

Positive Approaches to Anti-social Behaviour

A 10-Point Plan for Change

Parliamentary Briefing Paper

1 Introduction

The Positive Approaches group was established in 2005 and brings together a number of organisations concerned about the imbalance in public policy on anti-social behaviour. The group is concerned at the current over-emphasis on enforcement solutions at the expense of investment in preventive and early intervention initiatives. The Positive Approaches group includes: -

- ◇ Mediation UK
- ◇ The Local Government Information Unit
- ◇ Runnymede Trust
- ◇ The National Community Safety Network
- ◇ Revolving Doors
- ◇ Thames Valley Partnership
- ◇ NAPO – the trade union and professional association for Family Court and Probation staff

There is no doubt that anti-social behaviour continues to be a major concern for people across the nation, though research has shown that public reaction is actually complex, and there is no overwhelming faith in the primacy of enforcement options as a response. Nonetheless, concern about anti-social behaviour is confirmed by most Crime and Disorder Partnership audits and by British Crime Survey annual studies. As Neighbourhood Policing is implemented, local consultation tends to place anti-social behaviour concerns as a recurring priority.

A major difficulty in developing coherent public policy is the refusal of government to adopt a clear definition of anti-social behaviour. The term remains a general 'catch-all' for an extremely wide range of activity. The original working assumption when the term was first used implied activity which was anti-social but not necessarily criminal. The term is now used to describe both criminal and sub-criminal activity. Apart from a simple typology of behaviour produced by the Home Office Research Development and Statistical Service in 2004, little guidance is available about how to assess the seriousness of different types of behaviour. Much anti-social behaviour is based on environmental nuisance and in the original one-day count in 2003, one in six of 66,107 incidents involved rubbish or litter. Nearly 8,000 were vehicle-related nuisance.

This paper argues that the lack of clarity, common assessment tools and independent research have contributed to an over-emphasis on enforcement solutions and an uncoordinated pattern of responses so that there is effectively a postcode lottery in responses, which affects both perpetrators and victims unhelpfully.

"This paper argues that the lack of clarity, common assessment tools and independent research have contributed to an over-emphasis on enforcement solutions and an uncoordinated pattern of responses so that there is effectively a postcode lottery in responses, which affects both perpetrators and victims unhelpfully."

2 Summary of Main Recommendations

In this paper, Positive Approaches makes the following 10 main recommendations: -

- ◇ A serious evaluation of the current definition of anti-social behaviour should be undertaken, to deal with the problems associated with the current wide-ranging definition.
- ◇ An independent review of the working and effectiveness of ASBOs in the context of other available options.
- ◇ Urgent investigation of the impact of ASBOs on black and minority ethnic people, about which no data is currently collected.
- ◇ The government should actively discourage the use of ASBOs on children and adults known to be suffering from mental health problems, and ensure appropriate alternative treatment provision.
- ◇ More funding and attention should be given to Individual Support Orders, given the useful role they have played. Intensive support interventions should also be available at earlier stages of dealing with anti-social behaviour.
- ◇ A significant programme of funding for a nationally available range of preventive and problem solving initiatives. This should include ways of dealing with the breach of ASBOs other than through the criminal justice route. Funding should include provision for independent evaluation.
- ◇ Support for key agencies in the voluntary and community sector and the development of a common framework within which they can contribute.
- ◇ Changes in the management of research and evaluation, ensuring better implementation of practice in the field.
- ◇ Support from government to improve the quality of local asb data and its analysis, with effective IT, agreed definitions and clear National Standards.
- ◇ An overall approach which links community development, community cohesion and anti-social behaviour across Government, and removes anti-social behaviour as a policy concern from its current 'silo'.

3 The Anti-social Behaviour Order

The Anti-social Behaviour Order (ASBO) has been used successfully, particularly when accompanied by a support package to deal with unacceptable and unruly behaviour. However there is evidence to suggest that in some areas it has been used extensively as a first resort by local authorities and the police and has not tackled the underlying causes of the behaviour.

- ◇ There is considerable evidence of inconsistent use of ASBOs. This is certainly the case on a geographical basis. As is well documented, the numbers of ASBOs made varies very widely indeed from area to area.

Research by the National Association of Probation Officers in 2005 suggests that apart from the geographical lottery, a large number of ASBOs have included disproportionate requirements or geographical exclusions which exceed even those available to those coming out on licence after significant prison sentences.

The British Institute for Brain Injured Children undertook research on the use of ASBOs on young people with mental health problems or learning difficulties. They requested data from youth offending teams for the period between April 2004 and April 2005. 39% of all youth offending teams invited responded. They found the following: -

- ◇ 35% of under 17 ASBOs in the returns involved children who had a diagnosed mental health problem or an accepted learning difficulty
- ◇ Of those, 3% were ADHD and 42% were on the autistic spectrum
- ◇ 46% had other conditions including depression and Tourettes Syndrome
- ◇ 81% of the cases had previously had an ABC and 74% had failed to maintain the conditions of the ABC so the ASBO was taken as the next step

ASBOs were not originally designed for young people, but they have been used substantially on them. From 1st June 2000 to 30th June 2005 44% of the overall 6,302 ASBOs were made on 10-17 year olds. ASBOs exist in parallel with work under the auspices of the Youth Justice Board, but there are fewer safeguards. Though Individual Support Orders were introduced to deal with the underlying behaviour problems, which led to ASBOs on young people, the use of these Orders has been slow to develop.

Breach figures are high for ASBOs and for the period June 2000 to December 2003 the rate was at 43.6%. The result has been that in a large number of cases individuals receive a custodial sentence for breach of an ASBO where the original offence was not itself imprisonable and this has included people banned from begging or prostitution as well as a substantial number of juveniles aged 10-17 years. In June of this year the European Human Rights Commissioner Gil Robles identified a number of concerns about ASBOs and the ease with which they were obtained. Of 3,069 applications made between 1st April 1999 and 30th June 2004 only 42 were turned down. They are frequently made on young people already in the Youth Justice system.

There is no doubt that ASBOs are popular and they have been promoted continuously as the main focus of government statements on anti-social behaviour at the expense of any extensive coverage or sustained public debate about alternatives. As the 2005 Rowntree Foundation Report 'Anti-social Behaviour Strategies – Finding A Balance' indicates, public reaction to anti-social behaviour is in fact more complex and less simplistically committed to enforcement options than is often suggested. There is some recognition that ASBOs may only provide short-term relief and that they need to be supplemented by longer term interventions which address the underlying causes of the problem behaviour.

Positive Approaches does not seek to scrap ASBOs or suggest that there is no place for tough enforceable action. Clearly, despite the difficulties, there have been many examples of effective and appropriate use of ASBOs. However the Order is a major legal sanction, and its workings or effectiveness have not been reviewed since 2002. This is of particular concern given the exponential rise in ASBOs served from 404 in 2002 to 2,652 in 2004. There are many legitimate concerns including perceived unfairness and the tendency to draw large numbers of people into the criminal justice system because of high breach rates.

Furthermore, little detailed data has been collected about the impact of ASBOs on specific communities, not least black and minority ethnic communities, as highlighted by the Runnymede Trust in research due to be published. Indeed there is currently no monitoring of the ethnicity of ASBO recipients. It could be that people from black and minority ethnic groups are being disproportionately represented among those made the subject of an order. We simply do not know. It may also be that ASBOs could prove a powerful tool in combating racial harassment. Again we do not know, as there is insufficient monitoring of how ASBOs might be used

for that purpose. Similar concerns have been expressed in respect of gender, mental health and disability.

Positive Approaches therefore calls for a full independent review of ASBOs. That review should be comprehensive and also take account of other interventions which are available. We argue that ASBOs should be used, as they are in some areas, as the top of a pyramid of responses. They should then be used only when other options have not worked or where the behaviour is so serious that only this option will provide the controls necessary. In many such cases it will, in our view, be more appropriate to use the regular criminal law.

4 Preventive and Positive Approaches

a. Early Intervention Work

There is general recognition that early intervention with young people is particularly important in reducing anti-social behaviour risk. As the Thames Valley Partnership reported in 2001, following an evaluation of methods of early intervention, programmes aimed at pre-school children delivered over a fixed and concentrated period, using cognitive and social learning approaches, seemed to show the greatest impact on the behaviour of individual children. A number of studies have shown how enriched nursery education with a high level of parental participation reduced the likelihood of involvement in crime in adulthood.

In this context the Sure Start initiative has been of major importance. In November 2005 DfES published five early reports from the national evaluation of Sure Start. These findings raise two important issues: -

- ◇ The programme is not reaching some of the most disadvantaged families
- ◇ The work in some local programmes is not working as well as it should

Despite these concerns the sustaining of early intervention and its improved targeting should remain a major priority.

Similarly, promising results are emerging from the 10 'Together' trailblazing areas where resources were made available for family intervention. The Bristol Family Support Project is based at the Riverside youth centre in St Jude's and as part of the government's Respect initiative it has made good progress in its first year on

working with families who have legal action suspended while they receive support. This enables work to be done on parenting skills. Encouraging reports have also been reported from the Signpost Project in Leeds.

Clearly, work to help families with very young children and families involved in anti-social behaviour needs to be connected closely to the developing work of Children's Trusts, Youth Offending Teams, Every Child Matters, and Youth Matters. Intervention needs to be undertaken within a common assessment framework.

At present an appropriate range of services is not available across the country and this is another example of systematic unfairness and inconsistency of response.

The Positive Approaches group calls for an early extension of these initiatives and a mainstreaming of early intervention. In all areas it should be normal practice for preventive work to have been done within families before a resort to enforcement measures.

b. Community Mediation and Community Conferencing

Community mediation schemes up and down the country have extensive experience in dealing effectively with anti-social behaviour. The processes involved in conflict and dispute resolution are robust and well tried with high satisfaction levels reported and progress achieved in over 70% of cases. The applications vary widely, but certainly cover the following: -

- ◇ Threatening and abusive behaviour
- ◇ Problems with children
- ◇ Noise
- ◇ Conflict between communities as well as between individuals or households
- ◇ Inter-generational problems and pressures

All these areas of concern are prominent in audits of anti-social behaviour. The mediation approach has the advantage that participants retain their personal responsibility for helping to resolve the problem.

Community conferencing has been steadily developing as an approach. This uses consultation and mediation techniques in enabling solutions to be sought at a community level.

All these approaches are highly relevant to the implementation of Neighbourhood Policing and a number of schemes have intervened successfully in very challeng-

ing conditions – a good example being the Southwark Mediation Centre in Inner London.

One of the strengths of community mediation has been its high level of quality assurance established through Mediation UK via the Community Legal Service quality mark.

Mediation schemes are usually small and struggling on limited funding, not least because their application straddles a number of national concerns and departments – Home Office, Department for Communities and Local Government, and Department for Constitutional Affairs since mediation is also relevant to court process both criminal and civil.

Positive Approaches argues that mediation can play a much bigger part in responding to anti-social behaviour and community cohesion than its funding currently allows it to. Within the Government's Change Up agenda special consideration should be given to support for mediation and Government can consider how best these approaches can be made available consistently across the country.

c. Constructive Work With Young People

The Acceptable Behaviour Contract (ABC), originally pioneered in Islington, has been a major success as an approach to anti-social behaviour especially with young people. There are excellent examples from across the country of contracts being used in association with tailored schemes to engage young people positively through reparative work or constructive activity, which addresses the root causes of their behaviour.

Several examples from the Thames Valley Partnership Mending Fences project report published in 2005 include: -

- ◇ A scheme to access young people to sporting activity by linking the ABC with a sports development project
- ◇ Involvement of young people responsible for anti-social behaviour in fundraising for an overseas development project. Having undertaken reparative work and fundraising activity they participated in a trip to help with a building in East Africa

Many youth offending teams have intervened helpfully in ABCs where there continue to be difficulties and the contract is not being fully complied with. This approach can avoid the necessity for later ASBO application.

In Peterborough, an anti-social behaviour support worker provides one to one support to young people involved in anti-social behaviour. The support worker meets with the young person, assesses them in line with the Common Assessment Framework and then signposts them into appropriate support. The rationale for this approach and the other examples given is that many young people who are involved in anti-social behaviour do not meet the thresholds for many of the traditional support services and although they may be in need they slip through the net.

Effective work with ABCs is really important to the success of an anti-social behaviour strategy in an area and should involve contributions from all the CDRP partners as well as local organisations.

Positive Approaches argues that there should be much clearer guidance on good practice with ABCs and that Crime and Disorder Partnerships should be expected to have a range of suitable options available, pooling resources and provision from the range of different statutory and voluntary agencies to do this. The success of these initiatives should be promoted to the public as a key confidence building activity. The principle of individual support, established in the Individual Support Orders for ASBOs, should be extended to work at an earlier stage.

d. Reparation and Restorative Justice Approaches

Since there is a considerable crossover between anti-social behaviour responses and criminal justice responses it is right to consider reparation and restorative justice as valid approaches to anti-social behaviour where there are clearly victims and perpetrators.

Reparation is a significant aspect of work within youth offending services though again there is evidence that the distribution of resources for this work is patchy.

Reparation, both direct and indirect, has the potential to do much more than at present both for individual victims and local communities.

In our view, both youth offending services' and the Probation Service's delivery of unpaid work for offenders should aim to increase the amount of reparative work done. There are some encouraging initiatives currently, including work within the Thames Valley area funded by the Esmée Fairbairn Foundation, to involve local communities in a significant way in the choice of work done by adult offenders.

There is scope for greater collaboration between prisons, probation areas and youth offending services about the cumulative impact of reparative work. Such an approach also has relevance for the reassurance agenda and the successful implementation of Neighbourhood Policing. As many of the concerns about anti-social behaviour are environmental these options are wholly relevant.

Victim involvement is a key advantage of reparative and restorative approaches. A study in Leeds in 2004 on victim involvement and input to referral orders and youth offending panels showed that although victim attendance was quite low, those who did become involved accorded the process a very high level of satisfaction. Similarly the young people surveyed in the evaluation felt that they were treated with respect in an overwhelming number of cases.

The introduction of restorative justice into the UK continues to be a complex struggle at a range of different levels. The Home Office has generally taken a cautious approach and has been particularly concerned with whether restorative approaches have a successful impact on reoffending rates. The Restorative Justice Consortium produced in January 2006 a digest of international studies which show a significant impact in a high proportion of schemes but the evidence is strongest in the satisfaction levels of victims, which is considerably higher than with conventional criminal justice processes.

Restorative justice and reparation approaches offer a very wide range of options evidenced by many current projects. A particularly important example relevant to anti-social behaviour and the introduction of Neighbourhood Policing is the project on community justice panels piloted in Chard and Ilminster in 2004 and the subject of evaluative work by Institute of Public Policy Research.

Positive Approaches argues that restorative and reparative approaches should be at the heart of local strategies for responding to anti-social behaviour and that both Crime and Disorder Partnerships and criminal justice agencies should work together to ensure this happens on the ground. The government's job is to reposition funding appropriately, issue clear guidance and ensure implementation. We feel that at present rewards and encouragement disproportionately go to conventional enforcement options rather than problem-solving interventions.

e. Community Resilience, Community Cohesion and Neighbourhood Policing

The establishment of anti-social behaviour as a policy concern in its own right, accompanied by a new 'industry' of practitioners and enforcers, has tended in our view to blur the intimate connection between anti-social behaviour and community cohesion. It has been argued that extensive early use of ASBOs can provide communities in difficulty with enough reassurance that they have a platform from which to resolve local difficulties in a more self-sustaining longer-term way. This is a reasonable argument providing that serious enforcement action is taken proportionately and fairly but evidence from around the country suggests that too often the community development and capacity building skills necessary to follow through in the longer term are not in place. In any event, an approach more focused on problem-solving and the development of resilience might have itself led to less reliance on enforcement approaches.

In this context the implementation of Neighbourhood Policing following the evaluation of the National Reassurance Policing Programme is a central issue in the case for repositioning anti-social behaviour policy. Essentially Neighbourhood Policing is about local consultation informing service delivery, and a greater responsiveness to local conditions and local knowledge. If local people are to be involved in the tasking process for police and other agencies, and are expected to be involved in a 'problem solving' approach, then they will need access to a range of options and approaches, particularly those which can be used to intervene at an early, or preventive stage. It is clear already from the pilot schemes and the early work on rolling out the approach that Neighbourhood Policing can only work effectively if there is considerable 'buy in' from key partners, notably the local authority, the voluntary and community sector and indeed local people themselves. It is essentially a neighbourhood management group approach.

Those involved in neighbourhoods will need not only problem solving skills but a working knowledge of public service provision and the support of elected representatives. Since many of the concerns raised are essentially to do with anti-social behaviour it will be important for the full range of options discussed in this paper to be known to neighbourhood groups. Common sense suggests that the neighbourhood approach will give us better early warning of problems, a clearer identification of their nature and the opportunity to intervene much earlier. This is a major challenge to partnership working and again the current preoccupation with

enforcement options creates the wrong environment in which sorting out difficulties locally needs to take place.

Positive Approaches argues that neighbourhood management can contribute a great deal to the successful tackling of anti-social behaviour but that realistic timescales for its implementation, greater employment of community development practitioners and an approach which is based as much on prevention as response are critical elements. A clear framework for involvement of the voluntary and community sector is needed. Although the Police Community Support Officer role is a very important one in engaging local people, other approaches, including specialist community development skills and conflict resolution, are also vital.

f. Improved Community Mental Health Provision

There is evidence from a number of agencies including Revolving Doors, that those with mental disorder may be caught up disproportionately in anti-social behaviour either as alleged perpetrators or as victims of it. We are aware that the government envisages new measures to improve mental health working in the community. Our experience is that a significant proportion of ASBOs are made on people suffering from one form or another of mental disorder. Their inability to comply with requirements can propel them into custody thereby further increasing the proportion of people with mental health problems in the prison system. As was argued earlier, research shows that there are related issues also for younger people.

Positive Approaches argues that to address this imbalance more community mental health and adolescent services are required. Health providers need to be regarded as key players in the development of preventive packages for anti-social behaviour.

5 Research and Analysis

As the winter edition of *Criminal Justice Matters*, the journal for the Centre for Crime and Justice Studies, indicates, research and statistics on the impact of crime and responses to it have become extremely important. Some have argued that because crime and disorder are such central political concerns, government has become partial to funding research and promoting findings, which support established policy. The point

is made that the political agenda on criminal justice influences the breadth and depth of criminological research commissioned and narrows focus onto particular types of crime and methodologies. As has been noted in this paper there are significant gaps about our knowledge of anti-social behaviour. Where there is research, as with restorative justice, it has tended to be focused primarily on reconviction issues rather than impact on victims.

As Tim Hope in the same journal argues:

'The blame lies in an incompatibility between the ideology of evidence-based policy and the natural inclination of the political process to want to secure the best outcomes. Given the power of politics, it is not rocket science to predict what will happen when evidence gets in the way of good policy.'

He notes the implications for some research on burglary but similar issues are true in respect of a range of anti-social behaviour issues.

Positive Approaches argues not only that more funding should be made available for experimental preventive work but also that funding should be available for independent evaluation.

A separate issue from the appropriate funding of independent research is the limited capacity which many Crime and Disorder Partnerships have for analysis of data and the development of strategies. While websites such as 'Together We Can' are clearly important in spreading good ideas and examples of initiatives, the website approach is limited in its potential for helping people implement change. Similarly the establishment of 'beacon areas', 'trailblazer' schemes and the like are difficult to make use of if there is little clarity about how things work, who they work with and what skills and resources are needed. Implementation has to be a more complex business than just taking ideas 'off the shelf', but there is little recognition of this currently.

Positive Approaches argues for a more radically joined up approach within the Home Office between units responsible for anti-social behaviour, community engagement, Neighbourhood Policing and the Research and Development Service. However, Positive Approaches goes further and argues for a more far-reaching 'joining up' of this work with other government departments to tackle the current morass of overlapping partnerships and agendas.

The lack of analytic capacity and readily available information and advice on implementation is described in more detail in the National Community Safety Net-

work's report of 2005 *'National Community Safety Report, ASB Key Issues and Recommendations: A Practitioner's Perspective'*.

6 Respect Action Plan

Positive Approaches recognises that notwithstanding its emphasis on enforcement and the use of ASBOs, the Respect Action Plan does aim to take a broader approach to tackling anti-social behaviour. One of the plan's principles is that if disadvantage is truly to be tackled, both support and challenge are needed to tackle anti-social behaviour and its causes. Another key principle is the importance of values and standards being passed on to children.

The plan makes some sensible proposals in relation to young people, schools and the support needs of parents and families including the development of a cross-government strategy on the most challenging families. Similarly the substantial planned increase in Police Community Support Officers and the requirement that anti-social behaviour progress should be a mandatory outcome in Local Area Agreements are also major constructive developments. When considered alongside the implications of the Crime and Disorder Act Review, with its emphasis on the importance of elected representatives, there are clearly some consistent themes, but connections at central government level between the key departments have continued to be poor.

It is also a concern that Respect continues to regard 'teenagers hanging around the street' as one of its 'key behaviour strands'. There is widespread professional concern about this. As a Police Officer told us after attending a Respect 'Academy':

'I have concern that we continue to target young people for being young people, merely because they are visible in public places. If we begin to have targets for reducing 'young people hanging around the street' with no clear disorder or criminal behaviour we will further alienate and marginalise young people, let alone the Human Rights issues.'

Positive Approaches argues that the Respect Action Plan is unrealistic about funding and ignores real capacity issues. We similarly regret that there is no reference to alcohol or for the resources needed to deal with alcohol problems. Equally fundamentally, Positive Approaches argues that beyond generalised community engagement ideas there is no real mention of the links to community cohesion.

The Respect Action Plan further extends the enforcement powers against anti-social behaviour in terms of fixed penalty notices and new controls in respect of young people. The Plan argues that enforcement and other approaches sit alongside one another as part of a coherent strategy. Our argument is that the approach remains heavily focused towards enforcement with inconsistent provision of preventive options and no real funding for such work or its national extension. We argue that this is not the best use of resources and in the longer run cannot deliver significant improvements in community confidence or reduction of anti-social behaviour. On the contrary, the current over-emphasis on enforcement is significantly disadvantaging large numbers of young people, many of whom are forced into the criminal justice system rather than receiving the early assistance and intervention necessary.

7 Summary

Tackling anti-social behaviour effectively is a key concern for both government and citizens across widely differing communities. Central government has so far been preoccupied with utilising enforcement to such an extent that limited thought and resourcing has gone into a wider range of important preventive and problem solving options, which can yield much better and longer lasting results. Positive Approaches argues for a comprehensive refocusing of policy and provision, and calls for a far greater commitment to prevention.

Mediation U.K.

Alexander House, Telephone Avenue,
Bristol, BS1 4BS
0117 9046661
enquiry@mediationuk.org.uk
www.mediationuk.org.uk

Local Government Information Unit

22 Upper Woburn Place, Euston,
London, WC1H 0TB
020 7554 2800
info@lgiu.org.uk
www.lgiu.gov.uk

Runnymede Trust

7 Plough Yard, Shoreditch, London, EC2A 3LP
020 7377 9222
info@runnymedetrust.org
www.runnymedetrust.org

National Community Safety Network

1 Hunters Walk, Chester, CH1 4EB
01244 354090
enquiries@community-safety.net
www.community-safety.net

Revolving Doors Agency

Units 28-29, 63 Clerkenwell Road,
London, EC1M 5NP
020 7253 4038
admin@revolving-doors.co.uk
www.revolving-doors.co.uk

Thames Valley Partnership

Townhill Barn, Dorton Road, Chilton,
Aylesbury, Bucks, HP18 9NA
01844 202001
admin@thamesvalleypartnership.org.uk
www.thamesvalleypartnership.org.uk

NAPO – The Trade Union and Professional Association for Family Court and Probation Staff

4 Chivalry Road, London SW11 1HT
020 7223 4887
hfletcher@napo.org.uk,
www.napo.org.uk