

EQUALITY IMPACT ASSESSMENT AND ANALYSIS (EqIAA)

ASB and Hate Crime (April 2015)

SECTION 1 – INTRODUCTION

Anti-social behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that can have a detrimental effect on quality of life for vulnerable people and communities.

In some circumstances, what is perceived as 'low-level ASB' can be motivated by prejudice and give rise to more serious forms of crime, such as 'hate crime'. Hate crime refers to criminal acts committed against individuals due to prejudice against the following five protected characteristics: disability, faith, race, sexual orientation and trans-gender.

The South Gloucestershire ASB & Community Safety Team delivers a frontline service which aims to reduce anti-social behaviour and Prejudice Motivated Incidents (PMIs) in our communities to help keep South Gloucestershire safe.

The main functions of the team include:

- Co-ordinating agencies to respond to complaints of ASB and PMIs.
- Taking action to deal with complaints of ASB and PMIs through the effective use of prevention, early intervention and enforcement to reduce the risk of harm to vulnerable victims and communities.
- Providing support to victims, witnesses and communities that are experiencing ASB and PMIs.
- Working with other agencies to ensure the development and implementation of effective policies, procedures and working practices to ensure delivery against the Safer and Stronger Communities Strategic Partnership priorities.
- Identifying vulnerable, often minority groups, who are subject to persecution.
- Co-ordinating proactive partnership-working and the effective channelling of resources aimed at responding to and reducing hate crime.

The ASB, Crime and Policing Act 2014 introduced a new set of powers to enable a wide range of agencies to put in place swift and effective interventions and take effective enforcement action to deal with perpetrators, organisations and groups who persistently cause ASB. The intention of the Act is to reduce the risk of harm to victims and to protect communities. Full details can be found in the link cited in the index.

The two main strands of work being carried out by the ASB & Community Safety Team under consideration in this document are:

1. The implementation of new anti-social behaviour legislation, both the enforcement arm - 'New Tools and Powers' - and the early intervention and community resolution element.
2. The design and implementation of a partnership strategy for the collection and sharing of hate crime data.

Both work strands are explained in Section 2 below.

SECTION 2 – RESEARCH AND CONSULTATION

Tackling anti-social behaviour is both a national and local priority with on average 2 - 3 million incidents of ASB reported nationally per year. The police recorded in excess of 2 million incidents of ASB in the year ending September 2014. Whilst some of these incidents fell into the category of crime, many incidents perceived as low-level and minor are known to have had a detrimental effect on quality of life for victims and communities, often targeting the most vulnerable.

Locally, ASB continues to be a priority for Avon and Somerset Police and Crime Commissioner and South Gloucestershire Safer and Stronger Communities Strategic Partnership.

Data collection for the South Gloucestershire Joint Strategic Assessment (JSA) for Crime and Disorder 2014 showed that the police recorded 8,382 calls for ASB between October 2013 and September 2014, an increase of 5% compared to the previous 12 months. The Council's ASB Team records an average of 30 incidents per month, however this would not include calls which are made to other departments such as Environmental Services for noise nuisance and Streetcare for issues such as graffiti and fly tipping.

Analysis of cases referred into the South Gloucestershire Victim Core Group,¹ found that the majority of high risk cases of ASB, PMIs and hate crime victims were 25-44 years old, and that all the cases involving victims under 18 years of age were prejudice motivated ASB. ASB perpetrated by neighbours was the most frequent incident type amongst high risk victims. 'High risk' refers to individuals who are vulnerable due to either their personal or social circumstances (e.g. disability, isolation, mental health issues) and/or the severity of the persecution they are experiencing. This is followed by PMIs with 69% of victims considering the ASB being deliberately targeted towards them. 64% of high risk victims referred to the group were female; 31% male and 5% identified as a transgender person.

The design and implementation of a partnership strategy for the collection and sharing of hate crime data, and subsequent identification of our most vulnerable groups.

Data recording, collection and classification has proved to be problematic over recent years for ASB and hate crime. The longstanding need for improving Hate Crime & Prejudice Motivated Incidents data was identified as a priority in the Joint Strategic Assessment 2015. The ASB and Hate Crime Delivery Group has agreed as part of their action plan to design and implement ways in which this data can be collected, stored and used to inform future work. A small, time-limited working group called a Task and Finish Group (consisting of representatives from the agencies that make up the ASB and Hate Crime Delivery Group) has been established to take this piece of work forward. A community Safety Project Officer has been given the lead on this project.

Improving how data is collected and disseminated will enable all partners to better:

- Gauge the real level of HC & PMIs in South Gloucestershire and agree local priorities,
- Ensure the most effective channelling of resources and inform funding bids.
- Identify hot spots and emerging trends.
- Pre-empt the escalation of community tensions and underpin future work in this area.
- Identify vulnerable groups.

In March 2012, the Government published 'Challenge it, Report it, Stop it: The Government's Plan to Tackle Hate Crime'. This document recommends that local authorities should be implementing an effective multi-agency response to hate crime, involving professionals, the

¹ The South Gloucestershire Victim Core Group is a monthly multi-agency meeting attended by partner agencies including police, housing, local authority officers and voluntary sector support agencies. Complex cases involving high risk victims are referred here, with the aim of achieving a co-ordinated partnership response. The group is chaired by the ASB and Community Safety Team Leader.

voluntary sector and communities working together to tackle incidents before they can escalate. The data collection and storage project outlined above responds to this recommendation and will underpin a more co-ordinated response to tackling hate crime.

The overarching time-frame for the project is for completion to be achieved in December 2015. By this time a data collection and storage system should have been agreed by all partner agencies, be up and running ready to produce reports that will allow the identification of local priorities.

The implementation of the ASB, Crime and Policing Act 2014

Civil powers to tackle ASB were introduced under the Crime and Disorder Act 1998, with the inception of Anti-Social Behaviour Orders (ASBOs). The ASB Act 2003 further amended ASBOs and introduced new powers to tackle ASB, which gave the police and agencies an alternative to criminal prosecution where it was difficult to prove an offence. A total of 24,427 ASBOs have been issued nationally between 1 April 1999 and 31st December 2013. Of these, 60% were issued following a conviction for a criminal offence with approximately 93% of applications for the remaining 40% being made by the police and Local Authorities. This demonstrates the extent to which ASB legislation is now utilised by agencies.

The new tools and powers for ASB, as set out in the ASB, Crime and Policing Act 2014, are designed to ensure swift and effective action is taken to reduce the risk of harm to individuals. The powers contained within the Act aim to simplify and improve how agencies deal with a wide range of ASB and reduce existing powers from 19 to 6. Many powers available to a wide range of agencies have been repealed including the ASBO.

The new measures are listed below. Further information can be found by following the link to the Home Office guidance document.

New Tools and Powers:

- The Injunction to Prevent Nuisance and Annoyance (IPNA).
- The Criminal Behaviour Order (CBO).
- The Closure OrderThe Community Protection Notice (CPN).
- Public Spaces Protection Order (PSPO)

Two stakeholder consultation events were held in 2014 and all partner agencies and who could potentially be effected by the introduction of the New Tools and Powers were invited to attend. The aim of these workshops was to design and implement effective policies and procedures for the use of early intervention, prevention and enforcement. As many stakeholders as possible were consulted, with the aim of identifying potential equalities issues and to ensure consideration of the safeguarding of vulnerable people was taken.

Attendance at these events was high (roughly 20 people at each) and included management level representation from the police, housing providers, voluntary sector agencies, SGC Preventative Services, the Youth Offending Team, Legal and Court Services. Three sub-groups were formed during these events and the new tools and powers were divided by the specific area they applied to:

- **People:** considered the IPNA and CBO (the enforcement measures that can be used against individuals).
- **Places:** considered the CPN and PSPO (the measures relating to the wider community environment).
- **Support:** considered the use of PR.

The main equalities issue identified by the sub groups was in relation to access to support, in particular mental health services both for victims and perpetrators of ASB. The criteria for

accessing support was considered to be prohibitively high, and thus acting as a barrier to effective early intervention.

Early intervention and Community Resolution: Early Interventions form the basis of all ASB work, with the aim of preventing and reducing an escalation in the ASB. Interventions might include verbal and written warnings, Acceptable Behaviour Contracts (ABCs) or restorative justice. Such interventions are proved to be highly successful, thereby reducing the need for law enforcement.

Positive interventions offer support pathways to address the potential underlying causes of ASB and are considered at all stages of the ASB. In particular the new legislation allows for mandatory positive requirements (PR) alongside the new Injunction and CBO, which might include : Accommodation, Thinking & Behaviour, Employment & Education, Health & Mental Health, Substance Misuse and Finance, to name but a few.

The Offender Management Panel is a multi-agency group which was introduced as a pilot project in 2014. It meets monthly to coordinate the cases of complex, high risk offenders. Like the Victim Core Group, the partner agencies represented include police, SGC Preventative Services, YOT, Families in Focus, Merlin and other housing providers where necessary. Discussing cases in a multi-agency context allows interventions to be planned that take into account the wider aspects of individuals' circumstances including: age, disability, mental health, ethnicity and accommodation. Additional professional input can be arranged on an ad hoc basis (e.g. Mental Health or Safeguarding) if deemed necessary by the panel. The group will consider all applications for enforcement action ensuring consideration is given to the appropriate needs of individuals, including those of young people. A review and evaluation of this group will be conducted in 2015, the findings of which will be used to inform future work.

Wider consultation will also be undertaken with communities where powers such as the Public Spaces Protection Order is being considered in line with Home Office Guidance and the legislation.

The South Gloucestershire Safer Stronger Communities Strategic Partnership (CSP) already has procedures in place to ensure joint decision-making in the use of early interventions and enforcement, which includes clear guidance on information sharing through the A&S Crime and Disorder Act Information Sharing Agreement. This exists to enable the effective sharing of information to protect individuals and vulnerable victims.

The Community Trigger (CT) is a new statutory case-review process designed to give victims and communities a greater say in the way in which their ASB/PMI is dealt with. A Community Trigger can be activated where the applicant meets a locally defined criteria three incidents of ASB in the last six months for an individual, and five for a community. Where the criteria is met a review is conducted and a report presented to the Senior Officer Group for the Safer and Stronger Communities Strategic Partnership. The purpose of the review is to ensure agencies work together to resolve complaints of ASB through effective problem solving, information sharing and the effective use of resourced. The CT does not replace existing complaints procedures and the case in question needs to have been closed by all agencies involved in its resolution to be activated.

SECTION 3 – IDENTIFICATION AND ANALYSIS OF EQUALITIES ISSUES AND IMPACTS

The likely impacts of the two main strands under consideration within this EqIAA.

Protected characteristic

Age

Those over the age of 10 may be subject to early interventions such as Acceptable Behaviour Contracts (ABC) or enforcement actions including Criminal Behaviour Orders (CBO) and ASB Injunctions. Each case will be dealt with individually and on its own merits, with particular regard to personal circumstances. Where possible decisions will be made in partnership to mitigate any risk, by an Officer delegated with the appropriate authority.

Anyone aged 16 or over may be issued with a Community Protection Notice (CPN), where they are found to be acting in a persistent and unreasonable manner that is having a detrimental impact on the quality of life. CPNs are considered to be far reaching with the potential to have an adverse impact on some groups if used in the wrong circumstances. Clear and robust procedures will need to mitigate against this. Data will be analysed to check any trends emerging which are relevant to particular groups.

A potentially negative impact around the criminalisation of young people has been identified. Any legislation which involves criminal enforcement action being taken against a young person carries this risk. Measures to mitigate this are discussed in section 4 below.

Disability

Victims of disability persecution are often wrongly identified as victims of general ASB as proven by the Pilkington Case (follow the link cited in the index for further information).

The negative impact of PMIs is proportionately far greater than general ASB and due to disability these individuals are often less able to cope and require additional support. The implementation of the hate crime data system, and the subsequent cross-agency response it will facilitate, will have a positive impact for those vulnerable to disability persecution.

People with learning disabilities and mental health problems can sometimes be perceived as perpetrators of ASB through displaying behaviours due to their impairment or as a reaction to prejudice motivated provocation. In fact, they are more likely to be victims and/or become victims. Furthermore, accessing support services for individuals who do not have an official mental health diagnosis is historically difficult. Taking enforcement action against a perpetrator that has underlying mental health issues that are not being addressed could have an unfairly negative impact. Measures to mitigate this are discussed in section 4 below.

Race

Racially motivated hate crime & PMIs make up the highest proportion of those reported in South Gloucestershire. By establishing a standardised process for how and what hate crime data is collected, shared and analysed across all partner agencies will allow for 'hot spotting' to be carried out, priorities to be established, resources to be channelled and emerging trends to be responded to proactively. The implementation of this data system and the subsequent cross-agency response it will facilitate, will have a positive impact for those in an ethnic minority vulnerable to racist attack.

Gender

Due to 64% of victims referred to the Victim Core Group being female, any improvements to community cohesion brought about by the introduction of the new ASB Tools and Powers and Hate Crime data system would have a proportionately greater positive impact for women. All members of the public of either gender stand to benefit from both these work strands.

Marriage/Civil Partnership

There does not appear to be a specific impact from either of the work strands detailed in this assessment on individuals due to their marital status (other than the positive one received by the general public).

Pregnancy and Maternity

There does not appear to be a specific impact from either of the work strands detailed in this assessment on individuals due to them being pregnant or having a baby (other than the positive one received by the general public).

Sexual Orientation

In South Gloucestershire there is an estimated 15,000 residents who identify as being LGBT. Homophobic PMIs appear to be on the increase, especially in schools. Improving the data in this area will allow targeted action to be taken, contribute towards making South Gloucestershire a safer, more inclusive environment for this group. The Hate Crime Data system will strengthen our ability as a partnership to respond to and prevent homophobic persecution which will have a positive impact for the LGBT community.

Religious Belief

Improving the collection and sharing of multi-agency hate crime data and the new ASB legislation will help partners better protect South Gloucestershire residents against religious persecution. Robust hate crime data will also allow us to engage effectively with national agendas like Prevent. This is essential given the current global political climate. Minority faith groups will be positively impacted by both of these work strands.

Gender Reassignment

Individuals in this group are often the victim of sustained PMIs and more serious hate crimes. Partner agencies are separately reporting what appears to be a rise in the targeting of transgender people yet without a combined data system the true extent of this is unknown. This exceptionally vulnerable group will get a positive impact from both the implementation of the new ASB legislation and the work around hate crime data collection as we will be better equipped as a partnership to protect them.

SECTION 4 - EqIAA OUTCOME

Outcome	Response	Reason(s) and Justification
Outcome 1: No major change required.	<input type="checkbox"/>	
Outcome 2: Adjustments to remove barriers or to better promote equality have been identified.	<input checked="" type="checkbox"/>	<p>This EqIAA has identified</p> <ol style="list-style-type: none"> 1. The need for officer training to accompany the implementation of the New Tools and Powers. 2. Improvements to access to mental health services. 3. The need for robust early intervention strategies to safeguard against any preventable criminalisation of young people due to the new ASB legislation.
Outcome 3: Continue despite having identified potential for adverse impact or missed opportunities to promote equality.	<input type="checkbox"/>	
Outcome 4: Stop and rethink.	<input type="checkbox"/>	

SECTION 5 – ACTIONS TO BE TAKEN AS A RESULT OF THIS EqIAA

There are a number of measures already in place which will be taken to ensure the implementation of the enforcement arm of the new ASB tools and Powers does not adversely affect individuals with mental health issues or those aged between 10 and 16 years.

Those already being successfully delivered include:

- IMPACT Offender Management Group (the multi-agency panel into which high risk ASB perpetrators are referred).
- Victim Core Group (the multi-agency group into which complex and vulnerable victims of ASB, PMIs and hate crime are referred. There are instances in which, due to retaliation, mental health issues or learning disabilities, an individual can be both a victim and a perpetrator. These cases may be appropriate for discussion at both panels. For this reason the panels run concurrently and are largely attended by the same professionals.
- There are accessible forms of all the information resources relating to the New Tools and Powers for victims and perpetrators who do not have English as a first language or who have visual impairments, learning disabilities and issues with literacy (this may include one-to-one support with a key worker) as per council policy.
- The ASB Customer Satisfaction Survey offers members of the public an opportunity to give feedback on the service they have received and to highlight incidents where they feel any protected characteristic they may have has not been taken into account.

Mitigating measures to be factored into implementation going forward:

1. A program of training sessions and presentations led by officers from the SGC ASB Team has already begun to be rolled out for professionals whose areas of work will be affected by changes to the ASB legislation. This will raise awareness of the potential equalities issues highlighted above.
2. We have a spot purchasing capability which will allow us to buy in services like 'Breakthrough' for victims and perpetrators who have mental health issues with or without official diagnosis. The Breakthrough Mentoring Project is a multi-agency mental health project that aims to reduce social exclusion and build resilience in vulnerable children and young people. A team of highly skilled professional mentors support young people and their families to develop a bespoke package to meet individual need. An independent Victim Support Case Officer is now embedded in the ASB Team to offer ongoing emotional support to victims of ASB. Funding to develop a Victim Support telephone helpline for those who feel their mental health has been adversely effected by ASB has also recently been secured.
3. Effective referral mechanisms to services like Breakthrough and the Families in Focus Team (the local name for the Government's Troubled Families Initiative, which offers intensive support to the whole family) will be established via the existing multi-agency groups IMPACT and the Victim Core Group. Schools and the Youth Offending Team can also be brought in for ongoing support where appropriate.

SECTION 6 - EVIDENCE INFORMING THIS EqIAA

- SGC Single Equality Plan 2012-15 and draft 'Single Equality Plan 2015-19'
- CPS report 'Hate crime and crimes against older people report 2013-2014'
- Pilkington Case Information: <http://www.ipcc.gov.uk/news/ipcc-publishes-fiona-pilkington-investigation-report>
- Government published 'Challenge it, Report it, Stop it: The Government's 2012 'Plan to Tackle Hate Crime' (<https://www.gov.uk/government/uploads/system/uploads/>
- New ASB legislation: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
- Home Office Guidance for implementation of the ASB 'New Tools and Powers': https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf