



Adur & Worthing Councils

Anti-Social Behaviour Policy

Why and What? – (Our Approach to Dealing with ASB)

October 2014

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1- Abstract

This policy describes **why** there is a role for Adur & Worthing Councils (AWC) to deal with anti-social behaviour (ASB) and **what** principles we will apply in our approach to the handling and management of reported incidents of ASB. This Policy should be read in conjunction with the relevant AWC – Departmental ASB procedure documents (***When and How we Deal with ASB***) and any other relevant policies and procedures as are identified.

2 - Why AWC Need to Deal with ASB? – (The Why)

2.1- Introduction

2.1.1 The impact on the quality of life for those affected by ASB can be severe. It can affect people's self-esteem, their perceived safety in their own home and their mental and physical wellbeing. In the most severe cases, it can have tragic consequences and it is often the most vulnerable in society who are at most risk from the effects of ASB.

2.1.2 This policy outlines how AWC will work with partners to protect people who are victims of and or suffering harm as a result of the behaviour of others.

2.1.3 AWC will engage in a multi-agency approach to the handling and management of reports of ASB. We will draw upon a variety of informal and formal remedies, interventions, preventions, engagements, that are readily available for dealing with ASB.

2.1.4 This policy recognises that ASB is an overarching term which is used to describe a broad range of socially unacceptable behaviours including day-to-day incidents of crime, nuisance and disorder which make many people's lives a misery and the possible list of such behaviours immense. Such a wide range of behaviours means that responsibility for dealing with ASB is shared between a number of agencies, particularly the police, councils and social landlords.

2.1.5 Victims of ASB can feel helpless, bounced from one agency to another and then back again. In many cases, the behaviour is targeted against the most vulnerable in our society and even what is perceived as 'low level' ASB, when targeted and persistent, can have devastating effects on a victim's life.

2.2 - Background

2.2.1 The Anti-Social Behaviour Crime and Policing Act 2014 provides more effective powers to tackle ASB and offers greater protection to victims and communities whilst paying regard to the treatment of the underlying behaviour issues of ASB perpetrators. The practical effect of this legislation is to –

- Give victims and communities more power to define and respond to ASB and
- Impose positive requirements on perpetrators to address the causes of their behaviour.

2.2.2 The 2014 Act replaces 19 previous ASB powers with 6 broader powers and a New Absolute Ground for Possession, streamlining procedures to allow for a quicker response to ASB and make it easier for victims and communities to take action against ASB and reduce repeat violations.

2.2.3 The new powers relevant to this ASB Policy Document are –

- Civil Injunction (CI)
- Criminal Behaviour Order (CBO)
- Community Protection Notice (CPN)
- Public Spaces Protection Order (PSPO)
- Closure Power (CP)

and

- New Absolute Ground for Possession

3 - Policy Application

This policy is effective immediately and applies to all employees of AWC who have contact with victims of ASB.

4 - Purpose

The purpose of this policy is to ensure the protection of people from ASB and any harm caused by the same. This policy should be read in conjunction with all existing multi-agency policies and procedures designed for the purpose of protecting members of our community.

5 - Scope

This policy describes the process of how AWC –

- Recognises and records reports of ASB
- Assesses the risk to individuals
- Prioritises the response required
- Takes action with partners to solve problems and prevent further harm from ASB

6 - Policy Statement

AWC recognise that everyone has the right to live their life free from intimidation and fear. AWC will work with partners to identify and protect those who are being caused or exposed to actual and or fear of personal harm, as a result of the anti-social conduct of others.

7 - Benefits

This policy is expected to deliver the following –

- Protection of members of the community from ASB whilst also protecting those who are vulnerable from harm as a result of ASB.
- To allow for early intervention to prevent people from becoming victims ASB or being further victimised.
- To provide professional guidance to practitioners dealing with ASB
- To instil a culture within AWC to measure harm against an individual's own circumstances and perceptions, rather than against practitioners' experiences and perceptions.
- Increase community trust and confidence in the way that AWC support victims of ASB.
- To protect and enhance the reputation of AWC.

8 - Responsibilities

- AWC have ownership of this policy.
- Where there are any defined areas of responsibility they will be highlighted in this policy.

9 - Aims and Objectives

The aim of this policy is to seek to improve the quality of life of members of the community living in Adur & Worthing, through a commitment by AWC to strive to eradicate all types of ASB, by working closely with members of the community, professionals, agencies and partners.

The **aim** of this policy will be met by –

- Complying with the statutory requirements, as detailed in Section 16 of this Document.

The **objective** of this policy will be met by –

- Advising members of the community of the action that can be taken should they become a victim of any ASB incident.
- Taking the appropriate action through the courts against perpetrators.

- Liaising with other agencies, particularly the police.
- Regularly reviewing this ASB Policy and consulting with all relevant parties.

10 - What Principles are Applied by AWC in the Way we Deal with ASB? – (The What)

10.1- The Harm Centred Approach – What is ASB?

10.1.1 In Defining ASB – AWC applies the following criteria –

Section 2 of the Anti-Social Behaviour, Crime and Policing Bill 2014 - Meaning of “anti-social behaviour”

(1) In this Part “anti-social behaviour” means —

- (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or
- (c) conduct capable of causing housing-related nuisance or annoyance to any person.

(2) Subsection (1) (b) applies only where the injunction under section 1 is applied for by —

- (a) a housing provider,
- (b) a local authority, or
- (c) a chief officer of police.

(3) In subsection (1)(c) “housing-related” means directly or indirectly relating to the housing management functions of —

- (a) a housing provider, or
- (b) a local authority.

(4) For the purposes of subsection (3) the housing management functions of a housing provider or a local authority include —

- (a) functions conferred by or under an enactment;
- (b) the powers and duties of the housing provider or local authority as the holder of an estate or interest in housing accommodation.

10.1.2 Although not an exhaustive list, ASB can include noise nuisance, intimidation, harassment, aggressive and threatening language, violent behaviour against people and property, selling drugs, abandoned cars and fly tipping. In applying the definitions of ASB as outlined above, AWC will always take in to account, the following Government Guidance, in determining if an allegation of unacceptable or inappropriate behaviour is in actual fact anti-social –

The Home Office consultative document of 2002 “Tackling Anti-Social Tenants” considered whether there should be a statutory definition of what is ASB.

To date no definition has been confirmed and in determining if an individual’s behaviour is anti-social and or in order to progress any enforcement action, officers should satisfy themselves that any allegation(s) constitute ASB and are –

“Not just an example of conflicting lifestyles. A distinction needs to be drawn between petty, low-level nuisance and persistent and serious misconduct.”

10.1.3 The Government welcomed the opinion of the House of Commons Affairs Select Committee whose views were as follows –

“Exhaustive lists of behaviour considered anti-social by central government would be unworkable....anti-social behaviour is inherently a local problem and falls to be defined at a local level”

10.1.4 At the core of this ASB Policy is the **Harm Centred Approach**, focusing on the harm that is being caused, whatever the behaviour being complained about and regardless of how another might view or react to the same set of circumstances.

10.1.5 What constitutes ASB is a subjective matter for individual interpretation. What is deemed as acceptable behaviour can differ between communities and age ranges. People have differing tolerance levels according to their own personal circumstances and characteristics.

10.1.6 It is crucial is to understand and accept those differences in tolerance levels and to appreciate that some, particularly the vulnerable, are caused genuine harm by what others may not consider as serious and this is often predicated by fear and perceived intimidation.

10.1.7 So while defining ASB is not helpful; categorising the harm that can be caused is. AWC have adopted the National Harm Model, where the ASB Harms are defined as –

- Personal Harm
- Public Nuisance
- Environmental Harm

10.2 - Personal Harm

Personal harm is where an individual or individuals suffer physical, mental or emotional harm, regardless of whether the individual was deliberately targeted or whether inflicting harm was the perpetrators' intention. Personal harm incidents are often those where an individual is specifically targeted, bullied or victimised.

10.3 - Public Nuisance

This occurs when an individual uses inconsiderate behaviour which has the potential to impact negatively on another individual or group. Examples can include anti-social driving (individuals racing around in car parks) excessive noise or rowdiness in public places. People making noise on their way home from nightclubs would be said to be causing a public nuisance. Such behaviour can still have a high impact on individuals, particularly in an area where the behaviour is perpetrated regularly or if the individual feels intimidated (e.g. an elderly person).

10.4 - Environmental Harm

This is a behaviour which literally causes harm to the environment and examples might include graffiti, dropping litter, placing shopping trolleys in streams etc.

11 - What is Not Considered ASB Within the Context of this ASB Policy Document?

11.1 – Introduction

The following examples whilst they may feature in cases involving allegations of ASB, they will not automatically be treated as matters of harm related ASB, but will be dealt with on their individual merits and where appropriate managed by alternative and or more appropriate means.

11.1.1 For the reasons outlined above, the following **will not** be considered as Harm Related ASB within the scope of this 'ASB Policy' (not an exhaustive list). Where such matters are brought to the attention of AWC we will ensure that details are passed to the relevant professional(s), agency and or organisation, in order that matters can be dealt with in the most appropriate way.

- Non ASB related criminal matters
- Hate crime
- Domestic abuse incidents.
- Some matters pertaining to nuisance caused by animals.
- Highway parking complaints
- Driveway ownership/access disputes
- Property boundary disputes
- Disputes between members of individual households (neighbour/family disputes)
- High hedge complaints
- Business activities associated with either commercial or private premises
- Housing and other benefit fraud
- Motoring offences
- Common lifestyle differences

11.2 - Non ASB Related Criminal Matters

Acts of criminality such as offences involving public order issues, physical assault, theft, harassment etc. are matters that are handled by Sussex Police. Nothing in this policy is intended to alter this, however, where it is identified that there is a support role for AWC, we will work in partnership with Sussex Police, to where possible, help deliver positive outcomes.

11.3 - Hate Crime

There is already a well-established process, managed by West Sussex County Council and delivered by Victim Support, in place for dealing with hate crime. Nothing in this policy is intended to alter this.

11.4 - Domestic Abuse Incidents

There is already a well-established process, managed by West Sussex County Council and delivered by Worth Services, in place for dealing with domestic abuse and applying safeguarding measures. Nothing in this policy is intended to alter this.

11.5 - Animals

This policy is aimed at reducing harm to individuals, therefore, some incidents involving animals (e.g. sheep in someone's garden) would not fall within its scope. However a common sense approach needs to be taken in this respect. Incidents such as allowing a dog to persistently bark/foul an area, and other animal related issues including, smell or risks of harm to health, may be construed as ASB.

11.6 - Highway Parking Complaints

Complaints of unlawful or inconsiderate parking, especially one off incidents, would not be likely to cause personal harm and would not amount to Harm Related ASB. Where the positioning of a vehicle was part of an on-going course of harassment, then this might need some form of intervention. Again, a common sense approach will be applied.

11.7 - Driveway Ownership/Access Disputes

Disputes between parties concerning ownership/access to driveways is a purely civil matter and as such, it is not the responsibility of AWC to intervene in such disagreements and where such situations exist, it is up to those concerned to seek legal advice and guidance at their own expense.

11.8 - Property Boundary Disputes

Disputes between parties concerning property boundaries is a purely civil matter and as such, it is not the responsibility of AWC to intervene in such disagreements and where such situations exist, it is up to those concerned to seek legal advice and guidance at their own expense.

11.9 - Disputes between Members of Individual Households (Neighbour/Family Disputes)

AWC will not become embroiled in or involved with on-going, acrimonious and entrenched disagreements between members of individual households and or family disagreements, which by their nature are based on people's intolerance and or prejudice associated with intergenerational, individual and lifestyle differences. The classic neighbour/family type disputes between individuals do not amount to criminality or ASB and are regarded by AWC as a private matter between the individuals concerned. In the absence of parties agreeing to participate with mediation, which is the only intervention AWC will provide (at public expense) in such circumstances, parties will be advised to seek closure to their situation, through privately accessed civil remedy at their own expense.

11.10 - High Hedge Complaints

High Hedge Complaints would not be likely to cause Personal Harm and would not amount to Harm Related ASB. Where a High Hedge Complaint is received by AWC, the complainant will be signposted to relevant legislation on this matter, which provides guidance to parties complaining about such issues. Again, a common sense approach will be applied.

11.11 - Business Activities Associated with Either Commercial or Private Premises

Disputes between parties concerning premises being used for business purposes falls outside the remit of this ASB Policy, however, other infringements might be present such as planning breaches and or statutory noise nuisance issues and in such situations AWC will offer advice and guidance as to the most appropriate department to which a complaint concerning such matters should be made.

11.12 - Housing and Other Benefit Fraud

Housing and other benefit fraud falls outside the remit of this ASB Policy, however, where such situations are brought to our attention, AWC will offer advice and guidance as to the most appropriate department to which a complaint concerning such matters should be made.

11.13 - Motoring Offences

Motoring offences are handled by Sussex Police. Nothing in this policy is intended to alter this, however, where it is identified that there is a support role for AWC, we will work in partnership with others, including Sussex Police, to where possible, help deliver positive outcomes.

11.14 - Common Lifestyle Differences

- Day to day living noise between domestic dwellings
- Children playing in and around the vicinity of their own home
- Cooking smells
- Disputes between children
- Loud talking
- Personal disagreements associated with social media and landline/mobile communication devices
- Groups of young people socialising/associating, in a lawful manner, in public places
- Garden bonfires

11.14.1 In these cases we will give advice and guidance to the person making the report and in some circumstances we will contact the people they have reported to resolve the situation. However, we consider these type of matters to be Common Lifestyle Differences and or everyday living noises, behaviours and activities, therefore, we will not deal with these type of reports under terms relating to the management of Harm Related ASB contained in this policy and or our Departmental ASB Procedure Documents.

11.15 - Advising Complainants of AWC Decision and Mediation – Non ASB Matters

Matters such as those outlined above will be assessed on their individual merits. AWC will inform the parties concerned of our decision and where appropriate, seek consent to refer the matter on for further

investigation to another professional, agency or individual. Although AWC are prepared to take a wider view concerning any reports that come to our attention, thought must always be given to the impact on resources in dealing with matters, such as those discussed above. Through extensive experience in dealing with such matters, AWC recognises that certain situations simply cannot be resolved despite continued advice, guidance and support having been provided to those involved. Where appropriate and or where personal/civil disputes exist, AWC will at public expense, seek consent from those involved and offer to refer matters to the West Sussex Mediation Service, however, where parties decline this offer of assistance, AWC will not play any further role in the type of matters identified above.

12 - More Effective Responses to ASB - Putting Victims First

12.1 In terms of the behaviour itself, what is seen as 'anti-social' will vary from victim to victim and community to community resulting in changes to the way in which incidents of ASB are reported, no longer focusing on the behaviour, but on the impact it has on the victim.

12.2 The right response will depend on a range of factors, but most importantly, on the needs of the victim and the impact the behaviour is having on their lives. ***In dealing with Harm Related ASB and in line with Government guidance, AWC will exercise our freedom to apply our professional judgment***, when supporting victims and communities, rather than following a prescribed 'one size fits all' approach to the handling and management of ASB.

13 - Giving Victims a Say

13.1 - Introduction

13.1.1 AWC recognises the importance of listening to what victims and communities have to say concerning the impact of ASB – The Anti-Social Behaviour, Crime and Policing Bill 2014, has introduced two new measures, which are designed to give victims and communities a say, in the way ASB is dealt with –

13.2 - Community Trigger

13.2.1 Also introduced is the Community Trigger, which, will (if triggered), ***REQUIRE*** parties to share information they hold which marks a significant change in the way that ASB is dealt with and will require, that in order to make the best of the new legislation, council staff must know their way around the current data sharing legislation, which will still form the legal gateway for data exchange.

13.2.2 Local agencies are compelled to take action if several people in the same neighbourhood have complained and no action has been taken; or the behaviour in question has been reported to the authorities by an individual three times, and no action has been taken.

- The ASB was reported within one month of the alleged behaviour taking place; and
- The application to use the trigger is made within six months of the report of ASB

13.3 - Community Remedy

Community Remedy is a police led intervention which gives victims a say in the out-of-court punishment of offenders for low-level crime and ASB. AWC has no direct responsibility in delivering Community Remedy, however we will where appropriate, work in partnership with those delivering such remedies, to where possible, assist in delivering deliver positive outcomes.

14 - Non Enforcement ASB Tools and Resources

14.1 - Early and Informal Intervention

14.1.1 Early intervention, especially through informal approaches can be successful in stopping the ASB committed by the majority of perpetrators. It can establish clear standards of behaviour and reinforce the message that ASB will not be tolerated.

14.1.2 In most cases, when dealing with ASB relating to young people, AWC will always in the first instance, consider the use of early and informal interventions to prevent further problematic behaviour. Early intervention is particularly effective when dealing with young people and helps prevent the long term, costly and negative impact of entering the criminal justice system.

14.1.3 AWC will always consider the appropriateness of applying early and informal interventions on a case by case basis and examples of some of the most common forms of informal intervention available to us are listed below for reference. Alternatively, in cases where informal intervention is not the appropriate first step, perhaps because the victim is at risk of harm, AWC will always consider progressing directly to more formal sanctions, which are discussed in some depth, further on in this document.

Early and informal interventions which may be used by AWC include –

14.2 - Youth Early Intervention Project (EIP) - The EIP gathers information to identify young people who cause or are at risk of becoming involved in ASB. We will work with a range of professionals to support young people to change their anti-social behaviour. Partners include schools, the Youth Support and Development Service, drug and alcohol services and West Sussex Fire and Rescue Service.

14.3 - Warnings

14.3.1 **Verbal warnings** – In deciding to use a verbal warning, the officer should still consider the evidence e.g. The council officer should have reason to believe that the ASB has occurred, or is likely to occur and that the individual's behaviour could be considered to be unreasonable. In issuing a verbal warning the council officer should make clear to the individual what behaviour is causing the issue and what effect this is having on the victim or community and the consequences of non-compliance are explained clearly.

14.3.2 **Written warnings** – As with a verbal warning, a written warning should contain specifics about what behaviour has occurred and why this is not acceptable, including the impact on any victims or local community. AWC will where appropriate, alert other agencies that a warning has been given, so that it can be effectively monitored.

14.3.3 AWC will consider what level of detail we go into at the early/informal stage, regarding the consequences of further ASB and the potential for more serious sanctions – for instance, an acceptable behaviour contract (ABC), court proceedings for an injunction to prevent nuisance and annoyance (CJ) or even criminal proceedings if the behaviour escalates.

14.4 - Mediation

14.4.1 Mediation is a service provided at public expense and is a way of solving disputes between individuals/groups of individuals, by using a professional mediator who is completely impartial, experienced at mediation techniques and who has not been previously involved with the problem. The mediator works with the parties concerned in order to construct a solution and AWC work in partnership with the West Sussex Mediation Service, who are an accredited mediation service provider.

14.4.2 Mediation is a voluntary, non-judgemental process with all proceedings being confidential, taking place at a neutral venue avoiding, if necessary, face-to-face contact between the parties. Any agreement reached can be put in writing and signed by all parties.

14.5 - Acceptable Behaviour Contracts

Acceptable Behaviour Contracts (ABCs), sometimes called Acceptable Behaviour Agreements, can be an effective way of dealing with anti-social individuals, especially where there are a number of problem behaviours. They can also be very effective at dealing with young people early, to nip problem behaviours in the bud before they escalate.

14.6 - Think Family - Families with Multiple and Complex Needs

14.6.1 Where appropriate, AWC will refer households to the Think Family programme. The Think Family Programme is the delivery model across West Sussex for the national Troubled Families Programme. The Programme focuses on families with multiple high cost problems and includes families affected by poor school attendance, youth crime, anti-social behaviour, unemployment, domestic abuse and health problems.

14.6.2 Think Family Key workers take an assertive approach to challenge unacceptable behaviour, work with the whole family and co-ordinate multi-agency support for up to a year, enabling the family to develop sustainable changes to improve their lives and that of others in their local communities.

14.7 - Support and counselling

14.7.1 In many cases, there are underlying causes of an ASB perpetrators bad behaviour. The new powers allow professionals to actively deal with these through the use of positive requirements sanctioned by the court. However, AWC will where possible seek to offer help and support to perpetrators in advance of any formal court action.

14.7.2 Substance misuse or alcohol dependency can drive ASB and low level crime, and support can have a positive impact. Catching someone before they fall into a criminal way of life by supporting them to escape addiction can save thousands of pounds in enforcement action over a person's lifetime and as such, AWC will where appropriate signpost individuals and or offer support from drug/alcohol professionals/services to help manage any drug/alcohol misuse/dependency situations.

14.8 - Dealing with Graffiti

14.8.1 AWC in conjunction with West Sussex County Council, have a zero-tolerance policy on all graffiti and fly posting (unauthorised advertisements and posters). **If the markings are of a racial/offensive nature we will aim to remove these within 24 hours of being notified.** All other reports will be dealt with as soon as possible.

14.8.2 We will clear graffiti and fly posting from public and private buildings, telephone boxes, signs, public utility boxes, etc.

14.8.3 The removal of graffiti and fly posting from private property is the responsibility of the landowner or leaseholder. Where there is spare capacity in the graffiti and fly posting contract, we will give free of charge removal, where possible, to residents and businesses.

15 - More Effective ASB Powers

15.1 – Civil Injunction (CI) –

15.1.1 The CI is used to stop or prevent individuals engaging in further anti-social behaviour quickly and prevent the escalation of nuisance and annoyance.

15.1.2 The injunction to prevent nuisance and annoyance CI is a civil power which can be applied for to deal with anti-social individuals. CIs can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating.

15.1.3 Although the CI is a civil power, it is still a formal sanction and AWC will consider early and informal approaches before resorting to court action, especially in the case of those under 18 years of age. However, where Early and informal approaches have not worked or AWC decides that a formal response is needed more quickly, we will pursue the enforcement route.

15.1.4 It will not automatically be the responsibility of AWC to undertake responsibility to act as lead agency as a number of agencies can apply for a CI and this will ensure that the body which is best placed to lead on a specific case can do so. Other agencies who can apply for a CI are –

- A Non-Council Housing Provider
- The Chief Officer of Police for the Local Area
- The Chief Constable of the British Transport Police
- Transport for London
- The Environment Agency and Natural Resources Body for Wales
- NHS Protect and NHS Protect (Wales)

15.1.5 Where AWC are seeking to apply for a CI we must have evidence (to the civil standard of proof, that is, 'on the balance of probabilities') that the respondent has engaged in, or is threatening to engage in, conduct capable of causing nuisance or annoyance to another person. AWC will also need to satisfy the court that it is just and convenient to grant the injunction.

15.1.6 In deciding whether the individual's conduct is capable of causing nuisance or annoyance, AWC will communicate with all potential victims and witnesses to understand the wider harm to individuals and the community. Not only will this test ensure that victims and communities feel that their problem is being taken seriously, but it will also aid our evidence-gathering process for application to the court.

15.1.7 The test also allows for the CI to be used in cases where the perpetrator has allowed another person to engage in ASB, as opposed to actively engaging in such behaviour themselves. For example, in a case where another person such as a visitor or a lodger was behaving anti-socially, AWC will consider seeking a CI against the problem visitor, lodger or owner, if applicable.

15.1.8 A court may grant a CI against anyone who is 10 years of age or over. Applications against individuals who are 18 years of age or over must be made in the county court, whilst applications against individuals who are under 18 years of age must be made in the youth court.

15.2 - Criminal Behaviour Order (CBO)

15.2.1 A Criminal Behaviour Order (CBO) is issued by any criminal court against a person who has been convicted of an offence, to tackle the most persistently anti-social individuals who are also engaged in criminal activity.

15.2.2 The CBO is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

15.2.3 The prosecution, usually the Crown Prosecution Service (CPS), may apply for the CBO after the offender has been convicted of a criminal offence. The prosecution can apply for a CBO at its own initiative or following a request from a council or the police. The CBO hearing will occur after, or at the same time as, the sentencing for the criminal conviction. The CPS will rely on the police or council to build the case to be presented to the court.

15.2.4 For a CBO to be imposed, the court must be satisfied that –

- The offender has engaged in behaviour that caused/was likely to cause, harassment, alarm or distress to one or more persons; and
- That making the order will help in preventing the offender from engaging in such behaviour.

15.2.5 The CBO can deal with a wide range of anti-social behaviours following the individual's conviction for a criminal offence, for example, threatening violence against others in the community or persistently being drunk and aggressive in public. AWC will make proportionate and reasonable assessments before applying for a CBO and conditions of an order **should not** be designed to stop reasonable, trivial or benign behaviours that have not caused, or are not likely to cause, serious harm to victims or communities. An application for a CBO does not require a link between the criminal behaviour which led to the conviction and the ASB for it to be issued by the court. However, if there is no link this may increase the likelihood that an application will not be successful.

15.2.6 As with the CI, AWC will where appropriate seek to include requirements where it is believed by and held by the court that such measures will help stop further ASB by the offender. AWC will ensure

that any requirements placed on the offender will aim to tackle the underlying cause of the ASB and are tailored to the specific needs of each offender. They could include –

- Attendance at an anger management course where an offender finds it difficult to respond without violence.
- Youth mentoring.
- A substance misuse awareness session where an offender's ASB occurs when they have been drinking or using drugs; or
- A job readiness course to help an offender get employment and move them away from the circumstances that cause them to commit ASB.

15.2.7 It will not automatically be the case that AWC will undertake responsibility to act as lead agency. A number of agencies can apply for the CBO and this will ensure that the body which is best placed to lead on a specific case can do so.

15.3 - Community Protection Notice (CPN)

15.3.1 The CPN is aimed at stopping a person, business or organisation committing ASB which spoils the community's quality of life and is intended to deal with particular, ongoing problems or nuisances by targeting those responsible.

15.3.2 In many areas, councils already take the lead in dealing with these kinds of issues and they will continue to be able to issue the new notice. However, the move towards neighbourhood policing and community safety teams in recent years has seen the police take a more active role in dealing with these issues, working with councils, and so police officers and Police community support officers will also be able to issue CPNs.

15.3.3 In addition, there is a formal role for social landlords. Social landlords in England and Wales manage over four million dwellings and deal with hundreds of thousands of complaints of ASB every year. Where it is appropriate, local councils can designate social landlords in their area to issue CPNs.

15.4 - Public Spaces Protection Order (PSPOs)

15.4.1 PSPOs are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can enjoy public spaces, safe from ASB.

15.4.2 AWC will be responsible for making the PSPO which holds broad enforcement powers.

15.5 - Closure Power

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder and it comes in two stages, the closure notice and the closure order which are intrinsically linked. The closure notice can be used by AWC or the police out of court. The short-term closure notice can then be extended upon application for a closure order to the magistrates' court. The court will make the final decision as to whether to grant the order.

15.6 - New Absolute Ground for Possession

15.6.1 AWC can use the new absolute ground for possession in order to speed up the possession process in cases where ASB or criminality has been already been proven by another court.

15.6.2 As AWC will not need to prove that it is reasonable to grant possession, the court will be more likely to determine cases in a single, short hearing. This will strike a better balance between the rights of victims and alleged perpetrators, and provide swifter relief for victims, witnesses and the community. The new absolute ground is intended for the most serious cases of ASB and AWC will ensure that the ground is used selectively.

16 - Statutory Requirements

The relevant statutory requirements in dealing with ASB are as follows:

- a) The Anti-Social Behaviour, Crime and Policing Act 2014
- b) Crime and Disorder Act 1998
- c) Anti-Social Behaviour Act 2003
 - Publishing of Policies and Procedures (Part 2 Section 12).
 - The Environment/Noise/Graffiti (Part 6 Sections 40/41/42)
- d) Police Reform Act 2002
 - Seizure of vehicles used in an anti-social manner
 - Statutory consultation requirements for anti-social behaviour
- e) Human Rights Act 1998 (Articles 6, 8, and 14)
 - Rights of a fair trial, respect for family life, home and correspondence.
- f) Data Protection Act 1998
 - The protection and use of personal data held by the Council
- g) Equality Act 2010

17 – Delivery

17.1 - Monitoring and Recording

In order to ensure that reports of ASB are effectively managed, where appropriate, AWC will ensure that details of incidents are fully recorded providing accuracy of information and where possible will include details concerning the victim's age, any disability and their ethnic background, in order to take into account any discriminatory factors relating to the complaint. Key actions will be recorded and cases will be monitored to ensure that actions are effective.

17.2 - Information Sharing

17.2.1 Most commonly used in partnership working is Section 115 of the Crime and Disorder Act 1998. Section 115 provides a power for AWC to disclose information, where necessary and expedient for the purposes of the Act to a relevant authority, namely police, local authority, probation service or health authority. Where the information is clearly needed for the purposes of reducing ASB, the presumption should normally be that it will be supplied.

17.2.2 Following the Crime and Disorder Act review, the Police and Justice Act 2006 placed a duty on relevant authorities to share depersonalised data, which is relevant for community safety purposes and already held in a depersonalised format.

17.3 - Reporting ASB

17.3.1 Every effort will be made by AWC to ensure that reporting ASB is as easy as possible. Any person who feels they are threatened with such behaviour can report the matter and seek advice from AWC in any of the following ways –

- In person at the Adur & Worthing Council Offices during Office Hours – Worthing Town Hall and Portland House
- In writing by letter - Hand delivered/posted
- Via e-mail
- Via a telephone call placed direct to Adur & Worthing Councils (anonymous messages will be acted upon)
- Via the ASB Telephone Hotline (anonymous messages will be acted upon)
- Completing and submitting an on-line ASB Report via the Adur & Worthing Councils website (anonymous reports will be acted upon)

17.3.2 In order to avoid victims being kept waiting or passed from one person or agency to another, the member of staff to whom the victim first reports the problem should –

- Undertake initial enquires
- Take any immediate action to alleviate harm and instigate support
- Ensure information or referral is passed to a relevant officer (if not themselves)

17.3.3 The victim should be encouraged to give full details of the event(s) they are reporting. At this initial stage the validity of their statement should not be questioned nor should the effect of the ASB on the victim be underestimated or minimised.

17.4 - Third Party Reporting

17.4.1 It is not necessary for the victim to place a report of ASB with AWC and as such, where necessary, we will communicate via a third party to ensure that the needs of any victim of ASB are fully met.

17.4.2 AWC work closely with Sussex Police and a variety of other agencies, in order to deal with reports of ASB and are able to share information to help prevent and detect crime. Where for whatever reason, it is not possible for a victim of ASB to make direct contact with AWC, or the victim would initially prefer to speak with someone, who they feel more comfortable in approaching, they should do so and where appropriate, arrange for details of any concerns to be passed to AWC.

17.5 - Anonymous Reports of ASB

AWC are committed to responding to all reports of ASB and as such, where we receive reports of ASB where the victim has opted to remain anonymous, we will treat such reports in exactly the same way as reports filed by individuals who have identified themselves. Where an anonymous ASB report is received by AWC, it will not be possible for us to provide any updates or feedback to the person making the report. Should at some point an individual who has filed an anonymous report wish to identify themselves to AWC, we will provide them with an up to date account of how their report has/is being managed.

18 - Service Standard

18.1 - Support for Victims

18.1.1 When making a report of ASB, support will be offered to victims by AWC to ensure they are treated fairly and with dignity and respect. This includes listening to victims, keeping them informed of any developments and referring them to appropriate support services where necessary.

18.1.2 Should any complainant need to provide statements at Court, officers will give them support. Every effort will be made to keep the identity of complainants confidential if requested. However, this may be outside the control of AWC.

18.1.3 We will strive to ensure that any incidents of ASB falling within our remit are prevented or tackled at an early stage. We aim to stop ASB by putting communities first and adopting a Harm Centred approach to the management of any such reports.

18.2 - Our ASB Standards

18.2.1 AWC are committed to providing a high quality of service and these Standards outline what the victims of ASB can expect from us –

- a) We have put in place a variety of reporting methods and systems which make reporting ASB quick and easy.
- b) Our contact details are publicised and easily available.

- c) AWC take all complainants of ASB extremely seriously and we will respond to such reports promptly and fully investigate all such reports in line with this policy and which are causing harm and impacting on individuals and or the local community as a whole.
- d) ASB Reports will be allocated to a named Council Case Officer who will contact the victims/those reporting ASB using the preferred method of contact identified by the person making the report.
- e) The Council Case Officer will meet with the victim/complainant at their home or other agreed location where they indicate that they would prefer a face to face meeting.
- f) Where the victim/complainant indicates that they wish to be sent an acknowledgement letter, this will be provided and will include a unique case reference number and our contact details.
- g) The Council Case Officer after any initial contact will make further contact with victim/complainant and agree/confirm an action plan for dealing with ASB issue.
- h) The victim/complainant will on a case by case basis be provided with an ASB incident Diary (or alternative evidence recording medium i.e. Dictaphone)) in order to record details of ASB incidents.
- i) The Council Case Officer will regularly review the case with victim/complainant, as agreed in the action plan and this will take place at minimum, at least once a month.
- j) All active ASB Cases will be reviewed jointly by the Council Case Officer and their Line Manager.
- k) Where appropriate mediation will be offered at public expense if it is considered the most effective way to deal with any problems.
- l) AWC will provide support to the victim/complainant along with our partner agencies and other support services to ensure that a full package of support is provided.
- m) The most appropriate tools and powers to resolve ASB cases will be utilised and where appropriate AWC will share information with others to ensure the best outcome for any victim of ASB.
- n) Contact will be made with the ASB victim/complainant prior to closing an ASB case and where requested, a case closure confirmation letter will be sent to the victim/complainant outlining the outcome of the case in writing.
- o) An ASB case will only be closed where consent of 2 officers is present, one of whom must be a manager.
- p) All information provided to AWC surrounding ASB Cases will be treated in confidence and all records will be kept safe and secure in line with legal requirements, subject to safeguarding exemptions.
- q) Where legally permitted to do so, AWC will publish in the public domain details of individuals who are subject to ASB enforcement sanctioned by the courts.
- r) Where appropriate and with the consent of any ASB victim/complainant, AWC will undertake customer satisfaction surveys to help find out what people think of the service and how it can be improved.

18.2.2 Application of these Service Standards will be detailed within the various council departments, ASB procedure documents.

19 - Support Mechanisms

19.1 – Introduction

19.1.1 Taking a victim focussed harm centred approach AWC aim to reduce the risk of harm to vulnerable and repeat victims of ASB, through early identification, ensuring proactive approaches to reduce ASB and providing appropriate support mechanisms as indicated below –

19.2 - Vulnerable victims

19.2.1 The term ‘vulnerable’ can describe a wide range of possibilities, we need to apply a definition that identifies those most at risk, and one that can be easily understood and applied –

‘Any victim of or witness to anti-social behaviour is vulnerable if the conduct in question causes an adverse impact on their quality of life and affects their ability to cope with the problem in hand. This includes risk of harm; deterioration of health; mental or emotional well-being; or an inability to carry out normal day to day routines through fear and intimidation and they require support from any agency or agencies in order to deal with the problem’.

19.2.2 This Policy will ensure that AWC recognises the tools at our disposal to assist in and enable the early identification of vulnerable victims based on a common screening approach which will be applied across all agencies to identify vulnerable victims at first point of contact.

19.2.3 Robust/consistent assessment of vulnerability and management of risk by AWC will include –

- Appropriate and timely responses to calls relating to ASB
- Detailed risk assessing of vulnerable victims and shared action plans that reduce the risk of harm
- Continuous improvement of ASB Risk Assessment Conferences (ASBRAC) and Police PIER meetings, where agencies come together to reduce the risk of further harm
- Keeping victims updated on progress of their case or complaint.

19.3 - Repeat Victims

19.3.1 For victims of ASB the experience tends to build up and undermines their ability to live in peace. Those who suffer ASB experience varied levels of harm, but in nearly all cases repeat victims experience far higher levels of impact –

- A repeat victim is someone suffering from more than one ASB incident, whether the same or linked in nature, within the previous 12 months

19.3.2 This policy ensures that AWC has processes in place that allow us to quickly identify repeat victims and locations of ASB and include –

- Common screening at first point of contact
- The use of a common cross agency case management system delivered through E-CINS¹ to identify repeat victims and locations.

19.3.3 In addition, AWC accesses sound problem solving solutions for identified ASB hotspots and locations, through a system of multi-agency tasking. This is delivered by the Adur & Worthing Joint Action Group, which enables the sharing performance data across agencies to ensure a consistent approach and targeting of ASB that causes most harm to our communities.

¹ E-CINS is a cloud based multi-agency information sharing and case management computer system which facilitates real time tasking and updates between relevant partners, thus reducing the waiting time for referral to Multi-Agency meeting whilst enabling bespoke care plans and perpetrators actions through partnership task setting. The system is secure and endorsed by the Information Commissioner.

19.4 - Perpetrators of ASB

19.4.1 Reasons for behaving anti-socially are wide ranging and as such a number of tailored approaches will be employed by AWC to tackle behaviour and include –

- Support to individuals and families to promote positive behaviour
- Enforcement, such as warning letters, informal agreements or formal court interventions
- Restorative approaches including offering a community based solution to dealing with ASB, by bringing together those affected by ASB with those who are responsible, to find a joint resolution, and is most effective in matters such as neighbour dispute, or incidents that arise from misunderstandings.

19.4.2 This policy will ensure that AWC use an incremental approach for dealing with perpetrators of ASB and this will include –

- Multi agency case conferencing, to find the most productive way forward, using skills across the partner agencies including the voluntary and community sector
- Using all the support and enforcement tools available to find the best solution case on case
- Utilising intelligence and performance information to identify ASB perpetrators causing the most harm and take appropriate actions
- The use of a common cross agency case management system delivered through E-CINS to identify repeat victims and locations.
- Using evidence to focus resources to those areas with the biggest problems.

19.5 - Community Impact

AWC will also consider the impact on a community, alongside considering the harm to specific individuals. This is particularly the case where failure to intervene could inflame community tensions or incite others to commit acts associated with hatred or public disorder.

19.6 - Victims and Witnesses

AWC aim to build an environment within our neighbourhoods, where witnesses/those reporting ASB can feel secure and safe in coming forward to report and testify about what they have seen and AWC will work with our partner agencies to secure this objective and to ensure that –

“The welfare and safety of residents whose complaints form the basis of any action must be at every stage of the process be the first consideration” (Home Office, November 2003)

19.7 - Support for People Reporting Anti-Social Behaviour and Witnesses

AWC provide the following support to the person reporting ASB and witnesses, to ensure their own well-being and that action against perpetrators is as successful as possible and this support includes –

- Clear understanding of the process, choices and options available (including opportunity to have their evidence given by professional witnesses)
- Ongoing support before and after the case
- Communicate regularly with the individual that experienced the ASB and witnesses
- Where appropriate and where the individual agrees, may refer to a support agency
- Deal with reports of ASB promptly
- Treat those who report ASB and witnesses sympathetically and sensitively
- Issue Incident Diaries (or other appropriate means of recording) to record future incidents
- Help to prevent intimidation through working with the Police
- Offer to arrange a familiarisation visit to the courts

19.8 - Managing Expectations

When managing expectations, AWC will ensure the victim understands what realistic outcomes can be reached. AWC will measure expectations against the level of evidence produced to determine what

action can be taken. If there is very little evidence that can be substantiated AWC will advise the victim that it is unlikely that their 'expectations' will be met.

20 - Anti-Social Behaviour Risk Management

20.1 - Assessing the Risk to Victims

20.1.1 Reducing the harm caused by ASB is a high priority for AWC which is driven by immediately assessing the risk of harm to the victim, and their potential vulnerability, when we receive a complaint about ASB. This approach marks the start of the case-management process and enables AWC to identify the effect the ASB is having on the victim, particularly if repeated incidents of ASB are having a cumulative effect on their well-being.

20.1.2 In order to facilitate the assessment process, AWC together with other agencies have adopted a continuous and organised risk assessment approach which utilises the national Hate and Anti-Social Behaviour Risk Assessment Matrix (HARA), in order to help identify cases that are causing, or could result in serious harm to the victim, either as a one-off incident or as part of a targeted and persistent campaign of ASB against the victim.

20.2 - Risk Assessment Matrix (HARA)

20.2.1 AWC recognise that the risk assessment is the collection and assimilation of relevant information to determine the level of risk of harm being posed to an individual(s) and not an exercise of filling in a form. The HARA Risk Assessment Matrix is a tool and a guide to practitioners. Professional judgement and investigation are also crucial to the process and will be applied by members of AWC throughout the process.

20.2.2 The elements of this Risk Assessment are around –

- Frequency of the behaviour reported.
- If the victim or persons affected have any vulnerabilities.
- Overall impact on the victim of the behaviour being complained of.

20.3 Frequency

AWC are conscious of the cumulative effect that relatively minor incidents can have when a person is repeatedly subjected to them. AWC recognise that it takes the vulnerable a lot of courage to make a report for a number of reasons, including fear of reprisals and feeling they may not be taken seriously. Therefore when reports are made, AWC will use the opportunity and take time to gain the full picture of what has been happening.

20.4 - Vulnerability

20.4.1 Research has found that people with a long standing illness, infirmity or disability are most likely to be victims of ASB and are more likely to suffer greater harm.

20.4.2 When assessing vulnerability, it is worth considering that any of the following groups of people could be potentially vulnerable –

- Those who have pre-existing characteristics which make them more susceptible to harm from ASB e.g. people who have long term illnesses, disabilities, the elderly or people who are isolated from help.
- Those who are vulnerable because of the effect the behaviour is having on them, or the likely effect of the behaviour.
- Those who have a particular characteristic which is making them subject of victimisation (this will often involve hate crime).
- A combination of any of the above.

20.5 - Overall Impact

The above factors will likely dictate the overall impact that behaviour is having or is likely to have. When assessing impact, AWC officers will look at the situation through the eyes of the victim, rather than make a judgement against their own values or beliefs.

20.6 - Definitions of Risk Levels

20.6.1 The national risk assessment is designed around a "scoring" exercise to determine a risk level. However, AWC view this as an operational guide and accept that professional judgement is also an important part of the process. There may be occasions when AWC consider it is appropriate to take a view which alters the risk assessment outcome after the scoring exercise.

20.6.2 AWC have adopted the Sussex Police definitions around the three levels identified risk –

- **ASB Standard Risk** - There are insufficient grounds on the facts currently known to believe that this person is suffering or likely to suffer significant "personal harm" as a result of ASB.
- **ASB Medium Risk** - There are grounds to believe that this person may suffer significant "personal harm" as a result of ASB. Protective measures may be necessary to reduce the risk.
- **ASB High Risk** - There are substantial grounds for believing that the person is suffering or is likely to suffer significant "personal harm" as a result of ASB. Protective measures are necessary to reduce the risk.

20.6.3 Further reviews will be undertaken by AWC after implementing safety measures or conducting problem solving activity to re-assess the risk to individuals. For this, the risk assessment matrix will be used in conjunction with the definitions below.

- **ASB Standard Risk** - The frequency and nature of the behaviour being perpetrated has ceased or diminished to the extent that this person is not suffering or likely to suffer further "personal harm" as a result of ASB.
- **ASB Medium Risk** - There are continued grounds to believe that this person may suffer "personal harm" as a result of ASB. Protective measures in place continue to be necessary to mitigate the risk. The reviewing officer considers that these measures are effective and sufficient.
- **ASB High Risk** - There are continued substantial grounds for believing that the person is suffering or is likely to suffer "personal harm" as a result of ASB. Continued intensive protective measures and frequent monitoring are necessary to mitigate the risk.

20.6.4 The object of the second set of definitions is to provide a guide to allow ASB cases to be appropriately re- graded, in a consistent manner across all agencies.

20.7 - Responsibilities

All members of AWC have a responsibility for recognising harm incidents and ensuring appropriate action is taken to mitigate risks.

20.8 Screening

All members of AWC have a responsibility when handling reports of ASB to identify, through screening, if a caller is a repeat victim, has any vulnerabilities and the overall impact of the behaviour being perpetrated.

21 - Evidence Gathering

21.1 - Methods

21.1.1 AWC will, where appropriate, use the following methods to gather and record evidence relating to ASB –

- **Witness Statements**
- **Victim Impact Statements**
- **Community Harm Statements**
- **ASB Matrix Surveys to gather community intelligence**
- **ASB Incident Diaries**

21.1.2 AWC recognises that different methods of recording evidence will be appropriate in different circumstances. AWC will consult with victims and witnesses of ASB and partner agencies, to ensure officers employ the most appropriate method of evidence gathering.

21.2 - Recorded Evidence

21.2.1 **Personal Mobile Devices and Home/Commercial CCTV Surveillance Systems** – Where members of the community capture and or record evidence of Harm Centred ASB on their own privately owned Personal Mobile Devices and or Home/Commercial CCTV surveillance systems, AWC will on a case by case basis decide if the evidence recorded should be officially captured and or saved by the owner, in order to support any subsequent court proceedings. In most instances, AWC will advise that any such recordings should be saved by the owner, in the format in which they were captured, in order to prevent any loss of data, which might occur, when trying to copy or save such data to other systems of technological formats.

21.2.2 **Noise Pollution - Monitoring Equipment (DAT Recorder)** – Where incidents of noise nuisance are reported to AWC the complainant will be referred on to and or advised to contact the Adur & Worthing Councils Environmental Protection Team (EPT) who investigate such complaints and use noise monitoring equipment (DAT Recorders) to measure excessive noise. If a formal investigation finds evidence of noise nuisance, AWC can take legal action requiring the noise nuisance to stop.

21.3 - Multi-Agency - Problem Solving Meetings (PSMs)

21.3.1 Multi-Agency PSMs are convened on a case by case basis and used by AWC to provide a mechanism to bring together relevant agencies and deliver a joined up approach to problem solving based information sharing, in order to identify any evidence held by other agencies and to protect and support victims through effective handling, investigation, action planning/allocation and management processes around ASB, which is impacting on individuals and communities as a whole.

21.3.2 PSMs are made up of local agencies and professionals, including Council Officers, Police, Health and Social Care Professionals, Housing Providers, Drug and Alcohol Professionals, Councillors and Schools Staff etc. all of whom have the required skills and resources to resolve ASB related problems.

21.4 - Street Briefings and Community Meetings

AWC will, where appropriate and on a case by case basis, engage directly with the public through the delivery of Street Briefings and Community Meetings, involving one or more agencies including, Council Officers, Police, Housing Professionals and Councillors etc. The aim of the direct engagement approach is to enable members of the public to have face to face contact with agencies and professionals and to aid in gathering evidence and help evaluate the extent and impact that incidents of ASB are having on individuals and or the wider local community.

22 - Case management

22.1 - Introduction

22.1.1 Council officers will take full responsibility for their cases and be accountable for their actions, primarily to victims and additionally their line manager.

22.1.2 Effective case management of ASB is defined by an emphasis on the needs of the victim, not the offender and is underpinned by a swift sharing of information, in order to seek an effective and prompt resolution to the problem. An effective approach to case management by AWC will start from the point when a complaint is received and continue until the matter is fully resolved.

22.1.3 The welfare, safety and well-being of victims whose complaints form the basis of any action will be the main consideration of AWC and at every stage of the case management process, in order to ensure that AWC provide a fair and consistent service to the public, through taking timely and appropriate action to tackle ASB.

22.1.4 AWC will apply four elements of effective case management as listed below, which are based on the sharing of information and intelligence and will ensure that communication with the victim plays a key role in the process –

- Opening and investigation of the case.
- Applying preventative measures.
- Use of tools and powers.
- Closing the case.

22.2 - Lead Agency

22.2.1 AWC will not automatically assume ownership or act as lead agency in all ASB cases. All the agencies concerned in managing ASB related cases must determine who is best placed to take on the role of lead agency, through establishing the nature and or type of ASB complaint being managed and what powers, authorities and professional expertise is available to the agencies involved.

22.2.2 However, where there is a role for an AWC officer in the management of cases involving ASB, a single point of contact will be identified. The identified officer from AWC will subsequently assume responsibility for providing updates and implementing measures as outlined in the relevant AWC departmental procedure document.

22.3 - Multi-Agency ASB Case Management System (E-CINS)

In all cases of harm related ASB where the ASB Risk Assessment score is Medium or High, as determined through completion of the HARA Matrix with the victim, the case will be recorded and managed on the Multi-Agency ASB Case management System used by AWC - E-CINS.

22.4 - Use of tools and powers

In managing the case AWC will apply the following criteria –

- The case will be investigated thoroughly by gathering witness statements, diary sheets, police data, photographs and physical evidence and through sharing intelligence with partner agencies.
- The most effective tools and powers will be used quickly and proportionately to protect the victim and local community where there is significant risk and harm.
- No promises, or threats, the use of legal enforcement will be made when the evidence does not exist to support such actions.
- Appropriate action will be taken quickly if the case escalates.
- A Case Management PSM/Conference will be convened to agree actions and secure necessary support on interventions.
- Effective monitoring, management and review of legal enforcements and interventions will be on-going.

23 - Information Sharing

23.1 - Purpose

23.1.1 This policy provides guidelines to enable the sharing of information to support effective action to be taken against the perpetrators of crime and anti-social behaviour and multi-agency working for the safeguarding and protection of children and vulnerable and repeat victims and incorporates measures that will be aimed at –

- The use of both civil and criminal remedies via effective joint working to swiftly and effectively combat problems of crime and anti-social behaviour
- Facilitating the collection and exchange of relevant information
- The pursuit of both civil and criminal proceedings – joint case management
- Ensuring that the exchange of information is justified and is in compliance with legislation.

23.1.2 Partners are able to make differing resource contributions to crime and disorder reduction. Information sharing between partners is needed in order for various strategies to be successful, including tackling ASB and prolific and other priority offenders (PPOs) as well as the prevention, detection, investigation and prosecution of individual crimes. It also allows for specific activity relating to the Prevention of Violent Extremism.

23.1.3 *In general terms, the law allows for information sharing for any legitimate purpose, where this has a legal basis.*

23.1.4 There is a clear benefit in sharing data in order to protect the public and avoid individual tragedy that may follow when proper processes are not in place and communication is lacking.

23.1.5 The public rightly expect, and the Data Protection Act 1998 requires, that personal information held by statutory agencies will be properly protected. However, there is also a public expectation that there will be an appropriate sharing of information in working in partnership towards reducing crime and disorder and protecting public health.

23.2 - Information Sharing

23.2.1 **S115 of the Crime and Disorder Act 1998** - This provides a lawful power for disclosure of personal information by any person to the statutory partners, including AWC and Sussex Police, for the purposes of implementing the provisions of the CDA. The presumption of confidentiality still applies and all disclosure is looked at on a case by case basis. AWC are also still bound by the obligations imposed by the DPA 1998.

23.2.2 In addition, AWC are signatories to a Pan West Sussex Information Sharing Protocol. There is a duty placed on AWC together with other agencies, such as Sussex Police to work together and share information with each other enabling victims to quickly see a real difference in the response to their reports. The Community Trigger outlined above includes a specific duty on some bodies to share information when the trigger is activated, however, AWC will not wait until a victim feels they are being ignored before coming together to develop a response.

23.2.3 Section 115 does not, however, override the need to disclose in a proper manner, taking into account other statutory and common law constraints on disclosure, including data protection, human rights and the common law duty of confidence.

23.3 - Confidentiality

AWC undertake that personal data shared will only be used for the specific purpose for which it is requested. The recipient of the information will keep it securely stored and will delete or confidentially shred and destroy it when it is no longer required. Files containing data from partner sources will be reviewed every six months to ensure that the retention of the data can be justified. AWC will not release information to any third party, for whatever reason, without obtaining the express written authority of the source of the data provided.

24 - ASB and Associated Working Groups

24.1 - Anti-Social Behaviour Risk Assessment Conference (ASBRAC)

24.1.1 The ASBRAC is a multi-agency meeting attended by practitioners from police, local authority, registered social landlords, social care and other interested parties. Referrals can be made by any practitioner within Adur & Worthing who has a role in tackling anti-social behaviour.

24.1.2 AWC will where medium and high risk victims of ASB are identified work together with other agencies through ASBRAC meetings which take place monthly. The ASBRAC is part of a process in managing risk and harm, beginning with a victim vulnerability risk assessment, which is shared with relevant partners through E-CINS. E-CINS will include comprehensive action plans and associated task setting to reduce risk and harm. The ASBRAC has oversight of this process and ensures it is operating effectively.

24.1.3 Referrals made to the ASBRAC from other organisations / departments will be evaluated through the ASB Risk Assessment Matrix to determine the suitability of a co-ordinated multi-agency response. Once quality assured and scored, where appropriate, the referral will be allocated to an agency/officer to lead on the investigation. The case will be formally reviewed and actions will be determined, until a successful resolution has been achieved.

24.1.4 All parties attending the ASBRAC sign a confidentiality agreement.

24.2 - Street Community Operational Group

24.2.1 AWC will work closely with a variety of agencies including, housing services, outreach workers and Sussex Police to reduce ASB caused by the Street Drinking community and will apply a mixture of support and enforcement. It is widely accepted that enforcement alone will not stop those individuals who have addiction or are habitual drinkers from drinking. AWC will support a balanced and supportive delivery of measures to encourage drinkers to reduce the number of units they are drinking, so that they can start to address some of the contributing factors, for example secure accommodation & manage debt.

24.2.2 All parties attending the Street Community Operational Group sign a confidentiality agreement.

24.3 - Adur & Worthing Joint Action Group (JAG)

AWC Officers will escalate any ASB related areas of concern i.e. ASB Hotspots to the JAG where appropriate, for consideration of targeted action from a multi-agency perspective, which will be delivered through a Local Action Team (LAT) approach.

25 - Relationship with Other documents

AWC have produced an ASB information leaflet, which is available through making direct contact with AWC and from a variety of leaflet stands located throughout the district e.g. local libraries, medical centres, children and family centres etc.

26 - Protection and Training of Council Staff

26.1 – General Principles

26.1.1 AWC have a Health and Safety Policy, which is available for all staff to refer to and there is also a comprehensive accident reporting procedure in place.

26.1.2 The Council has a Lone Worker Policy which includes guidance to staff.

26.1.3 All training needs are identified as part of the annual Performance Development Review process.

26.1.4 Relevant members of staff have been briefed on the requirements of the harm centred approach to managing incidents of ASB and the contents of this policy.

27 - Compliments & Complaints

27.1 - Compliments

Should any customer of Adur & Worthing Councils wish to praise a service and or member of staff, they can do so through Adur & Worthing Councils Chief Executives Office, who will make sure the compliment is passed on to the service or person concerned.

27.2 - Complaints

Where a customer of Adur & Worthing Councils is dissatisfied with how their ASB case is being/has been handled at any point in the process, they should be advised of the councils complaints procedure and if more than one agency is involved, the partnership will work together to respond jointly to any concerns.

27.3 - Appeals

An appeals mechanism is built in to the councils complaints procedure and will be applied in circumstances where justification to employ this approach is identified.

28 - Policy Review

A review of this policy document will be undertaken every 2 years and or as necessary, where any changes in legislation so dictate.

29 – Version Record

Version Number	Amendments made	Authorised/ Amended by
Draft Version 1.0 – July 2014.	For consultation – AWC/SCP	S. Whitehouse – July 2014
Draft Version 2.0 – Sept 2014.	<ol style="list-style-type: none">1. Document Revised – Incorporating Changes suggested by AWC Legal Department2. 16-09-2014 -Circulated to Finance and Legal prior to submission to AWC JSC	G. Dewey – Aug-Sept 2014
Final Document	Agreed and adopted at Adur & Worthing Councils Joint Strategic Committee meeting held on 7th of October 2014	Joint Strategic Committee – October 2014