



Information Note

Antisocial Behaviour Strategies

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SCOTTISH EXECUTIVE

Introduction

Antisocial behaviour strategies were contained in Part 1 of the Antisocial Behaviour etc. (Scotland) Act 2004. In Scotland there is now a legal responsibility on each local authority and Chief Constable to jointly prepare an antisocial behaviour strategy. The local authority is required to publish it and make it widely available. This note provides tenants and residents with information about how communities should be involved in devising, implementing and monitoring these strategies and the key aspects of the strategies. The TIS Guide to the Antisocial Behaviour etc. (Scotland) Act 2004 provides more detailed information about other measures available to deal with antisocial behaviour.

Community Involvement in Antisocial Behaviour Strategies

It is important that tenants and residents umbrella organisations such as federations are involved in community planning partnerships within their local authorities. If they are not involved it may be difficult to influence policies such as the antisocial behaviour strategy which impacts on housing services to tenants and environmental services which affect all residents. Community Planning should not replace tenants and residents organisations who have a valuable role to play in influencing housing and environmental issues within their areas but the two aspects of community participation should be interlinked and work closely together to influence improved services for local people. Community organisations should be consulted by the local authority and Chief Constable when devising the antisocial behaviour strategy.

Community planning in Scotland is the key method of promoting and sharing best practice in the planning and delivery of public services locally. Community Planning Partnerships (CPPs) exist in all 32 local authorities within Scotland. Community Planning Partnerships should include agencies working more effectively to target their budgets and programmes within areas by joining up their services and working in partnership with smaller community and voluntary organisations.

Community Planning has a legal underpinning within Scotland contained within the Local Government in Scotland Act 2003. It is recognised as being the partnership framework at a local level that provides opportunities to improve the planning and delivery of services by making them more responsive to the needs and aspirations of local communities. Community planning is about managing services better and making long-term changes within communities.

Community Involvement in Antisocial Behaviour Strategies

When devising antisocial behaviour strategies to meet Part 1 of the 2004 Act the Scottish Executive advises that local authorities and their partners should note the statutory guidance on community planning. The duty to prepare an antisocial behaviour strategy is a new legal duty contained within the 2004 Act. Previously agencies involved in antisocial behaviour often had agreed strategies in place setting out their methods for tackling antisocial behaviour. These may have been part of Community Safety Partnerships. Therefore, when drawing up new strategies the agencies involved should look at what already exists to ensure the new strategy is in keeping with current practice and will fit in well locally. Strategies which may already be in existence include:

- ◆ Community Plan;
- ◆ Community Learning and Development Strategies;
- ◆ Community Safety Strategies;
- ◆ Regeneration Outcome Agreements;
- ◆ Local Housing Strategies;
- ◆ Tenant Participation Strategies;
- ◆ Homelessness Strategies;
- ◆ Equalities strategies;
- ◆ Health Improvement Strategies such as drug and alcohol strategies;
- ◆ Integrated Children's Services;
- ◆ Youth Justice Strategies; and
- ◆ Victims Support Strategies.

There is also a need to link action to tackle antisocial behaviour at a local level to neighbourhood structures such as:

- ◆ Neighbourhood Management Schemes;
- ◆ The integration of Social Inclusion Partnerships (SIPs) into Community Planning Partnerships;
- ◆ Integrated Community Schools;
- ◆ Neighbourhood Watch Schemes.

Community Involvement in Antisocial Behaviour Strategies

In practice, the local authority and the relevant Chief Constable are responsible for jointly preparing antisocial behaviour strategies. It is the responsibility of the local authority to publish the strategy. The Scottish Executive believes that in practice use should be made of community planning processes and structures to involve community organisations and other agencies in agreeing the content of the strategy. Scottish Ministers also have powers to require Registered Social Landlords to participate in the process, particularly if they are large RSLs formed through a stock transfer of local authority housing.

In most local authorities it is housing staff who have taken the lead in the past in dealing with antisocial behaviour. Indeed, local Housing Officers are still often the first point of contact for tenants wishing to complain about antisocial behaviour. However, in recognition that antisocial behaviour is not only a problem for housing staff, the Scottish Executive has encouraged local authorities to establish specialist antisocial behaviour teams. North Lanarkshire Council for example has an Antisocial Task Force and Fife Council has set up a Safer Neighbourhoods Team since the Act was passed to manage all aspects of antisocial behaviour. The team includes a Safe Travel Liaison Officer and a Community Fire Safety Officer. Fife Council also has a Housing Investigation Team which existed prior to the 2004 Act to investigate complaints of antisocial behaviour from all tenants and residents of Fife. Scottish Borders Council has an Antisocial Behaviour Unit based in Jedburgh. Following stock transfer in Glasgow an Antisocial Behaviour Strategy group was established involving Glasgow Housing Association, Glasgow City Council, various other landlords and Strathclyde Police.

It is these groups which have been involved in devising antisocial behaviour strategies along with other partners within agencies and the community like social workers, health workers and local community organisations involved in community planning. In order to be successful the Scottish Executive guidance recommends that senior officers should be involved in the partnerships. This will ensure that key agreements can be reached quickly and without unnecessary bureaucratic delays. It also recommends that below this strategic group there should be an operational group to ensure implementation of key tasks and decisions and then specific groups set up to deliver on certain priorities.

As well as consulting with Registered Social Landlords and community bodies the local authority and Chief Constable must also consult the Principal Reporter who is the Chief Officer of the Scottish Children's Reporter Association (SCRA) when preparing their antisocial behaviour strategy. However, the Principal Reporter is a national officer so in practice it will be the Authority Reporter from SCRA for each local authority who will be involved. It is the role of the Children's Reporter to investigate the circumstances in a child's life which may require them to receive some kind of compulsory supervision.

The Contents of an Antisocial Behaviour Strategy

In Section 1 (3) of the 2004 Act it sets out what an antisocial behaviour strategy should contain. This includes:

- ◆ An assessment of the amount of and frequency of antisocial behaviour in the local authority's area;
- ◆ An assessment of the types of antisocial behaviour in the authority's area;
- ◆ Details of the methods being used to consult with community organisations and other agencies in areas of the local authority where antisocial behaviour is a problem or is likely to become a problem. This must include consultation with young people;
- ◆ Details of the range of services available for people generally but also for people under 16, and for victims and witnesses of antisocial behaviour including mediation services;
- ◆ How the local authority and the Chief Constable will work in partnership to address antisocial behaviour including how they will coordinate all the agencies and individuals involved and how information between partners will be exchanged.

In order to include these issues within their antisocial behaviour strategy, local authorities and Chief Constables must agree how to define various types of antisocial behaviour and their frequency within the local authority area. They may need to gather information from a variety of sources including information and statistics from:

- ◆ Mediation services;
- ◆ Community wardens;
- ◆ Tenants and residents organisations;
- ◆ Registered Social Landlords;
- ◆ Police Officers;
- ◆ Local authority staff such as social workers, environmental health officers and housing officers;
- ◆ Antisocial behaviour staff about the number of antisocial behaviour orders (ASBOs);
- ◆ The Children's Panel or Principal reporter.

Community Involvement in Antisocial Behaviour Strategies

The Scottish Executive guidance on antisocial behaviour strategies suggests that local authorities should use the PIER method of dealing with antisocial behaviour. This has been used by City of Edinburgh Council for several years and stands for:

P – Prevention;

I – Intervention;

E – Enforcement;

R – Rehabilitation.

In using the PIER method, local authorities and their partners must consider a balanced approach and a series of measures which when implemented will work effectively. This includes

- ◆ Prevention – developing services and facilities for young people to prevent them being antisocial; creating environments where antisocial behaviour is less likely to occur for example making landscaping improvements or removing graffiti quickly;
- ◆ Intervention – using measures such as mediation, acceptable behaviour contracts (ABCs); enforcing tenancy agreements and referrals to the children’s reporter to try to divert people away from antisocial behaviour and to help both individuals and their communities;
- ◆ Enforcement – implementing new powers within the 2004 Act, alongside the Housing (Scotland) Act 2001, such as the extension of ASBOs and interim ASBOs; parenting orders; dispersal of groups and closure of premises;
- ◆ Rehabilitation – supporting young people and young offenders to break the cycle of antisocial behaviour to minimise other effects such as homelessness or drug or alcohol abuse which may lead to them being antisocial again.

Information Sharing

Tenants and residents in registered tenants organisations should ensure that their landlord whether it is a local authority or a Registered Social Landlord sign up to an information sharing agreement so that when they are dealing with cases of antisocial behaviour they have access to the relevant and appropriate information from other agencies. This will mean they can deal with cases more quickly and more effectively.

Information sharing is the single most important aspect of dealing with antisocial behaviour. If individual staff members within agencies do not share information with colleagues in other agencies then the entire process of trying to deal with antisocial behaviour will fall down.

One of the greatest frustrations amongst staff in attempting to do their best to resolve a problem for a tenant or resident is if they are prevented from doing that by someone in another agency either refusing to co-operate or withholding information. There may be agreement at senior management level that information should be shared but the effectiveness of this is dependent on staff briefings and staff training to ensure that all staff understand the importance of this. Staff need clear guidelines about the Data Protection Act and its requirements so that they understand when it is possible to pass on information to others.

In Glasgow, an Under 16 ASBO Working Group has been established and through this group an information sharing agreement was created which all landlords follow. As soon as a child is identified as a candidate for an ASBO a case conference is called by one of the agencies involved. This case conference involves Strathclyde Police, which has contributed to the success of the group. As a result of this approach no child has ever been the subject of an ASBO because other preventative measures have been used to improve their behaviour. The information sharing agreement is not legally binding but it suits all the agencies to ensure they exchange the information required.

There is a model agreement for information sharing in the Scottish Executive guidance which can be used as a guide for staff. There is also detail about what is possible when sharing information. The key partners involved in dealing with antisocial behaviour should sign up to the information sharing agreement as a matter of good practice but other agencies may wish to sign up too such as voluntary, community and tenants and residents organisations.

Section 139 of the 2004 Act offers protection to staff and agencies that disclose information as part of meeting their duties under the Act. This is explained in paragraph 308 of the explanatory notes to the Act as "Section 139...provides a legal protection for those who disclose information to a relevant authority where the disclosure of information is necessary..." There are two main categories of information which can be shared. The first is depersonalised which does not identify an individual and may be needed to map hotspots and identify trends of antisocial behaviour. The second is personal information about an individual which is needed when investigating or gathering evidence about incidences of antisocial behaviour.

Monitoring and Reviewing Strategies

Tenants and residents' organisations and other community organisations should be fully involved as equal partners in monitoring and reviewing antisocial behaviour strategies. Representatives from these organisations can contribute valuable information about how antisocial behaviour is being dealt with at a local level. They will be able to inform the local authority and Chief Constable if local public opinion supports the antisocial behaviour strategy because it is making a visible difference or whether there have been no improvements in the levels of antisocial behaviour since the strategy was introduced.

When reviewing the success of the antisocial behaviour strategy the local authority and Chief Constable should consider who else was involved in the original consultation to devise the strategy. These agencies should be involved in the review along with Registered Social Landlords and the Area Reporter from the SCRA who must be included. It may be that the original consultation exercise is repeated again with some slight alterations to find out what progress has been made since the strategy was implemented.

The Scottish Executive requires that local authorities produce regular progress reports on how their antisocial behaviour strategies are being implemented. These progress reports will be based on monitoring and measuring outcomes and outputs and achieving targets and objectives. In order to be effective they will need to engage with other organisations and people affected by the strategy. These monitoring and reviewing mechanisms may need to be reviewed if the Scottish Executive alters how it expects progress reports to be compiled.

Outcomes which could be monitored include;

- ◆ A reduction in the number of groups causing harassment;
- ◆ A reduction in people's concerns about their personal safety due to antisocial behaviour

The targets for these would be to reduce both by a certain percentage within the first year of the strategy being implemented.

Conclusion

Antisocial behaviour strategies should make a difference to how effectively issues around antisocial behaviour are dealt with in local communities. The reality in practice however can often be different to the information contained within the strategy document. Senior staff members within the Police or local authorities may believe their strategies are working and improving lives of local people. However local people may disagree with this if they do not see real improvements within their own areas.

It is important when adopting any kind of strategy that the staff at all levels of an organisation are made aware of its contents and understand their own role and contribution to implementing it. It is the staff on the ground that have the most contact with the local communities so it important that they understand the strategy and can use measures within it to improve the lives of the people they work with. If this happens then the antisocial behaviour strategy of the local authority and the Police will be effective and successful.

Appendix One

Useful Reading

Chartered Institute of Housing (2005) "A Guide to the Antisocial Behaviour etc. (Scotland) Act 2004" (CIH, Edinburgh)

Scottish Executive (2005) "A Guide to the Antisocial Behaviour etc. (Scotland) Act 2004" (Scottish Executive, Edinburgh)

Scottish Executive (2005) "Guidance on Antisocial Behaviour Strategies" (Scottish Executive, Edinburgh)

Scottish Executive (2004) "Local Government in Scotland Act 2003 Community Planning Advice Notes" (Scottish Executive, Edinburgh)

Scottish Executive (2005) "Progress on Tackling Antisocial Behaviour" (Scottish Executive, Edinburgh)

Scottish Executive (2005) "Standing up to Antisocial Behaviour – First Anniversary Report" (Scottish Executive, Edinburgh)

Other Resources

www.antisocialbehaviourscotland.com – website full of advice for anyone seeking information about antisocial behaviour.

Appendix Two

Key Contacts

Chartered Institute of Housing (CIH)

6 Palmerston Place
Edinburgh EH12 5AA
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Communities Scotland Tenant Participation Development Team

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91 Haymarket Terrace
Edinburgh EH12 5HE
Phone: 0131 479 5317
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Legal Services Agency

3rd Floor, Fleming House
134 Renfrew Street
Glasgow G3 6ST
Phone: 0141 353 3354
E-mail: lsa@btconnect.com

Positive Action in Housing (PAIH)

98 West George Street
Glasgow G2 1PJ
Phone: 0141 353 2220
E-mail: home@paih.org

Scottish Community Development Centre

Suite 329, Baltic Chambers
50 Wellington Street
Glasgow G2 6HJ
Phone: 0141 248 1924

Scottish Council for Voluntary Organisations (SCVO)

Mansfield Traquair Centre
15 Mansfield Place
Edinburgh EH3 6BB
Phone: 0131 556 3882
E-mail: enquiries@scvo.org.uk

Scottish Federation of Housing Associations (SFHA)

38 York Place
Edinburgh EH1 3HU
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E-mail: sfha@sfha.co.uk

Shelter

4th Floor, Scotia Bank House
6 South Charlotte Street
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Tenant Involvement in Islands Grampian Highland and Rural Areas (TIGHRA)

Fairfax House, 64 Market Place
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Tenants Information Service (TIS)

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Tenant Participation Advisory Service (TPAS)

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