

Antisocial Behaviour Policy

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Application

The Safer Travel service within the West Midlands Combined Authority consists of two teams - a policing team that deals with criminal behaviour and an antisocial behaviour (ASB) team that deals with ASB. This policy applies only to the work of the latter. The policy also refers to the work of the education and communications officers, who work across both the ASB and policing team. It outlines the support they provide to the ASB team only.

The ASB team responds to reports of ASB that are received in relation to the use of the bus, tram and train services within the West Midlands authority area. This includes reports of ASB occurring on these modes of transport and at the transport stations/stops that they operate from.

This policy should be read in conjunction with the following associated policies, strategies, and legislation:

- The ASB, Crime and Policing Act 2014
- The Crime and Disorder Act 1998
- The Equality Act 2010
- Data Protection Act 2018 (GDPR)
- National Rail Conditions of Travel
- Rail Byelaws
- Bus Byelaws
- West Midlands Police ASB Policy
- Functions and Amendment Order
- The Safer Travel Plan (a strategic document that outlines the goals of the wider Safer Travel service)
- CCTV policies and procedures

Policy statement

The term “ASB” covers a wide range of behaviours and can have a significant and detrimental impact on the individuals affected by it. In addition, ASB that occurs on our travel routes can have a significant financial impact on service providers. It is important that it is addressed effectively to protect passengers and staff, whilst also avoiding a decrease in passenger numbers and a loss of revenue.

The Safer Travel ASB team (“we”) will take appropriate action to tackle ASB that is occurring. The following overarching principles are at the core of the work that we do and complement the goals that are outlined within the Safer Travel Plan:

- We will proactively work with the aim of reducing crime, disorder and ASB
- We will use processes to help us to identify and protect repeat victims

- Through the work that we undertake, we aim to identify repeat offenders, the harm that they are causing and the most appropriate action to manage and reduce this
- We will use a wide range of tools to tackle ASB and will decide on the most appropriate intervention for each case based on what is proportionate to the circumstances
- We will work in partnership to ensure that our decisions and actions are as informed and appropriate as possible
- We will maximise the use of technology, such as high-quality CCTV, to support our work
- We will listen to the needs and concerns of passengers and use these to determine the team priorities
- Through our casework and wider communications, we will work to improve public perceptions of the transport service, as well as keeping passengers informed of our work, where appropriate

Our definition of ASB

The ASB, Crime and Policing Act 2014 provides several different definitions of ASB. These include behaviour that is causing, or capable of causing:

- Harassment, alarm or distress
- Nuisance or annoyance
- A detrimental impact on others

All of these definitions of ASB are subjective, based on how the behaviour makes someone feel, rather than a specific set of actions. We appreciate that everyone has different tolerances, expectations, and perceptions, and, therefore, different people will perceive behaviour in different ways.

It is for this reason that when deciding whether something is ASB we consider whether the behaviour meets the statutory definition and whether it is unreasonable. We make the decision as to whether behaviour is unreasonable based on several factors including but not limited to:

- The severity of the behaviour
- The harm it is causing
- How often it is happening/how long it is lasting for
- Whether it is a one-off incident/whether there is a genuine risk of it happening again
- The intention of the person causing the problem that has been reported e.g., whether it was targeted at one person, with the intent to cause harm (physical or psychological)

To help us in this decision making we use a risk assessment tool which is based on the THRIVE model and evaluates the threat, harm, and risk of the incident, based on

the above factors. Further details regarding this assessment can be found at the Managing Risk section of this policy, detailed below.

We may also receive reports about the behaviour of drivers. For example, we may be told about instances where a bus driver has driven too fast or failed to pick up passengers from a particular stop. We do not consider these types of reports to be ASB, rather they are service complaints that need directing to the relevant travel provider to deal with internally.

We may also receive reports about damage that has been caused to bus timetables and/or bus shelters. Requests for repairs are not within the remit of the ASB team and should be referred to the customer services department for whichever company is responsible for the items that have been damaged.

The role of our service

Where a report is received that amounts to criminal conduct the matter to be referred to, and dealt with in the first instance, by the policing team within the Safer Travel service.

There may be times, following investigation, that the policing team decide to refer the matter to the ASB team. This is likely to occur where:

1. The matter is not considered to be criminal but the definition of ASB is believed to have been met; or
2. The criminal standard of proof (beyond reasonable doubt) has not been satisfied but there is a view that civil interventions (where the standard of proof is lower) might be possible; or
3. It is considered that taking criminal action would not be beneficial to the needs of all parties involved

Limitations

Because of the transient nature of passengers using the travel services there are some limitations upon the service that we can provide:

- Sometimes passengers will report things without leaving their details. If we cannot speak to the passenger, it is often difficult to find out the additional information that we would need to be able to progress their report
- Often the identification of the person/s causing the ASB is a challenge. Complainants are unlikely to know the identity of the person. We will try several ways to identify perpetrators including but not limited to checking CCTV footage, circulating stills to police colleagues, visiting local schools, and

speaking to teaching staff etc, but sometimes identification simply is not possible

- Where we submit a request for CCTV footage, we require it to be provided to us within 14 working days of submitting the request. Failure to do so may mean that we need to close the case without further investigation

If any of the above scenarios occur, we will still capture the reports as intelligence, helping to identify hotspot areas and target resources most effectively.

CCTV

As referenced above, CCTV is a key means of identification. We rely on footage from several sources, including but not limited to:

- The CCTV control room
- Local authority owned CCTV
- CCTV at transport hubs, bus shelters etc.
- CCTV that is positioned within vehicles
- Body worn cameras

All footage will be requested, viewed, stored, retained, and disposed of in-line with relevant legislation and policy.

Reports of ASB

We receive reports of ASB from two main categories of person - passengers and employees of travel providers. We also receive referrals from the policing teams.

Reports can be made to us in several ways, including:

- Via the online reporting form which can be found on the Safer Travel Partnership website
- Through the “See Something Say Something” text messaging service - 81018

Sometimes it is the employees of the travel providers that are the victims of the ASB. We do not tolerate behaviour like this and will deal with it under this policy, where it meets our definition and falls under our remit.

For us to capture the information that we require to manage an ASB case, we request that employees use one of the methods of reporting detailed above. For reasons of recording, monitoring and consistency, we cannot accept emails sent directly to officers within the team.

Expectations of passengers

All passengers are expected to use the transport services in a respectful, safe, and appropriate way. The Safer Travel Partnership has a code of conduct that all passengers are expected to abide by, including not to cause ASB to staff or fellow passengers. This is further supported by the expectations of the individual travel providers/operators that we work in partnership with.

We will utilise opportunities to raise awareness of these expectations, such as through the educational programmes that the team delivers.

Managing Risk

Risk Assessments

We refer to reports of ASB as 'incident reports'. We use a risk assessment tool called 'THRIVE' to help us assess the severity of an incident report. The THRIVE assessment considers several factors, such as whether it is a repeat incident and the harm that it is causing.

Completion of this assessment provides us with a score from 0-6, with 6 relating to behaviour that the assessment judges to be the most serious.

We use this scoring as a useful guide but also recognise that it cannot override the professional judgement of our ASB officers.

A combination of the assessment score and the ASB officer's professional judgement will determine whether we turn the incident report into an ASB case.

Where a case is not opened, the incident report will still be logged as intelligence and will help inform hot spot identification and resource targeting. It will also help us to identify any repeat issues in the future, which may then result in us opening an ASB case.

Victim Support

We do not always have on-going contact with the victims of the ASB that is reported to us. The reports may have been made anonymously, or the victim just wants to pass the information on to us and wishes to have no further involvement.

That said, where we do have a continued relationship with victims, we understand how important the service that we provide to them is, in terms of ensuring they feel supported and able to assist us where we require things from them.

Through our use of the THRIVE assessment and monitoring of previous cases, we can identify repeat victims. We recognise that someone who has repeatedly suffered ASB may require more support from us and will act appropriately where this is identified.

What support we provide to a victim will depend on the circumstances and needs of each case however support may include:

- Keeping in regular contact and ensuring we provide relevant and appropriate updates in a timely manner
- Making any necessary referrals to support agencies, should we feel this would benefit the victim
- In addition, anyone who has submitted a report via the text messaging service or online reporting form will receive an automated response to inform them that their report has been received
- Letting the victim know when a report has been filed

Where a victim has agreed to come to court as a witness in one of our legal cases, we may offer additional support to help make this process as comfortable as possible. What is offered will depend on the requirements of the witness and the resources available but may include:

- Pre-court visits
- Seeking out and requesting special measures
- Referring the witness to Victim Support or other specialist witness service
- Assisting with travel arrangements
- Answering any questions that the witness may have pre, during and post any hearing

In some cases, the victim to the ASB is a member of staff, such as a bus driver. In these circumstances we may also consider and provide advice on the types of assistance and support the staff member's employer may be able to bring.

Action

We use a range of preventative, non-legal and legal actions to try and prevent/resolve issues of ASB. We do not curtail our discretion by insisting on an incremental approach to intervention and will decide on the best course of action on a case-by-case basis, considering what is proportionate to the behaviour that is being exhibited. We consider several factors, including but not limited to severity, frequency, harm, the needs of the victim/s and the perpetrator, whether this is repeat behaviour, and what previous action may have been tried. We also consider recency of previous incidents and whether it would be proportionate to take them into account when deciding the action to take on the present case.

We also recognise the importance of working with our partners when deciding the best course of action, to avoid duplication and ensure that the most informed

decision on action is made. Before taking any form of action beyond warning letter stage, we will contact the relevant local authority, neighbourhood policing team and social housing provider (if applicable) to establish whether they have any knowledge of the perpetrator and to coordinate our response. We will also check the relevant police systems to see whether anything of relevance is recorded.

In addition, we sometimes receive complaints about young people causing ASB and in these circumstances will also engage with the parent, guardian or carer, youth offending team, social services and school, where relevant.

Because of this partnership approach, there may be some cases where another agency is considered best to lead on the matter, perhaps because they have legal recourse to the most suitable tool or more resource etc. In these instances, we will continue to support the work of the lead agency, where required. This includes schools, where young people are causing the ASB. It may be that the school has the most suitable sanction available, but the ASB team will continue to support the case, where it is appropriate to do so.

Prevention

Our preference is to work to ensure that ASB does not happen in the first place. We take several steps to try and achieve this, including:

- Using publicity campaigns to raise public awareness regarding expected behaviour etc.
- Designing travel stations and stops to reduce the risk of ASB
- Undertaking work to ensure that the routes to travel are as safe as possible.

Education

We have an education officer within the team who undertakes several activities with the overriding aim of making travel services safer and increasing passenger reassurance and confidence.

These activities include, but are not limited to:

- Working with young/vulnerable people to increase their confidence with regards using public transport
- Creating and delivering education packages/assemblies in schools, including targeted programmes/assemblies at schools whose pupils have been identified as causing ASB/PSHE days
- Creating and delivering resources to encourage passengers to report issues and travel safely