

PUBLIC

Acceptable Behaviour Contracts

Guidance Document

Derbyshire ASB Forum
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Change History

Version	Date	Reason
1.0	March 2008	Initial document
1.1	December 2012	Addition of E-CINS
1.2	September 2014	Addition of Dog Behaviour Contracts Incorporation of Anti-Social Behaviour, Crime and Policing Act 2014
1.3	September 2014	Updating role of Derbyshire Pre-Court Team
1.4	June 2015	Addition of section re use of photographs on E-CINS

Acceptable Behaviour Contracts (ABCs) – The Derbyshire Way

Introduction

The aim of this document is to translate nationally recognised best practice on ABCs into guidance to assist agencies to work together to tackle anti-social behaviour (ASB) in Derbyshire.

This guidance has been produced by Derbyshire ASB Forum, in response to demand from various practitioners for a more consistent approach to the use of ABCs.

Background

What is an Acceptable Behaviour Contract (ABC)?

An ABC is a written voluntary agreement between a person who has been involved in ASB and one or more agencies whose role it is to prevent such behaviour. ABCs can be used effectively with adults, young people and children.

What is a Parental Control Agreements (PCAs)?

A PCA is an ABC for children under the age of 10. The agreement is signed only by the parents.

What is a Parenting Contract?

A Parenting Contract is a written voluntary agreement between a parent or parents and the school, local authority, Youth Offending Service or a RSL about improving the behaviour of a child or young person to prevent them engaging in anti-social behaviour. The contract includes a statement by the parent that they agree to comply with the requirements set out and a statement by the Local Authority that it will provide support to the parent so that they can comply with those requirements. There may be a requirement for the parent to attend parenting classes.

The assessment, which forms part of the ABC process, may identify factors indicating that a Parenting Contract may complement an ABC for a young person.

What is a Dog Behaviour Contract (DBC)?

A DBC is a written voluntary agreement, similar to an ABC, which can be used to tackle irresponsible dog ownership. It is a contract between the local authority / police and the dog owner, or keeper, specifically identifying the dog, whose behaviour is being addressed.

What is E-CINS?

E-CINS stands for Empowering Communities Inclusion and Neighbourhood-Management System. It is a secure, cloud-based computer system that enables the police and partners to share information, regarding victims of anti-social behaviour (ASB), fast and effectively and reduces the need for meetings.

Other Related documents

This guidance should be read in conjunction with the following documents:-

- Derbyshire Partnership Forum ASB Protocol
- Derbyshire Partnership Forum ASB Information Sharing Agreement
- Local ASB Protocols produced by each Community Safety Partnership

- Derbyshire E-CINS User Guide
- Department for Environment, Food and Rural Affairs (Defra) - 'Tackling Irresponsible Dog Ownership' Draft Practitioners Manual (October 2013)

The countywide documents are available at <http://www.saferderbyshire.gov.uk/our-priorities/asb/policy-resources/default.asp>

The local ASB Protocols will be available from each Community Safety Partnership.

The Derbyshire E-CINS User Guide is available via the 'Downloads' button on the live E-CINS system, on the police intranet or at www.saferderbyshire.gov.uk/victimfirst

Principles

ABCs are an effective method for intervening early, preventing further ASB, and achieving long-term behavioural change. The principle factors when considering ABC as part of the ASB toolkit are:-

- Multi-agency consultation and involvement
- Effective information sharing
- Early intervention
- Assessment of underlying causes of ASB
- Provision of appropriate support
- Effective co-ordination and case management
- Quality not quantity
- An ABC is not a means to legal enforcement tools
- Single agency ABCs are the exception rather than the norm

Thresholds

Action against individual perpetrators of ASB should be prioritised in accordance with partner agencies' policies and procedures. Best practice would indicate that an ABC should be considered when two or three ASB warning letters have been issued within a six to twelve month period. This could include warning letters issued by various agencies eg police, council, RSLs. Multiple warning letters from the same and different agencies without action should be avoided and, thus, communication between partners is essential.

When a serious or immediate situation arises, then an early multi-agency response should be 'called' to consider the appropriateness of using an ABC, or other ASB tools and powers.

Single-agency v Multi-agency ABCs

ABCs are most effective as a multi-agency tool due to the need to address underlying causes of the ASB. However, there may be circumstances where a single agency ABC would be appropriate, for example, noise nuisance, neighbour disputes, where only one agency is involved and no underlying issues have been identified.

A single agency ABC should not be considered for a young person.

Consultation

Sharing information amongst agencies working with the individual is essential to establish a full picture about them before making a multi-agency decision about appropriate interventions and support package.

When an agency has identified the potential need for intervention, the agency should notify the ASB Co-ordinator and request that they obtain information about the problem individual from other partner agencies.

The ASB Co-ordinator will contact all the relevant agencies to establish what involvement they have had with the individual. Partner agencies should respond as soon as possible, but within two weeks.

The circumstances under which various agencies should be consulted are detailed at Appendix A.

Roles

Role of ASB Co-ordinator

The local ASB coordinator, or officer designated with this responsibility, is central to the process and should:-

- Be advised that an ABC is being considered
- Consult with, and collect information from, relevant agencies
- Arrange case discussions, where appropriate

Role of Lead Officer

The Lead Officer is likely to be from the agency that first identified the need for the intervention. The Lead Officer could be the ASB Co-ordinator. The Lead Officer should:-

- Manage the Profile or Case records on E-CINS
- Arrange the ABC meeting
- Lead the discussion with the individual (and their family)
- Negotiate the terms of the ABC
- Draw up the contract
- Provide copies of the ABC to partners who have agreed to monitor the ABC
- Co-ordinate the on-going case management
- Provide regular feedback to the individual
- Address any breaches of the ABC
- Call a multi-agency meeting to discuss any serious breaches of the ABC

Case Management

E-CINS

ABCs will be managed, on a multi-agency basis, on E-CINS, using the ASB Perpetrators Gallery.

If a Profile does not already exist, one will need to be created for ASB perpetrators, who are being considered for an ABC. They will be deemed as 'medium' risk perpetrators, under the incremental approach to enforcement.

The perpetrator will be managed on E-CINS until the risk has been reduced to standard and the ABC has expired. At this point the Profile will be archived, unless any other agencies continue to work with the individual.

For more information, see the Derbyshire E-CINS User Guide, which is available via the 'Downloads' button on the live E-CINS system, on the police intranet or at www.saferderbyshire.gov.uk/victimfirst

Case Discussion

Case discussions between relevant agencies must take place **before** meeting with the individual and parents/carers.

The aims of the case discussion are to:-

- Share information and intelligence that each agency holds about the individual
- Discuss and agree what action should be taken to address the ASB
- Discuss possible conditions for inclusion in the ABC (although these will be finally negotiated and agreed with the individual at the ABC Meeting)
- Agree what support can be offered to the individual (to be recorded in the ABC)
- Agree what each agency will do (to be recorded in the ABC)
- Agree which agencies need to be present at the ABC meeting with the individual (only include those either directly responsible for taking action in case of breach or where support is to be provided)
- Agree how the ABC could be monitored by each agency
- Decide who should be the lead agency/officer for the case

Decisions made in these case discussions and the reasons behind them, should be clearly recorded on E-CINS.

Working With Children & Young People

For children and young people, the local Multi-Agency Team (MAT) and local Youth Offending Team must be contacted to establish who is already working with the young person. The MAT/YOT should be made aware of the ASB and involved in the support package to address the behaviour.

Working With Dog Owners

Many agencies receive reports of anti-social behaviour related to dogs, eg police, housing providers, Environmental Health Officers, Street/Neighbourhood Wardens, as well as Dog Wardens.

The police lead investigations into dog attacks on people, provide an emergency response to dogs that are dangerously out of control. The police Dog Liaison Officer enforces 'banned breed' legislation, under the Dangerous Dogs Act 1991.

Dog Wardens, within the local authority Environmental Health/Protection department, are best placed to provide advice and take the lead role in issuing DBCs for other dog control issues, but this should be done in partnership with other agencies.

ABC Meeting

The lead officer should arrange the ABC meeting. Present at the meeting should be the:-

- Individual whose behaviour is causing concern
- Parent/guardian if that individual is under 16.
- Lead Officer
- Additional agency representation, as agreed

A specimen agenda is included at Appendix B.

Drawing Up The Contract

The ABC should be written in Plain English, using terminology relevant to the age of the individual and avoiding the use of jargon. For young children or young people with learning difficulties, pictures may be more appropriate.

The standard length of an ABC is six months, however, partners may decide that for children and young people, a shorter term is more appropriate.

A template for an Acceptable Behaviour Contract is included at Appendix C.

A template for a Dog Behaviour Contract is included at Appendix E.

Conditions

The ABC should include:-

- Positive and negative conditions
- Statements from partner agencies outlining what support they will provide the individual
- The potential consequence of breaching the ABC ie legal action, such as a Community Protection Notice (CPN), Criminal Behaviour Order (CBO), Injunction or eviction. For dog owners/keepers this could also be proceedings under the Dogs Act 1871, proceedings under the Dangerous Dogs Act 1991, or a Destruction Order.

The conditions should be jointly agreed with the individual. There should be a maximum of six conditions to address the specific behaviour, which the individual is required to change. Partner agencies must be able to monitor or enforce each of the conditions.

In the case of children or young people, the conditions should also be agreed with their parent/guardian. The conditions could include the word 'promise' to increase their understanding of what is being expected of them.

A list of example ABC conditions is included at Appendix D.

For dogs, the owner/keeper of the dog should agree and sign the DBC. If the owner of the dog is under 16, their parent/guardian should also be involved.

A list of example DBC conditions is included at Appendix F.

Photographs

Photographs of subjects of ABCs may be taken for the purpose of uploading onto E-CINS and sharing with partners, subject to the written consent of the individual (and their parent / guardian if the subject is under 18). The written consent of the subject is recorded by the inclusion of the 'Photograph consent' section on the ABC template (See Appendix C).

If signed consent is not received, the photograph should not be uploaded to E-CINS.

After the Meeting

A copy of the ABC should be sent to the subject of the ABC.

The ABC should be uploaded onto E-CINS, under the 'Documents' tab, so that it can be accessed by:-

- Each agency responsible for monitoring the ABC
- Each agency responsible for providing a support service to the individual
- The Partnership ASB Co-ordinator

The ABC/DBC should also be recorded on E-CINS as an 'Action', to enable performance management statistics to be extracted.

The Lead Officer should provide feedback to the victim. The form this takes will be different in each case, but sufficient information should be provided to reflect the level of intervention and monitoring.

Monitoring the ABC

There should be a proactive approach to monitoring which allows for both recognition of positive changes in behaviour and the prompt acknowledgement of every breach. The ABC should be reviewed on a regular basis to ensure compliance with the conditions.

Review Meetings

The aims of the review meetings are to:-

- Provide feedback on an individual's behaviour since signing the ABC
- Address any concerns about behaviour, including any breaches of the ABC
- Acknowledge positive changes in behaviour
- Review the term of the ABC
- Issue a certificate upon successful completion of the ABC

ABC Review Meetings should be held at the half-way point and the end of the contract. The dates for the Review Meetings should be agreed at the ABC Meeting and recorded on the ABC. Each ABC Review Meeting, and the outcome, should be recorded on E-CINS.

Additionally, children and young people should be given feedback on their behaviour one month after the signing of the ABC.

Recommended good practice is for the Lead Officer to maintain monthly telephone contact with everyone who is subject to an ABC.

Other Contacts

There should be a minimum of two face-to-face contacts during the term of the ABC, which should be recorded on E-CINS. These contacts could be made by any of the partner agencies working with the individual.

The Lead Officer should obtain regular feedback from partner agencies responsible for monitoring and/or delivering different aspects of the ABC. This information should be fed back to the individual and their family as part of the regular reviews.

Breach

A serious breach or number of breaches should result in a case discussion to decide how to proceed and consideration given to legal options such as ASBOs and tenancy related proceedings.

The breach of an ABC, or the refusal to sign an appropriately worded voluntary agreement, could be used as evidence for further legal enforcement action.

Publicity

Without naming individuals, publicity should be used to keep communities aware of the use and success of ABCs on a regular basis.

Appendix A

Consultation Guidance

Once the Lead Officer has notified the ASB Co-ordinator, the ASB Co-ordinator will consult partner agencies, dependant on the circumstances of the individual concerned.

Circumstance	Consultees
The individual is under 18 years old	DCC Multi-Agency Team (MAT) Manager, Derbyshire Youth Offending Service, school
The individual is a child subject to a local authority care order or accommodated by the local authority	DCC District Manager (Safeguarding & Specialist Services)
The individual is considered to be vulnerable (safeguarding issues)	DCC Adult Care Safeguarding Service Manager
The harassment is of a racial nature	The Racial Equality Council and/or any relevant minority organisation for their view on the appropriateness of action and for any support they can give to victims
The parents of a young person are being considered for a parenting contract / order	DCC Multi-Agency Team (MAT) Manager, Youth Offending Service Parenting Co-ordinator
The individual has substance misuse problems	Local drug/alcohol treatment services
The individual has mental health problems	Local Community Mental Health Team
The individual is known (or it is suspected) to be supervised by the Probation Service.	Derbyshire Probation Service
The individual resides in social housing	Relevant housing provider
Dog-related anti-social behaviour	Local authority Dog Warden
Animal welfare concerns	Royal Society for Prevention of Cruelty to Animals (RSCPA)

Appendix B

ABC Agenda

1. Introductions – introduce and explain the role of all present
2. Why interview has been called – eg complaints from residents, referral from police
3. Discuss complaints - Brief discussion about complaints and explanation as to why behaviour is unacceptable. May wish to read out anonymised extracts from incident diaries. Discuss the impact of the behaviour on the victims. Consider if Restorative Justice is appropriate
4. Identify any other issues eg referral to other agencies/parenting/dog behaviour classes etc. Discuss consent to share with other agencies.
5. Explain ABC
 - Civil agreement
 - Won't show on criminal record searches
 - Duration
 - Chance to take control of their own behaviour and avoid enforcement action
 - Support available
 - Not a CBO!
6. Agree the conditions – Use suggestions from agencies at the case discussion meeting and ask individual for input (see Appendices C and F for additional guidance)
7. Consequences – Explain process if breach
8. Arrange review dates

Appendix C

Acceptable Behaviour Contract Template

ACCEPTABLE BEHAVIOUR CONTRACT

Name:

D.O.B:

Address:

Postcode:

1. I will not
2. I will not
3. I will not
4. I will not

1. I will
2. I will
3. I will
4. I will

To help the above complete the Acceptable Behaviour Contract successfully, the representatives of the various agencies and organisations agree to provide the following help and support

1. We will
2. We will
3. We will

I understand that by signing this contract I am entering into a contract with Council and Derbyshire Police not to behave in ways stated above.

The partner agencies present will seek to provide the help and support outlined in this contract. If partner agencies are unable to provide the support listed, they will discuss as soon as possible to provide suitable alternatives.

I have been made aware that although the Contract is voluntary, if I continue to behave in an anti-social manner. Council and Derbyshire Police may take action against my family and me. This action may include action to re-possess my family's home and an application to the Magistrates Court for a Criminal Behaviour Order.

Failure to comply with a Criminal Behaviour Order can result in a substantial fine / or a prison sentence of up to 5 years for an adult or 2 years for a young person under 18 years of age.

REVIEW MEETINGS

This contract will be reviewed during the 6-month period. A review may result in the contract being extended, amended or further action taken.

Date	Location

PHOTOGRAPH

I (*insert name of ABC subject*) consent to having my photograph taken.

I understand that this photograph will be attached to copies of this Acceptable Behaviour Contract that I sign.

The Acceptable Behaviour Contract and my photograph may be seen by the agencies indicated below for the purpose of monitoring this voluntary Contract.

The agencies that may be sent copies of the Acceptable Behaviour Contract (with my photograph attached) are:-

(Delete /amend as appropriate)

- Derbyshire Constabulary
- District Council
- Community Safety Partnership
- Youth Offending Service
- Derbyshire County Council Children & Younger Adults Department
- E-CINS partners (E-CINS is a multi-agency anti-social behaviour database)

DECLARATION

I can confirm that my parent / guardians and I understand the meaning of this Contract and the consequences of a breaking the contract have been explained to us.

I agree to the terms of this Contract for a period of **6 months**.

Signed Date (Individual)

Signed..... Date (Parent / Guardian)

WITNESSED

Signed..... Date (Safer Neighbourhood Officer)

Signed..... Date (Housing Officer)

Appendix D

Example ABC Wording

The prohibitions on the ABC should be tailored to the behaviour that the contract is aiming to stop. The conditions should be appropriate and proportionate. The maximum number of prohibitions and positive statements should be **six**.

The below list is given to provide ideas for dealing with some of the common examples of anti-social behaviour. It is not an exhaustive list and the final conditions should be negotiated with the individual during the ABC Meeting.

Example Prohibitions

I agree not to

- Associate in public places in (area) with (name) unless at supervised events
- Consume, or be in possession of, alcohol in public places
- Hang around in the following area(s) at any time:-
- Light fires or carry matches, lighters or any other item that can be used to start fires
- Graffiti or carry permanent markers, spray cans or any other item that can be used to cause graffiti
- Damage any property
- Trespass on the railway lines
- Assault or threaten anyone
- Swear or say anything that will upset people in (area)
- Throw anything at people or their property
- Go door knocking
- Engage in any behaviour which is likely to disturb, annoy or cause any nuisance to my neighbours

Where an individual has been encouraging others to commit ASB it may be appropriate to add 'or get anyone else to do it' at the end of any of the above prohibitions.

Example Positive Statements

I agree to

- Be inside my home address every night by 8.30pm, unless out with family members over the age of 21
- Abide by my tenancy conditions, specifically (list)
- Go to school every day
- Attend (weekly) appointments with my Connexions Advisor

Examples for primary age children

I promise not to

- Play ball games in the road or near people's houses
- Throw objects at other people's property
- Hit or threaten to hurt anyone
- Use bad language in public places
- Ride motorbikes in public places

Examples of support

We agree to

- Talk to the school about
- Refer you to a parenting course
- Visit you once a week to.....

Appendix E

Dog Behaviour Contract Template

DOG BEHAVIOUR CONTRACT

Owner/Keeper's Details:

Name:

D.O.B:

Address:

Postcode:

Dog's Details:

Name:

Breed/Description:

Microchip number:

1. The named dog will not
2. The named dog will not
3. The named dog will not
4. The named dog will not

1. The named dog will
2. The named dog will
3. The named dog will

1. I will
2. I will
3. I will

To help the above complete the Dog Behaviour Contract successfully, the representatives of the various agencies and organisations agree to provide the following help and support:-

1. We will
2. We will
3. We will

I understand that, by signing this Dog Behaviour Contract, I am entering into a commitment with Council and Derbyshire Police not to allow *INSERT NAME OF DOG* to behave in a manner that causes, or is likely to cause, harassment, alarm or distress to another person or animal, or commit an act of aggression towards any person or animal.

I have been made aware that, although the Contract is voluntary, if my dog continues to behave in an anti-social or potentially dangerous manner, the following action may be taken:-

- An application to the Magistrates Court for conditions to be placed on the dog, under the Dogs Act 1871
- An application for a Destruction Order for the dog
- Proceedings under the Dangerous Dogs Act 1991
- Enforcement under the Anti-Social Behaviour, Crime and Policing Act 2014, eg Community Protection Notice, Civil Injunction, Criminal Behaviour Order

The partner agencies present will seek to provide the help and support outlined in this contract. If partner agencies are unable to provide the support listed, they will discuss as soon as possible to provide suitable alternatives.

REVIEW MEETINGS

This contract will be reviewed during the 6-month period. A review may result in the contract being extended, amended or further action taken.

Date **Location**

DECLARATION

I can confirm that I understand the meaning of this Contract and the consequences of a breaking the contract have been explained to me.

I agree to the terms of this Contract for a period of **6 months or the death of *INSERT NAME OF DOG.***

Signed Date (Individual)

Signed..... Date (Parent / Guardian)

WITNESSED

Signed..... Date (Safer Neighbourhood Officer)

Signed..... Date (Housing Officer)

DO NOT SIGN THIS DOG BEHAVIOUR CONTRACT, IF YOU DO NOT AGREE TO THE TERMS AND CONDITIONS

Appendix F

Example DBC Wording

The prohibitions on the DBC should be tailored to the behaviour that the contract is aiming to stop. The conditions should be appropriate and proportionate. The maximum number of prohibitions and positive statements should be **six**.

The conditions should have consideration for the dog's welfare, whilst balancing the duty to respond to public concerns and ensure public safety. Prohibitions should not have a significant detrimental impact on the welfare of the dog.

The requirements should take into consideration any costs and the owner's ability to meet them.

The below list is given to provide ideas for dealing with some of the common examples of dog-related ASB. It is not an exhaustive list and the final conditions should be negotiated with the individual during the DBC Meeting.

Example Prohibitions

The named dog will not

- Be used for breeding
- Be left alone with children at any time
- Be allowed to foul in public places
- Be taken out, other than in the presence of an appropriate adult, who has full control of the dog
- Be left in an enclosed vehicle
- Enter certain areas eg school or children's play area
- Be exercised in certain areas at certain times or day eg immediately before or after school
- Be walked in a group of more than a specified number of people or dogs

Example Positive Statements

The named dog will

- Always be kept on a lead in certain areas eg built up areas, park, any public place, on farmland
- Be muzzled at all times, when in a public place
- Be micro-chipped and registered as such
- Be neutered

Examples for Dog Owners/ Keepers

I will

- Attend dog training and/or behaviour classes
- Secure my property (to prevent dog straying)
- Install a letter cage (to protect postal workers)
- Clean kennels every ... (to reduce odours)
- Dispose of dog fouling appropriately

Examples of support

We agree to

- Provide advice on
- Refer you to for
- Visit you once a week to.....