

Tackling antisocial behaviour in Scotland

**An action framework for
social housing practitioners and governing bodies**



**Available in
other formats**

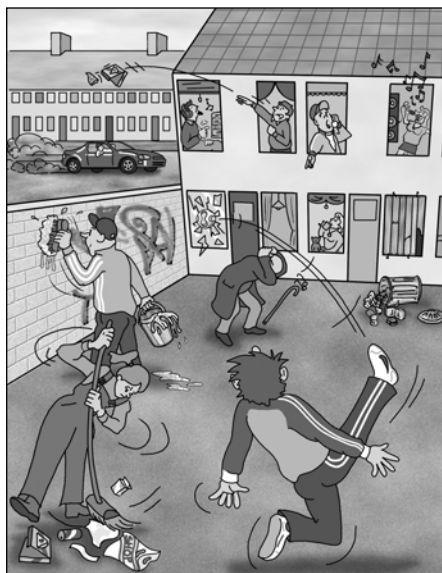
This publication can be provided in alternative formats, such as large print, Braille, audiotape and on disk.

Please contact:

Communications Department,
Joseph Rowntree Foundation,
The Homestead,
40 Water End,
York YO30 6WP.

Tel: 01904 615905.

Email: info@jrf.org.uk



Tackling antisocial behaviour in Scotland

**An action framework for
social housing practitioners and governing bodies**



**JOSEPH ROWNTREE
FOUNDATION**



Published for the Joseph Rowntree Foundation
by the Chartered Institute of Housing Scotland

**Developed by Isobel Anderson and Alison Brown
with Judy Nixon and Caroline Hunter**

The Chartered Institute of Housing

The Chartered Institute of Housing (CIH) is the professional body for people involved in housing and communities. We are a registered charity and not-for-profit organisation. We have a diverse and growing membership of over 20,000 people – both in the public and private sectors – living and working in over 20 countries on five continents across the world. We exist to maximise the contribution that housing professionals make to the wellbeing of communities. Our vision is to be the first point of contact for – and the credible voice of – anyone involved or interested in housing.

CIH Scotland has more than 2,000 members working in local authorities, housing associations, housing co-operatives, Communities Scotland, voluntary organisations, the private sector, educational institutions and the Rent Registration Service. The CIH aims to ensure members are equipped to do their job by working to improve practice and delivery. We also represent the interests of our members in the development of strategic and national housing policy.

Chartered Institute of Housing Scotland
6 Palmerston Place
Edinburgh EH12 5AA
Telephone: 0131 225 4544
Email: scotland.policy@cih.org
www.cihscotland.org

The Joseph Rowntree Foundation

The Joseph Rowntree Foundation has supported this project as part of its programme of research and innovative development projects, which it hopes will be of value to policy makers, practitioners and service users. The facts presented and views expressed in this report, however, are those of the authors and not necessarily those of the Foundation.

Joseph Rowntree Foundation
The Homestead
40 Water End
York YO30 6WP
Telephone: 01904 629241
www.jrf.org.uk

Tackling antisocial behaviour in Scotland

Developed by Isobel Anderson and Alison Brown with Judy Nixon and Caroline Hunter

© University of Stirling

Published by the Chartered Institute of Housing Scotland/Joseph Rowntree Foundation
ISBN 978 1 905018 41 3 (paperback)
978 1 905018 43 7 (pdf: available at www.cih.org and www.jrf.org.uk)

Graphic design by Jeremy Spencer
Production Editor: Alan Dearling
Cover illustration by Paul Johnson
Printed by Alden Group, Witney, Oxon

Whilst all reasonable care and attention has been taken in compiling this publication, the authors and the publishers regret that they cannot assume responsibility for any error or omission that it contains.

All rights reserved. Reproduction of this report by photocopying or electronic means for non-commercial purposes is permitted. Otherwise, no part of this report may be reproduced, adapted, stored in a retrieval system or transmitted by any means, electronic, mechanical, photocopying, or otherwise without the prior written permission of the Chartered Institute of Housing.

Contents

Acknowledgements	vi
How to use this Action Framework	1
Core Task 1: The nature of the problem	5
Core Task 2: Recording, monitoring and reviewing systems	35
Core Task 3: Preventive measures and supportive intervention	55
Core Task 4: Multi-agency partnerships	97
Core Task 5: Specialist support and training	123
Core Task 6: Investigations and early intervention	131
Core Task 7: Taking effective legal action	149

Acknowledgements

We would like to thank the Chartered Institute of Housing Scotland for being so helpful in advising on this publication for the Scottish context. In particular, Lyn Jardine supported the early stages of the work and was succeeded by Nick Fletcher for the final stages. Thanks also to Alan Dearling and John Perry for their input into the project and to Alison Jarvis of the Joseph Rowntree Foundation for supporting and overseeing the whole project.

Isobel Anderson and Alison Brown, *University of Stirling*.

Judy Nixon, *Sheffield Hallam University*.

Caroline Hunter, *University of Manchester*.

How to use the Action Framework

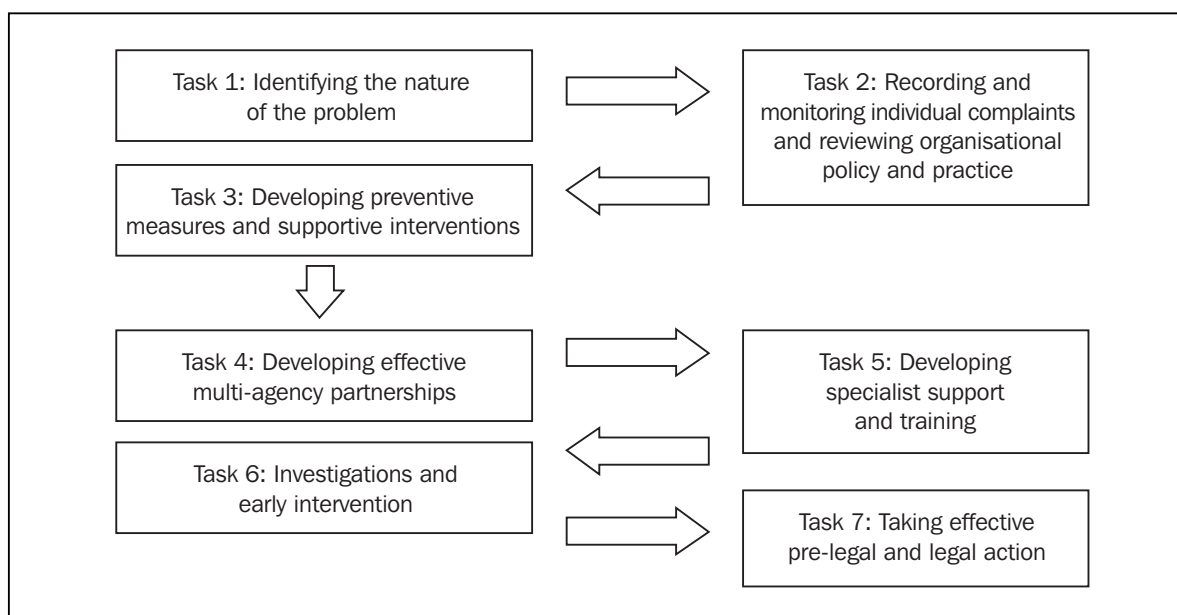
Introduction

In 2006, the Chartered Institute of Housing and the Joseph Rowntree Foundation published the second edition of *Tackling Anti-Social Behaviour* developed by Judy Nixon and Caroline Hunter. This Scottish Action Framework has been produced specifically for the Scottish policy and practice environment, but still utilises the very useful and systematic **process approach** to tackling antisocial behaviour which emerged from prior research and practice. The Action Framework has been designed to enable those involved in Scottish social housing governing bodies, as well as Scottish housing practitioners, tenants and residents to improve their understanding of the complexity of antisocial behaviour and to work effectively with others to tackle problems caused by antisocial behaviour in their own area.

The report draws on available research and evaluations into 'what works' where this is available. The framework consists of a set of core tasks with key questions, practical fact sheets, case studies, activities and links to relevant agencies and websites which provide other supporting material. As the purchaser of the material it is hoped that you will make use of as much of the material as is relevant to your role and involvement in tackling antisocial behaviour. The materials may also be shared with colleagues.

The framework offers a process approach to understanding and tackling complaints about antisocial behaviour. It can be used either individually or in a group situation. The materials are designed to offer not only information and knowledge, but also to present an interactive method for assessing problems, identifying potential solutions and prioritising options.

In order to highlight the need for a holistic approach to this area of work, and to help develop strong links between strategic policy development and operational issues, the Action Framework is structured around **seven core tasks**.



Making use of the framework

The Action Framework may be used for a number of different purposes:

- To raise awareness of the issues underlying the problem of antisocial behaviour.
- To contribute to the local strategy development and review process.
- For training and staff development to improve operational work.
- For reference in day to day operational work.
- To improve working between agency staff and residents.
- To improve strategic and operational working in multi-agency partnerships.

The way the materials are used will vary depending on the reasons why you are using them, and in some cases you may not need to look at each core task but only focus on particular ones. Those who are new to the material or who have a central role in strategy or operation may wish to make themselves aware of the process involved in working through the core tasks.

Those who have responsibility for training in this area of work might wish to consider how best to use the materials for these purposes, get to know the structure of the core tasks, and choose whether to present the whole Action Framework at once, or to utilise it on a sessional basis. You may copy whichever sections are relevant and appropriate for you and your colleagues, for use in practical training sessions.

Whatever your particular use, we would suggest that you:

- familiarise yourself with the structure and content of the Action Framework;
- identify appropriate core tasks, information and activities for your own work or for those you are working with;
- seek to use the framework as a means of informing and improving practice and management systems;
- use the material to identify gaps and weaknesses in your organisation's policy and practice, and in individual performance for each core task;
- consider opportunities for co-ordination with other key players to draw up an action plan to address these gaps or weaknesses.

Wherever available, this Action Framework refers to policy guidance, practice examples and research evidence from within Scotland. However, some examples from England are also included, notably where there was no equivalent for Scotland; where rigorous evaluation in the English context was relevant for Scottish practice; and where innovative practice in England may be of interest to the Scottish context.

In using this Action Framework it is important to be mindful of the constantly evolving policy, practice and research environment. Every effort has been made to incorporate materials which were up to date at the time of writing. However, the Action Framework

was developed during 2007 which was a year of important political change in Scotland, seeing the election of a new Scottish National Party Government.

A review of approaches to tackling antisocial behaviour across government, local agencies and local communities was announced on 25 October 2007, to be led by the Scottish Government's Community Safety Unit, reporting to the Minister for Community Safety. Recommendations for improving the national strategy and delivering on change are due to be reported to the Scottish Parliament by the end of 2008. Such a review presents an important opportunity to better evaluate the outcomes from, and effectiveness of, the range of measures available to agencies to tackle and prevent antisocial behaviour.

The approach adopted for this Action Framework for social housing organisations reflects a systematic process of understanding the nature of the problem, considering appropriate approaches and monitoring the outcomes of activities. Sound management practice, coupled with the lessons to be learned from rigorous evaluation should remain applicable, even in a changing policy context. However, those involved in implementing policy and practice on antisocial behaviour should always check for the most up to date legislative change, policy guidance and good practice information from the key agencies and websites cited throughout this framework.

Core Task 1: The nature of the problem

Antisocial behaviour can seriously damage the quality of life of vulnerable people through the fear of crime and the long-term effects of victimisation. It is also, however, a complex and dynamic problem, which can only be effectively dealt with by the development of a range of complementary forms of action. Quick and effective intervention in neighbour nuisance and antisocial behaviour cases can stop problems from escalating, improve relations between landlord and tenants and help safeguard a landlord's reputation. The Antisocial Behaviour etc. (Scotland) Act 2004 placed a corporate duty on all local authorities to publish and review an antisocial behaviour strategy for their area, in conjunction with the relevant Chief Constable.

Many local authority housing services have been closely involved in strategy development and registered social landlords (RSLs) are also seen as key local agencies in the process. In particular, for those which were larger or main local providers of housing (e.g. stock transfer RSLs) there is an expectation of a greater contribution to local antisocial behaviour strategies and implementation. However, it is in the interests of all social housing landlords and practitioners to have a clear strategy for their organisation and to be clear about their role in a wider local authority corporate strategy. In order to develop comprehensive, strategic and effective operational responses to the problem it is essential that landlords and tenants work together to collect information about the nature of the problem in their area.

Introduction

In this first core task we consider how landlords define and analyse the particular problems of antisocial behaviour in their area and develop a strategic response under the following headings:

- Defining and measuring antisocial behaviour.
- Equalities and antisocial behaviour.
- Developing antisocial behaviour strategies, policies and procedures.
- Taking action through partnership working.
- Identification of the resources required to take different forms of action.

This section of the Action Framework is designed to complement existing Scottish Government guidance and resources, including:

- Scottish Executive (2004a) *Guide to the Antisocial Behaviour etc. (Scotland) Act 2004*. Edinburgh: Scottish Executive.
- Scottish Executive (2004b) *Guidance on Antisocial Behaviour Strategies. Antisocial Behaviour etc. (Scotland) Act 2004*. Edinburgh: Scottish Executive.

- The official web site to support implementation of the 2004 Act is at **www.antisocialbehaviourscotland.com** – this contains all available statutory guidance for participating agencies as well as policy and research updates and information for the general public.
- There is also a free advice line on **0800 850 500** (open Monday – Friday 9am to 5pm).

Defining and measuring antisocial behaviour

Integral to the process of developing strategies and operational procedures, it is essential that housing officers, along with colleagues and residents, take time to consider what constitutes antisocial behaviour and whether or how it might be changing in the local context. In **Core Task 2**, methods for the monitoring and recording of antisocial behaviour are considered in greater detail, but to start with it is important to note that there is no absolute definition of what is meant by the term antisocial behaviour. The legislative framework provides a basic legal definition, but rather than attempt to tightly define the nature of the problem, housing policy statements may wish to focus on the range of behaviours which can be construed as being antisocial.

The Crime and Disorder Act 1998 has separate chapters for Scotland and England with respect to antisocial behaviour.

For **Scotland**, this act formally defined antisocial behaviour in terms of a person aged 16 years or over having behaved:

“...in an antisocial manner, that is to say in a manner that caused or was likely to cause alarm or distress...or...pursued a course of conduct that caused or was likely to cause alarm or distress to one or more persons not of the same household.”

‘Conduct’ includes speech and a ‘course’ must involve conduct on at least two occasions.

The Anti-Social Behaviour Act 2003 employed a broader definition for England that incorporated not only action that is:

“...capable of causing nuisance or annoyance to any person;”

but also behaviour that:

“...directly or indirectly relates to or affects the housing management functions of a relevant landlord; or consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.”

The Antisocial Behaviour etc. (Scotland) Act 2004 adhered closely to the 1998 legislation with antisocial behaviour defined as to:

“...act in a way that causes or is likely to cause alarm or distress to anyone; or behave in a way that causes or is likely to cause alarm or distress to at least one person not of the same household as them.”

The definitions of antisocial behaviour outlined in the Crime and Disorder Act 1998 and the Antisocial Behaviour etc. (Scotland) Act 2004 share an approach which concentrates on the **impact** of behaviours rather than on specific types of behaviours. This means that in practice behaviour can be classified as being ‘antisocial’ depending on a number of factors, including the context, the location, the tolerance levels of the local community and expectations about quality of life. This Act extended the use of ASBOs to 12-15 year olds.

Scottish Executive Guidance on Antisocial Behaviour Strategies (2004b, p4) recognised that antisocial behaviour can mean different things to different people and that expectations of standards of behaviour can vary. The guidance states that:

“...antisocial behaviour is not necessarily behaviour that is merely different, or that is the result of a ‘medical or developmental condition or a mental health problem’, and that ‘tolerance and awareness of others’ needs is an important part of tackling antisocial behaviour.”

This recognises the need to relate antisocial behaviour to the equalities agenda as discussed below.

Within the statutory definition, local agencies, in consultation with local people, retain some flexibility to decide on the particular nature of problems in their communities and the appropriate action to be taken. Scottish guidance also states that agencies should consider the effect of defined antisocial behaviour on the wider community. In order to develop a clear understanding of local antisocial behaviour problems it is important that housing officers along with other community safety agencies and local residents work together to identify behaviours that are a particular problem within their neighbourhoods.

Further, non-government agencies may have alternative approaches to defining antisocial behaviour. For example, Shelter have recommended a rehabilitative approach to tackling antisocial behaviour, arguing that the imprecise nature of definitions can cause confusion leading to a risk that ‘*perfectly normal (if annoying) behaviour*’ becomes classified as antisocial and even criminal (Cullen, 2006).

How antisocial behaviour is defined is a key determinant of measurement. Scottish Executive guidance from 2004 recognised limitations in the measurement of antisocial behaviour and that data collection was hampered by under-reporting of incidents and difficulties in analysis of complaints made. In its thematic report on evictions, Communities Scotland (2005) also recognised that it was important to accurately identify antisocial behaviour and quantify action taken. The study found that evictions by Scottish social landlords as a result of antisocial behaviour accounted for a very small proportion of the total number. While evictions for antisocial behaviour may be

understated due to citing other main reasons for eviction, the Communities Scotland report concluded that social landlords realised the need to make it explicit where a tenant was being evicted for antisocial behaviour.

On Wednesday 10 September 2003 the Home Office undertook a national One Day Count of reports of antisocial behaviour in England. Over this 24 hour period just over 72,000 reports of antisocial behaviour were received by over 1,500 organisations. A wide range of behaviours were reported and the information was used by the Home Office to develop a typology of antisocial behaviour which provided a useful starting point for understanding the nature and extent of local problems (Nixon and Hunter, 2006, p90). The Scottish Executive (2004b) recommended a similar typology, as reproduced in the table opposite.

The purpose of the typology is to provide a practical framework for defining antisocial behaviour which local agencies may find useful in defining problems and agreeing priorities with local communities. However, in keeping with the recognition of localised definitions and priorities, the typology should be used as a guide and does not imply that these are the only activities considered antisocial. Antisocial behaviour is divided into four core categories: disregard for community/personal well being; acts directed at people; environmental damage; and misuse of public space. Examples are provided of specific activities that fall into each category.



Activity

Using the antisocial behaviour typology outlined in the table on page 9, consider to what extent the different aspects of antisocial behaviour are relevant to and employed by your organisation.

- Does your antisocial behaviour policy include a written definition of antisocial behaviour, which goes beyond the statutory definition?
- Do you need to review the written definition to reflect the diversity of types of antisocial behaviour?
- Are tenants clearly informed about how your organisation defines 'antisocial behaviour'?
- Does your antisocial behaviour policy include a description of the type of conduct that can amount to antisocial behaviour?
- Examine the examples of antisocial behaviour outlined in the table. Can you identify any additional examples based on local experience? Are these behaviours covered in your organisation's definition of antisocial behaviour?

Types of behaviours that can be described as antisocial

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

Source: Scottish Executive, 2004b, *Guidance on Antisocial Behaviour Strategies*, Annexe A.

Antisocial behaviour is a complex and dynamic phenomenon, and the types of activities that may cause people 'alarm or distress' will vary from one location to another and are likely to change over time. Monitoring and recording systems are discussed further in **Core Task 2**, but in order to ensure that your policies and procedures are sufficiently flexible to respond effectively to emerging problems it is useful to undertake regular antisocial behaviour audits.

Scottish Executive guidance (2004b) recognised the difficulties in mapping antisocial behaviour and the lack of standardised recording systems. Standardised reporting is encouraged to improve the quality of data collected to allow for comparisons across areas and over time. The Scottish Executive set out guidance on assessing the extent and types of antisocial behaviour in Scotland in relation to:

- the profile of victims;
 - the profile of offenders;
 - the financial cost of antisocial behaviour problems,
- and
- contextual information on risk factors.

Where first time data collection presents a particular challenge, agencies should set out how future information collection will be put in place and the systems to be used for regular updating of data.

The questions in the fact sheet opposite will help you identify what data you need to collect to clarify local trends and antisocial behaviour patterns and the way in which this data can help inform the development of your antisocial behaviour strategy.

Equalities and antisocial behaviour

The Housing (Scotland) Act 2001 (Part 7, Section 106), places clear equal opportunities responsibilities on Scottish Ministers, local authorities and registered social landlords. They are all required to exercise functions related to the Act (including housing provision and related services) in a manner which encourages equal opportunities and in particular to observe equal opportunity requirements as defined in Section L2 (equal opportunities) of Part II of Schedule 5 to the Scotland Act 1998 (c.46), the Act which set up the Scottish Parliament. The Antisocial Behaviour etc. (Scotland) Act 2004 also has equal opportunities regulations which are discussed further in **Core Task 7**. Consequently, within housing organisations, antisocial behaviour strategies, policies and procedures must be compliant with all equal opportunities legislation and demonstrate that they are non-discriminatory in principle and practice.

Fact sheet: Undertaking a basic audit of your capacity to deal with antisocial behaviour	
Organisational details	Number of units managed and location
<ul style="list-style-type: none"> What types of antisocial behaviour are taking place and where? How many complaints have been received over the last 12 months? Is the problem increasing, staying the same, decreasing? What proportion of time is spent dealing with antisocial behaviour? 	<p>Number of types and rates of incidents</p> <p>Trends</p> <p>Geographical distribution (e.g. ward, beat, estate area)</p> <p>For example, 10%, 20% of total work load</p>
<ul style="list-style-type: none"> Who are the victims of antisocial behaviour? 	<p>Age, gender, ethnicity, disability, area where they live</p> <p>Analysis of patterns of repeat victimisation</p>
<ul style="list-style-type: none"> Who are the offenders? 	<p>Age, gender, ethnicity, disability, area where they live</p> <p>Persistent offending behaviour</p> <p>Risk factors associated with offending behaviour, e.g. mental health problems, out of control children, drug misuse etc.</p>
<ul style="list-style-type: none"> How are incidents of antisocial behaviour recorded and what forms of monitoring are in place? 	<p>Manual or IT system</p> <p>Categories of antisocial behaviour used</p> <p>Number of incidents or number of complaints</p>
<ul style="list-style-type: none"> What other information do you need to collect about the general context and particular risk factors? 	<p>Social, economic and environmental factors associated with antisocial behaviour</p>
<ul style="list-style-type: none"> What channels of communication are open to front line officers, tenants, and residents to report the changing nature and location of antisocial behaviour? 	<p>Local social and economic factors and seasonal patterns, e.g. school holidays</p>
<ul style="list-style-type: none"> Do you have any formal or informal information sharing agreements with any agency? 	<p>List the range of agencies and identify any problems in sharing information</p>
<ul style="list-style-type: none"> What action does your organisation take to deal with antisocial behaviour? (e.g. use of prevention, enforcement and resettlement) 	<p>Identification of gaps in current knowledge and practice</p>
<ul style="list-style-type: none"> What aspects of antisocial behaviour complaints do you find it most difficult to deal with? 	<p>List the main problem areas</p>

Research evidence shows those most likely to be affected by antisocial behaviour include:

- The poorest households (unlikely to be able to move away or bear costs).
- Children and young people.
- Those already discriminated against on grounds of, for example, race, religion, sexual orientation.
- Others vulnerable because of age, disability, mental health problems or learning difficulties.

(Scottish Executive, 2004b, pp10-11).

It is also important to bear in mind that the same groups may be both victims and perpetrators of antisocial behaviour.

Performance standards for local authority and RSL housing services in Scotland (effective from April 2007) incorporated a guiding standard that landlords '*embrace diversity, promote equal opportunities for all and eliminate unlawful discrimination*' in all areas of their work (Communities Scotland, 2006a, p10, GS2.1).

Equalities policy can be put into practice through equalities impact assessments in order to assess equality/inequality of impact across different client groups. The example below provides a useful set of questions which can be applied to antisocial behaviour and to any other aspect of housing policy and practice.

Equalities Impact Assessment

A proforma addressing the following questions should be completed by the person with designated responsibility. The completed assessment should be authorised at a senior level in the organisation.

- What is the purpose of the proposed policy (or changes to be made to the policy)?
- Who is affected by the policy or who is intended to benefit from the proposed policy and how?
- How have you, or will you, put the policy into practice, and who is or will be responsible for delivering it?
- How does the policy fit into the organisation's wider or related policy initiatives?
- What do you already know about the diverse needs of your target audience/client group?
- Do you have information on:
 - Age
 - Gender
 - Disability
 - Sexual orientation (Lesbian, Gay, Bisexual and Transgender – LGBT)
 - Race
 - Religion and belief



- What else do you need to know about to help you understand the diverse needs and/or experiences of your target audience/client groups?
- What does the information you have tell you about how this policy might impact positively or negatively on the different groups within the target audience?
- Consider whether the information indicates that your policy may have an unfair outcome for any equality group and if any changes could be made
- Does your policy provide the opportunity to promote equality of opportunity or good relations by altering the policy or working with others?
- Is there a differential impact?
- How will you monitor and evaluate this policy/function or strategy to ensure there are acceptable outcomes for all?

You may wish to display your completed assessment on your website.

Source: Amended from Communities Scotland (2006b), information from website.

Antisocial behaviour policy needs to be particularly sensitive to groups at risk of discrimination or 'hate based' crimes and harassment. At the UK level, as of 1 October 2007, the three previously existing equality commissions (relating to race, disability and gender) merged into the new Equality and Human Rights Commission. Information on all aspects of rights and equalities can be found on the new website for this agency at: www.equalityhumanrights.com/pages/eocdrccre.aspx

Racial harassment is an area of equalities practice where considerable evidence and guidance for practice exists. While it is beyond the scope of this publication to provide detailed guidance on what action housing practitioners, committee members, tenants and residents can take to prevent and tackle racist attacks, many of the actions that can be taken to deal with perpetrators of racial harassment are similar to those that can be employed to deal with wider incidents of antisocial behaviour.

Eviction is the ultimate sanction against tenants who are perpetrators of racial harassment and antisocial behaviour. However, many social landlords report that even where eviction proceedings are successful, such action may not stop the problem behaviour. Guidance on alternatives to eviction for perpetrators of racial harassment is available through the interactive website: www.RaceActionNet.co.uk To access the website social landlords must subscribe to RaceActionNet which provides subscribers with an online directory of contacts and activities through which practitioners can share problems and work out solutions to racial harassment. At the time of writing this website contained useful case study examples from Scotland but was not fully comprehensive with respect to the Scottish legal and policy framework.

Shelter UK hosts an online legal service (Shelter Legal) through their website, access to which is also available by subscription. The site has specific sections for Scottish Law,

including a section on harassment and antisocial behaviour. You can subscribe to a one month free trial through <http://scotland.shelter.org.uk>

There is further advice on how to deal with harassment on the website of the Citizens Advice Bureau: http://www.adviceguide.org.uk/scotland/your_rights/civil_rights_scotland/racially_and_religiously_motivated_attacks_scotland.htm

Research by Hunter *et al.* (2007) revealed that both national guidance and local strategies on antisocial behaviour were not good at taking account of specific issues in relation to disability. This was the case with respect to disabled people who were perpetrators of antisocial behaviour, as well as those who were victims. Information on how to improve strategies in relation to disability can be found in: Hunter *et al.* (2007) *Disabled people's experience of anti-social behaviour and harassment in social housing: a critical review*.

Finally, your own organisation should have its own policies for dealing with harassment – either in the workplace or in respect of the users of its services (including tenants of social housing).

Practical steps to tackle harassment

How do we deal with harassment when it occurs? There may be various stages involved.

- Sensitive handling of the initial interview/complaint.
- Support should be provided for people being harassed. You may need to ensure they get police protection, and support from family, community groups, etc.
- Speedy repairs and the removal of graffiti. This sends out a clear signal that racist or other attacks won't be tolerated and evidence of them will be removed.
- Allocations and possible transfers. Some families will want to move away in order to feel safer. Organisations need to be sensitive to these desires and try and make it as easy as possible for tenants who have been attacked to find a place of safety.
- Interviewing perpetrators can also be difficult. You may suspect – or even know – who is responsible. But it will be important to prove this, especially if there is a need to go to court.
- Multi-agency working. There is a need to involve people from a range of different agencies – police, social work, voluntary bodies, etc. A concerted effort is often needed to deal with the problem.

The advice which is always given to victims is to report it. Only by involving the police, support agencies, landlords, etc., can action then be taken.



Activity

When did you last review your policy and procedures with respect to harassment on grounds of race, gender, disability, sexual orientation or beliefs?

Do your procedures incorporate measures to prevent such harassment?

Do you take advantage of sources available for the continual updating of your knowledge in these areas, e.g. a web-based resource; a local or national network of others facing similar issues; attending regular training events?

What more could be done to ensure people are well-informed?

Action to develop antisocial behaviour policies and procedures

A survey of English housing association tenants by MORI (2005) found that while most did not consider antisocial behaviour to be a very or fairly big problem in their neighbourhood, sizable minorities did consider their quality of life to be affected by nuisance and antisocial behaviour. Over half of the respondents said they knew their landlord had a policy for dealing with antisocial behaviour; one fifth that they did not, and a quarter that they did not know.

Although no similar survey has been conducted in Scotland, it is important that awareness of policy and practice on antisocial behaviour is raised among tenants of all social landlords, for example through the www.antisocialbehavioursotland.com website and local activities.

The Antisocial Behaviour etc. (Scotland) Act 2004 places a requirement on all local authorities to publish and review an antisocial behaviour strategy for their area.

The duty lies with the local authority at the corporate level and with the relevant Chief Constable and replaces an earlier duty in the Criminal Justice (Scotland) Act 2003.

The antisocial behaviour strategy should contain:

- an assessment of the nature and extent of the problem;
- information on the services available to deal with the problem and proposals to meet any gaps in service provision;
- proposals for inter-agency co-ordination and information exchange.

First editions of antisocial behaviour strategies were due to be completed by 31 March 2005 and covered the period up to March 2008.

The key government guidance for strategy preparation was:

Scottish Executive (2004b) *Guidance on Antisocial Behaviour Strategies. Antisocial Behaviour etc. (Scotland) Act 2004*. Edinburgh: Scottish Executive.

Specialist advice for housing organisations was provided in:

Chartered Institute of Housing Scotland (2005) *A guide to the Antisocial Behaviour etc. (Scotland) Act 2004*. Edinburgh: CIH(Scotland).

There is a requirement on local authorities to consult with the Principal Reporter to the children's panel and with RSLs active in the area. The strategy should identify any specific localities with particular problems and state the authority's plans to work with local communities to address these problems. The local authority must monitor progress and publish occasional progress reports. There is a duty on other agencies to provide information for local authorities, to assist with their strategies. Scottish Ministers have powers to make further regulations for registered social landlords, as required, taking account of their varied size and nature in Scotland.

Antisocial behaviour strategies should link to the overall Community Planning framework as introduced by the Local Government in Scotland Act 2003. The 2004 Scottish Executive guidance on developing antisocial behaviour strategies acknowledged that across the country many local agencies already had frameworks for tackling antisocial behaviour in place, often linked to Community Safety Strategies. Local agencies were expected to build on these existing plans and frameworks in developing their antisocial behaviour strategies. In practice strategies should be prepared using the community planning processes and structures, with the most common structure likely to be the Community Safety Partnership. **Core Tasks 1 and 4** present further information on Community Safety Partnerships and multi-agency working.

At the local authority level, antisocial behaviour strategies should clearly set out overall aims and specific objectives with appropriate timescales for achievement. Strategies must also:

- assess the extent of antisocial behaviour in the area;
- assess the types of antisocial behaviour in the area;
- specify consultation arrangements;
- specify the range of services available, including for those under 16 years old, for victims and witnesses, and for those involved in neighbourhood disputes;
- set out how the local authority and Chief Constable will jointly deal with antisocial behaviour.

(Scottish Executive, 2004b, p12).

Scottish antisocial behaviour strategies also need to take account of related strategic partnerships and planning such as:

- Community Plan
- Community Safety Strategies
- Regeneration Outcome Agreements
- Local Housing Strategies and Tenant Participation Strategies
- Integrated Childrens' Services Plans and Youth Justice Strategies
- Health Improvement (particularly drug and alcohol) Strategies
- Community Learning and Development Strategies
- Victim Support Strategies
- Equalities Strategies (particularly strategies to tackle race/other hate crimes)
- Homelessness Strategies.

Consultation with RSLs is a requirement in the development of antisocial behaviour strategies. At the local level they should link to neighbourhood management schemes including community wardens and neighbourhood watch initiatives. This is particularly important at the local/neighbourhood level in order to identify relevant services and agree shared approaches to resolving issues irrespective of tenure/landlord. The consultation process should allow time to include tenants of both local authorities and RSLs and representatives of those adversely affected by antisocial behaviour, irrespective of tenure. Local authorities should also consult with private landlords.

Communities Scotland Performance Standards (2006a) require Scottish social landlords to demonstrate that they '*deal appropriately with antisocial behaviour*' and where appropriate that they, '*work in partnership with others to prevent and manage such behaviour*' (p13). There is also a performance activity standard in relation to estate management which requires landlords to demonstrate that they '*manage the environment around properties and any common areas effectively, to ensure that the neighbourhood is an attractive, well maintained and safe place to live*' (p13). Building on this, housing organisations should consider setting themselves 'SMART' targets which are 'Specific, Measurable, Achievable, Realistic, and Timed' as part of internal good practice in delivering measures to tackle antisocial behaviour. **Core Task 2** looks at recording and monitoring performance in more detail.

Recognised good practice in strategy development would also include:

- Publication of full and summary strategy documents.
- Provision of information written specifically for tenants. For example, on how and to whom a complaint of antisocial behaviour should be made, how contact will be maintained with the complainant and how the progress of the case will be monitored.
- Making information available in translation and alternative formats such as Braille and large print.

Published policies and procedures should reflect the obligations placed on local authorities and social landlords by other existing legislation, for example:

- The Children Act (Scotland) 1995
- Crime and Disorder Act 1998
- Disability Discrimination Act 1995
- Housing (Scotland) Act 2001
- Homelessness etc. (Scotland) Act 2003
- Race Relations Act 1976
- Human Rights Act 1998.

In order to ensure that your antisocial behaviour strategy is effective it is good practice to undertake regular reviews of the precise problem to be tackled and outcomes you wish to achieve. The following questions and fact sheets have been designed to help you evaluate and review your antisocial behaviour policy.



Activity

Gather together the antisocial behaviour policy and procedure documents used by your organisation and use the following questions to critically evaluate your current policy:

- When was the service's antisocial behaviour policy last reviewed? Are there clear procedures for regular review?
- Does the policy contain clear objectives and is it designed to enable the development of local strategic responses?
- Do you provide tenants and councillors/committee members with regular reports on antisocial behaviour with targets to improve service responses and provision?

Use the following fact sheet to identify the ways to improve your existing antisocial behaviour policy. The fact sheet can also be used to make notes and monitor progress on the development of your organisation's antisocial behaviour policy.

Fact sheet: Developing an effective antisocial behaviour policy	
Tasks: Policies are statements of principle or intent – ‘what we will do as an organisation.’ Effective antisocial behaviour policies are therefore likely to include:	Date task completed:
<ul style="list-style-type: none"> • A clear statement recognising the importance of tackling antisocial behaviour and an explicit acknowledgement of its effect on residents and communities. • Details of your aims, attitude and general approach to antisocial behaviour, for example to communicate clearly what standards of behaviour are acceptable. • A definition which includes a description of the type of conduct that can amount to antisocial behaviour. • An outline of any specific commitments made to tenants or the wider community in terms of dealing with antisocial behaviour, and what service standards can be expected. • Details of the range of services offered to tenants on antisocial behaviour, and how these will deliver a proportionate and flexible response to the challenges that antisocial behaviour presents. • An outline of how antisocial behaviour services fit within the organisational structure. • A clear statement of the standards of behaviour that are expected of tenants, those who live with them, and their visitors. The tenant's responsibility for the behaviour of people who live with them and visit them should be made clear. Reference should be made to any tenancy clauses relating to antisocial behaviour or nuisance. • A balance between prevention, enforcement and reintegration approaches. • An evaluation procedure of present organisational practice with regard to antisocial behaviour. • An unequivocal statement that antisocial behaviour will be investigated and that effective and early action will be taken to tackle it. • A commitment to using mediation and arbitration services appropriately to resolve neighbour disputes. • A commitment to victim and witness support. 	→

Fact sheet: Developing an effective antisocial behaviour policy – contd.	
Tasks: Policies are statements of principle or intent – ‘what we will do as an organisation.’ Effective antisocial behaviour policies are therefore likely to include:	Date task completed:
<ul style="list-style-type: none"> • A statement supporting zero tolerance of racist or other discriminatory behaviour. • A commitment to partnership working with key agencies. • A commitment to working with residents to resolve antisocial behaviour problems. • A willingness to use a wide range of approaches to tackle the wide range of antisocial behaviour. • An antisocial behaviour policy should have clear links to other related policies on: <ul style="list-style-type: none"> – domestic violence – harassment – maintenance – confidentiality – equal opportunities – tenancy management – lettings – health and safety – community care – resident involvement – development – risk management – regeneration, asset management and planned maintenance – support for vulnerable tenants – youth provision – special needs. 	

Source: Nixon and Hunter, 2006, p95.

An evaluation of the impact of local antisocial behaviour strategies at the neighbourhood level was published in 2007. The fact sheet opposite summarises some of the key findings which may be helpful for housing organisations as they review their policies and procedures. Overall however, the study would suggest that while progress in tackling antisocial behaviour can be identified, further considerable efforts are required to better tackle issues at the neighbourhood level.

Taking action through partnership working

Effective action to tackle antisocial behaviour relies on the development of meaningful partnerships with a number of different agencies. For example, in order to be able to respond to complaints and to evaluate which organisation should take lead responsibility, it is important that your organisation has well-developed operational

Fact sheet: Evaluation of the impact of local antisocial behaviour strategies at the neighbourhood level

The evaluation study

The research looked at neighbourhoods in four Scottish local authorities. It aimed to assess whether strategies were reducing antisocial behaviour and whether public perceptions were changing. The four local authorities had concentrated efforts and resources on neighbourhoods with particular problems of antisocial behaviour.

Key findings

- While there was evident progress with regard to co-ordinating strategies at local authority and neighbourhood levels, associated organisational change and the number of new initiatives involved had caused some confusion and ambiguity in implementation
- Most neighbourhoods recorded a rise in antisocial behaviour incidents, rather than a decline. This may reflect improved recording as well as the stage of implementation at the time of evaluation.
- The evaluation identified improved performance by local agencies and improved partnership working.
- While residents could see benefits from some specific initiatives, perceptions and experience of antisocial behaviour persisted.
- There is the potential for effective intervention over the longer term provided sufficient resources continue to be deployed to implement strategies and initiatives.

Source: Flint *et al.* (2007) *The impact of local antisocial behaviour strategies at the neighbourhood level*.
Edinburgh: Scottish Government Social Research.

partnerships with a range of agencies. This relies on having considered confidentiality and information sharing. Trust is vitally important but can be hard to achieve as a result of problems arising from different professional orientations. Detailed information and guidance on how to develop effective partnerships is provided in **Core Task 4**. The remainder of this section highlights how you can begin to identify the agencies with which you should be seeking to develop a partnership approach.

Landlords sometimes experience problems in forging close partnerships with the full range of community safety agencies operating in areas in which their stock is located. It can therefore be useful to undertake a review of partner organisations' current strategies and practical initiatives to tackle antisocial behaviour. Unless your organisation is able to obtain a full picture from all those involved you will not be able to gauge the true extent of the problem in your area.



Activity

- In dealing with complaints, with which agencies do you have close working relationships?
- Undertake a review of relevant partner organisations' antisocial behaviour policies and practices. A combination of loosely structured workshops, interviews with key staff and scrutiny of existing policy documents, evaluation reports, etc. can achieve this.

The review should aim to provide answers to the following questions:

- What has been tried, what hasn't been tried?
- What works, what doesn't work (both in your area and in other areas)?
- What are the gaps in provision, what can be built on?
- Is there any over-provision or duplication of effort?
- Finally, are there any specific and/or highly innovative antisocial behaviour initiatives being used by different agencies to address particular problems?



Activity

The following questions have been designed to help you identify how to begin to develop effective antisocial behaviour partnerships.

- Which other departments/agencies need to be consulted on the development of an antisocial behaviour strategy?
- Is there a local forum for the development of shared strategic responses, where priorities can be agreed, ideas generated, potential solutions assessed and an action plan produced?
- What is the role of the local community safety partnership? How well developed are your links with this partnership?

Action to be taken to ensure that sufficient resources are allocated to this area of work

In March 2003 the Scottish Executive made £20 million available across all 32 Scottish local authorities for the development of community warden initiatives, under the 'Build Strong Safe Attractive Communities Initiative'.

Subsequently, £130 million was allocated for tackling antisocial behaviour and promoting community safety between 2004-05 and 2007-08. Of this, £113.8 million was directly allocated to local authorities for antisocial behaviour services such as investigation teams and community wardens. Almost £4 million of £130 million was allocated directly to Community Safety Partnerships for community safety initiatives. The remainder was held centrally by the Scottish Executive for pilot initiatives and practitioner support such as the www.antsocialbehaviourscotland.com website, the free telephone advice line and new initiatives like Fixed Penalty Notices.

Scottish Executive guidance expected that matching available resources to aims and activities would be an integral part of antisocial behaviour strategy design and implementation. Strategies should clearly identify resources from the Executive and from other contributing partners, along with broad categories of proposed expenditure.

Antisocial behaviour undoubtedly results in considerable costs for public services. The One Day Count of antisocial behaviour undertaken by the Home Office in September 2003 estimated that antisocial behaviour cost agencies in England at least £13.5 million, which equated to an annual cost of around £3.4 billion. The cost to the English housing association sector of dealing with antisocial behaviour has been estimated at around £212 million per annum (Nixon and Hunter, 2006). These estimates do not take full account of the costs to victims (both financial and psychological) of antisocial behaviour.

However good your understanding of the particular problems in your area it will be impossible to take effective action unless sufficient resources are allocated to this area of work. One of the principal direct antisocial behaviour costs incurred by social landlords is the amount of staff time involved, which may be spent on: investigating complaints; devising appropriate interventions; where necessary, preparing for legal action; and providing witnesses and victims with support. A study into the cost of possession action and evictions by social landlords found that typical housing officer hourly rates (including overheads) in 2004/05 were estimated as being between £30-£35 per hour (Pawson, 2005). Research in Scotland by Brown *et al.* (2003) calculated an average cost per mediation case of £121 compared to an average cost per legal intervention case of £3,456.



Key questions

- Do you have a dedicated budget for antisocial behaviour work? If yes, is the budget holder the appropriate person?
- Can you identify the resources required in order to develop your antisocial behaviour policy including the provision of training and support to the other key players?
- Could you undertake a cost benefit analysis to establish the cost and effectiveness of different forms of action to deal with antisocial behaviour?

The following section of this Core Task provides a series of pointers to the cost issues relating to antisocial behaviour. Essentially, there are three elements to costing antisocial behaviour:

- the direct costs of action to stop it;
- the indirect costs of action to stop it;
- the cost benefits of stopping it.

Fact sheet: Tackling antisocial behaviour: measuring the costs

Direct costs: mainstream management core responses

- **Staff costs:** dealing with individual cases can be extremely time consuming and may involve a number of different staff including caretakers, housing officers, area managers, senior staff etc.
- **Investigation of complaints:** talking to complainants, alleged perpetrators and witnesses, recording responses in writing, maintaining clear, separate files on antisocial behaviour, assessing truth of complaint.
- **Establishing an action plan** to take control of cases, engage partner service inputs and to define route to resolution.
- **Telling complainants/witnesses** of preferred courses of action and securing their agreement.
- **Issuing clear verbal and written warnings** to perpetrators asking them to stop and citing consequences for them if they don't stop.
- **Establishing witness support measures** and supporting residents.

Direct costs of specialist interventions

- **Mediation:** mediation can be a cost effective method of resolving neighbour disputes and complaints between neighbours. It is most effective where there is an equivalence of power between participants. Mediation aims to lower conflict and achieve lasting win/win solutions.
- **Provision of specialist antisocial behaviour tenancy sustainment support:** providing antisocial households with support to change their behaviour can be a very effective method of dealing with disruptive tenants. Initially the costs of providing dedicated antisocial behaviour support services are high but when weighed against the ongoing costs of dealing with complaints can be a cost effective form of intervention.
- **Costs of neighbourhood/street warden service.**
- **Costs of the provision of diversionary activities** including outreach youth workers, schemes for young people and summer play schemes.
- **Provision of CCTV.**

Direct costs of taking legal action

- **The legal costs** associated with interdicts, notices of seeking possession, possession summons and antisocial behaviour orders will vary widely according to whether in-house or commercial solicitors are used, the complexity of the case and whether or not the case is contested. For example, possession hearings can cost anything from £500 to in excess of £10,000 per case. In order to be able to estimate the cost of taking legal action you must undertake rigorous monitoring of the legal costs of all antisocial behaviour cases.
- **Witness support measures:** on top of court and legal fees, court action may incur additional costs, e.g. hiring professional witnesses or supporting key witnesses in the lead up to the final hearing by the provision of temporary re-housing etc.

Indirect costs for landlords

In addition to all the above direct costs there are also a number of important indirect costs that landlords must take into account.



For example:

- repair and replacement costs for vandalism, theft and related casual damage to the physical fabric of the housing stock;
- similar costs for damage to the environs of the housing stock – plantings, hard works, lighting, telephones etc.;
- void costs (rental loss and re-let repair costs):
 - from eviction or abandonment by perpetrators;
 - from re-housing or abandonment by complainants and witnesses to antisocial behaviour;
 - from the development of a poor local reputation affecting either particular properties, or whole neighbourhoods and the consequent reduction in lettings potential;
- disturbances/relocation costs for complainants/witnesses;
- loss of, or reduction in, control of expenditure by erosion of planned maintenance budgets;
- reduction in capital value of stock holding;
- opportunity costs – the diversion of staff time from alternative work;
- increase in staff stress-related illness.

Indirect costs for residents

These include:

- loss of goods/replacement costs;
- increase in insurance premiums;
- cost of provision of personal and premises security;
- reduction (for home owners) in value of capital assets.

Indirect costs for other service providers

These include:

- costs for cleansing, rubbish removal, graffiti removal etc.;
- costs for critical interventions such as police call outs, fire and ambulance services;
- emergency re-glazing and essential repairs to protect person, personal property and physical fabric from further deterioration;
- costs for supportive interventions for complainants/witnesses;
- antisocial behaviour can have an extremely detrimental affect on victims' health with resulting high costs for the health service;
- decrease in social cohesion and the loss of formal control are likely to result in increased costs for a wide range of agencies.

The cost benefits of stopping antisocial behaviour

Finally, it should be recognised that there are a number of cost benefits from taking decisive action to tackle antisocial behaviour. For example, there will be remission from some or all of the indirect costs and a reduction in the following costs:

- repairs/replacement expenditure;
- environmental expenditure;
- voids rental loss;
- re-let expenditure;
- increase in potential for planned maintenance projects;
- maintenance in value of capital asset;
- reduction in outlay by residents;
- reduction in partner services' expenditure;
- increase in potential for creative, supportive and preventative partner service interventions.



Key questions

To ensure sufficient resources are allocated to this area of work:

With reference to the fact sheet on costing antisocial behaviour and the following questions, consider whether your organisation has allocated sufficient resources to cost effectively tackle antisocial behaviour.

- Over recent years, has there been an increase in complaints about antisocial behaviour? If so has any action been taken to monitor the additional costs incurred by the organisation in this area of work?

- Are front line officers provided with the appropriate resources to identify and deal with the problem locally? If not, can you identify what additional resources are required?

- Do you feel you need to develop your knowledge and/or skills in this area of work?

- If so, what sort of training or support would you like? In-house training or external specialist courses?

In order to be able to accurately identify what resources your organisation needs to allocate to deal with all aspects of antisocial behaviour it is necessary to undertake a thorough audit of the direct and indirect costs of antisocial behaviour activities. This may be a daunting prospect and in order to help you begin to identify the precise costs of each different type of activity the table below outlines earlier research findings into the unit costs associated with particular forms of action. Full details of the research studies drawn on to compile the table of unit costs are provided in the sources of information section at the end of this module.

Table: Estimates of unit costs of antisocial behaviour interventions that may be incurred by housing organisations and community safety partners

Category of antisocial behaviour and nature of action	Unit costs	Source
Non-legal intervention Informal intervention involving one call out followed by some remedial action Significant intervention and remediation stopping short of legal action The Housing Corporation reports that housing staff estimate that they spend around 40 per cent of their time on antisocial behaviour problems	£100-300 £500-£1,000	Whitehead et al. (2003) Ganderton (2000)
Cost of transfer of tenancy Costs of moving one of the parties involved in a dispute	£833	Dignan et al. (1996)
Noise and rowdy behaviour Direct costs to environmental services (EHO action) – single report Cost of a housing officer call out with some remedial action short of legal action Prosecution including imputed staff time for preparation and evidence collection	£20-£50 £100-£300 £500	Dignan et al. (1996)
Nuisance behaviours and neighbour disputes Legal action local authority range £142-£305,000) Average Legal action RSL (range £500-£80,000) Average Possession action for rent arrears (range £2,000-£3,000) Possession action for antisocial behaviour (£6,500-£9,500) Cost of an injunction (England) Maximum costs of taking legal action	£10,400 £4,000 £2,500 £8,000 £1,000 £1.2 million	Hunter et al. (2000) and SEU (2000) Hunter et al. (2000) Pawson et al. (2005) Pawson et al. (2005) Dignan et al. (1996) Dignan et al. (1996)
ASBOs Cost to local authority/police Lowest Highest	£5,350 £2,500 £46,800	Campbell (2002)
Other related housing costs Vandalism individual incident Cost of common assault Assuming a 5 per cent vandalism cost per incident Property damage maximum cost to landlord	£510 £500 £700 £42,000	Brand and Price (2000) Brand and Price (2000) BTP (2003)

Estimated costs of tenancy failure	Estimated costs per failed tenancy	Source
Tenancy failure for vulnerable tenants living in the community	£2,100	Audit Commission (1998)
Tenancy failure – standard cases	£1,913	Shelter (2003)
Tenancy failure – ‘complex’ cases	£3,190	
Average costs of tenancy failure	£1,610-£4,210	Crisis (2003)
Homelessness and care costs based on findings from the Dundee Families Evaluation		
Average cost of processing a homelessness application	£942-£1,900	Dillane et al. (2001)
Average cost of placing a child in foster care estimated	£200 per week	
Average cost of placing a child in a residential school or a children’s unit estimated	£1,000+ per week	
Abandoned vehicles		
Cost of collection and disposal	£215	Reading Borough Council (2003)
Cost of disposal	£60-£100	Jill Dando Institute (2003)
Intimidation/harassment		
Cost of common assault offence (including social costs)	£500	Brand and Price (2000)
Criminal damage/vandalism		
Cost of individual incident (including social costs)	£510	Brand and Price (2000)
Cost of incident against commercial/public sector (including social costs)	£890	Brand and Price (2000)
Average cost per local authority dwelling in Bradford	£35	SEU (2000)
Cost per incident assuming 5 per cent incidence	£700	
Case study costs associated with juvenile nuisance and offences relating to theft and taking a car		
Estimated costs of police time, Youth Offending Team involvement and court appearances	£13,000	Audit Commission (2004)
Costs of a six month custodial sentence	£51,500	

Source: Reproduced from Nixon and Hunter, 2006, pp102-103.

Note: Costs are as at year of research/publication of sources and not updated for inflation.

Brown *et al.* (2003) estimated costs of mediation and legal action to resolve antisocial behaviour issues in Scotland, concluding that mediation was particularly cost effective, as indicated on the table below.

Table: Average costs of mediation and legal intervention on antisocial behaviour in Scotland (2003)

	Average cost per case £
Community mediation	136
Local authority mediation	105
All mediation (average of 100 cases)	121
Eviction	9,029
ASBO	2,247
Interdict	1,281
All legal intervention (average of 50 cases)	3,456

Source: Brown *et al.* (2003), adapted from tables on pp29-32.

The National Audit Office (2006) estimated the costs of a range of possible interventions to tackle antisocial behaviour, based on research in 12 local areas in England, as indicated in the table below.

Table: NAO estimates of costs of antisocial behaviour interventions (2006)

Intervention	Average cost £
Warning letter	66
Penalty notice	74
Acceptable Behaviour Contract	230
Injunction	1,600
Antisocial Behaviour Order	3,100
Prosecution for breach of ASBO	1,500

Source: National Audit Office (2006, p24).

The HouseMark toolkit for performance improvement on antisocial behaviour also contains guidance on how to estimate the costs of antisocial behaviour and the costs of tackling the problem (HouseMark *et al.* 2007).

Sources and further information

Audit Commission (2006) *Neighbourhood crime and anti-social behaviour: making places safer through improved local working*. London: Audit Commission (data refers to England).

Brown, A. et al. (2003) *The role of mediation in tackling neighbour disputes and anti-social behaviour*. Edinburgh: Scottish Executive.

Chartered Institute of Housing Scotland (2005) *A guide to the Antisocial Behaviour etc. (Scotland) Act 2004*. Edinburgh: CIH (Scotland).

Communities Scotland (2005) *Thematic Study: Evictions in Practice*. Edinburgh: Communities Scotland.

Communities Scotland (2006a) *Performance Standards for Social Landlords and Homelessness Functions*. Edinburgh: Communities Scotland.

Communities Scotland (2006b) *Refocusing the regulation and inspection framework for housing: Equalities Impact Assessment*. Edinburgh: Communities Scotland. (online publication).

Cullen, S. (2006) *Back on track: a good practice guide to addressing antisocial behaviour*. London: Shelter.

Flint, J. et al. (2007) *The impact of local antisocial behaviour strategies at the neighbourhood level*. Edinburgh: Scottish Government Social Research.

Hayton, K., Boyd, C., Campbell, M., Crawford, K., Latimer, K., Lindsay, S. and Percy, V. (GEN Consulting) (2007) *Evaluation of the impact and implementation of community wardens*. Edinburgh: Scottish Executive Social Research (web only publication)
www.scotland.gov.uk/Publications/2007/03/22104147/26

HouseMark and Social Landlords Crime and Nuisance Group (2007) *Respect Standard for Housing Management: A Performance Improvement Toolkit for Landlords*. London: Communities and Local Government.

Hunter, C. et al. (2007) *Disabled people's experience of anti-social behaviour and harassment in social housing: a critical review*. London: Disability Rights Commission.

MORI (2005) *Housing Association Tenants: Anti-Social Behaviour (A summary of key findings)*. London: Housing Corporation.

National Audit Office (2006) *The Home Office: Tackling Anti-Social Behaviour. Report by the Comptroller and Auditor General*. London: NAO.

Nixon, J. and Hunter, C. (2006) *Tackling anti-social behaviour*. Coventry and York: Chartered Institute of Housing and Joseph Rowntree Foundation.

Scottish Executive (2004a) *Guide to the Antisocial Behaviour etc. (Scotland) Act 2004*. Edinburgh: Scottish Executive.

Scottish Executive (2004b) *Guidance on Antisocial Behaviour Strategies. Antisocial Behaviour etc. (Scotland) Act 2004*. Edinburgh: Scottish Executive.

Sources of information on the unit costs of antisocial behaviour

Audit Commission (1998) *Home Alone – the housing aspects of community care*. London: Audit Commission.

Atkinson, R. *et al.* (2000) *The Use of Legal Remedies for Neighbour Nuisance in Scotland*. Edinburgh: Scottish Executive Central Research Unit.

BTP (2003) *Annual Report 2002/03* at: British Transport Police, www.btp.police.uk/

Brand, S. and Price, R. (2000) *The Economic and Social Costs of Crime*. London: Home Office Research Study 217.

Brown, A. *et al.* (2003) *The role of mediation in tackling neighbour disputes and anti-social behaviour*. Edinburgh: Scottish Executive.

Campbell, S. (2002) *A review of Anti-Social Behaviour Orders* (Home Office Research Study No. 236). London: Home Office Research, Development and Statistics Directorate.

Crisis (2003) *How Many, How Much? Single homelessness and the question of numbers and cost*. London: Crisis.

Dignan, J. *et al.* (1996) *Neighbour Disputes – Comparing the Cost-Effectiveness of Mediation and Alternative Approaches*. University of Sheffield: Centre for Criminological and Legal Research.

Dillane, J., Hill, M., Bannister, J. and Scott, S. (2001) *Evaluation of the Dundee Families Project*. Edinburgh: Scottish Executive.

Ganderton, E. (2000) *Managing Nuisance, Harassment and anti-social behaviour – a framework for RSLs*. London: Housing Corporation.

HouseMark and Social Landlords Crime and Nuisance Group (2007) *Respect standard for housing management: a performance improvement toolkit for landlords*. London: Communities and Local Government.

Housing Corporation (2004) *Regulatory Impact Assessment*. London: Housing Corporation.

Hunter, C. *et al.* (2000) *Neighbour Nuisance, Social Landlords and the Law*. Coventry and York: CIH and JRF.

Jill Dando Institute of Crime and Science (2003) *Measuring the Impact of MVRib Initiatives on Abandoned Vehicles*. University College, London.

National Audit Office (2006) *The Home Office: Tackling anti-social behaviour. Report by the Comptroller and Auditor General*. London: NAO.

Nixon, J. et al. (2005) *Interim Evaluation for Families at risk of losing their home as a result of Anti-social Behaviour* (see particularly Section 9 Analysis of costs and benefits). November 2005. London: Office of the Deputy Prime Minister.

Pawson, H. et al. (2005) *The Use of Possession Actions and Evictions by Social Landlords*. London: Office of the Deputy Prime Minister.

Reading Borough Council (2003) *Spotlight on Abandoned Vehicles*. (accessed from website).

Scottish Executive (1999) *Safer Communities in Scotland*. Edinburgh: Scottish Executive.

Shelter (2003) *House Keeping: preventing homelessness by tackling rent arrears in social housing*. London: Shelter.

Social Exclusion Unit (2000) *National Strategy for Neighbourhood Renewal – Report of Policy Action Team 8: Anti-social Behaviour*. London: Social Exclusion Unit (Cabinet Office).

Whitehead, C., Stockdale, N. and Razzu, G. (2003) *The Economic and Social Costs of anti-social behaviour. A review*. London: LSE/Home Office.

Websites

Scottish Government (home page): www.scotland.gov.uk/Home

Scottish Government (Justice page): www.scotland.gov.uk/Topics/Justice

Scottish Government (Housing and Regeneration page):
www.scotland.gov.uk/Topics/Housing

Scottish Government Antisocial Behaviour site: www.antisocialbehavioursotland.com

Communities Scotland¹: www.communitiesscotland.gov.uk/

The Chartered Institute of Housing (Scotland page):
www.cih.org/your_location/scot/index.php?menu26nav=visible

COSLA (Convention of Scottish Local Authorities): www.cosla.gov.uk/

1 Depending on outcome of the Consultation Paper, *Firm Foundations: the Future of Housing in Scotland* (Scottish Executive, October 2007), Communities Scotland may be abolished in 2008 or thereafter.

Shelter Scotland: <http://scotland.shelter.org.uk>

Positive Action in Housing (Scottish Ethnic Minorities Agency): www.paih.org/

Citizens Advice Bureau:

www.adviceguide.org.uk/scotland/your_rights/civil_rights_scotland/racially_and_religiously_motivated_attacks_scotland.htm

Equality and Human Rights Commission:

www.equalityhumanrights.com/pages/eocdrccre.aspx

Race Action Net: www.RaceActionNet.co.uk

Department of Communities and Local Government (England):

www.communities.gov.uk/corporate/

The National Housing Federation (England): www.housing.org.uk

The Chartered Institute of Housing (UK): www.cih.org

The Housing Corporation (England): www.housingcorp.gov.uk

The Audit Commission (England): www.audit-commission.gov.uk/

The Home Office (Antisocial Behaviour, England, page): www.homeoffice.gov.uk/anti-social-behaviour/

The Local Government Association (England): www.lga.gov.uk/

The Crime Reduction website(England/Wales/UK): www.crimereduction.gov.uk

Social Landlords Crime and Nuisance Group (Under reconstruction in 2007):
www.slcng.org.uk/

Core Task 2: Recording, monitoring and reviewing systems

Many landlords experience difficulty in gathering accurate information relating to the scale and impact of antisocial behaviour in their area and of methods used to deal with it. There is a need for landlords to develop common systems for recording complaints and monitoring action taken. These should be compatible with local authority-wide antisocial behaviour strategies and national government monitoring and performance review procedures. Monitoring schemes also need to be sufficiently sophisticated to identify the resource implications for landlords of different forms of action.

The consistent and accurate recording and monitoring of antisocial behaviour is vitally important. It enables landlords to:

- Become aware of the extent and nature of problems in their area.
- Make informed decisions about targeting scarce resources and developing effective strategies.
- Ensure that performance monitoring systems include indicators and targets in respect of effective antisocial behaviour procedures.

In this section of the Action Framework the following aspects of monitoring and recording are considered:

- Monitoring and reviewing antisocial behaviour strategies.
- Reviewing current methods of recording and monitoring antisocial behaviour policy and practice.
- Links with partner agencies' recording and monitoring systems.
- Overcoming problems in sharing data.
- Practical examples of innovative practice in mapping the nature and extent of problems.
- Outcome agreements and performance indicators.
- Antisocial behaviour and the regulation of social housing landlords
- A model recording system for individual incidents and cases.

Monitoring and reviewing antisocial behaviour strategies

In order to ensure that your antisocial behaviour strategy is effective it is good practice to undertake regular reviews of the precise problems to be tackled and outcomes you wish to achieve. Your review process should take account of the most recent Scottish Government guidance and any relevant corporate local authority antisocial behaviour strategies and community safety strategies.

- **Monitoring** – refers to the process of keeping track by measuring inputs and outputs.
- **Reviewing** – refers to finding out whether a particular intervention or strategy has achieved its objectives.

Setting up appropriate monitoring and evaluation frameworks are an essential part of the development of an antisocial behaviour strategy and cannot simply be tacked on to the end of the process.

The checklist below is designed to help you develop your antisocial behaviour monitoring and evaluation strategies. It was originally developed for the Home Office and has been adapted from Nixon and Hunter (2006, pp107-108). It offers a list of pertinent questions which you may wish to consider in appraising possible approaches to tackling antisocial behaviour. You can use the checklist to compare and select from different possible approaches or options.

Option checklist to monitor and review antisocial behaviour strategies	
1	<p>What are the precise problems to be tackled? Are these well defined in landlord and corporate antisocial behaviour strategies?</p> <p>Does antisocial behaviour relate to particular:</p> <ul style="list-style-type: none"> • locations? • groups of victims? • offenders? <p>If more information is needed, how can it be obtained?</p>
2	<p>What outcome(s) do we want to achieve and by when?</p> <p>How do these relate to the patterns of problems identified?</p>
3	<p>Which option(s) will achieve the desired effect(s)?</p> <p>What are the possible mechanisms for achieving the results intended?</p>
4	<p>What evidence is there to support the chosen approach?</p> <p>Has anything similar been done elsewhere?</p> <p>If so, was it well evaluated and was it successful?</p> <p style="text-align: right;">→</p>

5	<p>What else needs to happen for the option to work?</p> <p>Under what circumstances will the option achieve the intended outcome?</p> <p>Does it depend on specific conditions or resources, or on support from relevant interests?</p> <p>If so, are these conditions present or can they be created?</p>
6	<p>How much do we need to do to make a difference?</p> <p>What action needs to be taken and by whom?</p> <p>What timescale has been agreed for the work to be completed?</p>
7	<p>How will we know if it is working?</p> <p>How and how often will progress be measured?</p> <p>Who will undertake the work?</p>
8	<p>What resources will be needed?</p> <p>What start up costs, staff time, capital and running costs are likely to be required, and how will these be met?</p> <p>What input could be provided 'in kind'? And by whom?</p>
9	<p>What might the positive or negative side effects be?</p>
10	<p>Will the benefits outweigh the costs?</p> <p>Will the outcomes be worthwhile?</p> <p>Could the resources be better used on an alternative option?</p> <p>Does the option represent 'Best Value'?</p>

Respect Standard for Housing Management: A Performance Toolkit For Landlords

This toolkit was written by HouseMark and the Social Landlords Crime and Nuisance Group (SLCNG) and published in 2007 by Communities and Local Government. It is intended to help social landlords in England implement the Respect Standard, by developing effective performance measures. However, its principles and much of the detailed guidance apply equally in Scotland.

It is a non-prescriptive, flexible tool, adaptable to local circumstances, which will help landlords of all types and sizes to:

- measure their performance through locally-defined indicators;
- gather performance data in a way which helps drive improvement;
- benchmark their performance and learn from good practice;
- ensure residents are engaged and able to influence services.

The toolkit has detailed guidance on collecting data on antisocial behaviour and monitoring performance against targets.

Available from Communities and Local Government at:

www.communities.gov.uk/publications/housing/landlordtoolkit

NACRO, the English crime reduction charity, also produced a useful guide to the monitoring and evaluation of community safety initiatives which focused on how to set up and develop a monitoring framework as well as giving guidance on the analysis of results and on what to include in a detailed evaluation framework (NACRO, 2001).

In Scotland, SACRO (a community safety charity) produces a number of good practice guides and briefing papers on aspects of community mediation including:

- Problems and strategies
- Measuring service performance
- Ensuring good practice.

Further information is available at: www.sacro.org.uk

Reviewing current methods of monitoring organisational policy and practice

In addition to developing specific performance indicators and case monitoring forms to record action taken in individual cases (see below and **Core Task 6** for details of information that should be collected about individual complaints) there is also a need for social landlords to monitor the impact of their organisational policy and practice.

The following activities have been designed to help you identify what improvements could be made to your current systems of recording and monitoring of antisocial behaviour.



Activity

Collect samples of the antisocial behaviour recording and monitoring forms used by your organisation and by other organisations with whom you work in partnership. Use the following questions to compare and evaluate the forms:

- Do all the forms adopt the same definition and classification of different forms of antisocial behaviour? What are their limitations?
- Is it possible to track cases in terms of behaviour, forms of intervention and outcomes over time?
- How accurate, reliable and representative is the data? Do you have procedures to avoid double-counting incidents reported by more than one person or to more than one organisation?
- Do current methods of recording and monitoring incidents enable an analysis of trends to be undertaken, i.e. a comparison between one area/estate and another in terms of number, types, rates of incidence?
- Can you identify what types of antisocial behaviour are taking place? Where? When? Why? Who are the victims? Who are the perpetrators?
- What other relevant sources of data are available? Can you identify use of introductory/starter tenancies, void rates, criminal damage costs, vandalism records, transfer requests etc.?
- Who within the organisation is responsible for data analysis and regular reporting? Who receives reports?
- What are the procedures for reviewing evaluation findings and implementing change?

Whatever the system you currently use for monitoring and recording cases of antisocial behaviour it is important that you are able to use the systems to clearly identify the nature of the problem in your area and to analyse long-term trends.



Activity

Consider how far your current monitoring and recording systems provide strategic information about victims and perpetrators of antisocial behaviour. For example, do you collect information on:

- Age?
- Gender?
- Ethnicity?
- Disability?
- Geographical distribution of victims and offenders?

More detailed guidance on developing information sharing protocols is provided in **Core Task 4**, but at this stage it is vital to ensure that your information systems are compatible with those used by your legal advisers and other relevant agencies.



Activity

- What formal or informal information sharing protocols have been developed with relevant agencies operating in your area?
- What data is available about action taken by other social landlords and the private sector (owner occupiers and private landlords) to tackle antisocial behaviour in your area?
- Are your information systems compatible with those used by your legal advisers and other agencies with whom you may want to share information?

Overcoming problems in sharing data

The Local Government in Scotland Act 2003 introduced community planning and best value frameworks for Scotland, both of which promote good practice in collecting and sharing information across service agencies. Within the overall community planning framework, local authorities, in partnership with Chief Constables and Principal Reporters are responsible for statutory antisocial behaviour strategies. This necessitates collating information on the incidence and extent of antisocial behaviour and youth nuisance in local areas.

Social housing landlords should be involved in antisocial behaviour strategy development, implementation and review. Within the Community Planning framework, Community Safety Partnerships (CSPs) have also been established in all 32 Scottish local

authority areas to address broader community safety issues. Further, Community Planning Partnerships (CPPs) have a main focus on regeneration and inclusion but this will also include elements of community safety. Key guidance can be found in:

- Scottish Executive (2004a) *Statutory Guidance on Community Planning*. Edinburgh: Scottish Executive.
- Scottish Executive (2004b) *Advice Notes on Community Planning*. Edinburgh: Scottish Executive.
- Advice note 8 is on *Information Sharing* (www.scotland.gov.uk/Resource/Doc/47237/0028842.pdf).

As the community planning agenda is still evolving, local authorities or Community Safety Partnerships may not yet have fully developed, centralised, co-ordinated data collection systems. More typically, information may be gathered from a wide range of separate data sets, derived from different types of systems, collecting different types of information. Even where information sharing protocols have been put in place, developing an overview of the changing nature of the problem can be hampered by incompatible recording and monitoring systems and more general concerns about data protection.

The UK Home Office Crime Reduction website has developed a specialist tool kit on developing information sharing protocols and has an interactive template protocol document, allowing you to draft an initial version of your information sharing protocol online. However, the legal and procedural content require amendment for the Scottish policy environment. www.crimereduction.gov.uk/infosharing_guide.htm

More detailed information on developing information sharing protocols is provided in **Core Task 4**. The table below identifies some of the common barriers to sharing information about antisocial behaviour and outlines strategies that can be employed to improve mapping antisocial incidents.

Table: Barriers to sharing data and strategies to improve data sharing

Barriers to sharing data	Strategies to improve data sharing
<ul style="list-style-type: none"> • Different agencies adopt different definitions of the problem. 	<ul style="list-style-type: none"> • Discussion between local agencies of the range of interpretations of antisocial behaviour and development of an agreed working definition.
<ul style="list-style-type: none"> • Concerns over data protection issues. 	<ul style="list-style-type: none"> • Networking with other partnerships to establish methods of sharing information and the development of local information sharing protocols. • Provision of clearer guidance and training on data protection issues to all partner members. • Check for good practice recommendations on information sharing from central government.
<ul style="list-style-type: none"> • Data collection problems caused by incompatible IT systems and the lack of coterminous boundaries between agencies. 	<ul style="list-style-type: none"> • Joint working between key agencies to minimise IT problems. • Use of dedicated surveys and alternative data sources to establish a base line against which crime statistics and other trends can be compared over time. This method of monitoring is particularly valuable since it facilitates an assessment of trends and an evaluation of long-term outcomes.

Source: Nixon and Hunter (2006).



Activity

Thinking about the areas in which your stock is located, consider the following questions:

- What forms of routine monitoring of antisocial behaviour and the associated problems of nuisance does your organisation currently undertake? Do you regularly share this information with other community safety agencies?

- What forms of networking have you developed with local agencies in order to establish robust methods of sharing information and the development of local information sharing protocols?

- Have you undertaken any joint working between key agencies to minimise IT problems?

- Does your organisation regularly collect and analyse data on changing levels of antisocial behaviour?

- Have you established a base line of data through the use of dedicated surveys and alternative data sources against which antisocial behaviour trends can be compared over time?

Practical examples of mapping the nature and extent of problems

Scottish Neighbourhood Statistics

This national project aims to transform the production, dissemination and use of statistics at the local level. It includes information on housing, health, education, poverty, unemployment, equalities issues and community/social issues, and aims to become increasingly comprehensive. The aim has been to collect information at the level of postcodes, in order to make it available at the most local level possible. Data can be accessed on line at www.sns.gov.uk/

Developing standardised recording systems

Scottish Executive *Guidance on Antisocial Behaviour Strategies* recognised the lack of a standardised system for logging reported antisocial behaviour incidents. The 2004 guidance encouraged standardised reporting and emphasised the importance of collecting uniform base line data in order to compare trends on the extent and nature of antisocial behaviour over time and across areas, and to identify the impact of interventions. As strategies evolved, it was anticipated that agencies would set out how they would further develop information collection systems and regularly update data.

Example of core data for standardised antisocial behaviour recording systems

The profile of victims	Age Gender Ethnicity Disability Area of residence Patterns of repeat victimisation
The profile of offenders	Age Gender Ethnicity Disability Area of residence Patterns of persistent offending Risk factors associated with antisocial behaviour
The financial cost of antisocial behaviour problems	Repair costs Loss of business Housing voids
Contextual information	On risk factors

Source: Scottish Executive (2004c) *Guidance on Antisocial Behaviour Strategies*, Edinburgh: Scottish Executive.

Evaluation of initiatives

Evaluation of initiatives need to be rigorous and social landlords need to be prepared for the possibility of negative findings and to learn from these.

In introducing its community warden initiative, Fife Council put in place a three year evaluation using a mixture of methods to establish the impact of the programme:

- Examination of local authority records.
- Surveys of the public about their experience and perceptions of antisocial behaviour and the community wardens.
- Interviews with community wardens and other key stakeholders about their experiences of implementing the initiative.

This approach to evaluation facilitated comparisons across five areas within Fife as well as year on year comparisons (Fife Council, 2006).

Outcome agreements and performance indicators

Performance indicators provide a method for measuring and comparing the effectiveness of landlord activities and outcome agreements are increasingly used to monitor local authority or non-government agency performance in a number of policy areas.

For antisocial behaviour, key guidance on performance arrangements for Scotland was contained in *Guidance on Antisocial Behaviour Strategies, Accountability Framework and Outcome Agreements, Reporting on Antisocial Behaviour and Outcome Agreements* (Scottish Executive, 2005). This combined document included four sets of guidance and was available online on the Antisocial Behaviour Scotland website: www.antisocialbehaviourscotland.com, along with information on the accountability framework for monitoring and evaluation of antisocial behaviour measures in Scotland at national, local authority and neighbourhood levels. The fact sheet below summarises the framework in place during 2005-2008.

Fact sheet: Antisocial behaviour outcome agreements in Scotland 2005-2008

The 2005-2008 antisocial behaviour programme in Scotland had an overall aim of achieving safer communities where fewer people suffered from the problems caused by antisocial behaviour. The accountability framework focused on four broad intermediate outcomes:

- Reduction in incidents of different types of antisocial behaviour.
- Reduction in people's perceptions of antisocial behaviour as a problem.
- Improvement in performance of agencies – individually and collectively.
- Improvement in people's perceptions of agency performance.

For the period 2005-2008, local authorities and their community planning partners are required to have outcome agreements linking Scottish Executive funding for antisocial behaviour initiatives to performance outcomes. It was expected that most of the outcome measures would be drawn from the core indicators which were set out in the official guidance and available on the website (www.antisocialbehaviourscotland.com).

Outcome agreements (2005/6, 2006/7, 2007/8) were required to incorporate:

- Outcomes with milestones:
 - What is the impact you want to make?
 - E.g. improvement in proportion of tenants satisfied with their neighbourhood from 70 per cent to 80 per cent over 12 months.
- Outputs with milestones:
 - What will you do to make the desired outcome happen?
 - Activities, services, interventions, e.g. establish a community warden team.
 - Measurement of activities, e.g. 80 hours per week of community warden coverage. →

- Robust base line data for outcomes and outputs:
 - What are the priority problems to be tackled?
- Monitoring and evaluation:
 - Procedures to review impact and amend practice in the light of evaluation.
 - Monitoring: Regular checking that implementation is on target, on time and within budget. Provides early warning of problems and provides ongoing guide for performance management.
 - Evaluation: Retrospective analysis to assess success or otherwise of service or initiative and to see what lessons can be learned for the future.
- Risk assessment.

Antisocial behaviour outcome agreements should also link to regeneration outcome agreements, the Community Safety Partnership funding programme and to Youth Justice plans.

Although agencies may need to collect some new data, the Scottish Executive (2005-2008) approach encouraged agencies to use indicators already collected. For example, use could be made of indicators which were contained in the Scottish Household Survey (SHS), and thereby collected annually. The 2005/6 SHS results indicated that 92 per cent of respondents felt that their local area was either a 'very good' or a 'fairly good' place to live (Corbett, Macleod and Hope, 2007). However, adults living in the most deprived areas were much more likely to report problems in their neighbourhood. The table below shows the indicators of antisocial behaviour recorded in the SHS and the relative reported prevalence in the most and least deprived areas compared with the Scottish average.

Table: Perception of prevalence of neighbourhood problems

Percentage saying problem is very common	Most deprived areas	Least deprived areas	Scotland
Type of problem			
Noisy neighbourhood/loud parties	17	2	8
Vandalism/graffiti/damage to property	33	8	16
Rubbish or litter lying around	43	15	27
Neighbour disputes	11	1	5
Groups or individuals harassing others	22	5	11
Drug misuse or dealing	30	3	12
Rowdy behaviour	32	6	16
Base	2,989	2,506	14,187

Note: Columns may add up to more than 100% as multiple responses were allowed

Source: Corbett *et al.* 2007, *Report of Scottish Household Survey*, Table 3.5.

Scottish social landlords are also encouraged to develop comprehensive systems to record and monitor incidents of antisocial behaviour, disorder and youth nuisance under the Scottish best value regime. The Scottish Housing Best Value Network (SHBVN) is a consortium of Scottish social landlords working together to deliver on best value through benchmarking, peer review, information sharing and good practice exchange. The next fact sheet summarises SHBVN guidance on measuring performance on antisocial behaviour.

Fact sheet: Scottish Housing Best Value Network – Benchmarking on antisocial behaviour

The SHBVN Benchmarking Service offers a standard questionnaire for performance data collection. There are currently separate benchmarking services for local authorities and housing associations. The questionnaire utilises statutory performance indicators and question 9 relates to antisocial behaviour:

Antisocial behaviour complaints by or about local authority tenants in financial year

Number of complaints relating to:

Children/gangs

Drugs

Noise

Racial harassment

Violent incident/harassment

Vandalism

Other

Total

Number of evictions due to antisocial behaviour

Costs of vandalism

Total cost of responsive maintenance expenditure arising from criminal damage

Antisocial Behaviour Orders (ASBOs)

Number applied for

Number granted

The SHBVN guide to performance management can be accessed on their website:

www.civ.hw.ac.uk/shbvn/index.htm. The guide is relevant to both local authority housing services and housing associations, drawing good practice examples from across the social housing sector.

Examples of possible indicators which relate local quality of life to concern about antisocial behaviour are provided below. These are followed by a practical activity which you can use to develop or refine the performance indicators used by your housing organisation.

Indicator: Example 1**The percentage of residents surveyed who are concerned with different types of noise in their area**

The purpose of this indicator is to assess noise nuisance and to inform any policy to reduce noise levels in your local authority. The question could be included in user satisfaction surveys or be incorporated into other consultation methods, e.g. citizens' panels, with a list of the types of noise appropriate to the area.

The percentage of residents surveyed who are concerned with different types of noise in their area should be categorised as in the Survey of English Housing:

"How would you rate the following types of noise in your local area?"

- a. Road traffic
- b. Aircraft
- c. Trains
- d. Industrial/commercial premises
- e. Road works
- f. Construction/demolition
- g. Pubs, clubs and entertainment
- h. Neighbours
- i. Animals e.g. dogs

Answer options:

- 1. Serious problem
- 2. Problem, but not serious
- 3. Not a problem

Those that answered either 1 or 2 are interpreted as residents showing concern about noise.

Indicator: Example 2**The percentage of residents surveyed satisfied with their neighbourhood as a place to live**

The purpose of this indicator is to monitor community well being, and inform policy on the provision and quality of local services/facilities. This indicator requires a survey, but the question could be included in an existing survey or as part of the authority's usual consultation processes.

"How satisfied are you with your neighbourhood as a place to live?"

Options:

- 1) Very satisfied
- 2) Fairly satisfied
- 3) Neither satisfied nor dissatisfied
- 4) Fairly dissatisfied
- 5) Very dissatisfied



The following supplementary question may be asked to determine local residents' views on different aspects of the neighbourhood and community well being:

"On the whole, do you think that over the past two years your neighbourhood has got better or worse?"

Answer options:

1. Better
2. Worse
3. Has not changed much
4. Have lived here less than two years

It should be noted that option 4 responses (lived here less than 2 years) do not contribute to the net value. The data should be presented as a table showing the different percentage responses for options 1, 2 and 3.

These questions should be combined with efforts to collect further background information on such factors as location, ethnicity, age, gender, disability, etc., so a meaningful and informative analysis of the results can be carried out to inform future action.

Indicator: Example 3

Percentage of residents who say that vandalism, graffiti and rubbish is a problem in their area

(a) Percentage of residents who say that:

- (i) Vandalism
- (ii) Graffiti
- (iii) Litter and rubbish in the street is a problem in their area.

(b) Percentage of tenants who say that:

- (i) Vandalism
- (ii) Graffiti
- (iii) Litter and rubbish in the street is a problem in their area.

People want to live in comfortable and affordable homes that meet their needs. They also want to live in neighbourhoods where the common parts are clean and well maintained. This indicator is split into two parts; firstly to identify how residents of an area as a whole perceive the problem of vandalism, litter and graffiti; and secondly to focus specifically on the perception of tenants. Using the two measures, a comparison can be made of the situation for local residents as a whole, and the specific experiences of tenants, and targeted action taken as appropriate.



Activity

Drawing on the above examples, consider what action you need to take to improve your capacity to monitor and evaluate the impact of your antisocial behaviour policies and procedures:

- What outputs and performance indicators are used by your organisation to track the progress of specific projects or developments in multi-agency working?
- Evaluations requiring the assessment of changes in people's behaviour are complex and costly. Have you got the capacity to undertake evaluations of specific initiatives 'in-house'? Would it be useful/cost effective to commission something externally?

Antisocial behaviour and regulation of social housing landlords

Performance standards are core to the regulatory framework for local authority and RSL landlords in Scotland. Communities Scotland produced official guidance in 2006 (*Performance Standards for Social Landlords and Homelessness Functions*) and 2007 (*Guide to Inspection*). In October 2007, the SNP Government's discussion paper on housing (*Firm Foundations*) indicated its intention to abolish Communities Scotland; transfer its regulatory functions to another agency; and bring to an end the rolling programme of inspection of social housing landlords. Nevertheless, the system in place at 2007 provides a base line framework for considering how the regulation of social housing landlords incorporates functions relating to antisocial behaviour.

Communities Scotland provided a common set of standards and a framework to assess performance, through both inspection and self-assessment by landlords. These included *activity standards* for the main service activities which focused on *outcomes* and *guiding standards* or underpinning principles which showed *how activities were supported and sustained*.

Core Task 1 indicated that Communities Scotland performance standards required Scottish social landlords to demonstrate that they dealt appropriately with antisocial behaviour and worked in partnership with others where appropriate. The performance activity standard in relation to estate management also required landlords to demonstrate that they managed the environment and common areas effectively, to ensure that the neighbourhood was attractive, well maintained and safe.

The Communities Scotland inspection process assessed how social landlords met performance standards, focusing on outcomes for service users. Inspections resulted in a judgement about how good the organisation, services or areas were; and how well they

were being managed for improvement, as indicated on the table below. The broad gradings are followed by a more detailed example of how a social landlord may conduct a self-assessment of their performance in relation to antisocial behaviour. Next there is a related activity, designed to assist housing organisations in assessing their own performance monitoring.

Table: Communities Scotland performance gradings at 2007

Grade A (excellent)

A service, organisation or part of an organisation characterised by major strengths, that delivers well above minimum requirements, is highly cost effective and has a record of continuous improvement. It may be fully contributing to the achievement of wider strategic outcomes for communities. We may still find weaknesses, but there will be very few areas for improvement and few, if any, barriers to improvement. In service inspections we will find that these weaknesses do not affect the service user or hinder the ability to improve services.

Grade B (good)

A service, organisation, or part of an organisation with many strengths, which delivers above minimum requirements, is cost effective, and focuses on continuous improvement. It may be making contributions to wider strategic outcomes for communities. The strengths will outweigh the weaknesses. And the capacity to make improvements is likely to strongly outweigh any barriers to improvement. In service inspections we will find that any weaknesses are not enough, either singly or collectively, to detract from services or hinder the ability to improve services.

Grade C (fair)

A service, organisation, or part of an organisation with some strengths but also some weaknesses, that meets only minimum requirements in key areas. It is not particularly cost effective or focused on improvement. It may be contributing to a limited extent to wider strategic outcomes for communities. Strengths and weaknesses will be finely balanced. And the capacity for, and barriers to, improvement are also likely to be finely balanced. In service inspections we will find some important weaknesses, which, either individually or collectively, noticeably detract from the service or hinder the ability to improve. A grade C is likely to suggest the need for structured or timely action to put things right. However, in the inspection of a new or restructured organisation, the award of a grade C may reflect its newness and the particular point it has reached in its early development – it may show a relatively good level of achievement in a short space of time.

Grade D (poor)

A service, organisation, or part of an organisation with major weaknesses, which does not deliver minimum requirements, may not be cost effective, and is not focused on improvement. It may be making little or no contribution to wider outcomes for communities. The weaknesses will outweigh the strengths. The barriers to improvement are likely to strongly outweigh the capacity to improve. In service inspections, whatever the strengths, we find that the weaknesses very significantly undermine the service or the management of the service. A grade D suggests the need for immediate remedial action.

Source: Communities Scotland (2007) *Guide to Inspection*.

Example: social landlord self-assessment

Activity Standard 1.9 Antisocial Behaviour:

We deal appropriately with antisocial behaviour. Where appropriate we work in partnership with others to prevent and manage such behaviour.

You may wish to ask the following self-assessment questions about your prevention and management of antisocial behaviour:

- Do we build and maintain our properties to standards that minimise the impact of antisocial behaviour on residents?
- Do we consider lifestyle issues in the design and layout of our houses and communal areas?
- Is our approach to the prevention and management of antisocial behaviour integrated with our management of allocations, estates and void properties, and does this positively contribute to sustainable communities?
- Are we proactive and supportive in our management of incidents of antisocial behaviour?
- Do we have clear and accessible policies and procedures on the management of antisocial behaviour?
- Do we consult with tenants, residents and other stakeholders on the development and review of our approach to the management of antisocial behaviour?
- Do our tenancy agreements include appropriate nuisance clauses?
- Do we have a range of remedies to tackle incidents of antisocial behaviour, including mediation, use of Antisocial Behaviour Orders, and the use of short Scottish secure tenancies?
- Do our staff have clearly defined responsibilities and do we equip them with the necessary skills to manage antisocial behaviour?
- Do we investigate incidents promptly and have we set challenging target /timescales for each stage of the procedure?
- Do we monitor our performance in meeting these target /timescales and report findings to relevant stakeholders?
- Do we have agreed liaison and referral arrangements between other departments and agencies, including the police and the Procurator Fiscal Service?
- Do we maintain accurate records of incidents, and monitor case progress and outcomes?
- Do we publish outcome information, including equalities information, on our management of incidents of antisocial behaviour?
- Is our approach to the management of antisocial behaviour proportionate to the scale of the problem and do our services represent value for money?
- Do our policies and practices on the prevention and management of antisocial behaviour positively contribute to the prevention, and resolution, of homelessness?



You may wish to ask the following self-assessment questions about the service user focus of your management of antisocial behaviour:

- Do we publicise our approach to the management of antisocial behaviour, highlighting the support we can provide to tenants and other complainants?
- Is the support and protection of victims and staff central to our approach to the management of incidents of antisocial behaviour?
- Do we keep complainants and victims informed throughout any investigation and follow-up action?
- Do we provide access to an appeals process?

Source: Communities Scotland online guidance, 2007.



Activity

Consider the questions below to assess how well your organisation is performing in relation to the following key criteria.

Scale 1-4

1= excellent

4= poor

- How good are your systems of recording and monitoring antisocial behaviour?
- Does your organisation provide comprehensive, clear and accessible statements of policies and procedures on antisocial behaviour which are reviewed regularly?
- Can residents easily report breaches of tenancy conditions, and are there efficient and effective arrangements for dealing with them?
- Are complainants informed about the progress of their case from the point of complaint to resolution and beyond?

Further guidance on monitoring and reviewing performance in tackling antisocial behaviour is contained in the HouseMark/SLCNG performance improvement toolkit (2007). The toolkit also includes sample questionnaires for conducting surveys of tenant views on action to tackle antisocial behaviour.

Sources and further information

Communities Scotland (2006) *Performance Standards for Social Landlords and Homelessness Functions*. Edinburgh: Communities Scotland.

Communities Scotland (2007) *Guide to Inspection*. Edinburgh: Communities Scotland.

Corbett, J., MacLeod, P. and Hope, S. (2007) *Results from the 2005/6 Scottish Household Survey. Annual Report*. Edinburgh: Scottish Executive.

Currie, A. and Currie, H. (2005) *Performance Management in Housing: A Good Practice Guide*. Edinburgh: SHBVN and Communities Scotland.

Fife Council (2006) *The implementation of community wardens in Fife*. Second Interim Report. Fife Council.

HouseMark and Social Landlords Crime and Nuisance Group (2007) *Respect Standard for Housing Management: A Performance Improvement Toolkit for Landlords*. London: Communities and Local Government.

NACRO (2001) *A Guide to Monitoring and Evaluation*. London: NACRO.

Nixon, J. and Hunter, C. (2006) *Tackling anti-social behaviour*. Coventry and York: Chartered Institute of Housing and Joseph Rowntree Foundation.

Scottish Executive (2004a) *Statutory Guidance on Community Planning*. Edinburgh: Scottish Executive.

Scottish Executive (2004b) *Advice Notes on Community Planning*. Edinburgh: Scottish Executive.

Scottish Executive (2004c) *Guidance on Antisocial Behaviour Strategies*. Edinburgh: Scottish Executive.

Scottish Executive (2004d) *The Local Government in Scotland Act 2003: Best Value Guidance*. Edinburgh: Scottish Executive.

Scottish Executive (2005a) *Guidance on Antisocial Behaviour Strategies, Accountability Framework and Outcome Agreements, Reporting on Antisocial Behaviour and Outcome Agreements*. Edinburgh: Scottish Executive.

Scottish Executive (2005b) *The Local Government in Scotland Act 2003. Best Value Guidance: Measures to Support Public Performance Reporting*. Edinburgh: Scottish Executive.

Scottish Executive (2005c) *Promoting Excellence in Scotland: A guide to quality schemes and the delivery of public services*. Edinburgh: Scottish Executive.

Scottish Government (2007) *Firm Foundations: The future of housing in Scotland. A discussion document*. Edinburgh: Scottish Government.

Websites

Full definitions of performance indicators are contained in the following online documents:

Scottish Executive Statistical Returns, SE Stock Form: www.scotland.gov.uk/Topics/Statistics/14844/1502

Audit Scotland Performance Indicators: www.audit-scotland.gov.uk/performance/

Audit Commission and the Improvement and Development Agency (IDeA) online library of local performance indicators at: www.local-pi-library.gov.uk/index.html

Communities and Local Government (HouseMark Respect Standard Toolkit): www.communities.gov.uk/publications/housing/landlordtoolkit

NACRO: www.nacro.org.uk/

SACRO: www.sacro.org.uk

Scottish Executive Advice note on *Information Sharing*: www.scotland.gov.uk/Resource/Doc/47237/0028842.pdf

The UK Home Office Crime Reduction website information sharing toolkit: www.crimereduction.gov.uk/infosharing_guide.htm

Scottish Neighbourhood Statistics: www.sns.gov.uk/

Antisocial Behaviour Scotland website: www.antisocialbehaviourscotland.com

SHBVN guide to performance management can be accessed on their website: www.civ.hw.ac.uk/shbvn/index.htm

Core Task 3: Preventive measures and supportive intervention

Moving beyond merely a 'bricks and mortar' responsibility for tenants has inevitably made a social landlord's work more demanding. Increasingly there are real tensions between government guidance and legislation with regard to supporting people in the community and protecting the community from crime and antisocial behaviour. This becomes especially problematic for social landlords and their partner welfare agencies when there is a need to get tough on perpetrators of crime, which conflicts with providing support for vulnerable tenants. It is also a very real issue when balancing the needs of vulnerable applicants who may have multiple social and health problems, with the needs of existing residents. It is now widely acknowledged that taking action to prevent antisocial behaviour is a fundamental part of any wider antisocial behaviour strategy. There are a wide range of preventive measures. Some tasks are directly associated with the management of housing, while other forms of prevention are more linked to the wider role of social landlords in the community.

After summarising Scottish Government guidance and wider research evidence on the prevention of antisocial behaviour, this core task examines a range of different types of preventive action that social landlords can take in relation to:

- Providing support to vulnerable tenants (including floating support).
- Providing intensive family support (including dedicated antisocial behaviour residential projects).
- Providing diversionary activities for children and young people.
- The use of incentives to promote positive behaviours.
- Crime prevention and community safety measures.
 - Community warden schemes.
 - Secured by Design measures.
- Allocations policies and antisocial behaviour.

There is often a degree of overlap between prevention and the early stages of intervention. Further measures to tackle antisocial behaviour which also contribute towards preventing problems from becoming established (for example mediation and Acceptable Behaviour Contracts) are described later in **Core Task 6**.

Government guidance on preventing antisocial behaviour (2004-2007)

In 2004 the then Scottish Executive issued guidance for local authorities on how they should prepare, review and publish antisocial behaviour strategies and procedures. The guidance identified prevention as one key principle in a four-pronged **PIER** strategy – Prevention, Early Intervention, Enforcement, Rehabilitation:

“Prevention is better than cure, and voluntary or negotiated solutions usually better than sanctions. Preventing antisocial behaviour and tackling it at the earliest possible stage continue to be essential.”

(Scottish Executive, *Guidance on Antisocial Behaviour Strategies*, 2004).

Possible measures to prevent antisocial behaviour

Prevention

- Measures that create a physical and social environment where antisocial behaviour is less likely to arise in the first place.
- Dealing quickly with first signs of vandalism and graffiti.
- Services and productive programmes to help young people avoid getting drawn into antisocial behaviour.

Early intervention and diversion

- Measures that will help to identify problems early on, both in relation to individuals and communities.
- Activities that will divert people away from antisocial behaviour.
- Early warnings when antisocial behaviour is identified.
- Enforcement of tenancy agreements.

Source: Scottish Executive (2004, p14) *Guidance on Antisocial Behaviour Strategies*.

Possible tactics for antisocial behaviour prevention and early intervention

Prevention

- Adopt physical/situation measures, e.g. improved lighting, anti-graffiti paint, CCTV, Secured by Design.
- Provide a quick response to local environmental problems caused by vandalism, littering and rubbish dumping to avoid antisocial behaviour getting a hold.
- Agree local lettings plans/policies that contribute to and reinforce stable and sustainable communities.
- Use Scottish Short Secure Tenancies (SSSTs) robustly, to deal with individual cases of antisocial behaviour where appropriate and provide necessary support.
- Provide adequate, accessible and affordable leisure facilities for young people, at times to suit their needs.
- Gather and share information on antisocial behaviour to highlight emerging problems and target preventative measures.
- Co-ordinate preventative services across local authority departments and other agency services.



- Use integrated case management approaches.
- Develop mediation and victim support services.
- Promote neighbourhood management approaches, including introducing community warden schemes and neighbourhood compacts.
- Involve schools and youth services.
- Use local media to promote public awareness of antisocial behaviour and ways of addressing it.
- Put in place Service Level Agreements/Memoranda of Understanding between partner agencies.

Early intervention

- Use Acceptable Behaviour Contracts.
- Use mediation services.
- Use reparation/restorative justice programmes.
- Work with schools to identify children in danger of offending and design action to minimise risks.
- Provide targeted diversionary activities for young people, either directly or with the voluntary sector.
- For Under 16s, referral to the Childrens' Reporter may be appropriate.
- Develop support services to help perpetrators change their behaviour.

Source: Scottish Executive, 2004, Annex B.



Activity

Thinking about the list of preventive and early intervention activities above:

- Which ones have been used in your organisation?
- Do you know how successful they have been?
- Which ones might you develop within your organisation?
- Do you know of other organisations which have piloted preventive activities, from which you could draw experience?

The importance of prevention in tackling antisocial behaviour: research evidence

Antisocial Behaviour Strategies: Finding a balance (2005)

Millie *et al.* (2005) researched public attitudes to antisocial behaviour at the UK level and conducted case studies in three neighbourhoods with high levels of antisocial behaviour. Their research found that antisocial behaviour had a significant impact on a minority of the population, but little or no effect on the majority of UK households. Among the general population surveyed, two-thirds favoured preventive action over tough action against perpetrators. In the case study areas, the main concerns were: general misbehaviour by children/young people; drug and alcohol misuse; neighbour disputes and problem families. The public were able to make a link between antisocial behaviour and social deprivation, which meant most favoured preventive measures.

Local strategies also recognised the need for balance between prevention, support and enforcement (more so than at the UK government level). However, some practitioners referred to the 'intractability' of problems of disorder in some areas and viewed antisocial behaviour as '*a form of conflict within communities with a limited capacity for self-regulation*' (Millie *et al.*, 2005). Perpetrators were often young people with limited personal resources, living in areas with limited opportunities. Therefore, the promotion of inclusion, to encourage a disenfranchised section of society was an important element of any strategy. There was also a need to find ways to counter feelings of powerlessness and pessimism among residents in areas with high levels of antisocial behaviour and to commit resources to strategies, with clarity of input across relevant agencies.

Interventions to reduce antisocial behaviour and crime: a review of cost effectiveness (2006)

In an international research review Rubin *et al.* (2006) were critical of an identifiable 'evaluation gap' regarding the effectiveness of interventions. Nonetheless, they concluded that early interventions were most effective in reducing crime and antisocial behaviour. In particular educational interventions could prevent the onset of offending behaviour, while coercion, detention and imprisonment were found to produce nil/negative results in reducing recidivism. Rubin *et al.* also discussed 'situational' interventions which aim to change the wider context/environment in which antisocial behaviour occurs. Effective early interventions identified by their research review included family based approaches; behaviour management and social skills programmes in schools.

Tackling antisocial behaviour (2006)

The National Audit Office (2006) also noted the lack of rigorous evaluation to determine the effectiveness of different approaches to tackling antisocial behaviour, although monitoring at the local level was considered to be improving. This review (for England) found that antisocial behaviour disproportionately affected the young and worst off in society, and that those living in social rented housing were more adversely affected. Further, most reported perpetrators of antisocial behaviour were also reported victims. The National Audit Office recommended that a preventive strategy would need to work

across a whole range of complex social, personal and familial issues to tackle the causes of antisocial behaviour. Focus group evidence suggested the public believed antisocial behaviour was caused by a combination of a lack of activities for young people, poverty, poor housing, poor parenting, alcohol and drug use, and a decline in mutual respect. Broad policies on child welfare, education, housing and regeneration, poverty and employment could all be construed as measures which might prevent antisocial behaviour. The importance of diversionary activities for young people was recognised, as was the need for mental health and social services to be 'fully engaged' in antisocial behaviour activities. With respect to early intervention, the National Audit Office research for England (2006) found that 63 per cent of recipients of warning letters did not engage in further antisocial behaviour and that warning letters were more effective with younger people than with adults.

Use of ASBOs in Scotland (2006)

In Scotland, DTZ and Heriot Watt University (2006, p2) found no evidence of a rising trend in social landlords' use of evictions in response to antisocial behaviour, suggesting that other preventive or other legal measures were, indeed, preferred by social landlords.

Providing support to vulnerable tenants

Research has shown that:

"Households involved in antisocial behaviour are predominantly characterised as having high levels of vulnerability, including mental health and other disabilities. Most defendants are dependent on state benefits of some kind." (Hunter *et al.*, 2000).

A wide range of different types of complex support needs are commonly associated with households involved in antisocial behaviour including the following:

- Domestic violence and other forms of physical or sexual abuse.
- Mental ill-health.
- Out of control children.
- Drug dependency.
- Alcohol problems.
- Physical disabilities.
- Learning difficulties.

The earlier that appropriate support and assistance can be offered to new tenants the less likely it is for the tenancy to breakdown due to antisocial behaviour. At the point where a tenancy is being let there is a need for housing officers to undertake basic needs assessments to establish if any members of the household have special support needs. It may be possible for support to be provided by social services, supporting people services, voluntary sector agencies or local community groups. Good Neighbour Agreements are one mechanism to ensure new tenants are fully aware of their tenancy conditions in relation to antisocial behaviour from an early stage in their tenancies.

Fact sheet: Good Neighbour Agreements

Scottish local authorities have been using Good Neighbour Agreements or Good Neighbour Charters since the late 1990s, to reinforce to new tenants the importance of abiding by tenancy conditions relating to antisocial behaviour.

Dundee Housing Department and the Federation of Tenants agreed a Good Neighbour Charter where all new tenants would sign a commitment to be a good neighbour. The Charter also provided information on what is considered antisocial behaviour and the action which will be taken.

Research in England found that successful Good Neighbour Agreements could contribute to reductions in nuisance complaints and voids and a greater willingness among tenants to challenge and report antisocial behaviour. They worked best where tenants had some ownership of the agreements and a good relationship with the landlord, so promoting positive behaviour and peer pressure.

Source: Croucher *et al.* (2006), *Good Neighbour Agreements and the Promotion of Positive Behaviour in Communities*. London: CLG and Home Office.



Activity

In order to assess how far your policies are able to address the needs of vulnerable applicants consider:

- How does your organisation explain 'nuisance and antisocial behaviour clauses' to new tenants?
- Are the clauses clear and written in plain English and available (as necessary) in other languages? If not, what should be contained in them?
- Have support services for vulnerable tenants been developed in conjunction with any social welfare agencies? If not, could they be?
- Is the allocations procedure linked to assessing special needs and the potential nuisance risk factors of particular tenants? If not, what can be done to move towards a situation where needs and resources can be better matched?

Developing awareness amongst housing officers of the types of special needs or circumstances tenants may have is essential in order to ensure that appropriate support can be provided. Research for the Joseph Rowntree Foundation found that it was not uncommon for housing officers to be the main point of contact for many vulnerable households as one officer explained:

“Most of the people who are referred to us now have a support need for one reason or another, they’re vulnerable in some way. So there’s a chance that they will cause nuisance and if you’re not made aware that there’s a problem when we do take them on initially, we can’t make sure that all the proper support networks are in place.” (Hunter et al., 2000).

In other words, the nature of tenants’ potential problems and vulnerabilities need to be identified early on as a part of the normal process of housing management. Otherwise, issues such as child density rates, isolation, and lack of support can become major factors leading to complaints of antisocial behaviour. A survey of social landlords undertaken in 2002 found that around a third of landlords regularly referred families who had been the subject of antisocial behaviour complaints to agencies who could provide help in terms of either providing ongoing floating support or by the provision of drug rehabilitation schemes, foyers or family support units (Nixon and Hunter, 2006, p123). Below, there is a Fact Sheet which reviews a support project developed in Edinburgh, followed by a case study example from practice. An evaluation of neighbourhood strategies to tackle antisocial behaviour by Flint *et al.* (2007) concluded that the Early Intervention project in Edinburgh was a cost effective example of a preventive approach.

Fact sheet: City of Edinburgh: Early Intervention Case Management

The City of Edinburgh Council developed an Early Intervention Case Management Project to co-ordinate support for vulnerable and challenging families within the North and West Edinburgh neighbourhoods and to move towards a systematic approach to early intervention to tackle antisocial behaviour. Initially a two-year pilot sponsored by Capital City Partnership (CCP) and the Services for Communities and Children and Families departments of the City of Edinburgh Council, the project was managed by Services for Communities, and started work in April 2005.

The model is based on the following principles:

- Individualised service delivery based on comprehensive assessment that is used to develop an action plan.
- Action plan developed in collaboration with clients to reflect their choices and preferences for the service arrangements being developed.
- The goal is to empower clients and ensure that they are involved in all aspects of the planning and service arrangement in a dynamic way.



This process involves a number of stages:

- Referral to the project from partner agencies.
- Families engaged on a voluntary basis.
- All relevant partners informed and involved.
- Share information between agencies.
- Identify all the needs of the family.
- Identify all the concerns of the community.
- Identify unmet needs and/or gaps in services.
- Develop a multi-agency plan to address these gaps.
- Develop strategies to solve gaps and commission services as appropriate.
- Co-ordinate the work of all the agencies involved.
- Agree monitoring/review and tracking arrangements.
- Review success and ensure service accountability.

The first monitoring and evaluation report for this service found that:

- 70 per cent of families reviewed showed an overall improvement in family functioning.
- 90 per cent of cases showed a reduction in the number of complaints of antisocial behaviour against the family and 88 per cent showed a reduction in the concern held by agencies about the children's involvement in antisocial behaviour.

At case closure:

- Around two-thirds of families thought that people who knew them would say things had changed for the better for their families.
- Case managers thought the project had been helpful to two-thirds of families.
- All housing officers agreed that in relation to the specific families involved with the project, complaints had reduced.

However, also at closure:

- One-third of families thought they still needed help and support.
- One-third of housing officers had concerns about future involvement of the specific families involved with the project relating to antisocial behaviour.

Source: Bishops Consulting (2006) *Capital City Partnership. Case Management Early Intervention Project. First Monitoring and Evaluation Report*. Edinburgh City Council.

An example of the floating support provided by the Edinburgh early intervention project is provided in the case study of John.

Case study of floating support: John

John's family was referred to the project by both housing and the police. John was the youngest of three children, one of his brothers was living in accommodation for homeless young people while the other was at residential school. Over the past year John had been charged for vandalism, breach of the peace, and theft. There were also numerous complaints from the local community about John's involvement in antisocial behaviour.

The case management process involved housing, police, social work, education and the family. It established that John was on the Child Protection Register at risk from violence from his parents and that the family required support in a number of areas. The consensus of a multi-agency meeting agreed that an Acceptable Behaviour Contract would not be an appropriate course of action at this stage given the child's legal status and also information from the school suggesting that John would not respond well to such a contract.

At the point of referral John was attending school on a part-time basis and his offending involved times when he was out of school and away from structured activity. From the multi-agency process it was agreed to provide one to one youth support, funded through the early intervention project, that would work closely with the school to increase the time that John spent there. Almost immediately this resulted in a significant reduction in John's involvement in crime and antisocial behaviour.

The joined-up process also addressed the family's significant financial difficulties. Practical support was provided to undertake a financial assessment of the household income and budgeting support and also to help the family work towards upgrading the fabric of their house, which was in a poor state of decoration. The worker was highly appreciated by the mother of the family, in both giving time for her and supporting a positive approach to parenting.

An incentive was agreed for John that if he did not offend or become involved in antisocial behaviour his bedroom would be decorated in the colours of his favourite football team. John's mother then felt confident and settled enough to look for work. She secured a part-time job with hours which suited John's schooling. He was now attending school full-time and doing well.

The family found the case management process emotionally difficult and required reassurance from the many agencies involved in building trust with professionals. In recognition of how far the family had come and the reduction in concern, John was removed from the Child Protection Register.

Source: Bishops Consulting (2006) *Capital City Partnership. Case Management Early Intervention Project. First Monitoring and Evaluation Report*. Edinburgh City Council.



Activity

- Can you identify a need for such an early intervention service among tenants of your organisation?
- Do you know if such a service exists locally? Does your organisation support or contribute to the service?
- If you identify a gap for an early intervention service in your area:
 - Which partner agencies should be involved in setting up such a service?
 - What can your agency contribute?
 - How would you go about identifying necessary resources and developing a service?
 - Can you draw on the experience of other services already in place?

Intensive family support and residential projects

Antisocial behaviour policies are most effective if they incorporate measures to help perpetrators change their behaviour. In any area there may be a small number of households who require intensive support in order to achieve change and in these circumstances there is a strong case to develop dedicated family support provision.

In many ways, Scotland led the way in developing intensive family support in relation to antisocial behaviour, with the launch of the Dundee Families Project in 1996. The success of this initiative was evidenced in a subsequent evaluation which provided an updated account of the achievements of the Dundee Families Project which had incorporated:

- a core residential block providing intensive support for four families;
- a small number of dispersed flats linked to the project, providing less intensive support; and
- an outreach service to selected families, at risk of eviction, in their own accommodation.

Support services included counselling, family support and group work activities for children and parents (for example, including a residents' support group and tenancy workshops). The Dundee Families project received 126 referrals in its first four years of

operation (Scott, 2006) and worked actively with about half of those to deal with 'serious and prolonged' antisocial behaviour. Key achievements were summarised as:

- Clear referral criteria which allowed the project to focus on those families with the most severe difficulties, linked to a comprehensive assessment process.
- The majority of families who engaged with the project made progress, especially with regard to sustaining housing.
- Eviction rates in the city reduced (acknowledged to be influenced by other policies, as well as the impact of the Families Project).

The fact sheet below examines a more recent project in Edinburgh.

Fact sheet: Edinburgh Intensive Families Support Service

The City of Edinburgh Council introduced an Intensive Families Support Service (IFSS) from October 2003, funded through the Changing Children's Services Fund. The project worked with families before eviction, while they remained at risk and with those who had been evicted.

An evaluation which sought to assess the impact on the client group reported the following strengths:

- Staff were highly supportive of the project's approach, reporting that referrals and methods of agreeing support and achieving outcomes all worked well.
- Case management was based on needs assessment, multi-agency working and democratic decision-making and accountability.
- Effective exchange of information, including close inter-agency working on individual cases.
- Clients rated the services highly.
- Project workers were seen as helpful at providing support when clients dealt with other agencies.
- Successful outcomes for clients included improved inter-family relations, self-awareness, self-empowerment, and confidence-building.
- The model was viewed as most effective where there were strong partnering arrangements and effective co-ordination, and where the family was receptive to support and change.

Areas for service improvement included:

- Earlier identification of cases and earlier intervention.
- A better managed referral system with clearer criteria.
- For the client, not feeling as though they had to fit into a 'Social Work type service'.
- Improving the case review process, through earlier meetings, to ensure a smooth transition.



- Improved strategies for moving families to mainstream services and accommodation, especially where they had become accustomed to the intensive support.
- Overall recognition of needs levels and adequate funding and partnership working.

After the 2006 evaluation, the service continued to receive referrals and work with the most challenging cases. The service received mainstream funding with a view to becoming the lead agency in the City on the use of Parenting Orders. Most work with families was undertaken in their homes. The project base had some activity space but was not a residential project.

Source: Internal evaluation (Banga, 2006) and contact with service.

Floating support schemes and intensive rehabilitation models of provision can both prevent and reduce the incidence of antisocial behaviour. Shelter, the national housing campaign, has also set up family support projects in Edinburgh, South Lanarkshire, Glasgow and Dumfries (see: <http://scotland.shelter.org.uk/policy/policy-5203.cfm>).

The costs of providing tenancy support to help people change their behaviour can be considerable and must be evaluated against the direct costs of taking legal action, the potential costs of 'revolving door homelessness' and the considerable hidden costs of doing nothing. The following fact sheet considers detailed evaluative evidence from a study of English local authorities, housing associations and charities which set up intensive provision specifically to provide support for families with children who were at risk of homelessness or eviction due to antisocial behaviour displayed by themselves or visitors to their homes.

Fact sheet: Evaluation of Intensive Family Support Services in England

A detailed two year evaluation demonstrated the positive outcomes and cost effectiveness of six intensive family support projects. Intervention was mostly outreach support to maintain accommodation, but three projects also provided core residential accommodation for those requiring more intensive supervision. Five of the six projects were developed in association with NCH, which was also a key partner in the Dundee Families Project.

While each of the schemes had been developed in response to locally identified need they shared a number of common features:

- Dedicated resettlement services formed part of a well-developed, comprehensive antisocial behaviour strategy which recognised the inter-related nature of prevention, enforcement and resettlement action.
- Projects were designed specifically to help support families who had been evicted or who were under threat of loss of home as a result of antisocial behaviour.
- They aimed to break the cycle of poor behaviour, bring families back into mainstream housing, help children and young people who were perceived to be out of control and provided an alternative solution where other antisocial behaviour interventions had failed.



The evaluation found that 60 per cent of families referred as perpetrators were also reported as being victims of antisocial behaviour. Clients were mostly large families (three children or more) and tended to have high multiple support needs, which had often not previously been addressed. Support needs included health issues (80 per cent of adults), such as mental or physical health and substance abuse, with depression the most common condition (59 per cent of adults).

Homelessness was a common experience (90 per cent of families were threatened with homelessness, and some were already statutorily homeless). Children suffered from high levels of disadvantage, with a high incidence of behavioural problems. In 79 per cent of families at least one child was assessed as vulnerable (on the Child Protection Register in 20 per cent of cases). The risk of children being taken into care was assessed as 'exceptionally high' at the point of referral. Most families came from social housing, though this became increasingly diverse as the intensive support projects evolved.

Multi-agency working was a key strength of Intensive Family Support Services and this allowed for broad ranging responses including tailor-made plans for individual families which were challenging but non-judgemental and empowering, building confidence and skills.

Outcomes were significant:

- In 85 per cent of families, complaints about antisocial behaviour had ceased or reduced to a level which no longer threatened the tenancy, by the time the family exited the project.
- Project workers also assessed that risk to local communities from families was reduced in most cases.
- Significant improvements in child health, well-being and educational attainment were recorded.

Positive outcomes were similar across all six projects. Shared guiding principles included:

- A multi-agency focus embedded within local antisocial behaviour partnership.
- Intensive interventions sustained over a considerable period of time (e.g. six months – two years).
- The '*ability of project workers to challenge individual family members based on the professional values of listening, being non-judgemental, promoting well-being, and establishing relationships of trust*'.
- The projects were considered excellent value for money.

The full report gives advice for those seeking to establish new projects and examples of good practice.

Source: Nixon, et al. (2006) *Anti-social Behaviour Intensive Family Support Projects. An evaluation of six pioneering projects*. London: Department of Communities and Local Government.



Activity

- Parents may need help in supporting their children to change their behaviour. What parenting support provision is available in areas in which your stock is located?
- Have you developed close operational partnerships with drug and alcohol action teams to address problematic usage that causes antisocial behaviour?
- What further action could you take to ensure that perpetrators are encouraged to change their behaviour?
- Could you undertake a cost benefit analysis to establish the cost and effectiveness of different forms of action to deal with antisocial behaviour? (see **Core Task 1** which identifies the unit costs associated with different forms of action).

Diversionary activities for children and young people

A study carried out for the Joseph Rowntree Foundation, *Working with Young People on Estates* (Coles, England and Rugg, 1998) found that a number of housing management problems – vandalism, crime and ‘hanging around’ were often associated with high concentrations of children and young people living on estates. The study concluded:

“How housing organisations relate to young people is crucial to the successful management of estates (pv).”

Fact sheet: The role social landlords can play in developing youth services in areas in which their stock is located

Children and young people constitute a large proportion of residents on social housing estates. The following points should be considered by housing providers in their delivery of youth services on estates:

- Do not assume that leisure and recreational services located outside of estates meet the needs of children and young people on estates. Many children and young people do not have the financial resources to get to and use these facilities and unless regular safety checks are carried out the equipment may be old and in poor condition.
- Services for the 10-16 age group can often get overlooked by social housing providers.
- Housing managers can play a useful role in working with other agencies to develop a youth strategy for their estates.
- Housing providers can help secure use of buildings for youth activities, or land on which projects can be developed.
- In housing management terms it is difficult to measure outcomes from effective involvement in youth work. However, some monitoring of repairs of damage due to vandalism, voids, and complaints may act as rough indicators of success.

Source: *Working with Young People on Estates: the role of housing professional in multi-agency work* (Coles, England and Rugg, 1998).

In their 2005 Good Practice Briefing on antisocial behaviour, the Chartered Institute of Housing offered some good practice tips for working with young people:

- See young people as part of the solution, working in partnerships with adults, rather than being the problem.
- Raise awareness of young people's needs.
- Raise the profile of disaffected young people and engage public services and community resources to assist their development and integration.
- Ensure that formally stated goals, such as responding to disaffected young people, are actually delivered through everyday custom and practice.
- Focus on wider aspects of citizenship and integration which are relevant to disaffected young people.
- Diminish/remove other people's fear of young people, to improve perceptions and relationships with the rest of the community.
- Interventions should reflect the nature and seriousness of the offence and target the particular causes of offending by young people.

Dealing with youth nuisance

Complaints of antisocial behaviour frequently arise from tenants' concerns about groups of young people gathering near shops and community buildings, or playing ball games in residential areas. The police are often called to deal with these problems and the young people are moved on. Such a solution, while providing temporary respite from the nuisance, can be ineffective in the long term. The problem is likely to simply be displaced to other areas and such action can engender feelings of victimisation in the young people which in turn may result in increasing tensions between social groups within the community. Where youth nuisance is a problem the provision of constructive, motivational and entertaining activities can be a more effective way of diverting young people away from antisocial behaviour. It should also be remembered that as well as potentially being the causes of antisocial behaviour young people are also often the target of antisocial behaviour with young men aged between 16-24 being the most vulnerable to becoming a victim of violent crime (see further information in the British Crime Survey 2006/07: www.homeoffice.gov.uk).

An example of the way in which social housing providers can play a crucial role in the development of youth provision is the Aberdeen Street Football Project in the Fact sheet below. Projects like this can not only be successful in reducing complaints of youth nuisance, but can also contribute to increasing tolerance of the visible presence of young people within the community, which in turn increases public confidence and feelings of safety.

Fact sheet: Aberdeen Street Football Project

Launched in March 2006, the Aberdeen Street Football project aimed to provide young people with something to do in the evenings when other facilities were closed. The initiative took sport to young people in their own communities, and promoted healthier lifestyles and alternatives to alcohol, drugs and antisocial behaviour. The project aimed to channel young people's energies into football in a structured and safe environment. The Street Football Project travelled to areas where young people congregated, such as supermarket car parks. It used a mobile pitch which could be erected on any surface, was quick to assemble, self-contained, and could be transported to an area for just a few hours for football or other sports.

This was a partnership project involving Communities Scotland and Langstane Housing Association (through wider action funding) along with Grampian Police and private companies. Having a steering group allowed all partners to get involved in planning and development. Young participants reported that activities were good fun, giving them something to do at night, and helping them to make new friends.

The partner agencies reported that complaints of rowdy behaviour among young people at one supermarket car park fell by 67 per cent.

Source: Communities Scotland (2007) *Action. Regeneration Magazine*. Issue 25, Spring, p22.



Activity

Thinking about the example of the Aberdeen Street Football Project, consider the following questions:

- What is your organisation doing to contribute to the provision of facilities and services for young people?
- What more could be done? And, in what partnerships?
- What other agencies, such as drug and health promotion agencies, youth offending teams, community safety teams etc. might be involved in prevention strategies?

Youth strategies and youth action groups

In areas where youth nuisance is a particular problem there is a need to form an objective view of the precise nature of the problem. The development of youth strategies can form a valuable part of a problem solving approach which requires careful and co-ordinated consultation with young people themselves about their experience of youth nuisance and its causes, and involves them in planning and implementing changes. Often there are surprising similarities between the worries of older and younger people, from family breakdown to vandalism, and they often suggest similar solutions when given the opportunity.

Youth action groups can also be highly effective at involving young people in reducing crime and antisocial behaviour. They involve young people in identifying local problems, developing solutions and taking action, and can be set up wherever they meet: in schools, youth clubs and neighbourhoods. They make young people more aware of the effects of crime and nuisance on others, and less likely to become victims of crime themselves. The approach works particularly well with young people who are already involved in antisocial behaviour, or are at risk of doing so. In developing a youth strategy or youth action group the Chartered Institute of Housing recommends that the following steps should be taken:

- Young people must be given a real voice.
- Involve them on an equal basis from the beginning in planning, delivering and assessing services.
- Make sure any information and opportunities to participate are innovative and attractive.

- Engage their interest through a variety of approaches, such as forums, focus groups, surveys, residential events, conferences with a mix of discussion and fun, interactive websites, social events.

Community groups can play a big part in identifying local youth nuisance problems, and helping to agree on some of the underlying causes. They can also:

- pass information to the police or council about nuisance or individuals;
- report vandalism and graffiti immediately;
- protect properties with crime prevention measures;
- set up a Neighbourhood Watch group, or keep an eye on each other's homes and vehicles;
- link up with the council community safety officer;
- approach people whose behaviour is causing worry or distress early on, to try and resolve differences amicably.

The fact sheet below illustrates what can be achieved when meaningful consultation with young people is supported.

Fact sheet: Mill of Haldane Play Facility Aspirations

Mill of Haldane is a housing estate of some 1,200 households in Balloch, West Dunbartonshire. The Haldane Regeneration Group aimed *'to work in partnership to improve the quality of life for residents living in Mill of Haldane by dedication, inspiration and innovation.'*

The project aimed to identify the needs and aspirations of local people in relation to play areas for the estate. The group identified a set of outcomes they wished to achieve, related to enhancement of the estate and greater involvement of, and more positive views and aspirations of, children and young people.

How did they go about it?

The project was managed by a research team of two youth workers from the Tulloch Trust (a youth project based in the area), the co-ordinator of the Haldane Regeneration Group, and a research consultant. Consultation was carried out with young people aged five to 18 through mapping exercises, site visits and a survey conducted by young people. Views of adults were gathered through focus groups, open forum consultations, and consultation with the local Disability Forum. In total, around 550 people were consulted; and around 30 children and young people learned research skills.

From the initial research, seven options were identified and participants at a Family Fun Day were asked to rank these. An adventure playground and a skate park were the most popular. Various potential sites were also assessed. There was a high degree of agreement between children, young people and adults in terms of safety concerns and the types of facilities required.



What did they learn?

The research resulted in 12 specific recommendations about play, youth facilities and safety in the area. The outcomes were reviewed and revised to produce specific short-, medium- and long-term goals:

- Children and young people to have direct involvement in the regeneration process.
- Parents and children to have an input into future play area developments.
- Evidence of new services being developed and delivered.
- Development of new facilities.
- Mechanisms in place for feedback from the community.
- Greater pride and community ownership.
- Improved lighting and CCTV.
- A thriving community that is held up as a model of good practice in sustainable regeneration.

What difference did it make?

Since the project was completed, the following has taken place:

- Creation of a youth committee, Haldane Youth Action Group, funded by a grant from Children in Need, to be a voice for children and young people in the regeneration process.
- Creation of an environmental action plan, outlining play and recreation projects required in the area.
- Funding from Communities Scotland and West Dunbartonshire Environment Trust to build two multi-purpose sports courts and two youth shelters.
- Young people and children helped to develop plans for the sports courts and youth shelters.
- With the involvement of young people, plans commenced for a sensory garden and adventure play park.
- A number of the projects have developed into models of good practice with Communities Scotland, Housing Wider Action and Community Webnet.

Source: Scottish Community Development Centre online at: www.scdc.org.uk/scarf/past-projects/

Youth shelters

Providing a facility for young people doesn't necessarily require the costly provision of youth clubs or other structured activities, it may be that young people simply want a safe place to hang out. A study for the Thames Valley Police into youth nuisance concluded that:

" '...hanging out' is part of the natural process of growing up, an intermediate stage between the comfort and protection of a child's home environment and the complete independence of adult life" (Hampshire and Wilkinson, 2002).

The report recommended that agencies cater for this need by offering (in consultation with young people) suitable locations and structures for young people to use. Youth shelters are designed specifically with this need in mind.

Fact sheet: Good practice guidance to the provision of youth shelters

The Thames Valley Police study, found that the provision of youth shelters offer a number of potential benefits:

For young people:

- providing young people with a non-confrontational place to meet;
- facilitating young people's development by learning about independence and socialising;
- reducing boredom if associated with a sports facility, and offering a constructive rather than destructive experience;
- removing a possible first step towards crime;
- providing a physical outlet for emotions and energy;
- allowing all round visibility which enables users to feel safe.

For the community:

- reducing damage, graffiti, crime;
- enhancing community harmony;
- reduction in the fear of crime;
- keeping children's play areas undamaged and usable;
- reducing maintenance costs.

However, setting up a youth shelter was not without risk. The study found that if youth shelters were poorly designed or located in inappropriate places the following problems could occur:

- Noise and annoyance to local residents.
- Conflicts between groups about use/abuse.
- Gangs dominated the shelter.
- Graffiti, litter and maintenance costs.
- Solid structures could reduce visibility and increase the risk of bullying and intimidation.

Methods for overcoming these problems included:

- Consulting with young people and local residents about the design and location of the shelter.
- Employing the services of a detached youth worker to resolve problems caused by gangs.
- Ensuring there was adequate lighting and that the shelter was regularly cleaned and maintained.
- Seeking sponsorship from local businesses and schools who could benefit from reduced problems.



Activity

When considering the provision of a youth shelter it is important to be clear about what problem you are seeking to address and to consult widely with young people.

Key questions to consider:

- Are there any areas in which your stock is located that would benefit from the provision of a youth shelter/facility?
- How could you consult young people about what type of youth facility to provide?
- What sort of rule setting (such as use of alcohol, smoking, drugs) would need to be considered?
- Would your agency be able to help resource such a facility?
- Which other agencies do you need to work with to develop informal places where young people can meet and gather?

Many of the problems associated with youth nuisance can be reduced by the provision of a safe place for young people to meet. Research has shown that the most successful youth shelters are those that are linked to some type of sporting facility – these complement each other by becoming a place to go for both physical and social activity.

The provision of dedicated youth workers

Detached youth work can also be an effective way to reach young people who are unlikely to attend youth clubs, but who may be the source of antisocial behaviour or may be perceived by other residents as being threatening or intimidating. The national youth work agency for Scotland is YouthLink Scotland and more information about their approach and activities can be found at: www.youthlink.co.uk

An emphasis on voluntary participation and building relationships of trust can mean that youth workers develop programmes that attract young people and/or work in the settings used by young people. Detached youth work is an example of the latter and can

involve contacting young people in the places they use and working with them on their terms, some times simply working with young people on the street where they hang out.

Street-based approaches to detached youth work are a fast-growing area of youth provision work. A study by Crimmens *et al.* (2004) identified 564 projects, which had contact with 65,325 young people. The research found that such projects served as an important source of information on educational and career opportunities for young people who may be out of contact with any other agencies. It also appeared to be successful in reintroducing young people to education, training and employment.

Sheil *et al.* (2005) evaluated approaches to community safety and antisocial behaviour funded through the Better Neighbourhood Services Fund Programme. A case study of East Ayrshire revealed a programme of youth services which aimed to provide additional activities and initiatives for young people, with contact made through street work. The quality of relations with young people was reported to be very good and services provided included alternative curriculum activities, work on alcohol and promiscuity, sports activities during school vacations, a youth conference and citizenship building events.

A number of initiatives to work with young people were reported in the Scottish Executive's first anniversary report on *Standing Up to Antisocial Behaviour* (2005, online). Although they have not been the subject of detailed or long-term evaluation, the following initiatives were considered good practice/good ideas.

- Canonbie Youth Group, Dumfries and Galloway. The group was set up by ten young people, who felt they could tackle local antisocial behaviour by improving activities for young people. They arranged an under 18s disco, a car wash event and redecorated a bus shelter to raise money which helped set up a youth football team and a website. By giving young people something to do, complaints of noise and other nuisance behaviour by young people reduced, as did the incidence of graffiti.
- Kingdom Off-Road Motorcycle Club, Fife. Following noise problems due to illegal off-road riding a group of volunteers obtained funding from Levenmouth Regeneration Group and Communities Scotland to set up an indoor and outdoor motorcycling facility. The club was effective in reducing the illegal off-road riding.

New initiatives are being launched regularly and practitioners should look out for ideas which may offer lessons once they are fully operational and have been evaluated, for example:

- In 2007, Perth and Kinross Council's Community Warden Scheme enabled youngsters aged 9-11 years to take part in environmental activities and projects in their neighbourhood, mentored by adult wardens. Working through local schools and community groups the project provided Junior Wardens with their own uniform – a high visibility waistcoat and a baseball cap. The Junior Warden Programme was due to run for six weeks covering environmental activities, antisocial behaviour and fire, health and safety. Children would be given workbooks and drawing, writing or memory activities. One aim was to encourage

children to consider the consequences of their actions as well as to develop citizenship skills and to promote community pride. After the initial six week block children would be called upon to help with specific projects such as litter-picks or graffiti-spotting and to keep up their notebooks if they spotted any other antisocial behaviour.

Source: Perth and Kinross Council website.

A study of English housing associations' use of antisocial behaviour powers noted the following diversionary activities for young people undertaken by landlords:

- youth football activities;
- holiday activity programmes;
- after school clubs;
- environmental clean up activity;
- youth committees/junior wardens;
- work placements.

Source: Pawson *et al.* (2007) *Housing associations use of anti-social behaviour powers*. (Sector Study 59). London: Housing Corporation.

Scottish practitioners may wish to consider some examples from England which had not yet been replicated in Scotland, such as the case study below of 'Youth Pods'.

Case study: Greater Manchester 'Youth Pod' scheme

This scheme was established in April 1997 and involved the provision of a self-contained facility which young people could call their own, in the areas where they already enjoyed gathering but where relationships could also be built with detached youth workers. The Pods were specially manufactured mobile steel cabins, equipped with heating, lighting, a music centre, information racks, tables, chairs and basic sports and games equipment and had space for around 15-20 young people. They were vandal-proof and took electricity from a mobile generator or mains electricity from nearby council or community buildings. They could be placed in the exact area needed and opened two evenings a week (Friday and Saturday or Sunday), staffed by youth workers who organised activities and outings, provided advice and information and directed young people to more permanent centres.

The Pods proved to be successful in a number of ways. They allowed youth work to be targeted in areas of need so youth workers could reach more young people than before. They enabled youth workers to get the direct views of young people and so develop a clearer picture of the causes of antisocial behaviour from young people and the possible remedies. An exit strategy was developed for each Pod site (after about six months), with the idea that young people were left with some sort of replacement provision. Options included use of existing buildings, regular outreach work and/or sports development work. The Pods were used by hundreds of young people and reported youth nuisance incidents reduced.

Source: Nixon and Hunter (2006) *Tackling anti-social behaviour*. Coventry: Chartered Institute of Housing.

The use of incentive schemes to promote positive behaviour

Following the initial example of Irwell Valley Housing Association in England, a number of social landlords have adopted an approach to the delivery of housing management services that includes offering incentives to tenants to promote positive behaviour.

Typically, incentive schemes reward and encourage positive behaviour through systems of rewards. For example, an RSL may offer tenants who have clear rent accounts and whose tenancy has not been subject to a notice for antisocial behaviour or other breach of tenancy, an enhanced housing management service including faster response times for repairs. In addition, 'Gold Service' members could be eligible for a range of other benefits such as retail vouchers or negotiated discounts with local or national businesses.

A study into the transferability of this type of incentive scheme found that:

- The most positive impact of incentive schemes was the way in which tenants who adhered to their tenancy agreements felt valued.
- On the other hand only limited evidence was found to support the view that the use of incentives changed behaviour.
- In order to ensure that benefits resulting from the use of incentive schemes were sustained, organisations had to be prepared for wider cultural change.
- The use of incentives was not a cheap option – there were significant costs involved in assessing the suitability of such schemes including undertaking an initial feasibility study, staff training costs, marketing material and member magazines and the costs of the 'benefits', i.e. purchasing vouchers, buying prizes and staff time involved in negotiating discounts with local suppliers.
- Size, stock type, location and the degree of vulnerability of tenants were key factors to take into account when considering whether to adopt an incentive scheme.
- For some housing organisations, particularly those with housing stock dispersed over different geographical locations it may be impractical to develop appropriate incentives to make the scheme attractive to tenants.

Source: ODPM (2003) *Incentives and beyond: the transferability of the Irwell Valley Gold Service to other social landlords*. London: ODPM.

In Scotland, Ardenglen, Glen Oaks and Wellhouse Housing Associations introduced a Gold Service in 2002 and an evaluation by ODS Ltd was published in 2005. The study found that although levels of tenant satisfaction increased, there were few differences between those receiving the Gold Service and those who did not. The study identified some improvement in arrears and void rates and some reduction in vandalism but overall the findings were inconclusive as to the precise impact of the Gold Service scheme. Nevertheless, subsequent initiatives have been implemented in Scotland such as Aberdeen City Council's 'goodapple' tenant reward scheme which also sought to incentivise tenants to look after their homes and adhere to their tenancy conditions.

Reward schemes have also been developed to encourage 'pro-social' behaviour among young people, irrespective of whether they have their own tenancies. For example,

schemes in Bradford and York offered young people ‘points’ for activities such as dog-walking, collecting litter and helping at community events. Points could be collected and exchanged for rewards such as meals out or trips to local attractions. An early evaluation recognised that implementation was still at an early stage but that such schemes could be most valuable if they were well resourced and could demonstrate positive outcomes for young people (Hirst *et al.*, 2007, *Rewarding young people for pro-social behaviour*, York: Joseph Rowntree Foundation).



Key questions

Has your organisation considered adopting an incentive scheme to reward positive behaviour? If so why?

- Changing tenant behaviour?
- Changing organisational culture?
- Improving performance?
- Tackling hard-to-let stock?
- Improving services to tenants and obtaining greater tenant satisfaction?

What sort of incentives would your tenants value?

Is successful delivery of housing management at the core of your organisation's culture?

Crime prevention and community safety

In Scotland, a diverse range of crime prevention and community safety schemes have been developed by a wide range of agencies and multi-partnership collaborations. The primary players include the following agencies:

- Community Safety Partnerships
- Fire

- Health
- Police
- Local authorities
- Social landlords
- Other national organisations (e.g. SACRO).

Crime prevention and community safety are at the very heart of crime reduction strategies. The aim is to make communities 'safe' for residents. Community safety partnerships were established after implementation of the 1998 Crime and Disorder Act and play a major part at the local level to help reduce antisocial behaviour through:

- use of deterrents, such as CCTV, effective security of properties, concierge schemes, security patrols in high risk areas etc.;
- involving communities in the planning of effective strategies;
- the work of the multi-agency teams in monitoring crime and antisocial behaviour and responding in a co-ordinated way to the problems;
- the development of positive, preventative facilities for young people involved in offending or at risk of doing so;
- measures to design out crime and reduce the risk of incidents in existing and new-build schemes.

Below are two case studies of community safety initiatives undertaken in Scotland.

Case study: Purchasing additional police overtime, Reidvale Housing Association

In 2004-5, Reidvale Housing Association purchased 750 hours of police overtime to increase patrols in the Dennistoun area of Glasgow. The scheme cost householders 30p per week and resulted in:

- Reduced street drinking among young teenagers
- A 50 per cent fall in reported crime
- A significant fall in the number of gang fights in the area.
- A £4,000 reduction in the association's bill for dealing with vandalism in the first year
- Improved community confidence.

A majority of residents surveyed supported the scheme and it was extended in 2005-6. The initiative also aimed to reconnect the police with local young people. It was hoped that in the long term it would also help reduce tenant turnover and the number of empty homes. The police also benefited from the new way of working with local people.

Source: Randall, B. (2005) *Safe as houses. EU social housing organisations: preventing and dealing with anti-social behaviour*. Brussels: CECODHAS.

Case study: East Ayrshire Council Community Safety Projects

The Council developed a variety of projects to tackle antisocial behaviour across three areas of the authority. These included street lighting, environmental improvements (including attention to void properties), youth outreach work and the development of neighbourhood centres and teenage recreation sites. Total costs amounted to £4,355,000 over three years, including funding for major capital projects.

Environmental improvements included:

- Environmental hit squads in two areas – to clean up the evidence of fly-tipping, graffiti and general litter, leading to overall reduction in these activities.
- Improvements to the appearance of void properties (e.g. garden maintenance and replacement of security shutters with curtains and alarms).
- Increased road sweeping and grass cutting.

Overall, efforts improved the appearance of areas and were very popular with residents: 22 per cent said levels of vandalism had decreased and 59 per cent said there had been an improvement to the condition of grassed areas.

Community consultation was achieved through a newsletter issued to inform all residents of ongoing work, seek feedback and publicise meetings and events. Citizens' panels (of around 12 local people) looked at specific outcomes, monitored progress and discussed possible new projects. A questionnaire survey of public opinion was distributed and followed up by a telephone survey. Innovative electronic voting was implemented at residents' meetings.

Emerging good practice from East Ayrshire:

- Importance of a good balance between capital and revenue projects.
- Early identification of smaller projects that were easy to implement, such as improved lighting and small scale environmental improvements.
- A high level of community engagement through newsletters, regular meetings of citizens' panels, community consultation events, annual residents' surveys and direct involvement in the direction of environmental projects.
- The introduction of improved street lighting and CCTV, which improved community safety.

Source: Shiel *et al.* (2005) *Approaches to community safety and antisocial behaviour in the Better Neighbourhood Services Fund Programme*. Edinburgh: Scottish Executive.

More detailed information about Community Safety Partnerships and Scottish Government policy is available at the Safer Scotland website: www.saferScotland.org/

Core Task 4 also explores partnership working in more detail.



Key questions

- How far has your organisation engaged in implementing crime prevention and reduction measures?
- What more could be done and with whom?

In the following sections of the Action Framework we examine two particular approaches to crime prevention and community safety that are particularly relevant to social landlords:

- The use of security patrols and neighbourhood warden schemes.
- Measures to design out crime and antisocial behaviour.

The use of security patrols and neighbourhood warden schemes

With rising anxiety about crime and antisocial behaviour, it is increasingly common for residents' groups, housing associations and local authorities to take some direct responsibility for their own crime prevention and community safety needs. In 2004 the Joseph Rowntree Foundation commissioned a study into the use of visible security patrols in residential areas which identified a diverse range of different types of patrols designed to promote community safety, including privately contracted sworn police and community support officers, neighbourhood wardens, voluntary citizens, neighbourhood watch patrols and private security guards.

The following fact sheet outlines the different forms of uniformed patrol schemes that can be used.

Fact sheet: The use of uniformed patrols

Research on the range of initiatives that seek to provide public reassurance through visible patrols in residential areas revealed a diversity of approaches to policing including:

- Neighbourhood warden schemes: These tend to emphasise work with residents and environmental improvements rather than with law enforcement or overt policing. They are effective in areas where there is a low level of trust or confidence in the local police.



- Contracted community safety officer initiatives: Community safety officer patrols provide reassurance through increased visibility.
- Contracted sworn police officer schemes: These are most appropriate where the full powers of a police officer are needed.
- Special constables: Special constables are generally unpaid, but have full police powers and provide an alternative police resource that works alongside sworn police officers.
- Private security patrols: These emphasise reassurance and information gathering with a greater reliance on technology, such as mobile CCTV cameras. They also work well where residents' reassurance is a key concern.
- Civilian patrols: These tend to exist where collective solidarity is well established and police cover is traditionally low, such as in rural areas.

Source: Crawford, A. and Lister, S. (2004) *Study of visible security patrols in residential areas*. York: Joseph Rowntree Foundation.

The establishment of neighbourhood wardens, super-caretakers and concierges with a higher profile on local estates has the capacity to have a positive impact on antisocial behaviour. Their presence can act as a deterrent and can reduce harassment especially in ethnically sensitive areas where staff from appropriate ethnic backgrounds can be recruited and trained

In Scotland, community warden schemes were introduced from late 1990s initially through the Better Neighbourhood Services Fund and then the 'Build Strong Safe Attractive Communities Initiative' (BSSAC). The Scottish Executive (2005) *Standing up to antisocial behaviour* first anniversary report noted that 'Every council area now has at least one community warden scheme' and the Renfrewshire Neighbourhood Wardens scheme was a 2006 Scottish Executive award winner.

Case study: Renfrewshire Neighbourhood Wardens Service

The Renfrewshire scheme aimed for a visible, active presence within the community, to increase surveillance, improve community confidence, and improve reporting of environmental or security issues to appropriate services. Two wardens carried out patrols between 3pm and 11.30pm. They also attended community meetings and liaised with the police. Initial funding was £1,236,850 for three years.

Recorded successes included:

- A reduction in vandalism costs to council houses in each area by an average of 43 per cent (against a target of 5 per cent).
- A reduction in vehicle crimes in three out of four areas.



- Large reductions in housebreaking in two of the four areas, with minimal increases in the other two (overall reduction of 25 per cent).
- Antisocial behaviour complaints made to the Council's Anti-Social Investigations Team (ASI'ST) from Neighbourhood Housing Offices fell by 44 per cent between the first and second years.

Good practice recommendations to emerge included:

- Building trusting relations within the community, particularly with vulnerable residents and getting to know individuals who have been involved in antisocial behaviour.
- Providing a highly visible presence throughout the evening, on a daily basis.
- Gathering information through regular patrols and presence on the ground, and sharing this information with other agencies as and when required, including appearing as a witness in court.
- Being independent of the police, and providing a service that is neighbourhood based and which fosters trust within the community.

Source: Shiel et al. (2005) *Approaches to community safety and antisocial behaviour in the Better Neighbourhood Services Fund Programme*. Edinburgh: Scottish Executive.

In 2007, the Scottish Executive published a national evaluation of the community warden programme in Scotland. Although the study concluded that overall community wardens had 'a positive impact on the quality of life in their patrol areas', it also reported that monitoring data was patchy and often inconclusive. A key lesson from this national evaluation was that firm monitoring frameworks must be in place in order to properly evaluate the effectiveness of such major initiatives, as is evident from the fact sheet below.

Fact sheet: National Evaluation of Community Warden Schemes in Scotland

This was a substantial and detailed evaluation which combined national monitoring and local case studies over a two year period.

Key findings:

- Almost all warden schemes had both crime prevention and environmental objectives, but very few had objectives specific to improving housing.
- Wardens were mostly male, white and over 30.
- Common elements of wardens' roles included:
 - Community liaison, being visible on estates and taking action on incidents.
 - Security and safety, dealing with reports of antisocial behaviour and supporting victims and vulnerable people.



- Dealing with environmental issues such as litter and graffiti.
- Some also included school patrols and organising diversionary activities for young people.
- Most schemes were managed by the local authority, with just three managed by the police.
- Increased reporting of incidents in communities resulted in additional workloads for the respective local authority services. This was commonly resolved through implementation of Service Level Agreements.
- Wardens reported having more positive relations with local authorities than with the police, but they were of value to the police as professional witnesses.
- Although it was intended that Community Engagement would be measured through Neighbourhood Compacts setting out levels of service provision and expected standards of behaviour of residents, these were thought to be of limited value, and largely overtaken by the development of all-embracing plans and strategies. However, community relationships were generally felt to be good.
- There was concern that funding was due to come to an end in 2008 and most schemes had no future funding plans in place.

A disappointing conclusion of the national evaluation was that there was no really coherent or consistent picture of the impact of community wardens due to weaknesses in monitoring.

The following recommendations emerged:

- Future funding should be closely linked to severity of problems.
- Future funding should be conditional on submission of complete monitoring and evaluation data.
- The Scottish Executive should advise scheme managers on appropriate indicators, base lines, targets and comparators.
- Staff training on health and safety, and interpersonal skills should be ensured.
- The Scottish Executive could give national guidance on terms and conditions of employment of community wardens.

Source: Hayton, K., Boyd, C., Campbell, M., Crawford, K., Latimer, K., Lindsay, S. and Percy, V. (GEN Consulting) (2007) *Evaluation of the Impact and Implementation of Community Wardens*. Edinburgh: Scottish Executive, Social Research. (Web only publication): <http://www.scotland.gov.uk/Publications/2007/03/22104147/26>

There are some examples of individual schemes where local evaluation has been put in place, such as the Fife Case study which follows.

Case study: Evaluation of Fife Community Warden Scheme

Fife Council put in place a continuous monitoring system for the evaluation of its Community Warden Scheme.

Monitoring procedures entailed:

- Examination of internal records.
- 800 street interviews with members of the public.
- Interviews with all community wardens.
- Interviews with other key stakeholders.
- Year on year comparisons of outcomes, in detailed, annual reports.

Monitoring demonstrated high public support for the presence of the wardens and that early teething problems could be ironed out to produce a more effective service over time. The impact of the warden service included a reduction in vandalism, some increase in crime reporting (due to more effective mechanisms and more trust that something would be done) and a reduction in perceptions about/fear of crime.

Source: Fife Council, *Evaluation of Community Wardens*, 2006.

In July 2007 the Scottish Government published new guidance for local authorities and other agencies on the Flexible Deployment of Community Wardens (online at www.saferscotland.org/). Information about the evaluation of the Neighbourhood Warden scheme in England can be found in ODPM (2004) *Neighbourhood Warden Scheme: Evaluation Key findings and lessons*, Research Summary 8. London: ODPM.



Activity

From the information above, consider:

- What personal experience do you have of street warden services or of using other forms of uniformed patrols in areas where there are high levels of concern about antisocial behaviour and disorder?
- What are the advantages and disadvantages of providing such services ?

If you are in a training or team situation it may be worth splitting up into small groups of about four or five, enabling everyone to participate in debate about neighbourhood warden schemes, then reconvening in the larger group and reporting back observations.

Designing out crime and antisocial behaviour

Antisocial behaviour often occurs in neighbourhoods where housing is badly designed and poorly maintained and where target hardening measures, i.e. measures that have been introduced to make criminal activity more difficult, have not been effectively installed. Crime and antisocial behaviour are more likely to occur where poor design has resulted in inadequate access and movement routes, poor layout, poor levels of surveillance, uncertainty of ownership, low levels of physical protection; very high or very low levels of human activity; and poor levels of management and maintenance.

National Guidance

The Scottish Executive (2006) produced a guide to designing safer places (Planning Advice Note 77) which focuses on the role of planning in tackling crime, the fear of crime and antisocial behaviour. The guide outlines the general planning principles for consideration when creating safer places under the broad headings of context, identity and connection.

Context

- Awareness of local crime characteristics, as well as physical, social and economic circumstances.
- Buildings should be orientated to overlook footpaths and public spaces.
- A mix of activities can encourage movement at different times of day and increase natural surveillance.
- Bringing derelict sites back into use helps improve safety by improving the environment.

Identity

- Appropriate boundaries (walls, fences and hedges) can help to define public and private spaces. They should complement natural surveillance.
- High quality lighting can help to reduce crime and feelings of vulnerability.
- Play facilities should be close to dwellings to maximise surveillance. Fittings should be robust and securely fixed. Provision for older youths should be further from dwellings but still have natural surveillance.
- The perceived need for security shutters should be balanced against giving a hostile/confrontational appearance which can discourage public use of an area.
- CCTV can aid natural surveillance in high risk areas. Siting and design should ensure awareness of the equipment without dominating the street.

Connection

- Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians/passing motorists.
- Speed reducing measures can be incorporated into new developments.
- Pedestrian routes should be well lit with good surveillance.

Source: Scottish Executive (2006) *Planning Advice Note 77, Designing Safer Places*. Edinburgh: Scottish Executive.

Addressing antisocial behaviour through design measures is essentially about reducing the opportunities for antisocial behaviour to take place. Measures designed to improve security and make residents feel safer include CCTV, improved lighting, reinforced doors and door entry systems, and removal of walls or trees that obscure visibility. Section 17 of the Crime and Disorder Act 1998 places a requirement on each local authority to consider the likely effect on crime and disorder in their area when drawing up their planning policies.

Secured by Design (SBD) is a UK police initiative which aims to encourage housing developers to design out crime when planning new developments or undertaking regeneration work. SBD is recommended as the leading crime reduction tool, aimed at the built environment. Recent research shows it is effective in reducing crime and the fear of crime, and improves residents' quality of life. To obtain SBD status developments must meet standards across the following core principles:

- Environmental quality and sense of ownership.
- Natural surveillance.
- Access and footpaths.
- Lighting.
- Open space provision and management.

Detailed guidelines are available online at: www.securedbydesign.com

Scottish Borders Council (2007) adopted Secured by Design principles and guidance in Planning Advice Note 77 for its detailed supplementary planning guidance (no 17, August 2007) for developments in the area. Part three of the document deals with residential development and existing residential property. It provides advice on:

- layout of roads and footpaths;
- casual surveillance;
- use of cul-de-sacs and through roads;
- landscaping;
- lighting;
- public spaces and property boundaries;
- use of CCTV.

The Scottish Borders has a relatively low incidence of house breaking but the planning advice makes specific recommendations on improving quality of doors and locks, increasing natural surveillance and other aspects of 'target hardening' around flats and houses.



Activity

Having read the available material on designing safer places, consider the following questions:

- In areas of your stock are there any design changes you could make that would help address problems of disorder and fear of crime?
- What target hardening measures would help you prevent antisocial behaviour?

If you are in a training or team situation it may be worth splitting up into small groups of about four or five, enabling everyone to participate in debate about the role of design and target hardening measures, then reconvening in the larger group and reporting back observations, so that a range of opinions can be considered on what action can be taken.

Allocations policies and antisocial behaviour

Sometimes social landlords overlook the consequences of age, gender and family composition when making allocations. The location of play facilities near to sheltered accommodation and the moving of single parents and young tenants into flats with poor sound insulation are just two examples of situations likely to result in neighbour conflict. Complaints of noise nuisance in particular may in fact be generated because of a lack of sound insulation, rather than any unacceptable behaviour on the part of tenants.

A way to help prevent antisocial behaviour and disorder is for social landlords to consider whether the outcome of their allocation practices and policies are creating a neighbourhood mix that contributes to problems of community conflict.



Key questions

The Chartered Institute of Housing recommends that landlords need to be aware of the factors that increase the potential for nuisance problems arising, such as inadequate home security and poor sound insulation and take steps to prevent this.

- Have you undertaken an audit of your stock in order to identify particular design or location factors which may give rise to nuisance complaints?
- Are your organisation's allocations procedures linked to an assessment of the potential nuisance risk factors of property? If not, what can be done to move towards a situation where property location and design are better matched to individual applicants' requirements?



Activity

The following case study, reproduced from the original research report (Hunter *et al.*, 2000) provides a good example of what can happen if lettings are made without regard to the particular needs of applicants, design features and the tolerance levels of the existing community. Consider how the situation could have been avoided.

If you are in a training or team situation it may be worth splitting up into small groups of about four or five, enabling everyone to participate in debate about this 'case history', then reconvening in the larger group and reporting back observations regarding what happened to 'Anne', so that a range of opinions on what could have been done are aired.

Case study: Anne

Following an argument with her parents, Anne, a teenager, was nominated for a housing association flat. The flat was situated on the first floor in a block occupied predominantly by elderly people. Although the existing residents petitioned the landlord not to go ahead with the allocation Anne was granted the tenancy. Complaints about noise nuisance started the day she moved in: *"There was a knock on the door asking me to wear slippers when I walked around and to buy earphones to watch the television."*

Three days after Anne moved, the landlord sent a hand delivered letter asking her to consider terminating her tenancy. Two days later she received a further letter telling her that an expedited court hearing for immediate possession was to be sought. At the possession hearing, held only two weeks after Anne had moved into the property, an outright possession order was granted.

Anne subsequently obtained legal advice and lodged an appeal. At the appeal hearing the judge criticised the way the case had been managed. He stated that what had occurred was: *"...a wholly unreasonable exercise of discretion, a breach of natural justice and plainly wrong."* The appeal judge asked the landlord to consider transferring Anne to alternative accommodation. This option was declined and in the end Anne was offered accommodation by the local authority.

During the possession process Anne was supported by a youth worker who expressed the view that the problem was caused by Anne being given inappropriate accommodation. In addition to the clash of lifestyles between Anne and her elderly neighbours, the building had insufficient soundproofing and as Anne had no furniture or carpeting, complaints were inevitable. Anne felt that when the problems started the landlord should have talked to her about the complaints and considered transferring her to alternative accommodation.

Many neighbourhoods with the highest levels of community conflict are areas of low demand. In such areas consideration needs to be given to employing local lettings policies to foster a greater sense of community. Research by Lemos (2004) has shown that changing letting policies to meet the needs of local communities can help create more balanced communities through reducing racial segregation, intergenerational tension, and the over-concentration of children and young people.

The broad framework for social housing allocations in Scotland was consolidated and updated in the Housing (Scotland) Act 2001. Guidance issued by the Scottish Executive (SEDD, 2002) confirms the entitlement for anyone aged 16 or over to be admitted to a housing list, albeit that there will be a subsequent process of needs assessment and prioritisation on the list. No one in housing need can be excluded from a housing list in Scotland. Scottish legislation also prescribes factors which must be given 'reasonable preference' in the allocation process and factors which are *not* to be taken into account (listed in SEDD, 2002). Beyond this, there is scope for local discretion in designing allocation policies. Common Housing Registers across landlords operating in the same area are encouraged and some landlords have piloted choice based allocation policies. The legislative framework allows for the development of Local Lettings Initiatives and these could be designed with a view to tackling antisocial behaviour, provided they operate within the legal framework. Research has identified tensions within social housing allocations in Scotland, including in relation to antisocial behaviour, as indicated in the fact sheet below.

Fact sheet: Tensions within allocations policy and practice in Scotland

Research undertaken for the Scottish Government sought to gather views of social landlords in Scotland, to explore tensions which emerged in practice and to identify areas where further guidance was required.

Findings relating to antisocial behaviour:

- There was a lack of clarity about the term 'balanced communities' and by whom this should be defined. For example, in what circumstances were community needs more important than individual needs?
- Practical issues emerged in terms of acceptable practice in terms of giving priority to community needs through local lettings initiatives and within the constraints of existing housing stock.
- Landlords identified tensions between the interests of different groups including those with a history of antisocial behaviour as well as sex offenders, and those with chaotic behaviour (often associated with substance abuse and mental health problems).
- Landlords reported difficulties in accessing appropriate support for the growing number of applicants with care and support needs.
- Tensions also existed between pressures to relet properties quickly and to achieve sustainable tenancies.
- In relation to antisocial behaviour, landlords were concerned about their ability to support people with complex needs, as well as justifying to communities why people evicted for antisocial behaviour were rehoused.

Source: Britain *et al.* (2007) *Tensions between allocations policy and practice*, Edinburgh: Scottish Government.

The Housing (Scotland) Act 2001 also allows social landlords to offer a Short Scottish Secure Tenancy (SSST) as a probationary-style tenancy to persons subject to an ASBO or previously evicted for antisocial behaviour. Effectively this is a tool to reduce the level of security of tenants from that of a Scottish Secure Tenancy as an incentive to adhere to tenancy conditions. Monitoring for the Scottish Executive found that nine local authorities had established 26 new tenancies on SSST terms during 2005-6 (DTZ and Heriot Watt University, 2006).

The Homelessness etc. (Scotland) Act 2003 also made provision for the use of SSSTs along with support services to work with households found to be intentionally homeless in order to deal with the reasons for the intentionality decision (which may or may not include antisocial behaviour). However, at the time of writing no decision had been made on scheduling the implementation of this change to the homelessness framework.



Activity

A key decision to be made by social landlords in any overall strategy to deal with antisocial behaviour is whether, how and when to make use of SSSTs. Further, the effective use of SSSTs in conjunction with support services requires intensive housing management and partnership work with other community safety agencies.

- What do you hope to achieve by using SSSTs as probationary tenancies?
- Can you clearly identify the benefits of such tenancies?
- Do you have sufficient staff resources to set up and manage such tenancies?
- Do you have clear policies and procedures as to when possession or extension of a probationary style SSST should be sought?
- Where SSSTs are used for new tenants, they will become secure after 12 months if no possession proceedings are raised. What evidence is there that new tenants cause antisocial behaviour in the first 12 months of their tenancy?

There are no easy answers to these questions, and such evidence as there is does not suggest that there is a direct correlation between use of introductory tenancies and a reduction in antisocial behaviour. Further detailed guidance on obtaining and managing converted tenancies is provided in **Core Task 7**.

Sources and further information

Banga, B. (2006) *Evaluation of Intensive Families Support Service*. City of Edinburgh Council.

Bishops Consulting (2006) *Capital City Partnership. Case Management Early Intervention Project. First Monitoring and Evaluation Report*. Edinburgh: Bishops Solicitors and Consulting.

Britain *et al.* (2007) *Tensions between allocations policy and practice*. Edinburgh: Scottish Government.

Chartered Institute of Housing (2005) *Good Practice Briefing: Anti-Social Behaviour*. Coventry: CIH.

Coles, B., England, J. and Rugg, J. (1998) *Working with young people on estates: the role of housing professionals in multi-agency work*. York: Joseph Rowntree Foundation.

Communities Scotland (2007) *Action. Regeneration Magazine*. Issue 25, Spring, p22.

Crawford, A. and Lister, S. (2004) *Study of visible security patrols in residential areas*. York: Joseph Rowntree Foundation.

Crimmens, D. *et al.* (2004) *Reaching Socially Excluded Young People. A national study of street-based youth work*. York: Joseph Rowntree Foundation.

Croucher, K., Jones, A. and Wallace, A. (2006), *Good Neighbour Agreements and the Promotion of Positive Behaviour in Communities*. London: Communities and Local Government and Home Office.

Dillane, J. *et al.* (2001) *Evaluation of the Dundee Families Project*. Edinburgh: Scottish Executive, Dundee City Council and NCH Action for Children.

DTZ and Heriot Watt University (2006) *Use of ASBOs in Scotland: Report of 2005/6 survey*. Edinburgh: Scottish Executive.

Fife Council (2006) *Evaluation of Community Wardens*. Fife Council.

Flint, J. *et al.* (2007) *The impact of local antisocial behaviour strategies at the neighbourhood level*. Edinburgh: Scottish Government Social Research.

Hampshire, M. and Wilkinson, M. (2002) *Youth Shelters and Sports Systems: a good practice guide*. London: Thames Valley Police.

Hayton, K., Boyd, C., Campbell, M., Crawford, K., Latimer, K., Lindsay, S. and Percy, V. (GEN Consulting) (2007) *Evaluation of the Impact and Implementation of Community Wardens*. Edinburgh: Scottish Executive, Social Research. (Web only publication)
www.scotland.gov.uk/Publications/2007/03/22104147/26

- Hirst, J. *et al.* (2007) *Rewarding young people for pro-social behaviour*. York: Joseph Rowntree Foundation.
- Hunter *et al.* (2000) *Neighbourhood Nuisance, Social Landlords and the Law*. Coventry and York: CIH/JRF.
- Jones, A., Pleace, N. and Quilgars, D. (2006) Evaluating the Shelter Inclusion Project: a floating support service for households accused of antisocial behaviour, Chapter nine, pp179-199, in Flint, J. (ed) *Housing, urban governance and anti-social behaviour: perspectives, policy and practice*. Policy Press, University of Bristol.
- Lemos, G. (2004) *Community Conflict Action Framework*. London: Lemos and Crane.
- Millie, A., Jacobson, J., McDonald, E. and Hough, M. (2005) *Anti-social behaviour strategies: finding a balance*. York: Joseph Rowntree Foundation.
- National Audit Office (2006) *The Home Office: Tackling Anti-Social Behaviour. Report by the Comptroller and Auditor General*. London: NAO.
- Nicholas, S., Kershaw, C. and Walker, A. (eds) (2007) *Crime in England and Wales 2006/07*. London: Home Office Statistical Bulletin. [British Crime Survey (2006/07)].
- Nixon, J. and Hunter, C. (2006) *Tackling Anti-Social Behaviour: Action frameworks for governing bodies and social housing practitioners*. Coventry: Chartered Institute of Housing.
- Nixon, J. *et al.* (2006) *Anti-social Behaviour Intensive Family Support Projects. An evaluation of six pioneering projects*. London: Department of Communities and Local Government.
- ODPM (2003) *Incentives and Beyond: the Transferability of the Irwell Valley Gold Service to other Social Landlords*. Housing Research Summary Number 191, 2003, London: ODPM.
- ODPM (2004) *Neighbourhood Warden Scheme: Evaluation key findings and lessons*. Research Summary 8. London: ODPM.
- ODS Ltd (2005) *Evaluation of Gold Service in Ardenglen, Glen Oaks and Wellhouse Housing Associations*. Glasgow: ODS Ltd.
- Pawson, H., Davidson, E. and Lederle, N. (2007) *Housing associations use of anti-social behaviour powers*. (Sector Study 59). London: Housing Corporation.
- Randall, B. (2005) *Safe as houses. EU social housing organisations: preventing and dealing with anti-social behaviour*. Brussels: CECODHAS.
- Rubin, *et al.* (2006) *Interventions to reduce anti-social behaviour and crime: a review of cost-effectiveness*. London: Rand Europe.

Scott, S. (2006) Tackling anti-social behaviour: an evaluation of the Dundee Families Project, Chapter 10, pp199-218, in Flint, J. (ed) *Housing, urban governance and anti-social behaviour: perspectives, policy and practice*. Policy Press, University of Bristol.

Scottish Borders Council (2007) *Scottish Borders Local Plan. Supplementary Planning Guidance No 17 on Designing Out Crime in the Scottish Borders*.

Scottish Executive (2002) *Housing (Scotland) Act 2001: Scottish Secure and Short Scottish Secure Tenancy*. SEDD Circular 6/2002. Edinburgh: Scottish Executive.

Scottish Executive (2004) *Guidance on Antisocial Behaviour Strategies. Antisocial Behaviour etc. (Scotland) Act 2004*. Edinburgh: Scottish Executive.

Scottish Executive (2005) *Standing up to Antisocial Behaviour: First Anniversary Report*. www.antisocialbehaviourscotland.com

Scottish Executive (2006) *Planning Advice Note 77, Designing Safer Places*. Edinburgh: Scottish Executive.

Scottish Government (2007) *Flexible Deployment of Community Wardens* (online at: www.saferScotland.org/).

SEDD (2002) *Housing (Scotland) Act 2001. Housing lists and allocations*. SEDD Circular 1/2002. Edinburgh: Scottish Executive.

Shiel, L. et al. (2005) *Approaches to community safety and antisocial behaviour in the Better Neighbourhood Services Fund Programme*. Edinburgh: Scottish Executive.

Websites

British Crime Survey 2006/07: www.homeoffice.gov.uk

Perth and Kinross Council website: www.pkc.gov.uk/

Safer Scotland website: www.saferScotland.org/

Scottish Community Development Centre: www.scdc.org.uk/

Secured by Design: www.securedbydesign.com

Shelter Family Support Projects: <http://scotland.shelter.org.uk/policy/policy-5203.cfm>

YouthLink Scotland: www.youthlink.co.uk

Core Task 4: Multi-agency partnerships

While most social landlords are aware of the potential benefits of joint working, in practice forming close partnerships with other organisations can be fraught with problems. Developing multi-agency partnerships is time consuming and difficult to achieve without the support of key officers at both an operational and strategic level.

Community Safety Partnerships may provide a framework for the development of local multi-agency strategies, but equally important is the need to work with **tenants and residents** to establish acceptable standards of behaviour. Given households involved in antisocial behaviour often have complex social and psychological support needs it is also important for landlords to develop effective partnerships with **social work services** and other agencies providing **support**, e.g. mediation services, alcohol and drug abuse schemes, the youth services, tenants' and residents' associations.

It is now recognised that in order to achieve sustainable solutions to prevent and deal with nuisance behaviours social landlords need to develop a multi-agency approach with input from a range of agencies and local government departments. The evidence suggests that the most successful partnerships work closely with local communities to adopt a problem solving approach, share information and are proactive in taking action.

In order to help you improve partnership work this section focuses on:

- Formal partnership arrangements.
- Developing links with other local agencies and partnerships.
- Joint case management.
- Developing relationships with tenants and residents.
- Using neighbourhood agreements.
- Information sharing.
- Working with the private rented and owner occupied sectors.
- The legal powers of police and environment agencies.

Formal partnership arrangements

Community Safety Partnerships were established following the issue of the national guidance, *Safer Communities in Scotland* (Scottish Executive, 1999). The guidance set out how local authorities, with the police and others, should form partnerships, carry out audits and formulate community safety strategies, utilising specific funding from the Scottish Executive. The core partners in community safety partnerships are the local authority, police, health board, and fire and rescue service. The guidance recognises that the involvement of social landlords is crucial to the partnership, either as members of the core partnership group, or of specific working groups.

Over the most recent planning period (2005-08) community safety partnerships were encouraged to identify and evidence up to three community safety problems of particular concern in their area, using the community safety evidence base already built through local community safety audits, community planning, police planning, and other local evidence on social inclusion, antisocial behaviour, and community regeneration.

There is a dedicated website of official information and guidance on community safety: **www.saferscotland.com**. This includes practice examples of partnership working on antisocial behaviour, action plans and strategies of community safety partnerships, and contact details for co-ordinators of Community Safety Partnerships.

The guidance in *Working Together to Deliver Community Safety* (Scottish Executive, 2006a) was specifically designed for elected representatives and senior staff in partner organisations, to help them understand what community safety is about and their organisation's role and responsibilities in helping deliver safer communities. This learning resource is also designed for those staff directly supporting the community safety partnership. It aims to help them enhance planning and performance management across the partnership as it delivers improved community safety. The resource aims to help partnerships ensure that they continue to develop the required skills and knowledge to:

1. Understand their communities' concerns, needs and priorities in terms of improving community safety.
2. Understand stakeholder and partner concerns and priorities.
3. Agree overall strategic goals for the partnership.
4. Develop effective strategies and action plans for achieving these goals.
5. Monitor, evaluate and manage their performance in improving community safety.

Working Together to Deliver Community Safety includes materials on planning and managing the partnership's performance; understanding communities and stakeholders; and making partnerships work. In relation to partnerships, it discusses the reasons why partnership is essential; which agencies should be involved; what partners should expect from the partnership; success factors and hindering factors in forming and sustaining effective partnership; how the partnership should be organised and managed; and self-assessment of partnership effectiveness. It includes several checklists, such as the following 'Eight Tests of a Healthy Partnership'.

1. Partners can demonstrate real results through collaboration.
2. Common interest supersedes partners' interests.
3. Partners use 'we' when talking about partner matters.
4. Partners are mutually accountable for tasks and outcomes.
5. Partners share responsibilities and rewards.
6. Partners strive to develop and maintain trust.
7. Partners are willing to change what they do and how they do it.
8. Partners seek to improve how the partnership performs.

As well as *Working Together to Deliver Community Safety* partner bodies may refer to the *Safe and Sound* self-assessment framework for Community Safety Partnerships (Accounts Commission, 2000a) and the balanced scorecard approach outlined in *How Are We Doing* (Accounts Commission, 2000b).



Activity

Consider the following questions in order to identify any gaps or weaknesses in your current partnership arrangements.

- With which agencies do you need to develop day to day operational partnerships? For example, the police, social work services, other local authority services, RSLs, the health board, schools and youth services, mediation services, independent support agencies?
- What arrangements have been made to encourage partnership working at a day to day operational level? For example, training and joint seminars?
- Is there any implementation gap between formal agreements and what happens on the ground? For example with information sharing protocols?

Use the following questions to assess what action you need to take to ensure that you co-ordinate with the local Community Safety Partnership:

- What role does your organisation play in the local Community Safety Partnership?
- Who is the named person in your local Community Safety Partnership responsible for co-ordinating action on antisocial behaviour?
- What sorts of outputs are expected from the partnership? In what timescale?
- How is progress tracked and assessed?

Developing links with other local agencies and partnerships

Community safety is part of the wider community planning process. In addition to Community Safety Partnerships, there are a range of other local partnership groups that have a role to play in tackling antisocial behaviour. Some of these focus on particular groups such as young people or those with particular vulnerabilities arising as a result of drug or alcohol addiction.

Youth justice

Social landlords may be involved in their local Youth Justice Strategy Group. According to the *National Standards for Youth Justice* (Scottish Executive, 2002), each local Youth Justice Strategy Group should include senior local authority staff (responsible for relevant services such as social work, education, housing and leisure); the police; health services; the local Children's Reporter, children's panel and voluntary sector representatives; the local Fiscal service; the economic development agency; community representatives; and representatives of the youth justice services teams. Evaluations of youth justice services' performance has been carried out by Audit Scotland (2002, 2003, 2007). Further details of a range of local youth justice initiatives and the national youth justice strategy can be found in Scottish Executive reports on the Youth Justice Improvement Programme (Scottish Executive, 2006b, 2006c) and on the government website: www.youthjusticescotland.gov.uk

Getting it Right for Every Child is a national approach to helping children and young people in Scotland. The approach sets out guidelines that will help families and professionals to work better together with children and young people, and to give children and families more say in the help that they get. Draft legislation to define the roles and responsibilities of all agencies (not just social work or local authorities) to identify need and to act to help children was under consultation during 2006-07. Further details can be found on the Scottish Government website at: www.scotland.gov.uk

Integrated Children's Services Plans are intended to ensure that local authorities and other relevant agencies come together to plan services and support for children and families in a co-ordinated way. Section 19 of the Children (Scotland) Act 1995 places a statutory duty on each local authority, in consultation with other relevant agencies, to prepare and publish plans for the provision and development of children's services in their area. The local authority is also required to publish information about the full range of children's services that it provides or purchases, including youth justice services. All local partners and relevant organisations should be involved in preparing the plan, including the local authority education, social work and housing departments, NHS Board, Children's Reporter and voluntary organisations.

Social work services and support agencies

Perpetrators of antisocial behaviour often have complex social and psychological support needs. In order to avoid problem behaviour being displaced from one area to another it is vital that social landlords develop effective partnerships with social work departments and other agencies providing support services, e.g. mediation services, alcohol and drug abuse schemes, the youth services, tenants' and residents' associations. **Core tasks 3 and 6** respectively include examples of preventive measures and intervention services

Partnerships with the police

Increasingly, social landlords are recognising that in order to improve services to tenants there is a need to develop close working relationships with the police. The advantages of joint working with police can be summarised as follows:

- they are the best source for community safety advice;
- they can provide information on crime and antisocial behaviour within your housing stock;

- they may be ‘gate keepers’ to community safety networks or partnerships;
- they are an expert resource;
- their help should be free of charge;
- they may have credibility with residents.



Activity

How is your partnership doing?

How is your own Community Safety Partnership doing in terms of effective performance management? The exercise below will help you identify key areas for performance improvement in the partnership.

Key issues to assess	Your assessment of your own partnership	What (and how) you need to improve
We have an agreed set of strategic goals		
These goals are clearly based on the needs and expectations of our communities, our partners and our key stakeholders		
We have set out the broad strategies we intend to pursue to achieve each of these goals		
We have agreed performance indicators which are clearly linked to our overall goals and which allow us to monitor overall progress and achievement		
We have an agreed action plan(s) which details what, and how, we intend to achieve over the next year		
Our partnership actively involves all the key agencies, partners organisations and key community groups		
We periodically review our priorities, our progress and achievements and how well the partnership is working		

Source: *Working Together to Deliver Community Safety*, Scottish Executive, 2006a.

Resources for partnership working

Developing successful partnerships with local agencies and tenants and residents can be very time consuming and resource intensive. Landlords who have managed to develop successful partnerships stress the importance of gaining senior managers' understanding of the resources required to establish and maintain partnerships. There is also a need for staff from different agencies to understand how their professional cultures and approaches may differ.



Activity

- What resources do housing officers need in order to develop more effective operational methods of working with different partners, e.g. time to attend regular meetings, co-ordination of day to day tasks, networking and/or ad hoc informal arrangements?
- Would joint training and seminars on antisocial behaviour help you develop local partnerships?

Dealing with common problems in multi-agency partnerships

In practice, partnership working can be very difficult to achieve and is dependant on partners being able to understand and negotiate around different organisational cultures with different agendas and different budget limitations. Landlords who have managed to develop successful partnerships stress the importance of political commitment to establishing and maintaining partnerships, as well as the commitment of senior managers. The fact sheet opposite has been designed to help you identify potential problems and take action to deal with them.

Developing a model protocol for multi-agency case management

The development of close working relationships between agencies can help prevent neighbour nuisance escalating into serious antisocial behaviour cases. Joint casework management can be facilitated by the use of case conferences where agreement can be obtained for a clear plan of action. See the table on pages 104-105.

Fact sheet: dealing with common problems in multi-agency partnerships	
Pitfalls	Safeguards/responses
Partners are reluctant to commit to action	<ul style="list-style-type: none"> Identify levers/incentives, e.g. evidence of public concern, costs and benefits. Review steps needed to seek/reinforce senior management commitment within key agencies, and to keep all those with an interest informed of relevant developments.
Responsibility for implementation is unclear	<ul style="list-style-type: none"> Assign responsibilities to a named individual. Review/clarify roles and responsibilities of partnership/individual agencies and other stakeholders.
The programme drifts and is underachieving	<ul style="list-style-type: none"> Review reporting systems. Set clear milestones for the performance of key tasks. Review commitment of partner agencies. Strengthen agreement between agencies if necessary. Look at ways of increasing project 'ownership'.
Project leadership is weak	<ul style="list-style-type: none"> Ensure there is a named officer responsible for project leadership. Ensure the project leader has the time, commitment, and skills to do the job, and identify training/development needs. As well as project management skills, project leaders need the ability to work across traditional agency boundaries and operate in unknown/unpredictable areas.
The project leader moves job	<ul style="list-style-type: none"> Ensure key decisions and action points are documented. Spread the work to guard against becoming too reliant on one person.
Results don't come through	<ul style="list-style-type: none"> Review analysis of problems and causes. Check option appraisal and that the right conditions are in place for the project to work as intended. Check the action plan is appropriate and well-founded.
There is low community participation	<ul style="list-style-type: none"> Check community perceptions of the initiative. Identify aspects of the project with greatest community appeal. Review communications plans.
Partners lose interest	<ul style="list-style-type: none"> Review approaches used (e.g. networking between meetings/teambuilding) to keep partners enthused and motivated. Ensure the project integrates with other local activities.
Conflicts develop in the partnership	<ul style="list-style-type: none"> Use techniques, e.g. soft systems analysis to identify sources of conflict and areas of agreement.

Source: Crime Reduction Toolkits available at: www.crimereduction.gov.uk/toolkits/as0102.htm

Table: Joint casework management

Statement of purpose	Action to be taken by the partnership as a whole	Action to be taken by each partner agency
Statement of purpose:	<p>Has agreement been reached on the shared vision of what the partnership will achieve and how?</p> <p>Is the rationale for a multi-agency response clear and agreed by all partner agencies?</p>	Ensure all those attending partnership meetings are aware of the terms of reference of the partnership.
Participating bodies	Have all the relevant agencies been invited to participate?	<p>Is there a nominated named contact officer to attend meetings?</p> <p>Have clear lines of accountability been established?</p>
Development of an appropriate framework	<p>Has agreement been reached on the priority areas of work?</p> <p>What are the expected actions and outcomes for each partner agency?</p>	<p>Ensure that the aims and objectives of the multi-agency group are compatible with each partner agencies' policies and procedures.</p> <p>Learn from the experiences of others.</p>
Information sharing and data storage processes	<p>What arrangements have been made to ensure adequate information exchange takes place between partner organisations?</p> <p>Have confidentiality protocols, binding all participants and related disciplinary codes been agreed?</p>	Designate a lead officer with responsibility to co-ordinate information sharing between partner agencies.
Decision-making process	Establish and agree a clear decision-making procedure – this should include an easily understood procedure for resolving disagreements between partner agencies.	Ensure that the decision-making process is clearly understood by all officers attending the meetings.



Statement of purpose	Action to be taken by the partnership as a whole	Action to be taken by each partner agency
Case management	<p>What case management or supervision arrangements have been made to ensure that cases are reviewed in line with the agreed case strategy?</p> <p>Does the case management strategy incorporate proactive risk assessments and reactive processes?</p>	Agree a structure for sharing anonymised and personalised information.
Minimise culture shock	<p>Recognise that different partners will have different professional orientations and practices.</p> <p>Find a way of working that recognises difference and takes best practice from all partners rather than basing it on the culture of only one partner.</p> <p>Reconciling differences should be a key leadership task undertaken by the chairperson of the group.</p>	Commit time and resources to the partnership and prepare for meetings.
Communication channels	<p>Agree and implement a communication strategy with a designated lead officer</p> <p>Agree an out of hours emergency contact network.</p> <p>Develop an agreed media strategy with a defined lead agency.</p>	Ensure that each partner has developed an internal communication strategy to ensure that partnership decisions are communicated to all relevant staff, board members and residents.
Implement a system of annual reviews and monitoring of the work of the partnership	Carry out annual reviews of the partnership aims and objectives incorporating a review of future plans.	

Source: Adapted from NACRO model protocol for multi-agency case management and the Social Landlords Crime and Nuisance Group Safer Estates Model Agreement.

Developing relationships with tenants and residents

Of equal importance to developing formal partnerships with key agencies is the need to encourage community-based partnerships at an informal estate-based level. Increasingly this need to engage local residents in building community involvement to reduce neighbour nuisance and antisocial behaviour is recognised as being a key aspect of antisocial behaviour work. Many communities have a broad range of problems, including: crime and disorder, a high proportion of vulnerable groups, low skills and high levels of unemployment and social deprivation. The best partnerships will work with the community to prioritise and plan local area programmes and initiatives, which tackle these issues. The fact sheet below identifies issues highlighted through a survey of residents.

Fact sheet: measures considered effective in dealing with antisocial behaviour

In 2002 the Tenant Participation Advisory Service (TPAS) carried out a survey of landlords' and tenants' groups to establish what measures were considered to be most effective in dealing with antisocial behaviour. The findings highlight the following eight key issues:

1. Employ a team of specialist officers to tackle antisocial behaviour, and provide additional training and support for front line officers.
2. Fund and support local community activities, as a strong sense of community spirit is a contributory factor in promoting locally enforceable standards of acceptable behaviour.
3. Develop and support tenant involvement at various levels so that tenants can clearly communicate their priorities.
4. Involve tenants and residents in developing strategies to deal with antisocial behaviour.
5. Provide support to people before their behaviour becomes intolerable and develop preventative practices such as early visits and pre-tenancy counselling. Introduce a clear non-harassment clause in all social housing tenancy agreements and attach more importance to enforcing this. Provide accessible information to tenants on the landlord's powers and responsibilities regarding antisocial behaviour.
6. Involve tenants in antisocial behaviour partnerships and raise awareness of the range and role of partnerships amongst tenants' groups.
7. As part of ongoing training for tenants and residents consider new ways of helping people accept and live with cultural difference.
8. Have clear, effective antisocial behaviour policies and procedures on the use of legal remedies and develop a fast track approach to high-risk eviction cases.



Activity

Taking into account the key findings from the TPAS survey of tenants consider what mechanisms you could introduce to ensure that tenants and residents can contribute to the development of strategies to deal with particular neighbourhood problems.

- What action has been taken to consult with tenants' and residents' groups and the local community? E.g. use of public meetings and events, social research including surveys and focus groups, networking with individuals and groups?
- Would the development of neighbourhood agreements help you work with tenants and residents to deal with minor incidents of antisocial behaviour?

National Standards for Community Engagement

The National Standards for Community Engagement were published in 2005 and set out best practice guidance for engagement between communities and public agencies. They apply to all types of activities, including involving communities, tenants and residents in measures to tackle antisocial behaviour.

The standards and associated materials are available through Scottish Community Development Centre (www.scdc.org.uk) and were developed from the experience of communities and agencies with extensive participation of over 500 community and agency representatives. The paper *Culture or Compliance: monitoring the use of the national standards for community engagement* describes the process of adoption of the national standards in different policy contexts and reflects on the advantages and disadvantages of making them a formal measure of quality assurance.

Communities Scotland also published a range of support materials, including users' guides, toolkits and case studies, as well as advice notes on using the standards in rural communities, using the standards with young people, equalities, and monitoring. The Scottish Centre for Regeneration published the *Community Engagement How To Guide* which includes practical advice on techniques. The fact sheet on the next page summarises the standards and the advice for using them from the SCDC.

Fact sheet: National Standards for Community Engagement (www.scdc.org.uk)**The Involvement Standard**

We will identify and involve the people and organisations with an interest in the focus of the engagement.

The Support Standard

We will identify and overcome any barriers to involvement.

The Planning Standard

We will gather evidence of the needs and available resources and use this to agree the purpose, scope and timescale of the engagement and the actions to be taken.

The Methods Standard

We will agree the use of methods of engagement that are fit for purpose.

The Working Together Standard

We will agree and use clear procedures to enable the participants to work with one another efficiently and effectively.

The Sharing Information Standard

We will ensure necessary information is communicated between the participants.

The Working With Others Standard

We will work effectively with others with an interest in the engagement.

The Improvement Standard

We will develop actively the skills, knowledge and confidence of all the participants.

The Feedback Standard

We will feedback the results of the engagement to the wider community and agencies affected.

The Monitoring and Evaluation Standard

We will monitor and evaluate whether the engagement meets its purposes and the National Standards for Community Engagement.

The Communities Scotland Users' Guide lists 10 'top tips' for getting started with the National Standards for Community Engagement:

1. Keep it as simple as possible.
2. Nominate someone to lead on the use of the standards who knows what they say, can see how they might apply to what is being developed, and will introduce other participants to them.
3. Seek agreement to use the standards from all those that will be involved in the engagement – participants should not feel that the standards are being imposed on them.
4. Build use of the standards into the process of the engagement.



5. Make the use of the standards an explicit and shared activity between participants so that they can all see how using them is in their interests.
6. Don't try to implement all 10 standards at once, focus on two or three initially – trying to address everything at once may simply put people off.
7. Select the standards you will start with by identifying those that the participants see as most important for the type of engagement they are involved in.
8. When introducing the standards to a community engagement process that is already underway, introduce them at a point when participants are focusing on assessing or reviewing performance and progress, and/or introduce the standards as a new phase of activity needs to be planned.
9. Always focus on those parts of the standards that are seen by the participants as most relevant to the stage of development of the engagement.
10. When introducing the standards explain that they are a product of the work of community and agency representatives like themselves who have set out to create a tool to improve the quality of community engagement.



Activity

Looking at the National Standards for Community Engagement in relation to antisocial behaviour:

- What are the communities that your organisation wishes to engage with in relation to antisocial behaviour?
- How well do your current methods of engagement meet each of the standards?
- What processes of community engagement could you apply them to?
- Which are the standards that you could start with?
- Who would be the best person to lead this process?

Using neighbourhood agreements

Neighbourhood agreements have been developed to help build good working relationships with service providers and the community they serve and to improve residents' quality of life. Social landlords are increasingly utilising these agreements to promote positive neighbourhood behaviour. They set out, in the form of a non-legally binding contract, the mutual rights, responsibilities and expectations between residents, social landlords and other service providers.

The Department of Communities and Local Government (2006) Housing Research Summary 226A: *Respect and Housing Management – Using Good Neighbour Agreements* outlines the use, extent, and effectiveness of Good Neighbour Agreements in promoting positive behaviour in the community. It is available through: www.communities.gov.uk

Typically, partners in neighbourhood agreements will include the following agencies:

- Tenants' and residents' groups.
- The local authority, including social work services.
- The police.
- Registered social landlords.
- Local community agencies.

In fact, any agency which provides services to an area can become a partner to the agreement. The fact sheet below summarises the common aims of neighbourhood agreements and the roles played by tenants and service providers.

Fact sheet: Neighbourhood agreements

What are the aims of a neighbourhood agreement?

- To inform residents about who provides local services.
- To try to improve services through use of regular feedback from residents, joint working between service providers, and special initiatives involving residents.
- To tell residents what service levels they can expect and to ask residents if these are being met.
- To provide residents with the chance to monitor service standards and give service providers feedback on the quality of their services.
- To support community development.
- To strengthen the partnership between residents and service providers.



What is the role of tenants' and residents' groups?

- To make sure the agreement works.
- To ask for monitoring information on all services covered by the agreement.
- To keep residents informed via regular meetings and newsletters.
- To invite service providers to residents' meetings to discuss particular concerns.
- To work with service providers to continuously improve services.

What is the role of service providers?

- To deliver services to agreed levels of quality.
- To work with residents to improve understanding and delivery of services.
- To provide regular monitoring information.
- To attend residents' meetings to discuss progress.
- To take an active part in making the agreement work.
- To make sure the agreement works.

Below are some examples of the type of individual **service agreements** that can be included in a neighbourhood agreement:

- *Community policing* – the agreement specifies how community policing works, how the police will respond to calls, support for victims of crime and antisocial behaviour, and what local initiatives are being developed.
- *Street and environmental cleaning and refuse collection* – the agreement specifies how the streets and open spaces will be kept clean, how households' rubbish will be dealt with, and how the estate can be kept smart and tidy.
- *Jobs' training and enterprise support* – the agreement describes what support and advice is available to help local residents to get a job or start a new business, find a training course or arrange childcare.
- *Housing services* – the agreement informs residents of what to expect and who to contact about housing services, for example, the agreement covers how housing is managed, standards of service, response time to enquiries, how neighbour disputes are handled, dealing with domestic violence etc.
- *Young people's agreement* – the agreement is drawn up in response to the social needs of children and young people, informing them about activities available, sporting opportunities, after school clubs, dealing with antisocial behaviour, the work of detached youth workers and the youth service.
- *Welfare benefits agreement* – This agreement is designed to increase awareness of, and improved access to, a full range of benefits.

More detailed information about neighbourhood agreements can be found in Cole, McCoulough, and Southworth (2000), *Neighbourhood agreements in action: a case study of Foxwood*, York: Joseph Rowntree Foundation.



Key questions

- What mechanisms could you introduce to ensure that tenants and residents contribute to strategies to deal with particular neighbourhood problems?
- Would the development of neighbourhood agreements help you work with tenants and residents to deal with antisocial behaviour?

Information sharing

In the past many landlords have found that developing effective information sharing protocols was fraught with problems. Sharing information can be particularly difficult for *registered social landlords* operating in a number of different geographical locations since they are required to liaise with a wide range of agencies operating under different guidelines.

Section 139 of the 2004 Antisocial Behaviour Act

The Antisocial Behaviour etc. (Scotland) Act 2004 specifically addressed the need to share information in tackling local problems. Under **section 139**, any person has the power to release information to a relevant authority where that is necessary for the purposes of any measure in the 2004 Act or any piece of legislation which relates to tackling antisocial behaviour. Section 139 also provides that, where confidential information is released to a relevant authority under this section, the receiving authority must respect that need for confidentiality.

A ‘relevant authority’ in this context is a local authority, a Chief Constable, Principal Reporter, registered social landlord, or an authority or organisation administering housing benefit or providing services related to housing benefit.

Section 139 applies to the whole of the Antisocial Behaviour Act, and other legislation which deals with antisocial behaviour and its effects; it does not only apply to applications for ASBOs or eviction. This means that it includes disclosure and sharing of information to support antisocial behaviour strategies, prevention and early intervention as well as legal measures. It would, for example, be legitimate to share relevant personal information with relevant authorities to support the drawing up of an Acceptable Behaviour Contract (ABC) to prevent further crime and antisocial conduct, despite ABCs being a voluntary agreement.

The guidance, Scottish Executive (2004) *Guidance on Disclosure and Sharing of Information: Antisocial Behaviour (Scotland) Act 2004*, also covers the implications of the Human Rights Act 1998 and the common law duty of confidentiality that applies where information has been given in confidence (for example, medical details).

Data Protection Act

Anyone disclosing information and relying on the protection of section 139 will have to comply with the Data Protection Act 1998 and any other relevant rules of law. If in doubt you should seek legal advice or guidance from your organisation's Data Protection Officer. Full legal guidance on the Data Protection Act 1998 is available from the Information Commissioner's website at: www.ico.gov.uk

The Data Protection Act 1998 set out to ensure that the various personal databases operated by public and private sector agencies, which often contain sensitive personal information, are not used to disclose this information without lawful purpose, where there is no wider public interest, or where sharing is clearly unreasonable.

Disclosing personal data is legal where the purpose of the disclosure is directly related to an explicit or implied duty of an agency, or where there is a statutory duty or power to disclose; and the processing conforms to the data protection principles and it is deemed necessary to achieve a legal purpose. Examples include the police providing a registered social landlord with information on a complaint of antisocial behaviour to enable them to apply for an ASBO against a tenant or visitor to the house as a means of preventing disorder; or an RSL providing similar information to the police to enable them to prepare a report to the Procurator Fiscal for consideration of prosecution as a means to fulfil its duty of care to other residents.

Information collected for the purposes of the prevention, investigation or detection of crime and the apprehension or prosecution of offenders is exempt from the principles of the Data Protection Act 1998. This means that the RSL or local authority must disclose all relevant information held by them to support any of the above police activities.

Likewise, where action is being taken against an individual to prevent further antisocial conduct (whether the action involves legal process such as an ASBO or a voluntary agreement such as an ABC), the police should disclose to relevant authorities information in relation to: relevant charges and convictions, police warnings, police attendance and call outs relating to relevant offences; and police investigations. Relevant information on antisocial behaviour will include any criminal offence which has caused or could in all likelihood have caused alarm or distress. Relevant authorities should also consider the relevance of the information in the spatial context of the antisocial behaviour and the type of action being considered. For example, a registered social landlord can only apply for an ASBO in relation to a person in, or likely to be in, the vicinity of a property provided or managed by that landlord.

Information sharing protocols

Information sharing protocols can greatly assist authorities working to deal with antisocial behaviour. They help establish a framework for good practice in the disclosure and sharing of information to help agencies prevent crime and disorder while fulfilling obligations in respect of data protection and other relevant rules of law. The UK Ministry of Justice publications, *Public Sector Data Sharing: Guidance on the Law* (2003) and *How Data Protection Affects my Business/Organisation* (2007) are available through: www.justice.gov.uk

A protocol should address the following:

- Define the matters which will be included within the protocol.
- List the organisations involved in sharing data.
- Describe what they each/all do.
- Acknowledge the legislative basis for sharing information.
- Identify those officers who are responsible for ensuring compliance.
- Identify the information which officers are authorised to exchange.
- Detail the method for exchange of information, including for urgent cases.
- Incorporate a system for recording requests and acting upon them.
- Agree methods of ensuring that information is held securely.
- Set realistic timescales.
- State the reasons for data sharing, for example:
 - To co-operate on a joint strategy for tackling antisocial behaviour.
 - To tackle individual cases of antisocial behaviour.
 - To collect statistical information to analyse trends.
 - To contribute to research and evaluation.
- Explain how the accuracy of shared information will be maintained and partners informed if inaccuracies come to light.
- Establish how complaints relating to more than one of the partners will be dealt with.
- Indicate how staff training to promote awareness of responsibilities in relation to the protocol will be conducted.
- Build in regular reviews of procedures relating to the protocol.

Protocols between RSLs, local authorities and police forces allow for the proactive supply of information relating to criminal activity where the tenancy is integral to the activity, so that the RSL or local authority is alerted to the activity and can take action against the tenant, for example, in relation to drug dealing. Where such protocols are operated consistently they can make a distinct impression on antisocial behaviour in an area and be very helpful to RSLs and local authorities.

As the police inspectorate report, *Common Knowledge* (HMIC, 2007) notes, information sharing protocols do not of themselves create an environment for sharing. Such an environment can only be engendered through strong strategic leadership and commitment, training and confidence. One of the means of consolidating training and achieving that confidence is to apply a formal decision-making process to data sharing that is based upon sound analysis. Consistent information sharing across an organisation and over time can best be achieved within a formalised structure. Ad hoc arrangements which are overly reliant upon relationships can create a lottery for public safety. The *Common Knowledge* report contains further details on information sharing. It gives examples of partnership working assisted by information sharing, including the Glasgow Antisocial Behaviour Task Force.

Case study: Glasgow Antisocial Behaviour Task Force

Glasgow Antisocial Behaviour Task Force brings together all the various agencies who can contribute to the overall aim of reducing antisocial behaviour. Functions concerned with private landlord registrations, victims and vulnerable persons, community relations, Street Watch (public space CCTV), services for young people, restorative justice, neighbourhood management services, neighbour relations, Glasgow Housing Association and Strathclyde Police (including an enforcement team) have established effective and co-ordinated joint working, with information sharing arrangements which are articulated in a joint protocol. Associated with the group is a Police Information Unit, consisting of an inspector, an analyst co-ordinator and an administrator. The Unit works very closely with the task force analyst, collaborating in the creation of intelligence products.

National Data Sharing Forum

Since 2006, the National Data Sharing Forum and Local Data Sharing Partnerships have provided a framework for inter-agency data sharing. Fourteen local data sharing partnerships are planned, each based in a health board area. The two main priority areas for these partnerships in the first year were to complete a roll-out of the use of single shared assessments to all adult care groups and to implement information sharing for child protection purposes. This work is closely associated with the Scottish Executive's *Getting It Right For Every Child* (GIRFEC) initiative. It is intended that each of the local data sharing partnerships will appoint a data sharing manager to facilitate the work of the partnerships.



Key questions

- Does your organisation have information sharing protocols with all relevant local organisations?
- Are housing staff aware of the protocols and able to use them effectively?
- How are the protocols monitored and any difficulties in practice addressed by the partners?

Working with the private rented and owner occupied sectors

From April 2006, under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 7, private landlords are responsible for preventing their tenants behaving in an antisocial way in and around their homes. This means that if their tenants are acting in a way that causes or is likely to cause alarm, distress, nuisance or annoyance to anyone living near their home, the landlord must take action. Private landlords are not responsible for their tenants' behaviour when they are away from the property, for example, when they are in a public place such as a shopping centre or public bar.

Part 7 of the 2004 Act also provides powers for a local authority to act against a private landlord in connection with antisocial behaviour by the tenant of a house let by the landlord or by another occupant or visitor to the house. The key power is the issue of an Antisocial Behaviour Notice (ASBN) requiring the landlord to take specified management actions in relation to the tenancy (section 68 of the Act). This is in addition to other action that the authority may take to challenge the person's antisocial behaviour directly, whether through an Antisocial Behaviour Order (ASBO) or other means.

Because it is only antisocial behaviour in and around the premises let by the landlord which are relevant, for these purposes antisocial behaviour has a particular definition under section 81 of the Act:

"a person engages in antisocial behaviour if the person-
(a) acts in a manner that causes or is likely to cause alarm, distress, nuisance or annoyance;
or (b) pursues a course of conduct that causes or is likely to cause alarm, distress, nuisance or annoyance, to a person residing in, visiting or otherwise engaging in lawful activity at, or in the locality of, a relevant house."

There are provisions for a landlord to seek an internal review of any order (sections 69 and 70 of the Act). Breach of an ASBN may lead to an order that rent is not payable, or to the local authority imposing a management control order under sections 71-79 of the Act.

The above powers are separate from, but sit alongside, the registration provisions in Part 8 of the 2004 Act. In some situations the use of either power could be equally effective. It is for the local authority to decide the more appropriate route in a given case, in consultation as necessary with other partners such as the police.

If antisocial behaviour occurs in relation to an owner occupied house, direct action against the antisocial behaviour may be appropriate, including the use of ASBO or closure powers by the local authority (Part 4 of the 2004 Act) or the seeking of an interdict by a private individual.

Detailed guidance is contained in *Antisocial Behaviour etc. (Scotland) Act 2004 Part 7 – Antisocial Behaviour Notices Guidance for Local Authorities*, Scottish Executive (2006). This includes guidance on definitions, management practice, provision of information to landlords and agents, steps to an Antisocial Behaviour Notice, review, monitoring compliance and applying sanctions, use of agents, the tenant's position, and working with housing benefit colleagues.



Key questions

- Does your organisation have appropriate procedures for dealing with antisocial behaviour in the private rented and owner occupied sectors?
- Are appropriate arrangements in place for referrals and joint working with other relevant organisations?

Legal powers of police and environmental agencies

Antisocial behaviour often includes unacceptable levels of noise, graffiti, and other environmental problems. The antisocial behaviour legislation aimed to tackle these types of problems through joint working between local authorities, the police and other partners, and between departments within local authorities. One part of partnership working with the police and local authority environmental enforcement services may be joint working to take legal action in relation to serious antisocial behaviour. The fact sheet below provides a summary of the relevant powers that are available, including the use of Fixed Penalty Notices (FPN) and closure of premises.

Fact sheet: legal powers of police and environmental agencies

Noise

Local authorities have the option to apply noise control provisions to specific areas on certain days and at certain times. If the authority takes up the provisions it can do so 24 hours a day, 7 days a week. Maximum levels of noise permitted and the approved measuring devices are defined in the Antisocial Behaviour (Noise Control) (Scotland) Regulations 2005. If an officer believes noise from a domestic dwelling exceeds or may have exceeded the permitted level, s/he may issue a warning notice. If the noise continues then continues a Fixed Penalty Notice (FPN) can be issued. If it is not paid within 28 days the local authority can proceed to prosecution.

Local authority officers and police officers are permitted to seize noise-making equipment under the Antisocial Behaviour etc. (Scotland) Act 2004 and Civic Government (Scotland) Act 1982. As with serving an FPN, the condition for seizing noise-making equipment is that a warning notice has been served, and that (over ten minutes later), the noise from the relevant property continues to exceed the levels specified in the notice. Therefore an FPN can be served at the same time as seizure, if this is deemed necessary to deal with the issue. The serving of the FPN gives the perpetrator the opportunity to discharge their liability for the offence, and avoid proceeding to court.



Noise created by barking dogs can be dealt with under the Civic Government (Scotland) Act 1982 s.49, under which the Council could require the owner to take steps to prevent the barking continuing to cause annoyance. This process can be lengthy and involves the complainant attending court at the same time as the person responsible for the dog. An FPN under the 2004 Act may allow for a more rapid resolution. However, FPNs are only applicable where the dog (or other noisy animal) is in a 'relevant property' (which includes gardens, etc.). The 2004 Act also gives powers to seize noise-making equipment, which could apply to animals. A device that simply measures the level of noise can be used without falling within the Regulation of Investigatory Powers Act.

Graffiti

Sections 58-65 of the Antisocial Behaviour etc. (Scotland) Act 2004 allow local authorities to serve a graffiti removal notice on the owners of street furniture or property belonging to educational institutions and certain statutory transport undertakers, where property has been defaced with graffiti which the local authority consider to be offensive or detrimental to the amenity of the local area (Scottish Executive, 2004, *Guidance on Graffiti Removal*). Trading standards officers are primarily responsible for enforcing the ban on the sale of spray paint to children (Scottish Executive, 2004, *Guidance on Ban on Sale of Spray Paint to Under 16s*).

Litter and fly-tipping

The 2004 Act gives local authority officers, police officers and SEPA officers powers to issue FPNs. The range of offences which might attract a fixed penalty notice is slightly wider than fly-tipping as usually understood, since notices may also be issued in respect of treating and keeping waste in a manner likely to cause pollution of the environment or harm to human health. Regardless of which officer issues the notice, the administration is carried out by the local authority in the same way as it currently administers fixed penalties for litter and the form of notice is very similar.

Closure of premises

The power to close premises allows police forces, in consultation with local authorities, to take action on premises which cause significant and persistent disorder or serious nuisance to the local community. When a senior police officer assesses the need for the issue of a closure notice he or she has to have reasonable grounds for believing that:

- 1) at any time in the preceding three months a person has engaged in antisocial behaviour on the premises; and
- 2) the use of the premises is associated with the occurrence of relevant harm, that is, significant and persistent disorder; or significant, persistent and serious nuisance to members of the public.

The 2004 Act places an obligation on the police to consult with the local authority for the area in which the premises are situated before serving a notice. The police may also wish to inform the relevant RSL where they own or manage the premises concerned, or other premises in the area. The chief executive of the local authority should in turn ensure all the relevant interests within the authority are involved in the consultation; for example, housing management, homelessness, housing benefit administration, social work including child protection, licensing.



The closure order gives a power to close a property completely and remove access by any persons, even those with rights of abode or ownership, except where they are allowed to enter the property under the supervision or direction or permission of the police or the court.

Aside from securing the premises, the landlord will also need to decide what to do in relation to any tenancy or other rights of abode any person may have. When an order is made it has no impact on ownership or tenancy or other rights to the property. If a landlord wishes to obtain possession of the premises or otherwise recover it to be reallocated to another occupant they will need to follow the appropriate procedures, including obtaining a court order, in each case.

Guidance is contained in Scottish Executive (2004) *Guidance on Closure of Premises* and examples of partnership working in relation to closure of premises can be found on: www.antisocialbehaviourscotland.com

Dispersal of groups

The power to disperse enables the police to deal with antisocial behaviour trouble spots. A senior police officer (of superintendent rank or above), in consultation with the local authority, can designate an area, where significant, persistent and serious antisocial behaviour has occurred, and the presence or behaviour of groups is contributing to the problems (Scottish Executive, 2004, *Guidance on Dispersal of Groups*).

Evaluation of local authority antisocial neighbour noise nuisance services in Scotland revealed varying degrees of progress in case study local authority areas (Evans *et al.*, 2007). Local authority noise teams were considered good value for money and able to save on valuable police resources which could be deployed elsewhere. However, there remained a need for better public awareness of available services.

The use and impact of dispersal orders in England has been evaluated by Crawford and Lister (2007). The study found some practical successes in enforcement but also acknowledged that as dispersal orders did not address the wider, or root, causes of antisocial behaviour, they were most valuable when used in conjunction with other preventive and interventionist measures (for example as discussed in **Core Tasks 3 and 6**).

Sources and further information

Accounts Commission for Scotland (1998) *The measures of success: developing a balanced scorecard to measure performance*. Edinburgh: Audit Scotland.

Accounts Commission for Scotland (2000a) *Safe And Sound: a Self Assessment Good Practice Guide for Community Safety Partnerships*. Edinburgh: Audit Scotland.

- Accounts Commission (2000b) *How Are We Doing? Measuring the performance of community safety partnerships*. Edinburgh: Audit Scotland.
- Accounts Commission (2000c) *Safe and Sound: A Study of Community Safety Partnerships in Scotland*. Edinburgh: Audit Scotland
- Audit Scotland (2002) *Dealing with Offending by Young People*. Edinburgh: Audit Scotland.
- Audit Scotland (2003) *Dealing with Offending by Young People: a Follow Up report*. Edinburgh: Audit Scotland.
- Audit Scotland (2007) *Dealing with Offending by Young People: Performance Update*. Edinburgh: Audit Scotland.
- Cole, I., McCoulough, E. and Southworth, J. (2000) *Neighbourhood agreements in action: a case study of Foxwood*. York: Joseph Rowntree Foundation.
- Crawford, A. and Lister, S. (2007) *The use and impact of dispersal orders*. York: Joseph Rowntree Foundation.
- Department of Communities and Local Government (2006) *Housing Research Summary 226A: Respect and Housing Management – Using Good Neighbour Agreements*. London: DCLG.
- Evans, A. et al. (2007) *An evaluation of local authority antisocial neighbour noise nuisance services*. Edinburgh: Scottish Government.
- Hewitt, J. Ballintyne, S. and Cryle, G. (2000) *Threads of Success: A Study of Community Safety Partnerships in Scotland*. Edinburgh: Scottish Executive.
- HMIC (2007) *Common Knowledge: thematic inspection of intelligence and information sharing*. Scottish Executive: www.scotland.gov.uk
- Housing Corporation (n.d.) *Working with the Police: a Guide for Housing Associations*: www.housingcorp.gov.uk
- Improvement and Development Agency (2004): *Working With Partners*. IDeA.
- Scottish Executive (1999) *Safer Communities in Scotland*. Edinburgh: Scottish Executive.
- Scottish Executive (2002) *National Standards for Scotland's Youth Justice Services*. Edinburgh: Scottish Executive.
- Scottish Executive (2004a) *Guidance on Disclosure and Sharing of Information: Antisocial Behaviour (Scotland) Act 2004*. Edinburgh: Scottish Executive.

Scottish Executive (2004b) *Guidance on Graffiti Removal*. Edinburgh: Scottish Executive.

Scottish Executive (2004c) *Guidance on Ban on Sale of Spray Paint to Under 16*. Edinburgh: Scottish Executive.

Scottish Executive (2004d) *Guidance on Closure of Premises*. Edinburgh: Scottish Executive.

Scottish Executive (2004e) *Guidance on Dispersal of Groups*. Edinburgh: Scottish Executive.

Scottish Executive (2005) *The Community Safety Partnership Award Programme for 2005-2008*. Edinburgh: Scottish Executive.

Scottish Executive (2006a) *Working Together to Deliver Community Safety: A Learning Resource for Community Safety Partnerships*. Edinburgh: Scottish Executive.

Scottish Executive (2006b) *Report of the Youth Justice Improvement Group: Proposals for Action*. Edinburgh: Scottish Executive.

Scottish Executive (2006c) *Youth Justice Improvement Programme*. Edinburgh: Scottish Executive.

Websites

ACPOS (Association of Chief Police Officers, Scotland): www.scottish.police.uk

Audit Scotland: www.audit-scotland.gov.uk

COSLA (Convention of Scottish Local Authorities): www.cosla.gov.uk

Employers Organisation: www.lgpartnerships.com

Home Office: www.homeoffice.gov.uk

IDeA: www.idea.gov.uk

Information Commissioner: www.ico.gov.uk

Institute of Risk Management: www.theirm.org

NHS (Scotland): www.show.scot.nhs.uk

ROSPA (Royal Society for the Prevention of Accidents): www.rosipa.com

Safer Scotland: www.saferScotland.org.uk

Scottish Community Development Centre: www.scdc.org.uk

Community Safety Scotland: www.communitysafetyscotland.org

Scottish Government: www.scotland.gov.uk

TPAS: www.tpasscotland.org.uk

Victim Support (Scotland): www.victimsupportsco.demon.co.uk

Youth Justice: www.youthjusticescotland.gov.uk

Core Task 5: Specialist support and training

Prompt responses to complaints and early intervention to tackle antisocial behaviour cases can prevent cases from escalating from minor nuisances into seriously disruptive incidents. However, dealing effectively with such cases is often time consuming and requires a high level of knowledge and skills. Specialist officers or teams can provide both practical support and ongoing training and skills development for front line or generic housing staff. Where specialist services are provided they can be crucial in improving a housing organisation's efficiency in dealing with antisocial behaviour.

In this core task on specialist support and training we examine:

- The need for specialist advice and support.
- Models of provision of specialist services.
- The advantages of providing specialist support and
- The importance of training.

The need for specialist advice and support

The use of specialist units and officers whose work is entirely or primarily devoted to co-ordinating and implementing the organisation's antisocial behaviour policy is becoming more common. There are numerous benefits from having dedicated officers working alongside housing officers to deal with problems that would otherwise go unreported and unchecked but which cause misery and distress for many residents. The specialist unit or officer can undertake a range of different tasks including co-ordinating multi-agency working, undertaking publicity work, letting the community know about successes, gathering evidence and supporting witnesses, and providing training and advice for front line officers.



Activity

Use the following questions to critically assess whether your organisation would benefit from the provision of some form of specialist support.

- Does your organisation have the necessary specialist capacity and competencies to deal with antisocial behaviour?



- How good are staff at undertaking thorough, impartial investigations before deciding what action to take in antisocial behaviour cases?
- Do front line staff know which agencies you have partnership arrangements with and how good they are at assessing which agencies to involve in antisocial behaviour cases?
- Do all staff approach nuisance in a consistent way or is action patchy?
- Are staff confident and skilled in taking witness statements and providing witnesses with support?
- Have you ever been prevented from proceeding with legal action because of witness intimidation or lack of evidence?
- Has your organisation designated a named person with responsibility for developing your policy and operational responses to antisocial behaviour?
- Would the provision of specialist support help you deal with antisocial behaviour cases more effectively?

Fill out the following grid in respect of your organisation's ability to tackle antisocial behaviour, in the form of a SWOT analysis.

Strengths	Weaknesses
Opportunities	Threats

Models of provision of specialist services

A number of different models of specialist antisocial behaviour services exist in Scotland and other parts of the UK. For some landlords the size of the problem will not justify the establishment of a large dedicated antisocial behaviour unit, however, the appointment of an individual specialist officer can prove very cost effective in terms of improving the way in which antisocial behaviour cases are tackled.

The stage at which antisocial behaviour cases are passed from housing staff to specialist officers will vary. This may happen after a series of written warnings and interviews and service of notice of proceedings if appropriate. Where a specialist investigation team exists, it is likely to do most of the evidence gathering after the case is passed on by a local office or front line worker, including liaison with neighbours, receiving diary records, further interviews, responding to out of hours calls, proactive monitoring and passing on evidence to legal staff. Depending on funding arrangements, specialist teams may or may not deal only with cases involving local authority tenants (Brown *et al.*, 2003).

Three landlords in a study for the Joseph Rowntree Foundation by Hunter *et al.* (2000) operated or had access to, specialist support of some kind. The different types of provision represented three models of specialist support appropriate for different organisations, with different size stock and different perceptions of the scale of the problem.

- Model 1: An in-house specialist unit primarily concerned with preparing cases for legal action, developing strategies, encouraging joint working and supporting housing officers to deal with individual cases.
- Model 2: An in-house individual specialist officer focusing on developing strategy and supporting housing officers who deal with individual cases.
- Model 3: An external agency providing support to a number of landlords operating in a specific geographical locality.

No similar study was available for Scotland but housing organisations may wish to consider whether the following models are appropriate to their circumstances or could be adapted to the local situation.

Model 1: A specialist unit

A large urban local authority landlord with a dwelling stock of tens of thousands of properties established a specialist unit in November 1995. The unit comprised of 2 specialist, dedicated solicitors, 8 nuisance response officers, 3 administrative staff and a team leader.

Model 2: A single officer

A smaller authority, with a stock of 7,000 properties managed comfortably with one specialist tenancy enforcement officer (TEO). This officer, who had developed a strong reputation in order to be effective, operated within the council's legal section, but was responsible to the housing department. The TEO also worked with a project team, which included a police liaison officer and an in-house solicitor, as well as housing officers. This team discussed cases on a fortnightly basis.

Both of the above models were set up following an organisational review of policy and strategy and resulted in direct improvements in the relationship between housing staff and the organisations' legal departments. Both schemes primarily provided comprehensive evidence collection and witness support services, but also undertook training and gave support to front line housing officers.

For smaller landlords it may not be financially possible to set up a specialist unit or employ a dedicated antisocial behaviour officer but if the costs were shared with other local landlords an external agency could provide specialist support.

Model 3: Use of an external agency

A Tenancy Enforcement Support Team (TEST) was set up as a small independent company in 1997 by seven registered social landlords in South London, with the aim of jointly tackling antisocial behaviour. TEST officers see themselves as 'professional laymen', taking referrals from landlords for a 'cost effective' flat fee per case regardless of how long they keep the case open, and what means are used to deal with it. An out of hours service was provided with the team prepared to investigate incidences between 7:30 p.m. to 2:30 a.m., 365 days a year. With only one case worker, one administrator and two part-time case workers for night time duty, they established the facts from what they regarded to be a more independent and possibly more objective perspective, weeding out non-genuine complainants, trying to resolve cases and providing evidence. Although at the time of the study TEST did not provide a legal service, they did give some advice to clients about the appropriateness of taking legal action, as well as when to serve a notice of seeking possession.

Since the 2000 study the number and ways of providing specialist support have grown. A further model is a consortium of RSLs that employs an officer or several staff to provide a service to all member bodies within the consortium, including a specialist antisocial behaviour case work support service. An evaluation of such a service in Coventry (Nixon *et al.*, 2005) found that:

- The service was widely used by both consortium members and by community safety partner agencies.
- Over two-thirds of the enquiries (68 per cent) involved the project workers in some form of direct intervention ranging from joint working with individual officers to build their knowledge and capacity, through to taking a lead role in interviewing

perpetrators, drafting documents, taking witness statements, liaising with other agencies and attending multi-agency case conferences.

- Consortium members and project workers were very positive about the value of the case work service and felt that it was a successful way of building knowledge and officers' networking.

The advantages of providing specialist support

According to Nixon and Hunter (2006), landlords have identified a number of advantages of providing specialist support:

- An enhanced reputation and increased public profile resulting in better landlord and tenant relationships.
- Increased trust from tenants in the ability and determination of their landlord in tackling difficult cases and thereby increasing the likelihood that tenants will come forward as witnesses.
- Increased skills and competencies within the organisation to deal with different types of antisocial behaviour.
- Increased confidence amongst front line officers in undertaking investigations and recommending appropriate action.
- Increased expertise in drawing up formal statements, taking witness statements and giving evidence directly to the court.
- The increased capacity to provide appropriate support to witnesses prior to, during and after the trial.
- The development of consistency of approach and action.
- Increased joint working and formulation of preventative action.

Further, interviews with households who had suffered from antisocial behaviour confirmed the benefits of employing specialist officers. Almost without exception they felt that such officers provided them with greater support than they had received when only their local housing officers were dealing with their case (Nixon and Hunter, 2006).

The importance of training

Whatever type of specialist antisocial behaviour support is provided, housing officers are likely to remain the first point of contact for complainants about neighbour nuisance and antisocial behaviour. It is therefore essential that housing officers be given regular training to ensure that they feel confident in their ability to tackle all types of neighbour nuisance and to know when to refer cases to other key agencies.

The Scottish Executive through its Community Safety Unit arranges training and networking opportunities for antisocial behaviour practitioners. For contact details call the advice line on 0800 850 500 or go to www.antisocialbehavioursotland.com Other organisations, such as the Chartered Institute of Housing Scotland also offer seminars and training events on dealing with antisocial behaviour.



Key questions

- What is the organisation's policy with regard to training on antisocial behaviour?
- What training do front line staff want and need?
- Who is responsible for organising appropriate training?
- Who provides the training, how often, to whom and on what aspects of dealing with antisocial behaviour?



Activity

Assess your training needs by considering the following questions:

- What aspects of dealing with antisocial behaviour cases do you find particularly difficult?
- Are you confident in your/your team's ability to undertake thorough, impartial investigations before deciding on action?
- Do you have the skills to collect and evaluate evidence?
- Have you the skills and knowledge to take witness statements and provide witness support?



- Do you have any mediation skills?
- What training have you already undertaken?
- Did it meet your needs?
- Could you usefully share training with other organisations? How could it be organised?

Sources and further information

Brown, A., Barclay, A. Eley, S. and Simmons, R. (2003) *The Role of Mediation in Tackling Neighbour Disputes and Anti-Social Behaviour*. Edinburgh: Scottish Executive Social Research.

Hunter, C., Nixon, J. and Shayer, S. (2000) *Neighbour Nuisance, Social Landlords and the Law*. Coventry/York: CIH/Joseph Rowntree Foundation.

Nixon, J. and Hunter, C. (2006) *Tackling anti-social behaviour: action frameworks for social housing practitioners and governing bodies*. Coventry/York: CIH/Joseph Rowntree Foundation.

Nixon, J., Hunter, C. and Whittle, S. (2005) *An evaluation of a model of partnership work to enable RSLs operating in Coventry to access specialist service to tackle anti-social behaviour*. Sheffield Hallam University.

Core Task 6: Investigations and early intervention

An effective antisocial behaviour policy relies on landlords being able to undertake a thorough investigation of complaints and obtain appropriate evidence prior to deciding what action to take. Early appropriate intervention may prevent more serious problems developing later.

Introduction

This section of the Action Framework provides some practical guidance on good practice on the following aspects of managing antisocial behaviour:

- Tenancy conditions relating to antisocial behaviour.
- Responding to complaints.
- Mediation services.
- Using witness report forms and incident diaries.
- Supporting and protecting victims and witnesses.
- Acceptable Behaviour Contracts /Agreements (ABCs/ABAs).

Tenancy conditions relating to antisocial behaviour

Much legal action is based on the terms of the tenancy agreement, and they are an important part of any strategy to deal with antisocial behaviour.

The Housing (Scotland) Act 2001 introduced Scottish Secure Tenancies for local authority and registered social landlords. The associated Model Scottish Secure Tenancy Agreement (Scottish Executive, 2002) contains a section entitled 'Respect for Others', much of which is relevant to antisocial behaviour and is summarised in the fact sheet below.

Fact sheet: Model Scottish Secure Tenancy – Respect for Others

Possible tenancy agreement clauses designed to ensure respect for neighbours include:

1. You, those living with you, and your visitors, must not harass or act in an antisocial manner to, or pursue a course of antisocial conduct against, any person in the neighbourhood. Such people include residents, visitors, our employees, agents and contractors and those in your house.
2. 'Antisocial' means causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech. A course of conduct must involve conduct on at least two occasions.



3. In particular, you, those living with you and your visitors must not:
 - (a) Make excessive noise. This includes, but is not limited to, the use of televisions, hi-fi's, radios and musical instruments and DIY tools.
 - (b) Fail to control your pets properly or allow them to foul or cause damage to other people's property.
 - (c) Allow visitors to your house to be noisy or disruptive.
 - (d) Use your house, or allow it to be used, for illegal or immoral purposes.
 - (e) Vandalise or damage our property or any part of the common parts or neighbourhood.
 - (f) Leave rubbish in unauthorised places.
 - (g) Allow your children to cause nuisance or annoyance to other people by failing to exercise reasonable control over them.
 - (h) Harass or assault any person in the house, or neighbourhood, for whatever reason. This includes that person's race, colour or ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief, or other status.
 - (i) Use or carry offensive weapons.
 - (j) Use or sell unlawful drugs or sell alcohol.
4. In addition, you, those living with you and your visitors must not do the following in an antisocial way: run a business from your house; park any vehicle, caravan or trailer; carry out work to any type of vehicle, caravan or trailer; use alcohol.
5. You, those living with you, and your visitors, must not bring into the house or store in the house any type of firearm or firearm ammunition unless you have a permit.
6. You will be in breach of this Agreement if you, those living with you or your visitors do anything which is prohibited in this part of the Agreement.
7. If you have a complaint about nuisance, annoyance or harassment being caused by a neighbour (or anyone living with him/her or his/her visitors), you may report it to us. We will investigate your complaint within [x] days. If, after investigation, there are good grounds in our opinion for your complaint, we will take reasonable steps to try to prevent the behaviour happening again. These steps may include mediation or legal action. A copy of our written policy about dealing with these kinds of complaints is available from us.

The Model Scottish Secure Tenancy Agreement also includes other provisions potentially relevant to antisocial behaviour, including general conditions relating to pets, prohibition on using the property for illegal and immoral purposes, care and maintenance of common areas, and parking.

If you are seeking to review your tenancy terms it may be useful to consider whether the model agreement covers all the eventualities you might foresee, or whether you wish to develop or amend terms in relation to specific issues such as the protection of staff, noise, pets, cars, etc.

Clauses in tenancy agreements dealing with antisocial behaviour should be clear and detailed, both in order to make it clear to tenants the expectations of the landlord and to be most useful in court proceedings when a breach of the tenancy agreement is being relied upon.



Key questions

- Has your tenancy agreement been reviewed since the introduction of the Antisocial Behaviour etc. (Scotland) Act of 2004?
- Is there a need for clauses additional to, or different from, those in the model agreement?
- What action is taken to make tenants aware of the tenancy terms?
- Are tenants aware of what action will be taken if tenancy terms are breached?

Responding to complaints

Whether a complaint is received in person, by phone or letter, it is important that prompt action is taken to investigate the case and respond to the complainant. Research has shown that many victims of antisocial behaviour are reluctant to complain, because it is not clear who they should complain to, or because they feel the complaint will not be taken seriously (Hunter, Nixon and Parr, 2004). Housing staff should keep an open mind throughout investigations, because alleged perpetrators may in fact be victims of antisocial behaviour, or have a disability or medical condition that affects their behaviour. Moreover, procedures should verify the validity and reasonableness of complaints. Having a clear policy – that is followed – can protect landlords from accusations of discrimination or improper conduct from alleged perpetrators. Where clear guidelines are in place, staff will know, for example, in what circumstances alleged perpetrators should be interviewed.

There is a wide range of possible responses to complaints of antisocial behaviour that are reasonably-based, including:

- Advice and assistance to the complainant (e.g. self-help options).
- Interview with the alleged perpetrator (telephone or face to face), possibly resulting in a verbal or written warning.
- Acceptable Behaviour Contract or Agreement (ABCs or ABAs).
- Referral to, or provision of, mediation service.
- Referral to multi-agency group or panel.

- Referral to police.
- Referral to Youth Justice Service.
- Parenting agreement or contract.
- Referral to drug or alcohol support service.
- Transfer of complainant or perpetrator to another property.

Procedures and guidance

There are a wide range of policies, procedures and guidance documents that can be used to ensure effective early intervention and good communication. These should clarify timescales and who is responsible for what. Flowcharts are useful. Some of the likely topics are listed below.

- Warnings: including timescales for ASBO warnings and tenancy warnings; and, for local authorities, means to ensure equity between tenures.
- The relationship between warnings and other measures such as ABCs, mediation, and referral to a solicitor or the police and/or other partners for legal action.
- Conversion of a secure tenancy to a short secure tenancy.
- Means of communication with the parties, leaving messages, telephoning, hand/postal delivery of letters, visits.
- Risk assessment.
- Monitoring of the situation and periodic review of actions taken
- Best practice in interviewing techniques and taking statements, and methods of corroboration.

Standard documents

Preparation of standard documents can ensure consistency and save time. These can include:

- Pro forma witness statement including personal details and details of where and when the statement was taken, and other information such as willingness to engage in mediation or to act as witness in court.
- Incident diary including copies in community languages.
- Standard letters for those affected by antisocial behaviour. They can be used for example, to:
 - invite complainants and alleged perpetrators for interview;
 - inform neighbours that an investigation is taking place;
 - arrange a house inspection;
 - warn alleged perpetrators at each stage – initial complaint, intention to repossess, intention to apply for ASBO, following conviction;
 - notify parents of perpetrators if applicable;
 - notify neighbours of ASBOs granted;
 - warn private landlords of alleged perpetrators;
 - ask for feedback on quality of service.

- Standard letters for agency partners. These might include, for example:
 - referral forms for other agencies to use when referring to investigation team;
 - information request from investigation team to police under section 139 of the 2004 Act about specific persons and incidents;
 - request to Sheriff Clerk to obtain extract of conviction and details of original complaint for offences that have taken place in landlord's property;
 - request to Reporter as to their involvement with particular alleged perpetrator; and letter advising Reporter of concerns regarding a child;
 - invitations to multi-agency meetings.



Activity

Consider the following questions in order to assess the capacity of your organisation to respond to antisocial behaviour complaints:

- How clear are your procedures on how complaints about antisocial behaviour should be made?
- Are housing officers given specific target times for responding to complaints?
- What guidance is given to housing officers to help them identify the most appropriate response to complaints? (e.g. referrals to other support agencies?)
- What is your organisation's policy on making referrals or in obtaining information from others?
- What training or guidance is provided to front line officers on undertaking investigations and collecting evidence, including taking witness statements, in antisocial behaviour cases?
- What time allowance or support is offered to housing staff engaged in difficult antisocial behaviour cases which require ongoing investigations or witness support?
- Could specialist officers or units undertake investigative work more effectively?

Mediation

Mediation is increasingly recognised as being a cost effective method of dealing with disputes between neighbours which, if left unresolved, may develop into more intransigent antisocial behaviour problems. Mediation can be used for minor disagreements and for serious, complex and long-running disputes. Mediation aims to find solutions that are acceptable to everyone and will last into the future. Although all parties have to take part in mediation for it to work, after the initial referral it is part of the mediator's job to get people to agree to take part, and a face to face meeting may not be necessary.

Mediation can be provided by the landlord's own staff or by independent providers. The advantages of in-house mediation are that it can be arranged to fit more closely with the landlord's procedures and timetable, there is more direct control over the costs and quality of the service, and the existence of the service may have additional benefits for other parts of the organisation's work. The advantages of referral to an independent service are that the parties may prefer an independent service, and it allows access to more specialised staff. Many landlords will prefer to combine accessing specialised organisations when required with ensuring their staff have an appropriate level of mediation skills.

Sources of mediation training include SACRO's Community Mediation Consultancy and Training Service. Information can be accessed online at: www.sacro.org.uk The fact sheets below provide example of guidelines from a community mediation service on how social landlords can refer cases, and on when it is better not to suggest mediation.

Fact sheet: Community mediation guidelines for landlords

Before making a referral, landlords should ensure the following procedure has been followed.

Party A contacts you with a complaint about Party B:

Discuss mediation with Party A. At this stage they do not have to agree to meet their neighbour but must be willing for their neighbour to be contacted and to discuss the possibility of using mediation with the mediation service.

If Party B is one of your tenants:

Gain the permission of Party A for Party B to be told who has made the complaint. Mediation requires both parties to communicate about the dispute.

Inform Party B of the complaint and gain their permission to pass their contact details to the mediation service. At this stage they do not have to agree to mediation but must be willing to be contacted by the Mediation Service to discuss how they would like to resolve the dispute.



If Party B is not one of your tenants:

Gain the permission of Party A for Party B to be told who has made the complaint.
Mediation requires both parties to communicate about the dispute.

Ask Party A for any contact details they have for their neighbour. It is not necessary for you to contact Party B. The mediation service will contact them and discuss the dispute.

Source: Edinburgh Community Mediation Service.

Fact sheet: Guidelines on when not to suggest mediation

Mediation is not appropriate if:

- One party chooses not to take part.
- Criminal charges have been made or civil actions raised in relation to the dispute or the dispute involves illegal activities – although mediation may be considered following completion of court proceedings.
- There is a high level of violence between those involved in a dispute.
- Participants are unable to take part in the mediation process, make and keep agreements or understand the other parties because of alcohol or drug abuse, mental health problems or learning disability.
- The dispute is primarily motivated by racial, sectarian or sexual prejudice.
- Resolution of the dispute requires a legal judgment regarding an important point of law, e.g. tenants' rights, employment law. etc.

Source: Edinburgh Community Mediation Service.



Activity

- Do you have a clear policy on the use of mediation services prior to taking legal action?
- What mediation resources are available to you?

Using witness report forms and incident diaries

Witness report forms and incident diaries are methods of collecting detailed evidence about individual incidents of antisocial behaviour. Asking tenants and residents to keep witness report forms or incident diaries can be very useful ways of compiling evidence. However, they may in some cases also inflame the situation, since, when completing diaries, people tend to be more observant and aware of a nuisance. For example they may listen more carefully to all noises coming from their neighbour. In minor nuisance cases it is worth considering mediation referral before resorting to incident diaries.

In order for landlords to be able to use written evidence in legal proceedings the information must be comprehensive and clearly written. To ensure the right type of information is collected it can be helpful if witnesses are provided with pre-printed incident sheets to fill in. Each incident should be recorded on a separate sheet and each witness should fill in his or her own incident diary. Ideally the incident sheets should contain the following information:

- When the incident happened – time and date.
- Where it happened – exact location.
- Who did it or who was involved.
- What happened.
- Any other witnesses.
- Whether the incident has been reported and to whom.
- How the incident affected the witness.
- The signature of the witness.

In cases involving witnesses who may have difficulty in using written diary sheets it may be useful to consider oral diaries, by providing tape recorders. For those for whom English is not a first language it may be helpful to offer interpretation or materials in other languages. An example of one incident diary is shown opposite.

Obtaining and preparing evidence

Hearsay, including written and oral statements, can be admitted as evidence in civil cases (Civil Evidence (Scotland) Act 1988). In appropriate circumstances, this enables a sworn statement (affidavit) or a recorded oral statement to be used instead of the witness having to come to court and give evidence. This may be more suitable where the parties agree that the witness is not controversial and will not need to be cross-examined.

Incident diaries can be used as evidence for court proceedings. Alternatively, a witness can give a statement. Witness statements should do the following:

- Be dated and signed by the maker with a statement that they believe it to be true.
- Tell the story in sequence.

Tackling Anti-Social Behaviour

INCIDENT DIARY

This form is for information about **one** incident only. If there is a second incident on the same day or night, start a new form.

When did the incident happen?

Date of incident (if overnight write both dates – eg 12/13th March 1997)

Time of incident (cross out am or pm)

day 7th/8th month January year 1997

start 11.30 ~~am~~/pm finish 1.00 ~~am~~/pm

Where did it happen?

Put the address where the incident happened – **not** your own address, unless it's the same

house/flat number 25 road Chipstead Walk outside/inside? outside

Who did it, or who was involved?

Put the name and address of the person or people responsible. If you don't know them write "don't know"

Mark Glover, 25 Chipstead Walk

What happened?

Write down exactly what **you** saw and heard. If someone else saw or heard other things they must fill in their own diary or use a tear-off Witness Report sheet from the back of this diary. Put all words in full, including swear words.

I heard banging and shouting outside. I looked out of my kitchen window and saw Mark Glover, who lives at number 25 banging and kicking at his front door. He was shouting to the person inside to open the door. Then at one point he shouted very loudly "open the door or you're fucking dead". A woman inside kept screaming "go away you bastard". He picked up a brick and threw it at the ^{hall} window. The window smashed and he tried to get in. Kevin ^{my son} called the police who arrived and took him Mark Glover away.

continue on the other side of the form if you need to

Any witnesses?

Did anyone else see or hear the incident. Put their name(s) and address(es). Have they filled in their own diary sheet? Yes ☒ No ☐

Mrs Mason from 10 Chipstead Walk and my son Kevin Smith (23 Chipstead)

Have you reported it?

Have you told organisations like the police, the local housing team, social services. If so write down who you spoke to and where and when you made the report. (If you have reported it to the police, put officer's number and crime number if there is one).

My son phoned the police. PC Jones (number 6758) from Woodley police station came. He wrote it all down.

How has it affected you?

Write down the way the incident has made you feel. Include its affect on people who live with you. For instance has it stopped you sleeping, frightened your children and so on. Are you more affected because of age or ill health?

The incident is typical of Mr Glover's behaviour. There have been things like this every weekend for the last 7 or 8 weeks. (see previous diaries). My children who are 6 and 8 are woken up regularly. They are getting very unsettled. I am on sleeping tablets because of the noise and upset.

Your signature

"I believe that the information I have given above is a true description of what I saw and/or heard":

signed Mary Smith

date 8th January 97

- Make statements that support what is to be proved.
- Avoid subjective/prejudicial statements.
- Detail the effect of the behaviour on their daily lives.
- Avoid putting words into the witness's mouth.
- Include all relevant factors and exclude what others said, heard or saw.
- Err on the side of inclusion: if in doubt about admissibility of evidence include it – it will be much harder to add to the witness statement once proceedings have begun.
- Identify any documents referred to and appended.
- Use numbered paragraphs.

Examples of incident recording

Not like this.....

"I had just been to the tea wagon for a bacon butty, Bert was in there and we were chatting about last night's game. I had to dash so I left and got on my bike outside. All the drivers were mad and buses were everywhere ducking and diving. Then as if by magic a mini van appeared going like a bat out of hell."

But like this....

"On Tuesday 17th September 1998, at approximately 8:30 a.m. I was riding my bicycle along Smith Street in the direction of the town centre. The traffic seemed heavy and chaotic, and one vehicle, a green mini van, registration number A123BC passed me at speed, which caused me to rock on my bicycle. I did not know the speed at which the vehicle was travelling but it appeared to me that he had passed me very quickly."

Source: From the Social Landlords Crime and Nuisance Group Fact Sheet 2: Taking and making witness statements.



Key questions

- Does your organisation have a clear policy on the use of witness/incident diaries?
- Have staff had clear training on helping tenants/residents how to use them?

In some circumstances, it is impossible for tenants and residents to be witnesses and it may be necessary to employ professional witnesses. Some outside agencies offer professional witnessing services, but a number of organisations have started using their own staff and other partnership contacts as volunteers.

- If you are unable to obtain enough eye witness evidence.
- When residents are unable or unwilling to provide evidence or attend court.
- Where specialist video or sound recording evidence is required.
- To obtain an independent assessment of conflicting reports.
- When incidents occur outside of normal working hours.

CCTV and surveillance

The Regulation of Investigatory Powers (Scotland) Act 2000 regulates the use of covert, intrusive and directed surveillance by the police, local authorities and other public bodies. This includes, for example, gathering information relating to a person's private or family life or surveillance of anything taking place on any residential premises or in a private vehicle. Such surveillance may be permitted for the purpose of preventing or detecting crime or of preventing disorder. In the antisocial behaviour context it is most likely to be applied by specialist antisocial behaviour investigation teams. You are advised to develop a policy and guidelines on surveillance. Further guidance is found on www.antisocialbehavioursotland.com



Activity

Consider the following questions and identify the types of cases in which you might use professional witnesses:

- Do you have a policy on the use of professional witnesses?
- Have you considered setting up an in-house scheme?
- Are housing officers provided with guidance on when to use professional witnesses?
- Is there a budget for their use?

Supporting and protecting victims and witnesses

One of the biggest problems landlords experience in tackling antisocial behaviour is persuading people to act as witnesses. As a result of both witness intimidation and tenants' fear of giving evidence, many people are reluctant to attend court hearings. Good practice in evidence collection methods includes both practical measures to support tenants and psychological support to promote confidence amongst individuals and the community as a whole. Although victim support services have mainly been used for criminal cases, local arrangements may be in place, or may be negotiated, with the agency Victim Support Scotland to provide services for witnesses in civil proceedings (www.victimsupportscotland.co.uk). The fact sheet below summarises measures you may wish to consider in supporting victims of antisocial behaviour.

Fact sheet: Witness support measures

- Large-scale door knocking to make contact with all those potentially affected by the antisocial behaviour and arranging to meet groups of neighbours can result in more evidence and provides individuals with group support.
- Use of 'neighbourhood letters' to encourage other witnesses to come forward.
- Maintaining close contact with neighbours and witnesses by use of regular visits in order to build up trust and support. Some landlords provide witnesses with a personal contact officer available on call 24 hours a day.
- Be realistic about the process and the possible outcomes in order to enable witnesses to assess the situation realistically.
- Complainant confidentiality has been found to be very important in building tenants' confidence to act as witnesses. Ensure that wherever possible individual complainant details are not revealed to the perpetrators.
- Arrange for the organisation's solicitor or legal officer to visit individual witnesses or groups of witnesses, in their homes, to explain the court process and provide continuing support.
- Ensure that partner agencies, such as police and social services are aware of the situation; they can also provide support.
- Arrange for witnesses to be taken on accompanied visits to the court prior to the hearing.
- Offer witnesses temporary alternative accommodation during the lead up to a trial.
- Some landlords also offer alternative permanent accommodation to witnesses but this can result in potential witnesses withdrawing their evidence once rehoused.
- Provide mobile phones, property and personal alarms and extra physical security measures such as fire safe letterboxes.
- Maintain contact after the court hearing and where appropriate refer to other sources of support, e.g. Victim Support or local counselling services.

Legal protection of witnesses

There are legal measures that can be taken to protect witnesses. For example, interdicts may be used, as discussed in **Core Task 7**. The Protection from Harassment Act 1997 may also be used where there has been harassment of particular witnesses. According to the Act, 'harassment' is when a person causes another 'alarm or distress'. Harassment can be intentional or in circumstances where 'it would appear to a reasonable person' that their conduct would amount to harassment. The conduct must take place on at least two occasions. The victim may bring civil proceedings. The court can grant an interdict, interim interdict, or a non-harassment order, and/or can award damages. If the non-harassment order is breached then the harasser can be prosecuted and fined and/or jailed. Landlords may wish to consider supporting such applications where particular witnesses are being targeted by perpetrators.

Vulnerable witnesses

From November 2007, the Vulnerable Witnesses (Scotland) Act 2004 applied in civil cases in respect of child witnesses and adult vulnerable witnesses. A person over 16 is a vulnerable witness if there is a significant risk that the quality of evidence to be given will be diminished by reason of mental disorder (as defined in the Mental Health Act 2003), or fear or distress in connection with giving evidence in the proceedings. This could be, for example, because of past behaviour towards the witness on the part of any party to the proceedings or their family members or associates.

This guidance on the use of special measures for children and vulnerable adult witnesses could apply to ASBO or related applications in the Sheriff Court. The special measures are:

- a live television link from another part of the Court building;
- a screen (to conceal the parties to the proceedings from the sight of the vulnerable witness);
- use of a supporter;
- and/or taking evidence by a commissioner.

Guidance on the specific special measures is found in Scottish Executive (2006) *Special Measures for Vulnerable Adult and Child Witnesses: a guidance pack*.

A supporter, by their presence in the courtroom, can assist the witness to give their evidence by staying with the witness before and after the taking of evidence; sitting with the witness in court; and advising the court of how the witness is coping and of any particular needs. The use of a supporter may be helpful if the witness, for example: suffers from mental health problems; has special learning or behavioural needs; has a physical illness or disability; or is likely to be significantly distressed by being in the presence of the alleged perpetrator. A supporter could be a relative, friend, social worker or someone from an organisation such as Victim Support.

Evidence can also be taken by a commissioner appointed by the court. The proceedings are video recorded and the recording later received in evidence at the subsequent court hearing. Taking evidence by a commissioner may be helpful in the following circumstances: where there is a risk that the witness's evidence may be affected due to the passage of time depending on their age, physical or mental ill-health or disability; or where a case is likely to be adjourned and there is a risk that the delay will cause intolerable levels of distress, fear or trauma. The legislation does not set out a single procedure for using this special measure and there are a number of ways in which evidence can be taken by a commissioner and recorded. For example, the witness could be linked to the courtroom via a live television link from another room in the building. (This special measure is different from existing provisions in civil proceedings known as 'evidence on commission' when a witness is resident beyond the court's jurisdiction; or is unable to attend court due to age, infirmity or sickness.)



Activity

- In what circumstances do you offer rehousing to witnesses?
- What support measures are available to witnesses?
- What training on witness support measures is provided to front line staff?
- What measures do you have in place to continue support to witnesses when legal action has been completed?

Acceptable Behaviour Contracts/Agreements

An ABC/ABA is a written agreement between a person who has been involved in antisocial behaviour and one or more agencies whose role it is to prevent further antisocial behaviour, i.e. a housing association, local authority, police force, school etc. ABCs/ABAs are generally used for young people but can also be used for adults.

The contract/agreement is agreed and signed at a meeting with the individual and the lead agencies. If the person is under 16, you should always secure the agreement and signature of their parent/guardian. Where the person is under 16, their parents/guardians should also attend the meeting where the ABC/ABA is signed. A signature from a significant adult can also be useful in the case of a young person over 16.

The contract/agreement should list incidents of antisocial behaviour in which the person has been involved in and which they agree not to continue doing. Where possible the individual person should take part in drawing up the terms of the contract/agreement. Any other support should also be put in place for them with other agencies.

If legal action in the form of an antisocial behaviour order or possession order is going to be considered in the event that the contract/agreement is breached, this should be stated in the contract/agreement. These consequences need to be explained during the meeting at which the contract is signed.

Some organisations prefer to use the term 'agreement' rather than 'contract' because a ABC/ABA is not a legally binding contract. However, it can be referred to in court for an application for a possession order or in support of an antisocial behaviour order. The contract/agreement normally lasts for a period of six months, although it can be longer.

Constructive activities can be offered to young people as part of an ABC to encourage and reward alternatives to antisocial behaviour. Guidance is provided in *'Sticks and Carrots': Guidance on Acceptable Behaviour Contracts* (Scottish Executive, 2005). On the next page is an example of a possible ABC/ABA.

Example: Acceptable Behaviour Contract/Agreement

Acceptable Behaviour Contract

This contract/agreement is made on *(date)*

Between *(name and address of lead agency/agencies)*, i.e. Oaktree Housing Association.

And *(name of individual person causing ASB)*.

(Name of individual) agrees the following in respect of future conduct:

1. I will not threaten, swear or abuse any residents or passers-by in and around *(name specific area)*.
2. I will not throw missiles including stones at residents or passers by in and around *(specific area)*.
3. I will not intimidate any person.
4. Any other terms that are relevant.

Furthermore, *(name of individual)* enters into a contract/commitment with the *(name of lead agency/agencies)* not to act in an antisocial manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household.

Breach

If *(individual)* does anything which he/she has agreed not to do under this contract which the *(agency/agencies)* considers amount to antisocial behaviour an application may be made for an Antisocial Behaviour Order/an eviction order.

Declaration

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

Signed _____ (individual) Dated _____

Signed _____ (parent) Dated _____

Witnessed

Signed _____ (Police) Dated _____

Signed _____ (Housing manager) Dated _____

Source: 'Sticks and Carrots': Guidance on Acceptable Behaviour Contracts, Scottish Executive, 2005.

Use of ABCs

Social landlords are increasingly active in using Acceptable Behaviour Contracts as a response to antisocial behaviour. The numbers of ABCs negotiated is rising and in 2005/06 involved a considerably larger number of cases than those subject to ASBO action. Almost three-quarters of ABCs were reported as being honoured by subjects for at least 12 months. ABCs are targeted on young people to a greater extent than ASBOs. There is little connection between cases subject to ABCs and subject to ASBOs. Of the 255 cases where ASBOs were granted to local authorities in 2005/06, in only 14 instances did they report having previously or concurrently negotiated an ABC. Similarly, in only 22 instances had ASBO cases previously or concurrently involved mediation (DTZ Consulting and Research and Heriot-Watt University, 2006, *Use of Antisocial Behaviour Orders in Scotland: Report of the 2005/06 Survey*).

Restorative ABCs

As an alternative to traditional 'punishment', restorative justice offers a range of approaches that involve and give respect to both those harmed and those responsible for the harm. In short, restorative justice encourages those responsible for causing harm to understand, accept and carry out their obligation to repair the harm and make amends. It provides opportunities for dialogue, direct or indirect, between those affected. It gives those who have been harmed an opportunity to participate in a process that meets their needs. Restorative Antisocial Behaviour Contracts are one of a range of restorative justice processes used in Scotland. Other measures include conferences, shuttle dialogue, restorative police warnings, and victim awareness. Training providers include the Scottish Restorative Justice Consultancy and Training Service. For details see www.sacro.org.uk



Activity

- Consider the example above of an ABC.
- Would it help your organisation to deal with some problems?
- Are there ways in which you would want to adapt it?
- What potential is there for using restorative justice processes to deal with issues faced by your organisation?

Sources and further information

Bullock, K. and Jones, B. (2004) *Acceptable Behaviour Contracts addressing antisocial behaviour in the London Borough of Islington*. London: Home Office. Available via: www.homeoffice.gov.uk

Hunter, C., Nixon, J. and Parr, S. (2004) *What works for victims and witnesses of antisocial behaviour*. Available via: www.respect.gov.uk

Scottish Executive (2003) *Not Reinventing the Wheel... A Directory of Current Practice in Tackling Anti-Social Behaviour by Scottish Local Authorities*. Edinburgh: Scottish Executive.

Scottish Executive (2007) *Vulnerable Witnesses (Scotland) Act 2004 Civil Proceedings*. Edinburgh: Scottish Executive.

Websites

Victim Support Scotland: www.victimsupportsco.demon.co.uk

SACRO: www.sacro.org.uk

SACRO Community Mediation Consultancy and Training Service provides training and information on community mediation for housing officers and others nationwide.
Email: info@cmconsultancy.sacro.org.uk

Core Task 7: Taking effective legal action

Earlier core tasks have set out how to define and measure antisocial behaviour and offered a range of preventive and early intervention measures designed to tackle the first signs of antisocial behaviour and prevent escalation of problems. However, in circumstances where all other measures have failed to stop antisocial behaviour, a housing provider can take legal action through the courts.

Introduction

Effective legal action needs to be grounded in a thorough knowledge and understanding of the legal powers available and how best to use them. This core task provides guidance and information on approaches to legal action and the range of possible enforcement measures available, including:

- Factors to consider before taking legal action.
- Equal opportunities considerations.
- Notices of seeking possession and eviction.
- Scottish Short Secure Tenancies.
- Interdicts.
- Antisocial behaviour orders (ASBOs).

This core task gives an introduction to the relevant legal tools and procedures. Inevitably, the nature of this material is both specialist and technical. In practice, many of the activities in this section will involve working in conjunction with lawyers. However, the content is relevant for training and awareness purposes.

Factors to consider before taking legal action

Overriding principles in considering legal action include:

- Is the proposed action in proportion to the scale of the antisocial behaviour?
- Is the order requested likely to be granted?

It is also important to be clear as to what attempts at resolution have already been made:

- Have all the appropriate self-help measures such as mediation been explored?
- Have other available/appropriate measures been used to resolve the antisocial behaviour?
- Have all potential partners been contacted and kept informed of the case? If not, why not?

- Have all partners acted appropriately? If not, legal action may be delayed and the appropriate remedial action will need to be put into place.
- Have all support measures been put in place for the perpetrator to help them stop their antisocial behaviour?
- Has the perpetrator been given sufficient warning of your intentions?

Consideration must also be given to the protection of residents:

- Have all support measures sufficient to protect residents and potential witnesses been put into place?

Although not legally binding in Scotland, the following case from England illustrates the importance of ensuring that all other remedies have been tried.

Case example: Moat Housing Group (South) Ltd v Harris and Hartless [2005] EWCA Civ 287

In this case, the Court of Appeal criticised the housing association for failing to attempt to deal with the situation other than by rushing to court and stated:

“The Housing Corporation’s guidance takes on a special importance where the behaviour of a tenant’s children is at the root of much of the trouble on an estate. For a child, to become part of an ‘intentionally homeless’ family, with the bleak prospect of being allotted sub-standard accommodation with his/her parents or being taken into care, is such a serious prospect that every RSL should be alert to intervene creatively at a far earlier stage than occurred in the present case, in order to do everything possible to avert recourse to eviction. ECHR jurisprudence, indeed, makes it clear that the right to respect for a home has inherent in it the principle that procedural fairness will be observed before the home is taken away..., so that an RSL should be slow to short-circuit its normal procedures in nuisance cases by proceeding straight to a notice seeking possession (‘NSP’) or an eviction without prior notice.”

While some social landlords have embraced using all types of legal action, others tend to use possession action because they are most familiar with this process. If staff are to be encouraged to use the full range of legal action it is important that they are confident in their knowledge (see **Core Task 5** on specialist training), but also have clear guidance as to the factors to take into account in deciding the best action to take.

Using alternatives to eviction which stop the behaviour complained of prevents homelessness and the problem of displacement of the perpetrators to another area (or indeed the same area but a different tenure) where the behaviour may simply continue.

Factors to be taken into account when deciding what legal action is appropriate include:

- The speed with which you want to act – some actions, e.g. interim interdicts, can be taken more quickly than others.

- The nature of the antisocial behaviour – for some very serious types of behaviour only eviction will be appropriate, but more often perpetrators (and their families) can be kept in their homes by tenancy conversion, interdicts or ASBOs.
- The cause of the antisocial behaviour – can legal action short of eviction be combined, where necessary, with support and assistance to help to address the causes of the antisocial behaviour?
- The age and nature of the perpetrators – where the perpetrators are children or non-tenants, action directed at them rather than tenants may be more appropriate.
- The group dynamics of perpetrators – does the close location of certain perpetrators provide a catalyst for the behaviour which could be removed if they no longer lived in close proximity?

Equal opportunities considerations

Anyone implementing the Antisocial Behaviour etc. (Scotland) Act 2004 is required to ensure the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions (section 140).

Special considerations apply when the tenant's behaviour is caused by a disability, including a mental health problem. In such circumstances the Disability Discrimination Act 1995 will come into play. Section 22(3) of this Act makes it unlawful for a person managing any premises:

“to discriminate against a disabled person occupying those premises
(a) in the way he permits the disabled person to make use of any benefits or facilities;
(b) by refusing or deliberately omitting to permit the disabled person to make use of any benefits or facilities; or
(c) by evicting the disabled person, or subjecting him to any other detriment.”

In order to comply with the requirements of the 1995 Act landlords should:

- Prior to seeking possession consider whether the tenant is suffering from a disability which is causing the behaviour complained of.
- If they conclude that the tenant is suffering from a disability, consider whether it is necessary to serve a notice of seeking possession and/or to bring possession proceedings in order that the health of an identified person or persons is not put at risk.
- Provide objective justification for that opinion.

The following examples illustrate the importance of appropriate consideration of equal opportunities issues prior to embarking on legal action to tackle antisocial behaviour.

Case law examples: Equal opportunities and legal action

In the English case *Romano and Samari v. Manchester City Council* [2004] EWCA Civ 834; [2004] H.L.R. 47 the Court of Appeal confirmed that to evict a tenant whose behaviour was caused by a disability was potentially discriminatory. Discriminatory treatment may, however, be justified if the treatment is necessary in order not to endanger the health or safety of any person (which may include that of the disabled person) (1995 Act, section 24(3)). Health is to be given a wide interpretation: a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity. The test in section 24(3) may be satisfied where, e.g. a neighbour is deprived of sleep so that their work is affected or is caused depression by the behaviour.

Manchester City Council took possession proceedings against two of their tenants, Ms Romano and Ms Samari. In the case of Ms Romano the primary allegation was of noise nuisance, caused by DIY activities at antisocial hours and by her teenage sons. In Ms Samari's case the allegations were of harassment, including threats of violence. The council obtained a warrant for possession, which Ms Romano sought to have suspended, raising issues of disability caused by depressive illness. The judge rejected her application, after hearing that the behaviour had caused regular sleep loss to neighbours. At the possession hearing for Ms Samari, the judge accepted the evidence that she was suffering from a personality disorder. Her chaotic lifestyle, interacting with her personality disorder, produced violent behaviour, depression and anxiety. He also concluded that Ms Samari's behaviour had led to depression in one of the neighbours. He made an order for possession. The Court of Appeal *rejected* appeals by both tenants and *upheld* the orders. The evidence of the effect of the tenants' behaviour on their neighbours was sufficient to justify the evictions under the Disability Discrimination Act 1995.

If eviction action has not been taken to protect the health or safety of others, however, the outcome may be different.

In *North Devon Homes Limited v. Brazier* [2003] HLR 59, QBD, Ms Brazier was subject to a decree for eviction for antisocial behaviour. She suffered from a psychotic illness and her hostile and abusive behaviour was a symptom of her illness. It was not disputed that she was disabled for the purpose of the Disability Discrimination Act 1995 (DDA). In the first instance the court held that it was not constrained by the DDA in making an order for eviction. Ms Brazier successfully appealed to the High Court. Mr Justice Steel held that it was inappropriate for the court to have granted decree for possession. Where the DDA applied it would be inappropriate for the court to evict a disabled person for reasons relating to that person's disability unless it could be reasonably justified under section 24 of the DDA. In the present case the landlord had not raised proceedings to protect the health and safety of neighbours.

Source: Summarised from Govan Law Centre at: www.govanlc.com



Activity

- Do your procedures provide guidance to housing staff on how to decide what form of legal action is appropriate?
- What training is provided on the equalities and anti-discrimination requirements in relation to antisocial behaviour?
- How does your organisation ensure that the requirements of the Disability Discrimination Act are complied with?
- If legal remedies for antisocial behaviour are to be considered, what are the advantages and disadvantages of using a possession order or an antisocial behaviour order?

Notice of seeking possession and eviction

Most tenancies granted by Scottish local authorities and registered social landlords are Scottish secure tenancies. The law on seeking possession of a secure tenancy is contained in the Housing (Scotland) Act 2001, primarily section 14. This states that the landlord must serve a notice on the tenant and any qualifying occupier. The notice must specify the *ground* on which proceedings are to be raised, and a *date*, not earlier than 4 weeks from the date of service of the notice, after which the landlord may raise proceedings for recovery of possession. A notice ceases to be in force 6 months after this specified date.

A '*qualifying occupier*' means a person who occupies the house as their only or principal home and who is a member of the tenant's family aged at least 16 years or a *lodger*, *subtenant* or similar (if the arrangement has the landlord's consent). The landlord must make inquiries, so far as is reasonably practicable, as to the identities of any qualifying occupiers as qualifying occupiers have rights in possession proceedings.

Grounds for recovery of possession

The first seven grounds for repossession in Schedule 2 of the Housing (Scotland) Act 2001 are known as 'conduct' grounds. This is because the landlord's reason for seeking an

order for recovery of possession is associated with the conduct of the tenant or someone living with her/him:

Ground 1: Rent arrears or any other breach of the tenancy agreement.

Ground 2: Using the house for illegal or immoral purposes or other criminal offences.

Ground 3: Deterioration of the property or common parts.

Ground 4: Deterioration of furniture.

Ground 5: The tenant is absent from the property.

Ground 6: The tenant made a false statement to obtain the tenancy.

Ground 7: Antisocial behaviour or conduct amounting to harassment.

The most common grounds used in cases of antisocial behaviour are grounds 1 and 7. Grounds 2, 3 and 4 will also be relevant in certain cases. There are two points that need to be borne in mind about recovery of possession on any of these grounds:

- In addition to establishing the ground, the landlord must also satisfy the sheriff that it is reasonable to grant the order for possession.
- In making a decision on reasonableness, the court is explicitly required to consider the conduct of the tenant or someone living with her/him.

Ground 7 (antisocial behaviour or conduct amounting to harassment) provides that:

“The tenant (or any one of joint tenants), a person residing or lodging in the house with, or any subtenant of, the tenant, or a person visiting the house has

(a) acted in an antisocial manner in relation to a person residing in, visiting or otherwise engaged in lawful activity in the locality, or

(b) pursued a course of conduct amounting to harassment of such a person, or a course of conduct which is otherwise antisocial conduct in relation to such a person,

and it is not reasonable in all the circumstances that the landlord should be required to make other accommodation available to the tenant.

The following definitions apply:

- ‘antisocial’, in relation to an action or course of conduct, means causing or likely to cause alarm, distress, nuisance or annoyance
- ‘conduct’ includes speech, and a course of conduct must involve conduct on at least two occasions
- ‘harassment’ is to be construed in accordance with section 8 of the Protection from Harassment Act 1997.”

Accordingly, under Ground 7, if a landlord can establish that the tenant, or someone living with or visiting her/him, has indulged in behaviour that is antisocial to anyone in the local area, or has harassed someone in the local area, this ground can be used as the basis to recover possession. The landlord must also demonstrate that it is not reasonable to rehouse the tenant elsewhere. The behaviour or harassment does not have to have occurred within the property itself for this ground to be used. The test of reasonableness may be important where it is not the tenant her/himself who is responsible for the alleged behaviour.

Case law: Possession Ground 7

When the court considers whether or not it is reasonable to require the landlord to provide alternative accommodation the seriousness of the antisocial behaviour will be very important. This is illustrated in the case of *City of Edinburgh Council v HT (2003) HOUS LR 74*.

The sheriff was satisfied that it was reasonable to evict a tenant and his family because of antisocial conduct. The court found that the nature and effect of antisocial conduct was so serious that it was not reasonable to require the Council to provide alternative accommodation. In particular, the tenancy agreement had been breached by the tenant paving over garden ground and running an ice cream business from the property. Moreover, the tenant and his son had been responsible for alarming and serious antisocial behaviour in the local community. The sheriff was satisfied that the '*element of culpability in the instant case was in a high and clear degree*'. Although the son had recently been diagnosed as suffering from attention deficit disorder and was taking medication, the court found that antisocial conduct had continued, and ultimately that the tenant had not taken reasonable steps to set boundaries for his son's behaviour.

A similar conclusion was reached in *Cadder Housing Association v McVeigh (2005) Hous LR 85*, despite the disability of the tenant's son.

Cadder Housing Association brought an action for recovery of possession against the tenant, Mr McVeigh. The association claimed that Mr McVeigh had breached a condition of his tenancy agreement, under the Housing (Scotland) Act 2001 Sch. 2 Ground 1, and that there had been antisocial conduct towards persons residing in the locality by persons residing with him and persons visiting his house, under Schedule 2 of Ground 7 of the Act. The association had warned Mr McVeigh and his family about their conduct and had held meetings with them to try to resolve the problems. Mr McVeigh's son, who resided with him, suffered from severe learning difficulties and behavioural difficulties. The association argued that it was not reasonable for them to be required to offer Mr McVeigh alternative accommodation, under Sch. 2 Ground 7, since they were a small housing association with limited stock, and in any case any alternative accommodation would still be close to where his next door neighbours lived. Mr McVeigh argued that his disabled son was a qualifying occupier and was entitled to the service of provision of accommodation, therefore the Disability Discrimination Act 1995 applied. He submitted that the association had failed to make reasonable adjustments to their eviction policy and practice in terms of the 1995 Act, section 21. Granting decree, the court decided that the evidence demonstrated that the persons residing with the tenant or visiting his house had engaged in antisocial conduct of a persistent and at times serious nature in relation to others in the locality. There had also been a breach by Mr McVeigh of his tenancy agreement. Furthermore, it was not reasonable to require the association to provide him with alternative accommodation because the problems of antisocial conduct would be likely to continue. The antisocial conduct had been very serious, so much so that some of it constituted criminal conduct. Mr McVeigh had been aware of the conduct and did not act to prevent or stop it.



Where a tenant takes reasonable steps to modify his or her behaviour the courts have – on occasion – been willing to give another chance. For example, in *Glasgow City Council v. Cavanagh* (1999 Hous LR 7) a tenant convicted of possession of cannabis resin with the intent to supply from his tenancy was found to have reformed and modified his behaviour, and the landlord was not granted recovery of possession.

In cases of serious drug dealing the courts are less likely to refuse possession, as in the case of *Glasgow Housing Association Ltd. v Gourlay* (2006) Hous LR 52. Glasgow Housing Association applied for an order to recover possession from the tenant, Mr Gourlay, on the ground of his antisocial behaviour, including using the premises for the supply of drugs. The tenant's wife argued that it was unreasonable to evict her and their two sons, on the basis that she had not known of the tenant's involvement in drugs. The sheriff granted the application, deciding that it was reasonable to evict the tenant's wife, on the basis that she did know of his drug dealing and did nothing to disassociate herself from him.

Scottish Short Secure Tenancies

The Housing (Scotland) Act 2001 introduced Scottish Short Secure Tenancies (SSSTs) as a less secure form of occupation than the Scottish Secure Tenancy (SST). There are two main circumstances in which SSSTs can be used in relation to antisocial behaviour as explained in Scottish Executive (2002) *Guidance on the Scottish secure and short Scottish secure tenancy provisions of the Housing (Scotland) Act 2001*.

Scottish Short Secure Tenancies on new lettings

Instead of granting a secure tenancy in the first instance, a landlord may in certain circumstances grant an SSST (Housing (Scotland) Act 2001, section 34). The circumstances where an SSST may be granted are set out in Schedule 6 to the 2001 Act, including where, *in the previous 3 years* either an ASBO or an order for recovery of possession on the grounds of antisocial behaviour was granted against the prospective tenant. This would apply where possession was granted under either Ground 2 or 7 of Schedule 2 (see above) or under other relevant grounds in the rest of the UK if the tenant previously lived outside Scotland. **Core Task 3** considered this use of an SSST as part of preventive measures to deal with antisocial behaviour.

Before granting an SSST on a new letting the landlord must serve notice on the tenant in the prescribed form, setting out the basis on which the tenancy is being granted (Housing (Scotland) Act 2001, section 34).

Conversion of an existing SST to an SSST

In certain circumstances an existing tenancy may be converted to an SSST where the tenant or a person residing with them is subject to an ASBO (Housing (Scotland) Act

2001, section 34). This is a power, not a duty, and is intended as a means of preventing eviction. Public sector landlords are required to provide support and the tenancy will automatically convert back to a full Scottish Secure Tenancy after 12 months if the behaviour has improved.

This means that all social landlords will require to have information about ASBOs served on their tenants or on members of their tenant's household. Local authorities should provide information to other social landlords about ASBOs granted.

Where the behaviour that brought about the ASBO is completely unrelated to tenancy, landlords should not exercise their power to convert the tenancy to a SSST (for example, if the antisocial behaviour took place in retail premises or a public park).

Where a tenancy is being converted to a SSST as a result of an ASBO, a notice under 2001 Act, section 35(3) should be issued. Although there is no statutory form of notice to convert a tenancy under section 35, certain things must be in a section 35 notice:

- the intention to convert from an SST to an SSST;
- the property to which this applies;
- the grounds for conversion, i.e. an ASBO;
- the dates when the SSST commences and terminates;
- the right to appeal.

It may be appropriate when issuing a section 35 notice to include a letter explaining that the tenancy is being converted, what rights the tenant now has under the SSST and what rights they no longer have (i.e. the right to buy), as well as outlining what supports will be provided as part of being on an SSST to try and sustain this tenancy. When converting a tenancy to an SSST the landlord does not require the tenant's signature to convert the tenancy. The tenancy is converted automatically by service of the Section 35 notice, and there is no need for the tenant to agree to this. A tenancy cannot be converted to an SSST when an interim ASBO is in place, only a full ASBO (see further below on interim and full ASBOs).

The tenant has a right of recourse to the court where he or she is aggrieved by a landlord converting a secure tenancy to an SSST (Housing (Scotland) Act 2001, section 35(5)). Where the court finds in favour of the tenant, it can effectively reinstate the secure tenancy.

Support for Short Secure Tenants

Where a tenancy is a Short Scottish Secure Tenancy (either converted under section 35 or new) the landlord must provide, or ensure the provision of, such housing support services as it considers appropriate with a view to enabling the subsequent conversion of the tenancy to a Scottish Secure Tenancy (section 34 (7)).

Right to buy or to succeed to a tenancy

A tenant signed up to an SSST does not have the same right to leave their tenancy to someone else as they would under an SST, nor to buy their property (section 34(6)). Where a tenant's SST is converted to an SSST and later reinstated on a SST, they do not lose their 'right to buy history' for qualifying and discount purposes as long as they held the tenancy for a continuous time (even if this involved periods on an SSST). Any application to purchase submitted after service of the Notice should be suspended until all proceedings related to possession have been completed. An application for purchase can only be suspended if it is submitted after the Notice of Proceedings has been served.

Evicting a Short Secure Tenant

If the antisocial behaviour continues, an SSST can be brought to an end at any stage during the tenancy, using a Notice of Proceedings for Possession, under the 2001 Act, section 36. The format of the Notice is provided by The Short Scottish Secure Tenancies (Proceedings for Possession) Regulations 2002.

The court must make an order for recovery of possession if the tenancy has reached the *ish* (termination date), *tacit relocation* (automatic continuation) is not operating, no further contractual tenancy is in existence, and the landlord has served a valid notice. A notice must state that the landlord requires possession of the house and specify a date (not earlier than two months from the date of service of the notice) on or after which the landlord may raise proceedings for recovery of possession. Full details on what constitutes a valid notice, are contained in section 36 of the Housing (Scotland) Act 2001.

Fact sheet: Research on use of evictions and Short Scottish Secure Tenancies

Unlike ASBOs and ABCs there has been no sign of a rising trend in social landlords' use of evictions in response to antisocial behaviour in Scotland.

Local authorities and RSLs responding to a survey reported having issued 544 ASB-triggered notices for recovering possession of social rented dwellings in 2005/06. While this was a substantial reduction on the comparable figure for 2004/05 (900), the change results substantially from the much reduced activity of Glasgow Housing Association. Having served 250 ASB-triggered notices in 2004/05, GHA issued only 32 such notices in 2005/06. Actual 2005/06 evictions totalled 69 (43 involving local authorities and 26 involving RSLs). This total was similar to that for previous years.

Just two organisations (East Ayrshire Council and Glasgow Housing Association) accounted for 23 ASB-triggered evictions in 2005/06, a third of the national total. In only 12 of Scotland's 29 landlord local authorities were any tenants evicted for ASB in 2005/06.



Analysis of data for previous years established that there was only a weak relationship between the incidence of social landlord evictions and ASBO applications, although ASBOs and eviction proceedings did sometimes run in tandem. The survey results showed that in 11 of the 69 social landlord ASB-triggered evictions in 2005/06 breach of ASBO conditions was a factor leading to this outcome.

Only 14 local authorities (the same as in 2004/05) used the power to convert tenants to SSST status in 2005/06. The frequency of such actions remained very small: 43 SSST conversions across the whole of Scotland. Similarly, nine authorities had established 26 new tenancies on SSST terms in 2005/06. 16 tenancies established on SSST terms due to ASB were terminated by LAs during the year (10 of these in Dundee and Fife).

Source: DTZ Consulting and Research and Heriot Watt University (2006). An updated report was also produced in 2007.



Key questions

- What are your organisation's policies on using possession and conversion to an SSST?
- What are your organisation's policies on the use of new SSSTs?
- In what circumstances is conversion to an SSST sought rather than possession?
- What provision for support have you in place for tenants on SSSTs?
- What information is collected on the number of notices of seeking possession served and possession or conversion actions commenced on grounds of antisocial behaviour, and the outcomes of such actions? How is the information used?

Interdict

An interdict is a civil court order that tells a person not to do something or to stay away from specific people or places. If a person doesn't abide by an interdict, the police might be able to arrest them if the interdict gives them the power to do so. Interdicts differ from ASBOs because:

- they can cover lots of different behaviour, not just antisocial behaviour;
- the behaviour only needs to have an impact on one person;
- a resident doesn't need to ask the council to apply for an interdict – they can do it via a solicitor.

Local authorities can also apply for interdicts if their property or persons are directly affected. Interim interdicts can be granted very quickly. However, evidence and examples of the use of interdicts with respect to antisocial behaviour in Scotland appears to be very limited.

Antisocial Behaviour Orders (ASBOs)

ASBOs are civil court orders that exist to protect the public from '*behaviour that causes or is likely to cause alarm or distress.*' An ASBO prohibits, either indefinitely or for a specified period, a person from doing anything described in the order. ASBOs were introduced for adults in 1999 by the Crime and Disorder Act 1998 and for 12-15 year olds in by the Antisocial Behaviour etc. (Scotland) Act 2004, which governs all subsequent applications.

Only relevant authorities may apply for an ASBO. These are local authorities and registered social landlords (2004 Act, section 18). Under section 4(13) of the 2004 Act, a local authority can apply for an ASBO to protect any person within the area of the authority. A registered social landlord can apply for an ASBO to protect a person in or near premises provided or managed by that landlord. It includes anyone in or in the vicinity of the property, not only tenants. Further guidance on obtaining ASBOs under the 2004 Act was provided in *Guidance on Antisocial Behaviour Orders* (Scottish Executive, 2004).

ASBO policies

Statutory guidance recommends that each authority and registered social landlord develop a policy on ASBOs, as part of the local antisocial behaviour strategy. The ASBO policy should be developed in consultation with the police, relevant departments of the local authority, the Children's Reporter and other relevant bodies. It should explain the circumstances in which an ASBO would be appropriate against the background of other possible remedies and criminal proceedings, voluntary interventions and the Children's Hearings system. The policy should include information on how requests for applications will be handled between local authorities and registered social landlords.

ASBOs are not intended to address behaviour that is merely different, or behaviour that is the result of a medical or developmental condition or a mental disorder and should not be used to promote the harassment of individuals or groups for behaviour that results from being of a different race or religion, for example.

Consultation

The 2004 Act (section 4(11)) requires consultation before an ASBO application is made. This is to help ensure that the views of key agencies are taken into account and should help facilitate effective exchange of information so that the most appropriate action is taken to deal with antisocial behaviour. The views of consultees will be made available to the court to inform consideration of whether to grant an ASBO. Local authorities are *required* to consult the Chief Constable and other Chief Constables and local authorities if relevant. Authorities are also *encouraged* to consult other agencies and bodies involved in preventing and dealing with antisocial behaviour.

Registered social landlords are *required* to consult the Chief Constable and notify the local authority about the proposed application. While the legal requirement is to notify the local authority, it is good practice to consult as there may be relevant information from the local authority about the case and their view on handling should be considered.

Where the person against whom an order is sought is aged 12-15 years, local authorities and registered social landlords are *additionally required* to consult the Principal Reporter. Where a person is aged 16 or 17, it is recommended that applicants consult the Principal Reporter as the young person may still be under a supervision requirement.

ASBOs for 12-15 year olds

The official guidance on ASBOs states that before deciding whether to apply for an ASBO a local authority or RSL should look at previous interventions with the young person and the impact these interventions have had. If they think an ASBO might be appropriate they should consider the views of other agencies that have been involved with the young person. A case conference approach would be one way of achieving this. Children's Reporters have a key role to play in this process. Records of referrals on welfare or offending grounds from the Scottish Children's Reporter Administration should inform multi-agency consideration of whether alternative measures are more appropriate.

Central to the discussions would be sharing of information (see **Core Task 4**), looking at the effect of past and existing interventions on the young person and considering what type of intervention might prove effective in future. It might, for example, be considered appropriate to refer back to a hearing to review a supervision requirement.

When an ASBO application for someone aged under 16 is made, the sheriff will consider the views of the Reporter before deciding whether to grant an interim ASBO. The sheriff must also seek advice from a Children's Hearing before establishing whether a full ASBO should be granted. When granting an ASBO against someone aged under 16, sheriffs have the power to refer the young person to a Children's Hearing for consideration of what wider help and support the person needs to help them change their behaviour.

Interim ASBOs

Interim ASBOs are available to provide more immediate protection from antisocial behaviour. An interim order can be made at an initial court hearing held in advance of a full hearing and can impose the same prohibitions and the same penalties for breach as a full ASBO. In order to obtain an interim ASBO, a *prima facie* case that there has been antisocial behaviour must be shown, and the sheriff must decide that the order is 'necessary' (2004 Act, section 7). The interim order will not normally specify how long the conditions should apply for and will last until the application for the full order has been to court. The same consultation requirements apply to interim ASBOs, as to full ASBOs.

Case law examples: Interim ASBOs

Two cases involving Glasgow Housing Association considered whether it was appropriate to make an interim order.

Glasgow Housing Association applied for an interim ASBO alleging that the tenant, Mr O'Donnell, had been guilty of antisocial conduct towards a neighbouring couple. The conduct complained of was mainly concerned with car parking and the positioning of dustbins. The court refused the application, stating that the tests to be applied were:

First – the behaviour complained of must be such as to amount to antisocial conduct if proved.

Second – it has to be established that an order is necessary.

In this case, as Mr O'Donnell gave a contrasting account of events, on the material before the court, it was not necessary to grant an order. (This case concerned the 1998 Act). *Glasgow Housing Association Ltd. v O'Donnell* (2004) *Hous LR* 78 2004 G.W.D. 29-604.

In *Glasgow Housing Association Ltd v Sharkey* 2005 S.L.T. (Sh Ct) 59 2004 *Hous LR* 130, Sheriff Principal Bowen considered the criteria that were required to be satisfied before an interim ASBO could be granted, and decided that the 'necessity' of an order was a matter of fact to be decided in each case, which was an exercise of judgment. The nature of the allegations, the likely delay to a proof, and the defender's position were all factors to be considered.

This latter position was confirmed in *Aberdeen City Council v Fergus* (2006) GWD 36-727 2006 *Hous LR* 90. The appellant argued that because a breach of the ASBO could lead to criminal sanctions, the sheriff should have applied the test of 'beyond reasonable doubt'. Refusing the appeal, Sheriff Principal Young confirmed that the sheriff had followed the correct approach. He had been satisfied that the conditions in section 7(2) were met (the person was *prima facie* engaged in antisocial behaviour), and secondly, he had exercised his judgment correctly to understand the facts, consider all relevant matters, ignore irrelevant matters, correctly apply the law and come to a decision which was reasonable. This second stage involved an exercise of judgment, not a standard of proof.

Applying for an ASBO

The 2004 Act guidance states that where a local authority or RSL considers that an application for an ASBO is appropriate it should:

- Involve its own solicitors or legal department at the earliest possible stage.
- Collect the evidence, bearing in mind the importance of obtaining statements from as many witnesses as possible at an early stage. Hearsay evidence is admissible. The applicant has to show that the behaviour caused or was *likely to cause* alarm or distress and so can arrange for the behaviour to be witnessed and evidence provided by, for example, its own staff or the police.
- Indicate in writing the possibility of an application to the person against whom the order would be sought, offer a meeting to discuss the matter and advise them to seek legal advice from a solicitor or citizens' advice bureau. The person may agree to modify the behaviour so that an order is no longer necessary.
- Decide what the terms of the order sought should be to prevent further antisocial behaviour. The terms must be only those necessary to prevent further antisocial behaviour. They can be prohibitory only and cannot require the person to take any particular action or to undergo supervision or training. They should be specific, and in terms that are easily understood so that it will be readily apparent to the person and to the local community what constitutes a breach. Unless the circumstances are exceptional, the terms should not be such as to prevent the person from practising his or her religion or attending work or school/further education.
- Decide what duration of order to seek, up to and including an indefinite period of time, and its geographical scope. The conditions of the order can extend beyond the local authority boundaries.
- Consider whether further measures of support would be appropriate. This information should be put in the application so that the sheriff can consider this. The application should include information on the action taken by the local authority, any other relevant landlord and any complainer to resolve the problem, and/or an explanation as to why other steps are inappropriate in the particular case.
- Throughout, keep the complainer, the police and anyone else affected by the antisocial behaviour informed.

Burden of proof

In England the key cases of *Clingham v. Kensington & Chelsea RLBC* and *McCann v. Manchester Crown Court* held that although the proceedings for an ASBO were civil in nature (and accordingly hearsay evidence was allowed), the burden of proof to be applied in deciding whether there had been antisocial behaviour by the defender

was a criminal one, i.e. it had to be proved beyond reasonable doubt. There is to date no Scottish equivalent to the case law in England about the burden of proof appropriate in ASBO cases; however, the McCann case was considered in the *Aberdeen City Council v. Fergus* case discussed above.

Copies and records of orders

When an interim or full ASBO is granted, copies of the order must be given to both the offender and the local authority or registered social landlord (2004 Act, section 8).

Where the order is granted to a registered social landlord, they must provide a copy to the relevant local authority (2004 Act, section 14). Local authorities must maintain a record of these orders (section 15). Local authorities, any police force, any registered social landlord and the Principal Reporter have a right to request the information held on the record of ASBOs (section 15).

The statutory guidance suggests that the landlord should review the situation at least every 6 months, to assess the effect the order is having. This might involve discussing with those affected whether the situation has improved.

Where a landlord is aware that an individual plans to move or has moved to a different area, it should, as part of its established procedures for the exchange of information, inform the 'receiving' authority that an ASBO was granted against the individual.

Informing the victims and publicity

Once an ASBO is made, the authority which applied for the order should inform the complainer and anyone else likely to be affected of the terms and duration of the order. Breach of an order is a criminal offence which should be reported in the normal way to the police.

The terms of the order are not confidential, although the sheriff can decide that the order should remain confidential. There is no specific provision in the 2004 Act about sharing information with those who may be affected by an order, or with the wider public. Decisions on what is appropriate should be made on a case by case basis. Human rights law requires that any interference with the privacy and family life of the person subject to the order must be necessary for the prevention of crime or for the protection of the rights and freedoms of others.

In England, some local authorities and police forces have been keen to publicise ASBOs and have included photographs of the defendants in publicity material. In the *Stanley* case, the High Court considered whether such publication breached defendants' right to privacy under the European Convention on Human Rights, and concluded that such publication was justified. Although this case is not legally binding in Scotland, it gives an indication of how human rights law may be interpreted.

Case law example: publicising ASBOs

The three young men involved were members of a gang which was responsible for serious antisocial behaviour on a housing estate in the authority's area. The behaviour, which started in August 2000, included throwing stones and rubbish and spitting from balconies, causing damage to windows, doors and motor vehicles, starting fires, defacing walls with graffiti, shouting and screaming, playing loud music, obstructing, abusing and threatening residents and taking drugs.

In September 2003, the authority, in conjunction with the Metropolitan Police, successfully applied for ASBOs against a number of members of the gang, including the three claimants, who were then aged 15, 16 and 18. The orders excluded them from a defined area and prohibited them from – amongst other conduct – using abusive, offensive and threatening language, threatening or being violent to other persons, dropping litter and spitting in a public place, shouting or causing a nuisance and associating in public with each other and other named individuals. The granting of the ASBOs received wide publicity in the local and national press.

The police and the authority subsequently published and circulated to local residents a leaflet which identified (by name, age and photograph) the gang members who were subject to the ASBOs, summarising what they had done and the restrictions to which they were subject. Similar details were published in a newsletter, which was distributed throughout the authority's area and posted on their website.

The three young men sought judicial review of the decision to publish the leaflet and the newsletter, contending that the police and the authority had failed to consider their rights to privacy under Article 8 of the European Convention on Human Rights and whether the publicity was necessary and proportionate.

The claim was dismissed. Art.8 was engaged where the identity of individuals subject to ASBOs was publicised. Where the purpose of publicity material is to inform the public about an ASBO so as to assist in its enforcement and reassure the public that steps are being taken to combat antisocial behaviour, however, such material would not be effective unless it included some identifying information about the individuals involved. Publication of the Claimants' details was, accordingly, justified under Art.8(2), notwithstanding that the police and the authority had failed specifically to address the Art.8 issue.

R (Stanley, Marshall and Kelly) v. Metropolitan Police Commissioner, Brent LBC and The Secretary Of State For The Home Department [2004] EWHC 2229 (Admin)

ASBOs and Parenting Orders

If a child or young person is involved in persistent antisocial behaviour or criminal conduct, or action is needed to improve his or her welfare, a court may make a Parenting Order requiring a parent to comply with any requirements specified in the

order for up to twelve months. The parent must also attend counselling or guidance sessions as directed by the local authority responsible for supervising the order for up to three months within the period the order. The order is intended to oblige parents to take action to prevent further antisocial behaviour or offending by the child, or to improve their child's welfare. Where an ASBO is made on a child, the court may make a Parenting Order if it considers it desirable (2004 Act, section 13). Only a local authority or Children's Reporter can apply to the court for an order (Scottish Executive, 2005, *Guidance on Parenting Orders – Antisocial Behaviour etc. (Scotland) Act 2004*; and Scottish Government, 2007, *A Framework for Parenting Orders in Scotland*).

Appeals, revocations, variations

To take account of changing circumstances, orders may be varied or revoked on an application from the applicant authority or the person against whom the ASBO is made (2004 Act, section 5). The same procedures apply (including as to consultation) on such an application.

Either the applicant or the defender can appeal the sheriff's decision on a full or interim ASBO. The order remains in force pending the outcome of the appeal (2004 Act, section 6). It is, however, possible to apply for an order to be varied or revoked while an appeal is pending.

Breach of ASBO

Breach of an order is a criminal offence and the police have powers of arrest: 2004 Act, section 9, 11. The police should keep local authorities and registered social landlords informed of breaches of orders in cases relevant to them.

When an ASBO granted against an under 16 (or someone aged 16 or 17 and subject to a supervision requirement) is breached, the police must report jointly to the Procurator Fiscal and Children's Reporter (2004 Act, section 12, amending Children (Scotland) Act 1995). If a case is referred to court, possible sanctions do not include imprisonment where no other offences are involved: 2004 Act, section 10.

ASBOs on conviction

In addition to free-standing ASBOs, on conviction for a criminal offence the court may impose an ASBO in addition to, or instead of, imposing a sentence (Criminal Procedure (Scotland) Act 1995, section 234A). ASBOs on conviction (CRASBOS) are not applied for by any authority, nor the Procurator Fiscal. They are a matter for the court, based on the information available to it. The court must be satisfied that:

- the person had committed an offence;
- they were over the age of 12 when it was committed;
- it was an offence involving antisocial behaviour; and
- it was necessary to grant the ASBO to protect persons from further antisocial behaviour.



Activity

- Who in your organisation would be responsible for managing applications for Antisocial Behaviour Orders?
- Do you have an agreed procedure for applying for ASBOs?
- What response have you had from other members of any partnership (e.g. police, local authority) to requests regarding ASBOs?
- If you are not happy with the current arrangements, what action could you take?

Case studies on ASBO applications can be found on: www.antisocialbehavioursotland.com

Fact sheet: Research on the use of ASBOs in Scotland

- Local authority and RSL ASBO applications submitted to the courts in 2005/06 totalled 344.
- Activity was largely concentrated in a small number of authorities with five (North Lanarkshire, Dundee, Edinburgh, Fife, North Ayrshire) accounting for more than half (52 per cent) of all ASBO applications nationally in 2005/6.
- 22 RSLs sought ASBOs from the courts in 2005/06, a slight increase on 2004/05. Just over half of all 'full ASBO' applications involve cases where interim ASBOs had already been awarded by the courts.
- Some 283 'civil ASBOs' were granted by the courts in 2005/06, an increase from 205 in 2004/05. A further 37 ASBOs were issued by the courts as a criminal sentencing measure, according to local authorities. Very few ASBO actions followed unsuccessful use of an 'early intervention' measure such as Acceptable Behaviour Agreement or mediation.



ASBO offences and perpetrators

- Some 80 per cent of incidents triggering local authority ASBO applications in 2005/06 involved incidents in or near the perpetrator's home, and the most common problem was excessive noise. A significant proportion of cases allegedly involved criminal activities.
- As in previous years, the vast majority (around four-fifths) of ASBOs granted in 2005/06 involved tenants of social housing (or members of their households).
- Two-thirds of 2005/06 ASBO 'perpetrators' were men.
- Across both genders, most of those subject to Orders were aged over 25. Only four ASBOs granted in 2005/06 involved young people aged 12-15 (two in Edinburgh, one in Dundee and one in Renfrewshire).

ASBO outcomes

- About 150 ASBOs were reportedly breached in 2005/06. This amounts to almost a third of ASBOs in force at the end of the year. Reported 'breach rates' calculated on this basis varied substantially from area to area. In just over a quarter of cases there was a reported improvement in behaviour.

Sources: DTZ Consulting and Research and Heriot Watt University (2006) *Use of Antisocial Behaviour Orders in Scotland: Report of the 2005/06 Survey* (based on a survey of 32 local authorities and 100 housing associations about their use of civil ASBOs).

Zuleeg, F., Boyle, J., Lees, F., Patterson, K., Pawson H. and Davidson E. (2007) *Use of Antisocial Behaviour Orders in Scotland*. Edinburgh: Scottish Government.

Sources of information

DTZ Consulting and Research and Heriot Watt University (2006) *Use of Antisocial Behaviour Orders in Scotland*. Edinburgh: Scottish Executive Social Research.

Scottish Executive (2002) *Guidance on the Scottish secure and short Scottish secure tenancy provisions of the Housing (Scotland) Act 2001*. Edinburgh: Scottish Executive.

Scottish Executive (2004) *Guidance on Antisocial Behaviour Orders*. Edinburgh: Scottish Executive.

Scottish Executive (2005) *Guidance on Parenting Orders – Antisocial Behaviour etc. (Scotland) Act 2004*; and Scottish Government, 2007, *A Framework for Parenting Orders in Scotland*. Edinburgh: Scottish Executive.

Zuleeg, F., Boyle, J., Lees, F., Patterson, K., Pawson H. and Davidson E. (2007) *Use of Antisocial Behaviour Orders in Scotland*. Edinburgh: Scottish Government.

Websites

Govan Law Centre at: **www.govanlc.com**

Scottish Government antisocial behaviour information site:
www.antisocialbehavioursotland.com

