

By: **Stuart Beaumont – Head of Emergency Planning and Community Safety**

To: **Kent Community Safety Partnership – 3rd July 2012**

Classification: **For information**

Subject: **PUTTING VICTIMS FIRST – MORE EFFECTIVE RESPONSES TO ANTI-SOCIAL BEHAVIOUR**

Summary:

This report provides a brief summary of the government White Paper 'Putting Victims First, More Effective Responses to Anti-Social Behaviour (ASB).' The report provides an update on the proposed changes to the powers and tool available to tackle anti-social behaviour.

1.0 BACKGROUND

The coalition government White Paper proposes a radical overhaul of the powers available to tackle anti-social behaviour. In 2003, the report, Respect and Responsibility was the catalyst for the government to provide local authorities and the police with a wider, more flexible range of powers to tackle nuisance crime and low-level criminality. The result was the introduction of the Anti-social behaviour Act 2003 which included a total of 19 powers. The new powers see current arrangements reduced to 6.

The proposed changes are considered to put a greater emphasis on the need of the victims. The government states that much of what has become classed as anti-social behaviour is in fact crime and should be treated as crime. The view is that the present 'one size fits all' model does not work as antisocial behaviour is a local issue, one that looks and feels different in every area, in every neighbourhood and to every victim. There are more than three million incidents of anti-social behaviour recorded by the police each year, with many more likely to go unreported. As recent tragic cases have shown, it is often the most vulnerable in our society who are at greatest risk. The various consultations on the paper highlighted that victims had three key requests: their problem to be taken seriously, to receive an efficient service and a quick response, and for the problem to stop.

The government are confident that these reforms are essential to achieve the needs of the victims.

1.1 Putting victims first:

Local agencies will be supported in putting the victim first in the following ways:

- a) Agencies to identify and support high risk victims, drawing specifically upon the experience of the call handling and case management trials. The trials with eight policing areas worked towards ensuring the police and their partners get it right the moment a call comes in and that they identify and manage high-risk victims effectively and take their problems seriously. Kent County Council are currently working with Kent Police to establish a partnership ASB case management system and countywide protocols, it is envisaged that this will be trialled in the late summer 2012.
- b) Giving frontline professionals more freedom, to use their discretion, using informal measures such as restorative or reparative approaches. The evidence suggests that these measures provide faster relief for victims.

- c) Improving our understanding of the experiences of victims, for example moving away from a measure based on perceptions to one based on people's actual experience. This will provide a more accurate picture of what is happening across the country, and a better understanding of the impact that anti-social behaviour has on victims' quality of life.

1.2 Empowering Communities

Communities will be supported in establishing what is and isn't acceptable locally and hold agencies to account, they will be more empowered to do that in the following ways:

The introduction of the Community Trigger will give victims and communities the right to require action to be taken where a persistent problem has not been addressed. Local authorities, police and health will have a duty to deal jointly with complaints raised by members of the community. Private registered providers of social housing would also have a duty to co-operate with this group. The trigger will be trialled in Manchester, West Lindsey and Brighton & Hove before national implementation.

Community Harm Statement (CHS) is a new tool to help social landlords highlight the impact of, and harm caused by ASB on a community. It will ensure that voices are heard in the court room and will inform agencies' decisions on what action to take.

1.3 Swift Effective Action

The revised powers are designed to ensure that professionals have what they need to deal with the persistent anti-social behaviour which causes serious harm to victims or their community. 19 current tools will be replaced with 6. Appendix 1 details the changes to existing powers.

1.4 Long term solutions

Anti-social behaviour (ASB) cannot be addressed long term by dealing reactively. ASB must be prevented from happening in the first place by tackling the risk factors that can drive it across society. The government plan to tackle the underlining risk factors through many measures, just a few are highlighted here:

Tackling problem drinking:

Many existing policies are in place to tackle this issue which are detailed within the national Alcohol Strategy. In addition, Baroness Newlove announced the creation of a new £1m Alcohol Fund to support local communities tackle the crime and anti social behaviour caused by binge and underage drinking. In Kent, Maidstone Borough Council was successful in their bid into the funding which will be spent over a two-year period.

Stopping illicit drug use.

The Government's Drug Strategy will deliver the £10 million Positive Futures programme, which will deliver prevention and diversionary activities that target and support vulnerable 10-19 year olds to stop them from becoming drawn into ASB, crime and substance misuse.

Addressing the problems caused by troubled families

The Government's Social Justice Strategy sets out the importance of the family as the first and most important building block in a child's life. However, the Government recognises that even with an increased focus on early intervention there will be some families whose lives are blighted by crime, worklessness, substance dependency, low aspirations and educational failure. A new Troubled Families Team based within the Department for Communities and Local Government has been established. Their aim is to ensure that these families are supported into education and employment, that their crime and ASB are tackled. A total of £448 million will be made available from the existing budgets of six Departments to meet this commitment over the next three years. £420 million of this will fund

action and interventions in areas across England by local authorities and their partner agencies, and £28 million will be used to boost Department for Work and Pensions support for Troubled families.

Addressing mental health and other health needs

There are strong links between ASB or criminal behaviour and certain health needs. This is recognised in 'No Health Without Mental Health'. The key aims include improving the population's mental health and improving mental health services. The government is currently developing a liaison and diversion service for adults and young people at a number of sites around the country. These pathfinder sites are being used to build up evidence of the effect of these services on both health and reoffending outcomes, with the aim being to have services in place nationwide by November 2014

2.0 Future Considerations

Concerns have been expressed about abolishing the current powers before it is clear that the new ones provide effective replacements. Much still depends on the detailed drafting of the necessary legislation and importantly how it is interpreted in practice by the courts.

There is little guidance as to how the Community Trigger should be implemented. It will be left to district council level or above to decide and publish the thresholds, criteria, process (including a single point of contact) and reporting mechanism they intend for use locally. It would be beneficial if the mechanism that is decided was incorporated into the countywide ASB protocols for Kent to ensure consistency across the county.

There would be a role for the directly elected Police and Crime Commissioner to ensure democratic accountability. Responses to ASB will be locally driven, overseen by the elected Police and Crime Commissioners. Existing processes and channels of communications should be used where possible to minimise bureaucracy and would ensure that areas could join up across local authority boundaries if they wanted to.

Changes in funding streams highlight the concern that some Community Safety Partnerships may have reduced staff resources to effectively implement the proposed changes. Kent is a diverse county with some districts suffering more than others in terms of ASB, however this does not mean that resources would not be required in less problematic neighbourhoods.

The changes in the ASB toolkit should be seen as an extra opportunity for community safety partners across Kent to work closer together. The new powers will greatly affect our partners in Housing Associations and may have a greater impact upon the Troubled Families Agenda than first anticipated. Consistency and communication between partners is fundamental in ensuring that the residents and victims of ASB in Kent are not subject to a postcode lottery response, but a high level service where the needs of the victim are at the forefront of decision making processes.

3.0 Recommendations

That the changes highlighted in the "White Paper" Putting Victims First – More Effective Responses to Anti-Social Behaviour are noted.

Appendix 1

Existing powers	New powers
PEOPLE	
Anti-Social Behaviour Order (ASBO) ASBO on conviction Drink Banning Order Drink Banning Order on conviction ASB Injunction Individual Support Order Intervention Order	Criminal Behaviour Order Crime Prevention Injunctions
PLACES	
Litter Clearing Notice Street Litter Clearing Notice Graffiti/defacement Removal Notice Designated Public Place Order Gating Order Dog Control Order Premises Closure Order Crack House Closure Order Noisy Premises Closure Order S161 Closure Order	Community Protection Notice Community Protection Order (public space) Community Protection Order (closure)
POLICE POWERS	
S30 Dispersal Order S27 Directions to leave	Directions Power