and Officers should be aware that there might be considerations present in terms of disability, language, religion and cultural/ lifestyle backgrounds and should do their utmost to meet the diverse needs of each victim. Consideration should be given to utilising the service of a translation provider for victims whose first language is not English.

All calls for service in respect of ASB will be risk assessed with the agreed partner Aide Memoir to ensure consistency of service and victims receive the appropriate response. It is important to recognise that some victims

are more vulnerable and/or suffer to a larger extent than others. For this reason if victims are identified as high risk they will also be referred an Anti Social Behaviour Risk Assessment Conference (ASBRAC) for multi agency assistance.

Complainant perception of ASB

It is important to record ASB based on the perception of the complainant. If the complainant believes their report is ASB then it should be recorded and investigated as ASB. The investigation may conclude that in reality it is not ASB but the complainant's initial perception is paramount.

Communicate Effectively

Communicate effectively – keeping residents up to date on what action is being taken to effectively tackle ASB.

We will do this by:

- Implementing a multi agency ASB incident recording and case management system for the use of all partners, which will promote effective, collaborative working to protect residents.
- Listening to what our communities and victims tell us about how they want to see us tackle ASB.
- Developing a communications strategy (internal and external) to promote the service standards and wider information about ASB.
- Working closely with partner agencies to

jointly publicise information and activities relating to tackling ASB.

- Ensuring that all reports of dissatisfaction with service are responded to within 24 hours, within the capabilities of that service.

Focus on Victims and in Particular Repeat and / or Vulnerable Victims

Proactively identify through research those who are most likely to become victims of ASB and work together to develop initiatives to safeguard them.

To achieve this we will:

- Establish robust and accurate recording procedures for initial receipt of calls for service.
- Implement rigorous procedures for undertaking initial dynamic risk assessment of calls for service.
- Professionally assess each incident and select the most appropriate and effective initial response.
- Cross reference previous calls for service relating to the location/victim/offender and use this information to tailor a quality response.
- Agree a plan for effectively tackling ASB incidents.
- Provide a named point of contact within the appropriate organisation.
- Support victims and witnesses of ASB and protect communities in partnership with Victim Support Services.
- Where appropriate, apply for special

measures to protect vulnerable victims and witnesses in ASB cases that are referred to the Criminal Justice System.

- Train our staff to recognise and deal effectively with ASB by understanding the emotional impact it creates, identify vulnerability and intimidation factors and respond accordingly.
- Ensure action to tackle ASB respects the diverse nature of our communities.
- All victims identified as high risk will be referred to the Anti Social Behaviour Risk Assessment Conference (ASBRAC) for multi agency intervention/support.

ASB and Case Management

This policy cannot be prescriptive in respect of partner response and how each individual practitioner should deliver a service to victims. It is recognised within this policy that practitioners and partners will apply professional judgement in the management of ASB. This policy lays out the appropriate initial response in respect of recording, risk assessing, and basic case management including the adoption of an early problem-solving plan.

The partners agree that they will respond to calls of ASB based on their initial risk assessment. The Police will ALWAYS tackle issues of crime that might be a symptom of ASB; however, it will be for local practitioners and leaders to establish appropriate case worker or point of contact for a victim.

Recognising Needs of the Offender

This policy stresses a 'Victim' based approach to tackling ASB. However, it is imperative that the policy also recognises the needs of offenders and adopts the positive principles of Restorative Justice (RJ), Community Justice Panels and Families Working Together and considers their success in respect of reducing re-offending using options not routed within the Criminal Justice System.

It is recognised that many offenders have complex needs and are from troubled families. To ensure that the partnership are able to deliver long term sustainable solutions, that will impact on both ASB and volume crime, the ASB Partnership will work hand in hand with the County 'Families Working Together' project; a multi-agency approach to addressing family problems, which may be the root cause of offending behaviour. The scheme offers incentives to reward positive behaviour as well as sanctions to discourage deviation. This will extend across all partnership products and include developing areas within Restorative Justice and Community Justice Panels.

Restorative Solutions and Community Justice Panels

The 2012 Anti-Social Behaviour Draft Bill captures the positive benefits of Restorative Justice and Community Justice Panels by proposing that all policing areas will deliver a structured approach that allows the community to consider the disposal of ASB and some crime outside of the Criminal Justice System.

Restorative Justice is a process that brings those harmed by crime or conflict, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. This method has also been incorporated into Community Justice Panels, which provide a structured process of intervention to help victims and offenders to understand each other, find resolution to conflict and repair the harm done.

Integrated Offender Management

The Partnership will also develop links with Integrated Offender Management (IOM). IOM provides a framework for partner agencies to collaborate to ensure that the offenders whose crimes cause most damage and harm locally are managed in a co-ordinated way. Offenders on the scheme may also be involved in ASB therefore it is imperative this information is shared with ASB partners in order to have a clear understanding of the intervention methods in place and the impact they are having on offending behaviour. Feedback in relation to the impact of IOM will be made through the performance monitoring of funding provided by Lincolnshire County Council (LCC) and the PCC. This information will be then be shared at the quarterly ASB SMB meetings, or when appropriate, by LCC.

The ASB Partnership will continually work towards innovative and creative solutions that include appropriate solutions for victims and communities that might be outside the court

system. We will work to identify offending behaviour with a view to earlier interventions to reduce the impact on local communities and enhance the opportunity of the offender to migrate towards a positive contribution within their neighbourhood, as opposed to a life of crime and a lack of community cohesion.

Focus on Offenders

We will ensure we take action that is aimed at long-term solutions by using the intervention methods available to us, but also considering the use of Criminal Justice and ASB legislation when appropriate.

To achieve this we will:

- Consider all aggravating and mitigating factors. This will include consideration of the views of victims.
- In each case, determine the most appropriate action against offenders, which may include Restorative Resolution and other non-court outcomes.
- Support Criminal Justice System resolutions for those ASB offenders for whom this is the most appropriate option available.
- Enable perpetrators of ASB to recognise the consequences of their behaviour and in doing so aim to change that behaviour.
- Work closely with parents and appropriate services, including Youth Offending Services to ensure young people committing ASB receive appropriate interventions and support.
- Work closely with the Families Working

Together and the IOM project to reduce duplication and increase efficiency through the realisation of economies of scale; shared skills & ability; shared resources and shared legislation.

- Use the full range of legislative powers where appropriate to resolve the most serious cases of ASB.
- Use education through schools as a primary method of preventing young people from committing or becoming victims of ASB.

Remedies for ASB

There are several forms of action available to partners that can be used incrementally or at an appropriate entry level for an incident of ASB.

In some serious cases Lincolnshire partners may go straight to enforcement action whilst in other less serious cases a lower level warning action may suffice. Wherever possible we will aim to resolve any problems amicably through the promotion of positive communication, such as mediation and/or consider alternative means of intervention from other agencies and utilise Multi Agency Meetings.

Partners will also take into consideration any possible mental health or learning disability when responding to incidents of ASB. Any victim or offender believed to have any mental health or learning disability will be checked on the Lincolnshire Partnership Foundation Trust (LPFT) database via the Single Point of Access. This service will identify if the person is known to the LPFT and if a current care

plan is in place. A referral can then be made to provide the person with help and support. Furthermore, this can work alongside any other remedy chosen for that particular incident and also include a referral to the voluntary sector organisations, such as SHINE, MIND or MENCAP.

Intervention

The different stages of intervention employed within the Lincolnshire ASB Partnership are: -

- Stage One: Verbal Warning
- Stage Two: Advice Letter
- Stage Three: Unacceptable Behaviour Warning
- Stage Four: Acceptable Behaviour Contract (ABC)
- Stage Five: Enforcement Action.

This process is not fixed providing officers with the means to use the full range of tools at any stage of the intervention process

Stage One: Verbal Warning

This can be given by a Police Officer/Police Community Support Officer (PCSO) or Local Authority/Registered Social Landlord.

This is initial contact with the perpetrator to inform them of the affect and consequences of their behaviour. It is often used as an immediate response to an incident of ASB when the perpetrator is found to have no previous involvement in ASB.

This face to face contact with the perpetrator also provides the opportunity for the partner to identify any contributing factors, such as mental health or learning disability, and provide early intervention by means of a referral to the required agency to provide support and prevent further involvement in ASB.

Stage Two: Advice letters

These can be sent by the Police or Local Authority/Registered Social Landlords, in most cases the Local Authority has taken the lead to ensure a consistent approach.

It is an exercise used to educate and raise awareness to parents/guardians by informing them that their child has been identified as being involved in ASB and details the circumstances surrounding the incident.

It makes a request for parents/guardian to discuss the issues being raised with their child.



Stage Three: Unacceptable Behaviour Warning

The Local Authority, Registered Social Landlords or Police can issue this warning.

An unacceptable behaviour warning outlines the complaint received about a person's anti-social behaviour and requests that it stops. It also stresses the seriousness of the matter and details what further action will be taken should the person continue to behave in this manner. Best practice has found that when a warning is issued in person by either a Local Authority ASB Officer or Police Officer, the impact on the offender is more significant, than a letter via the post. Furthermore, it allows for discussion with the offenders parent/guardian, when applicable. However, due to resources and time constraints this is not always possible. Therefore partners will be able to use their own discretion when issuing such warnings.

Stage Four: Acceptable Behaviour Contracts (ABC)

This a voluntary contract between the adult or young person, their parents if applicable and the Local Authority/Registered Social Landlords and/or the Police.

A Local Authority or Registered Social Landlord (often in company with a local Police Officer or PCSO) will visit the subject in person to negotiate and agree the content of the contract. It will contain a list of anti-social acts that they will agree not to continue to do.

The contract may also contain offers of support to address any underlying causes of the ASB.

All contracts can be reviewed and altered at the discretion and agreement of all the agencies involved.



The Youth Offending Service, Families Working Together, ASB team or the Community Safety Team may offer support to young people made subject to an ABC to enable them to stick to the requirements of the contract.

Stage Five: Enforcement Action- Anti Social Behaviour Order (ASBO)

If the ABC continues to be unsuccessful, only then will we use that as evidence for the next stage; applying for an ASBO.

We would expect all other appropriate measures to have been applied before progressing onto this stage.

Applications for ASBOs are made to either the County Court or Magistrates' Court by 'relevant authorities' which include local authorities, chief officers of police, and registered social landlords as a means to prevent further ASB by an individual prohibiting the offender from carrying out specific anti-social acts or from entering defined areas. Breach of an order is a criminal offence; criminal procedures and penalties apply.

On stage 5 it's important to note that organisations and agencies still need to be involved once enforcement action is taken to protect individuals or communities who may still feel vulnerable in order to give them the confidence to report any breach of conditions.

Criminal Anti Social Behaviour Order (CRASBO)

The powers to impose ASBO's were strengthened and extended by the Police Reform Act 2002, which introduced orders made on conviction in criminal proceedings, recognising the links between crime and ASB.

A CRASBO is applied for by the Police through the Crown Prosecution Service, in conjunction with evidence from Local Authorities/ Registered Social landlords, as another means of enforcement to; prevent ASB, protect the public and encourage local communities to become actively involved in reporting crime and ASB. Like an ASBO the individual subject of the CRASBO will have a set of prohibitions unique to the case and any breach is a criminal offence.



Further intervention Methods

This Policy Document also recognises the alternative enforcement measures used by Local Authority Housing Departments and Registered Social Landlords as a means to tackle ASB; such as Injunctions, Demotion Orders, Possession Orders and Eviction.

Anti-Social Behaviour Risk Assessment Conference (ASBRAC)

An ASBRAC tackles cases within areas that are deemed of such a risk that it is appropriate that partners, at a structured meeting, consider and decide on the required actions to reduce the risk to victims and communities with a view to delivering a partnership solution.

Each district in Lincolnshire has an ASBRAC in operation. Each ASBRAC has clear terms of reference and reports to the relevant CSP and ASB SMB.

Each district has a 4 weekly ASBRAC and consists of tier 1 and 2 partner representatives.

Tier 1 includes Community Safety Officers/
Police Inspectors/Mangers
Tier 2 includes ASB Officer/ASB Co-ordinators/
Supervisors

The Conference is chaired by either the local Neighbourhood Policing Inspector or Tier 1 Manager.

ASBRAC Process:

The level of risk is identified by the practitioner

through the ASB risk assessment matrix and case details updated onto Sentinel. A high range score will automatically require a referral to a line manager or Police ASB Co-ordinator for inclusion in next ASBRAC referencing the Sentinel case number. However, consideration will also be taken to those victims identified as requiring partnership intervention, but do not fall into the high risk bracket.

An ASBRAC will be diarised in each month. Seven days before the ASBRAC a list of cases for discussion will be sent to all members of the ASBRAC. In some cases partners who would not normally attend the ASBRAC will be invited to assist in specific case issues.

At the conclusion of the ASBRAC an action plan will have been produced. This, along with any other key information should be put on Sentinel to ensure appropriate exchange of information and create a clear audit trail of partnership action.

Virtual ASBRACS

In cases that requiring an urgent response, so deemed by the practitioner, it might be appropriate for a virtual ASBRAC to be conducted via a conference call or video link with the required partners, providing this is a viable option.

Closure of cases

At the closure of each case the lead agency will write to the complainant with an explanation of the closure action enclosing a partnership satisfaction survey for the complainant to complete and return. The information gained

from these questionnaires will be used to review policy, procedure and improve responses by the partnership to ASB in Lincolnshire.

Overall processing of cases

All cases should be investigated to the point where officers are clear that they can be closed, resolved through mediation or require further staff action or require enforcement action.

Record keeping and the Management of Sensitive/Disclosed Information

When a member of staff is notified of ASB or informed of any action relating to an ongoing case they must record the details on the same working day.

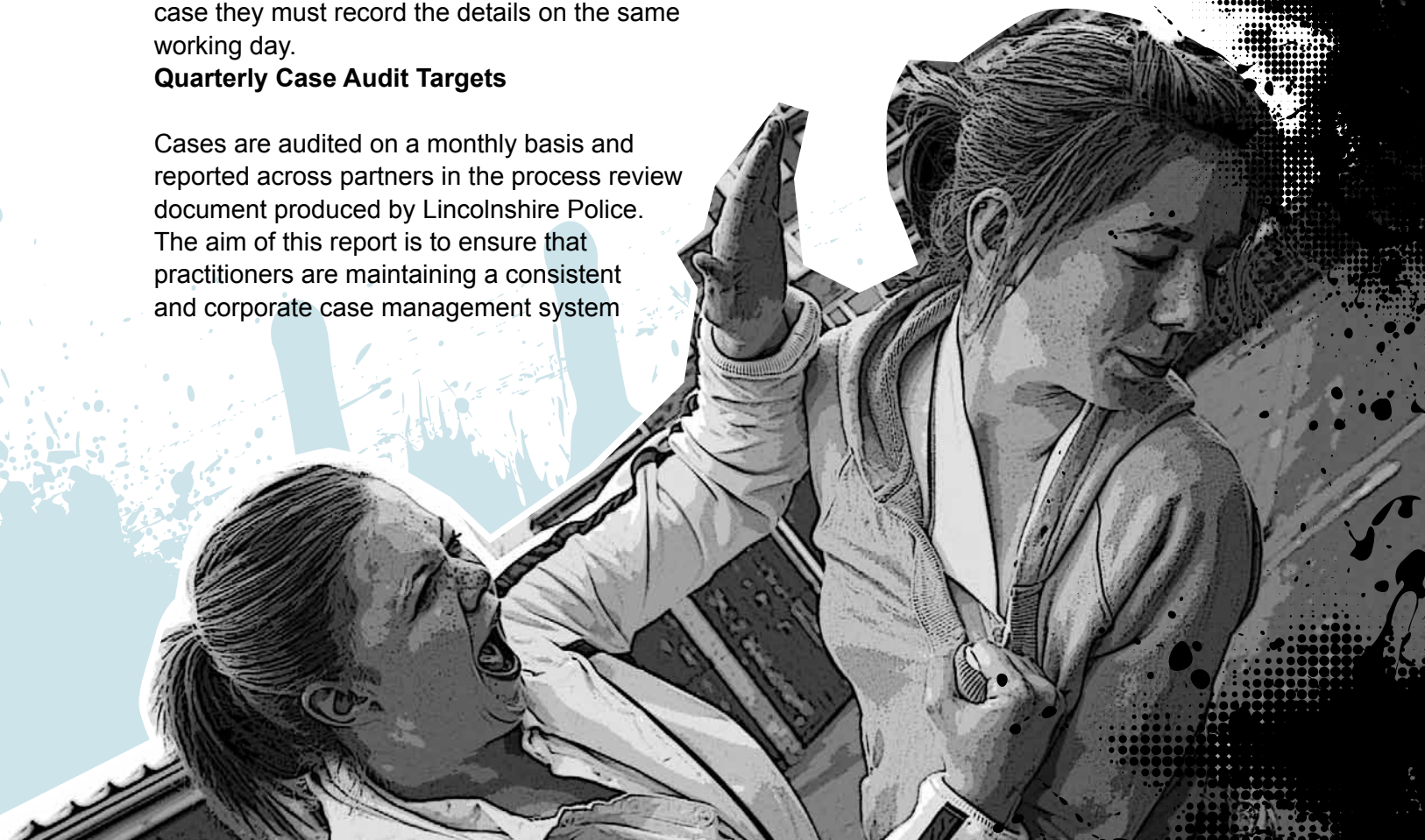
Quarterly Case Audit Targets

Cases are audited on a monthly basis and reported across partners in the process review document produced by Lincolnshire Police. The aim of this report is to ensure that practitioners are maintaining a consistent and corporate case management system

and managing the exchange of information proportionately.

Ensure Accountability through Performance Management

We will ensure we establish clear performance goals and will seek to increase confidence and satisfaction in how we deal with ASB and reduce the number of repeat and vulnerable victims. We are developing a performance measurement process that will reliably demonstrate how successful our efforts have been, which will be monitored by the ASB SMB.



We will deliver timely analysis of ASB across the county, including analysis of activity employed to achieve outcomes. Thus enabling partners to re-visit local tactics and improve service delivery by the adoption of best practice.

4.4 Legal Basis

The following legislation is of relevance for implantation of this policy:

- Domestic Law (such as The Police and Criminal Evidence Act 1984, and the Criminal Justice and Public Order Act 1994)
- Common Law (such as the protection of life and property and preventing breaches of the peace)
- The European Convention of Human Rights (ECHR) which has been given legal effect by virtue of the Human Rights Act 1998
- The Health and Safety at Work Act 1974, the Police (Health and Safety) Act 1997 and legislation enabled by these Acts.
- The Equality Act 2010
- The Crime and Disorder Act 1998
- The Criminal Justice Act 2003

4.5 Human Rights Considerations/Articles Engaged

The following articles within the Human Rights Act may be relevant when dealing with hate crimes/incidents:

- Article 2: Right to Life
- Article 3: Prohibition of torture
- Article 5: Right to Liberty and Security of the person

- Article 6: Right to a Fair Trial
- Article 8: Right to Privacy
- Article 9: Freedom of Thought, Conscience and Religion
- Article 10: Freedom of Expression
- Article 11: Freedom of Assembly and Association
- Article 14: Right to Prohibition of Discrimination

One of the fundamental provisions in the European Convention on Human Rights is Article 2 that states that everyone has a right to life. It also places on public authorities a positive duty to protect life. Similarly Article 3 imposes a positive duty to prevent “inhuman or degrading treatment”. Public authorities must do all that can be reasonably expected to avoid a real and immediate risk to life (*Osman v UK* 1999 EHRR 228).

Each and every decision to act or not must be taken bearing these obligations in mind. Protecting these rights may render proportional the interference of another’s right to, for example privacy and/or family life (Article 8). In any of their actions all members of the partnership must be aware they must not discriminate against any persons regardless of age, gender, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under Article 14 ECHR.

5 Implications of the Policy

It is recognised that the guidance contained under this heading may not be directly applicable to all policies. Where it is relevant however, the following areas should be considered:

5.1 Financial Implications/Best Value

Improve partnership working and collaboration may facilitate savings across partners due to a decrease in duplication or effort in case management, marketing and publicity.

There are financial implications for all partners with respect to software interfaces and maintenance contracts.

5.2 Human Resources/Training

The key areas identified for training will comprise of Vulnerability and Sentinel. Vulnerability is an essential part of the training in order to be able to fulfil the set criteria.

5.3 Strategic/Business Plan

The Crime and Disorder Act 1998 was introduced in response to growing public concern about ASB. Section 17 places a statutory duty on Local Authorities and partner agencies to do all they reasonably can to reduce crime and disorderly behaviour locally, and improve people's quality of life as a result. Each individual partner within the ASB Partnership recognise their responsibility in respect of managing ASB and community cohesion, which is reflected throughout

this policy. By doing so our strategic aim to build trust and confidence through safer neighbourhoods, protecting the public and service improvement is achievable.

5.4 Risk Management

The two identified risks within this policy include:

- Inconsistency in service delivery across all partners
- Inconsistency of resources.

Failure to manage such risks will compromise efforts to reduce ASB and may therefore increase the level of risk and vulnerability to individuals and communities within Lincolnshire. This could, in turn, impact on levels of confidence and customer satisfaction. Furthermore, it will undermine efforts to achieve our objectives and will also cause the wasteful deployment of resources and bring into doubt the integrity and reliability of performance data.

In order to ensure such risks do not jeopardise our intended outcomes they will be managed through the ASB SMB Delivery Plan. The plan consists of a number of actions to be accomplished over the next 12 months as a means to develop our objectives, monitor progress and evaluate our success.

5.5 Diversity

We are committed to meeting needs and providing improved services to all victims of ASB in Lincolnshire regardless of race, ethnicity, age, gender or gender status, etc

The Equality Act established a new Single Equality Duty on public authorities. This consolidates the three existing public duties on race, disability and gender. Additionally, it covers age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment.

The new duty, like the three duties before it, requires public authorities to 'have due regard' to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Public Bodies must also show:
 - Evidence of analysis
 - Details of the information considered
 - Details of any engagement

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics (age, disability, gender reassignment, race, religion or belief, gender, sexual orientation, marriage or civil partnership and pregnancy and maternity)
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

An important part of the general duty in the Equality Act (2010) is the duty to analyse the effect of their policies and practices on equality.

The needs of those covered by the protected characteristics and those not covered have been considered throughout the development of this policy and its associated procedures and strategy.

Men are more often victims of crime in all age groups, except at age 75 and above, where more women are victims – 8.4% of women compared to 6.4% of men.

5.6 Children and Young People

Children Act 2004

Section 10 – Co-operation to improve well being
Section 11 – Arrangements to safeguard and promote welfare

5.7 Crime and Disorder Act 1998

Section 115 of the Crime and Disorder Act provides that any person can lawfully disclose information, where necessary or expedient for the purposes of any provision of the act, to a Chief Officer of Police, a Police Authority, Local Authorities, Probation Service or Health Authorities. This power also covers disclosure to people acting on behalf of any of these named bodies.

Section 17 of the Crime and Disorder Act places a statutory duty on every Local Authority to do all that it reasonably can to prevent crime and disorder in its area.

5.8 Internal Policy/Strategy Links Hate Crime (PD 96)

5.9 Consultation

All Partners, Heads of Departments, Chief Officer Group, District Commanders, PCC, and staff associations have been consulted on this policy and its revision.

5.10 Publication

This policy will be published on each partner's intranet and external internet site.

6 Promotion/Distribution

The policy will be owned and promoted by all partners and will be available on the internet.

7 Monitoring/Review

This policy will be monitored through a delivery plan, which has been produced by members of the ASB SMB. It clearly outlines our objectives for the next 12 month, along with measurable aims and performance indicators to review the partnerships progress and success. There is a lead practitioner for each action within the delivery plan and times scales for completion of each activity, which are discussed at the quarterly ASB SMB meeting.

Satisfaction surveys of victims of ASB will be conducted, monitored and shared by all partners in order to establish an overall picture of our developments, which can be consistently and easily evaluated.

The policy will be reviewed annually.

Partners:

Lincolnshire County Council Safer Communities
Lincolnshire County Council Children's Services (Families
Working Together)
Lincolnshire Police
Youth Offending Services
West Lindsey District Council
East Lindsey District Council
City of Lincoln Council
North Kesteven District Council
Boston Borough Council
South Holland District Council
South Kesteven District Council
Longhurst
NewLinx Housing
Boston Mayflower
Acis
Lincolnshire Fire and Rescue

