



Scottish Community  
Safety Network

# The Picture of Anti-Social Behaviour in Scotland

July 2020



# Why and how this research was conducted

- The last piece of ASB legislation in Scotland was in 2004, and the latest framework for ASB was in 2009.
- Therefore, this research aims to gather an updated picture of ASB in Scotland, in terms of how common it is, which types are most common, who is engaging in it and what is driving it
- To do this, a rapid evidence review was conducted using online journal articles, and data was gathered from Local Authorities (LAs), the Growing Up in Scotland survey (GUS), the Scottish Crime and Justice Survey (SCJS), the Scottish Household Survey (SHS), Police Scotland (PS), and the Criminal History System (CHS).

# Key findings

Levels of ASB have decreased over the past 10 years and the public have noticed this decline in their areas



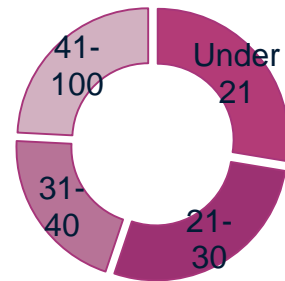
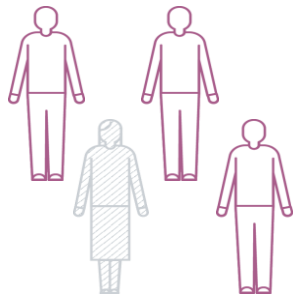
Those living in the most deprived areas, in socially rented housing and in large urban areas, as well as younger people, are more likely to perceive ASB issues in their area



There is a strong link between ASB and area deprivation, through lack of good facilities and social services

Perceptions of ASB and who engages in it are often inaccurate and influenced by stereotypes

Most ASB is engaged in by males



Similar numbers of under 21s, 21-30 year olds and 31-40 year olds engage in ASB, although slightly more under 30s than over 30s do so



Court action for ASB has decreased over the last

10 years, reflecting a shift from treating ASB as an issue of law and order that requires sanctions to one of addressing perpetrator vulnerability to prevent ASB. Local authorities' ASB strategies show they are also turning away from punitive measures like ASBOs and towards early intervention and mediation.





# Defining ASB is difficult, with often broad definitions varying across organisations

There is no precise definition of antisocial behaviour and antisocial behaviour can mean different things to different people.

The Antisocial Behaviour etc. (Scotland) Act 2004 defines it as:

- acting in a manner that causes or is likely to cause alarm or distress
- pursuing a course of conduct that causes or is likely to cause alarm or distress to at least one person not of the same household as the perpetrator

To be antisocial behaviour, the behaviour must be persistent.



# An issue of ‘law and order’ or of ‘perpetrator vulnerability’

- Two broad opposing approaches to ASB are to focus on the victim and their needs (law and order), or to focus on the perpetrator and their needs (perpetrator vulnerability) (Hughes 2011)
- In the 2000s the UK took a law and order approach, although this started to shift by 2010 to one of prevention and addressing underlying causes of ASB (Nixon, Pawson and Sosenko 2010)
- For example, England and Wales introduced Public Community Support Officers to engage with local communities and tackle low level disorder
- However, Scotland has always taken the ‘perpetrator vulnerability’ approach: from 2003 to 2007, people under 18 constituted only 13% of those given an ASBO and only 11 ASBOs had been handed out to people under 16, to deliberately avoid criminalising young people’s behaviours (Brown 2013)



# ASB complaints made to Local Authorities generally follow this process

## Complaint made to LA

- Complaints can come from members of the public or from landlords
- They can be made online, over the phone



## Case investigated

- Some LAs will have several teams to investigate different kinds of complaints
- e.g. noise teams can measure noise levels
- e.g. RSL teams can handle complaints with non-private landlords



## Case resolved

- Cases can be resolved in lots of different ways
- e.g. mediation services
- e.g. issuing warnings
- e.g. face to face meetings
- e.g. referrals to services



# If cases cannot be resolved with early intervention, a legal process is available

## Acceptable Behaviour Contract (ABC)

- Voluntary (and not legal) agreement
- Clearly indicates unacceptable behaviour
- Can be used to identify ways to support individual to address cause of ASB
- Failure to comply can be used as evidence when applying for an ASBO



## Interim Anti-social Behaviour Order

- Provides immediate protection from behaviour
- If breached, subject to same criminal charge and power of arrest as a full ASBO



## Antisocial Behaviour Order (ASBO)

- Civil order that prohibits behaviour that is likely to cause harm and distress
- Registered Social Landlords can apply for these
- Minimum age is 12



## Breach of Antisocial Behaviour Order

- Officers can arrest those who have breached their ASBO without warrant
- They will be charged with Breach of ASBO under the Antisocial Behaviour etc. (Scotland) 2004 Act
- If coinciding with a criminal offence it will be counted as an aggravating factor and not a separate offence





# Specific LA approaches vary slightly, but have some common themes

- **Prevention-focused**, e.g. the Prevention, Intervention, Enforcement, Rehabilitation approach
- **Multiple teams** are set up to deal with different types of ASB, from noise to complaints from social housing tenants, although this is not an option for smaller LAs
- **Partnership working** through multi-agency meetings including Police Scotland
- **Mediation services** are often offered to those reporting ASB





# Police Scotland also have a range of powers available to deal with ASB

- The Antisocial Behaviour etc. (Scotland) Act 2004 extends existing provisions under the Crime and Disorder Act 1998 to provide:
  - Antisocial Behaviour Strategies
  - Antisocial Behaviour Orders
  - Dispersal of groups
  - Closure of Premises
  - Fixed Penalty Notices



# Crime codes included in Criminal History System analysis

Crime type	Antisocial behaviour charges included
Antisocial behaviour, private landlord offences	Antisocial Behaviour Etc. (Scotland) Act 2004 Section 83(4)(A) Antisocial Behaviour Etc. (Scotland) Act 2004 Section 93(1) Antisocial Behaviour Etc. (Scotland) Act 2004 Section 93(2)
Breach of antisocial behaviour order	Antisocial Behaviour Etc. (Scotland) Act 2004 Section 9(1)
Breach of the peace	Breach Of The Peace Disorderly Crowd
Consumption of alcohol in designated places, byelaws proh.	Local Government (Scotland) Act 1973 Section 201 202 & 203 Local Government (Scotland) Act 1973 Section 201, 202 & 203 Local Government (Scotland) Act 1973 Section 201,202,203
Control of pollution	Civic Government (Scotland) Act 1982 Section 54(1)(A) Civic Government (Scotland) Act 1982 Section 54(1)(B) Civic Government (Scotland) Act 1982 Section 54(1)(C)
Drunk and incapable and habitual drunkenness	Civic Government (Scotland) Act 1982 Section 50(1)
Drunk in or attempting to enter designated sports ground	Criminal Law (Consolidation) (Scotland) Act 1995 Section 20(7)(A) Criminal Law (Consolidation) (Scotland) Act 1995 Section 20(7)(B)
Fire-raising excluding muirburn	Assault & Wilful Fireraising Attempted Wilful Fireraising Civic Government (Scotland) Act 1982 Section 56 Culpable & Reckless Fireraising Culpable Fireraising Fireraising Reckless Fireraising Wilful Damage & Wilful Fireraising Wilful Fireraising Wilful Fireraising To Danger Of Life Wilful Fireraising To Severe Injury And Danger Of Life

Crime type	Antisocial behaviour charges included
Hoax calls to emergency services	Fire (Scotland) Act 2005 Section 85(1) Fireworks (Scotland) Regulations 2004 Reg 3(1) Fireworks Regulations 2003 Reg 11(1) Fireworks Regulations 2004 Regulation 10(1)(A) Incitement Mobbing & Rioting
Sports grounds offences (possessing alcohol etc)	Criminal Law (Consolidation) (Scotland) Act 1995 Section 20(4) Criminal Law (Consolidation) (Scotland) Act 1995 Section 20(1)(A) Criminal Law (Consolidation) (Scotland) Act 1995 Section 20(1)(B) Criminal Law (Consolidation) (Scotland) Act 1995 Section 20(2)(A) Criminal Law (Consolidation) (Scotland) Act 1995 Section 20(2)(B) Criminal Law (Consolidation) (Scotland) Act 1995 Section 20(3)
Urinating etc	Civic Government (Scotland) Act 1982 Section 47
Vandalism, malicious damage and malicious mischief	Attempted Malicious Mischief Criminal Law (Consolidation) (Scotland) Act 1995 Section 52(1)&(3) Malicious Damage Malicious Damage And Breach Of The Peace Malicious Mischief Malicious Mischief & Reckless Damage Reckless Damage Wilful Damage Wilful Or Reckless Damage



# Although there is a lack of Scottish research, some potential drivers are:

- Area factors
  - Intensively social neighbouring common in social housing can bring problems to attention more quickly (Cheshire and Buglar 2016)
  - Lack of appropriate youth facilities (Deuchar et al 2015)
  - Poor quality or absent social services (Kailemia 2016)
  - Getting lost in the transition from education to work (Miller et al 2015)
- Individual factors
  - Opportunity to experience a sense of status, identity or social recognition (Deuchar and Ellis 2013)
  - Vulnerability and marginality (e.g. mental health issues, substance use, experiences of homelessness) (Flint, Batty and McNeil, 2016)
  - Low “socio-economic status” (Piotrowska et al 2015a) and income (Piotrowska et al 2015b) (in study’s own language)
  - Genetic links (suggested by twin studies, Tielbeek et al 2017)

It is important to note that while these factors have been linked to ASB, they may not drive it



# Perceptions of ASB are often inaccurate and influenced by other factors

- Although youth crime rates are falling, the percentage of people who view young people hanging around on the streets as 'problematic' has continued to grow (Neary et al 2013)
- This is due to stereotyping of young people congregating in public, which leaves them in a difficult position: both engaging in ASB and attempts to avoid doing so lead to negative consequences (Neary et al 2013)
- Greater youth ASB predicts less parental knowledge of child activities later on, challenging the assumption that parental monitoring can reduce children's ASB (Wertz et al 2016)
- The socio-political climate that people grow up in has been found to influence their perceptions of ASB into middle age (Gray et al 2019)
- Even practitioners have been found to misunderstand key characteristics of those engaging in ASB: mental health issues, time spent in prison, homelessness and substance use problems are key challenges, as opposed to intergenerational problems, a 'poverty of aspiration', low incomes (exacerbated by benefit sanctions) and education (Flint, Batty and McNeil 2016)
- For example, ASB often coincides with illnesses such as depression, bipolar I, posttraumatic stress and borderline and schizotypal personality disorders (Goldstein et al 2017)



# Several main challenges in handling ASB emerge from the literature:

- The misconception that young people congregating in public is ASB can lead to wrongly criminalising their behaviour (Crawford et al 2017) and discriminating against young people (Little 2015)
- Punitive approaches often fail as they rely on people making rational, future-oriented decisions, which often not the way that vulnerable and marginalised people make decisions (Deuchar et al 2015)
- The tiered sanctions system can be confusing (Flint, Batty and McNeil 2016)
- At times coordination between agencies is insufficient to get a joined-up picture of what different sanctions individuals are subject to and what requirements within different regimes they need support to achieve (Flint, Batty and McNeil 2016)
- Limited resources and less access to specialised support can limit the effectiveness of interventions (Flint, Batty and McNeil 2016)



# More informal, supportive, preventative approaches that avoid stigmatisation hold promise

- A review (Ross et al 2011) found the following features to be present in effective interventions for **youth** ASB:
  - Well-designed evaluations in place
  - Embodying 'therapeutic' philosophies that nurture positive change
  - High quality programme implementation
  - Targeting individuals at-risk
- Specific programmes that stand out as effective include (Ross et al 2011):
  - **Child skills training** which aims to teach children effective problem solving, anger management and emotion language.
  - **Mentoring** which involves a non-professional from the community spending time with an at risk young person as a non-judgemental, supportive role model.
  - **After school recreation** which offers young people the opportunity to learn skills in a range of activities.
- Youth work interventions have also been found to be effective (Miller et al 2015; Deuchar and Ellis 2013)





# More informal, supportive, preventative approaches that avoid stigmatisation hold promise

- More generally, co-ordinated approaches between agencies can enable effective holistic interventions (Flint, Batty and McNeil, 2016)
- ‘Whole family’ approaches can address underlying causes, like the Dundee Families Project (Nixon, Pawson and Sosenko, 2010)
- Variation in the way enforcement measures are used (additional ‘tiers’ in the process, informal and voluntary sanctions to divert young people away from more formal sanctions, signing ABCs being after criminal charges have been incurred) (Lewis, Crawford and Traynor 2016) can contribute to young moving up the ladder at different speeds in different areas (Crawford et al 2017)
- ‘Soft’ policing made easier in smaller, rural environments by clearer opportunities to engage with the community, use situated community knowledge, and negotiate order could be examined as a model of best practice for tackling ASB nationally (Wooff, 2017)
- Increased patrols by police community support officers (PCSOs) in England and Wales may reduce service calls and victim-generated crimes (Ariel, Weinborn and Sherman 2016), however, if senior officers value enforcement-orientated PCSO work more highly, PCSOs may not feel empowered to focus on their community relations work (O’Neill 2017)
- Volunteer policing programmes and collaborative work with neighbourhoods have been found to be effective (Longstaff et al 2015; Pepper and Silvestri 2017)





# Scottish data: ASB prevalence has decreased over the past 10 years

- 29% of adults think ASB is common in their area in 2017/18, down from 46% in 2009/10 (SCJS 2017/18). This is also true of:
  - damage to vehicles (25% to 19%) and homes (14% to 10%) (SCJS 2017/18)
  - vandalism/damage to property (15% in 2008 to 8% in 2018) (SHS 2018)
  - rowdy behaviour (e.g. drunkenness, hooliganism or loutish behaviour) (17% to 11%) and groups or individuals intimidating or harassing others (11% to 6%) (SHS 2018)
  - However, noisy neighbours and neighbour disputes remained constant at around 10% and 5% respectively (SHS 2018)
- Proceedings and convictions of criminal ASB have drastically reduced from around 20,000 proceedings and 18,000 convictions in 2009/10 to 2,500 proceedings and 2,000 convictions in 2018/19 (Criminal History System)
- It is difficult to ascertain how many complaints are made to LAs as not all of complaints will turn out to be ASB, and reporting years vary between calendar and financial years.
- Roughly 250,000 ASB complaints were made to the police by the public in both 2018/19 and 2019/20 (but not all of these will turn out to be ASB) (PS Management Information)
- 30% of 12 year olds had engaged in at least one behaviour defined as 'anti-social' in the survey, most commonly fighting (19%), followed by stealing (10%) and rowdiness (9%) (GUS 2019)



# Scottish data: Common types of ASB include noise nuisance, disturbance and complaints and fireworks misuse

- Well over half of ASB complaints recorded by 14 LAs were noise related, however variations in how data is recorded make this figure uncertain
- Most of the ASB reported to the police by the public in 2018/19 and 2019/20 were disturbance and complaints, followed by noise (PS Management Information)
- Over the past 10 years the most common types of ASB that received court action were breach of the peace, followed by vandalism, malicious damage and malicious mischief (Criminal History System)
- In this time there has been a drastic decrease in breach of the peace offences and drunkenness/ drinking alcohol in public, with vandalism almost halving (Criminal History System)
- In 2018-19 the most common anti-social criminal behaviour to receive court action was fireworks misuse, followed by breach of anti-social behaviour order (Criminal History System)



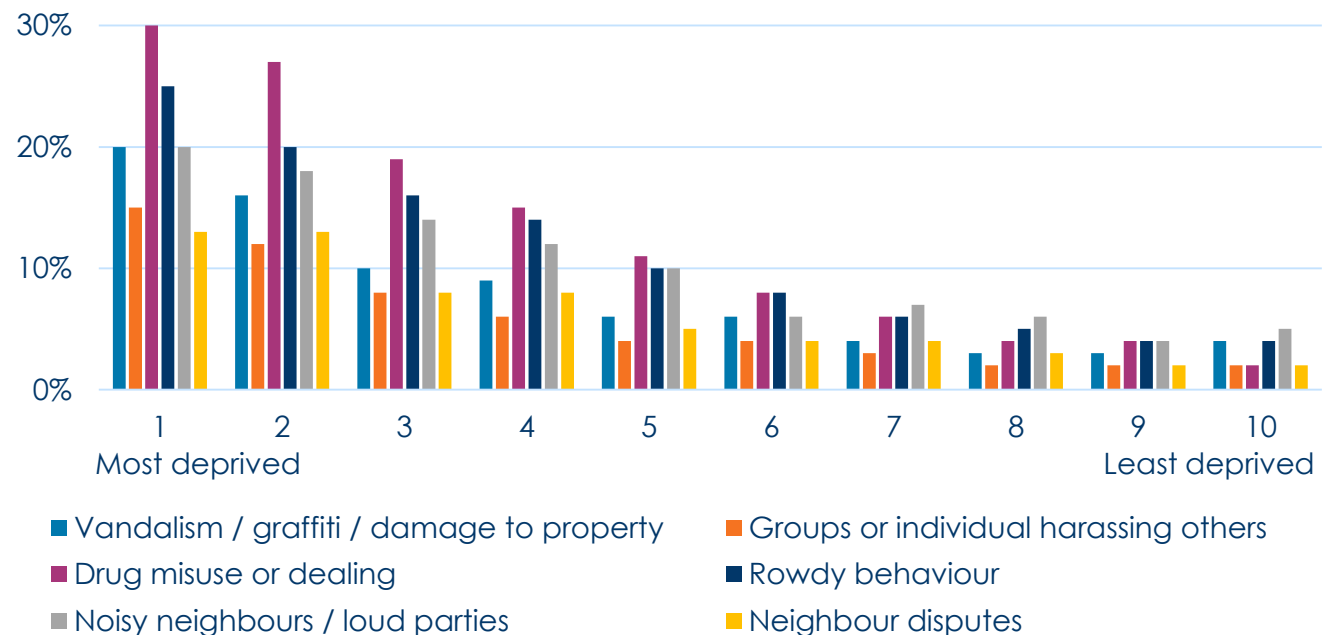
# Scottish data: ASB perpetrators are mostly male and under 30

- 12 year old boys are more likely than 12 year old girls to engage in ASB (40% compared to 21%) (GUS 2019)
- Data from 12 of 32 LAs showed ABCs were fairly evenly issued to genders and ages in the most recent year, but ASBOs were more often issued to men and people aged 21-30. Interestingly several were issued to men aged under 21 but almost none to women in this age range
- In 2018-19, roughly 80% of Recorded Police Warnings and Fixed Penalty Notices issued for ASB were to men, with slightly more given to under 30s than over 30s (Criminal History System)
- However in the same year, 87% of fiscal fines issued for ASB were to men, with only a third given to under 30s, a third to those aged 31-40 and a third to those aged 41 and over (Criminal History System)
- ASB that has received court action is also about 85% male and just over half aged under 30 (Criminal History System)
- Men are also more likely to engage in online ASB such as trolling (Craker and March 2016)



# Scottish data: Area deprivation stands out as a factor associated with ASB

- 12 year olds living in the 20% most deprived areas, measured by the Scottish Index of Multiple Deprivation) were more likely than those in the 20% least deprived areas to have engaged in ASB (36% compared with 25%) (GUS 2019)
- Those living in more deprived areas (measured by SIMD), in socially rented housing and in urban areas are more likely to think that anti-social behaviour and neighbour problems are issues in their area (SHS 2018) however perceived levels of different antisocial behaviour issues were found to differ from actual levels





# Scottish data: Few LAs issue ABCs and ASBOs, with more non-court disposals than court action

- Of the few LAs who recorded specific case outcomes, the most commonly recorded outcomes in the most recent year were warnings, meetings or enforcement measures
- Data from 12 of 32 LAs showed only 37 ABCs and 60 ASBOs issued in the most recent year, often because this route is avoided by LAs in favour of early intervention, mediation etc.
- In 2018-19, non-court disposals were more common than court action, with roughly 4,000 recorded police warnings, 9,000 fixed penalty notices and 3,000 fiscal fines issued for ASB (Criminal History System)
- In the same year, there were only around 2,500 proceedings and 2,000 convictions of criminal ASB (Criminal History System)
- Data already collected by LAs for the Scottish Housing Network on the number of cases with various outcomes (indicator 32) could be useful for exploring outcomes of cases more thoroughly across Scotland.



# Key findings

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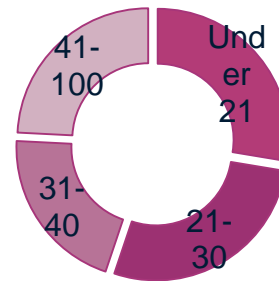
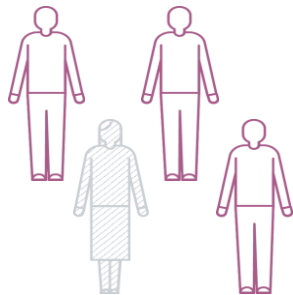
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# Conclusions

Harmonising data collected by LAs, using set categories (e.g. noise, vandalism) and recording standard outcomes data (e.g. case opened, resolved through mediation), could improve the regional picture of ASB



We need to share an updated picture of ASB in Scotland to correct false perceptions: improving picture of prevalence, people of all ages engaging in ASB, noise most common)



We need to target at-risk individuals with holistic interventions, where different services communicate and share information to achieve a person-centred, supportive approach that avoids stigmatisation



We need to continue moving towards early interventions and community-led approaches, e.g. signposting to services)



We need to address the root causes of ASB (e.g. poor sound insulation in housing, lack of facilities or social services in more deprived areas, unresolved mental health issues) as opposed to tackling symptoms

- ▶ This shift must continue to allow LAs, housing associations and third sector organisations to tailor approaches to local needs.
- ▶ This may require different skills, leadership and systemic change, which in turn requires investment and support.
- ▶ Different measures of success will also be needed, and we must design robust evaluations to test effectiveness of new approaches.



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