

# **COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE**

## **NEW HOME OFFICE REQUIREMENTS IN RELATION TO ANTI SOCIAL BEHAVIOUR**

**REPORT OF THE CHIEF EXECUTIVE**

**12 JANUARY 2010**

### **1. Purpose of Report**

- 1.1 To provide an overview to the Scrutiny Committee on the new Home Office requirements in relation to anti social behaviour.

### **2.0 Introduction**

- 2.1 Since October 2009 the Home Office has made a number of announcements regarding the collective response to Anti-Social Behaviour (ASB). This report provides a summary of these, as well as details of our current response.

### **3.0 Background**

- 3.1 The last 12 years has seen a raft of specially tailored new powers introduced to tackle ASB in all its forms, including Anti-Social Behaviour Orders (ASBOs), dispersal orders and premises closure orders. Latest figures from the British Crime Survey show there has been a fall in people's perception of ASB as a problem in their area over the last six years. Perceptions of ASB as a problem in Sunderland is measured by NI 17, and currently stands at 23.5%, down from 51% in 2003. It is recognised that it will become increasingly difficult to keep making significant reductions against this measure. The Safer Sunderland Partnership (SSP) has therefore agreed upon a 3 percentage point reduction against the 23.5 place survey baseline for the remaining term of the LAA agreement.
- 3.2 On the 13<sup>th</sup> of October 2009, the Home Office announced a package of measures to improve the collective response to ASB. These are intended to be practical improvements to help Crime and Disorder Reduction Partnerships (CDRPs) to improve service delivery rather than a new set of bureaucratic processes.
- 3.3 Central to this renewed action on ASB is the need to improve services to victims, following the tragic case of Fiona and Francessca Pilkington. Mrs Pilkington was driven by years of abuse and harassment to take her own life and that of her disabled daughter Francessca in October 2007. Mrs Pilkington made repeated calls for assistance but felt no-one cared. The inquest blamed local authorities and the police and criticised a failure to share information between the police and the local

council as one of the reasons why they did not respond to the calls for help.

- 3.4 The Home Secretary has placed a high priority on dealing with ASB and wants to see both the police and local authorities using their powers in a way that is effective and responds to peoples' needs at the right time.

#### **4.0 New Requirements**

- 4.1 There are a number of new requirements arising from the package of measures. These include:
- Action on ASBO breaches;
  - Minimum Services standards to be put in place and publicised;
  - Improvements to local ASB services;
  - Extension of Victim Support Services.

#### **5.0 Action on ASBO breaches**

- 5.1 ASBOs are designed to inhibit the behaviour of perpetrators and protect victims. On the 23<sup>rd</sup> October 2009, the Office for Criminal Justice Reform (OCJR) wrote to Local Criminal Justice Board (LCJB) chairs to ask them to assess how effectively breaches are tackled. There is a clear expectation from the OCJR that local areas ensure court action is taken swiftly and appropriately against those who break the law by breaching ASBOs
- 5.2 There is also an expectation that information from the original ASBO case will be taken into account before sentencing of breach. This will include a Community Impact Statement where there is one. This is to enable the court to be aware of the effect on the community of the ASB which is being addressed. The OCJR is exploring with criminal justice partners whether the use of community impact statements, which are currently being piloted in a number of areas, may be accelerated and extended to all ASBO cases.
- 5.3 The Government has also just announced in the Queen's Speech, legislation to make parenting orders mandatory in cases where a child breaches an ASBO. This will be legislated by a Crime and Security Bill
- 5.4 As a result of the City taking an early intervention approach in response to ASB (issuing warning letters, ABAs and use of other tools and powers), there is a low number of ASBOs and CRASBOs occurring in the City, therefore instances of ASBO breaches are also low. Based on information provided for Home Office returns, over the 12 months October 08 to September 09, there have been 10 ASBi's issued plus 2 ASBOs and 7 CRASBOs. Whilst ASBi breaches are dealt with in the County Court, ASBO breaches can be dealt with in either the County or Magistrates Court.

- 5.5 Upon receipt of information that a breach of ASBO has occurred, the Police response is as follows:
- The relevant sector Inspector is notified of the breach.
  - Research is carried out as regards the circumstances of the breach,
  - Tasking by the sector Inspector identifies accountability for dealing with the offender in a swift manner.
  - Morning reports/briefings for response officers, monitor the progress of breach enquiries.
  - Positive prompt action is directed, arrests made and offenders placed before appropriate courts at the earliest opportunity.
  - Feedback is provided to criminal justice partners as to the regularity of breaches if applicable.
- 5.6 Since April 2009 there have been 17 such breaches (note that some breaches will relate to ASBOs, CRASBOs and ASBIs issued prior to the figures quoted in para 4.4 above, hence the difference in numbers). All individuals were subsequently arrested and charged with the breach for a court appearance. The outcomes of those individual cases are presently not known.
- 5.7 The Sunderland Local Delivery Group (LDG) of the LCJB meets monthly to review and action performance improvement. The Local Delivery Group will review ASBO breach work as a priority. The Safer Communities Manager has met with the Crown Prosecution Service and the Courts Service and it is not currently felt that ASBO breaches are problematic, however a review will take place via the LDG.
- 5.8 When a breach comes before the Magistrates' court, the focus is usually upon the actual behaviour of the defendant and not upon the historical context. For example, a breach might concern a defendant going to a location from which they are forbidden to be under the terms of their ASBO. The Court will consider this breach as the issue without having an awareness of the behaviour that led to the ASBO in the first place, and therefore the consequences of the breach in terms of its impact on the local community.
- 5.9 The defendant's solicitor will naturally attempt to minimise the action and therefore the impact of the breach. Without historical context this is likely to in turn lessen the sentence imposed, the result being that the defendant may receive a discharge or a fine rather than a custodial sentence.
- 6.0 Proposed improvements to City's response to ASBO breaches.**
- 6.1 Given the need for the historical context of cases to be presented to the Court to maximise the chances of having the breach taken seriously by the Court, it is proposed that the Crown Prosecution Service, (CPS), those bodies who can apply for an ASBO, (Police,

British Transport Police, Councils, Registered Social Landlords), work together to maintain an updated case file in respect of ASBO cases. If this approach is used and a breach occurs which ends up in Court the next day, the prosecution will be able to more easily provide the historical context via use of the case file.

- 6.2 In the absence of the above, an alternative would be to push for an adjournment, though this may not be agreed to and would go against the Home Office desire to have breaches dealt with effectively.
- 6.3 It is also proposed that links between the LCJB and CDRP are strengthened by the Crime and Justice Co-ordinator acting as a link between the two via the ASB Delivery group.
- 6.4 It is proposed that “Community Impact Statements” are introduced in cases of ASBO breach. The OCJR is exploring with criminal justice partners whether the use of community impact statements, may be accelerated and extended to all ASBO cases. Community Impact Statements would be used to inform Magistrates of the impact of the breach. Whilst Community Impact Statements are currently used by ASB Officers within the City Council’s Neighbourhood Relations Team, (when an ASB case is opened, community impact surveys are undertaken in order to obtain specific details of the nature and extent of problems in an area. Pre and Post surveys are also undertaken to gauge the impact of the intervention), they are not used in cases of ASBO breach as these would need to be undertaken by the Police to a criminal standard.

## **7.0 Minimum Service Standards to be in place and publicised**

- 7.1 CDRPs are asked to agree and publicise local minimum service standards by March 2010. Whilst expected standards will vary between areas, the minimum standards should cover a commitment from partners to:
  - Reduce perceptions of ASB year on year;
  - Take reported cases of ASB seriously by recording and investigating all cases and committing to keeping victims informed of action taken;
  - Provide regular information to communities on what is being done to tackle ASB, including an expectation to publicise ASBOs to the local community on what action is being taken to tackle ASB;
  - Offer support and practical help to victims of ASB;
  - Ensure an effective link between neighbourhood policing and other local partners to deal swiftly with problems
  - Provide residents with a right of complaint to CDRPs if effective action is not taken by local agencies through existing channels

- 7.2 Reduce perceptions of ASB year on year.

- 7.2.1 Perceptions of ASB as a problem has reduced from 51% in 2003/04 to 23.5% in 2008/09 . This means that since 2003, there has been a 27.5% improvement in perceptions of ASB as a problem.
- 7.2.2 The public utilisation of ASB tools and powers and other marketing initiatives on action being taken to address ASB might have a further positive impact on perceptions of ASB.
- 7.3 Take reported cases of ASB seriously by recording and investigating all cases and committing to keeping victims informed of action taken.
- 7.3.1 Reports of ASB are taken seriously by partnership agencies and are recorded and investigated. For example, when ASB Officers within the Neighbourhood Relations Team open an ASB case, work is undertaken in order to gauge the nature and extent of the problems, including the use of community impact statements, leaflet drops, issue of diary sheets to log specific incidents, hotspot reports from Police, use of the Neighbourhood Helpline, increased police patrols to assist with substantiating the allegations, maintaining contact with complainants etc. Officers are dedicated to particular framework areas and maintain contact with complainants in their particular area. This helps to restore levels of confidence in the community and enhances the reporting of ASB at an earlier stage than might otherwise be the case.
- 7.3.2 When a multi-agency response to an ASB case is required, issues can be referred to LMAPS. These have committed to keeping victims informed of action taken to address problems prior to a case being considered for closure.
- 7.3.3 The ASB Delivery Group has been asked to consider how the recording, co-ordination and investigation of ASB cases might be improved. The Home Office ASB Unit has suggested that the Multi-Agency Risk Assessment Conference (MARAC), process might be adopted. The Home Office has not yet indicated detail on how it may take this forward, however, initial scoping discussions with individual agencies locally have indicated that we should try to adopt a risk and vulnerability focus rather than merely a repeat/volume approach, though the latter may be included as a supporting factor.
- 7.3.4 One proposal is for a process to be identified based upon vulnerability and risk, whereby those victims of ASB who are considered 'vulnerable' by agencies can be reported to the appropriate LMAPS in order that the information can be shared. This would require a subjective judgement to be made by investigating officers, (essentially carrying out a risk assessment role), as to whether someone was indeed 'vulnerable'. For example a victim who lived alone and lacked support networks, or who belonged to, or lived with a member of a minority group might be considered as vulnerable. Vulnerability could

be graded as 'High', 'Medium' or 'Low', or 'Red', 'Amber', or 'Green'. This would enable agencies to monitor those incidents of ASB involving vulnerable victims that have been reported to various agencies as single incidents. Repeat incidents can then be plotted that might otherwise have appeared as single incidents.

7.3.5 An enhancement to this proposal might be for partner agencies to feed in information on vulnerable victims to a central contact point. Information could be retained on a database and monitored to enable those vulnerable victims who are coming to the attention of a range of single agencies, to be offered appropriate support.

7.3.6 The ASB Delivery Group has been asked to consider how existing arrangements such as Part 2 LMAPS meetings may be used and whether any additional mechanisms are required

7.4 Provide regular information to communities on what is being done to tackle ASB, including an expectation to publicise ASBOs to the local community residents on what action is being taken to tackle ASB.

7.4.1 ASB tools and powers are to be utilised and the public must be made aware of their usage.

7.4.2 Communities are kept updated on what is being done to tackle ASB in a number of ways. For example:

- ASB Officers from the Council's Neighbourhood Relation's Team are dedicated to particular framework areas and maintain contact with complainants in their particular area.
- The SSP Marketing Group produce an ongoing series of 'You said...we did' postcards which publicise what action has been undertaken to tackle ASB and other issues.
- When issues have been considered by LMAPS, feedback is provided to the complainant on the action that has been taken, before the item is closed.
- The Police Authority regularly arrange Police and Community events to enable local residents to meet with the Police to raise issues of concern. A number of the Area Fora also include Police consultation as a regular agenda item at their monthly meetings.
- The Safer Sunderland Partnership TV (SSPTV) system regularly includes information on what is being done to tackle ASB and how to report it.
- Improving public confidence in the criminal justice system by engaging directly with communities is a key driver of the Neighbourhood Crime and Justice Programme. In October 2008 Sunderland was granted pioneer status to go further and faster in improving services for victims and witnesses of crime

including anti-social behaviour. The Louise Casey review 'Engaging Communities in Crime' (2008) revealed that nationally the public want to receive more communication around action taken to tackle crime by the police and what has happened to offenders who have committed crime. In response to this report and to local views a bespoke crime and justice newsletter for Sunderland will be distributed to all localities across the city in February 2010 conveying sentencing outcomes. Information to be publicised will include the name, age, and street name of those who have been convicted of an anti-social behaviour related offence. Work will continue throughout 2010 to ensure community residents are actively engaged in action to tackle not tolerate anti-social behaviour.

7.4.3 The ASB Delivery Group has been asked to consider whether we are making effective use of tools and powers and available resources to provide timely and targeted feedback to the public on actions taken to tackle ASB, and how this might be improved.

7.5 Offer support and practical help to victims of ASB.

7.5.1 Practical help for victims and witnesses is to be made a priority. Training will be rolled out nationally on civil powers to local practitioners and to others involved in tackling ASB following challenges and recommendations to central government posed by Sara Payne, (National Victims Champion) through her report 'Addressing the individual needs of victims and witnesses' (2009).

7.5.2 All victims taking the stand in the Magistrates Courts against those offenders who blight communities and enjoyment of life through their anti-social behaviour will be offered help by the Victim Support Witness Service. A network of 85 victims and witnesses champions is to be set up in priority areas across the country to stand alongside victims, delivering practical help to those taking a stand. This will include support in court proceedings prior to, and when giving evidence and providing follow up assistance and support when the court case is over.

7.5.3 The Victims Champion role is to be in place in every Pioneer area from early 2010. Sunderland has been allocated additional funding of £5,000 in 09/10 and £20,000 in 10/11. The grant must ensure the Victims Champion role is created and can support salary for a whole or part time worker, or salary costs towards an existing worker. The role will only be in place for 15 months maximum due to funding so at best they will be able to quality assure, improve and design new systems etc. However, the role of the Champion will include:

- More victims and witnesses of ASB receiving support.
- Creation of a partnership wide service;
- Adding value to services to ensure they are joined up;
- Acting as a referral point for ASB teams for cases that need extra help.

7.5.4 The Sunderland audit of anti-social behaviour services confirmed that witnesses and victims affected by ASB do not receive as much support as victims and witnesses of other crimes and there is a clear service gap. Funding of £10,000 was obtained in the summer of 2009 to:

- Improve the consistency/widen the support available to ASB victims and witnesses
- Ensure ASB victims and witnesses are aware of the range of support available how to access and how to report ASB
- Publicise the services through various marketing techniques to increase public confidence that local services are on the side of victims and witnesses.

7.5.5 Sunderland City Council has commenced promotion of the Council's ASB unit and specialist ASB Officer for witnesses/victims via a public ASB awareness raising campaign, including use of a mobile ASB unit. This was recently used at an event in the Bridges on 20<sup>th</sup> November. The expected outcome of this is to increase awareness of local authority powers & services available to victims and witnesses.

7.5.6 Victim Support have commenced specialist ASB training for victim support staff. The expected outcome of this is to provide improved support to victims of ASB crimes

7.5.7 Gentoo already employs two Victim Support officers and are currently running a campaign to encourage people to report ASB.

7.5.8 At the Safer Sunderland Partnership level we might also give consideration as to how we might better identify potential victims of crime and ASB. This could include giving consideration as to how we might engage with potentially at risk groups, e.g Filipinos in the Health Service, Students at the University etc.

7.6 Ensure an effective link between neighbourhood policing and other local partners to deal swiftly with problems.

7.6.1 ASB issues that require a multi agency response are already discussed and an appropriate action plan implemented via the eight Local Multi Agency Problem Solving Groups (LMAPS). The ASB Delivery Group already considers local LMAPS issues from a City-wide perspective.

7.7 Provide residents with a right of complaint to CDRPs if effective action is not taken by local agencies through existing channels

7.7.1 There is an established complaints procedure within the City Council. If a complaint came in for consideration at the partnership level this



would be co-ordinated by the Council's Safer Communities team on behalf of the Partnership in line with the established procedure.

## **8. Funding support**

8.1 Pioneer areas have been asked to lead the way in developing action on these measures and have received additional funding. Priority is being given to those Pioneer areas where more than 25% of the population think ASB is a big or a very big problem (Only Middlesbrough applies in the North East – Sunderland currently stands at 23.5%) and over the next 3 months the Home Office ASB squad will target, support and challenge these areas first.

8.2 Sunderland has been allocated £54,000, which will be allocated to the City Council. Note that this funding is additional to the funding support of £25,000 allocated for the Victims Champion role. GONE have advised that whilst this additional resource does not have to be fully spent within this financial year, they strongly recommend that partnerships commit the resource quickly to deliver on the suggested priorities.

8.3 The ASB Delivery Group was recently asked to consider how this funding might best be utilised to address priorities. They recommended that funding should be spent on:

- Training for front line practitioners to enable increased awareness of vulnerability issues surrounding victims of ASB.
- Changes to processes and procedures to support better information sharing
- Additional victim support

8.4 The City Council's Executive Management Team is being asked to recommend how the Safer Sunderland Partnership might best expend available resources, and an EMT report is currently being prepared.

## **9. Additional activity**

9.1 The Home Office have also stated that as well as support to councils, over the coming months, Government will continue to support the Police, particularly in relation to neighbourhood partnership working. This is an area of work in which Sunderland has placed considerable priority on developing, including the LMAPS problem solving processes. In Sept 2009 the Deputy Regional Director from GONE visited an LMAPS meeting and described the meeting as "a master-class in partnership problem solving, with all agencies demonstrating a refreshing willingness to share information and resources".

9.2 The Home Office are also putting in place a range of measures that will apply nationally. This will include a number of country-wide events to

bring together practitioners and communities to share best practice on how to tackle ASB.

- 9.3 They are also setting up a dedicated Housing ASB action squad within the Tenant Services Authority to provide on the ground help to problems being faced by social landlords across the country and spread best practice.

## **10. Recommendation**

- 10.1 Members are asked to note and comment upon this report.