Anti-social Behaviour

A guide to the role of Youth Offending Teams in dealing with anti-social behaviour
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Anti-social behaviour

Anti-social behaviour, as defined in the Crime and Disorder Act 1998, is when a person has acted in a manner that “caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself”.

Anti-Social Behaviour Order (ASBO)

An ASBO is a civil order prohibiting a person from engaging in:
- specified acts of anti-social behaviour
- entering specified areas
- associating with specified persons.

There are four types of ASBO:
- an interim order
- an order on application to the magistrates’ court
- an order on application to the county court
- an order on conviction.

Asset

Asset is a structured assessment tool used by Youth Offending Teams (Yots). It considers the young person’s offence or offences, and identifies a range of factors or circumstances – from lack of educational attainment to mental health problems – that may have contributed to such behaviour. The information gathered from Asset can be used to inform court reports so that appropriate intervention programmes can be drawn up. It also highlights any particular needs or difficulties the young person has, so that these may also be addressed.

Crime and Disorder Reduction Partnership (CDRP)

The Crime and Disorder Act 1998 established CDRPs (called Community Safety Partnerships in Wales). These are partnerships between the police, local authorities, probation service, health authorities, the fire service, the voluntary sector, and local residents and businesses that work to reduce crime and disorder in their local area.
Individual Support Order (ISO)

ISOs were created by the Criminal Justice Act 2003. They can only be attached to orders on application in a magistrates’ court, and impose positive conditions that address the underlying causes of the behaviour that led to the ASBO.

Youth Inclusion Programme (YIP)

YIPs operate in local neighbourhoods and are aimed predominantly at young people identified as being at risk of offending and anti-social behaviour, but who have not yet entered the Criminal Justice System.

Youth Inclusion and Support Panel (YISP)

YISPs are multi-agency planning groups that seek to prevent offending and anti-social behaviour by offering voluntary support services to high-risk 8 to 13-year-olds and their families.

Youth Offending Team (Yot)

Yots are made up of representatives from the police, probation service, social services, health, education, drugs and alcohol misuse agencies, and housing officers. Their work is overseen by local management boards (formerly known as “steering groups”) made up of key stakeholders. There is a legal requirement to have a Yot in every local authority area in England and Wales.
Introduction

This guidance focuses on the role that Youth Offending Teams (Yots) can play in preventing and reducing anti-social behaviour. However, they are only one of a number of local agencies that have responsibility for addressing this issue.

Yots have a central role to play in making a lasting difference to the lives of young people involved in anti-social behaviour both as perpetrators and victims. This guidance outlines how Yots can contribute to this, through their skills in working with young people, their ability to gather information on a young person's family, and their close links with young people's services. It sets out a crucial role for Yots in:

- providing advice on interventions that can be used to address the risk factors behind a young person's behaviour
- the decision-making process in individual cases of young people involved in anti-social behaviour
- implementing interventions with young people involved in anti-social behaviour.

It also outlines the range of interventions available to deal with anti-social behaviour among young people, including the new Individual Support Orders (ISOs).

The central role of Yots in working with young people at risk of, or involved in, anti-social behaviour has not always been well understood by other agencies. Some Yots also still struggle to understand their role in dealing with anti-social behaviour, and have not been fully engaged in local decision-making. This guidance, therefore, sets out a clear framework for Yots on their role in working with local partners to prevent and address anti-social behaviour.

This document is also designed to help other agencies working to tackle anti-social behaviour, such as social landlords, the police and local authorities, to understand fully the role of the Yot and their expertise in working with young people. It emphasises the importance of agencies engaging with the Yot at an early stage of any intervention with a young person.

This guidance does not seek to prescribe to Yots, or other agencies, the measures they should use for specific instances of anti-social behaviour. These are decisions to be taken at a local level.
What is anti-social behaviour?

The Crime and Disorder Act 1998 defines anti-social behaviour as behaving in a manner that “caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself”. This underlines that it is the effect on others that is important when interpreting the problem. Recognising the impact of behaviour on the victims and the community, as well as looking at the risk factors that cause such behaviour, is key to tackling the problem. For example, when a group of people engage in rowdy or disruptive behaviour, it may have a much greater impact when conducted outside the house of an elderly or vulnerable neighbour than in a local park. It is important that young people involved in anti-social behaviour understand the effect that their behaviour has on their community, and that, as well as being a nuisance, it can be intimidating.

All agencies involved in tackling anti-social behaviour must adopt an approach that recognises and validates local people’s genuine fears. It is crucial to consult with members of the community and young people, as well as key local agencies, to establish clear criteria for what constitutes anti-social behaviour, and how it should be dealt with.

Anti-social behaviour may include:

- harassment of residents or passers-by
- verbal abuse
- criminal damage
- vandalism
- noise nuisance
- graffiti
- engaging in threatening behaviour in large groups
- smoking or drinking alcohol under age
- substance misuse
- joy-riding
- begging
- prostitution
- kerb-crawling
- throwing missiles
- assault
- vehicle-related nuisance.
Anti-social behaviour is not a discrete kind of behaviour, separate from offending. Many types of anti-social behaviour can also be criminal offences. Indeed, in a large number of cases, the same young people commit both criminal and anti-social acts. It is, therefore, crucial that there is a coherent response to both crime and anti-social behaviour by young people in a locality. Given this overlapping, it is worth considering the circumstances of the behaviour, its persistence, its local impact and the best way of stopping it, before deciding on a course of action.

**The scale of the problem**

One in six people (16%) perceive a high level of anti-social behaviour in their neighbourhood. In September 2003, the Home Office requested that Crime and Disorder Reduction Partnerships (CDRPs) report over a 24-hour period incidences of anti-social behaviour committed by both adults and young people. This ‘One Day Count’ estimated the cost of anti-social behaviour to public services to be £3.4 billion a year. Further details on the ‘One Day Count’ can be found at [www.together.gov.uk](http://www.together.gov.uk).

Young people, like adults, are victims of anti-social behaviour, and want these problems addressed. Therefore, there is a need to work with young people to make it clear that there are types of behaviour that are unacceptable, and to stop those acts that are causing distress to members of the community. It is equally important that the needs of young people are provided for within their local area, and that their interests are represented as part of community regeneration. Work with young people as victims or perpetrators of anti-social behaviour should seek to achieve the five outcomes that matter most to children and young people, as set out in the Green Paper, *Every Child Matters*:

- being healthy – enjoying good physical and mental health and having a healthy lifestyle
- staying safe – being protected from harm and neglect, and growing up able to look after themselves
- enjoying and achieving – getting the most out of life and developing broad skills for adulthood
- making a positive contribution to the community and to society, and not

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engaging in anti-social or offending behaviour

- economic wellbeing – overcoming socio-economic disadvantages to achieve their full potential in life.

In Wales, work should seek to achieve the Welsh Assembly Government’s seven core aims for all services dealing with children and young people, which state that all children and young people:

- have a flying start in life and the best possible basis for their future growth and development
- have access to a comprehensive range of educational, training and learning opportunities, including the acquisition of essential personal and social skills
- enjoy the best possible physical, mental, social and emotional health, including freedom from abuse, victimisation and exploitation
- have access to play, leisure, sporting and cultural activities
- are listened to, treated with respect, and able to have their race, faith and cultural identity recognised
- are provided with a safe home and a community that supports physical and emotional wellbeing
- are not disadvantaged by child poverty.

The government’s strategy

The government’s action plan, Together: Tackling Anti-Social Behaviour, complements programmes that reduce crime, tackle deprivation, raise standards in public services, and provide opportunities for young people in education and employment. It sets out what additional action will be taken to tackle anti-social behaviour, and how it will affect every community, improving the response to anti-social behaviour, and driving up the performance and capacity of all CDRPs in England and Community Safety Partnerships (CSPs) in Wales, local authorities and practitioners. The Together ActionLine (0870 220 2000) has been set up to provide advice and assistance on all the tools available, and this is now supported by a dedicated website, www.together.gov.uk.

The government supports an incremental approach to tackling anti-social behaviour, intervening early on to prevent the problems escalating, and taking firmer action if the anti-social behaviour continues.
In Middlesbrough, groups of young people had become a cause for concern. They were the number-one cause for complaint at public meetings, in councillors’ surgeries and among residents. Typical complaints included threats, intimidation and harassment, throwing missiles, urinating in public, openly taking drugs, and car theft. One group stole a car, drove it to the top of a hill, set it alight and then rolled it back down the hill into a stream of oncoming traffic. In one particular area, people began to move out, and it rapidly became run down.

"We knew we had to get a grip on this situation," says Mandy Walker of the Community Protection Service. "We had to regain local people's trust and make an impact early on. We will go for Anti-Social Behaviour Orders, injunctions and, if necessary, eviction. We have not lost in court yet because we consider each step forward very carefully, our actions are reasonable, proportionate and necessary, and we choose the tools of enforcement carefully."

The team have carried out 363 joint interviews, agreed 294 Acceptable Behaviour Contracts, and got 15 injunctions, 10 evictions and 20 ASBOs.
The role of the Youth Offending Team and the importance of partnership-working

The role of the Youth Offending Team

Yots have the expertise to advise on the individual needs and circumstances of young people; and they have close links with other agencies such as the young person’s school, social services, Connexions (in England), the youth service or other children’s services, including those under the auspices of the Welsh Assembly Government. They will often have information on past interventions with individual young people, and knowledge about the young person’s family, the behaviour of siblings, and the engagement of parents/carers in addressing their child’s behaviour. The Yot also has a role in administering a number of measures to prevent and stop further anti-social behaviour. They have the power to work with families on a voluntary basis, enter into parenting contracts, and apply to the court for Parenting Orders. They can also play a valuable role in supporting an application for a Child Safety Order or ASBO.

Yots, therefore, have the skills to assess the needs of young people, and to offer advice to and work with local partners in order to offer comprehensive interventions that will address the factors behind a young person’s anti-social behaviour, while providing the appropriate level of protection for the community. They will be aware of situations where a voluntary intervention may have a good chance of success and, also, of those cases where previous voluntary interventions have failed and firmer boundaries need to be established.

The Yot, in partnership with local child care agencies, has a key part to play in supporting young people after a decision has been made about using a particular intervention. By ensuring that the young person has a clear understanding of the consequences of continuing to behave in the way he or she is, the Yot can improve the chances of the intervention being successful.

Because Yots incorporate representatives from a wide range of services, they can respond to the needs of young offenders in a comprehensive way. Yots identify the needs of each young offender by assessing them with the Youth Justice Board’s national assessment tool, Asset. This identifies the specific problems that make the young person offend, as well as measuring the risk they pose to others which
enables the Yot to identify suitable programmes to address the needs of the young person, with the intention of preventing further offending.

It is the unique combination of skills outlined above that allows Yots to contribute at a local level to work on the anti-social behaviour of children and young people.

**Risk and protective factors**

Research suggests that those facing multiple risk factors have a much higher chance of becoming involved in more serious or persistent offending. These risk factors include:

- a troubled home life, including poor parenting, criminal family members, violence or abuse
- peer-group pressure
- poor attainment at school, truancy and school exclusion
- personal issues such as drug and alcohol misuse or mental illness
- deprivation such as poor housing or homelessness.

Through the Asset assessment, these factors can be identified, and appropriate interventions put in place to address them. These may involve such measures as:

- positive involvement in meaningful activities in school
- encouraging participation in family activities and parental monitoring
- developing social skills
- combating prevailing social attitudes.

**Appropriate intervention**

It is important for communities to set the standards of behaviour by which they expect people to live. If these standards are to be credible, it must be clear to all that action will be taken against unacceptable behaviour. Interventions also need to be realistic, proportionate and appropriate, based on the nature of the behaviour, its persistence and its impact on individuals or the community.

The range of powers available under the Crime and Disorder Act 1998 and the Anti-Social Behaviour Act 2003 are wide and give agencies powerful tools with which to prevent anti-social behaviour. These tools can disrupt dangerous behaviour patterns such as gang activities, helping young people to move away from the peer pressure
of gangs. When coupled with positive interventions, they can improve young people’s lives, as well as the life of the community. It is important that these tools are used in a fair and effective way.

When tackling anti-social behaviour, agencies should choose an intervention that is most likely to be successful at achieving the following three outcomes.

1. To establish clear standards of acceptable behaviour within the community, ensuring that these are upheld and the community protected, and victims’ needs addressed

2. To address the risk factors that lead to anti-social behaviour, and offer support to help the young person avoid becoming engaged with anti-social behaviour, or involved with the Criminal Justice System

3. To make the young person aware of the impact and consequences of their behaviour, ensuring that they stop that behaviour and are helped towards a positive future

The value of a multi-agency approach

Solutions for tackling anti-social behaviour are not the responsibility of a single agency, and partnership-working is vital to dealing with it. The local agencies concerned with anti-social behaviour include:

- the police
- local authorities
- the Crown Prosecution Service (CPS)
- social services
- the local education authority
- Connexions in England
- youth services
- voluntary sector partners
- housing associations
- Drug Action Teams
- solicitors and magistrates
- health authorities
- community and faith groups
- residents’ groups
- Young People’s Partnerships in Wales
- Cymorth in Wales.

This list is not exhaustive, and will vary from situation to situation.
Every CDRP and CSP throughout England and Wales is receiving funding to help focus work on tackling anti-social behaviour in its area. As an integral part of a CDRP and CSP, every Yot has an important role to play in preventing anti-social behaviour, and in ensuring that local targets in their crime and disorder reduction strategy and local policing plan are met. Consequently, Yots have a clear responsibility to contribute to the reduction of anti-social behaviour and disorder by young people. Yots also have to outline their prevention strategies as part of their Youth Justice Plan.

When an ASBO has been breached, or another offence has been committed, Yots are formally responsible for the young person. Through pre-sentence reports (PSRs), Yots have a clear role in advising the court on when it may be appropriate to use an order on conviction, alongside criminal proceedings, and in dealing with young people who have breached an ASBO. They will also have responsibility for administering the new ISO introduced by the Criminal Justice Act 2003 (available from May 2004).

However, the Yot’s involvement in anti-social behaviour must go beyond this statutory requirement, if they are to achieve their aim of preventing offending. Given the role of Yots in every local authority, and their bridging of child care and criminal justice agencies, they are well placed to advise on the needs of young people in the locality – both victims and offenders. Through their early intervention initiatives like Youth Inclusion Programmes (YIPs) and Youth Inclusion and Support Panels (YISPs), Yots have the expertise to consider the circumstances of individual young people, and help prevent them becoming engaged in further anti-social or criminal behaviour.

It is not expected, however, that the resources for and delivery of interventions should be their responsibility alone. Yots should be working as part of a co-ordinated partnership within which all agencies are meeting their responsibilities to reduce anti-social behaviour and playing an equal role.

Dealing with anti-social behaviour in a structured and coherent way will provide long-term gains for the community and for young people. It can also prevent young people entering the Criminal Justice System, and benefit all agencies and the communities they work for. While, in the short term, there may be resource implications for Yots and other agencies, the long-term gains of dealing with anti-social behaviour far outweigh these costs. Local resource-sharing is essential to
making the procedures outlined in this guidance possible, and all agencies must contribute if local working is to be effective. With their joint responsibility for reducing anti-social behaviour in mind, local agencies may wish to undertake an exercise to map where resources are available and how best to share them.

**Local arrangements for tackling anti-social behaviour**

Yots and their partners must decide on local arrangements that suit local need, structures and circumstances; but it is essential that Yots establish a central and active role for themselves in the local forum that deals specifically with anti-social behaviour. Depending on the size of the local authority and whether it is unitary or two-tier, this could be as part of a regular meeting of the YISP or CDRP/CSP, or as a stand-alone entity, chaired by the anti-social behaviour co-ordinator or other relevant person.\(^3\)

Many areas have already established just such a stand-alone anti-social behaviour forum, with Yots playing a key role; and these can ensure consistency of approach to anti-social behaviour across the area. Other areas are adopting the YISP model to ensure effective service delivery, and often they are being used to deal with all cases of anti-social behaviour among young people.

It is recommended that the local forum should be the sole body through which decisions on courses of action concerning young people involved in anti-social behaviour are made, and the Yot should contribute to every decision. This will involve Yots in regularly attending meetings, although it is important that partnerships do not become entrenched in meetings and discussions that may hinder the progression of cases. Involving all parties in decision-making from early on can prevent problems arising later – for example, in court, where Yots retain a statutory responsibility to provide an objective assessment to the court of any measures to be taken against a young person.

Whatever structures are adopted locally, the following factors are crucial.

- Clear protocols should be implemented for emergency situations. These might include instances when immediate action against anti-social behaviour (such as an interim ASBO) is being taken, or action is needed outside normal office hours.

\(^3\) In the case of a young person whose anti-social behaviour takes place outside the local authority area in which they are resident, it is essential that both the home Yot and the Yot belonging to the area in which the behaviour takes place become involved.
In such situations, the Yot should be consulted. For its part, the Yot should also ensure it has a representative available at all times to consult on cases requiring immediate action.

- The established forum should not set numerical targets around the measures to be employed against anti-social behaviour. These are arbitrary and counter-productive. The forum should concentrate on finding the best way of achieving the three key outcomes outlined in the ‘Appropriate intervention’ section (page 11). The forum may wish to establish a set, graded response. However, this is a decision to be made locally, and the forum may equally decide to look at all options available on a case-by-case basis.

- There should be robust information exchange between all agencies involved. Sharing information should not be seen as a barrier to action. Guidelines on information-sharing can be found in the joint Association of Chief Police Officers (ACPO)/Youth Justice Board information-sharing guidance available at www.youth-justice-board.gov.uk/YouthJusticeBoard/AboutUs/News/NewsArchive/InfoSharing.htm.

- Expert advice should be available for particularly complex cases, or in cases of autism or disability where specialist knowledge is needed to decide the most appropriate course of action (more guidance on special needs is contained in ‘Annex A’). Action related to Autistic Spectrum Disorders, for example, can often be interpreted as “anti-social” behaviour, and it is recommended that all agencies are fully aware of these disorders and are appropriately trained to be aware of the nature of autism.

- Guidelines on acceptable and unacceptable behaviour, and what is being done to tackle anti-social behaviour, need to be established through community consultation and then clearly communicated back to the community. Guidance on getting the message across and feeding back to the community on action being taken is available in the Together campaign pack, which can be found at www.together.gov.uk. It is essential that the message is given to young people that certain types of behaviour are considered unacceptable, and that they are made aware of the measures that may be taken against them should they persist in such behaviour. It is also important that they are made aware of their rights in relation to anti-social behaviour measures.

- The established forum can also be used by the police and local authority for consultation on matters such as dispersal orders that may affect young people in the neighbourhood.

- The views and concerns of local faith and community groups are important in order to understand both the causes and effects of anti-social behaviour for different cultural and ethnic groups.
Prevention and early intervention in the youth justice context

The Youth Justice Board has developed and supported a range of prevention and early intervention schemes such as YIPs, Junior YIPs, mentoring programmes and YISPs (every Yot is required to have a YISP or similar forum). Early intervention programmes should be aimed at young people identified by local agencies as being at high risk or on the point of becoming involved in anti-social behaviour and crime. They target the risk factors that make it more likely for a young person to become involved in crime or anti-social behaviour.

Evaluation of the Board’s prevention and early intervention programmes shows their success in reducing crime and producing better outcomes for young people at risk. Yots should demonstrate to partners local success in the field to encourage others to support (financially or otherwise) this work as part of a wider strategy to prevent and reduce anti-social behaviour.

An example of multi-agency working at Cherwell District Council

Up to 70 young people would congregate every evening in the car park of a modern, community shopping area. The problems associated with this included under-age drinking and criminal damage to the local medical centre. CCTV was in operation, but identification of key perpetrators was difficult.

A multi-agency approach was adopted, initially by bringing together Oxfordshire Youth Service, Cherwell District Council, Bicester Town Council, Thames Valley Police, the Yot and the local residents’ association. All the agencies were represented at senior officer level, and a series of actions were identified. These included:

- a survey of young people to identify their needs
- the identification of a core group of offenders
- preventing further vandalism to the surgery
• discouraging groups of young people from gathering in the area.

Widespread media coverage of the initiative was secured, and it is believed that a feature on the local TV news played a major part in removing the core group of perpetrators without recourse to formal action. A mobile youth centre was provided and youth workers engaged with young people, resulting in representatives of the young people themselves attending the multi-agency meetings. Their expectations have been managed, and investigations are under way to provide a youth shelter to their specification.

Work on protecting the surgery from further criminal damage (fencing to the rear and planting to the front) is to be achieved through community sentencing programmes under the supervision of the Yot.

Since these plans were put in place, there have been no reports of activity. Most of the young people have become aware that the agencies are trying to support them; this has led to a degree of self-policing to ensure that the minority do not jeopardise this approach.

Youth Inclusion and Support Panels
YISPs aim to ensure that young people and their families receive mainstream public services at the earliest opportunity, together with complementary interventions by other services, to meet their needs and to prevent offending and anti-social behaviour. They offer an important way of tackling emerging anti-social behaviour among young people.

Panels are made up of representatives from a range of agencies, including the police, Connexions in England, schools, and health and social services, and can include members of the local community. In appropriate cases, the young person and their parents/carers attend the panel themselves. Local agencies identify young people who are behaving in ways that put them at risk of offending – for example, drug misuse, mental health problems, family problems, and non-attendance at school – and refer them to the panel. The panel considers the case and recommends a programme of support for the young person and their family, based on an assessment of need. This is known as an Individual Support Plan. Important
targets for YISPs are improved school attendance, reduction in anti-social behaviour and improved family relationships.

Guidance on setting up YISPs can be found at www.youth-justice-board.gov.uk/PractitionersPortal/PreventionAndInterventions/YISP.

**An example of a transition project at Brighton YISP**

A programme was put together, following meetings between YISP workers and staff at Hangleton and West Blatchington Junior Schools aimed at children who were identified as being on the cusp of anti-social behaviour or offending. The purpose of the project was to undertake group work with a small cohort of Year 6 students identified by the schools (between six and eight from each one) during the summer term, the summer holiday and the autumn term of Year 7. These students were then joined by young people from the YISP.

During the summer term, 14 of the group were involved in a series of social communication group sessions, which explored change, recognising and expressing emotions, problem-solving and friendships. The programme continued over the summer holidays and the group, then of 16, attended outdoor activities and workshops at Audioactive youth music project, where they put together songs about change and moving on to secondary school. They also attended a Techno Fun Day and a Keeping Safe (Protective Behaviours) workshop.

Holidays meant the entire group were not together at all the sessions, but some new friendships emerged and parents/carers were helpful in offering constructive feedback about the children’s involvement in the programme.

**Restorative justice**

The role of the community is crucial in dealing with anti-social behaviour. If the community feels that young people previously involved in anti-social behaviour are now making a positive contribution, this will encourage better relationships and reduce anti-social behaviour in the long term. Restorative justice provides opportunities for those directly affected by an offence – victim, offender and
members of the community – to communicate and agree on how to deal with the
offence and its consequences.

Restorative justice and reparation have been shown to work well with young people
who have committed offences. However, the principle of working with the
community to encourage better understanding can be applied at all stages of
anti-social behaviour and crime. Yots play a major role in promoting the use of
restorative justice and reparation in a range of circumstances.

The Youth Justice Board defines the key aims or outcomes of restorative justice as:
• victim satisfaction – reducing the fear of the victim and ensuring the harm that
  has been done to them is made good
• engagement with the young person – to ensure that they are aware of the
  consequences of their actions, have the opportunity to make reparation and
  agree a plan for their restoration in the community
• creation of community capital – increasing public confidence in the Criminal
  Justice System and other agencies with a responsibility for responding to
  anti-social behaviour.

The basic principles include:
• putting things right and healing relationships, thereby giving high satisfaction to
  victims and reducing reoffending, and ensuring those directly affected by crime are
  involved in the process, and that their wishes are given careful consideration
• creating positive outcomes for victim and community objectives, alongside
  changes in the young person’s behaviour and attitude
• addressing and being sensitive to particular cultural and special needs, based on
  anti-discriminatory practice, with an understanding and respect for the diversity
  of different communities.

Restorative justice is an important underlying principle in all youth justice disposals,
from Final Warnings and Referral Orders to Reparation Orders, Action Plan Orders
and Supervision Orders, and can be equally valuable when dealing with anti-social
behaviour. It has a role, not just as a reaction to an offence, but also to assist in the
reduction and prevention of offending.

Further information on restorative justice and reparation can be found at
www.youth-justice-board.gov.uk/PractitionersPortal/PreventionAndInterventions/RestorativeJustice.
Non-statutory warnings
Written or verbal warnings can be very effective at stopping people behaving anti-socially at an early stage. Yots and YISPs can use them to make it clear when a young person has behaved unacceptably. They can also support other agencies, such as social landlords or local authorities, by ensuring that a unified response is made to unacceptable behaviour.

The Yot (as well as other agencies) can explain the problem and the consequences of their behaviour to young people and their parents/carers. In many cases, awareness of the impact of the behaviour on their neighbours and the threat of further enforcement can be a sufficient deterrent for individuals to change their behaviour. It is essential that the consequences of ignoring such warnings are made clear to young people, and that when anti-social behaviour continues they are followed through.

Example of a youth-letter graded response scheme from the London borough of Kingston-upon-Thames

The success of the youth-letter approach is demonstrated in Kingston-upon-Thames by the fact that, while some 240 initial letters have been sent out by the police, only 20 second-stage letters have been sent, and only two cases have reached the third-letter stage.

When police encounter young people engaging in anti-social behaviour for the first time, a letter is sent to parents/carers explaining the circumstances, offering support from partner agencies, advising them that the anti-social behaviour has been logged, and asking them to contact the police. A copy is also sent to the local authority. There are two further letters that can be sent if the young person is found engaging in anti-social behaviour on subsequent occasions. After the third letter, parents/carers and the young person are invited to a youth clinic where support agencies are present to address the behaviour. Throughout the process, other agencies such as the youth service, Yot, Connexions and social services are kept involved so that they may provide support. If they do not desist, the case is referred to a multi-agency anti-social behaviour action-planning group where remedies such as Acceptable Behaviour Contracts (ABCs) and ASBOs are considered.
Contracts

Acceptable Behaviour Contracts

ABCs (sometimes referred to as Acceptable Behaviour Agreements) are designed to engage a person in acknowledging their anti-social behaviour, recognising its effect on others, and confirming standards of acceptable behaviour in the community. They can be deployed for any age range, although they have been most commonly used with young people.

ABCs are flexible written agreements, and can be adapted for a range of circumstances. The contract is voluntary and is made between the individual and one or more local agencies, such as the local authority, landlord, police or YISP. A young person’s parents/carers should be involved wherever possible. It is important to involve other partner agencies to determine whether the individual or family is subject to other interventions or support and, if not, what else could be offered. ABCs are contracts between two parties and should provide an opportunity to introduce positive activities.

As part of the contract, the individual may agree to stop specific behaviour that has been causing disruption, as well as to fulfil positive requirements such as regularly attending local youth diversion schemes and school. Agencies may also agree to support a young person in keeping to their side of the contract. The possible repercussions for young people and families, if behaviour does not improve, should be clearly defined. Both parties need to sign and keep copies of the contract.

Yots can play a key role at partnership meetings in ensuring that support is aligned with the restrictions in an ABC. YISPs also provide an ideal vehicle for the identification of those aged between 8 and 13 whose behaviour may be addressed through contracts, where the initial interventions of the YISP fail to bring about a change in the child’s behaviour. ABCs can also help set the boundaries of acceptable behaviour alongside the YISP’s Individual Support Plan.

ABCs have had success in making the recipient aware of the damage they are doing to the community. Rewarding good behaviour on completion of an ABC can also be effective – in many cases, the young person will have made a very significant effort to comply.

Failure to comply with an ABC should be acted on quickly, and brought to the attention of the forum. This could possibly result in more formal enforcement action.
that should reflect the consequences of a failure to comply as spelt out in the contract. Although they are voluntary, failure to comply with a contract can be used as evidence in applying for an ASBO.

Home Office guidance on ASBOs and ABCs, produced in partnership with the Youth Justice Board and ACPO, should be read in conjunction with this guidance. It is available at www.crimereduction.gov.uk/asbos9.htm.

Parenting contracts

It is crucial to work with a young person in their family context. Parents/carers need to play their part in engaging their child to change his/her behaviour. Supporting parents/carers to build their skills is an effective way of ensuring that problems in a child’s or young person’s behaviour do not develop into major difficulties for the young person, the family and the community. Involving parents/carers at an early stage also helps prevent the child’s anti-social behaviour from becoming entrenched and leading to more serious problems.

Parenting contracts provide a structured and balanced way for agencies to work with parents/carers voluntarily. Section 25 of the Anti-Social Behaviour Act 2003 introduced a new power enabling Yots to enter into parenting contracts, where a young person has engaged in, or is likely to engage in, criminal conduct or anti-social behaviour. The parents/carers agree to fulfil certain requirements, and the Yot agrees to support them so that they can comply with these requirements.

Where separate work is being carried out with a young person, it may be helpful for the contract to support this or bring together work involving both parents/carers and the child. For example, the requirements of a parenting contract could mirror those agreed in an ABC. The aim, as with ABCs, is to prevent a child or young person from engaging in criminal conduct or anti-social behaviour, and can be extremely effective – especially where the parent/carer is exacerbating the young person’s behaviour. Contracts normally include a requirement for the parents/carers to attend a parenting programme.

For more information, see the joint Home Office/Department for Constitutional Affairs/Youth Justice Board guidance, Parenting Orders and Contracts for Criminal Conduct or Anti-Social Behaviour. It can be found at www.crimereduction.gov.uk/youth51.htm.
**Penalty notices**

Penalty notices can be used by the police as the first stage of intervention for many forms of low-level disorder offences. They offer speedy action that saves on police, local authority and court time. They also ensure that unacceptable behaviour is challenged. In addition, the offender receives an immediate sanction. A penalty notice does not constitute a criminal record.

Penalty notices for disorder under the Criminal Justice and Police Act 2001 are targeted at low-level anti-social offending. They can be issued for a range of disorder offences, including being drunk and disorderly, throwing fireworks, and causing harassment, alarm or distress. Penalty notices are designed for minor, straightforward offences, where the offence does not form part of a pattern of offending behaviour, and greater intervention is not required.

Home Office guidance for the police, *The Use of Penalty Notices for Disorder for Offences Committed by Young People Aged 16 and 17*, recommends that Yots should be informed of the issuing of a penalty notice to a 16 or 17-year-old for information purposes only. The established forum may be used for informing Yots of all penalty notices issued against young people.

**Note**

From December 2004, seven police force areas commenced a 12-month pilot scheme for issuing penalty notices to 10 to 15-year-olds. Parents/carers are responsible for paying penalty notices given to a child or young person under 16 years of age. The pilots will be subject to a full evaluation, and the results will be published.

**Anti-Social Behaviour Orders and other statutory orders**

**Local Child Curfew Orders**

This scheme allows the local authority or the police to ban children under 16 from being in a particular public place during specified hours (between 9pm and 6am) unless they are under the supervision of a parent/carer or responsible adult. Local Child Curfew Orders have two purposes. They are designed to protect the interests of residents in particular areas where children congregate and engage in anti-social or criminal behaviour (including that which is racially motivated). They are also aimed at protecting children and ensuring that they are at home under
adult supervision at night. Groups of unattended children out late at night could be at risk from older peers encouraging them into offending behaviour. Decisions on the implementation of such orders can be made through the local forums mentioned in previous sections of the guidance so as to ensure the full involvement of all the relevant agencies, including the Yot.

**Dispersal Orders**

Part 4 (sections 30–36) of the Anti-social Behaviour Act 2003 gives the police, working with local authorities, the power to designate an area where persistent anti-social behaviour is taking place, or where groups are causing intimidation. As long as there is evidence of anti-social behaviour, this area could be as small as the area around a cashpoint or shopping arcade, or as large as a whole local authority area. The local authority must agree to the designation although, the decision may be made as part of the strategic work of the CDRP or CSP.

When a decision to designate an area has been made, it must be published in a local newspaper by means of notices in the local area. Once implemented, the designation can last for up to six months. The area must be clearly defined, usually by a description of the streets or roads that border it.

Within the designated area, the police and community support officers have the power to:

- disperse groups, where the relevant officer has reasonable grounds for believing that their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed, intimidated, alarmed or distressed – individuals can be directed to leave the locality and may be excluded from the area for up to 24 hours
- return home young people under 16 who are on the streets and not under the control of an adult after 9pm.

**Anti-Social Behaviour Orders**

An ASBO is a civil order (not a criminal order) prohibiting a person from engaging in specified acts of anti-social behaviour, entering specified areas or associating with specified persons. They are not intended to be a punishment. The aim of an ASBO is to protect the community and, while they are not directly intended to address a young person’s needs, they should be informed by an assessment of those needs. By fully understanding the individual, family and social factors behind a young person’s behaviour, the ASBO can be tailored to have maximum effect in producing positive
outcomes for the young person and to limit the likelihood of it being breached and the young person entering the Criminal Justice System.

The Yot should play a role in making an assessment of the needs of the young person, but must ensure that this does not delay the application. Yots should be aware of plans to apply for an ASBO through the local forum. Any assessment should contain details of the needs of the young person, with a view to ascertaining whether support should be provided, either on a voluntary or statutory basis. These assessments should be based on Asset, and produced to meet the necessary timescales, bearing in mind the urgency in some cases, to take immediate action in order to protect the community.

ASBOs have particular relevance for ringleaders and for dealing with patterns of behaviour that have a serious impact due to their cumulative nature. ASBOs can stop unacceptable behaviour by disrupting key patterns, and can send a clear message to the community and the perpetrator about behaviour that is deemed to be unacceptable.

Yots should be involved, as part of a local forum, in the decision to apply for an ASBO for a young person. This will require attendance at meetings, although, as previously stated, it is important that partnerships do not become entrenched in a long series of meetings and discussions that may hinder the progress of a case. It is crucial that the Yot works closely with other agencies, exploring issues and concerns at an early stage and coming to an agreement. This will enable them to support their partners when working with an individual young person. Doing so should also avoid disputes over ASBO applications in court. In addition, Yot involvement is crucial to ensuring that the necessary prohibitions do not adversely affect work being undertaken with the young person by other agencies – for example, ensuring exclusion zones don’t prevent a young person from attending services such as Connexions or the Yot, or taking up employment or training opportunities.

There will be occasions when ASBO applications are pursued when the Yot is not in full agreement. In these circumstances, the Yot maintains a responsibility, alongside other interested partner agencies, to support the implementation of the order and ensure that it leads to positive outcomes for the young person and the community.

ASBOs last for a minimum of two years. However, orders can be varied or discharged as described below.
• **Orders on Application** (magistrates’ and county court)
  These can be varied or discharged by either the defendant or the applicant. However, they cannot be discharged before the two-year period without the consent of both parties.

• **Orders on Conviction** (magistrates’ and Crown court)
  These can only be varied or discharged by the defendant. However, the Serious Organised Crime and Police Bill, currently before Parliament, proposes that the relevant authorities and the Crown Prosecution Service (CPS) can also apply on complaint to vary or discharge an order and that the order, cannot be discharged before the two-year period without the consent of the defendant and the relevant authority or CPS.

• **Interim Orders**
  These can be varied or discharged, as well as renewed.

**Orders on Conviction**

Where an Order on Conviction is granted it does not form part of the sentence, but is a separate civil order. The court may make an Order on Conviction at the request of the prosecutor or of its own volition. There is no formal application process for such an order. The CPS will usually request the court make the order and lead the evidence in support of the request. This may include calling a representative of a relevant authority to present evidence. It is expected that the CPS will work closely with the police, local authority and Yot in obtaining the order.

When a young person is before a youth court charged with a criminal offence, the Yot has a duty to recommend suitable penalties and interventions in their PSR. Where the Yot is aware of an application for an Order on Conviction, it should always consider the implications and possible conditions to be included when compiling the PSR. This will help the young person set clear boundaries to their behaviour, and will provide the necessary protection for the community, alongside juvenile sentencing options that aim to prevent reoffending.

It is important that the CPS inform the relevant officers in the local CDRP or CSP of any Order on Conviction. The Yot will usually be represented in court when an Order on Conviction is made on a young person, even if it is not made at their recommendation. They, therefore, have a role in ensuring that the Order on Conviction is communicated to other members of the partnership, and that it is implemented.
Once an ASBO has been made, the court must explain the order and the impact of anti-social behaviour to the young person. It is important that the order is used to prevent future anti-social or criminal behaviour. The Yot can help achieve this by ensuring that the young person understands the terms of the order and the consequences of non-compliance. This is an opportunity to establish clear standards of behaviour in the community.

**Publicity**

ASBOs (including Orders on Conviction) against a young person are made in open court and are not subject to reporting restrictions. The information is in the public domain and newspapers are entitled to publish details. However, the court making the order can impose reporting restrictions under section 39 of the Children and Young Persons Act 1933 if it finds there are grounds for doing so – although age alone is insufficient to justify this.

The recent test case in the London Borough of Brent (*R [on the application of Stanley, Marshall and Kelly] v Metropolitan Police Commissioner*) upheld the principle that publicity is necessary to help with enforcement of an order. It recognised that, by informing local people of the prohibitions imposed by the order, they are able to identify and report breaches to the police, local authorities, social landlords or other bodies who can pass the information to the police for investigation.

Any publicity, however, should be necessary and proportionate to the identified aims, and the impact of publicity on a young person should be considered when deciding how to inform people about the order. The effect of publicity on vulnerable family members, such as younger siblings or parents/carers with mental health issues, is a factor that should also be borne in mind.

Individuals, in the main, do not welcome publicity – some might view it as something to be proud of, which may lead to a worsening of behaviour. However, the risk of this happening must always be balanced with the needs of the community when deciding whether to publish details.

**Breach of Anti-Social Behaviour Orders**

In order that the boundaries established by an ASBO are taken seriously, it is essential that the criminal offence of breach is taken seriously. Taking into account
the age group, breach can be dealt with by a Final Warning with intervention where the breach is the young person’s first criminal offence. However, in instances where a young person has had a previous Final Warning (for other offences) or previous criminal convictions, the breach should be prosecuted. While breaching an ASBO is an offence in itself, criminal offences can be prosecuted at the same time: for example, if an ASBO prohibits a young person from joy-riding and they continue to do it, they can be prosecuted at the same time both for joy-riding and for breaching the ASBO.

Whatever the charges around breaching an ASBO, the Yot has a responsibility in cases going to court to make the case in the PSR that the sentence should be proportionate and reflect the seriousness of the breach. It is crucial that the Yot is aware of the circumstances that gave rise to the original ASBO. Breach of an ASBO is a serious offence, and even a relatively minor breach can have a serious impact on the confidence of the community.

It is the Yot’s role to inform the court of the measures available, including intensive community measures, both for those on bail and those sentenced by the court. The three outcomes set out in the ‘Appropriate intervention’ section (page 11), should be paramount when informing the court. The full range of disposals of the youth court are available, and custody should only be considered as a last resort in cases of serious or persistent breach.

**Individual Support Orders**

ISOs were introduced by section 322 of the Criminal Justice Act 2003 and impose positive conditions on young people between the ages of 10 and 17 years to address the underlying causes of the behaviour that led to the ASBO being made.

From May 2004, if a magistrates’ court is imposing an ASBO (stand alone only) on a young person aged between 10 and 17 years, it will be obliged to make an ISO if it takes the view that it would help prevent further anti-social behaviour. The Yot should advise the court of the need for the ISO and what it should contain, based on a needs assessment of the young person. Working with other local partners in the anti-social behaviour application process will provide the link for the Yot to advise the court of what the ISO should contain. It should be noted that ISOs are not available to courts when imposing an Order on Conviction as, through sentencing for the criminal offence, the young person will have been given the opportunity to work with the Yot.
Delivery of an ISO should be co-ordinated by the Yot. Counselling to tackle substance misuse, or an anger management programme, are examples of the type of assistance that could be offered. Promoting ISOs is one way in which the Yot will be able to work towards their overall goal of reducing reoffending.

An ISO may last up to six months and can require a young person to attend up to two sessions a week. Each ISO is overseen by a responsible officer, who could be from the local Yot, local education authority or social services department. Yots will need to consider establishing local protocols on the provision of these officers with social services and education departments. A responsible officer’s role includes making arrangements for the delivery of the requirements of the order, and explaining the order, its purpose and the practicalities to the young person, including details of any monitoring arrangements and the consequences of non-compliance.

When the Yot undertakes the responsible officer role, it will be responsible for monitoring compliance with the ISO, and supporting its success in changing the young person’s behaviour. It will need to make every effort to encourage compliance with the requirements of the order.

For the ISO to be credible, breaches must be dealt with. Ignoring a breach will reduce the impact and effectiveness of the order. It may be appropriate for the responsible officer to encourage compliance through warning letters in the first instance. However, breach is a criminal offence and, where a breach is prosecuted, the court may impose a fine, usually on the young person’s parents/carers.

Extract from Agreed Guidance for Implementing Individual Support Orders, issued by Brighton and Hove Anti-social Behaviour Partnership

Individual Support Orders are viewed by key local partners in Brighton and Hove as a positive addition to the ASBO process for 10 to 17-year-olds.
The Individual Support Order will become an invaluable tool in addressing the underlying causes of anti-social behaviour in the context of young people, and will provide the opportunity to minimise repeat perpetrating of anti-social behaviour or offending.

At the heart of the Individual Support Order is the principle of addressing the individual needs of the young person. By addressing these needs through the implementation and delivery of the Individual Support Order, the young person has every opportunity to be supported and engaged to address their behaviour while, on the other hand, the community is protected from further offending and anti-social behaviour through the implementation and delivery of the ASBO.

There will be an increasing requirement for a needs assessment and measurement exercise to be completed with the young person being considered for an ASBO that feeds into and positively influences the ASBO and Individual Support Order process. Therefore, all those who are under 18 years of age will require a needs assessment to be completed at the earliest stage, or following the interim ASBO hearing and before the full ASBO hearing.

**Parenting Orders**

Parents/carers have a responsibility to deal with their children’s unacceptable behaviour, and to support them in changing it. If parents/carers refuse to engage with this process on a voluntary basis, a Parenting Order may be appropriate.

Parenting Orders were first introduced under the Crime and Disorder Act 1998 and require parents/carers to attend a parenting programme for up to three months. They can also place specific requirements on parents/carers to prevent further criminal or anti-social behaviour, and these can last for up to 12 months. Where a young person under 16 is convicted of an offence or made the subject of an ASBO, the court must also make a Parenting Order, provided it would be in the interests of preventing further offending or anti-social behaviour. Where the young person is 16 or over, the court can make a Parenting Order at its discretion. Yots have a part in recommending when a Parenting Order will be effective.

Since February 2004, Yots can also apply to the magistrates’ court for a Parenting Order under section 26 of the Anti-social Behaviour Act 2003. Applications will be
granted if the magistrates’ court is satisfied that a child or young person has engaged in criminal conduct or anti-social behaviour, and that making the order would help prevent such behaviour. When deciding whether to issue an order, courts will look at any refusal by families to enter into or comply with parenting contracts.

When a Parenting Order is imposed, the court will also assign a responsible officer. The Yot is often well placed to act as responsible officer and co-ordinate the provision of the parenting programme. In exceptional cases, the Yot may also be involved in supporting residential courses delivered as part of a Parenting Order. In these circumstances, local partners and social services will need to determine the availability of resources and support.

For more information, see the joint Home Office/Department for Constitutional Affairs/Youth Justice Board guidance, *Parenting Orders and Contracts for Criminal Conduct or Anti-Social Behaviour*. It can be found at www.crimereduction.gov.uk/youth51.htm.

**Child Safety Orders**

Child Safety Orders allow compulsory intervention with children under 10 years of age. The child is placed under the supervision of a responsible officer from either a Yot or social services department, and is required to comply with a set of requirements. These are to ensure that the child receives appropriate care, protection and support and is subject to proper control, and to prevent repetition of the criminal or anti-social behaviour that led to the order being made.

The order can usefully bolster and follow up voluntary action by enabling local authorities, Yot teams acting on their behalf, and the courts to intervene in an appropriate and proportionate way with children at risk of offending, and to protect their welfare by preventing them from becoming entrenched in offending behaviour. Yots should work with local authorities to establish clear protocols on the management of Child Safety Orders.

Child Safety Orders are made in family proceedings courts on application from local authorities. Parenting Orders can be made alongside Child Safety Orders to engage both the parents/carers and the child. The requirements placed on the child through the Child Safety Order to deal with their criminal or anti-social behaviour can be mirrored by requirements placed on the parents/carers through the Parenting Order.
– in effect, obliging the parents/carers to ensure that the child complies with the Child Safety Order.

Guidance on early intervention and Child Safety Orders is being produced jointly by the Home Office and Department for Education and Skills (see www.dfes.gov.uk or www.homeoffice.gov.uk).
Annex A: Disability, mental health and Special Educational Needs

- When designing measures to deal with anti-social behaviour, the Yot and the agencies it works with must be aware of any disability, mental health problem or Special Educational Needs the young person has. When considering measures that involve parents/carers (such as Parenting Orders), any disability, mental health problems or Special Educational Needs the parents/carers have must also be taken into account.

- Yot staff will also be aware that the Special Educational Needs, disability and mental health problems of a child and of his or her parents/carers will be highly relevant to the child’s and parent/carer’s behaviour.

- Where a child or parent/carer has a disability, mental health problem or Special Educational Needs, the Yot will need to liaise with practitioners who have specialist knowledge of the child and their parents/carers in order to determine whether a proposed intervention is appropriate and, if so, what form it should take, depending on the needs of the child and their parents/carers. A specialist involved in the assessment process will inform the nature of any subsequent intervention.

- All programmes around anti-social behaviour will need to be designed to address specific needs. A child’s or parent/carer’s disability, Special Educational Needs or mental health problems will also have a bearing on any requirements set out in any contract or order.

- The measures taken in the context of anti-social behaviour should ensure that young people with disabilities, mental health problems or Special Educational Needs are not excluded or discriminated against, and are able to access the same quality and level of support as others. The same should be true for parents/carers with disabilities, mental health problems or Special Educational Needs who are involved in the measures concerning their child’s anti-social behaviour, such as a parenting programme.
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