



**Victims  
Commissioner**

**Anti-Social Behaviour: Time to Act**

***'A View from the Victims' Commissioner'***

**Dame Vera Baird QC**

29<sup>th</sup> September 2020

# Dame Vera Baird QC



Formerly:

- Police and Crime Commissioner for Northumbria
- Association of Police and Crime Commissioners' national lead for supporting victims.
- Ministry of Justice Minister
- Solicitor General
- Member of Parliament
- Criminal Barrister and QC

## The Victims' Commissioner for England and Wales

The role of the Victims' Commissioner, as defined in s49 Domestic Violence, Crime and Victims Act 2004 is to:

- Promote the role of victims and witnesses
- Encourage good practice in the treatment of victims and witnesses
- And to keep under review the operation of the Victims' Code

# Anti-Social Behaviour: A Living Nightmare

30 April 2019

**ASB HELP**

Don't suffer in silence

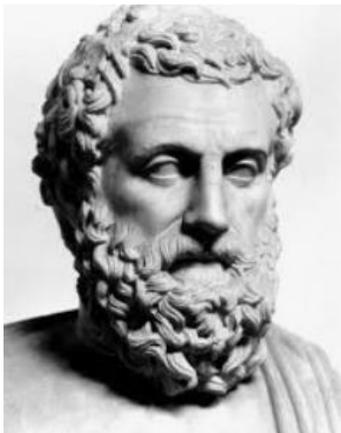
Study of activations of the Community Trigger across England and Wales using FOI requests to Local Authorities.

**VC** **Victims  
Commissioner**

Victims' voice and lived experience through cases studies.

**NOTTINGHAM  
TRENT UNIVERSITY** 

Quantitative analysis of data from Crime Survey for England and Wales, Understanding Society Survey, Index of Multiple Deprivation and UK census.



**More than the sum of our parts**

Aristotle

**VC** **Victims  
Commissioner**

# Key Findings: Victims' experience of ASB

*'Even now, I can't relax at all, I can't rest in that house. It's going to take many, many months I think...the stress has been phenomenal.'*

- In 2019, 38% of people in Britain had witnessed or personally experienced anti-social behaviour (ASB) (CSEW data to March 2019). This is the highest since the ONS began recording this statistic in 2012.
- YouGov poll March this year (before lockdown) 61% of people felt that more needed to be done to tackle ASB in their local area, and 39% saying the problem had increased in their area over the past three years.
- ASB is not 'low level': serious physical, financial and psychological consequences: mental health, lack of sleep, anxiety, affecting relationships and work, financial costs, general feeling of being unsafe in their home, often leading to the victim having to move home.
- Victims 'pushed from pillar to post' no one agency taking charge & failures of 101 police phone line.
- May be symptomatic of more serious crime: e.g. cuckooing, drug dealing, county lines.
- Cumulative effect of ASB often disregarded: treated as isolated incident.

# How the Community Trigger should work

- They can require an 'ASB case review' if they pass the threshold and the ASB has not stopped.
- The threshold in statute is 3 'qualifying complaints' but the local authority can make it lower – so Bristol has/had one incident but with five people complaining.
- The threshold is that the ASB has caused 'harassment alarm or distress' which is higher of the two statutory definitions.
- They need to hear that they have passed/failed the threshold test.
- The 'relevant bodies' meet and tackle it together.

# The Community Trigger: not fit for purpose

*'They didn't want me to be there or hear how it affected me. The purpose wasn't to listen to victims, it was about proceedings.'*

- Lack of knowledge and understanding of Community Trigger by, police, local authorities, housing providers
- Local Authorities do not advertise the Community Trigger or inform victims when they reach the threshold.
- Only 3% of people have ever heard of the Community Trigger (YouGov 2016).
- Lack of transparency of Community Trigger procedures.
- Confusion over Community Trigger threshold, local authorities apply different thresholds and different ways to activate it.
- Local Authorities 'Marking their own home work'.
- Victims not allowed to take part in resolution meetings.

# Victim case studies

## James

- Unlawful tenants in block of flats, regularly 20 people in and around flat, constant noise: shouting, swearing, fighting, vandalism worst at 3/4am
- Impact on James: lack of sleep, poor mental health, staying with friends
- Reported ASB daily to LA, often ignored, passed from pillar to post. Police say it's down to the landlord.
- No response to complaints – felt abandoned by authorities
- Five residents joined together to activate community trigger
- James was not allowed to attend the meeting due to 'data protection'. Council refused to engage with James over this decision
- Took 2 months to evict unlawful tenants
- Meanwhile the ASB continued

## Elizabeth

- Endured a four year campaign of noise and harassment from neighbour
- Neighbour served with at least 5 warnings
- Police brought in a mediator, but perpetrator kept missing the appointments
- Elizabeth tried to activate the community trigger but was incorrectly told she didn't meet the criteria
- Eventually got a community trigger, but it was not independent, carried out by the same LA community safety partnership that she had complained to
- Elizabeth was not allowed to attend the meeting
- Eventually Elizabeth and her family moved home to get away from the ASB
- The perpetrator found out where Elizabeth's husband work and continues to harass him there

# September 2020 – what progress?

- 16 months after “Living a Nightmare” only one recommendation has been acted upon.
- ASB Help, Resolve UK and OVC findings/data show significant increase in ASB reports during CV-19 lockdown.
- Some police forces included breaches of CV-19 regulations as reports of ASB, presenting confusing picture. April police reported ASB 59% up across forces
- VC regular meetings with PCC victims hubs show ASB up on last year – placing pressure on local victim services. Important: people seeking help to cope& recover
- Victim Support have month on month increases since April – now 54% and hits up 161% on their website
- Northumbria from 36-200, avon and somerset 7 -16. London up 40%

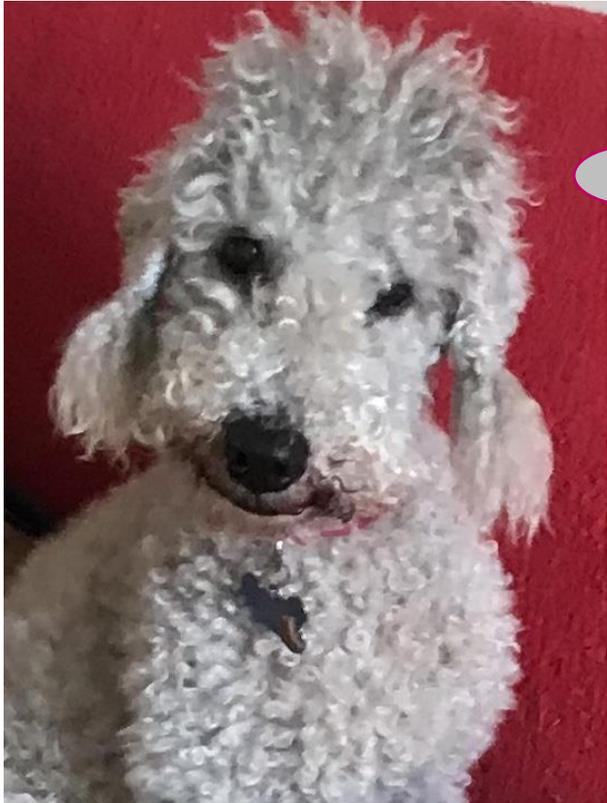
# Open letter to Home Secretary

- Letter calls for full implementation of key recommendations in “Living a Nightmare”.
- Community Safety Partnerships encouraged to set up special “Nightingale taskforces” to quantify and tackle backlog of ASB complaints.
- Government should offer resources and provide guidance on a standardised way of working for the future.
- Nightingale taskforces to include practitioners and legal teams who have expertise to use existing statutory measures available to keep people safe.
- Taskforces to include reps from mental health services and should be accountable to victims where no resolution to the ASB is provided.

# Home Secretary's response

- Latest CSEW statistics show a continued fall in ASB incidents (up to March)
- Home Office held regular meetings with ASB National Policing Lead's staff officer, the ASB lead in the LGA and MHCLG during the pandemic.
- Potential rises in ASB as a result of lockdown often related to breaches of lockdown and social-distancing measures.
- Community Trigger gives victims of persistent ASB ability to demand a formal case review.
- 2014 Act requires bodies to publish information about Community Trigger, review procedures, numbers of applications received and reviews held.
- Need to raise awareness of Community Trigger.
- Home Office has refreshed ASB webpages on GOV.uk to make information on ASB and the Community Trigger more easily accessible.

Questions, thoughts, insights, reflections?



# Contact us



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