

# Anti-social behaviour policy is still not putting victims first

 [blogs.lse.ac.uk/politicsandpolicy/anti-social-behaviour-policy-is-still-not-putting-victims-first/](https://blogs.lse.ac.uk/politicsandpolicy/anti-social-behaviour-policy-is-still-not-putting-victims-first/)

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*Protecting anti-social behaviour victims was a priority for the Coalition. As part of this agenda, call handling and case management trials were introduced so that vulnerable and repeat victims could be quickly identified and protected. [Vicky Heap](#) writes that the implementation of the process is not mandatory for police forces while the government keeps no record of how widely it is being used. What complicates matters further is the lack of clarity surrounding the point at which anti-social behaviour becomes a hate crime, and so victims could fall through gaps in the system. The result? A postcode lottery for those in need of protection.*



Within weeks of the Coalition government coming to power, an agenda was set to dismantle existing anti-social behaviour (ASB) policy to create a system that prioritised victims' needs. The shift towards victim-focused ASB policy was undoubtedly a response to high-profile tragic events involving vulnerable and repeat victims. These cases include [Fiona Pilkington](#), who killed herself and her disabled daughter Francecca Hardwick in 2007 following a sustained campaign of harassment, and the case of [David Askew](#), a 64-year old with learning difficulties who died of a heart attack in 2010 after being bullied and harassed by young people over a ten-year period.

However, the policy changes are unlikely to prevent similar events from happening in the future. Coalition policies specifically aimed at helping victims of ASB have been poorly conceived and are fundamentally flawed. They create a postcode lottery for victims, generate hierarchies of victimisation and compete against the perpetrator-focused [Troubled Families Programme](#); a legacy the current Conservative government continues to support.

At the heart of the problem is the way ASB is recorded. This issue has loomed large since ASB was first defined by the [Crime and Disorder Act \(1998\)](#) as: 'behaviour that has caused, or is likely to cause, harassment, alarm or distress'. Such a subjective definition makes counting incidents difficult, but it also hinders the identification of vulnerable and repeat ASB victims. To remedy this, the Home Office and the Association of Chief Police Officers supported a number of call handling and case management trials from 2011 onwards, prioritising the identification and protection of vulnerable and repeat victims.

The call handling and case management trials were heralded as a success; however, I wanted to assess the uptake of these new practices and therefore contacted the Home Office in 2013 with a Freedom of Information request. Two questions were posed: question one aimed to determine how many police forces were using the new practices – the Home Office did not collect this data. The second question asked was whether the use of these practices had been made a formal requirement for all police forces – the answer was no. These responses demonstrate a lack of oversight about what's happening in practice and a clear lack of commitment to improving the situation for vulnerable and repeat victims on a national scale. This demonstrates how the policing response victims receive is subject to a postcode lottery.



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The practical issues are further complicated by conceptual problems. The victim-focused policy rhetoric appears to be re-defining ASB as a concern for the vulnerable, but more specifically the disabled. The politicisation of vulnerability may have been the type of emotive emphasis required to boost public support in light of budget cuts to the criminal justice system and Disability Living Allowance (now Personal Independence Payments). It may also have been a way to address the [falling disablist hate crime conviction rates](#). However, the conflation of vulnerability and disability needs challenging. Disabled people are not *inherently* vulnerable, but may be vulnerable to increased levels of the *risk* of harassment due to their [socio-economic status](#) or where they live.

In turn, the conceptual issues create difficulties with call handling due to the blurred boundaries between ASB, vulnerability and hate crime. The ASB policy documents refer to the targeting of vulnerable victims, but if victims like Pilkington and Askew were targeted because of the perpetrator's hostility towards their disability, it should be addressed as a hate crime. This demonstrates a worrying lack of clarity surrounding the point at which ASB should be recognised and recorded as a hate crime. Despite the new victim focus, it appears there is still the potential for victims to fall through gaps in the system.

In an effort to prevent any gaps, the Community Trigger was introduced by the [Anti-Social Behaviour, Crime and Policing Act \(2014\)](#). It forces relevant bodies, such as the police and local authority, to review the responses they have made to ASB complaints. A review is granted if no action has been taken by the authorities, following a threshold number of complaints being made. Having a threshold that varies between locations is profoundly unfair. The variance produces further postcode lottery conditions for victims and creates hierarchies of victimisation. For instance, a certain level of victimisation grants a review in some areas, whereas for others living in a different area that same level of victimisation is not considered to be 'enough'.

Activating the Community Trigger relies on reporting enough ASB incidents to meet the threshold for review. This

can be problematic for victims who are too afraid to report, but incentivising reporting directly conflicts with a Coalition policy targeting perpetrators of ASB: [The Troubled Families Programme](#) (TFP). Created after the 2011 English riots, the TFP operates under the remit of [payment by results](#) and works to 'turn around' the lives of the most anti-social, troublesome families. Payment is secured subsequent to a 60 per cent reduction in ASB across the family. Paradoxically, victim success via the Community Trigger (meeting the reporting threshold) could affect failure in the TFP (not reducing ASB by 60 per cent), something that could result in non-payment and the possible gaming of reporting figures. Not that this appears to have had much impact on the TFP to date given the [extremely high](#), but decidedly [controversial](#), success rate.

The policy disconnect highlights fractures between the victims agenda promoted by Home Secretary Theresa May and the Home Office, and the family/perpetrator agenda promoted by Prime Minister David Cameron and the Department for Communities and Local Government. Failing to consider these agendas in tandem also ignores the potential overlap of victims and perpetrators, who could be subject to both policies.

Under scrutiny Coalition ASB policy generates a number of questions about the value placed on ASB victimisation for different groups of people, with the reality of creating a hierarchy of victims based on notions of vulnerability. The fundamental problem with these policies is the fact they are reactive to victimisation that has already occurred. Victims of ASB would be far better served by policies that aim to *prevent* victimisation in the first place, for all types of victims.

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Note: the above draws on research published in full [here](#).

### **About the Author**

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