

Policy and Procedures for dealing with Anti-Social Behaviour

April 2012



POLICY & PROCEDURES FOR DEALING WITH ASB
LEEDS ANTI-SOCIAL BEHAVIOUR TEAM



WEST YORKSHIRE
FIRE & RESCUE SERVICE



WEST YORKSHIRE
POLICE

Safer Leeds
tackling drugs and crime

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Foreword

I am pleased to present this Anti-social behaviour policy and procedure document which comes into force on 1 April 2012. This document explains how residents and visitors to Leeds who are affected by anti-social behaviour can make a complaint of anti-social behaviour and provides details of the way in which the Leeds Anti-social Behaviour Team (LASBT) and its partners will respond.

This updated guidance has been developed following a full city wide multi-agency ASB review undertaken to ensure Leeds City Council and its partners are working in a joined up way to effectively tackle ASB. The policy and procedure document supports a strategic vision to tackle ASB through a people centred approach that will ensure all reports of anti-social behaviour are taken seriously and responded to quickly and professionally to improve everyone's quality of life.

Working in partnership we intend to provide an effective service that safeguards vulnerable people and uses the full range of preventative, enforcement and re-settlement tools and powers available.

We will review the document in 2013 to ensure it remains relevant and up to date.



Neil Evans
Director of Environments & Neighbourhoods

1. Introduction

Leeds City Council is actively working to reduce Anti-Social Behaviour across Leeds.

The Anti-Social Behaviour Act 2003 requires the council to publish a statement of its policies and procedures as a local authority landlord dealing with anti-social behaviour.

It is not intended to be a statement of the whole approach of the council to tackling anti-social behaviour. For more information on what the council is doing to tackle anti-social behaviour visit the Councils website at www.leeds.gov.uk

The guidance within this procedure manual is supported by a series of operational process maps available to staff at each locality based office, relating to;

- Process Overview
- Introductory Tenancy Processes
 - Introductory Tenancy 'Notice to terminate tenancy'
 - Introductory Tenancy 'Notice to extend tenancy'
- Vulnerability Processes
- Intervention Processes
- Legal Processes
 - ASBO's & Injunctions
 - Possession Orders & Premises Closure Orders
- Offender Management

The policy and procedures outlined within this guidance, reflect the Home Offices' 'Effective ASB Case Management Principles' recognising that solid ASB casework underpins all activity aimed at reducing Anti-Social Behaviour.

2. Policy Statement

Leeds City Council is committed to reducing anti-social behaviour using all the available tools and powers to achieve this.

Working with our partner agencies and the local community we will take a stand against anti-social behaviour, to move away from a situation where people tolerate problems, to one where everyone works together to tackle those problems, and improve their quality of life.

As outlined within Leeds City Council's Anti-Social Behaviour Strategy for Leeds, the Leeds Anti-Social Behaviour Team (LASBT) will seek to tackle anti-social behaviour at the earliest opportunity through a combination of prevention, enforcement and support & resettlement activities.

LASBT will endeavour to progress casework 'quickly and efficiently' as set out within the Crime & Disorder Reduction Partnership (CDRP) Minimum Standards Pledge in place across West Yorkshire. (Local service standards are set out in Section 7)

All case participants will be treated with dignity and respect, with individual vulnerabilities and safeguarding needs identified and provided for.

We will demonstrate by our actions that we will not tolerate anti-social behaviour, LASBT will contribute to Leeds City Councils 'City Priorities Plan' which seeks to achieve sustainable reductions in crime and disorder, tackle anti-social behaviour and build stronger cohesive communities.

3. Definition of Anti-Social Behaviour

Anti-social behaviour is defined in Section 1 of the Crime & Disorder Act 1988 as a person or persons acting in such a way “that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household.”

Tenancy Agreements in place across Leeds ALMO's (and BITMO) also require that “Tenants (or anyone living with them or visiting their property) must not act in any way which is anti social or which is, or is likely to cause a nuisance to any other person”.

Leeds City Council believes that its residents, visitors to the city and anyone engaged in lawful activity or employment within the city have a right to reside and/or work without enduring nuisance or annoyance.

Anti-social behaviour may or may not amount to a criminal act. What is important in defining anti-social behaviour is the effect and impact such behaviour has on others.

In line with current government thinking on anti-social behaviour this policy and procedure document has been reviewed to reflect the LASBT's harm centred approach to ASB.

It is an approach that assesses the nature, persistence and harm, to individuals, communities and the environment, caused by reported incidents to ensure that the most appropriate agency provides a timely response and prevents escalation.

4. Strategic Context

Leeds City Council's vision for 2030 is to be the best city in the UK, a place where everyone has an equal chance to live their life successfully, realise their potential and can enjoy a good quality of life.

A Council Business Plan sets out its key priorities detailed within 5 City Priority Plans developed through corresponding Partnership Boards, covering:

- Children
- Health and Wellbeing
- Safer and Stronger Communities
- Regeneration
- Sustainable Economy and Culture

The Environment & Neighbourhoods directorate is leading on the work around Safer and Stronger Communities and Regeneration but will make contributions to make to all 5 City Priority Plans and the cross Council priorities.

Key delivery priorities for the directorate include :

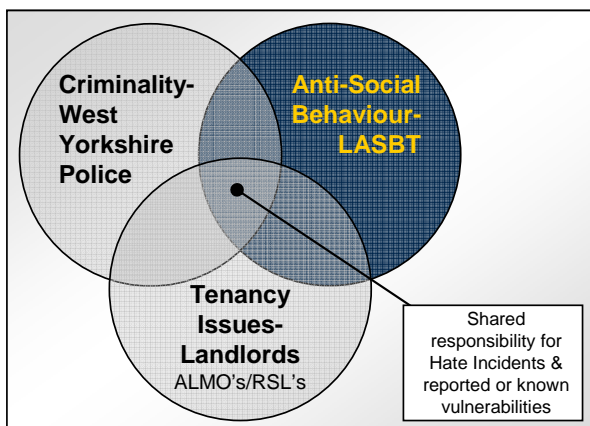
- reducing burglary rates
- improving confidence in our responses ASB
- improving environmental cleanliness
- delivering affordable housing
- improving domestic energy efficiency
- improving recycling rates
- improving refuse service reliability
- supporting people to improve skills and move into jobs.

5. Who is responsible for dealing with Anti-Social Behaviour?

LASBT recognise that ASB definitions create wide ranging perceptions of what is constituted to be anti-social behaviour.

In line with current government thinking LASBT recognises that it may not always be the most appropriate agency to respond to, or deal with, the enquiries it receives. Recognising the nature, persistence and harm involved in reported ASB incidents, where incidents include acts of a criminal nature, a more appropriate response might be provided by West Yorkshire Police.

Equally some low level incidents may be better dealt with by the responsible landlord or a partner agency. Reported incidents involving overlapping issues will require a joint or coordinated response (as shown in the diagram below).



Leeds Anti-Social Behaviour Team

LASBT is a multi-agency service comprising staff from Leeds City Council, Leeds ALMO's/BITMO, West Yorkshire Police, West Yorkshire Fire service (Arson Task Force) and Victim Support.

It delivers a multi-tenure service operating across Leeds in partnership with a full range of agencies and support services.

Where enquiries are deemed appropriate for investigation by LASBT, an appointed case officer will investigate to determine whether action needs to be taken and, if so, what type of action is appropriate.

The nature, frequency and severity of all reported incidents will be considered when deciding on the most appropriate course of action. Customers will be made aware that such actions may include support and intervention measures for both vulnerable victims and perpetrators.

LASBT will typically deal with behaviour that falls below the threshold necessary to be termed 'Crime' or which invite criminal justice sanctions and above that which could be reasonably resolved through tenancy management, or independent mediation. This includes (but is not limited to) those listed below;-

Harm to individuals

Harassment, threats of violence and/or intimidation, racist behaviour or language, verbal abuse.

Harm directed at communities

Drug dealing and misuse, street drinking, prostitution, kerb crawling, aggressive begging, public drunkenness and disorder, domestic noise nuisance.

Environmental harm

Graffiti, vandalism/damage to public property, littering, illegal rubbish dumping.

Where landlords find tenancy issues difficult to resolve and/or reported problems escalate to include behaviours which could be resolved through the application of anti-social behaviour tools and powers, LASBT will accept referrals with all pertinent details, evidence and supporting documents, in accordance with current Service Delivery Agreements and respond in accordance with its current agreed procedures.

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ALMO's (Arm's Length Management Organisations), BITMO (Belle Isle Tenants Management Organisation and Registered Social Landlords (RSL's).

The Councils Housing stock is managed by three ALMO's and BITMO who have a responsibility to remind tenants of the responsibilities and obligations outlined within their tenancy agreement and resolve low level problems at the earliest opportunity, through established tenancy management processes. preventing unnecessary escalation.

Issues that could reasonably be resolved through tenancy management processes through the provision of appropriate advice/instruction, partner liaison and independent mediation include (but are not limited to) those listed below;

- Noisy neighbours
- Car parking disputes
- Property/Boundary disputes
- Damage to property
- Untidy gardens
- High hedges/overhanging trees & shrubs (liaison with Planning Services)
- Uncontrolled animals/pets
- Dog fouling
- Inappropriate use of premises (car repairs, etc.)
- Abandoned cars
- Impeding access to communal areas
- Ball Games/Games in restricted areas

Tenant Obligations

All tenants of the council have signed a tenancy agreement, which sets out the rights and responsibilities of Leeds City Council and its tenants.

The obligations of new tenants are emphasised to them during the tenancy sign up process.

The Council makes use of introductory and demoted tenancies, to emphasise further the importance of tenancy terms.

Registered Social Landlords will have their own tenancy agreements and processes in place which will equally advise tenants of their rights and responsibilities.

West Yorkshire Police

West Yorkshire Police works in partnership with a range of local agencies to help encourage the reporting and tackling of anti social behaviour.

Neighbourhood Policing Teams (including PCSO's) provide a visible presence in communities to deter anti-social behaviour and intimidation, thereby promoting public reassurance.

Where ASB enquiries include reports of incidents of criminal offences for which an individual could be charged and prosecuted, the matter may be allocated to a West Yorkshire Police ASB link officer embedded within the multi-agency ASB Teams to determine whether the matter should be more appropriately investigated by the Police.

For further information please refer to West Yorkshire Police's website at www.westyorkshire.police.co.uk

Victim Support

Victim Support is an independent UK charity which helps people cope with the effects of crime. They provide free and confidential advice and support to help victims, witnesses and their families.

Dedicated outreach workers working in partnership with LASBT are available to provide independent advice and support to victims of anti-social behaviour.

6. Reporting incidents of anti-social behaviour

Reported allegations of ASB can be made through a number of different routes including;

- Contacting the appropriate landlord or letting agency who will have their own ASB policy and procedure in place.
- Face to face at Neighbourhood Housing offices, One Stop Centres or other council office.
- Through Hate Crime Reporting Centres
- At hostels and other temporary accommodation.
- At the Homeless Advice & Prevention Centre.
- Telephoning the council on its dedicated ASB number **0113 222 4402**
- By email to LASBT@Leeds.gov.uk
- Through West Yorkshire Police on the non emergency number **101**.
- Reporting concerns and or incidents to Police Community Support Officers
- Out of hours reports of Noise Nuisance can be made by calling **0113 395 0143**

7. Operational Procedures

Enquiry handling

However reported, council officer's receiving a report of ASB will log all details within the council's customer relations management system and allocate to the appropriate area based team.

Council officers taking reports of ASB from residents through the Council's Corporate Contact Centre and One Stop Centres will take a detailed account of reported incidents using a standardised ASB script to ensure good quality information is obtained from the reporter and any potential vulnerability issues identified, from the outset.

Vulnerabilities

Regardless of whether enquiries fall within its remit or not, where enquiries are received which include reference to known vulnerabilities or vulnerabilities are identified during the initial response – LASBT (as will all partner agencies) under its corporate responsibility will ensure that service users are provided with or directed to the appropriate support.

Assessing Enquiries

LASBT managers/supervisors will check all systems regularly throughout each day to locate, retrieve and assess all new enquiries.

Each enquiry will be assessed to determine that LASBT are the most appropriate agency to respond taking into account the nature, severity, persistence of the reported problems and whether reported problems are linked to any ongoing or recently closed enquiry or case.

Where reported anti-social activity also includes a criminal element, LASBT staff will liaise with West Yorkshire Police ASB link officers to obtain further information and/or advice to ensure any LASBT investigation will not jeopardise or prejudice any ongoing criminal investigation.

Where further information is needed to determine whether a case is to be opened LASBT Managers / supervisors will allocate enquiries to an appropriate officer providing full direction/instructions and/or guidance to ensure a response is provided in accordance with LASBT Service Standards.

Some enquiries/incidents could require a coordinated response from all partners (LASBT, Police and Landlord) for example reported hate crime incidents. Cases

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relating to cannabis cultivation where there is associated property related ASB could result in criminal, ASB and tenancy action.

Hate Related Incidents/Reports

All ASB incidents and reports including a hate related element will be processed as an urgent enquiry and will be responded to within 1 working day in accordance with LASBT service standards.

Where the reporter/victim has completed a Multi-Agency Hate Incident Form (MAHIR) indicating that they consent to the matter being disclosed to West Yorkshire Police, LASBT will liaise with its West Yorkshire Police ASB link officers who may provide a more appropriate response.

Where no MAHIR has been completed, depending upon the seriousness of the reported incidents, an LASBT case officer may contact the reporter to complete a MAHIR and seek consent to disclose to West Yorkshire Police.

Once an initial assessment of the enquiry has been undertaken LASBT managers/supervisors will review all additional information/evidence obtained to determine whether the reported problems warrant LASBT investigation and authorise case creation.

Inappropriate Enquiries

Where enquiries are deemed to have been incorrectly allocated to LASBT, in order to ensure all enquiries receive an appropriate response, an LASBT manager/supervisor will;

- Contact the reporter/referring agency to advise as to why the enquiry is inappropriate.
- Notify and provide feedback to the CCC manager, to reduce the potential for further inappropriate enquiries.

- Advise the reporter/referring agency of any onward referral.
- Contact the forwarding agency to inform them of the onward referral.
- Where information received warrants an intelligence submission, complete a Tension Monitoring form and pass to a WYP ASB Link officer who will submit a 'Form A' (National Intelligence Report).
- Close the enquiry (unless vulnerabilities identified)
- Where reported problems are not related to ASB, but vulnerabilities and/or safeguarding concerns have been identified, the Case Officer will respond in accordance with LASBT Service Standards and to verify any support needs and account for all actions/referrals undertaken to safeguard the reporter/victim, before closing the enquiry.

All actions taken to support any identified vulnerabilities will be logged against the originating enquiry and the service recipients details updated as appropriate.

Tension Monitoring & Intelligence

Information gathered by case officers during the course of visits, case investigations and neighbourhood meetings, related to neighbourhood tensions may also be added to Safer Leeds Tension Monitoring Database.

ASB case and non-case related intelligence may also be submitted to the West Yorkshire Police's Intelligence Unit. Intelligence can be categorised (but not restricted to) the list below:

- Anything that feels wrong, or odd, or out of place.
- Suspicious activity at an address, or a location (phone boxes etc).
- Lots of parcels being delivered, or strange quantities of substances.

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- Lots of comings and goings, taxis at strange times of day.
- Reports of children screaming/crying, children that appear to be unkempt, no food in the cupboards, drug paraphernalia, etc.
- Routine information such as people changing address, phone numbers, and changing names or using aliases.

LASBT will also receive intelligence data through partner agency routes which along with all submitted intelligence will be reviewed by the performance core and where appropriate tasked out to LASBT managers through normal enquiry processes.

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LASBT Service Standards

All enquiries received by LASBT and resulting cases will be investigated in accordance with the service standards set out below;

In urgent situations, (i.e. reports that include 'hate crime' incidents, where there is a risk of harm to the reporter or where there are clearly identified vulnerabilities), a Case Officer will contact the reporter/referring agency, by telephone or face to face visit within -	1 working day
For all other enquiries, a Case Officer will contact the reporter/referring agency by telephone or face to face visit within -	2 working days
Where enquiries are deemed appropriate for investigation by the LASBT, a case will be created and the Case Officer will offer/arrange to visit the named victim, identify and contact any additional witnesses including those identified by the named victim, and visit the alleged perpetrator to discuss the allegations made with within -	10 working days of the case creation date.
Every effort will be made to contact the alleged perpetrator at the earliest and most appropriate opportunity during the initial investigation, should there be any delays in contacting the alleged perpetrator we will advise the victim/reporter of the reasons for this.	As above, within 10 working days (unless ex-parte action to be considered)
Where the perpetrator is unknown, the Case Officer will conduct appropriate investigative actions (letter drops, visits to neighbours, system checks with LASBT colleagues and partner agencies, etc) in an attempt to establish the identity of the perpetrator(s).	
The Case Officer will seek to identify any vulnerabilities or safeguarding concerns during the initial visits to named victims and alleged perpetrators, offering advice as to available assistance or support and will review those needs at regular intervals throughout the investigation.	
The Case Officer will contact the named victim at least every 10 working days to obtain any further evidence and update the victim regarding any significant actions/developments since the last update.	
Where it is deemed appropriate to issue a Nuisance Diary Book case officers will agree timetable for collection -	not to exceed every 20 working days
A LASBT manager/supervisor will conduct a full review of each case every -	28 days
Where cases result in a legal order being obtained, case offers with responsibility for offender management will continue to liaise with all case participants on a minimum monthly basis during the first six months of the order. Monitoring and liaison beyond six months will be dependent upon any breaches, further ASB and individual circumstances and determined by an LASBT Manager.	
The Case Officer will consult with the reporter/victim/referring agency and advise alleged perpetrators accordingly prior to closing cases . Victims will be asked to provide feedback/comments through formal service satisfaction surveys that might further improve our service.	

Adherence to service standards will be measured weekly and feedback on performance reported through the LASBT performance racetrack.

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Case Creation and Allocation

Responsibility for authorising new cases rests with LASBT managers/supervisors and will be influenced by a broad range of considerations including (but not restricted to);

- Tenancy issues – could the matter be more efficiently dealt with by the landlord?
- Criminality – do reported problems warrant Police action?
- Repeat problems – are problems linked to existing case(s)?
- Would problems be best addressed through joint agency actions and problem solving tools i.e. SARA (Scanning, Analysis, Response, and Assessment)?
- Can the reported problems be successfully resolved through the actions of a Case Officer or the application of current ASB interventions, tools and legislation.
- Can the problems be quickly resolved with appropriate advice and guidance?

Wherever possible, authorisation to create a new case will be provided to the same officer who responded to the initial enquiry.

LASBT managers/supervisors will, when allocating case work, provide officers with appropriate direction, instruction and/or problem-solving advice.

Where reported disputes relate to non-LCC Tenants Case Officers will seek to engage with private/social landlords as required and in accordance with current Service Delivery Agreements, to ensure appropriate actions are taken to resolve the reported issues.

Where a reported problem may be suitable for multi-agency problem solving (see following list) the LASBT manager/supervisor will take responsibility

for instigating and coordinating a multi-agency response.

- Repeat problems identified through or supported by intelligence processes.
- ASB incident clustering where no victims/perpetrators identified.
- Unusual cases, needing an ‘outside the box*’ approach.
*(*Looking at the bigger picture, blue sky thinking, lateral thinking, pragmatic, innovative etc.)*

Case Investigation

LASBT recognise that the complexities involved in investigating ASB cannot be readily mapped out as a one size fits all process.

Whilst each case will require a tailored and proportionate response there are up to seven strands of activity that need to be considered/followed in tandem to ensure investigations are thorough and effective;

- i) Victim Liaison & Vulnerability Assessments
- ii) Perpetrator Liaison & Vulnerability Assessments
- iii) Evidence collation & statement taking
- iv) Perpetrator interventions
- v) Partner Agency Liaison & Case Conferencing
- vi) Tenancy Enforcement
- vii) ASB Enforcement

LASBT managers/supervisors will conduct regular case reviews to ensure case officers utilise all problem solving opportunities and consider appropriate legal interventions where necessary.

i) Victim Liaison & Vulnerability Assessments

Unless a visit has already taken place during the initial response to the incoming enquiry the investigating Case Officer will arrange to visit the reporter/victim(s) within 10 working days of the initial response to

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fully explain the investigative process and manage expectation.

During initial visits to named victims the Case Officer will ensure that all actions outlined in the following checklist are carried out.

Where it transpires that reported behaviour may include criminal incidents the victim will be encouraged to report the matter to the Police, to keep a record of incident numbers and retain the name/details of the attending officer.

Vulnerabilities will be reassessed at regular intervals throughout the investigation to re-assess support needs in response to ongoing incidents, changes in personal circumstances and any significant case actions i.e. legal notices served.

Following the initial visit, the Case Officer will continue to, liaise with named victims to obtain further evidence, update victims regarding case progress and where appropriate re-assess whether any support provision is effective and remains relevant to their needs.

ii) Perpetrator Liaison & Vulnerability Assessments

Unless evidence collated indicates victims/witnesses/communities may be at risk though disclosure of allegations/evidence and an LASBT manager/supervisor considers the case warrants ex-parte actions, interviews will be arranged with alleged perpetrators within 10 days of case creation.

Interviews will, wherever possible, be arranged by telephone to minimise the potential for failed appointments. Where time permits, scheduled interviews will be confirmed in writing.

Where contact with identified alleged perpetrators is likely to take longer than 10 working days after the initial enquiry response, the Case Officer will advise the victim of the reasons for this.

Case Officers will undertake a risk assessment in response to the nature and severity of the allegations or any concerns arising from the perpetrators previous contact history, to minimise any potential risks relating to interviews with alleged perpetrators. Where appropriate, Case Officers may wish to arrange for a colleague or West Yorkshire Police ASB link officer to attend the interview.

Where allegations relate to the behaviour of children under the age of 18, alleged perpetrators will be interviewed with their parents present. Where children are known to attend full time education interviews will, where necessary, be arranged to take place out of school hours.

All interviews, discussions and/or attempted discussions with alleged perpetrators, including instances where the perpetrator fails to attend or refuses to discuss any allegation, will be recorded as evidence of attempts made to conduct an impartial and balanced investigation. A written record will be kept of all interviews and agreed actions will be confirmed in writing with the alleged perpetrator.

Following the initial visit, the Case Officer will, unless emergency ex-parte legal action is to be taken, continue to liaise with the alleged perpetrator at least every 20 working days to discuss further evidence obtained, to consider appropriate interventions, and/or to reiterate any conditions/sanctions the perpetrator is expected to adhere to.

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First visit to reporter/victim

Case officers conducting an initial visit to the reporter/victim should ensure the following checklist is adhered to.

Case officers Initial Contact Checklist (Victims/Reporters)	Completed
Introduce themselves, providing the victim with their contact details should the victim need further information or wish to report further incidents.	
Fully explain, not only what the customer can expect from us, but what we will require from them and record on an Action Plan.	
Explain the purpose of, and complete a Victim Vulnerability assessment and equality monitoring data form.	
Obtain as much detail as possible about the alleged ASB including if appropriate photographic evidence of any reported damage.	
Establish whether any other professional body/solicitor/Councillor or MP has been contacted or is already involved in this case.	
Agree with the victim how the case will be investigated, discussing with the victim their expectations in relation to the case.	
Advise the victim on how the case may progress and what options are available at this stage including independent mediation.	
Advise the victim that the accurate completion of diary books will form a vital part of the evidence gathering process noting that if NDB's are completed correctly and of good quality with detailed evidence of recent incidents, only a few should be required.	
Explain that if as a result of preventative interventions the alleged behaviour ceases, the case may be closed and no further action taken.	
Ensure that the victim understands that should the LASBT decide to take legal action, it may be necessary for the victim to provide evidence at a court hearing later in the case	
Obtain consent of the victim to approach alleged perpetrators, advising the victim that whilst their identity will not be disclosed to alleged perpetrators (unless they have given consent that they are happy for their identification to be disclosed) they may be identified to the alleged perpetrator through the disclosure of specific incidents or should legal proceedings be scheduled, (given the legal requirement to disclose evidence to the defence) through the evidence provided to the court.	
Identify any risk factors which would prevent the victim giving evidence at court.	
Provide the victim with leaflets and information relating to currently available support services/organisations that may be able to assist the victim.	
Advise that all victims will be offered a referral to Victim Support, who once involved will continue to liaise with the Case Officer to advise of any vulnerability issues or additional support needs.	

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First visit to alleged perpetrator

Case officers conducting an initial visit to alleged perpetrator(s) should ensure the following checklist is adhered to.

Case Officers Initial Contact Checklist (Perpetrators)	Completed
Explain the role of LASBT and the purpose of the interview/meeting.	
Inform the alleged perpetrator of the allegations made and obtain their version of events/incidents, noting any admission or counter allegation.	
Explain the purpose of, and complete a 'perpetrator vulnerability assessment and equality monitoring data form to identify any vulnerabilities or support needs that may have a bearing on their behaviour giving due consideration to what support can be provided .	
Advise the alleged perpetrator on how the case may progress and what options are available at this stage including mediation (if not already considered).	
Explore with the alleged perpetrator any options to prevent further ASB through diversionary and/or supportive interventions, and voluntary agreements and/or contracts. Record on Action Plan.	
Where the alleged perpetrator is under the age of 18, discuss the allegations with the parent/guardian, seeking an assurance of support to ensure no further ASB is perpetrated.	
(Council tenants) Advise the alleged perpetrator of the consequences of further ASB resulting in a breach of tenancy and any potential actions against the named tenant.	
Advise the alleged perpetrator that their individual support needs and vulnerabilities will be assessed and re-assessed throughout the investigation, taking account of any change in circumstances, formal warnings and escalation of incidents.	

The perpetrator vulnerability assessment and resulting support provision will be reviewed at regular intervals to ensure support is effective and remains relevant to the perpetrators needs.

Where the alleged perpetrator, either in person or through their solicitor denies all allegations the Case Officer will discuss the case with their LASBT manager/supervisor to evaluate the strength of the evidence against that individual and agree how to progress.

All requests from solicitors acting on behalf of the alleged perpetrator will be responded to and confirmed in writing by an LASBT manager/supervisor.

Counter allegations

Where an alleged perpetrator makes a counter allegation they will be asked to make a formal enquiry in accordance with LASBT procedures. Counter allegations will be treated seriously, logged as a new enquiry on Siebel by the receiving officer and processed in accordance with agreed procedures to agreed service standards.

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An LASBT manager/supervisor will depending upon the complexity of the case, determine whether any counter allegation case is investigated by the Case Officer dealing with the original case or whether it needs to be passed to a second officer for investigation.

iii) Evidence Collation

Case Officers will ensure all investigations are thorough and all avenues of potential evidence are explored to determine the most effective means to resolve complaints of ASB. Sources of evidence include, but are not restricted to:

- Nuisance Diary Books
- Statements taking during interviews with case participants
- Personal observations during visits
- Photographs
- Professional evidence (Police)
- Professional witnesses
- Fraudulent documents/records
- House to house enquiries
- Visits to neighbours and wider area
- Hearsay
- Shared intelligence
- CCTV
- Surveillance (Overt & Covert)
- Noise Monitoring Equipment
- Section 115s
- Needle collection data

Nuisance Diary Books

Where victims report regular incidents of nuisance or anti-social behaviour, nuisance diary books (NDB's) will be issued to victims and appropriate witnesses, with clear guidance provided as to how to record incidents they witness (times, type and nature of incidents, duration and details of all involved, other witnesses etc). Each incident should be signed and dated.

If the victim has problems completing the form, the Case Officer will consider what

other forms of help/assistance could be available including the use of Dictaphones and ascertaining whether a relative/friend could assist.

All nuisance diary books issued will be collected regularly (every 20 working days) in accordance with service standards.

Statements

Where victims are able to provide a witness account of incidents observed (as logged within NDB's) or reported to them (hearsay) a witness statement will be taken to support any legal proceedings. Good practice dictates that wherever possible statements will be handwritten having been taken at the point of interview rather than re-written (typed) at a later date.

Surveillance

Where surveillance operations are to be used to obtain covert CCTV evidence of incidents of ASB, an appropriate RIPA authorisation should be sought.

Responsibility for completing a RIPA application rests with the Case Officer who will submit the application to a LASBT manager/supervisor for approval prior to it being authorised by the Head of Anti-Social Behaviour.

All collated evidence will be recorded on LASBT's case management system. All documents/evidence including statements will be copied, scanned and uploaded with 'originals' returned to the author.

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iv) Perpetrator interventions

Case Officers will identify and consult with all partner agencies to establish any support mechanisms and/or interventions already in place with alleged perpetrators. Case Officers will liaise with those support providers to explore how those interventions could contribute to resolving identified ASB issues.

LASBT will consider all supportive and diversionary interventions and referrals that are appropriate to the perpetrators tenure, age, and support needs, balancing the support needs of the perpetrator against the seriousness of the ASB and the need to protect victims and witnesses.

Interventions used will include both diversionary activities and pre-enforcement contracts and agreements including, referrals to intervention providers (PAYP, YIP, Drug programmes, Housing advice, Homelessness etc), referrals to intervention panels, verbal and written warnings, Acceptable Behaviour Contracts (ABC's), Good Neighbour Agreements, Responsible Retailer Agreements, Noise Abatement Notices and Housing Cautions.

Where perpetrators are engaged on supportive or diversionary interventions, Case Officers will regularly consult with service providers to assess the impact of engagement against reported behaviour recognising the potential to undertake enforcement action in conjunction with ongoing intervention & support where appropriate.

Acceptable Behaviour Contracts

Written contracts between an individual (and their carer if they are under 18), the ALMOs or LASBT, and the police. Although not legally binding, the contract is a promise that the individual will not carry out certain acts which could be seen as anti-social. The contract may include support for the individual in tackling the

behaviour. Contracts terms will be agreed with perpetrators through face to face meetings at which behaviours are fully discussed and their impact recognised.

It is not always necessary to use an ABC before taking other action (e.g. where the behaviour is very serious) but it is a step that would be considered in most cases.

Parenting Contracts

In some cases it may also be appropriate for the parent to enter into a Parenting Contract, where the parent agrees to certain measures to try and stop the anti-social behaviour being caused by their child.

Noise Abatement Notice

Where an Officer is satisfied that that a noise problem amounts to a statutory nuisance an abatement notice, under Section 80 of the Environmental Protection Act 1990 may be served on the person causing the problem or the landlord/owner of the property within 7 days of the nuisance being witnessed. The notice will require the person to stop causing a disturbance and may also require works to achieve this to be carried out within a specified time

Anti-Social Behaviour Order warnings

These may be served on individuals where the initial investigation has indicated that an Anti-Social Behaviour Order may be an appropriate solution to a problem. An Anti-Social Behaviour Order warning may not be served in all cases, depending on the severity of the anti-social behaviour, and the urgency and the need to protect witnesses.

v) Partner Agency Liaison and Case Conferencing

LASBT recognise that working in partnership with a fully inclusive range of partner agencies broadens the tools and mechanisms available to deal with ASB effectively, to bring about sustainable resolutions.

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Case Officers will where necessary arrange case conferences to bring partner agencies together to identify shared solutions, identify additional avenues of support and agree joint actions to intervene and resolve reported ASB. Partners involved could include, (but is not restricted to):

- The Police
- Tenants and Residents Associations
- MARAC
- ALMO's
- Education Leeds
- Social Care
- The Youth Service
- Integrated Processes Service (CAF)
- Independent Mediation

Case conferences will be meaningful and their aims made clear to all invitees in advance of the meeting. Minutes of case conferences will be taken and outcomes shared with relevant parties.

Whilst it is recognised that partner agencies are able to take the lead in respect of support provision where appropriate, LASBT case officers will retain ownership of the over-arching ASB case management.

vi) Tenancy Enforcement

Introductory tenancies

LASBT will adhere to the legal process set out for dealing with ASB related to Introductory Tenancies.

Enforcement measures used for Introductory Tenancies are:

- Extension of Introductory Tenancies
- Termination of Introductory Tenancies
- Final Warnings
- Possession

Secure Tenancies

LASBT will adhere to agreed ALMO processes for dealing with ASB related to Secure tenancies.

Enforcement measures used for Secure tenancies are:

- Written warnings
- Housing Cautions
- Demoted tenancies*
- Possession orders*

** Further details included under vii.*

vii) ASB Enforcement

Where it is deemed that interventions are unlikely to resolve reported problems or indeed the ongoing ASB warrants a more formal response to protect victims and witnesses, LASBT manager/supervisor approval will be sought to proceed to enforcement action.

Once enforcement options have been approved the Case Officer will compile a full case file with all documentary evidence obtained during the investigation (photographs, statements, letters, ABC's, cautions, CCTV evidence etc) and make a formal referral to Legal & Democratic Services.

LASBT managers/supervisors will provide appropriate advice and guidance with regards to appropriate legal measures taking full account of the perpetrators age, tenure and reflect the nature and the seriousness of the ASB.

Prior to any submission to legal service for formal enforcement action, LASBT will revisit case participants to ensure all vulnerabilities and/or safeguarding needs have been identified and appropriate supportive actions considered.

Enforcement tools used by LASBT include:

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Anti-Social Behaviour Orders (ASBOs)

Civil orders setting out terms which prohibit the perpetrator from carrying out specific anti-social acts, i.e. to prevent them from entering defined areas on a map or prohibiting them from associating with people also involved in anti-social acts. Applications are initially presented to the Leeds ASB panel, a multi-agency forum with a statutory responsibility to consult on, and approve applications for court. The council can apply for these orders in the Magistrates Court or as part of other proceedings in the County Court, for example possession proceedings. The anti-social acts have to be proved to a criminal standard of proof and the council also has to persuade the Court that proposed terms are necessary. Once the Anti-Social Behaviour Order is made, breaching the Anti-Social Behaviour Order is a criminal offence.

The council makes applications for Anti-Social Behaviour Orders on behalf of West Yorkshire Police. Anti-Social Behaviour Orders can also be made following a conviction in the criminal courts. Although the prosecutor and not the council makes the application for this to happen, the council works closely with the police and CPS to identify suitable cases for such orders on conviction.

Injunctions under s.153 Housing Act 1996.

An injunction is a court order prohibiting a person from committing certain acts. If any injunction is breached, this will be contempt of Court, and the council can apply for this contempt to be punished by a fine or committal to prison.

It may also be possible to obtain a power of arrest and exclusion zone (including exclusion from someone's home), as part of the injunction if the individual has used or threatened violence or there is a significant risk of harm to victims.

In very serious cases it may be possible to apply for an injunction without telling the perpetrator that the council is applying to court for an order.

Injunctions for trespass

The council can send a prohibition letter banning individuals from entering council owned property. If the letter is ignored this will be trespass and the council can apply for an injunction banning the individual from continuing the trespass. In the case of schools, the law requires the parent of a child to be consulted before such a ban is made against them

Injunctions under s.222 Local Government Act 1972

The council can use the authority of s. 222 Local Government Act 1972 to bring proceedings in the County Court to prohibit a person from continuing to cause a public nuisance, if it can be shown that it is expedient for the promotion or protection of the interests of the inhabitants of the area. These can be used to deal with problems such as drug dealing, begging or prostitution.

Possession Proceedings

The council can consider eviction where the perpetrator of anti-social behaviour is a council tenant or someone living with or visiting a tenant, and the behaviour complained of is a breach of the terms of the tenancy agreement, or, in the case of secure tenants, one of the grounds for possession as defined by the Housing Act 1985 applies. The grounds for possession include where the tenant or a person living with or visiting the tenant is guilty of anti-social behaviour.

The type of tenancy held determines the course of legal action. When an application is made to court for possession of an Introductory Tenancy, the Court should grant possession, as long as the ALMO has correctly followed

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the council's introductory tenancy procedures.

When the tenant is a secure tenant the court must also be satisfied that it is reasonable to evict the tenant on the basis of the anti-social behaviour that has been evidenced.

Eviction will always be a last resort and is reserved for serious cases. Examples of cases where eviction would be considered include:

- Dealing drugs from council property;
- Using violence or severe intimidation against neighbours or staff;
- Using council property for serious criminal activity;
- Where properties have been closed under crack house or anti-social behaviour closure powers;
- Where the anti-social behaviour is persistent and other attempts to prevent it have failed.

Demoted tenancies

A demoted tenancy is a less secure form of tenancy. A secure tenancy can be demoted where there is anti-social behaviour, and is done by serving a Demotion Notice and making a court application for a Demotion Order. The court must also be satisfied that it is reasonable to demote the tenancy.

Once the tenancy is demoted to a less secure form of tenancy, any future request for possession of that property would follow a similar procedure to that for introductory tenancies. Demotion generally lasts for a period of 12-18 months.

ASB Closure Orders

The council can make an application for an order which closes a property which is associated with significant and persistent disorder or persistent serious nuisance to members of the public. The order excludes everyone from the property for a

period of up to 3 months. The order can be extended for a further 3 months if necessary. The order can be sought against any property whether owned by the council or not and can include commercial buildings.

Seizure of Noise Making Equipment

Section 10(7) of the Noise Act 1996 confirms the power of a local authority to abate any statutory noise nuisance by seizing and removing equipment used in the emission of the noise in question.

Offender Management

Where court actions result in legal orders being obtained, victims will receive ongoing support from a dedicated LASBT Offender Manager (a Case Officer specialising in offender management), to whom they can also report further incidents to and obtain advice.

Wherever possible Offender Management officers will attend court and liaise with perpetrators immediately following the granting of any order. Should Offender Management Officers be unable to attend court, they will contact perpetrators within 2 days of orders being obtained and served to introduce themselves and explain their role.

Offender Management Officers will continue to liaise with all case participants on at least a monthly basis during the first six months of an order, to monitor adherence to the order and continually assess any changed behaviour.

Where evidence suggests that the order has resolved the reported problems and protected victims/communities from further ASB, contact with the victim beyond the first six months (to the order expiry date) will be agreed with individual participants with the proviso that victims are able to contact officers directly should the need arise.

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Where there is evidence of continual breaches beyond the first six months of an order contact with case participants will be maintained at a minimum monthly contact until otherwise advised following a manager/supervisor case review

Where there are continued reports of ASB, Offender Management Officers will collate evidence to support any additional action or variations to the original order to ensure victims and communities continue to be protected.

Offender Management Officers will produce a quarterly progress report for each perpetrator subject to a current order detailing all breaches, crime/ASB stats for the relevant area, any further incidents recorded on Caseworks relating to area or perpetrator since order obtained, intelligence data on offending patterns, victim/witness feedback, partner agency & support provider updates, revised vulnerability information and any changes to personal details or circumstances.

Further reviews will be presented to the ASB panel as and when required (to concur with statutory requirements to review all juvenile ASBO's every 12 months), and in line with locally agreed processes to review all orders 6 months prior to expiry, and where variations to existing orders are proposed that will extend the duration of an order.

Case Closure

Cases will only be closed with the approval of a LASBT manager/supervisor, once it has been determined that the reported problems have been resolved and/or following the expiry of any legal order.

In some cases, where reported problems have been significantly resolved but residual issues relating to tenancy matters prevail, it may be appropriate to refer the case back to the appropriate landlord, for

additional tenancy management support, action and/or monitoring.

Victims and those agencies involved in the initial referral of enquiries will always be contacted and advised of the reasons for case closure prior to case closure.

All ASB related UDC's placed on Orchard GUI will be deactivated (with the record retained for future reference).

Perpetrators will also be informed of the decision to close cases prior to case closure.

8. Monitoring the Service

Case Management & Supervision

LASBT managers/supervisors will conduct regular reviews of ongoing case work to assess progress/identify any barriers to progress providing further direction and guidance to case officers through scheduled supervisions.

LASBT managers/supervisors conducting reviews of cases will check that;

- service standards have been/are being adhered to.
- all actions arising during the course of the case investigation are accurately recorded.
- all documents, letters, statements and evidence have been scanned in attached to the case and all hard copy documents retained for future legal file creation.
- All guidance and direction provided has been actioned and cases are progressing in accordance with any planned timescales.

All LASBT staff will in addition be subject to regular supervision and appraisal in accordance with their corporate HR policies. Supervisions will be conducted on a monthly basis whilst PADS will be carried out annually but reviewed every six months.

The Performance 'Core'

A centrally based 'Core' performance team is responsible for all LASBT performance measurement and will collate regular quantitative and qualitative performance data at weekly, monthly and quarterly intervals, providing advice and guidance to senior managers in respect of any fluctuations in performance or any identified issues.

The 'Core' will ensure that all collated performance data is purposeful and adds value to the work of LASBT in so far as it ensures senior managers and key partners are fully informed of LASBT performance and can be used to influence procedural improvements.

The performance 'Core' will also undertake regular dip sampling of ASB casework logged within Caseworks for weekly performance and performance management purposes.

Data relating to enquiries and cases logged within LASBT case management systems will be extracted through tailored reports for performance measurement and management purposes.

Performance mechanisms used by the 'Core' will include:

- Service delivery data collation
- Benchmarking against LASBT KPI's
- Comparative analysis (Demographics, Intelligence etc.)
- Qualitative dip sampling and case audits
- Customer feedback collation and analysis
- Research and desk studies

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Identified best practice and lessons learnt from complaints, case reviews and/or other organisations will be disseminated in a timely manner to ensure improvements happen in real time without unnecessary delays and any changes in procedure captured within this manual.

Where issues are identified relating to individual staff or team performance, the performance 'Core' will inform line managers in order that staff can be supported through Personal Development Plans, and closely monitored for improvements.

Feedback from reporters/victims of ASB will be collated at regular intervals (4 weeks, randomly at 6 week intervals and case closure) throughout each case to monitor satisfaction against LASBT Key Performance Indicators.

Victims will be contacted within 10 working days of their case closing to participate in a Closed Case Customer Satisfaction Survey.

Where the victim cannot be contacted, a postal survey will be sent out 2 weeks from the date of case closure.

Customer Satisfaction Surveys and Service KPI's

Surveys will directly correspond to agreed Key Performance Indicators outlined below,

% of customers/victims satisfied with promptness of initial response
% of customers/victims satisfied with investigation undertaken
% of customers/victims satisfied that their needs were considered and appropriate support provided.
% of customers/victims satisfied that they were consulted and able to influence key decisions taken during the investigation.
% of customers/victims satisfied that they were regularly kept informed
% of customers/victims satisfied with the case outcome.

9. Staff Training

The LASBT places a high importance on training of staff and will deliver training to staff at regular intervals to ensure staff are fully informed of any changes to procedures, processes and legislative tools and powers.

LASBT will in addition update its partners on any changes to practice, legislation and continually raise awareness of anti social behaviour strategies and procedures.

10. Data Protection and Confidentiality

Leeds City Council needs to process personal data and private information in order to deliver many of its services.

Confidentiality

The council adopts the general principle that information should only be disclosed to individuals with a legitimate and reasonable right to that information.

In general, all information received from victims and witnesses of anti-social

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behaviour will be treated as having been given to Leeds City Council in confidence, and will not be disclosed to third parties unless those providing the information have agreed that we may do so.

We will treat every case in confidence and officers will do all they can to protect the identity of victims and witnesses.

We will advise witnesses that:

- Their information will be treated as confidential and not be disclosed without their permission, and that we will do all we can to protect their identity when we speak to other people.
- We will not disclose their details, but advise them that it may not always be possible to prevent their identity from becoming known (for example, if there are specific details in the allegations put to alleged perpetrators).
- Officers will conduct their enquiries in a way that reduces to a minimum any opportunity that will lead to the identification of victims and witnesses.

Sharing information with our partners

Leeds City Council, the ALMO's and West Yorkshire Police use an agreed Information Sharing Protocol created under the Crime and Disorder Act, 1998.

We may share information with these other agencies for the purpose of preventing anti social behaviour or crime.

Sharing information with tenants and the community

The Council works proactively with the media to publicise successful actions to prevent or tackle anti social behaviour.

The council regularly communicates with its tenants and residents on a variety of matters, including anti social behaviour.

Newsletters are regularly sent out to tenants and all residents receive the Leeds paper, 'About Leeds,

ALMO's use newsletters and their websites to inform residents about their actions.

The LASBT uses the West Yorkshire Police leaflet scheme to publicise the details of those who are the subject of an Anti-Social Behaviour Order.

11. Protection of Staff

Leeds City Council has a policy on violence at work to protect its staff.

Risk Assessments required under the Management of Health and Safety at Work Regulations 1992 are carried out in respect of staff with duties to undertake anti-social behaviour work.

12. Complaints

We are committed to giving you the best possible service at all times, but sometimes we make mistakes. If this happens, we want you to contact us and let us know.

Where complaints cannot be resolved by local managers, complaints will be referred to the performance core for further review and response.

If you have a complaint, compliment or a comment about the council, you can talk to the member of staff concerned or their manager, you can:

Phone us on
0845 129 0113 or **0113 398 4762**

Use the online form on the Council Website at www.leeds.gov.uk

Email us at complaints@leeds.gov.uk

Write to us at:

Leeds Anti-Social Behaviour Team
Freepost RSCS-ZTJU-CLXH
Merrion House
110 Merrion Centre
Merrion Way
Leeds
LS2 8ET

13. Media Strategy

LASBT will wherever appropriate seek to publicise its work to promote positive case outcomes and provide reassurance to residents in its ability to tackle anti-social behaviour.

As a multi agency service a joint media strategy for ASB services in the city has been developed underpinned by a Memorandum of Agreement between West Yorkshire Police divisional Press, the Council Press Officer with responsibility for Community Safety and the Safer Leeds Partnership Communications Officer.

All major news stories resulting from LASBT casework and initiatives in Leeds will be processed through the Core performance team for further information and comment as appropriate.

More routine matters like dispersal orders or very local anti-ASB initiatives may continue to be dealt with by the press officers between themselves with NPT/Safer Leeds/council comments as necessary.

14. Policy & Procedure Review

This document will be reviewed as a minimum, on an annual basis to ensure it remains relevant and up to date.