



SHETLAND ISLANDS COUNCIL ANTISOCIAL BEHAVIOUR PROCEDURES

INTRODUCTION

Shetland Islands Council (the Council) has the statutory powers to tackle antisocial behaviour throughout Shetland. However, Shetland Islands Council recognise that many other individuals and agencies also invest considerable energy, commitment and resources to address antisocial behaviour, its causes and effects.

These procedures have been created for use by all departments of Shetland Islands Council and partner agencies when dealing with antisocial behaviour to ensure that it is dealt with effectively and consistently. If anyone is unsure of the application of these procedures then please contact:-

Billy Mycock – Antisocial Behaviour Co-ordinator
Shetland Islands Council
Fort Road
Lerwick
Shetland ZE1 0LW
Telephone (01595) 744 374

The Shetland Islands Council departments and partner agencies that have approved these procedures are listed at Appendix 1.

2. LEGISLATION & POLICY BACKGROUND

The Antisocial Behaviour (Scotland) Act 2004 (the Act) introduced a new range of legal tools to enable Local Authorities and other agencies to tackle antisocial behaviour more effectively.

The Act was part of a wider national strategy for tackling antisocial behaviour which aims to bring about a step change in people's attitudes and behaviour. The national strategy focuses on four themes:-

- protecting and empowering communities
- preventing antisocial behaviour by working with children and families
- building safe, secure and attractive communities
- effective enforcement

The national strategy is underpinned by five key principles. These are:-

1. Everyone has a right to live without the scourge of antisocial behaviour, but everyone also has responsibilities – to respect themselves, their immediate neighbours and the community generally.
2. Build on what has gone before. There is a lot of good work being done across Scotland to tackle antisocial behaviour. The Act and wider national strategy are designed to give added impetus to this work, so that antisocial behaviour can be tackled more effectively wherever it occurs.
3. Prevention is better than cure and voluntary or negotiated solutions are usually better than sanctions. Preventing antisocial behaviour and tackling it at the earliest possible stage continue to be essential. But enforcement is still needed and there have to be effective sanctions to deal with those who persistently fail to respond and for the most serious cases. The Scottish Executive has committed considerable investment, both direct and indirect, in support of these measures.
4. Tackling antisocial behaviour is not about stigmatising particular groups of people. The 2004 Act and wider national strategy are about supporting the great majority of people who want to live harmoniously with others in safe and secure communities. This includes the great majority of young people, who are more often the victims of antisocial behaviour, than the perpetrators. But we also need to tackle the small minority in communities whose present behaviour undermines this.
5. Joined up action at the local level within a national framework. Action to tackle antisocial behaviour must respond to meet local needs and priorities, and must take into account differences between communities in local authority areas. It is only local agencies, working together in a concerted and co-ordinated way with local people, that can tackle antisocial behaviour effectively.

3. WHAT IS ANTISOCIAL BEHAVIOUR?

The legal definition of antisocial behaviour is found in section 143 of the Antisocial Behaviour (Scotland) Act 2004 (the Act). The Act says that a person is involved in antisocial behaviour if they:-

- act in a manner that causes or is likely to cause alarm or distress; or
- pursue a course of conduct that causes or is likely to cause alarm or distress

to at least one person not of the same household as them.

The key question to ask is:

Is the behaviour causing alarm and distress to anyone?

If the answer to that question is “Yes” – then the behaviour is likely to be antisocial behaviour. But remember, if the person affected is in the same household then it is not antisocial behaviour. Therefore, these procedures do not cover domestic violence and abuse within households.

Some common types of antisocial behaviour reported in Shetland:-

- excessive noise from stereos and parties – where the noise levels prevent people from sleeping, they cannot hear their own television or stereo, etc.
- intimidating or threatening behaviour
- drunk and disorderly behaviour
- fights
- drug related incidents
- excessive vehicular/pedestrian traffic created by activities at a particular premises or location.

These procedures are not intended to cover criminal behaviour. The definition of antisocial behaviour does not include criminal activity. Any concerns regarding a criminal matter should be reported immediately to the Police.

4. REFERRAL

Any Council service or partner agency could receive a complaint or concern about antisocial behaviour and it should be dealt with effectively and consistently. Any officer¹ receiving an antisocial behaviour complaint or concern should complete the standard antisocial behaviour referral form.

[Antisocial Behaviour Referral Form – ASB0001]

This form will help officers obtain the necessary details in order that the matter can be dealt with appropriately, including:-

- Complainer's details
- Subject's details²
- Tenure of both
- Details of incident(s)

If the complaint is received via e-mail or letter, a copy should be attached to the referral form.

Officers should send the completed form to the Council's Antisocial Behaviour Co-ordinator(ASBC) on the same working day the complaint is received if possible, or within 2 working days. The referral form should be sent via e-mail, Council Internal Mail or hand delivered. The ASBC's contact details are found in the "Introduction" section.

Hjaltland Housing Association (HHA) employees should pass the completed form to HHA's Housing Services Manager in the first instance, who will then liaise with the ASBC.

Northern Constabulary employees should pass the completed form to the Community Safety Officer in the first instance, who will then liaise with the ASBC.

Voluntary agencies should pass the completed form to their Project Manager/Chairperson in the first instance, who will then liaise with the ASBC.

The information contained within the referral form can be shared with the Council by a partner agency in terms of Section 139 of the Antisocial Behaviour (Scotland) Act 2004 where the information is shared for the purpose of reducing crime, disorder and antisocial behaviour. The Complainer's consent does not therefore require to be sought, but an officer should advise the Complainer that the information they provide will be passed to the Council.

The referral form should always be completed by a professional/officer and not passed to a member of the public to complete.

If you are unsure whether the complaint or concern you have received is antisocial behaviour, complete the form anyway and pass to the ASBC. You may also wish to discuss the matter with your line manager or the ASBC.

¹ "Officer" is the term used throughout these procedures to refer to the person who makes an antisocial behaviour referral or is acting under these procedures. This may be an employee of the Council or any other partner agency.

² "Subject" is the term used throughout these procedures to refer to the person alleged to be responsible for the antisocial behaviour.

5. RESPONSE TO REFERRAL

Reference should be made to the flow charts in this section to show the referring officer what happens to their referral once it is passed to the Council's Antisocial Behaviour Co-ordinator (ASBC).

Every referral assessed as being antisocial behaviour will be assigned an Investigating Officer. The Investigating Officer will be responsible for co-ordinating and monitoring the case. The Investigating Officer will always be an officer of the Council.

The referring officer may have further contact from the ASBC or Investigating Officer at an early stage if more information is required about the circumstances of the referral.

6. INITIAL ENQUIRIES

If the antisocial behaviour continues after the initial response letters have been sent by the Investigating Officer to both the Complainer and the Subject, the Investigating Officer will then begin making initial enquiries in order to build up a picture of the Subject and their circumstances.

The Investigating Officer will follow the initial enquiries checklist:-

[Initial Enquiries Checklist – ASB0009]

A copy is attached for reference.

Each Council department or partner agency contacted will be expected to provide the following information to the Investigating Officer:-

- Is the service/agency involved with the Subject?
- Who is the relevant contact person within the service/agency?
- Any relevant information?
 - Has the Subject been offered support but it has been refused?
 - A summary of the service/agency involvement
 - Any other relevant information
- Are there any formal support plans in place?
 - Single Shared Assessment
 - Integrated Assessment Framework
 - Co-ordinated Support Plan

This information can be shared with the Council's Investigating Officer by services/agencies in terms of Section 139 of the Antisocial Behaviour (Scotland) Act 2004 where the information is shared for the purpose of reducing crime, disorder and antisocial behaviour. The Subject's consent does not therefore require to be sought before this information can be shared.

These initial enquiries will help the Investigating Officer identify who is already working with the Subject and the support mechanisms already in place. This will better inform the Investigating Officer as to which officers should be present at the initial face to face meeting with the Subject.

7. FACE TO FACE MEETING

If the antisocial behaviour continues after the initial response letters have been sent by the Investigating Officer to both the Complainer and the Subject, the Investigating Officer will then begin making initial enquiries in order to build up a picture of the Subject and their circumstances.

After the initial enquiries are complete, the Investigating Officer will arrange a face to face meeting with the Subject.

Any officer already involved with or known to the Subject may be asked to take on one of two roles at this face to face meeting:-

1. To hand deliver the letter inviting the Subject to the meeting and to encourage the Subject to attend. This may also involve the officer attending the meeting with the Subject as the Subject's supporter.
2. To be one of the officers at the meeting who discusses the antisocial behaviour with the Subject.

The Investigating Officer will fully explain the role that is required to be undertaken.

The issues to be discussed:-

- Details of the allegations received.
- Subject's version of events/explanation.
- Subject's feelings of involvement in the community and general quality of life.
- Voluntary informal measures to be considered:-
 - Mediation
 - Outreach support
 - Regular meetings
 - Referrals to any support group (e.g.GP, Drugs Project, Art Therapy, etc)
 - Referral to Community Mediation Team to develop a support plan
 - Any other appropriate measure
- Automatic referral to CAB's independent Community Mediation Team unless a reasonable explanation for behaviour is provided.
- Consequences for failure to engage/further antisocial behaviour incidents.

There are more formal measures that can be put in place – such as an Acceptable Behaviour Contract (ABC), Parenting Order, Statutory Notices, etc. However, the Investigating Officer should first try more informal meetings and measures to resolve the problem. More formal measures should only be part of an agreed outcome from a multi-agency case conference.

8. MONITORING OF INFORMAL MEASURES

The Investigating Officer will monitor the effectiveness of any informal measures put in place following the face-to-face meeting with the Subject. The informal measures will be deemed effective if the antisocial behaviour has ceased or reduced.

The Investigating Officer remains in regular contact with the Complainer throughout this process to identify whether the antisocial behaviour has ceased or reduced.

The Investigating Officer will ask for regular reports from those officers involved in providing informal measures of support. The **only** information the Investigating Officer requires is whether or not the Subject is engaging with the support service. No other personal information is required to be shared with the Investigating Officer.

This information can be shared with the Council's Investigating Officer by services/agencies in terms of Section 139 of the Antisocial Behaviour (Scotland) Act 2004 where the information is shared for the purpose of reducing crime, disorder and antisocial behaviour. The Subject's consent does not therefore require to be sought before this information can be shared. However, some support agencies may feel it is appropriate to seek the Subject's consent or advise them that this information is to be shared before sharing information with the Investigating Officer. Many partner agencies have signed Information Sharing Procedures with the Council to cover the exchange of information in an antisocial behaviour investigation.

Copies of the Information Sharing Procedures relating to exchange of information in an antisocial behaviour investigation can be obtained from the Council's Legal & Administration section. If you are unsure about sharing information with the Council then please refer the matter to your line manager or contact the Council's Legal Services:-

Kristen Johnston
Solicitor
Shetland Islands Council
4 Market Street
Lerwick

(01595) 744 097

9. MULTI-AGENCY CASE CONFERENCE

If the informal measures fail and the antisocial behaviour continues, the Investigating Officer refers the case to the Council's Antisocial Behaviour Co-ordinator (ASBC). The ASBC will then call a multi-agency case conference.

The ASBC must ensure that all relevant agencies are represented at the case conference.

Required attendees:-

- Legal Representative (Contact Kristen Johnston)
- Police Representative (Contact Finlay MacBeath)
- Housing Representative – where either the Subject or Complainer is a Council Tenant. (Contact Area Housing Officer or Vaila Simpson)
- Social Work (Children – Contact Stephen Morgan)
- Social Work (Adults – Contact Ann Williamson)
- Criminal Justice (Contact Denise Morgan)
- Environmental Health – where there is a noise element. (Contact Maggie Dunne)
- Children's Reporter – where under 16 (Contact Kate Gabb)
- Local Area Network Support Co-ordinator – where under 20
- Education – where the Subject or Complainer is a pupil (Contact Quality Improvement Officer for the relevant school)
- PF – optional attendee at every case conference
- Community Mediation Team Representative (Contact Alyson Keiller/Katie Leask)
- HHA – where either Subject or Complainer is a HHA Tenant. (Contact Fiona Robertson)
- Any other appropriate agency identified at initial enquiry stage.

Any officer asked to attend a multi-agency case conference must ensure that if they cannot attend the meeting to:-

1. Find a suitable alternative representative to attend who is fully briefed on the service/agency's involvement with the Subject.

OR

2. Submit a written report to the ASBC prior to the case conference giving a full summary of the service/agency's involvement with the Subject.

The case conference will follow a standard format:-

- Introduction by Chair – ensuring all parties present know each other.
- Investigating Officer provides a summary of the case.
- Each agency/department present provides an update of their involvement (if any).
- Interventions considered, including whether legal action is considered appropriate should voluntary measures fail.
- Action Plan agreed with named officers responsible for tasks and clear deadlines.

Any officer named within the Action Plan as responsible for carrying out a particular task will receive a copy of the appropriate action from the ASBC. If the officer is unclear about the action they are responsible for they should contact the ASBC immediately.

10. MONITORING OF FORMAL MEASURES

The Antisocial Behaviour Co-ordinator (ASBC) will monitor the effectiveness of any formal measures put in place following the multi-agency case conference. The formal measures will be deemed effective if the antisocial behaviour has ceased or reduced.

The Investigating Officer remains in regular contact with the Complainer throughout this process to identify whether the antisocial behaviour has ceased or reduced and will report regularly to the ASBC.

The ASBC will ask for regular reports from those officers involved in providing formal measures of support. The **only** information the ASBC requires is whether or not the Subject is engaging with the support service. No other personal information is required to be shared with the ASBC.

This information can be shared with the Council's ASBC by services/agencies in terms of Section 139 of the Antisocial Behaviour (Scotland) Act 2004 where the information is shared for the purpose of reducing crime, disorder and antisocial behaviour. The Subject's consent does not therefore require to be sought before this information can be shared. However, some support agencies may feel it is appropriate to seek the Subject's consent or advise them that this information is to be shared before sharing information with the ASBC. Many partner agencies have signed Information Sharing Procedures with the Council to cover the exchange of information in an antisocial behaviour investigation.

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11. LEGAL ACTION

If the antisocial behaviour continues despite the informal and formal measures of support put in place, the Antisocial Behaviour Co-ordinator will pass the case to the Council's Legal Service to progress legal action.

In these circumstances, the multi-agency case conference will have agreed that if the formal measures of support do not solve the antisocial behaviour, legal action is appropriate.

The Council's Legal Service will progress either an ASBO or Eviction application to Lerwick Sheriff Court.

The Council's Legal Service may contact any officer involved in the antisocial behaviour investigation to clarify any points or to obtain a formal statement detailing their involvement. Any officer contacted should give their full co-operation.

Services/agencies involved in the antisocial behaviour investigation will be kept advised of the outcome of any legal action.

12. EVALUATION & REVIEW

Evaluation

When an antisocial behaviour case is closed – either because the behaviour has ceased or measures have resolved it somehow, the Investigating Officer will complete an Evaluation Form and issue the Complainer with a Customer Satisfaction Form. This will help identify whether there are any issues to be addressed or amendments required to the Investigating Officer's procedures.

Any officer involved in an Antisocial Behaviour Investigation may wish to complete an evaluation form if they have had concerns about how the investigation was handled or feel that the Multi-agency procedures require to be reviewed.

The evaluation form should be passed to the Council's Antisocial Behaviour Co-ordinator. The ASBC will collate the responses from the evaluation forms and this will form the basis of the review of these procedures and identify training needs.

[Evaluation Form – ASB0056]

Review of Procedures

These procedures will be reviewed on an annual basis or more regularly if necessary due to changes in legislation, guidance or good practice. The review will be organised by the ASBC and should involve:-

- a representative from Administration & Legal
- The Chair of the Antisocial Behaviour Working Group
- Senior Housing Officer(s)

Any changes to the procedures will be put out for consultation to the Antisocial Behaviour Working Group.

APPENDIX 1

Shetland Islands Council departments and partner agencies who have approved these procedures:-

Executive Services, Shetland Islands Council
Infrastructure Services, Shetland Islands Council
Education & Social Care, Shetland Islands Council
Shetland Council for Social Services
Northern Constabulary
NHS Shetland