



ANTI-SOCIAL BEHAVIOUR POLICY

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INTRODUCTION

This Policy outlines the Council's approach for tackling Anti-Social Behaviour, (ASB) in relation to the Community Protection and Housing Teams as defined in the table below. This table also shows the kind of ASB dealt with by the Environment and Regulatory Services Team who have a separate policy. The first part of this document; 'Guiding Principles', outlines general standards and over-arching principles, the second; 'Taking Action', details the range of actions that will be used in most cases.

COMMUNITY PROTECTION TEAM	HOUSING	LEGAL, DEMOCRATIC AND REGULATORY SERVICES
Drug dealing/use.	Amplified music.	Traveller incursions/encampments.
Violence and threats of.	Ball games.	Amplified music.
Disorder affecting several households.	Noisy pets.	Fly-tipping/litter.
Threats to staff.	Car repairs.	Abandoned vehicles.
Serious criminal activity eg Multi-Agency Public Protection arrangements.	Neighbour disputes.	Graffiti.
Anti-social rough sleepers and street drinkers.		Dangerous/nuisance dogs and dog fouling.
Responding to Police and other intelligence.		
Anti-social vehicle use.		
Housing cases (as right) where intensive action needed or measures taken so far have failed.		

The information contained is also available in summary form and can be obtained in large print, Braille and tape

DEFINITION

There is not a statutory definition of anti-social behaviour. However, the Crime and Disorder Act 1998 s 1(1) (a), (b) states that for the purposes of the act, anti-social behaviour takes place when ***“a person has acted in a manner that caused, or was likely to cause harassment, alarm or distress to one or more persons not of the of the same household as himself”***.

It is generally accepted that for the above definition, a distinction should be made between conflicting lifestyles, or low level nuisance and persistent and serious misconduct - *Anti-Social Behaviour Orders, p.2, Pema and Heels, 4th edition, 2010.*

Anti-social behaviour is also defined as conduct that consists of, or involves using, or threatening to use Council owned accommodation for an unlawful purpose.

PART ONE GUIDING PRINCIPLES

STRATEGIC OBJECTIVES

This Policy reflects the Housing Department Neighbourhood Standard. Also, the Council has signed up to the Governments Respect Standard for the management of anti-social behaviour and this Policy is built around the six key Respect standards as below.

Accountability, leadership and commitment

This Policy is a commitment to the community so that everyone is clear that the Council takes anti social behaviour seriously and is clear how the Council will deal with anti-social behaviour.

Empowering and reassuring residents

We will involve our residents and other stakeholders in the decisions that we make so that we are working in partnership to solve issues relating to anti social behaviour.

Prevention and early intervention

We will intervene at the earliest possible opportunity to prevent matters escalating. We will always explore and consider all the possible options to prevent anti-social behaviour occurring in the first place.

Tailored services for residents and provision of support for victims and witnesses

We will deal sensitively with everyone who reports anti social behaviour and will treat each case individually. Witnesses will be supported throughout the progress of their case.

Protecting communities through swift enforcement

We have a wide range of powers and actions available to us to tackle anti social behaviour and will use these powers when it is reasonable and promptly to protect communities.

Support to tackle the causes of anti social behaviour

The Council will use Strategic interventions and joined up working across departments and agencies in an attempt to provide long term solutions to the causes of ant-social behaviour.

To achieve the above objectives, the Council will operate as follows.

RESOURCES

Along with Housing Officers, the Council has a Community Protection Team which manages the higher level cases as outlined in the table above, along with high risk Domestic Violence, Safeguarding of children and vulnerable adults and CCTV. This team currently consists of three full time staff - Principal Community Protection Officer, Community Protection Officer, Community Safety Partnership Officer, and one part time member of staff – Community Protection Support Officer.

THE COMMUNITY SAFETY PARTNERSHIP

Dealing with anti-social behaviour is a key theme for the Community Safety Partnership (CSP). As such it is discussed at a variety of meetings, including one off case conferences (see below), regular information sharing meetings and the Responsible Authorities Group (RAG), which is attended by the Chief Executive of the Council and other senior officers.

This ensures that residents concerns are considered throughout our operational and strategic response. It is worth noting that this is the one issue raised at every Police Priority Setting Forum.

JOINT AGENCY WORKING

This is key to effectively dealing with ASB; The causes and effects of which do not respect organisational boundaries, or tenure types. It is crucial that all relevant agencies are involved in case management whenever needed as many ASB cases also involve other areas of work such as Safeguarding and Domestic Violence.

We work very closely with the Police, this involves information sharing, joint interviews and visits and joint legal applications for orders such as ASBOs.

Community Protection staff also attend the local Multi-Agency Public Protection Panel, which manages serious violent and sex offenders in the community.

COUNCIL TENANCIES

The Community Protection and Housing Management Teams deal with different kinds of anti-social behaviour depending on the nature and severity; the table on page 1 contains further details.

Every St Albans Council tenancy has conditions that tenants agree to follow when they sign their tenancy agreement. As well as outlining our conditions as a landlord, the tenancy covers how rent should be paid, how the tenant should treat their property and the kinds of behaviour we consider to be a breach of the tenancy.

All new tenants are given an Introductory tenancy that lasts for at least 12 months. The Courts have a lot less discretion to suspend any Order when dealing with possession hearings against Introductory tenants.

The Council plans to introduce flexible tenancies in the near future. When implemented, these will allow the Council to review a tenancy after a period of five years and at this review to decide whether the tenancy should continue.

The current Council tenancy conditions that cover the main forms of ASB are listed below:

- 3.7.1 You must not abuse, harass or intimidate (physically, verbally or in any other way) any council member, employee or contractor we have employed, or behave in a way which is likely to cause alarm or distress to any council member, employee or contractor.
- 3.7.2 You must not carry out, or allow anyone living with you to carry out, any form of harassment or other antisocial behaviour
- 3.7.3 You must not allow any visitors to carry out any form of harassment or other antisocial behaviour.

- 3.7.4. Harassment or antisocial behaviour is any act or failure to act which interferes with the peace and comfort of our employees, members or contractors or any other member of the general public.

- 3.7.5 You must not commit, or allow anyone who lives with you to commit, an arrestable offence in the area your home is in.
- 3.7.6 You must not use the property, or allow anyone else to use the property, for any illegal activity (this includes selling, storing or taking drugs, prostitution and storing stolen goods).
- 3.7.7 You must not keep, or allow anyone else to keep, unlicensed firearms or any illegal weapon in the property.
- 3.7.8 You must not carry out any business from the building and adjoining property.

- 3.7.9 You must not keep or care for any dog as Described in Section 1 of the Dangerous Dogs Act 1991, any animal described in the Dangerous Wild Animals Act 1976 or any farm animal.
- 3.7.10 You are permitted to keep other pets but they are your responsibility and you must not allow any animal to cause inconvenience or annoyance to anyone living in or visiting the area. If they do we can withdraw our permission at any time. Animals are not permitted in communal areas of flats or retirement housing schemes. In retirement housing, permission should be sought from the Housing Support Team Leader before getting a pet.

For more details related to tackling the breach of Council tenancies please see part 2 'Taking Action'.

HATE CRIME

St Albans does not accept harassment of any kind, be it on the grounds of race, religion, sexual orientation, age religion, gender, or disability. **If anyone involved with a case of harassment feels there is a racial element, then the case will be treated as racial harassment.**

EQUALITY ACT 2010

As well as providing a framework to ensure Council services are not provided in a discriminatory manner, this Act also outlines the approach to be taken when considering legal action against a person who is disabled. Basically, this requires that we:

- demonstrate that we have taken the disability into account when deciding to proceed with legal action.
- have concluded that legal action is needed due to the effect of the ASB on either the health of the victim and/or perpetrator.
- ensure the legal action is a proportionate response to the ASB.

Therefore it is very important that all staff consider the above points and take all possible actions, throughout the progress of a case. Such cases should always be discussed with a Housing Manager and the Community Protection Team before proceeding.

SUPPORT SERVICES

A large number of cases can be resolved through the effective and timely use of intervention and support services, notwithstanding that our main priority will always be the protection of residents and witnesses.

When young people commit ASB there may be a variety of reasons for this. Therefore we will always try to meet face to face in order to undertake an assessment of the particular circumstances. We will then undertake a parallel approach to protect residents whilst working with Hertfordshire County Council Targeted Youth Support Services to provide support to the young person.

Where appropriate, cases will be referred to the Community Mental Health and Community Learning Disability Teams for support and advice to both witnesses and perpetrators. Adequate time should always be given for this support to take effect. However, as cases progress it be necessary to take legal action in order to protect residents and witnesses. Please see the guidance under 'Equalities Act 2010' above.

Assistance for perpetrators who have drug and/or alcohol problems can be sought from the Community Drug and Alcohol Teams, Hertsreach Turning point and Druglink. As mentioned above however, it may still be necessary to undertake legal action, in order to protect residents and witnesses.

The Community Protection Team also has access to a parenting support service which gives intensive counselling to families where relationships have broken down and when this is causing ASB problems in the community.

The Council funds a Tenancy Support Service via Hightown Praetorian Housing Association. This service provides support for tenants who are more vulnerable and need extra assistance in managing their tenancy.

Hightown Praetorian and Churches Housing Association also employ, with partial funding from the Community Safety Partnership, a rough sleepers outreach worker. This post undertakes intensive work with street drinkers and rough sleepers with the goal of long term resettlement into permanent accommodation and a reduction in substance misuse.

DIVERSIONARY PROJECTS

The Council and Community Safety Partnership assist via funding and staff time, a number of projects. These include the Onside football project, which in partnership with Watford Football Club, provides weekly football coaching for young people at six sites across the District. The average attendance in the Autumn of 2011 was 172 young people per week. This scheme has resulted in significant reductions in anti-social behaviour in the areas of operation.

Funds are also provided by the Community Safety Partnership for the Hertfordshire Fire and Rescue Service 'LIFE' project. This scheme entails a group of young people, referred by agencies such as the Council and Police, undertaking intensive training, similar to that of a Firefighter, for a week at St Albans Fire Station.

Community Protection staff also assist with the Army Outreach scheme, whereby a group of young people experience a structured disciplined environment over a number of weekends.

INFORMATION EXCHANGE

St Albans Council exchanges information with various agencies when it is appropriate to tackle ASB and/or prevent and detect crime, whilst complying with the relevant legislation. As detailed in the section on witness management; permission will normally be sought from witnesses before disclosing information to other agencies. However, if the exchange is needed for the prevention or detection of crime or to prevent abuse, this exchange may take place without permission or prior notification.

The information that may be shared is detailed below:

- Name and address of witnesses and complainants.
- Details of ASB complaints.
- Details of addresses possibly used for dealing drugs.
- Intelligence concerning certain offenders/perpetrators.
- Allegations of child abuse.
- Racial and other harassment details.

PART 2 TAKING ACTION

There are many actions that can be taken both from the enforcement and preventative angles, as explained below in further detail.

In all but the most serious of cases, a mixture of approaches will be considered and implemented where possible in an effort to try and solve the problem.

In certain cases we will receive a series of allegations and counter-allegations, with no witnesses or independent evidence. A balanced approach will be taken based on the information available, but often it will not be possible to identify a clear perpetrator. Therefore, in these cases, Mediation or Restorative Justice may be the only actions available; see the relevant sections below for further details.

SUPPORTING WITNESSES

How witnesses are managed is vitally important. In many cases they will be very concerned about repercussions and the legal process. The Community Protection Team will aim to a face to face discussion undertake for all new cases whenever possible. The Community Protection Team will also complete a witness risk assessment (Appendix 1) for all cases, to identify any vulnerabilities at the earliest possible stage. Housing Management Officers will use this form when requested by the Housing Manager.

Once this assessment is completed, it is also important that a plan of action is discussed and the possible outcomes made clear.

Feedback from residents has highlighted that it is important to provide updates as the case progresses and when key actions are taken, such as service of a Notice of Seeking Possession. This ensures witnesses have full information, which increases confidence levels and also helps to prevent any misunderstanding.

It is possible to exhibit witness statements from residents as 'hearsay', this means Officers will present the statements on the witnesses behalf, avoiding the need to attend court. In extreme cases this can be done anonymously. However, reasons need to be given as to why the witness does not want to attend Court. This evidence can affect the likelihood of the success of a case if the case is contested by defendants, even more so with anonymous evidence.

Information provided by witnesses is kept confidential and is normally only disclosed to other agencies with permission. However information may be disclosed to the Police or Social Services without permission or prior notification, if it is needed for the prevention or detection of crime or to prevent abuse.

The Council does have access to a small number of CCTV systems that can be deployed at a street location or in individual homes. The decision to deploy such systems will depend on the circumstances of each case.

It is possible for officers to give 'management' points to tenants who are experiencing problems, and in extreme cases the maximum level of points can be awarded that will prioritise an urgent move. This level of points are very rarely given however, and a case will need to be submitted to the Housing Review Panel. It will also be necessary to obtain written support from a Safer Neighbourhood Team Sergeant or above. These points will be removed if the problem disappears or if offers of accommodation have been unreasonably refused.

When appropriate we will make use of the local media and other publicity to get our message across as to how cases can be dealt with and what action we have taken. In particular we regularly publicise that any tenant found to be supplying illegal drugs from their property or the locality will be evicted

INITIAL CONTACT

- All Officers will accept reports on the phone, during interviews, by letter, e-mail or incident log, obtaining as much detail as possible, for example, date, time, names or descriptions of persons involved.
- Community Protection staff will aim to meet witnesses face to face to obtain initial details.
- Community Protection staff (Housing Officers at managers discretion) will complete a witness risk assessment for all new cases.
- All Officers will respond to routine reports within 3 working days.
- All Officers will respond within 24 hours to reports :
 1. Involving high risk/vulnerable witnesses and victims.
 2. Of violence, and threats of.
 3. Drug dealing.
- Once sufficient information is received, all staff will explain the proposed course of action, outlining clearly the action we can and cannot take based on the available information.
- If there is a group of residents reporting problems, arrange a meeting. This can greatly build confidence, increases the chance of success at Court and increases the resilience of the community on a long term basis.

ACTIONS

There is not set process outlining the order in which these actions will be used. This will depend on the circumstances of each individual case

Letter/Telephone call/Interview

Initially, we may make contact with the alleged perpetrator by way of a phone call, letter or interview and in a large proportion of cases this does resolve matters. In all but the most serious case we will attempt to obtain the other party's side of events. It is quite common to receive counter allegations. This action may take place on various occasions as case progresses.

Officers will always advise alleged perpetrators that legal action may be take and will advise them to seek independent legal advice. Joint visits and interviews may also take place with Police, Social Workers and other agencies, when appropriate.

Mediation

In many neighbour disputes this may be the first and only action that the council can recommend. Mediation allows people to discuss their differences in a controlled manner to try and come to an agreement, without resorting to legal action. This is free, and both parties must agree for this process to be commenced.

Mediation is particularly suitable in neighbour disputes where complaints and counter complaints are received and in cases where the problem appears to be a clash in lifestyles. In some case we may not agree to take any further action unless this is attempted.

Restorative Practice

Housing Management and Community Protection Officers have been trained to undertake Restorative Practice. This is similar to Mediation but is much quicker and when there is an apparent perpetrator is more useful than Mediation. As with mediation, we may not agree to take further action unless this is attempted, the process is free and both parties must agree before the process can commence.

Acceptable Behaviour Contracts

Referred to as an ABC. This is a document drawn up with the Council, and Police which contains a list of behaviour that someone committing or suspected of committing ASB signs to agree they will no longer commit. Most often, these are used for youths and in that case a parent or guardian will also sign. Other agencies such as Social Services, Targetted Youth Support Services may also sign.

The conditions will depend on the circumstances of the case but generally they will cover behaviour that needs to cease, for example not to throw stones at windows or not to enter property without permission. ABCs have been very successful in dealing with youth nuisance and do not give the young person a criminal record.

Some subjects of ABCs do not alter their behaviour and further action then needs to be considered. Although an ABC is not a legally binding document, it does detail that if the conditions are broken and nuisance, alarm or harassment result then criminal proceedings, possession proceedings, an injunction or an Anti-Social Behaviour Order may be taken out. If the subject does not sign an ABC this can be used as evidence of failure to co-operate, if further action is taken.

Surveillance

The Council does have use of several **cctv cameras** that can be installed to gather evidence if a suitable location is available and this action is necessary and proportionate. For covert surveillance, a Regulation of Investigatory Powers Act authority has to be obtained from a senior officer. This will which will only be given for very serious or long running cases where other methods have failed to resolve the matter, or where other methods are not appropriate

Injunctions

This is an order of the Court that can be obtained by the Council to:

- Prevent the perpetrator from entering a certain area or from making contact with someone.
- Prevent the perpetrator from carrying out certain types of behaviour, eg harassment, or threats.
- Require that the perpetrator does not carry out a certain act, eg if a perpetrator has threatened to damage a neighbour's fence an injunction can be taken out to prevent them from doing so.
- Require that the perpetrator do something, eg remove dumped refuse.

The Housing Act 1996 injunction can be used where a tenant, a member of their family or a visitor acts in such a way that causes or is likely to cause nuisance or annoyance to any person. This behaviour has to directly or indirectly relate to the housing management functions of the council.

These Injunctions are only available when the behaviour in question or the situation is of a serious nature. If violence or the threat of violence has been used it is possible to obtain a power of arrest for breaching the terms of the injunction.

Breach of an Injunction is not a criminal offence; instead it is contempt of Court. It is only possible to deal with the breach of an injunction if an Affidavit is obtained from a witness or, when there is the power of arrest, when a Police Officer has directly witnessed the breach. Please note that an Affidavit is similar to a statement but that it is **not** possible to exhibit this kind of statement as hearsay with the witness details removed.

Suspension of the Right to Buy

The Right to Buy can be suspended by the County Court if the Council can show that the tenant, someone living in, or someone visiting the property in question has engaged or threatened to engage in conduct which has caused or is likely to cause harassment, alarm or distress. The suspension period is that which is considered reasonable.

Demotion of Tenancy

It is also possible to 'demote' a tenancy for ASB. This means that the Court can apply to Court for a Secure tenancy to be reduced to the status of an Introductory tenancy, and if the problem continues obtain possession, as detailed below.

Possession Action

Generally we can apply for possession when; there have been serious breaches of the tenancy, it is possible to establish a perpetrator and other actions, eg mediation have been tried and have failed. In serious cases, we may apply to Court straight away.

If a tenancy is Introductory, (all new tenancies except those given to transferring existing tenants are Introductory for the first year) a Notice of Intention to Seek Possession, a NISP is served. The tenant then has time to ask for a review of the case. If the review is successful then the case is suspended, if not, the case proceeds to Court.

If the Council does apply to Court with an Introductory tenancy, and the application is reasonable in the circumstances, then the Court will award possession of the property. The case cannot be suspended or put off until another time. Once possession has been awarded, the Council can then apply for an eviction warrant when appropriate

For Secure tenancies and in all but the most urgent cases it is necessary to serve a Notice of Seeking Possession, a NOSP. The NOSP gives the tenant four weeks notice that an application will be made to the Court, or an application can be made to the Court straight away – this will depend on the circumstances. When the case goes to Court a judge will decide the outcome.

The Judge may:

- Decide not to give an Order, or 'adjourn' the hearing for more information, to give a chance for the perpetrators to change their behaviour, or to give other options a chance.
- Give an Order for possession to take effect after a period of time, usually 28 days. After this time period, the Council can apply for an eviction warrant.
- Give an Order for possession, but 'suspended' so long as the perpetrator follows conditions set down by the Court. If the perpetrator does not follow the conditions, the Council can apply for an eviction warrant.

Dispersal Orders

This is available when there is a persistent and serious problem with groups causing ASB and intimidation. Only the Police can make this order and notification needs to be given to affected persons in advance. Once in place, persons under 16 years of age who are out after 9pm can be sent home if in the designated area and if they are not under the control of an adult.

It is also an offence for member of groups causing or likely to cause ASB not to disperse when asked to do so by a Police Officer in a dispersal area.

Premises Closure Orders

These can be used at any property, but are only available in high end cases, when there has been persistent and serious disorder and when other reasonable options have failed. A Closure Order can be applied for by the Police or Council and is made at Court within 48 hours of application and requires all persons in the property to vacate within 24 hours, and not return within 3 months; re-entry is a criminal offence.

Anti-Social Behaviour Orders

Referred to as an ASBO, this is an order of the Court, which states the type of behaviour the subject can no longer commit. They can also detail times that a person has to remain at home and exclusion zones that the subject can no longer enter.

ASBOs are available when there has been serious, ongoing ASB, and it is necessary to get the Order to prevent the behaviour occurring in the future. In all but very serious cases, we are expected to have tried other actions before making our application..

Breach of an ASBO is a criminal offence and the subject can face a fine or a prison sentence. The shortest length of time an ASBO can last is two years and they can be used for anyone aged 10 and over.

An ASBO can be given in three ways:

1. **The Council and/or Police apply to the Magistrates Court.**
2. **The Police apply for an ASBO when someone has been found guilty of a criminal offence.**
3. **The Council can get an ASBO when at Court for possession of a Council property.**

MONITORING

The Council has a case management package that allows all Officers involved to process and manage cases electronically. This package also allows for statistical reports to be produced.

REVIEW PERIOD

The Principal Community Protection Officer will review this Policy every 6 months and when new legislation is introduced.

COMPLAINTS

If you are not happy with the way your case has been dealt with, the matter will be dealt with according to our Corporate Complaints Procedure.

This policy and procedure has been written to comply with the legislation covering this area of work, including, Children Act 1989, Crime and Disorder Act 1998, Disability Discrimination Act 1995, Regulation of Investigatory Powers Act 2000, The Homelessness Act 2002, Race Relations Act 1976, Human Rights Act 1998, Housing Acts 1985, 1996 , Anti-Social Behaviour Act 2003, and the Equalities Act 2010.

Last reviewed: December 2011

APPENDIX 1

Name:	Address:
Case No:	

This scorecard is designed to help you identify vulnerable victims, witnesses, and complainants. It should be used as a guide, and in combination with your own judgement (and that of your neighbourhood partnership) to help ascertain what support and protection is required in any given situation. All action taken as a result of your assessment should be discussed with the witness to ensure it meets their needs.

	Score	
1. Other than this occasion, how often do you have problems ?		5- Daily 3 - Most Days 2 -most weeks 1- most months 0-only occasionally
2. Do you think the current incident is linked to previous incidents ?		2 – Yes 0- No If so why ?
3. Do you think the incidents are happening more often and/or getting worse ?		2 - Yes 0- No
4. Do you know the offender/s ?		2- They know each other well 1 – They are known to each other 0 - No
5. Does the perpetrator, or their associates, have a history of, or reputation for intimidation or harassment ?		6 – Perpetrator or their associates are currently harassing the complainant 4 – Perpetrator or their associates have harassed the complainant in the past. 2 - Perpetrator or their associates have not harassed the complainant, but do have a history or reputation for harassment or violent behaviour. 0 – Perpetrator or associates have no history or reputation or harassment or intimidation.
6. Have you informed any other agencies about what has happened ?		0- yes 1 – No Details:
7. Do you think that this incident has deliberately targeted		4 – You 3 – Your family 1 – Your community 0 – No-one
8. Do you think that this incident is associated with your faith/nationality/ethnicity/sexuality/gender or disability ?		3 – Yes 0 –No Details:
9. In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (eg because of personal circumstances ?		3 – Yes 0 – No Details:
10. How affected do you feel by what has happened ?		5- Extremely 3 – A lot 2 – Moderately 1 – Affected a little 0 – Not at all
11. Has yours or anyone's health been affected as a result of this and any previous incidents ?		3 – Physical Health 3 – Mental health Details:
12. Do you have a Social Worker, Health Visitor or other professional support ?		1- No 0 – Yes Details:
13. Do you have any family or friends to support you ?		3- Lives alone and is isolated 3- Isolated from people who can offer support 1- Few people to draw on for support 0 – Close network for support.
14. Apart from any effect on you, do you think anyone else has been affected by what has happened ?		3 – Local Community 1- Family Details
I hereby consent to St Albans Council disclosing and discussing details of my case with the Police, Social Services and other relevant agencies.		Signed: Name:

Score below and adjust accordingly if needed with reasons below

Low 0 4 8 12 16 20 22 24 26 28 30 High

Review of Risk Assessment - with reasons for any scoring adjustment

Multi-agency support/action plan

Other notes

