

## CABINET

<b>DATE</b>	10/02/2021
<b>REPORT OF</b>	Councillor Ronald Shepherd - Portfolio Holder for Safer and Stronger Communities
<b>RESPONSIBLE OFFICER</b>	Joanne Hewson, Deputy Chief Executive and Executive Director for People, Health and Care
<b>SUBJECT</b>	North East Lincolnshire Anti-Social Behaviour Strategy
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	CB 02/21/07

### CONTRIBUTION TO OUR AIMS

The recommendations within this report contribute to the strategic aims of the Council to promote a Stronger Economy and Stronger Communities and is directly linked to the priorities within the Outcomes Framework namely People in North East Lincolnshire: -

- Feel Safe and are Safe
- Enjoy Good Health and Well-being
- Benefit from Sustainable Communities
- Enjoy and benefit from a Strong Economy

The Council, as a *responsible authority* has duties under the Crime and Disorder Act 1998 to take an active role in reducing crime and disorder in the local area as part of the statutory Community Safety Partnership (CSP) arrangements.

Having effective and robust arrangements in place to tackle anti-social behaviour, supporting victims and assisting in bringing perpetrators to justice through multi agency enforcement activity is paramount to creating an environment where residents '*Feel safe and are safe*' and '*enjoy good health and well-being*'.

### EXECUTIVE SUMMARY

This report provides details of a revised partnership Anti-Social Behaviour Strategy (ASB) for Cabinet approval. The strategy sets out the scaled approach taken locally, the range of tools and statutory enforcement powers available and the responsibilities of partner agencies to both tackle perpetrators and support victims of Anti-Social Behaviour.

The strategy has been developed following engagement and consultation with partner agencies and has been formally approved by the Community Safety Partnership Executive. The strategy has also been presented to the Communities Scrutiny Panel ahead of submission to Cabinet.

## RECOMMENDATIONS

It is recommended that Cabinet;

1. Approves the Partnership ASB Strategy.
2. Delegates authority to the Deputy Chief Executive and Executive Director for People, Health and Care to implement the strategy and in consultation with the Portfolio Holder for Safer and Stronger Communities deal with any amendments and reviews as appropriate.

## REASONS FOR DECISION

The revised strategy, developed collaboratively with partner agencies, aims to improve the local response to ASB, provide better support to victims and further reduce ASB across the Borough.

### 1. BACKGROUND AND ISSUES

- 1.1 Anti-Social Behaviour in North East Lincolnshire continues to be the number one concern raised by local residents and remains a priority for the Community Safety Partnership (CSP) and Council. ASB can often have a devastating impact on victims and communities and requires a multi-agency approach to deal with it effectively.
- 1.2 A scaled approach is taken to deal with ASB with the emphasis being around prevention, early intervention and diversion before enforcement action is taken. A range of partnership services and resources continue to work collaboratively to tackle this complex issue.
- 1.3 **Statistics** – Whilst there has been a change in how ASB is recorded, with additional crime categories added and others removed which are now recorded as public order offences, there continues to be a downward trend in recorded ASB. It is accepted that there will be under reporting of ASB incidents however ASB has seen a year on year reduction over the last 5 years.
  - Over a five year period ASB has reduced by 44% from 4875 incidents in 2014/15 to 3070 incidents in 2019/20
  - In 2019/20 ASB reduced by 11.9% with recorded reports reducing from 3,486 incidents to 3,070 when compared to the previous year.
  - In 2019/20 ASB committed by young people accounted for 41.2% of all ASB (1,243 incidents) a reduction of 91 reported incidents from the previous year.
- 1.4 Whilst encouraging, ASB continues to affect all wards across the borough and is subject to seasonal changes. The revised strategy supported by robust governance will help to ensure there continues to be a downward trend and reduction in all ASB.

## 2. STRATEGY

- 2.1 The North East Lincolnshire ASB Strategy sets out clear aims and objectives for responding to and tackling ASB across the borough.
- 2.2 The strategy sets out the staged approach that can be taken including the tools and powers available to the Partnership to tackle ASB and improve the quality of life for our local communities. This provides a menu of tactics and options that are available to be utilised dependent on the nature of the ASB and the perpetrator involved. It also includes a list of options/powers open to the Council and wider agencies that can be used.
- 2.3 The strategy sets out a clear approach around: -
- Working in partnership
  - ASB case management
  - Vulnerable victims
  - Repeat victims
  - Hot-spot locations
  - Hate Crime
  - Understanding the needs of our communities
- 2.4 **Working in Partnership** – The Council’s ASB Team works with a large number of partners with close links to Humberside Police, Social Housing, Youth Services, Social Care, Safeguarding, Mental Health, Engie, Ward Councillors, Environmental Enforcement, Neighbourhood Services and wider Community groups and organisations who work together to resolve emerging issues and seek to identify long term solutions.
- 2.5 **ASB Case Management** - The strategy has a strong emphasis on case management and identifies victims, repeat locations and perpetrators with the overall strategy delivery overseen via the partnership ASB Thematic Group. The use of Community Protection Warnings and Community Protection Notices are used appropriately with adults to change their behaviour and curb ASB issues. In over 80% of cases where these have been issued the behaviour stops without the need to progress to a fine or other sanction.
- 2.6 **Vulnerable Victims** – Victim care and preventing repeat victimisation is at the heart of the strategy and requires a response that gets it right first time. Certain victims often need more support than others and where necessary a special Risk Conference will be called for the most vulnerable victims who are assessed by a Home Office approved matrix. The approach identifies that no single agency has single responsibility, rather every agency has a duty to work together to get the best possible outcome at the earliest opportunity for the victim and ensure ongoing support and action is in place.
- 2.7 **Hot - Spot Locations** - The strategy explains how repeat locations will be identified through data provided by the partnership analyst and managed by the ASB Thematic Group. The multi-agency group determines the right response to ensure the cause of the issue is dealt with. Agencies report back on their actions and the location remains monitored until the issue has been

resolved. Individual repeat perpetrators are referred into the multi-agency ASB Panel. The referral is again supported with relevant data which includes any mitigating circumstances which may explain the offending. The panel has a responsibility to put the right measures in place to stop the offending.

- 2.8 **Hate Crime** - Hate Crime is managed by a Hate Crime multi-agency panel chaired by Humberside Police and attended by an ASB Coordinator. Individual cases are discussed (the same as the ASB Panel) with supporting measures put into place for the victim and a thorough investigation into the perpetrator. The panel reviews all hate crime incidents with cases remaining open until they have been satisfactorily dealt with. Hate crime is a Community Safety Partnership performance measure and is addressed in the strategy.
- 2.9 **Understanding the Needs of our Communities** – Consultations with the community are carried out each year, often in more than one format. The yearly “State of the Borough” consultation enables the public to provide views on a wide variety of issues. In addition, the Joint Strategic Intelligence Assessment consultation enables the community to provide views on wider crime and anti-social behaviour. Individual consultation exercises are also undertaken around specific issues such as the introduction of Public Space Protection Orders when required. Close links are also maintained with community groups to address community concerns with regular contact being made from Ward Councillors who relay concerns that have been passed to them.
- 2.10 Other elements of note include:-
- 2.11 **Young People** - A scaled approach is taken to reduce Youth related ASB. The strategy sets out how Young people are initially engaged with and encouraged away from ASB utilising support, diversion and intervention to achieve long term solutions. A Child Centred approach is always adopted first with consideration for available sanctions applied only when the Young Person has failed to respond or not responded to earlier warnings, or the matter is serious enough to warrant a sanction from the outset.
- 2.12 **ASB Case Review (previously known as The Community Trigger)** – The ASB Case Review or Community Trigger is a statutory requirement set out in the ASB Crime and Policing Act 2014 with a requirement for the Local Authority to take the lead in all such cases. It is victim focused and in place to address concerns where a repeat victim feels that their issues have not received an adequate response. They or someone on their behalf can request a review of the case. The response is time specific with requirements in place to keep the victim apprised of progress throughout the process. The CSP and the Police and Crime Commissioner are made aware of all ASB Case Review requests and their outcome. Where an individual is not satisfied with the outcome of the review, they can appeal to the CSP and thereafter the Police and Crime Commissioner.
- 2.13 **Elected Member Concerns** – Elected members continue to play a central role in supporting their local constituents who are suffering anti-social behaviour. Reports received from local Councillors are investigated by the ASB Team who undertake research to better understand the extent and prevalence of the issue.

Agencies are contacted to ascertain their involvement with the reported issue and feedback sent to the Elected Member on the findings and the action taken or any relevant action that is proposed to be taken. The Portfolio Holder for Safer & Stronger Communities will also be informed of any case that is of particular concern and is kept abreast of any pertinent and developing issues so they are able to feedback to members if the matter is raised. The Portfolio Holder also feeds concerns into the ASB Team and these are responded to in the same manner.

- 2.14 The ASB Team has a dedicated email address which is monitored daily by all team members for any reports or concerns from elected members, the community or partners at [SaferCommunitiesSPOC@nelincs.gov.uk](mailto:SaferCommunitiesSPOC@nelincs.gov.uk)
- 2.15 **Governance** – ASB remains a priority of the Community Safety Partnership with the delivery of the strategy overseen by the ASB Thematic Group. This group is required to feedback to the CSP Executive on progress. Regular updates are also provided to the Portfolio Holder for Safer & Stronger Communities.

### **3. RISKS AND OPPORTUNITIES**

- 3.1 The Place based approach that has been adopted in North East Lincolnshire alongside the revised ASB strategy gives a real opportunity to intervene earlier with individuals and bring about lasting change to a family and prevent young people from entering the Criminal Justice System. Following a risk assessment it has been rated at six on the risk matrix and considered low risk.
- 3.2 The ongoing risk to the strategy is in relation to any upsurge in ASB and the current Covid situation impacting on the ability to respond within the existing resourcing arrangements of the Council's ASB Team and wider multi-agency ASB provision.
- 3.3 The Council and wider Partnership approach to ASB also meets the requirements of the Equality Act 2010 and the General Data Protection Regulations 2018.

### **4. OTHER OPTIONS CONSIDERED**

- 4.1 In undertaking engagement and consultation with partner agencies around the development of the partnership ASB strategy all relevant options have been included in the revised strategy including latest government guidance.

### **5. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

- 5.1 The failure to effectively tackle and reduce anti-social behaviour in North East Lincolnshire may cause reputational issues for the Council and wider partner agencies resulting in a lack of community confidence and reluctance for businesses to invest in the area. Ongoing Communications are essential to demonstrate to the public that agencies take their concerns seriously and have measures in place to deal with ASB effectively. Perceptions of ASB are often higher than recorded statistics, so effective communications around successes and the reduction of ASB is essential to boost public confidence.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 Any resourcing decisions leading to a reduction in service provision will undoubtedly impact on the Councils ability to deliver the ASB strategy effectively

## **7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

- 7.1 There are no direct climate change or environmental implications arising from this report.

## **8. CONSULTATION WITH SCRUTINY**

- 8.1 A paper covering the strategy was presented to Scrutiny on 26<sup>th</sup> November 2020. Scrutiny noted the report and strategy and made no recommended amendments.

## **9. FINANCIAL IMPLICATIONS**

- 9.1 There are no direct financial implications as a result of this report. The service is required to manage from within its approved budget envelope when implementing the strategy.

## **10. LEGAL IMPLICATIONS**

- 10.1 The legal implications and obligations on the Council are covered in the above report. The Crime and Disorder Act 1998 places a statutory duty on a local authority to have in place a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment).

## **11. HUMAN RESOURCES IMPLICATIONS**

- 11.1 There are no direct HR implications contained within this report.

## **12. WARD IMPLICATIONS**

- 12.1 Applies to all wards

## **13. BACKGROUND PAPERS**

- 13.1 North East Lincolnshire ASB Strategy – Communities Scrutiny Panel 26<sup>th</sup> November 2020 [10.-ASB-Strategy-Scrutiny-report-November-2020-final-PDF-438KB.pdf \(nelincs.gov.uk\)](https://www.nelincs.gov.uk/10.-ASB-Strategy-Scrutiny-report-November-2020-final-PDF-438KB.pdf)

## **14. CONTACT OFFICER(S)**

- 14.1 Spencer Hunt, Assistant Director, Safer & Partnerships, North East Lincolnshire Council 01472 325939.

**COUNCILLOR RONALD SHEPHERD**  
**PORTFOLIO HOLDER FOR SAFER AND STRONGER COMMUNITIES**



# **Anti-Social Behaviour (ASB) Strategy**

**NEL**

***“Feel Safe Are Safe”***

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Updated 16th June 2020 review date June 2021

### 1. Statement of Purpose

This strategy sets out how agencies in North East Lincolnshire (NEL) will work together to effectively manage and resolve reports of ASB; building upon the excellent partnership work already operating across the borough and working to the outcome that all residents and visitors to NEL “Feel Safe and Are Safe”. We will ensure that we

continue our efforts to reduce ASB and that every member of the community receives the highest possible standard of service that is able to be delivered within our current provision.

As a partnership we do not underestimate the impact that ASB can have on a community, the lives of individuals and the demise it causes if left unchecked. The primary focus of our strategy is to put the needs of victims first; provide effective support and ensure processes are in place to protect them from further harm by eradicating the behaviour. We will maintain our approach to identify repeat locations and focus on the vulnerable victims who become targets for the perpetrators of ASB.

We also recognise the importance to effectively tackle perpetrators of ASB and the benefits of early intervention methods and engaging with parents where young people are involved to achieve long-term sustainable outcomes and effect a change in culture.

This strategy is intended to complement existing antisocial behaviour policies as a framework of activity adopted by agencies in NEL as an overarching approach to tackling ASB.

## **2. Introduction**

The NEL Community Safety Partnership (CSP) is a strategic multi-agency group set up to tackle countywide community safety issues as defined in statute. It is made up of both statutory and non-statutory organisations and works to the NEL outcome of “Feel Safe Are Safe”. The statutory organisations include Humberside Police, NEL Council, Humberside Fire and Rescue Service, The Probation Service, and the Clinical Commissioning Group and Public Health. The non-statutory organisations include Social Housing, The Voluntary Sector in the form of VANEL, The Alliance, and Victim Support, The Office of the Police and Crime Commissioner, and NAVIGO.

The NEL Outcomes Frameworks identifies indicators and performance measures to determine the direction of travel with a yearly performance assessment being carried out and recorded in the Joint Strategic Intelligence Assessment (JSIA). Each performance measure where appropriate is supported by a Thematic Task Group, which is responsible to develop an effective strategy, produce an action plan and report on performance progress through the CSP.

NEL recognises the huge effect antisocial behaviour has on victims and communities and the general public has highlighted it as their number one concern in the latest ‘*State of the Nation*’ consultation. ASB remains a key partnership performance measure.

The ASB Thematic Group comprises of the following:

- Safer Stronger Communities
- Youth Offending Service
- Young and Safe Street Based Provision
- Child Criminal Exploitation (GRAFT)
- Child Social Care (when required)
- Humberside Police

- Humberside Fire and Rescue
- Lincolnshire Housing Partnership
- Longhurst Group
- Engie (Private Sector Housing)
- Environmental Enforcement (ASB)
- Locality Teams/Troubled Families
- Portfolio Holder for Safer Stronger Communities
- Victim Support
- Probation Service (when required)

This strategy is intended to support the actions identified in the ASB Action Plan. All activity in relation to this document will be led by the ASB Thematic Task Group and the chair will report to the CSP.

### **What is ASB?**

'ASB' is a broad term used to describe a range of nuisance behaviour, disorder and crime that affect people's daily lives. It has been described as causing harassment, alarm or distress to one or more persons not of the same household. It covers many types of behaviour that vary in nature and severity, many of which are open to interpretation. Thus, what is considered anti-social by one person can be acceptable to another.

Issues that could constitute as ASB include (this is by no means an exhaustive list);

#### Personal ASB

- Vandalism and damage
- Threats and or Intimidation
- Distressing behaviour aimed at individuals or businesses
- Abusive language or behaviour
- Neighbour disputes
- Gathering of rowdy groups
- Throwing eggs and flour at persons or property
- Inappropriate street drinking
- Aggressive begging
- Inappropriate and inconsiderate use of off road motor bikes
- Inappropriate use of motor vehicles on a road
- Drug dealing and associated behaviour

#### Environmental ASB

- Noise nuisance
- Littering or Fly-tipping
- Graffiti
- Abandoned or burnt out cars
- Unacceptable levels of waste in gardens
- Nuisance Fires

- High Hedges

With the wide range of behaviours there is no single definition that can be applied to both personal and environmental ASB. The ASB, Crime and Policing Act 2014, sought to simplify things by reducing 19 separate powers into 6 by combining powers that covered similar areas into a single category. Each new tool was defined by a variety of behaviours which had to be or was likely to affect a community, be serious or persistent in nature and be unreasonable. This forms the definition for each power.

The definitions will form the basis for enforcement agencies to determine if ASB has occurred and if so to take the necessary action.

We acknowledge that ASB does not exclude other criminal offences and understand that any act of ASB associated with a crime will be dealt with accordingly; incorporating the required criminal sanctions into the intervention process.

## **National Context**

This strategy compliments: -

- The Government's White Paper: Putting Victims First:
- More Effective Responses to ASB (published in May 2012)
- The ASB, Crime and Policing Act 2014 (as amended 2019)

The White Paper highlighted the failure of systems to adequately deal with complaints of ASB and emphasised the need to protect the most vulnerable in society. It proposed a series of reforms to improve how agencies deal with ASB; focusing on the needs of victims and introducing new legislation to allow professionals to take swift and effective action against perpetrators.

The ASB, Crime and Policing Act 2014 contains various measures to protect the public from ASB, dangerous dogs, forced marriage, sexual harm and illegal firearms used by gangs which may be linked to organised crime groups. It also includes changes to improve the provision of services for victims and witnesses.

The key provisions to tackle ASB include:

Simpler more effective powers that are designed to change culture and put things right thereby giving better protection for victims and the communities where they live.

The ASB Crime and Policing Act introduces the: -

1. ASB Case Review (Often referred to as the Community Trigger) - which allows victims and their communities the right to an ASB case review where they believe adequate action was not taken to resolve their complaints under certain criterion.



2. Community Remedy - allows the punishment of offenders without the need for the offender to go to court by providing close supervision and restorative actions to change behaviour pattern and put things right known locally as '*Out of Court Disposals*'.

It also brought about a social landlord's ability to swiftly evict anti-social tenants under certain circumstances.

The powers referred to in the ASB Crime and Policing Act 2014 is available to all enforcement agencies with powers able to be delegated to agencies where appropriate.

## **Local Context**

Current analysis of ASB in NEL is conducted using data recorded by the Police on reported incidents of ASB. We acknowledge that ASB is reported to a number of agencies and organisations, however at present there is no consistent approach to the storing and sharing of information in order to include all data within our analysis. As a result, there are areas of under reporting, particularly in those categories which affect households or the environment when the victim is more likely to report the incident to the Local Authority or to a Registered Housing Providers. We also accept that certain individuals will report the same incident to a number of agencies which could result in double counting by the utilisation of more data. However, all data will be utilised to determine our hotspot areas and where resources should be deployed.

Close partnership working and multi-agency involvement in ASB has resulted in a year on year reduction since 2008. Youth ASB has remained consistent and reduced to 42% of the total personal ASB reported throughout the time period. Public consultation shows ASB to be the public's number one concern and it is recognised that over 3,000 reported incidents per year is too high and there is a need to reduce it further by effective delivery of the actions identified within the ASB action plan.

## **Links with other relevant strategies and initiatives**

This strategy links with a number of existing borough wide strategies, policies and initiatives that contribute to tackling ASB. These include:

- Police and Crime Plan for Humberside
- NEL Joint Strategic Intelligence Assessment
- NEL CSP Plan
- NEL Early Intervention and Locality Programme
- NEL Restorative Practice Programme
- NEL Health and Wellbeing Strategy
- NEL Domestic Abuse Strategy
- NEL Adult Safeguarding Multi-Agency Policy and Procedures
- NEL Children's Safeguarding Policy
- NEL Council Public Protection plan
- Humberside Victim Charter

### **3. Aims and Objectives**

#### **Aims**

We aim to reduce instances of ASB and the numbers of people who are involved in, or they are at risk from ASB (both as a victim or a perpetrator). Where ASB does occur, we are committed to ensure that the victim is at the forefront of our actions, particularly if they are vulnerable or a repeat victim.

#### **Objectives**

- That all service providers deliver a consistent response to ASB in NEL regardless of where it is occurring.
- Provide the best service and protection for the public through the use of swift and efficient processes.
- Manage reports of ASB effectively across the partners in NEL.
- Improve the experience for victims and witnesses of ASB through positive engagement, support and understanding.
- Identify repeat and vulnerable victims effectively and ensure that appropriate support is in place to resolve the issues.
- Identify repeat perpetrators of ASB and take a scaled approach where appropriate to intervene and divert the individual away from ASB before enforcement action is taken.
- Adopt a multi-agency problem solving approach to tackle locations where ASB is occurring.
- Facilitate effective information sharing including the use of a shared IT system (Pentagull and Connect Partnership) which allows a more joined up approach to manage high risk cases.
- Hold parents to account and encourage them to take responsibility for the behaviour of their children

### **4. Our Approach**

#### **Working in partnership**

We know that ASB cannot be tackled by one agency alone and to provide an effective response we must work together. Working in partnership is essential in our approach and allows us to: -

- Share appropriate information to identify ASB trends or hot spot areas and deliver proactive targeted responses.
- Improve co-ordination across agencies to support and protect victims of ASB, particularly the most vulnerable.
- Increase and improve the sharing of good practice, skills, and experience across the borough between statutory, non-statutory agencies and the third sector.
- Train staff to effectively deal with reports of ASB, utilising a scaled approach and the tools and powers available to them.

## ASB case management

To support our most vulnerable victims NEL Council has purchased a secure case management system which is accessible by all partners involved in high risk cases of ASB and to coordinate activity. Humberside Police are also developing Connect Partnership which will provide agencies with improved data and case management.

A constantly reviewed and updated Information Sharing Agreement is in place to allow users to share appropriate information to tackle ASB more efficiently.

**The ASB Thematic Task Group has agreed the following definitions to ensure consistency in the identification of vulnerable and/or repeat victims and ‘hot spot’ locations.**

### Vulnerable victims

***‘A vulnerable victim is an individual who due to their personal circumstances is likely to be affected more significantly by an anti-social incident or incidents and take longer to cope and recover from their experience.’***

This definition of vulnerability shows how ASB affects a victim and allows the risk to that individual to be evaluated and the level of support to be determined from low level to a high risk category. Although we must consider the nine protected characteristic of the Equality Act 2010 (age, disability, marital status, gender assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation) it is the impact the ASB is having on the individual or community that is important.

Partners will use the vulnerable victim scoring matrix (identified by the Home Office) as an aide only to identify a vulnerable victim. Any score can be overridden by the reporting officer’s observations and professional judgement.



Victim Assessment  
Matrix.doc

### Repeat victims

***‘Repeat victimisation occurs when a person is subjected to three incidents of antisocial behaviour within a rolling 6 month period’.***

It is widely recognised that victims rarely report their first experiences of ASB, often waiting until it begins to impact upon their life. This definition, therefore, includes both reported and unreported incidents of ASB within the 6 month time frame. It is the agencies responsibility to establish whether any previous incidents have occurred and consider this in their response.

Partners will work together to reduce the number of and the impact affecting repeat victims

## 'Hot spot' locations

***'A 'hot spot' location is an area where 3 or more incidents of ASB have occurred in the same locality within a one month period, normally reported by more than one person'.***

'Hot spots' locations tend to be public open spaces and easily accessible. This can include (but not exhaustive) shopping precincts or shop fronts, underpasses, public parks including children's play areas or car parks. Hot spots can expand to cover an entire housing estate, shopping centre or multiple streets of an estate. These hot spot areas are often linked to multiple offenders with more than one victim being involved or targeted. This results in a wider impact on the community.

Partners will work together to identify and tackle area 'hot spots'; considering the needs of the community as a whole, as well as the individual victims affected by the behaviour.

## **Hate Crime**

This strategy is underpinned by a commitment to provide equality of access to services and support to every member of our communities; regardless of – age, disability, marital status, gender assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation. It is widely understood that those most vulnerable in our society or those from diverse backgrounds are proportionally more likely to become victims of ASB or hate crime. Incidents of hate crime often manifest themselves in low level forms of ASB, which on the surface may appear minor but the impact on the victim and their family can be devastating if not dealt with quickly and effectively. This was clearly highlighted in the case of Fiona Pilkington who killed herself and her 18 year old disabled daughter Francesca Hardwick, after suffering years of ASB and hate crime. A commitment to tackle hate crime at every level is a partnership performance measure which all partners have signed up to. Humberside Police have a dedicated Community Cohesion (Hate Crime Officer) who examines all reported hate crime cases with close ties to the ASB Team.

## **Understanding the Needs of Our Communities**

We recognise that understanding communities and underlying tensions is essential to respond effectively. It is therefore important that we listen to our communities and ensure they are included in the decisions making process. It has also been found that by involving the public in crime prevention work generates ownership and encourages residents to take responsibility for their own problems and improve their capacity for self-help, subsequently resulting in long-term sustainable outcomes (Liddle & Gelsthorpe 1994; Thomas 1999).

## **5. Our Response**

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

perception is paramount. It is also essential to identify repeat or vulnerable victims at the earliest opportunity to protect them from further harm.

This strategy identifies the initial response in respect of recording, risk assessing and managing complaints of ASB. Partners agree that they will respond to reports based on their assessment of risk; prioritising incidents based on the levels of harm and risk to those affected, rather than selectively attending or categorising incidents. The police will always tackle issues of crime that may be a symptom of ASB but will do so in partnership with other agencies to ensure all action is being taken to address the problem.

Consideration must also be given to any possible mental health or learning disability when responding to incidents of ASB. If it is believed that either the victim or perpetrator has or may have a mental illness or learning disability efforts must be made to establish if the person is subject to or known to mental health services or adult social care and ensure appropriate information is shared with that agency.

When a complaint of ASB is received the following principles will be followed:

- Record the complaint.
- Treat the complaint seriously and act professionally.
- Conduct an initial dynamic risk assessment to establish the required response based on threat, risk and harm.
- Cross reference previous complaints relating to the victim, perpetrator or location and use this information to tailor the response.
- Ensure all victims identified as vulnerable and/or repeat victims are managed appropriately (in line with each agencies internal policies and procedures) and additional specialist support services are offered, if required. Consideration should be given to notifying the Victim Support Service for all repeat or vulnerable victims of ASB.
- Victims identified as high risk will be managed by an ASB Coordinator who will directly support them and consider if other interventions are necessary namely a specialist agency or a referral (with their consent) to the Anti-Social Behaviour Risk Assessment Conference (ASBRAC) for multi-agency intervention and support.
- Agree a course of action with the victim, outlining how the incident will be investigated and resolve their complaint where possible.
- Provide all repeat or vulnerable victim with a named point of contact in addition to any support they receive from the Victim Support Service
- Keep the victim up to date with the progress of their case and give regular feedback.

### **ASB Risk Assessment Conference (ASBRAC)**

The ASB Risk Assessment Conference is a process that brings local agencies together to manage **high risk** victims where necessary. It provides a structured process to share information, consider and implement the required actions to reduce the risk of harm, using a multi-agency approach.

## **Supporting victims and witnesses**

Victim care is at the forefront of the action we take, and victim welfare is at the heart of what we do. When action is taken to tackle an ASB problem, either informal or formal, we recognise the importance of keeping the victim or witness supported and informed on the progress. We also understand that the responsibility to support victims and witnesses does not end after the completion of court proceedings and we are committed to providing support for as long as required, whether it is directly or through other agencies.

## **Perpetrators of Anti- Social Behaviour**

A scaled approach will be adopted when dealing with the perpetrators of ASB. Intervention and diversion will always take priority over enforcement to curb and direct people away from their anti-social activities. That said we will not be deterred from using all available sanctions when a perpetrator has not responded, heeded the warnings or the matter is serious enough to warrant sanctions from the outset.

Action taken to deal with perpetrators of ASB will be aimed at achieving long-term solutions that reduce the impact on victims and allow the perpetrators to change their behaviour which enhances the quality of life for the local community.

This will be done by:

- Gathering evidence by the use of remote CCTV cameras where appropriate and in line with the national guidance.
- Considering all aggravating and mitigating factors, including the view of the victims.
- Assessing each case individually to determine the most appropriate action.
- Managing repeat locations via the ASB Thematic Group for multi-agency intervention and perpetrators via the ASB Panel.
- Utilise restorative practices to resolve issues and bring about behaviour change.
- Working closely with parents through the locality teams and the Youth Offending Services to ensure young perpetrators of ASB receive appropriate interventions and support.
- To tackle the underlying causes of ASB, by considering the needs of the whole family not just the individual involved.
- 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.
- Explore the use of diversion and intervention on all occasions before a young person is criminalised unless the incident is so serious, or the offending is so persistent that the criminal justice route is the correct path.

## Remedies for ASB

### Mediation through restorative practice

In certain cases of ASB, in particular neighbour disputes, restorative mediation can be a useful approach to resolving the issue. Mediation empowers people to work together to resolve their problems when applied correctly. Solutions are offered by the parties themselves enabling them to remain in control of any outcomes. While agreements made are not legally binding, parties are more likely to adhere to them because they have created them themselves. Mediation should not be regarded as a last resort when all else has failed and should be used at the earliest opportunity if the resource is there to carry it out.

Remedi is the authorised provider of restorative services in NEL and suitable referrals can be made direct or via the Community Safety Team where both parties agree to the intervention and the incident is linked to a criminal act. The service is available to the partner agencies where ASB is being dealt with.

### Restorative Practices/Justice

We are committed to using innovative and creative solutions to tackle ASB and promote the use of Restorative Justice as an out of court method to resolving complaints of minor crime and ASB.

***‘Restorative processes bring those harmed by crime or ASB, 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’*** (as defined by the Restorative Justice Council). Importantly, it also enables offenders to face the consequences of their actions and make amends, which has shown to be effective in motivating change and stopping future offending. The Police and Crime Commissioner through public consultation agreed certain suitable ‘out of court disposals’ that can be used by the Out of Court Service based within the localities- to resolve issues and affect behaviour change.

### Prevention and Early Intervention

Often there may be significant underlying problems which contribute to a person’s engagement in ASB. These can include.

- Domestic abuse or neglect,
- Alcohol or substance misuse,
- Physical and mental health problems.

Supporting perpetrators to identify and resolve their problems is key to helping them improve and change behaviour and forms part of our overall response (alongside formal intervention measures, where necessary).

NEL operates a place based approach with individual multi-agency locality teams working across the borough addressing whole family issues with identified families to bring about behaviour change. Each family receive tailored support to their individual

needs including young people on the cusp of offending or committing ASB. With hard to reach families or those reluctant to engage supporting tools such as warning letters, parenting contracts, community protection notices, ABC's or a civil injunction will be considered as a lever prior to court action being progressed.

The Street Based Team through an intelligence led approach will visit identified hotspot locations to engage with individuals and encourage behaviour change.

### **Troubled Families Programme**

The Troubled Families Programme in NEL is aimed at the effects brought on a family through domestic abuse and how the effects of domestic abuse can affect the behaviour of young people in that household. The intervention aims to remove domestic abuse from the household and bring about stability, change the family culture and remove the potential for negative behaviour by the children. This is done through a lead professional that works intensively with the family to help them draw up an action plan that tackles the family's problems as a whole using a range of specialist services where necessary. Plans can include a number of incentives to reward positive behaviour along with sanctions to discourage deviation.

### **Intervention tools – A Staged Approach**

It is recognised that intervention and diversion will not work on every occasion, while it is accepted that this is the right course of action on occasions it will be necessary for a more robust approach and direct action to be taken to protect the victims.

The options outlined below are not a fixed menu that must be followed verbatim but a list of tools for consideration by the agencies at appropriate stages and seriousness of the behaviour exhibited. Where young people are involved a variety of interventions and monitoring are likely to be tried before moving to more formal interventions.

### **Verbal Warning**

A verbal warning is often used as an immediate response to an incident of ASB when the perpetrator is found to have no previous involvement in such activity. In issuing a verbal warning it should be made clear to the individual (and parents when a young person is at fault) what behaviour is causing the issue; what effect it is having on the victim or community and the consequences should the behaviour continue. This face to face contact with the perpetrator also provides an early opportunity to identify any contributing factors, such as substance misuse, mental health problem or learning disability, and provide the necessary intervention by means of a referral to the locality team for additional support.

Each agency needs to ensure that it keeps a record of when a verbal warning is given and should share such information with relevant partners.

Verbal warnings may be issued by a single agency or jointly through a home visit.

## **Advice letters**

Advice letters are used to alert a person that their behaviour is of concern and request that it stops. It is a particularly useful tool to inform parents/guardians that their child has been identified as being involved in ASB and provide details of the circumstances surrounding the incident.

## **Unacceptable Behaviour Warning**

An unacceptable behaviour warning contains specific details about what behaviour has occurred and why it is not acceptable, including the impact on any victims or local community. It also stresses the seriousness of the matter and details what further action may be taken should the person continue to engage in such behaviour. Local agencies should alert each other that the warning has been given so that it can be effectively monitored. NEL ASB Team will retain a register of all warning letters served. Unacceptable behaviour warning will generally be issued through the multi-agency ASB Panel.

Best practice has found that when a warning is issued in person, the impact on the perpetrator is more significant. Furthermore, it also allows for discussion between the issuing officer, the perpetrator and their parent/guardian (if necessary).

## **Acceptable Behaviour Contract (ABC)**

An ABC is a voluntary agreement between the person involved in ASB and the partnership. The decision to issue an ABC is made at the ASB Panel meeting. Evidence is presented to a multi-agency panel with contributions being made from all agencies. The panel determines suitable prohibitions that the perpetrator must abide by and any positive requirements that will assist in diverting the person away from ASB. The ABC will last for a 6 month period and be monitored throughout its life. The ABC will be reviewed at the mid-way point to determine if it needs to be altered. The ABC can be extended where suitable evidence is presented or cancelled early where good behaviour permits.

An ABC is not legally binding but can be used as evidence to support a more formal process such as a Civil Injunction or Criminal Behaviour Order where criminal behaviour has accelerated to such a proportion that all parties agree this is the right course of action.

## **Civil Injunction**

The Police, Local Authority or Registered Housing Providers can apply for a Civil Injunction as a means to deal with anti-social individuals. The Injunction can offer effective protection for victims and communities and sets a clear standard of behaviour for perpetrators. The civil injunction can be used as a sanction where an Acceptable Behaviour Contract is continually breached with a more formal monitoring and intervention process.

There are two tests for a Civil Injunction; housing related, and non-housing related. The use of either test will depend on the applicant and circumstances in which the ASB has occurred.

If an application for Civil Injunction is against someone under the age of 18 the applicant must consult the Youth Offending Team (YOT) before proceeding. A Civil Injunction can prohibit a perpetrator from carrying out specific anti-social acts or from entering defined areas and can also require the individual to engage in specified positive activities, aimed at addressing the root causes of their ASB.

Breach is not a criminal offence and is dealt with as contempt of court with varying penalties for adults and young people.

### **Parenting Contract and Parenting Orders**

**Parenting contracts** are a formal agreement between a parent and a support worker using accredited means to develop parenting skills and to assist a them to guide their child to achieve their potential. Each contract is individual to the needs and cover such things as boundary setting, school attendance and to encourage the child to act in a positive manner. Parenting contracts will be considered when a young person is made subject to an ABC and there has been no recognised change in behaviour.

**Parenting Orders** are a formal order issued by the Court where a parent or guardian has either refused to enter into a Parenting Contract or failed without reasonable cause to abide by the agreed contract when a child is displaying risk symptoms. The order will be specific to that individual and tailored to the identified requirements to effect behaviour change. A parenting Order will be considered when a young person has been made subject to a civil injunction to compliment the requirements of the injunction to effect positive behaviour made within the household.

### **Criminal Behaviour Order (CBO)**

A Criminal Behaviour Order can be applied for by either the Crown Prosecution Service or Local Authority when a person has been convicted of any criminal offence. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them to a criminal court. The court will not consider an application for a Criminal Behaviour Order at a hearing after the perpetrator has been sentenced therefore it is important agencies inform partners when they are aware a perpetrator of ASB is being brought to a criminal court and that a Criminal Behaviour Order can be considered if appropriate.

If the offender is under 18 years of age the prosecution must find out the views of the local Youth Offending Team (YOT) before applying for a Criminal Behaviour Order. Like a Civil Injunction the Criminal Behaviour Order can include both prohibitions and positive requirements.

Breach (of either a prohibition or requirement) is a criminal offence.

## **Community Protection Notice (CPN)**

A Community Protection Notice is intended to deal with unreasonable, behaviour or nuisances that are persistent or serious in nature and having a detrimental effect to the local community's quality of life.

A Notice can be issued by the Local Authority, Police or Registered Social Landlord (following a written warning known as a Community Protection Warning) to anyone over 16, a business or organisation and can require the subject to stop doing specific things, do specific things and / or take reasonable steps to prevent reoccurrence. Breach of a Community Protection Notice is a criminal offence punishable by a fixed penalty fine or a court fine up to £2,500 for an individual or £20,000 for a company or body. Additionally, a court on application can make an order to put things right, such as clearing accumulated rubbish, seizure of equipment (noise making or graffiti) or making suitable orders (attend drug rehabilitation, etc.) to prevent a re-occurrence of the issue.

## **Public Space Protection Order (PSPO)**

Public Space Protection Orders are only available to Local Authorities, however, often form part of a wider problem solving plan with Police and other agencies. They impose conditions on the use of an identified area accessible by the public in order to address a particular nuisance or problem that is, or might become, detrimental to the local community's quality of life. They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from ASB.

Breach of the order, without reasonable excuse is a criminal offence and can result in an individual being required to leave the area and not return for 24 hours, and / or receive a fixed penalty fine or a court fine up to £1,000.

## **Closure Power**

The Closure Power is a two stage process that allows Local Authorities or Police to close a premise. The first stage is the serving of a Closure Notice if the use of the premises has resulted in or is likely to result in serious nuisance to members of the public. This notice can last up to 48 hours and once served, any person apart from those with a legal right to occupy the property must leave or they will be committing a criminal offence. Unless the notice is cancelled and it is force for 48 hours, the case must be heard in the Magistrates Court immediately to consider whether a Closure Order should be made.

The Order prevents any person from entering the property (including the owner/occupier) and lasts for 3 months which can be extended by a further 3 months if evidence suggests it is necessary. Breach of a Closure Notice or Order is a criminal offence and could result in a fine or imprisonment.

## **Dispersal Power**

This is a Police power to disperse people causing harassment, alarm or distress. It allows officers to direct a person who has committed, or is likely to commit, ASB to

leave an area and not return for up to 48 hours. The Dispersal Power is a flexible power which the police can use in a range of situations to disperse antisocial individuals and provide immediate short term respite to a local community on the authorisation and permission of an Inspector or above. Failure to comply with a direction to leave is a criminal offence punishable by fine or imprisonment.

### **Further Intervention Methods**

Registered Social Housing Providers have a range of tools and powers available to them to effectively tackle ASB in relation to their tenants. This includes:

### **Introductory Tenancies**

Introductory and starter tenancies provide landlords with greater flexibility to offer new tenants an appropriate level of security during the early stages of their tenancy, which will later be enhanced if the tenant has not in the meantime breached the terms of the agreement. Tenants must satisfy the landlord that they are able to abide by all conditions of their tenancy, including those regarding acceptable standards of behaviour.

Both introductory and starter tenancies enable a landlord to gain possession of a property more easily against tenants who behave anti-socially. These tenancies can only be granted where a Local Lettings Policy exists, for example; in an area with high crime or ASB. These can cover a street, a block of flats right up to a whole estate. These tenancies are for a fixed period of 12 months but can be extended for a further 6 months in certain circumstances.

### **Demotion Orders**

Registered Social Housing Providers have the power to apply for a demotion order on secure tenancies, where tenants or other residents of a dwelling, or visitors to a tenant's home, have behaved in a way that is capable of causing nuisance and annoyance, or where such a person has used the premises for illegal or immoral purposes. A demotion order has the effect of ending the existing tenancy and replacing it with a less secure demoted tenancy and mandatory possession. This removes the tenant's Right to Buy (where it applies) and their security of tenure for at least a year. These orders can be extended for a further 6 months if necessary.

### **Absolute Grounds for Possession**

Landlords will be able to choose to use the Absolute Ground for Possession, in addition to or instead of the existing discretionary ground for ASB, where any of the following five conditions are met:

- the tenant, a member of the tenant's household, or a person visiting the property has been convicted of a serious offence.
- the tenant, a member of the tenant's household, or a person visiting the property has been found by a court to have breached a Civil Injunction.
- the tenant, a member of the tenant's household, or a person visiting the property has been convicted for breaching a Criminal Behaviour Order.

- the tenant's property has been closed for more than 48 hours under a Closure Order for ASB.  
or
- the tenant, a member of the tenant's household, or a person visiting the property has been convicted for breaching a Noise Abatement Notice or order.

Where a landlord applies for possession under the absolute ground the court would have to grant an order for possession, subject to considerations of proportionality and the landlord having followed the correct procedure.

### **Tenancy Injunction**

Social Housing Providers can apply for an Injunction against a tenant for any breach (or anticipated breach) of their tenancy agreement. Failure to comply could result in up to 2 years imprisonment.

### **6. Performance Management / Monitoring**

The ASB Thematic Group is responsible for monitoring performance at a borough wide level. Performance is linked to the outcome 'Feel Safe Are Safe' with quarterly performance reports being made available to the CSP if required.

ASB performance is also given to the Communities Scrutiny Panel and viewed monthly at the Police Tactical Tasking and Coordinating Group.

### **ASB Case Review / Community Trigger**

The Community Safety Team will be the gate keeper for the ASB Case Reviews (which is subject to its own procedure in line with the amendments to the ASB Crime and Policing Act 2014 in 2020). An officer from the Office of The Police and Crime Commissioner will be made aware of each complaint and it will be used as an indicator to determine how well agencies are responding to reports of ASB and utilising a partnership approach to problem solve. The ASB Case Review gives victims, victim's representatives and communities the right to request a case review of their ASB case where

- three or more ASB incidents have occurred within the last 6 months and the incident being complained about was reported within a month of its occurrence  
or
- 5 or more people have complained about a single incident

and an adequate response has not been provided to resolve the matter.

The ASB Case Review does not replace an agencies own complaints procedure where the complaint is against a single agency.

The ASB Case Review is a problem solving process that aims to find solutions for the victim as well as providing a mechanism for multi-agency accountability, which cannot be achieved through a single agency complaints procedure.

Delivery of this strategy should ensure that NEL's communities are satisfied with the response they receive to a reported ASB issue. However, if an ASB Case Review does occur that meets the essential criteria we need to ensure valuable lessons are learnt and acted upon to prevent reoccurrence.

If an ASB Case Review request does not meet the threshold, it may be decided to carry out a review regardless due to:

- The persistence of the ASB
- The harm or potential harm caused by the ASB
- The adequacy of the response from agencies

## **7. Monitoring/Review**

This Strategy will be monitored by the Anti-Social Thematic Group and reviewed annually by the ASB Manager with partner representatives when appropriate.



## **ASB (ASB) Case Review (Community Trigger)**

### **North East Lincolnshire NEL**

Section 104 and 105 of the Anti-social Behaviour Crime and Policing Act 2014, allows the public to hold agencies to account and request a case review of how anti-social behaviour (ASB) is dealt with under certain circumstances.

The ASB Case Review (commonly known as the Community Trigger) is not designed to and will not replace any organisations complaints procedure or their obligation to investigate the same.

The gate keeper for all ASB Case Reviews will be the Local Authorities ASB Team who will be the single point of contact (SPOC) at the reporting stage. The gate keeper will inform the local representative of the OPCC on receipt of a request for an ASB case review to ensure transparency and consistency in the process. The OPCC will scrutinise the review process and progress of each review undertaken.

#### **Criteria/threshold**

Consideration for a formal ASB Case Review will be instigated where the ASB was reported within a month of the alleged behaviour taking place and the application for the case review is made within six months of that report being made and the agreed threshold has been met namely:-

- Where an individual (or occupiers of a single address) has reported three separate incidents of ASB to the Local Authority, Police or a registered Housing Provider (Social Landlord) in the last 6 months and the incident was initially reported within one month of its occurrence.  
or

- If five individuals in the local community have reported the same or similar incidents of ASB separately to the Local Authority, Police or Registered Housing Provider (Social Landlord) in the last 6 months.

Account may also be taken of:-

- The persistence of the ASB (differing types of incidents)
- The harm or potential harm caused by the ASB
- The adequacy of response

## **Complaint**

An investigation will take place to establish if the matter has been adequately resolved to a reasonable standard or if further action is required to minimize the threat, harm or risk to a victim.

## **Purpose**

To give victims and communities the right to request a review of their case where a local threshold has been met, and to bring agencies together to take a joined up, problem solving approach to find a solution for the victim.

## **Who can make the request?**

A victim of ASB, or another person acting on their behalf with his/her consent such as a family member, carer, local councillor, Member of Parliament a community group or other professional.

A victim can be an individual, a business or a community group.

## **Vulnerability**

As there is no definitive way to determine the vulnerability of an individual and vulnerability can differ from person to person and circumstance to circumstance. The relevant (Home Office approved) risk assessment matrix should be used to determine if the threshold could be met on a threat risk and harm basis to that individual. Repeated complaints which relate to non-antisocial issues may indicate hidden needs or risks which may need addressing by a professional agency for practical or emotional support

## **Relevant Bodies**

- The Local Authority
- Humberside Police
- The Clinical Commissioning Group
- Local Social Housing Providers

## Multi-agency Panel

The appropriate bodies will form a panel, when a multi-agency approach is required to resolve an ASB Case Review where the threshold has been met and the responsibility spans more than one agency. Where the perpetrator is under 18 the Youth Offending Service will be represented on the panel. Victim Support will be made aware of all requests for an ASB Case Review to both support the victim and where appropriate represent the victim at any panel meeting called.

The views of the victim should be taken into consideration and as such the panel may wish to invite the victim or a representative of the victim (person reporting on behalf of the victim) to attend the panel meeting and view the process. Where circumstances dictate that such an invitation should not be extended to the victim then Victim Support will be invited to take part and view the process.

A representative from the Office of the Police and Crime Commissioner will be invited to be part of this group to:-

- ensure the process has been fair and transparent
- act as an advocate for the victim with the ability to scrutinise the decisions made around the threshold test or how the review was carried out
- monitor the use of ASB case reviews to identify any learning and best practice

The Local Authority ASB Team will be the lead agency and gate keeper of requests for an ASB Case Review with a responsibility to:-

- Receive
- Review
- Record
- Respond

Humberside Police will be the main relevant supporting body.

## Receive

- **Writing:-** The application should be in writing on a standardised form (available on the internet) with sufficient details to enable an investigation into the circumstances to be carried out.
- **Telephone:-** A single voicemail point of contact (telephone number 01472 323933) will be publicised for those people who do not feel confident to complete the ASB Case Review form. This will be managed by the Local Authority ASB Team. Contact will be made with the caller on receipt of the call to either assist them to complete an application form or cause a home visit to be made by a professional person where the victim is elderly, confused or

vulnerable. (A written record must be kept of all such calls received and the action taken).

- Ideally applications will be made through the Local Authority Electronic Achieve form which is automatically sent to a single point of contact (SPOC) email box when completed.
- The SPOC box will be managed by the Local Authority ASB Team.
- Links to the Application Form should be easily accessible from all the relevant organisations web sites. The process must be suitably publicised, by the relevant organisations and be user friendly.
- It is the responsibility of all organisations to assist a victim to activate an ASB Case Review by providing suitable help, assistance and guidance.
- Each application will be recorded and given a unique reference number (URN)

## **Review**

- A 28 day resolution process commences immediately an application form is received.
- The case review will not include a review of any decisions made by the Crown Prosecution Service (CPS) and a victim will be directed to the CPS complaints procedure and the *“Victims Right to Review Scheme”*
- Liaison and investigation between the reviewing officers will take place to assess the application and if it meets the threshold test.
- All relevant organisations should be informed of the application regardless of the initial findings, so an individual agency can cause their own review to be undertaken if they feel it would be beneficial.
- The LA SPOC has the responsibility to communicate with the relevant organisations and the applicant during the review phase.
- Where the application does not meet the criteria, the LA SPOC will communicate this and the findings to the applicant, the local OPCC representative and record the same. The applicant will be made aware of the escalation process open to them in the same written correspondence.
- The reviewing officers may feel on receipt of an application that although it does not meet the criteria additional research or further investigation needs to be undertaken due to the vulnerability or the threat, risk or harm to the victim. Where this is the case the applicant should be informed in writing that the criteria has not been met per se but it has been forwarded to the relevant organisation who will make contact within 5 working days to assess the issues.
- The LA SPOC will inform the applicant in writing of the threshold test outcome. Where the threshold test has been met it will be deemed to be good practice to relay back to the victim in writing at the same time the exact understanding by the reviewing officers what the complaint is and the proposed course of action that is likely to be taken within the next 28 days i.e. case to be monitored by ASB Group and an ASB Officer from Lincolnshire Housing Partnership will

make contact within 5 working days to discuss the complaint and agree an action plan.

- On receipt of the application, appropriate action to resolve the issue may be able to be determined by the reviewing officers without the need for it to be discussed at a multi-agency ASB Review Group meeting, thereby avoiding unnecessary delays. The proposed action will be passed to an identified point of contact within an agency or agencies for following up. A record of the action will be documented.
- Where the application meets the criteria and it covers more than a single agency responsibility, a multi-agency ASB Case Review group/panel will be formed swiftly comprising of suitable decision makers. All agencies have a duty to share the information they hold on the case for the purpose of the review. This can include previous complaints, action taken, referrals to other agencies etc. The sharing of information is covered by Information Sharing Agreements held by the Community Safety Partnership. The relevant bodies can request any person to disclose information for the case review and this must be shared unless it contravenes any of the provisions set out in the Data Protection Act 1998 or is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000. The ASB Crime and Policing Act 2014 (as amended) determines that the disclosing of information for an ASB Case Review does not breach any obligation of confidence or any other restriction.
- The group will agree an appropriate action plan with relevant timescales, identify the lead agency and lead officer who has the responsibility to keep the victim updated on the progress of the review and the action that has been and is proposed to be taken. All action taken will be fed back to the group where it will be recorded.
- A review of the case by the multi-agency group will take place within the 28 day period with progress recorded.
- When the matter has been satisfactory resolved, the applicant must be informed and a full record must be recorded.
- Where the matter has been unable to be resolved but it is likely to be resolved shortly after the expiry of the 28 day period the reasons should be clearly recorded. The applicant must be informed of the delay and again after the matter has been finalised by the lead officer.
- Where the matter cannot be resolved within the 28 day period due to the nature or complexity of the complaint, the reasons should be clearly recorded and the applicant made aware of the on-going action. The complainant should receive regular updates at least one every 28 days and consulted with regarding an exit strategy.
- Each ASB Case Review involving more than a single agency must be formally closed by the ASB multi-agency review group meeting at its conclusion with a full written record of the actions taken to resolve the matter.

- ASB Case Reviews involving a single agency only will be formally closed by the LA SPOC after receiving written updates by the lead person (within the time specification). The LA SPOC will keep a record of the outcome which will be made available on request by an appropriate agency.
- ASB Case Reviews will be a standing item at the ASB/Criminal Damage Thematic Group Meeting. The meeting will be required to formally close and scrutinise all ASB Case Reviews. They should be satisfied with the outcome and be able to produce their reasons for closure in the event of an appeal.

## **Record**

- An electronic record for all ASB Case Reviews will be maintained, including actions, decisions, outcomes and observations to provide a clear and transparent audit trail.
- Each case will be given its own unique reference number (URN).
- All hard copy documents relevant to each review will be scanned and stored electronically under the appropriate URN.

## **Respond**

- When an application is received in the approved format and meets the threshold test for an ASB Case Review all efforts must be made to resolve the issue and notify the applicant of the result within a 28 day period or sooner when possible.
- A common sense approach will be taken as to the ownership of the problem by the relevant organisations.
- A lead officer will be identified from the most appropriate organisation to lead and co-ordinate a response using a problem solving format (when required).
- The lead officer has the responsibility to liaise with and update the applicant throughout the process and for as long as the case is open. The victim should be involved in devising an action plan with the lead officer to resolve the ASB and address their needs. The applicant must be updated within the 28 days after the lead officer's first contact.
- The LA ASB Coordinators will normally be the LA SPOC and will have the responsibility to maintain accurate records for each case from details supplied by the lead officer.
- The applicant will be informed in writing (by the LA SPOC) when the matter has been finalised and closed. Details how the case review can be escalated to the next level will be included in the event the applicant feels the matter has not been resolved and reasonable action has not been taken to resolve it.
- The ASB Review Panel conducting the case review may make recommendations to other agencies. The legislation places a duty on an agency carrying out public functions to have regard for those recommendations. That

does not mean that the recommendations must be carried out but they should acknowledge them and may be challenged should they not carry them out without good reason.

## **Escalation**

- The escalation process does not replace any individual organisations disciplinary or complaints procedure.
- The escalation must be in writing and sent to the LA SPOC who has the responsibility to notify the CSP lead.
- The CSP lead will cause an escalation panel to be formed which will comprise of suitable senior staff from each organisation who have the authority to influence change.
- A suitable chair will be appointed.
- The appeal panel will determine if the escalation is upheld and if necessary agree suitable actions to be completed within a 28 day period.
- A lead organisation will be agreed by the panel who in turn will identify a lead person to co-ordinate the response and devise an action plan in consultation with the victim.
- The lead person has the responsibility to ensure that the chair and the victim are kept updated until the matter has been resolved or progressed as far as possible and closed.
- The LA ASB Coordinator monitoring the case will record the progress under the URN by written reports provided by the lead officer.
- Should the victim fail to accept the findings to resolve the matter they must appeal to the Police and Crime Commissioner in writing to review the case.

## **Publishing Data**

The LA ASB Team will have the responsibility to publish the relevant information on behalf of the Community Safety Partnership as set out in the legislation. This will be publicised on the Safer website and include:-

- the number of applications for ASB case reviews received
- the number of times the threshold was not met
- the number of ASB case reviews carried out
- the number of ASB case reviews resolved within the 28 day period
- the number of ASB case reviews which were unable to be completed within the allotted 28 day period with reason
- the number of ASB case reviews that resulted in recommendations being made
- the number of appeals and escalations to the next level

The data published will not contain details that can identify a victim. The data will be updated quarterly and will not normally identify the agency or agencies the case review relates to.

## **Governance**

- Governance in the first instance will be via the formed ASB Review Panel, who will report to the Chair of the ASB/Criminal Damage thematic group on progress and closure.
- The Office of the Police and Crime Commissioner will be notified of each application from the outset and be invited to participate in the panel process. The OPCC can scrutinise the process and ask for an update on any ASB Case Review and dip sample any case (open or closed) for quality assurance purposes.
- Updates will be provided to the CSP Executive Board and the OPCC quarterly or annually where no requests for a case review has been received
- Relevant data will be made public

# Victim Risk Assessment Matrix (RAM)

**Section 'A'** (To be completed in the presence of the victim/witness)

**Name:**

**Address:**

**Incident Number:**

**This score card is designed to help partnership agencies identify vulnerable victims, and witnesses.**

**It should be used as a guide in combination with the additional points system and is to be used when there are concerns for the health and well being of a victim or witness to ASB. The assessment should be discussed and completed with the victim/witness to ensure it meets their needs.**

1. Other than this occasion – how often do you have problems?	5 4 3 2 1 0	Daily Most days Most weeks Most months Occasionally Never
2. Do you think the current incident is linked to previous incidents? If so why?	3 2 1	Yes Not sure No
3. Do you believe you know who is responsible?	2 1 0	Yes I think I do I have suspicions No idea
4. Do you feel that the incident is associated with your faith, nationality, ethnicity, sexuality, gender or disability?  Details;	4 0	Yes No
5. How effected do you feel by what has happened?	5 4 3 2 0	Extremely affected Affected a lot Moderately affected Affected a little Not affected
6. Do you have any family or friends to support you?	4 3	Victim lives alone and is isolated. The victim is isolated from others support

	1 0	Victim as a few people to draw support from Victim is well supported by family and friends.
7. Who are the incidents targeted at?	4 3 1 0	You Your family Your community Do not know
8. In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (eg because of personal circumstances) Details;	3 0	Yes No
9. Have you been in contact with any other agency? If yes are you happy for us to discuss the problem with them? Details;	2 0	Yes No
<b>TOTAL SCORE;</b>		

0	4	8	12	16	20	22	24	26	28	30	32	34	36	38
<b>LOW</b>				<b>MEDIUM</b>				<b>HIGH</b>						

**CONSENT TO INFORMATION SHARING**

Partnership agencies involved adhere to strict information protocols they will only share information with other agencies on a need to know basis to help secure the safety of you and your family.

I consent to agencies obtaining and sharing information as part of the multi-agency work to help secure my safety and that of my family.

If there are child protection concerns, information will be shared regardless of whether this form is signed.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**PRINT NAME:** \_\_\_\_\_

**Section 'B'** (To be completed by the Referring Agency alone)

This section gives partnership agencies the opportunity to present their own subjective judgement of what support and protection is required in any given situation, regardless of the number of incidents reported. Please use the table below for additional concerns and add them to your score if relevant.

**NAME OF AGENCY;** \_\_\_\_\_

**DEATAILS OF CONCERNS:**

<b>ADDITIONAL CONCERNS</b>	<b>Add. Points</b>	
Number of reported incidents	<b>1</b>	1 Point Per incident
Physical welfare	<b>2</b>	
Mental Health welfare	<b>4</b>	
Causing Stress	<b>6</b>	
Causing Depression	<b>8</b>	
Threatening Suicide	<b>10</b>	
Self harm or attempted suicide	<b>20</b>	
Agencies involved – Victim not engaging with agencies	<b>minus -35</b>	
<b>AGENCY SCORE:</b>		

**TOTAL SCORE = Score from Section A + Score from Section B – 35 (in app cases)**

0	4	8	12	16	20	22	24	26	28	30	32	34	36	38	40 +
<b>LOW</b>					<b>MEDIUM</b>					<b>HIGH</b>					