



Anti-Social Behaviour Protocol

“Challenging Neighbourhood Crime and Anti-Social Behaviour in Kirklees”

Making places safer through improved local working

2009 / 2010



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FOREWORD

A shared vision

This protocol has been designed to address the anti-social behaviour of Adults and Juveniles, as individuals, as members of groups of individuals and as members of families, from both an early intervention and legal perspective.

“We have high ambitions for every young person in the country, and through the reforms we have put in place are giving every young person the chance to be the best that they can be. However, a strong society requires that where individuals – including young people – overstep the boundaries of acceptable behaviour they are made to face up their responsibilities. Tackling the causes of bad behaviour helps to ensure lasting change. That is why we want to see young people who get into trouble made to take the help they need to mend their ways.”

Gordon Brown, Prime Minister – January 2008

“The comments of the Prime Minister are fully supported and endorsed by all services working within and supporting the Kirklees Safer Communities Partnership. To that end the government and the council are investing in improved facilities for young people across the borough.

We also need to see that anti-social behaviour is tackled not tolerated whilst at all times the best response to crime and anti-social behaviour will be to prevent it occurring in the first place.

Antisocial behaviour and crime are clear priorities for local communities and often the best responses are when communities come together to identify problems and agree their own solutions.

It is only by putting in place systems that allow a range of local services to work together to identify individuals at risk, assess their needs and respond effectively that we can tackle issues like substance misuse, teenage pregnancy, crime and individuals not in employment, education or training.

Taking part in positive activities like sport and the arts helps young people develop the skills that will help them manage the transition to adult life and every young person deserves the best chance to develop their potential, whatever their background. Everyone has the potential to change and we do these young people, their families and communities no favours if we allow them to choose to ignore help.

Finally we will continue to invest in and support Parents and Family Intervention Projects which help to tackle the behaviour of some of the most troubled families and individuals and shows how more young people can make a positive contribution to our society.”

Cllr Khizar Iqbal, Chair RESPECT Steering Group and Kirklees Safer Communities Partnership – April 2008

Kirklees Safer Communities Partnership Anti-Social Behaviour Protocol

“Challenging Neighbourhood Crime and Anti-Social Behaviour in Kirklees”

1. INTRODUCTION

1.1 SCOPE

The intention of this document is to establish/give general guidance to the process that should be adopted when matters arise out of anti-social behaviour that needs to be modified.

Section 17 of the Crime and Disorder Act 1998 (and reviewed in the Police and Criminal Justice Act 2006) place a statutory duty on local authorities, police authorities, health authorities, British Transport Police, Registered Social Landlords, Housing Action Trusts and fire and rescue authorities to consider the crime and disorder implications of all their activities and functions and do all that they reasonably can to reduce these problems.

Anti-social behaviour is defined as behaviour that causes, or is likely to cause, alarm, distress or harassment to one or more people not of the same household as the person causing the anti-social behaviour and is of a serious and/or persistent nature.

This process can be applied to any adult or child who displays anti-social behaviour within the Kirklees local authority area and to those living outside Kirklees whose behaviour affects the residents of Kirklees. This process has been designed to apply to all Housing Tenures (Council-owned tenancies managed by Kirklees Neighbourhood Housing, Housing Association tenants, Private Rented tenants and those who own their homes). It can also apply to residential and non-residential areas

This process can also apply where there are reports of persistent and serious anti-social behaviour in specific geographic areas involving:-

- Numbers of (identified and un-identified) unsupervised young people under the age of 16 where the use of Dispersal Powers might be considered
- Where there are gatherings of young people at serious risk of coming into harm where Operation Stay Safe could be considered
- Groups of any age who are causing, or likely to cause, anti-social behaviour.

This process should be adopted for any circumstances where it is judged that joint intervention would be most effective in modifying behaviour. The process

should be adopted for any circumstances where it is judged that the use of civil and criminal legal remedies may be appropriate.

The stages of the process are intended to be generic so that they can be used to consider the use of Anti-Social Behaviour, Child Safety, Parenting, Individual Support and Drugs Intervention Orders.

However, this process is also recommended when considering the use of orders or measures available through legislation such as the Crime and Disorder Act 1998, Housing Act 1985, Housing Act 1996, Police and Criminal Justice Act 2001, Police Reform Act 2002, Children Act 1989, Homelessness Act 2002, Environmental Protection Act 1990, Anti-Social Behaviour Act 2003, the Police and Criminal Justice Act 2006, Housing and Regeneration Act 2008, Criminal Justice and Immigration Act 2008, Family Law Reform Act 1987 and any other relevant legislation.

1.2 PRINCIPLES

This process is intended to complement existing criminal or civil measures, to ensure that a wide range of measures that aim to modify anti-social behaviour are considered. This process enables such a range of measures to be considered.

This process is intended to assist partners in working *together* to reduce incidents of anti-social behaviour; to help empower communities and to improve the general quality of life for residents of Kirklees. In working *together* partners should be looking to achieve the following outcomes:-

- Establishing clear standards of acceptable behaviour within the community, ensuring that these are upheld; that the community is protected and victim and witness needs are addressed.
- In the case of adults, children and young people, to address the risk factors that lead to anti-social behaviour and offer support in the interests of preventing further behaviours.
- To make the perpetrator aware of the impact and consequences of their behaviour, ensuring that they stop that behaviour and are helped towards a positive future.

Following a review of the measures, it may be appropriate to plan and apply for the use of an appropriate order or legal sanction.

The system can be used to "fast-track" cases where speedy intervention is required for persistent and serious matters. Persistent Young Offenders, Prolific and Other Priority Offenders, individuals subject to MAPPA, MARAC and IOM schemes could be appropriate examples.

Care needs to be taken to ensure that such actions are proportionate and consistent, and that the behaviour is sufficiently serious and/or intractable in response to earlier or current interventions where they have been appropriate.

Some Orders, relating to the Crime and Disorder Act 1998 may only be applied for by the Police or Local Authority, after having formally consulted with each other.

Prior to embarking upon any type of legal remedy, it will be necessary to consider how people in the local authority area (and, in some instances, adjoining local authority areas) will be protected from harassment, alarm or distress. It will also be necessary to ensure how and why such measures are necessary and proportionate to the scale and alleged intractability of the problem.

Whilst examining each case or situation, care should be taken that no individual, whether complainant or alleged causer, or group of individuals, is victimised or discriminated against on grounds of gender, race, colour, nationality, ethnic or national origin, disability, marital status, sexual orientation, social class, age, political activities or religious beliefs.

Where legal action is taken and the outcome / compliance are monitored by agencies, steps must be taken to ensure that information is shared according to the Kirklees Joint Protocol on Information Exchange.

1.3 INFORMATION SHARING

Section 115 of the Crime and Disorder Act 1998 empowers any person to disclose information, where necessary or expedient for the purposes of the Act, to a 'relevant authority', namely a chief officer of police, police force, local authority, probation service, health trust or fire service, or to a person acting on their behalf. Where the agency requesting the information clearly needs it for the purposes of reducing anti-social behaviour, the presumption should normally be that it will be supplied.

As a result of the findings of the Crime and Disorder Act review, the Police and Criminal Justice Act 2006 strengthens Section 115 of the Crime and Disorder Act further. For example, the power to disclose personal information has not changed but it places a duty on relevant authorities to share depersonalised data which is relevant for community safety purposes and already held in a depersonalised format.

1.3.1 Information sharing and Registered Social Landlords

A 'relevant authority' (as defined by section 115 of the Crime and Disorder Act 1998) may disclose information to a registered social landlord where the landlord is acting on behalf of the relevant authority for the purposes of the provisions of the Act. In order to be 'acting on behalf of' the relevant authority, the person or body so acting must have authority and must have consented to do so. Such authority may be given in writing or orally. Authority may also be implied from the conduct of the parties or from the nature of employment. Authority may be confined to a particular act or be general in its character. If authority is general, then it will that be confined to acts that the relevant authority itself has power to do.

1.3.2 Information sharing protocols

The Kirklees Joint Protocol on Information Exchange enables the sharing of information for crime and disorder reduction purposes. It is recognised that both formal and informal co-operation exists between agencies on a daily basis where relevant information is exchanged so as to ensure that local services are delivered to the community. This exchange consists largely of verbally communicated information.

The sharing of personalised information, particularly of a sensitive nature, in an anti-social behaviour setting (e.g. criminal convictions or child protection concerns) is to be confined to taking place amongst representatives of agencies that are signatories to the appropriate sections of the Information Exchange Protocol.

Agencies that are non-signatories to the sharing of personalised information but nonetheless have a role to play in a case, can be consulted prior to an Intervention meeting, and could attend a case management conference by signing the information exchange protocol for that individual case. They can also be involved in any planned joint intervention after the meeting and/or Conference.

This procedure will enable investigations and information sharing as a result of issues being raised by complainants.

Complainants should also be directed to the Kirklees Anti-Social Behaviour Unit (KASBU), who will provide advice on the procedure and advise people of the appropriate agency to contact.

It is essential that the names and identities of alleged perpetrators, and any subsequent information be discussed in a sensitive and confidential manner.

A copy of the Kirklees Information Exchange Protocol can be found at www.saferkirklees.co.uk

2. NEIGHBOURHOOD MANAGEMENT GROUPS

Neighbourhood Management Groups (NMG) have been established across Kirklees to support the National Policing Plan and National Community Safety Plan for 2006-2009 which stated that we must support neighbourhood policing, by further joining up with other public service providers at the neighbourhood level, and to take enforcement action against those responsible for anti-social behaviour and assaults on staff.

An example of this support is best demonstrated in Kirklees through the monthly Partnership "Focus Operations".

NMG'S currently address Neighbourhood Crime and Anti-Social Behaviour, Crime Reduction, Environmental issues, Community Tensions, Fire, Road and Resident satisfaction, in line with partnership priorities to develop Safer Stronger Communities.

3. THE ANTI-SOCIAL BEHAVIOUR PROTOCOL IN ACTION

3.1 ACCESS TO THE ANTI-SOCIAL BEHAVIOUR PROTOCOL

Typically, it will be agencies and Neighbourhood Management Groups that nominate individuals, groups of individuals and families and so activate the Protocol. Whilst complaints about anti-social behaviour within the district will be sometimes received by the Anti-Social Behaviour Unit directly from the public, the details will be forwarded on to those agencies that are best placed to assess and respond to the situation locally.

3.1.1 Initial Service/Agency Interventions

It is important that any agency receiving a complaint (e.g. Environmental Services, a school, a Social Housing provider, West Yorkshire Police) be given an opportunity to respond to and wherever possible resolve an issue, prior to it being referred into the protocol. At this stage, it is to these agencies that enquiries from the public will need to be directed.

It is vital that if early intervention is to have any chance of success, then services/agencies should refer cases to the Protocol at the earliest opportunity when initial actions taken by the service/agency have not progressed. (A 'Rule of Thumb' guide should be 28 days.)

3.1.2 Examples of service/agency interventions

Service/agency interventions could include:-

- Warning letters to individuals and their families from West Yorkshire Police stating that future incidents of anti-social behaviour would result in a referral being made to KASBU.
- Letter from a social housing provider to an owner occupier whose behaviour is causing concern to a tenant stating that continuation of such behaviour would result in a referral to KASBU.
- Letter from a school to a parent at the point of a fixed term exclusion for anti-social behaviour issues stating that a second exclusion may result in a referral to KASBU.
- Letter to an individual who has been witnessed causing a noise nuisance stating that further noise nuisance incidents would result in a referral to KASBU.

All referring services are to ensure that all referrals for young people under the age of 17 *includes* evidence that the parent/guardian is aware that the referral is being made, and also details of the individual parent/guardian.

This is the point at which the Protocol is activated.

3.2 EARLY INTERVENTION PROCESS

Where a particular case or situation involves individuals, groups of individuals and families and cannot be resolved locally, the details may be forwarded to the Kirklees Anti-Social Behaviour Unit.

A request for a referral to the Kirklees Anti-Social Behaviour Unit can be found at www.saferkirklees.co.uk

Once received, and referral criteria has been met, details of the individual referred will be distributed to all other partner agencies without unnecessary delay.

The Anti-Social Behaviour Unit, based in the Safer Stronger Communities Service of the Council will co-ordinate, facilitate and monitor the progress of cases through this procedure. The Anti-Social Behaviour Unit can be contacted by telephone on 01484 (860) 416764 (2764) for advice on any cases you may wish to discuss.

On receipt of a referral, the Anti-Social Behaviour Unit will liaise with the referring agency to establish the extent of, and the evidence base for, the alleged behaviour, as well as verifying the alleged perpetrator's personal details.

The referring agency must submit information in a format that can be easily circulated (i.e. via secure email, secure fax or disc (by post)) so that the referral can be distributed effectively and securely to other partner services/agencies.

In line with current developments around electronic record keeping, and the volume of cases that KASBU are currently being required to address, it is recommended that the transfer of all information should be via an electronic means through one of the 3 mediums identified above.

Consultation and quality information sharing prior to any decision is vital.

All services/agencies should reflect on the "safeguarding" lessons learned from the Victoria Climbié and "baby P" cases where much important information was known to several services, but a lack of coordination of that information and the resulting lack of accountability of action, resulted in a **2 young people losing their lives**.

3.2.1 Collation of Service/Agency Information

The Anti-Social Behaviour Unit will then liaise with other key agencies, and they with each other.

For Adult referrals it is essential that there be good communication with:-

- Adults and Community Support Services, Employment Services, Environmental Services, Health, Housing Organisations, Housing Services, Lifeline (Adult Treatment Team, Criminal Justice Team and Way

Ahead Service), Mental Health, National Probation Service, Victim Support and West Yorkshire Police

For Juvenile referrals it is essential that there be good communication with:-

- Child and Adolescent Mental Health Service, Children and Young People's Service, Connexions, Education, Environmental Services, Health, Housing Organisations, Lifeline (Juvenile Treatment Team, Criminal Justice Team, Drugsense, and Families Drugs Service), Victim Support, West Yorkshire Police and the Youth Offending Team.

Secure electronic communication (not meetings) is the recommended medium at this stage.

This exchange of appropriate personalised information has been agreed by the Anti-Social Behaviour (RESPECT) Steering Group to take place within 5 working days of receipt of the request for the information.

3.2.2 Assessments for Young People

All young people who are referred for an anti-social behaviour intervention are to receive an assessment during their engagement with the process and before any decision to proceed to legal action.

To this end the current assessment process will be:-

For all Young people known to Children and Young People's Service

- For known open cases, the minimum of an initial assessment will have taken place and then, subject to their status, further assessments may have taken place as appropriate
- For known closed cases, KASBU will take advice from an appropriate officer in regard to whether information is still relevant in regard to the reasons for the referral, and/or whether the information would suggest that the case be reopened, and a new initial assessment undertaken

For all Young people known to the Youth Offending Team

- An ASSET assessment will have taken place by the supervising officer, either as part of a pre sentence report, or during the Referral Order process.

For all Young people not known to either Children and Young People's Service or the Youth Offending Team

- KASBU will complete a Pre CAF Assessment with all young people aged 16 and below at the point of meeting with them and their parent/guardian at the delivery of the agreed ASB intervention
- a CAF (Common Assessment Framework) assessment will then be undertaken if necessary by the referring or most appropriate service

A copy of the Pre CAF and full CAF assessments can be found at www.saferkirklees.co.uk

Guidance for completing a CAF is available in the CAF handbook for practitioners.

3.2.3 Anti-Social Behaviour Intervention Meetings

The Kirklees Anti-Social Behaviour Unit will hold weekly Anti-Social Behaviour Intervention (ASBI) meetings.

Once all appropriate multi agency information has been received (5 working days) in regard to a referral, that case will be discussed at the next weekly meeting.

These meetings will address all juvenile referrals in the morning and all adult referrals in the afternoon and separate agendas with supporting information will be made available to all personnel attending these meetings.

Guidance for the ASBI Meeting process can be found at www.saferkirklees.co.uk

3.2.4 Delivery of Anti-Social Behaviour Interventions

Once a decision has been reached in regard to the appropriate intervention that is required for an individual case, the intervention will be delivered through one of the following mediums:

- At a weekly clinic at a police station in Kirklees within 5 - 7 working days
- In partnership with a statutory partner during that service's contact time with that particular individual, at the earliest opportunity and where possible, within 10 working days
- In partnership with a Housing provider when the intervention may also include housing sanctions which may affect the security of the tenancy at the earliest opportunity and where possible, within 10 working days
- In partnership with Children and Young People's Service when there are Children in Care/Looked after Children and Child Protection and/or Child in Need issues, at the earliest opportunity and where possible, within 10 working days

When nominated individuals fail to attend a clinic or a meeting with statutory partners then the following action will be taken:-

- For all Adults – the intervention that has been agreed will either be sent though the post or, if there is an imminent court case, or the individual is reporting for bail conditions, then the intervention will be served at that time.

- For all Juveniles – For all young people aged 16 or over the same process as for adults will be applied.
- For all young people under the age of 16 a second appointment letter will be hand delivered to the parent and the consequences of non compliance for them will be explained and, that actions will also be considered for the parent/guardian in regard to lack of parental guidance, and the responsibility in complying with statutory services.

3.2.5 Support Services

Home office guidance is very clear in regard to challenging anti-social behaviour through the delivery of appropriate enforcement actions in parallel with identified support services.

- Access to positive activities (Huddersfield Plus Point, PAYP, Sports Memberships, Licences and Courses)
- Alcohol and drugs support
- Anger management
- Arts (Drama) and creative industry (Music and Photography) opportunities
- Bereavement counselling
- Connexions
- Families Intervention
- Gym memberships
- Health supplements
- Jobcentre+
- Mediation
- NEET (not in education, employment and Training) Support
- Parenting Support
- Prison Visits
- Training companies
- Training courses
- Victim Support

3.3 EARLY INTERVENTION MEASURES

The purpose of the protocol is to share agency information in order to decide on the most appropriate entry point into the Early Intervention Process.

The sharing of quality service information within 5 working days greatly enhances the decision making process.

This process for deciding the most appropriate intervention is called the Anti-Social Behaviour Intervention (ASBI) Meeting.

This process currently includes the following established or developing interventions:

- Informal meeting + consequences + support services
- ASB Warning + consequences + support services

- Revisit / extension / new warning + consequences + support services
- Acceptable Behaviour Contract + consequences + support services
- Revisit / extension / new conditions / new contract + consequences + support services
- Parental Support Contract + consequences + support services
- Case Management Conferences
- Child Protection and Child in Need conferences
- Proceed to Core Group (Evidence gathering)
- Core Groups
- Anti-Social Behaviour Order
- Individual Support Order
- Parenting Order
- Injunctions (Housing Act Anti-Social Behaviour Injunctions and Local Government 222 Injunctions (subject to the current Birmingham City Council appeal)
- Referral to Families Intervention Project
- Refer to Parents Support Service
- Restorative Justice
 - Adults through Safer Stronger Communities
 - Juveniles on Orders with YOT
 - Juveniles not on Orders through Schools
 - Juveniles not on orders whose schools have no process in place through KASBU
- Surveillance (Overt and Covert)

Where the allegations are serious and/or persistent and it is deemed that early intervention is not appropriate, the recommendation may be for court action, and the case may be referred to a Core Group meeting with a Legal representative by the anti-social behaviour intervention meeting.

Guidance in regard to early intervention measures for tackling anti-social and offending behaviour by under-10s can be found at www.saferkirklees.co.uk

3.3.1 Contracts/Agreements

Cases, once discussed at the ASBI meeting, may be recommended for a Contract if it is considered to be appropriate, where a Warning has been breached, or the information provided from agencies is of a more serious and persistent nature than would warrant a Warning.

Breach of a warning or ABC is made on the “balance of probabilities” as assessed by the ASBI meeting, i.e. it is assessed that the breach is more likely to have happened than not, and that it is being measured against the criteria : caused, or was likely to have caused harassment, alarm or distress.

In these cases the decision will be that individuals and their families, where appropriate, require contracts to modify their behaviour and to help them engage with support services.

When the enforcement action is carried out every reasonable effort will be made to identify diversionary activities and support opportunities for the individual perpetrator and appropriate service referrals made with the agreement of the perpetrator.

These activities and opportunities will be recorded in either the contract or the supporting documentation.

These contracts will all be delivered through multi agency individual and family clinics and meetings, with the enforcement action and the conditions of the contract/agreement placed on the Partnership and Police local intelligence systems, and at the discretion of individual partner service/agency on their internal databases

3.3.2 Parental Responsibility

Anti-social behaviour perpetrated by juveniles under the age of 17, by law, is the responsibility and accountability of both the juvenile and the juvenile's parents/guardians. This includes mothers and fathers and carers as defined in the Family Law Reform Act 1987. To that end all action taken against the juvenile requires appropriate interventions to be agreed with the parent, mothers, fathers or guardians. To that end KASBU, on behalf of the partnership, will take the following action in regard to parents/juveniles of young people under the age of 17 who are referred for either an anti-social behaviour intervention or the application for an anti-social behaviour order:-

- At the Warning stage of the process
 - They will be advised as to the consequences of the behaviour of concern continuing on them and their family
 - They will be offered support from the Parents Support Service and/or Families Intervention Project as appropriate
 - Both will be recorded and documented in the ASB database and intervention meeting summary letter

- At the contract stage of the process
 - They will be advised as to the consequences of the behaviour of concern continuing on them and their family
 - They will be offered support from the Parents Support Service and/or Families Intervention Project as appropriate
 - They will be asked to agree a Parenting Support Contract (PSC) to support their child's Acceptable Behaviour Contract (ABC)
 - Both will be recorded and documented in the ASB database and intervention meeting summary letter

- At the revisit stage of the process
 - They will be reminded of previous actions and offers of support
 - This will be recorded and documented in the ASB database and intervention meeting summary letter

- At the legislative stage of the process

- A Parenting Order will be recommended for all those who have declined support that has been offered

It is usually desirable to ensure both parents attend court and are involved in any parenting intervention. An important exception to this may be where one parent has a history of being violently or sexually abusive towards the child or other parent.

3.3.3 ASBI Case Management Conferences

Cases may be referred for ASBI case management conferences if it is considered appropriate, where the information received from partner agencies is of a complex nature.

Where an individual is to be considered for an ASBI case management conference details will be circulated to all appropriate services/agencies after that decision has been made and the case recorded in the minutes of that decision making meeting.

The Conference will take place as and when service/agency representatives are available, at the earliest opportunity and preferably within a maximum timeframe of 15 working days.

All relevant information about these cases will need to be prepared by individual service/agencies and forwarded to the Anti-Social Behaviour Unit before the scheduled date for the Case Management Conference.

It is important that the information is secure, accurate, up-to-date and relevant.

Such information would need to relay such things as:

- Names', addresses, dates of birth, gender, ethnicity, housing tenure and next of kin for all Juveniles.
- Background incidents logged within the last six months though can also extend beyond this period.
- Reference needs to be made to the specific geographic area.
- Information on recent convictions of named alleged perpetrators, and also whether they are subject to any other legal action.
- Information naming the other agencies, including current case worker, working with the subjects and (where appropriate) their family.
- A review of the existing support services and, in particular, a review of their effectiveness in tackling the manifest anti-social behaviour and the identified "risk factors" underlying it.

- Any individuals or families who may be considered to be vulnerable and therefore in need of protection as a result of incidents that have occurred or may occur.

Where there are problems preventing the timely forwarding of information for the meetings, the Lead Officer representing the particular agency on the conference should be contacted in the first instance.

The purpose of a case management conference will be to devise an action plan that aims to modify the individual's behaviour, engage the individual with support services, and to protect the public and community. Agencies will work in partnership to develop such a shared action plan.

The desired intervention should be specified and may result in the development or modification of a service and/or the use of powers available to individual or all agencies. (e.g. under the Crime and Disorder Act 1998, Housing Act 1996, Police and Criminal Justice Act 2001, Children Act 1989, Homelessness Act 2002, Environmental Protection Act 1990, Anti-Social Behaviour Act 2003, Housing and Regeneration Act 2008, Criminal Justice and Immigration Act 2008, Family Law Reform Act 1987)

For purposes of clarity, the term "the subject" can be interpreted as referring to either a specific individual, or to a situation of group disorder involving sustained anti-social behaviour of a group within a specific geographic area.

The Action Plan may include:

- Actions which attempt to modify the behaviour of the alleged perpetrator(s)
- Actions which are required to support positive developments and tackle "risk factors" in terms of the behaviour of the alleged perpetrator(s).
- Complimentary actions, if necessary, to support the family of the subject.
- Actions required to reassure, and to protect, victims and vulnerable members of the community. This may involve referral to other agencies.
- The plan will specify the likely civil and criminal proceedings that are being considered.
- The plan will also specify the agreed ways and timed action plans, in which agencies will work together, and will specify named agencies for each of the action points.

Minutes from the meeting must be circulated to all members of the Case Conference, at the earliest opportunity and preferably, within 5 working days.

The agencies will determine the appropriateness and the method of involving the subject in the action plan. It will also decide on how to inform the subject that they are being considered.

3.4 PROGRESS REVIEW

For all individuals who are referred for anti-social behaviour interventions, research and analysis will take place on a daily basis by KASBU and partner agencies to assess whether engagement has taken place and the behaviour modified, or breach activity has taken place. All positive and negative information, once reported, will be brought to the attention of the weekly intervention meeting.

3.4.1 Case Monitoring

Where there is insufficient, and/or inconclusive information, and/or another action is already in place, then the weekly intervention meeting may decide that it is inappropriate to take any action at that time and will categorise the case for monitoring purposes only.

3.4.2 Archived Cases

Where the timeframe for an intervention has expired, or the information received is all of a positive nature, then the case will be raised at the weekly intervention meeting to consider a decision to archive the case. All archived cases will result in destruction of all paper based information with all electronic information transferred to a separate archives database.

3.4.3 Breaches

Where anti-social behaviour is continuing a decision will be made in regard to the seriousness of this behaviour as to whether no action should be taken, the intervention revisited, the intervention upgraded, or referral is made to a core group for formal legal action.

3.4.4 Feedback to enquiries

Enquiries from members of the Public or by elected Kirklees councillors, concerning anti-social behaviour, require feedback on the outline action taken to address the problematic behaviour. The nature of the feedback needs to conform to the requirements of Data Protection legislation, and be in accordance with the Information Sharing Protocol.

In the case where an individual is under consideration, the complainant should not be informed of any decisions prior to the subject being notified (unless there are extenuating circumstances – retaliation), or in advance of the agreed action being undertaken.

Feedback nonetheless must be regular (i.e. monthly where possible) and proactive.

3.4.5 Victim Support

The Kirklees Overview and Scrutiny Panel have authorised a review of processes and procedures to support victims and witnesses be undertaken across the partnership for those services/agencies involved in addressing anti social behaviour and crime.

The panel recommends that as part of providing effective support consideration should be given to a single point of contact being established for the victim or witness and a case manager appointed to liaise between agencies and to keep the victim informed.

The review should result in an agreed standard and process for supporting victims and witnesses of Neighbourhood Crime and Anti-Social Behaviour across Kirklees.

The RESPECT Steering Group have conducted and coordinated a partnership scoping exercise the results of which will be taken forward and used for the establishment of a Partnership Policy under the stewardship of Kirklees Neighbourhood Housing.

The Safer Programmes Team have agreed the criteria for an awards scheme to be developed at a locality level and coordinated and delivered through the RESPECT Steering Group

4. APPLICATIONS TO THE COURT

Decisions in regard to court action will be taken by the weekly anti-social behaviour intervention meeting.

Applications can be made by the police, local authority, RSL or British Transport Police and arms length housing management organisations (ALMO).

If an application is unsuccessful this matter will be referred back to the Anti-Social Behaviour Unit for dissemination/discussion, as soon as possible.

Where appropriate, e.g. based on new or fresh information, the case may be referred back to the anti-social behaviour intervention meeting for review of case options at any stage as soon as possible.

It should be noted that Environmental Services and the Police are able to prosecute a wide range of offences where anti-social behaviour may be a factor (assault, affray etc), and that social housing providers are able to take Injunction and other intervention action – and it should be recognised that this can be part of a wider combined strategy to deal with anti-social behaviour

4.1 EVIDENCE

The success of any application for any Order within the anti-social arena will depend in part on the quality of the application file and the evidence in regard to the anti-social activities of the perpetrator.

The application will be supported by a Management Statement which must be comprehensive and have all supporting lay information attached. This information should all be typed and signed by the completing officers.

In the event of reference being made to log sheets, incident logs or convictions then that additional information should be appropriately indexed and highlighted for easy reference for both legal representatives and court officers.

It will be the responsibility of the referring agency, and all partners as appropriate, to ensure that KASBU is kept up to date with all relevant reports in line with the 6 month rule and also to inform KASBU of all on going and future incidents. In turn KASBU will keep partners up to date with all new developments through case officers and the weekly intervention meeting agenda and minutes

A copy of the format for a management statement can be found at www.saferkirklees.co.uk

4.2 CONSULTATION

When applying for an Anti-Social Behaviour Order, Parenting Order, Child Safety Order or Individual Support Order, a consultation form will normally be signed by a properly authorised and delegated representative of the Local Authority , and

the police, or, if the application is made by a registered social landlord or British Transport Police, then by them.

Written proof of consultation will normally be provided.

A consultation form can be found at www.saferkirklees.co.uk

4.3 INDIVIDUAL SUPPORT ORDERS

Section 124 of the Criminal Justice and Immigration Act 2008 states that Individual Support Orders (ISOs) must be issued with every ASBO (stand alone or on conviction) where a magistrates' court considers it would help to prevent further anti-social behaviour and Magistrates must justify their decision making if an ISO is not granted.

An ISO can be applied for at any time during the ASBO (even if it was not applied for at the initial hearing) as long as:

1. An ASBO has been applied for in the first instance
2. The application is from the original applicant
3. The subject is still considered a young person
4. The ASBO is still in force.

An ISO can be applied for more than once and subsequent to the initial hearing with no limit as to the number of applications made. There is a six month maximum limit for each application as long as the ISO does not exceed the length of the ASBO.

5. POST LEGAL ACTION

Upon obtaining a court order, the Legal representative and/or Court will ensure that a copy of the order is forwarded to the Anti-Social Behaviour Unit.

The Anti-Social Behaviour Unit will then ensure that the details of the order are scanned onto the database and will then forward it on to partner agencies.

The Anti-Social Behaviour Unit will ensure that the original complainant is informed of the outcome of the proceedings.

The Anti-Social Behaviour Unit will arrange for details of the Order (if it relates to the Crime and Disorder Act) to be placed on Police National Computers (PNC) and local intelligence systems according to agreed local procedures.

If appropriate the Order will be reviewed on a weekly basis.

The organisation that made the initial application will, if appropriate, defend any appeal against the order.

5.1 VARIATION OR DISCHARGE OF AN ORDER

Section 123 of the Criminal Justice and Immigration Act 2008 states that One-year reviews for Anti-Social Behaviour Orders (ASBOs) are now mandatory for those issued to persons under 17-year-olds, and are applicable to any ASBO (stand alone or on conviction) that has been granted or varied nine months prior to 1 February and applied for from this date.

This will be entered on the agenda at the appropriate weekly anti-social behaviour intervention meeting. If a discharge or variation is agreed, the Legal representative will be notified and will take the appropriate action to progress the matter.

The agency that made the initial application will, if appropriate, apply for any variations or discharge.

5.2 BREACH OF ORDERS

This subject is currently under review

5.3 MONITORING AND REVIEW

Where a Court Order (Anti-Social Behaviour, Child Safety, Individual Support and Parenting for anti-social reasons) has been obtained, the Local Authority will monitor the Orders by:

- Age
- Gender
- Ethnicity
- Housing Tenure

Location
Nature and Duration of Order
Nature of Breach
Action taken for any Breach

The Anti-Social Behaviour Unit will co-ordinate the above data and report to the Kirklees Safer Communities Partnership Executive as part of the annual review of the Crime and Disorder Strategy.

Monitoring of other actions will be part of the evaluation.

As the protocol is used it may be necessary to revise sections and definitions.

To this end the Protocol will be reviewed annually.

The Anti-Social Behaviour Unit can be contacted if it is felt that there are sections that may require amendment.

The Anti-Social Behaviour Unit will also be responsible for overseeing and monitoring the numbers and type of case conferences taking place across the borough within the anti-social behaviour protocol referral process.

The Anti-Social Behaviour Unit will facilitate these statistics.

The Unit must ensure that the agreed Protocol is being used, and to provide information to the Kirklees Safer Communities Partnership on the cases in progress. The Unit must consider, in each case, whether the application for a particular Order or Scheme is consistent with the Local Authority's Crime and Disorder Strategy. It must also be consistent with the area's Policing Plan, the local Community Plan, and with the objectives of the local Youth Justice Plan.

The Unit must ensure also that any action is compliant with the Human Rights Act 1998.

6. PROMOTING AWARENESS OF ANTI-SOCIAL BEHAVIOUR ORDERS

The presumption is that reporting instructions for Orders will not be imposed by the courts for Adults

The presumption is that reporting instructions for Orders will not be imposed by the courts for Juveniles

Magistrates and/or District Judges will decide if reporting instructions are to be imposed in any Order application hearing

All decisions to publicise will then be addressed by the West Yorkshire Police Community Safety Inspector and Kirklees Anti-Social Behaviour Unit Sgt, and the Kirklees Anti-Social Behaviour Coordinator in regard to the risk assessment required by the Partnership and West Yorkshire Police

All requests that satisfy risk assessments will then be signed off by the ASB Coordinator and Commander Kirklees Police Division

For Post Conviction Orders appropriate publicity will be decided as above

For all other Orders publicity will be decided on a case by case basis and generally used as a positive spin to celebrate the work of the Partnership

7. LEGAL COSTS

All Legal costs for referrals through this process are currently borne by the Partnership's Safer Stronger Communities Service.

Costs for legal advice representation which are carried out by individual partners within this process will be borne by that partner.

The Anti-Social Behaviour Unit will be responsible for:-

- Monitoring of all legal costs
- Monitoring of performance by legal representatives
- Monitoring of evidence to support legal applications
- Development of best and innovative practice in consultation with legal representatives and partners

The Partnership RESPECT Steering Group will be responsible for deciding the future funding of this process.

8. GLOSSARY OF TERMS

Anti-Social Behaviour – behaviour that causes or is likely to cause, alarm, distress or harassment, to one or more people not of the same household, and is of a serious and/or persistent nature.

Anti-Social Behaviour Intervention Meeting – the meeting where it is decided which intervention, if any, is most appropriate, based on the information available, to reduce the behaviour that is of concern.

Acceptable Behaviour Contracts – a set of conditions for acceptable behaviour, for an individual, that is agreed with the Partnership, and is based on the issues of concern.

Individual Support Contracts – a set of conditions to support an individual, that will be supported by named services and agencies, in order to help an individual engage with activities and opportunities that will reduce the behaviour that is of concern.

Integrated Offender Management (IOM) - reducing crime by focusing on those offenders with a pattern of persistent and prolific offending by providing opportunities for offenders to change their behaviour, supporting them to do this, sometimes over a long period of time and occasionally escalating that intensive support if an offender slips back into offending.

Joint Intervention – an example of services and agencies working together to deliver and support the intervention decided for an individual.

Multi Agency Public Protection Arrangements (MAPPA) - The term “Assessment and Management of Risk” is preferred as it reflects the key processes that are undertaken to protect the public from harm.

Multi Agency Risk Assessment Conference (MARAC) - Multi-agency Risk Assessment Conference (MARAC) process increases the awareness amongst professionals of the health and mental health effects upon victims of domestic violence and abuse.

Mentoring – an offer of “one on one” support for an individual provided by an appropriate person, that will help the individual to meet their appointments, adjust to an acceptable position of behaviour and hopefully improve the quality of life for them and other members of their community.

Parental Guidance Agreements – a set of conditions that are agreed with the Partnership to help a parent to improve the behaviour of their child(ren).

Prolific and Priority Offender Scheme – a multi agency scheme to reduce crime by those who offend most or otherwise cause most harm to their communities

Persistent Young Offenders – criteria determined by West Yorkshire police for juvenile offenders.

Registered Social Landlord – a social housing provider (Kirklees Neighbourhood Housing, a Housing Association or a Housing Trust)

Restorative Justice – a medium whereby both victim and perpetrator are brought together with a panel of appropriate members, to discuss the issue of concern, the effect that it has had on the victim, and to agree an appropriate solution to the satisfaction of both parties.

Section 1C application – the West Yorkshire Police application form for applying for a Post Conviction Anti-Social Behaviour Order