Effective ASB Case Management Principles

Solid ASB casework underpins all activity aimed at reducing ASB, starting at the point of contact and continuing through the management of a case, either against an individual or when a community has a problem and finishing when the problem is resolved and the complainants are informed of the result.

The focus of casework should be as much about supporting the victim or witness of ASB as work around the perpetrator. The Home Office, Chartered Institute for Housing, NPIA, ACPO, SLCNG and a number of RSLs and CSPs have collectively drawn up a set of ASB casework principles. These principles will provide and provide a general framework of what is expected at a neighbourhood level especially for ASB practitioners in housing and ASB teams

The principles will be a reference tool for ASB practitioners and will focus on procedural advice / instruction to case handling officers (practical direction), essential organisational building blocks / underpinning service (for managers / organisations) and overarching principles (mind set)

This paper covers 5 business areas

- Opening a case
- Early intervention
- Enforcement / use of preventative tools
- Legal considerations
- Closing a case

The key issues to consider throughout the process include resolving issues at the earliest opportunity, protecting individuals and the community, changing the offending behaviour where possible and keeping an emphasis on the witness/ complainant whilst maintaining regular contact.
Opening the case

• Once a pattern of ASB has been established a casefile should be started, thresholds are best agreed locally with key partners, including housing, police and council. A casefile can be either a person based or location based file.

• Get the facts right, including the completion of an accurate needs and risk assessment. Accurate information is vital to completing enquiries, providing appropriate support and achieving a successful outcome. Check police serials from the location and ask victims & witnesses if they know of others who are affected.

• Check with your police neighbourhood team or their website if the complaint reported is something the local community have identified as a priority or concern through community meetings or similar local priority setting work.

• Provide the complainant with contact details of the named officer who has been assigned the case and who will be responsible for actions and updates. Make sure the time and date of all contact with the complainant is recorded at all times.

• Maintain witness confidentiality.

• Manage complainants’ expectations from the outset and be realistic and open with them. Explain the process and local minimum standards of service to the complainant so they know what to expect.

• Develop jointly an action plan with the complainant that is agreed and understood by them. This should include timescales and agreed actions.

• Permission from the complainant is necessary before contact with the perpetrator can be made, (unless there are overriding safeguarding concerns). Where permission has not been given work closely with the complainant to gain their trust, provide reassurance of support available to encourage permission.

• Support should be tailored to the needs of the individual. Establish an understanding of the complainants’ support needs and of other partner agencies involved.

• Update risk/vulnerability assessment at all key stages – for example, following each substantive contact with victim, alleged perpetrator, partners and when actions planned and/or taken.

• Keep in regular communication with the complainant and involved partners to reassure complainant of case progress.

• Diaries / diary sheets, where used, should be issued to complainant in person, with advice on how to complete and the type of information required. Over reliance on diary sheets can undermine the trust and confidence of the complainant, be sensitive to the impact of their use.

Driving principles

To resolve issues at earliest stage possible and achieve a positive outcome and to act decisively and authoritatively

To challenge and stop anti-social behaviour and where possible to change behaviour

Using effective skills: for example the 5 W’s – Who, what, where, when and why, to gather information and form a robust assessment of the situation

To be realistic – know and understand the remit and powers of your agency and agencies you’re working with and engage them appropriately

Priorities

To maintain and build confidence of complainants and wider community

Communicate with witness / complainant regularly

Keep witness / complainant central to what you do

Organisational foundations

Effective partnership arrangements with local agencies including staff training and awareness of the full range of potential partners and services offered

Robust and effective referral processes and channels of communication

Regular and effective local ASB multi-agency case based meeting(s) with good links to local police tasking and escalation processes

Clear local minimum standards and reporting routes for victims & witnesses to report AS
Early intervention

Considering the right tools/powers approach

- Make appropriate use of the full range of ASB tools and powers available.
- Give consideration to local restorative outcomes to resolve concerns and wherever possible enable/facilitate community involvement in determining the ASB response and identify opportunities to be involved as the solution.
- Share action, activity and data with partners - link in with smaller / more remote local partners.
- Maintain an awareness of support available locally and how to refer into/access and ensure good communication with local community groups.
- Select intervention that is appropriate, reasonable, and proportionate to the behaviour and most likely to produce an effective solution. Be ready to take follow up action if early interventions fail to resolve the problem. Be prepared to escalate intervention to enforcement action.

Putting the ASB situation to the perpetrator

- Home visits are impactive and work well as a joint visit between local police/council or housing officer and provide useful insight to home circumstances. An office based meeting is also appropriate and the same principles apply.
- Prepare thoroughly for the meeting. Check history/files (including local partners’ awareness/involvement).
- Maintain complainant and witness confidentiality.
- Be clear about the aim of the meeting. Maintain control of the discussion and pre-prepare questions and key lines.
- Use the meeting to challenge perpetrators behaviour. Set out the ‘complaint’ (taking account of victim’s requirements re anonymity) referring to existing actions taken such as warning letters. Provide opportunity for perpetrator to respond.

If the complaint is about a young person

- Identify other agencies involved with the young person and the family. Make referral to YOS and Children Services where appropriate, a CAF assessment may be appropriate.
- Meet with child and responsible parent/guardian and explain impact of behaviour and clearly set out expectations and consequences. Consider use of appropriate, reasonable and proportionate intervention, for example ABC or warning notice.
- Review existing intervention(s) for adequate support. Where behaviour has improved consider how this will be recognised.
- If the young person is connected to a tenant of a social landlord advise them and the tenant of the potential impact on tenancy if behaviour continues.

If the complaint is about an adult

- Establish if perpetrator is known to local probation, housing and mental health/adult services/drug & alcohol services
- Consider what the complainant wants and build this into the solutions. Risk assess the situation and ensure that you have considered the likelihood of reprisals against complainant.
- Monitor compliance with the conditions agreed at the meeting.
- Maintain regular communication with witness / complainant and partner agencies to reassure of progress being made.

Driving principles

Protecting ASB complainants and wider communities from harm

Getting involved early, resolving concerns and preventing matters becoming worse

Effective early assessment of ASB complaints and community concerns, including identifying and responding to risk and vulnerability

To identify and deliver (directly or otherwise) local actions best suited to resolve local concerns

Priorities

Responding to the needs of ASB complainants and providing appropriate support based on their needs. Keep witness/complainant central to what you do

Being objective and non judgemental

Keep complainant and partner agencies involved with the case. Update with progress and any significant changes

Organisational foundations

Local partnership flexibility designed to respond quickly and effectively to local concerns and actively embraces and involves the community as part of the solution

Effective partnerships in place with local community networks, including community support organisations and victim support agencies

Embedded practices and approaches which routinely identify ASB risk/vulnerability in individual cases and locations

Partnership understanding of the needs of ASB victims and being open to challenge when services don’t meet agreed standard

Flexible local working practices that encourages innovation in conjunction with the community to prevent matters becoming worse
Enforcement / use of preventative tools

Considering the right tools/powers approach

- Only state intention to use tools and powers when there is sufficient evidence to do so. Stating an intention to use intervention and not following up undermines trust and confidence of victims/witnesses and wider community.

- Consider all available resources, powers and tools including preventative measures with the overriding aim of stopping occurrences of ASB to protect complainants, witnesses and the community from harm.

- Following unsuccessful early resolution, identify the most appropriate enforcement tools. Actions should be considered alongside the following:
  - Accurate assessment of victim & witness vulnerability, risk and harm (based on most recent risk assessment).
  - Use or threat of violence.
  - Housing tenure.
  - Frequency, (how often does it happen?).
  - Safeguarding considerations and hate crime aspects (including disability)
  - Intentionally targeted or situational?

- Use preventative tools that are appropriate and proportionate to stopping the behaviours, and are supported with sufficient evidence.

- Engage the community at the earliest possible opportunity and include community impact statements within overall evidence wherever possible, including any community driven responses and attempts to resolve matters locally, for example, community based mediation.

- Be clear about what is achievable to manage expectations of both complainant and perpetrator, in accordance with local ASB minimum standards.

- Consider next step(s) if action/intervention is not successful in stopping the behaviour and/or order is not obtained/granted.

After the case

- Engage and build public confidence - communicate successful outcomes back to the community through targeted communications, leaflets and (for example) notifications to local Key Individual Networks.

- Continue support to the complainant after the hearing, until it is no longer required by the complainant, in partnership with local support agencies, victim support and local victims and witness champion.

Driving principles

To protect individuals and communities from harm

Action should be specific, proportionate and appropriate to the behaviour

Be clear that the ‘ladder’ or ‘pyramid’ of interventions is a menu; it is not a linear process and it is vital to choose the right intervention appropriate to the behaviour. A range of prevention, intervention and enforcement tools can be used in conjunction and in combination with one another

Priorities

Communicate with witnesses /complainants regularly and keep them central to all actions

Ensure that you have access to resources/services (in case of supportive interventions) or evidence (in case of legal interventions) required to stop the ASB

Organisational foundations

Maintain a regular ASB training programme for partnership officers

Effective partnerships in place with local community networks, including community support organisations and victim support agencies

Embedded partnership approach to managing and monitoring cases locally, via local neighbourhood management partnerships

Robust links to local neighbourhood Police tasking meetings which regularly update and inform partners of active tools such as ‘live’ ASBOs & ABCs and who the ‘lead officer’ or the ‘owner’ is
Legal considerations

Evidence and Court requirements.

- Thoroughly prepare cases for court, seek legal advice if unsure and where appropriate the advice of Crown Prosecution Service if the order is conviction triggered or a breach matter.
- Ensure you have an up to date list or schedule of attempted interventions from agencies and check with staff their acceptance that this information is being made available to the court as part of proceedings and as evidence of interventions.
- Where appropriate it is helpful to seek legal advice on converting information/ASB reports in a casework or tenancy file into statements or evidence for use in court.
- Discuss with victims and witnesses the evidence options and explain the difference between direct evidence and hearsay evidence. As part of this include opportunity to explain evidence and court processes and possible outcomes.
- If the perpetrator has a history of mental ill-health take time to engage local mental health services. It is vital to maintain a productive relationship and ongoing dialogue with this service, perhaps underpinned where appropriate by local protocols of understanding and joint working as a local mechanism for escalation of blockages.
- Where an Order is being considered, ensure that the prohibitions being sought are appropriate, specific, practical and enforceable to the circumstances to which it will be applied.
- Challenge legal advice that fails to protect communities.
- Engage the community and work with any local community group structures at the earliest possible opportunity, for example the local Neighbourhood Watch or tenants association.
- Encourage legal to attend meetings with victims/complainants in the community, this will go some way to ensure their full understanding of the impact the ASB. In addition it will help in determining what special witness protection measures to request for court hearings.
- Consider next step(s) just in case action is not successful.

Going to court, getting the order and managing breaches

- Ensure an ongoing dialogue with CPS if they are prosecuting any breach of an order. Including, consideration to drafting a brief outline of why order was pursued in the first place to support CPS prosecution of breaches.
- Keep victims/complainants/community leaders informed of hearings and court dates and work collaboratively with them to monitor community tensions.
- Ensure an ongoing dialogue with Court Manager and Clerk to Court about the scheduled hearings, including appropriate witness protection measures.
- Maintain communication with police and housing about protection measures at court and in the community, for example history of markers at an address, panic alarm and out of hours contacts.

Driving principles

- Action should be specific, proportionate and appropriate to the behaviour
- To ensure a clear and robust local partnership response to ASB, which protects individuals and communities from harm

Priorities

- To use the full range of legal remedies and resources to bring about quick and effective responses to ASB
- Maintaining good working relationships with the local Court Services, CPS and police to secure their support and cooperation in ensuring safer communities
- Sharing legal outcomes and feedback with the community through targeted local communications such as leaflets and progress updates at local meetings

Organisational foundations

- Embedded partnership approach to managing and monitoring cases locally, via local neighbourhood management partnerships and wherever possible, shared IT systems across services
- Facilitate the sharing of good practice and network support amongst peers and partners
- A commitment to and understanding of the needs on all sides by agencies working in partnership at local level, for example the needs of the community to be protected from harm, the underlying causes of the perpetrator and the needs of individuals affected by the ASB.
Closing the case

Case closure

- Cases should be consistently maintained and closed in accordance with:
  - Local policies and procedures, protocols and data protection principles, and,
  - The case action plan as agreed with the complainant / victim and the named caseworker at the outset and updated throughout the duration of the case.

- Cases should be closed in person with the agreement of the complainant / witness, and followed up with written confirmation of case closure within set local timescales.

- Maintain accurate case records - record the reason for closure and notify relevant partners of case closure and reason.

- Case closure should never come as a surprise to the victim. The process is made easier if there has been regular communication with the complainant throughout the duration of the management of the case.

- It is essential to distinguish between procedural 'case closure' (from agency/partnership perspective) and the withdrawal of support to the complainant / victim. Consideration should be given locally to agreeing local closure thresholds and agreed procedures, this may help avoidance of doubt.

Longer term support

- Where support to a vulnerable person continues after an ASB case has been closed it is essential that the victim understands who will provide the continued support and has a named point of contact for continued provision.

- Follow up with complainant no later than 3 months (timescales to be determined and agreed locally) after case closure to ensure no further action is necessary. Be prepared to reopen the case (or open a new one) if victim experiences a recurrence of issues. Co-ordinate contact with Neighbourhood Police Team or local community partners to maintain joint responsibility after case closure.

Customer experience

- Consider use of customer satisfaction surveys to measure, report and benchmark your customers' experience. This is useful to capture where service has delivered well and where it needs improvement. This information also demonstrates real outcomes and can be used to develop a local evidence base for interventions.

- Consider developing a support network for ASB victims & witnesses which can offer support to communities and individuals tackling local problems, including consideration of a training programme and development opportunities. For example, Taking A Stand Award and Community Crime Fighter nominations or other similar local award/recognition schemes.

Driving principles

- Case closure should never come as a surprise to the victim; the process is made easier if there has been regular communication with the complainant throughout the management of the case.

- Ensuring a high quality customer experience that provides the community with trust and confidence in the local partnership's ability to tackle ASB.

Priorities

- Maintain regular communication during the case and agree communication timescales and mechanisms with the witness / complainant in preparation for case closure. Also apply this for key contacts in a location based in the file for closure.

- Case closure thresholds should be agreed locally through dialogue with key partners, for example housing, police and ASB practitioners. Considerable care needs to be taken in agreeing local protocols for case closure to avoid agencies unilaterally closing a case without prior discussions.

Organisational foundations

- Robust and effective referral processes and channels of communication to support and underpin case closure.

- Regular and effective local ASB multi-agency case based meeting(s) with good links to local police tasking and escalation processes.

- Clear local minimum standards and reporting routes for victims & witnesses to report ASB.

- Celebrate local successes.
Effective ASB Case Management Principles
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