

**Dame Vera Baird QC
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Rt Hon Priti Patel MP
Home Secretary
The Home Office
2 Marsham Street

Dear Home Secretary

Anti-social behaviour: Living a Nightmare

When we met last month, I raised my predecessor, Baroness Newlove's report on supporting victims of anti-social behaviour (ASB).

The report found victims were being let down by agencies responsible for tackling ASB and we needed to empower them to seek effective resolution to behaviour that in many cases, was having a profound impact on their quality of life.

I undertook to write to you to highlight the issues raised in the report and some of the key changes needed. I am hoping we can find a way of working together to deliver these changes as they will make a real difference to the victim experience.

Anti-social behaviour is on the increase. Latest figures from the Crime Survey for England and Wales show 37% of people have personally experienced or witnessed anti-social behaviour in their community, the highest percentage recorded since this data was first collected.

Failure to tackle ASB also has a significant impact on society. It is often detrimental to the mental health of the victim, exacerbated for example, by persistent lack of sleep, anxiety and a general feeling of being unsafe in the one place where everyone deserves to feel safe, their own home. It impacts on victims' relationships; for example we have had stories of victims suffering increased isolation as family members feel too intimidated to visit them. It can also have a detrimental impact on the victim's performance in the workplace.

These impacts therefore go beyond the criminal justice system and the costs are being absorbed by health services, social services, housing providers and business. It is incumbent upon all of us to find effective means of tackling ASB effectively, whilst at the same time making sure victims are getting the support they need.

There are some basic issues that need to be addressed.

Firstly, we found that the term “anti-social behaviour” was being used to cover a wide range of incidents, some as minor as a one off rowdy party or dogs barking late into the night. Yet, it is also the term used to describe what can be sustained, remorseless bullying and harassment, behaviour that persists for months and in the worst cases, for years. The culture of the criminal justice system is to regard all incidents falling within the term “anti-social behaviour” as being low level. The evidence from our case studies and victims who contact my office is that local authority staff, housing staff and police often treat each incident in isolation. In doing so, they often fail to recognise the cumulative effect of ASB upon the victims. We need to challenge this approach before we attempt to make any further changes.

ASB is often a pre-cursor to more serious crime. For example, ASB arising from youths coming in and out of a small rented flat all hours when investigated, can often turn out to be the visible element of other criminality such as drug dealing.

Secondly, there can be several agencies responsible for tackling ASB, each with strict demarcations as to their remit. We hear stories of victims being passed from pillar to post, with no one agency taking overall responsibility. It falls to victims to navigate the maze. One person, possibly Police and Crime Commissioners, needs to assume responsibility for coordinating agency responses to ASB, so that victims have a single point of contact and agencies are required to work collaboratively.

Victims are usually told to report ASB to the 101 phone line. Since Baroness Newlove’s report was published, the Home Office has announced its decision to make 101 calls free of charge and I very much welcome this development. However, the biggest issue is that callers often face long delays in getting the call answered (if at all). Public confidence in the 101 service is low. It is often viewed as being an ineffectual means of alerting the authorities to ASB. This needs to change.

Legislation in 2012 was designed to set up a formal resolution process – the Community Trigger. This was never the silver bullet – an instant cure. But it did offer a route forward, a practical means of getting a problem sorted out. Our research shows that the Community Trigger is currently not fit for purpose.

There is a worrying lack of awareness of the Community Trigger amongst victims, police, local authorities and housing associations. Many agencies fail to advertise the existence of the Trigger on their websites. Even in areas

where it is advertised, victims report speaking to staff who have never heard of the Trigger.

Local authorities are using different thresholds for the Community Trigger. There is a lack of consistency in how it is applied and a lack of transparency in processes.

Victims are prevented from taking part in Community Trigger panel meetings, so they don't have a chance to discuss the impact that the ASB has had on them. Data protection is often used as an excuse not to include victims in Community Trigger meetings.

Community Trigger resolution meetings are often chaired by the same agency that is accused of failing to tackle the problem. How can they be held to account? Victims often feel that officials and police staff are simply being asked to 'mark their own homework.'

PCCs can act as final arbitrators in the Community Trigger but many choose not to do so. If victims are not satisfied with the outcome of a Community Trigger they are left with nowhere else to turn.

There has been no evaluation of the Community Trigger and no central measuring or monitoring of performance which could be used to help local areas learn from each other.

We need to rethink the operation of the Community Trigger. The concept is sensible, but it has clearly run out of steam and is not delivering for victims.

There are a number of changes needed.

I want to see a statutory requirement for all Local Authorities, Police and Crime Commissioners, Police and housing associations to display accurate guidelines on the Community Trigger. These need to appear prominently on their websites. Information must also be available on notice boards, leaflets and newsletters, enabling all victims to seek help.

Community Trigger meetings must be chaired by an independent external person. Someone who is fully trained and equipped to challenge and direct additional evidence be made available. My predecessor suggested magistrates might have the skills to take this on.

Victims must be given an automatic right to attend Community Trigger resolution meetings to explain first-hand the impact the behaviour is having on them.

There should be a data requirement that agencies measure and monitor the Community Trigger, in order to allow an assessment of its effectiveness and how well agencies are operating it.

Finally, I am only too aware that some victims of persistent ASB are not getting the practical and emotional support the need to deal with it and recover. This is because they may not always meet the statutory definition as

a victim of crime. This also needs to change. I want to see all victims who meet the threshold for a Community trigger to be given access to local victim support services.

I accept these changes will not prevent the occurrence of ASB, nor the distress. However, they will make support more accessible and they will hold agencies to account for their actions or lack of action. They will also give the victim a voice, which will give some confidence that their torment is recognised and action is being taken.

As a first step, I would like to attend the next meeting of the Home Office ASB Strategic Advisory Board to discuss these proposals and engage with all key partners. I hope that this will lead to an action plan for implementation of change.

This is important. With over a third of the population being subject to or witnessing anti-social behaviour, the government needs to act quickly and decisively.

In line with my usual practice, a copy of this letter is being placed on my website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'V Baird', written in a cursive style.

Dame Vera Baird QC
Victims' Commissioner for England and Wales