

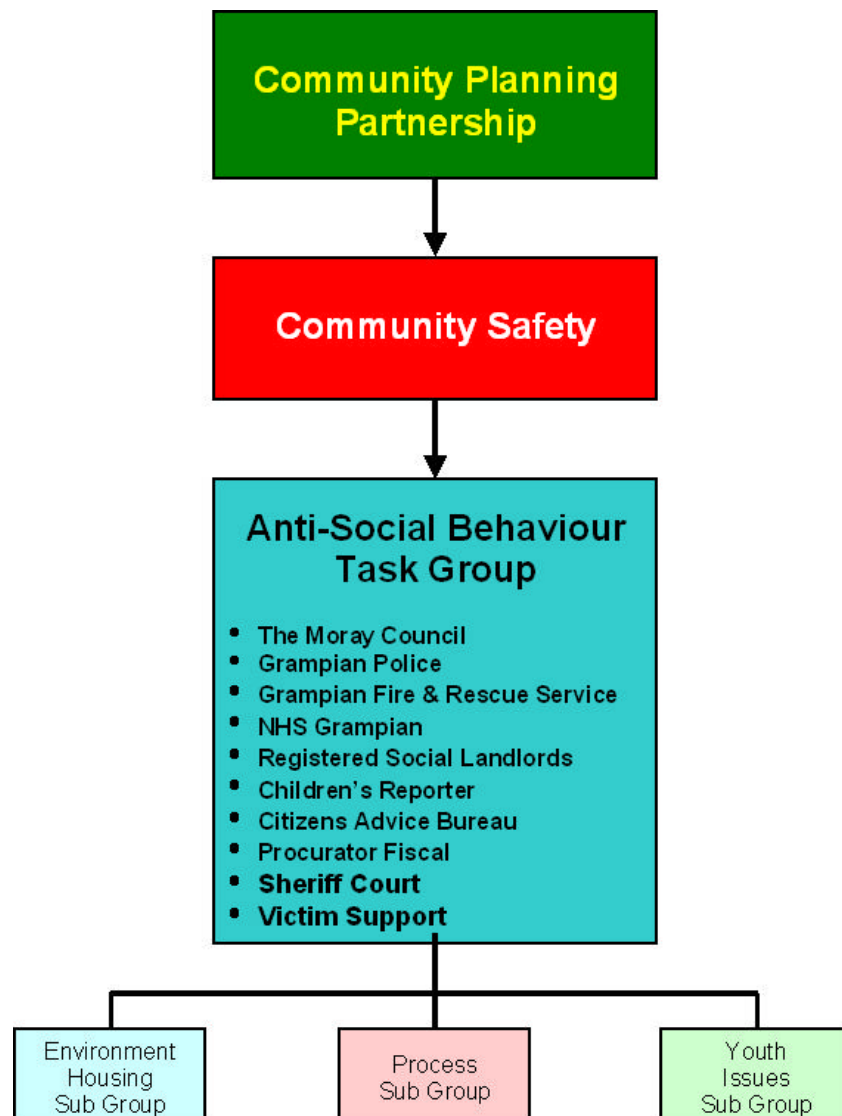
**ANTISOCIAL
BEHAVIOUR**

YOUNG PERSONS

PROCESS

Structure

The Moray Council and its partners are committed to addressing antisocial behaviour within Moray. The Community Planning Partnership has strategic responsibility for implementing the drive against antisocial behaviour and this is achieved and monitored under the direction of the Moray Community Safety Partnership. A multi- agency Antisocial Behaviour Task Group has been formed which co-ordinates the activities, resources and programmes developed under the strategy by all departments and agencies. The Antisocial Behaviour Co-ordinator chairs the group and manages the development of services and initiatives.



Definition of Antisocial Behaviour

Section 143 of the Antisocial Behaviour etc (Scotland) Act 2004 provides that a person engages in antisocial behaviour if they:

“ (a) Act(s) in a manner that causes or is likely to cause alarm or distress; or
(b) pursue(s) a course of conduct that causes or is likely to cause alarm or distress,

to at least one person who is not of the same household.

Conduct includes speech; and a course of conduct must involve conduct on at least two occasions.

Antisocial behaviour is not necessarily behaviour that is merely different, for example by reason of a medical or developmental condition or a mental health problem or because of a different lifestyle, culture or religion. In determining whether a person has engaged in antisocial behaviour any behaviour which is shown to be reasonable in the circumstances will be disregarded.

The following are examples of types of behaviour which may fall within this definition. It should be noted that this list is not exhaustive and other types of behaviour may be defined as antisocial:

- **Noise** – eg noisy neighbours, cars/motorbikes; loud music; alarms; noise from pubs/clubs; noise from business/industry.
- **Rowdy behaviour** – eg. Shouting and swearing; fighting; drunken behaviour; hooliganism/loutish behaviour.
- **Nuisance behaviour** – eg. Urinating in public; setting fires; inappropriate use of fireworks; throwing missiles; climbing on buildings; impeding access to communal areas; games in restricted/inappropriate areas; misuse of air guns; letting down tyres.
- **Hoax calls**
- **Intimidation/harassment** – eg. groups/individuals making threats; verbal abuse; nasty/offensive letters; obscene/nuisance phone calls; menacing gestures.
- **Criminal damage/vandalism** – eg. graffiti; damage to bus shelters, phone kiosks, buildings, trees etc.
- **Litter/rubbish** – eg. dropping litter; dumping rubbish; fly-tipping; fly-posting.
- **Drugs/substance abuse and dealing** – eg. taking drugs; sniffing volatile substances; discarding needles/drug paraphernalia; presence of dealers/users.
- **Street drinking**
- **Abandoned cars**
- **Vehicle related nuisance & inappropriate vehicle use** – eg. Setting vehicles alight; racing cars; off-road motorcycling/quad bikes
- **Animal related problems** – eg. Dog fouling

Voluntary Solutions and Other Remedies

Orders under Antisocial Behaviour Act will be used to tackle serious and persistent antisocial behaviour where voluntary solutions and other remedies have been tried and failed or are considered inappropriate. Voluntary solutions and other remedies will be considered by the agency alone or in consultation with partners:

- Mediation
- Verbal and written warnings from the relevant authority; The Moray Council, Grampian Police and Registered Social Landlord.
- Support Packages developed by Community Social Services along with partner agencies
- Rehabilitation
- Interdicts
- Criminal investigation
- Acceptable Behaviour Contract (ABCs)

The above list of voluntary solutions and other remedies is not exhaustive and the options to be considered will be dependent on the individual circumstances of the case. Acceptable Behaviour Contracts (ABC) would be considered at this stage as a voluntary solution. Definitions of Acceptable Behaviour Contracts, Antisocial Behaviour Orders, Intensive Support and Monitoring Service and Parenting Orders are contained in **Appendix 1**.

Procedures

It has been unanimously agreed within Moray to use the existing Local Assessment and Planning (LAP) process to manage the new measures in the best interests of the child and to ensure that the minimum intervention principle of the Children's Act is upheld (**Appendix 2**).

Antisocial Behaviour Orders (ASBOs), Intensive Support and Monitoring Services (ISMS) and Parenting Orders will be exclusively dealt with through the LAP process, ABCs at an early diversionary point will have a simplified initial referral procedure.

Acceptable Behaviour Contract (ABCs)

Referral Procedure

See **Appendix 3** for Referral form

There may be some young people who are not known to any services who meet the criteria of behaving in an antisocial manner.

When considering the use of ABCs to manage this behaviour it is **IMPORTANT** to realise the status of an ABC and the repercussions that can follow a breach (i.e. it may be used as evidence to obtain an ASBO). For a

1st offender or minor antisocial behaviour a simple Behaviour Contract may be more appropriate as it would not carry the same implications.

The following services have a role in dealing effectively with this level of behaviour:

Police

Community Wardens

Housing

Social Work

Education.

If any of these agencies feel that an ABC is appropriate they should contact the Antisocial Behaviour Co-ordinator and submit the completed referral form. The Antisocial Behaviour Co-ordinator will contact the Youth Justice Co-ordinator and they will examine the evidence presented by the referrer. This evidence should include details of what steps have already been taken before referral. As a minimum it is suggested that the young person and their parents have been spoken to about the behaviour and that this has been followed up in writing. Evidence of the nature of the antisocial behaviour will be required including times and dates and how this meets the criteria contained in the Act.

On receipt of the referral a number of checks will be made to ascertain whether or not the young person is already in the LAP process or is known to the Police or Reporter. If young people are already known in this way the referral form will be returned to the referrer asking them to complete the referral procedure for a LAP meeting. A decision will be made within two working days. The ABC will be authorised or not authorised and reasons given to referring agency and other appropriate remedies will be explored.

If the young person is not known to the system and the referral is appropriate then the Antisocial Behaviour Co-ordinator will meet with the referrer to discuss the term of the proposed ABC and the resources that may be required to meet the necessary commitment for support. There is a SMALL amount of money to supplement the support already available through existing services. Within Moray we have a well-developed Restorative Justice Scheme with many trained facilitators. A Restorative Justice facilitator will work with the referrer and the young person to negotiate the contract. (**Appendix 4**)

It will be the referrer's responsibility to organise the support package and to monitor compliance.

An ABC can be used in Moray initially for up to three months. A review should take place monthly or immediately following a breach.

At the three month point the ABC can either be extended or deemed to have been satisfactorily completed. It is not anticipated that an ABC will extend past 6 months.

A review form (**Appendix 5**) must be completed and sent to the Antisocial Behaviour Co-ordinator.

A copy of all the ABCs and reviews will be kept by Moray Youth Justice.

Antisocial Behaviour Orders

Process maps and protocols are also currently being developed with key partners. These, together with an ASBO policy, will ensure that other measures, such as mediation or ABCs, are used at an early stage where appropriate.

ASBOs are only intended to deal with a small number of persistently antisocial young people for whom other alternatives available are not working. Where an ASBO is being considered, there should be a clear need to protect the community from the behaviour of the young person.

By the time an agency has reached the decision to apply for an ASBO against a young person, that person will have had a history within the LAP process. The agency will have to produce evidence of all the interventions and/or diversionary measures they have instigated prior to considering an ASBO.

The application for an ASBO for a young person will be made by submitting a full LAP referral form to an Extended LAP, which will consider the evidence and behaviour of the young person. The Extended LAP can refer the application back to the agency with recommendations that other measures should be explored or agree that the ASBO process should continue. The application including evidence will be forwarded to the Children's Reporter who has a key role to play in the process. At this stage a full assessment will be carried out on the young person and a detailed support plan will have been developed.

The Reporter will have access to detailed records on the young person which are crucial to informing the Extended LAP when they are considering a ASBO. The Reporter will act as a gatehouse for the Children's Hearing system and will chair the Extended LAP when considering a ASBO.

Before making an application for an ASBO agencies are required to:-

- Consult the Chief Constable of Grampian Police
- Consult the Chief Constable of each force area for an area where there is an affected person
- Consult each local authority in whose area there is an affected person
- Consult the Principal Reporter

If the Extended LAP supports the application for an ASBO and the Children's Reporter agrees, then all relevant documentation should be forwarded to Legal Section of The Moray Council, who will in turn present the case to the Sheriff.

ISMS

When a young person is not responding to the existing support offered or needs more support and their behaviour is making them eligible for a secure place the Social Worker will present this information to an extended LAP meeting. Assessments and work already undertaken, detailed in the Action Plan will be examined and a decision will be taken as to whether or not the preparatory work for an ISMS should be undertaken.

If an ISMS is to be considered then the following procedure should be followed:

1. All existing Assessments, Action Plans and Review details will be gathered together. The Social Worker will contact the Youth Justice Team who will provide a Social Worker to help with the additional workload that an ISMS will create. A detailed assessment will then be undertaken using the full Asset in the case of offenders and an appropriate assessment for others. The Forensic Psychologist will undertake assessments that consider the risks to both the young person and the community. A suite of assessment tools is available through the forensic post.
2. When these assessments are complete the Social Worker and the Youth Justice Social Worker will meet with the Youth Justice Co-ordinator and the Education Manager responsible for ISMS and an integrated support plan will be devised. This plan will build on the support already in place.
3. This information will then be passed to Social Work and Education Meeting (SWED) who will seek advice from the Reporter and will then make a recommendation as to whether or not an ISMS will be appropriate. This information will then be passed to the Reporter who will call a Hearing.

If the young person is placed on an ISMS the Youth Justice Team will be responsible for providing the Crisis Intervention and, in close collaboration with education, the support programme. This Team will respond if the young person breaks the monitoring requirement. The Youth Justice Team Social Worker will continue to work with the Area Team Social Worker who remains the case holder throughout. Regular reviews will need to be organised – at least monthly.

This arrangement will be in place until the young person is no longer subject to an ISMS. Information will be gathered from both ongoing assessments and monitoring reviews and presented to the Reporter. Following a Hearing decision to remove the ISMS the additional support will be reduced and the supports that were in place before the ISMS will continue. The monitoring equipment will be removed.

The Youth Justice Social Worker will withdraw when this additional work is no longer needed.

Parenting Orders

A multi agency group is meeting to consider how best the demand for parenting support and orders can be met within the resources available to Moray. This information will be circulated for comment in time to be adopted operationally by June 2005.

Appendix 1

1 Acceptable Behaviour Contract (ABCs)

Acceptable Behaviour Contracts or Agreements are one way of providing early intervention to make clear that certain behaviour is not acceptable.

Acceptable Behaviour Contracts are written agreements between an individual (child or adult) involved in antisocial behaviour and relevant agencies working to prevent antisocial behaviour for example, the Police, Youth Justice, Social Work, Education and Housing. They can be used with parents who do not take action to prevent their children from acting antisocially. ABCs might also be appropriate as a means to tackle truancy and behaviour problems in relation to schools.

The Acceptable Behaviour Contracts sets out the behaviour the person has agreed to stop and in the case of a child the support they will receive in order to change the behaviour.

Acceptable Behaviour Contracts are voluntary, however refusal to enter a contract or breach of the contract without reasonable excuse can be considered relevant evidence, to show why the other alternatives didn't succeed for an application for an Antisocial Behaviour Order (ASBO) or a Parenting Order depending on the circumstances.

In the case of 12-15 year olds the use of an ABC should be considered on an interagency basis to ensure that the contract is reasonable and complements other interventions already in place or being considered by other agencies.

Acceptable Behaviour Contracts can be used with or without referral to the Reporter and could in fact be a diversion from referral to the Reporter. A copy should only be sent to the Reporter where the child is being referred for consideration of compulsory measures of supervision. ABC's should be used alongside, rather than as a direct alternative to, other voluntary measures such as those recommended by a Reporter. It should be made clear in an Acceptable Behaviour Contracts for a 12-15 year old what the likely consequence of non-compliance may be.

Acceptable Behaviour Contracts can be used at different stages in the process and on more than one occasion.

2 Anti-Social Behaviour Orders (ASBOs)

The Anti Social Behaviour etc (Scotland) Act 2004 has replaced the existing provisions relating to ASBOs contained in the Crime and Disorder Act 1998 in so far as they relate to Scotland.

The key changes are:

- An ASBO or interim ASBO can now be granted in relation to under 16s, providing the Sheriff has considered the views of the Children's Reporter;
- ASBOs are no longer limited to the boundaries of the local authority area;
- A statutory power of arrest is now available on the breach of an ASBO.

Use of ASBO's for 12-15 year olds, should complement the Children's Hearing System which should continue to be the primary forum for dealing with behaviour beyond parental control or offending behaviour for under 16's. A wide range of interventions are available to support young people and address troublesome behaviour before an application for an ASBO is considered. In most if not all cases when an application for an ASBO is being considered it is expected that a young person will already be well known to the Hearing.

ASBO's are civil orders but breach of an ASBO is a criminal offence. Local Authorities and registered social landlords in consultation with the Police can apply to the Sheriff Court for an order, where there is evidence that a person aged 12 and over has behaved in an antisocial manner and that an order is necessary for the protection of the community from further antisocial behaviour. Prior to making an application for either an Interim or full ASBO in respect of an under 16 applicants must consult the Principal Reporter before determining whether to make an Order or Interim Order. The Sheriff must also have regard to the advice provided by a Children's Hearing before determining an application for a full ASBO.

There should be a presumption against making an early application for an ASBO.

Where an ASBO is granted against a person aged 12-15, it is important that not only is their behaviour tackled by the introduction of a prohibitory order but that they are helped to take positive steps to address their behaviour. It is expected that most under 16's subject to an ASBO will need a package of Intensive Support.

ASBO's are designed to protect the public from antisocial behaviour not to punish the young person.

The guidance issued on the Act recommends that where a relevant authority considers that an application for an ASBO is appropriate it should:-

- Involve its own solicitors
- Consult with other bodies as directed in the Act
- Collect the evidence
- Indicate in writing to the person against whom the ASBO is being sought that such an application is being considered
- Decide on the terms of the order ie what restrictions would apply
- Decide on the duration of the order

- Consider what further measures of support would be appropriate
- Liaise closely with the Sheriff Clerk
- Keep everyone affected by the ASBO informed

3 Intensive Support and Monitoring Service (ISMS)

ISMS have been introduced as an alternative disposal to a secure placement. In order for an ISMS to be considered the young person **must** meet the criteria for secure accommodation. An ISMS can be used as an alternative to a young person going to secure accommodation or to help to return a young person from secure.

An ISMS must include:

- fulltime education
- up to 30 hours of other support per week
- 24 hour support when necessary to manage a crisis
- an electronic method of managing the movement and whereabouts of the young person.

Strict criteria must be met before this sort of order can be made. The procedure has been routed with the Local Planning Process.

In most cases young people meeting secure criteria will be known to Social Work and the Reporter. If they are persistent offenders they will also be known to the Police. Many services may be involved and the young person may have had some assessments completed and an Action Plan put in place.

The young person may well have developed helpful relationships with staff from the more preventive services and much work may have already been tried. It is therefore important that the work required for an ISMS builds on this and does not undermine it.

4 Parenting Orders

Parenting Orders have been introduced to deal with parents who deliberately or recklessly fail their children – whether on welfare grounds or by failing to take reasonable steps to prevent their child from committing crime or antisocial behaviour. Parenting Orders are civil orders but breaking the order is a criminal offence.

Either the Local Authority or the Principal Reporter can apply to the Sheriff Court for a Parenting Order if:

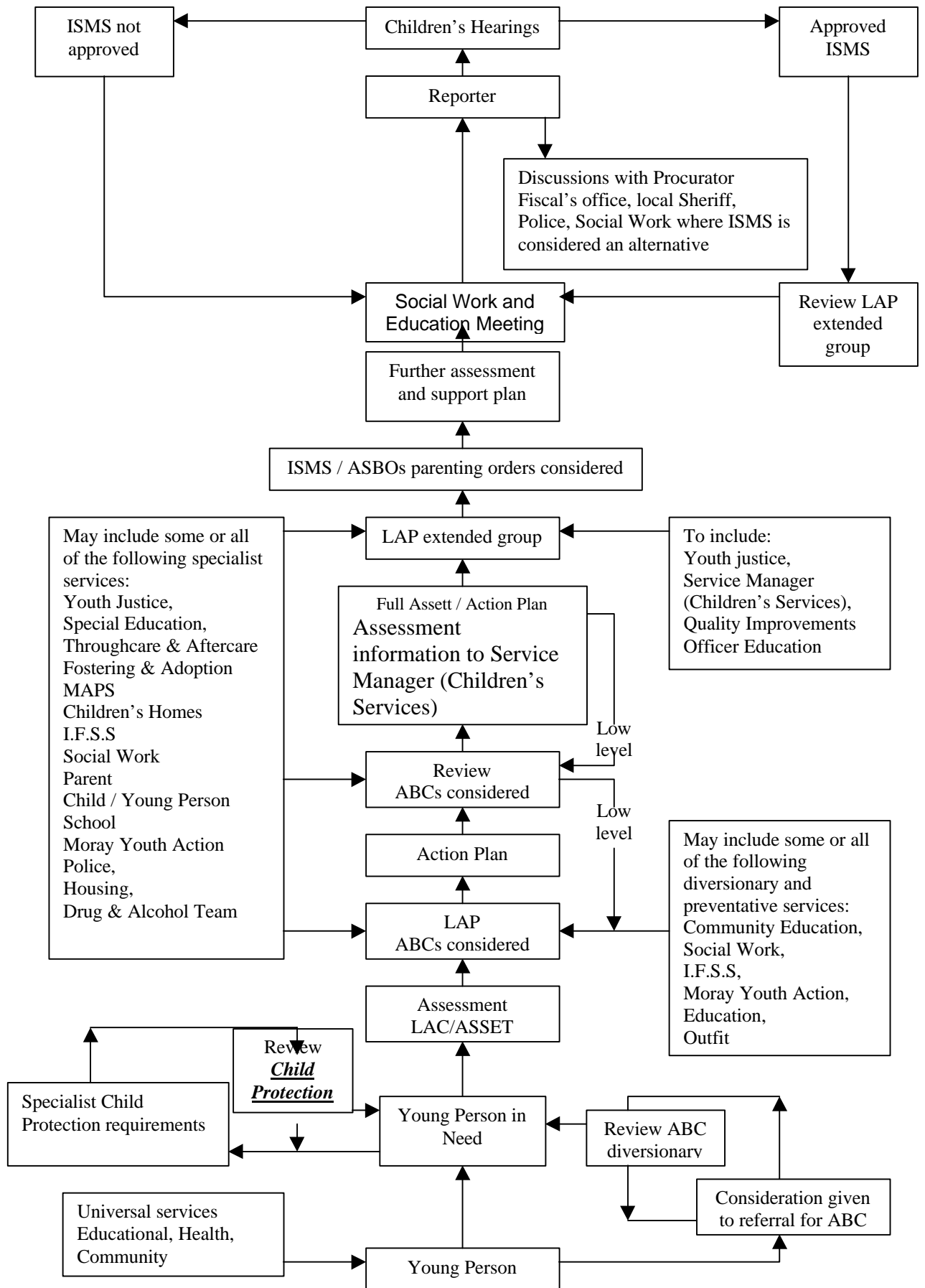
- a) The child has been involved in antisocial behaviour and the order is to prevent further antisocial behaviour: **or**
- b) The child has been involved in crime and the order is needed to prevent further criminal behaviour

The Principal Reporter can apply if making an order is in the interests of improving the welfare of the child.

The Court will consider the views of the child. It will also consider whether and to what extent the parent has taken voluntary steps to prevent the child from getting involved in crime or antisocial behaviour.

The order will last for 12 months unless it is extended. As far as possible the court will try to make sure that the Order does not conflict with the parent's religious beliefs, nor interfere with the time they usually go to work. Under the order, the parent will normally have to receive counselling and guidance for up to three months.

APPENDIX 2



APPENDIX 3

Acceptable Behaviour Contract Referral Form

1 Referred By	
Name:	Agency:
Tel/E-mail:	Date:
2 Details of Young Person	
Name:	DOB:
Family Name:	
Address:	
Tel:	
School:	
Family Composition:	
3 Details of the Antisocial Behaviour	
4 Evidence of Intervention which has already been tried – please note evidence and outcome	

APPENDIX 4

ACCEPTABLE BEHAVIOUR CONTRACT

BETWEEN

Name:

DOB:

Address:

Postcode:

Who states that they:-

1. will agree to
2. will agree to
3. will agree to
4. will agree to

1. will agree not
2. will agree not
3. will agree not
4. will agree not

AND

Name:

Organisation:

Address:

Contact Number:

Who agrees to help the above complete the Acceptable Behaviour Contract successfully, by providing the following help and support.

1. We agree to
2. We agree to
3. We agree to
4. We agree to

I understand that by signing this contract I am entering into a contract with not to behave in ways stated above.

The Partner Agencies present will seek to provide the help and support outlined in this contract. If Partner Agencies are unable to provide the support listed, they will discuss as soon as possible to provide suitable alternatives.

I have been made aware that although the Contract is voluntary, if I continue to behave in an anti-social manner action maybe taken against my family and me.

Failure to comply with an Anti-Social Behaviour Order can result in a criminal conviction.

ABC Review Meetings

Date	Location

Final Review

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I can confirm that my parent(s)/guardians and I understand the meaning of this Contract and the consequences of a failure to comply have been explained to us.

Signed..... Date(young person)

Signed..... Date(parent/guardian)

Signed..... Date(staff member)

Name..... Title..... Contact Number

APPENDIX 5

REVIEW OF ABC

Name of Young Person:	
Name of Referrer:	
Has ABC been adhered to	yes <input type="checkbox"/> no <input type="checkbox"/>
If completed – what will happen next	
Further period	<input type="checkbox"/>
ABC lifted	<input type="checkbox"/>
If breached:	
Evidence of breach:	
Signature Young Person:	
Signature Referrer	
Future Recommendations:	
Date:	