



Fair Play for Children

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Acceptable Behaviour in Tower Hamlets?

Report on 5 Cases in Tower Hamlets involving Acceptable Behaviour Contract procedures

Summary

This Report is the latest from Fair Play for Children concerning use of Acceptable Behaviour Contracts with children and young people. This involves five young people and their parents and their being called to interviews by EastEnd Housing Ltd and the Metropolitan Police. The background, individual interview processes are examined, and issues raised re the status of ABCs, the application of Freedom of Information by EEH, and serious concerns of abuse of children's rights under the European and UN Children's Rights Conventions.

Our concern is based in the UN Convention on the Rights of the Child, in particular:

Article 2: not to be punished for things they haven't done

Article 12: being consulted and listened to

Article 15: freedom of association

Article 16: respect for reputation

Article 31: the Right to Play, Rest and Recreation

Article 40: presumption of innocence

Also, the European Convention:

Article 6.1 Due Process

Article 8 respect for reputation

Article 11 freedom of association

Article 14 non-discrimination

In this instance, Fair Play for Children is convinced that enough questions re the breach of those above rights has been raised for all the parties who should be concerned to take serious regard of this report and the circumstances they reflect.

Those parties include:

- East End Homes
- The Metropolitan Police
- London Borough for Tower Hamlets
- The Constituency MPs
- Children's Rights and Civil Liberties organisations
- The Home Office

Background

Fair Play for Children has been involved in the matters around the issue of Acceptable Behaviour Contracts since 2002. A parent contacted us from Islington about a letter she had received from Islington Council stating her sons had been committing anti-social behaviour, that she and her boys (13,14) were invited to a meeting at housing also police to be present, and with threat of tenancy loss. (1)

They were asked to sign an ABC, this author was present, the experience was wholly negative, and Fair Play has serious concerns about ABCs in the way they are conducted. We believe there are issues around the right of children to be told clearly what it is they are supposed to have done, about evidence, and about due process.

Our work to date, including Freedom of Information requests to all English Police Forces, the Home Office and Councils, has been the subject of a Report: (2).

(1) Easy as ABC?

http://www.fairplayforchildren.org/pdf/02_autumn.pdf

(2) Report re: The Compatibility of Acceptable Behaviour Contracts with Article 6.1 of the European Convention on Human Rights

<http://www.fairplayforchildren.org/pdf/1325042991.pdf>

In this earlier report, we have raised a number of issues including the legal status of such agreements. This latest report looks at a number of actual cases in the London Borough of Tower Hamlets in April 2012.

Case Histories

We were contacted about a situation on a London Housing Estate managed by East End Homes Limited. A number of young people and/or their parents, including some below the age of 18, had all received letters concerning "Report of Anti-Social Behaviour". In several of the cases, the letter and proposed ABC were identical, bar the subject's name and address.

A redacted copy of one of the letters is attached at [Appendix A](#).

General

Having been contacted, and given the name of G, one of the young people sent the letter in late March 2012, and contact details, I made phone contact with G, and arranged for a copy of the letter at A to be sent to me. I also managed to get further background detail from one of the sources who had contacted me.

The situation was described as one where the tone of previous ABCs delivered to adults had been antagonistic and blatantly unfair. Some residents indeed saw them as provocation to goad unacceptable behaviour, and that a class issue might be at work. G was described as being viewed by EEH and the local Met as a very unpleasant person. There had been allegations of robbery at a building site, and of him having to have been vouched for as helping in the community (with elderly people) at the same time. G is undertaking an apprenticeship and awaited a drugs test for this within a few days. He is aged 17.

Over the next few days, we discussed my attending his ABC interview, and this developed as an invitation to meet all those who had been sent letters (some 8). On the day of the interviews (all on the same day) I attended G's home, owned by his Nan, and where he and his Mum lived too. Nan is a leaseholder, living at this address for 40+ years. Various others turned up. F, aged 13. A, and his Mum. M, 15, with an adult family friend, as her Mum was away on holiday with another family friend of many years.

G met me at the tube station with M, I soon formed an opinion, based on many years working with this age group, that these were no miscreants. Polite, engaging – they confirmed the descriptions given me beforehand.

The pre-interviews meeting was lively, open, warm, enjoyable even given the tense situation. What emerged was the outrage of parents, their disbelief at the unfair way their children were being treated. Other issues – the shop area from which they would be barred, a youth club they are encouraged to use in the middle of it. Open 1 evening a week only. I asked about who they felt might be behind any complaints – looking to see if there were any estate rift/tension. Many had lived in the area for many years, and parents had always dealt directly with complaints

about behaviour, in a manner most would recall before communities became fractionated and mobile.

It was significant to me that there was mention and discussion of a recent tenant arrival who had been photographing the kids from his balcony. We've seen this before and it's interesting to us that no notice had been taken officially of this practice which, surely, many parents might find concerning.

There did not appear to be a racial tension, one of the 5 was Asian, a quite truculent young man whom I liked a lot, indeed all the kids were as nice as I had been told they were.

On the issues in the letters, all of them admitted to congregating in the stairwells, maybe smoking (cigs) but not to any of the other issues bar playing football At the interviews I concentrated on those issues as the TH Team had put them as "not to be done" conditions in the ABCs the young people were supposed to be signing.

The young people were all outraged by the paragraph highlighted in EEH's letter which STATED they had been "stopped on the Estate on numerous occasions by the Police and Safer Neighbourhood Team loitering, causing nuisance and being involved in alleged drug use/activity." Each one resolutely denied any such thing and felt their characters impugned.

We left G's home in a group to go to Bow Road Police Station so as to arrive for the first interview. Mums agreed they wanted all to go in together.

As I left the Estate, I saw an EEH Housing Centre immediately across the road, and was outraged we were all having to trek to the Police Station. It may well be asked why that venue was chosen over something less threatening and a lot nearer.

On arrival a BSPS, I spoke with PC R, and asked if we could all meet together. She told me that there was not the room, and I thought it was the small office into she had invited me. So I explained this to the group. J had turned up. F's Dad also, and M's adult friend. One of the 8 had not turned up at the allotted time so J and his Mum went in, myself also. I had made it clear I was happy to be there, represent each personally, but would remove the instant I was not wanted by them.

As will be seen, none of the letters mentioned representation. I gather J's Mum had seen a solicitor or spoken with one but s/he did not attend.

The 'Tower Hamlets' team: imagine a long rectangular table, three seated at the furthest point away from the door – in the centre Ms S of EEH, chairing, Mr E from the YOT on her right and PC R on her left. At the other end, about 2 places down, parent and child, I was 2 places down from Mr E and Mr B, the PCSO for the area to my back and nearest the door.

J

Was subdued, clearly not happy.

Mrs S kicked off the proceedings with what I imagine was a standard approach, we can't have this sort of thing etc. I was about to intervene, but J's Mum launched. I won't go into detail but her point was about 'alleged' behaviour, family stress and her own illness. There was shouting. I took part in order to try to get points over, I was accused of interrupting etc etc. PC R left the room. Mum almost walked out. I then got to what I wanted to be a standard approach, to take J through all the points in the proposed ABC. J made it very clear he would not sign. In appendix B, one can see the responses by the young people to each of the points they were supposed to agree not to do.

Let's be clear, no one in any of the meetings offered proof any of them had done any such things before, they were a list of not-to's rather than have-done's. But with J and all the others, it was made very clear the TH Team believed these kids had done such things, or been around when they were being done.

With every parent present, they told the meeting that if they knew their kids were misbehaving, they took firm action, and that they expected neighbours to tell them there was a problem, things had always worked that way. It is hard to explain, on a basis which I believe is common in such a community, why, if their kids had been 'up to no good', the parents knew nothing about it. Was this evidence of a "feckless parents" attitude amongst the TH Team? I got little evidence of official respect for them, let alone their kids.

Also established early on was a question put I to Ms S, whom I found patronising and fully-expectant of signature – did she regard this procedure as one where, in effect, authority (tenant authority, police, local authority) made clear to the interviewees their civil obligations. In company with most councils who have made returns on one of our Fols, she said did.

I do not think she or her colleagues wanted to hear anything about rights, but I persisted – determination of civil obligations is covered by the European Convention on Human Rights where Article 6.1 makes it clear, without any reservations, that in such situations, anyone has then right to an independent tribunal with exactly the same rights as for situations where civil rights are determined and criminal responsibility to charges decided.

The constant claim re ABCs is that they are an informal, non-legal, voluntary agreement, but Fair Play seriously doubts this. The Human Rights Act makes it clear that public bodies, like The Met, must not breach ECHR rights. In my view, layman, what I witnessed with J and the other 4 was such a breach.

At the end of this interview Sgt R appeared, asked me outside and warned me that if I were to persist shouting etc I would be asked to leave the station. I told him that the situation had got heated, but that I was there because of issues around the rights of the young people. I won't make many verbatim quotes but: "You're joking!" I assured him I was not.

G

A mild, unassuming young man, quite large, and good-natured. I was able to conduct my part of the interview without problems and again it emerged he said he had not done the stated things he was being asked to sign not to do. G has finished an apprenticeship, at the point of writing he has had the standard drug test required pre-employment in this area of work, and awaits the results. Like the others, he complained the closure of the youth centre on most days. This rather answered Ms S when she was patronisingly encouraging that they all should use its facilities. Rather indignantly in one of the interviews, she told us EEH did not have to do such things. No indeed.

G's Mum was indignant – she reminded them that he had been the subject some years before of an attack by a gang of Asian youths, he had been quite badly injured and required post-event counselling. Nothing had been done about incursions by gangs of youths onto the estate over a long period, and her son and others were being blamed. At the end G refused to sign, and had said he would not before.

As a fascinating footnote, G has been the subject of a LBTH youth council 'Hidden Heroes' Award given out in April 2012.

A

Asian, clearly very unhappy with the PCSO with whom he squared up in the room "I don't like you and you don't like me". The same pattern of being stopped (J mentioned he had the same experience and no slips had been issued), of what he felt was constant harassment. He walked out at one point, I went to see if he'd come back in, and he did. His uncle runs a very good youth club. He felt the police had it in for him. Angry mood throughout. His Mum clearly unhappy and distressed but dignified. A did not sign. Also completing the same apprenticeship as G. A had signed an ABC earlier, about a year before. I did not see this but clearly it was signed under rather different conditions than this occasion. I felt the PCSO reacted in an unhelpful manner given the confrontational atmosphere in this interview.

F

Aged 13. They took a rather different path, perhaps because of his age. But the message was the same. And his response likewise. I haven't done those things, I

won't sign. His Dad not at all impressed. E was non-plussed. A few weeks before rewarded with tickets to the Olympics, now treated like this. He seemed to be looking for consistency.

M

Aged 15. The original letter was as at Appendix A but her contract was very different:

"1. Not to enter any Eastend Homes Estate in the Mile End Area as per the estate maps which have been explained to me. This includes the B estate, E estate, T estate, B estate and the BS estate." There was an attachment of 3 pages of maps covering a very large local area.

The additional points were EEH would seek injunction to prevent her entering those areas if she breached the ABC, and would exchange information to support proceedings in the relevant county court for repossession of parents' home on the grounds of serious breach of tenancy conditions.

M presented a dilemma for the TH Team. Her parent was not present, and they felt unable to agree that the young adult with her was substitute for them. Also it soon became clear after 'informal' chat that they had here a situation where M had lived in this area all her life, had widespread contacts, friends, family etc throughout the area. They abandoned the interview to reconsider.

I asked each of the five whether they felt the paragraph at the start of the letter sent to them/their parent reflected who they were and what they did in any way. Each gave a firm "No".

Meeting aftermath

Before I left, there was short, general comment made. At some stage in the whole proceedings the PCSO made a comment suggesting things in Bognor were not like they were in TH. He got a very dusty reply, one that I had seen many other places in the UK and two, he should come and try some estates near to my home where I have worked, including the estate from which Sarah Payne had been kidnapped.

The TH Team were clearly not happy with the day's proceedings. One commented that this had undermined the whole scheme. News would get round. They had had 80% success rate. The kids had pulled the wool over my eyes. It was way past station closing time. I was let out of the side door.

In case this is raised as some sort of justification of the use of ABCs, one of those interviewed has been involved in a criminal case arising from the riots last year. S/he was subjected to due process, admitted the offence and received sentence. There are three observations:

1. The existence of a separate criminal charge is no excuse to pursue an unfair process of this nature in a separate series of matters. The burden of proof lies with accusers not those accused.
2. This cannot be cited as of any consequence with the remaining four. There is no suggestion any of them were involved in the riots. We cannot as a society permit the growth of 'guilt by association', still less of 'collective punishment'.
3. What would be of deep concern in any situation like this were any young person previously to have signed an ABC, and for this then to be brought up in criminal proceedings which could involve a custodial sentence. The warning on ABCs invariably is that they might/could be cited in ASBO proceedings. Fair Play for Children believes that any such instances should be examined carefully, and will be grateful for any information on this aspect.

FoI Request

Subsequently I have made a Freedom of Information request to the Metropolitan Police re issues connected with Bow Police Station and ABCs:

Concerning Bow Road Police Station:

1. In the past 24 months, from 14th January 2010 to 13th January 2012, how many Acceptable Behaviour Contracts were signed at the station or in its operational area? How many refused to sign?
2. Of those, how many were issued to people aged under 18 years of age?
3. What is the male/female ratio?
4. In the case of under-18s, were all parents sent a letter asking them to attend with their children to discuss signing an ABC?
5. Did this letter advise parents and children they could have a representative at this meeting? (Solicitor, Friend etc)
6. In the cases where an RSL or the Council as landlord was also involved, was there a clause in the draft ABC stating that breaches of the ABC could lead to forfeiture of lease?
7. Does the Metropolitan Police regard such procedures as a means of getting the subjects of the ABCs to accept their civil obligations?

8. Is an independent person present at such meetings?

9. What legal advice has the Met taken concerning the status of ABCs? If such advice has been taken please provide copy of this advice, or point to where this may be accessed.

10. How many ABCs have been issued in conjunction with Eastend Homes Ltd of 38b Wager Street E3?

11. Of those sent letters as in 4 above, how many parents and children signed? Of those who refused, how many have had subsequent action taken against them? In how many cases of those who did not, how many have resulted in lease forfeiture, and ASBOs? In how many of those who did sign, how many have breached their ABCs? How many have resulted in lease forfeiture, and ASBOs?

12. Of children in 4 above:

a. how many individual people made complaints (not including police, RSL/Council officials, PCSOs)? b. regarding 12a how many complaints were made?

That is the extent of the FoI but I would also be grateful for the following concerning conditions agreed in ABCs - have these included conditions about

- not congregating in groups of more than 3 in RSL areas
- not congregating in groups of more than 3 in shopping areas
- not threatening, intimidating, verbally abusing others
- not damaging property
- not smoking in RSL communal areas
- Not participating in drug/alcohol activity in RSL areas
- not starting fires in RSL estates
- not playing football on RSL estates unless part of a supervised youth club activity
- not to enter any building on any RSL estate except where they live, visiting friends, relations etc
- not to climb on any property belonging to an RSL
- not to be present when others are involved in any of the above activities.

Can you confirm that signing the ABC is not an indication that a child has done any or all of the above but that there have been allegations s/he has, and that the above list if signed could involve a child agreeing not to do what s/he has not done? "

The response is given below, dated 16th May 2012 (highlighted in blue) with comments.

After discussing this with you on the telephone on the 15 May 2012, I note your decision to withdraw questions 10, 11 and 12. The below response refers to questions 1 - 9 only, although some additional information regarding the withdrawn questions has been included below to assist.

Comment: this was due to the cost/hours exemption in Q12 and to the fact that EastEnd Housing is the appropriate body in Q10 and 11

EXTENT OF SEARCHES TO LOCATE INFORMATION

To locate the information relevant to your request searches were conducted at the Partnership Unit at Bow Road Police Station.

RESULT OF SEARCHES

The searches located the below mentioned records relevant to your request.

DECISION

I have today decided to disclose the located information to you in full.

Please note that the data refers to the whole borough, as opposed to just those undertaken at Bow Police Station.

Please find attached information pursuant to your request above.

Questions 1-4

During the financial year 2010-2011, Tower Hamlets had 55 ABCs signed. Of these ABCs:

44 of those were signed by MALES

11 of those were signed by FEMALES

6 of them were signed by individuals under 18 Years of Age.

In 100% of those cases where the individual was under 18, parents received letters asking for them to attend.

During the financial year 2011-2012, Tower Hamlets had 48 ABCs signed. Of these ABCs:

43 of those were signed by MALES

5 of those were signed by FEMALES

23 of them were signed by individuals under 18 Years of Age

Again, in 100% of those cases where the individual was under 18, parents received letters asking for them to attend.

Comment: Five signed ABCs would constitute a significant proportion of the annual total in both years

Question 5

ABC letters do not advise that a representative or friend can attend, although an ABC is not a legally binding document it is a civil agreement

between the recipient and the Local Authorities. If the recipient wishes to bring a friend or representative (legal or otherwise) they are welcome to do so at their own request and expense.

Comment: the lack of any suggestion/indication that a representative of the child's or parent's choice could be present seems to me to be a very questionable omission, and the view of the status of the ABC may be technically correct but this does not mean that The Met can proceed without regard to their obligations under the Human Rights Act 1998.

It is important that both parties sign and receive a copy of the Contract so that there is no doubt about what has been agreed. In the case of a child or young person, parents or guardians should be encouraged to attend the interview to agree the contract. Acceptable behaviour contracts and agreements usually last for about 6 months, but can be renewed by agreement between both parties.

Question 6

No, not all RSL & Council ABC clauses state that breaches could lead to forfeiture of lease and / or Civil action may be applied (ASBO, ASBI etc...), however Anti-Social Behaviour (ASB) may mean that the recipient is in breach of their tenancy contract, and it the decision of the RSL whether the ASB is severe or persistent enough to take further action. The MPS have no say in whether such action against tenancy should be taken. In all cases of ASBO, ASBI, or Closure Order the applicant MUST consult with partner agencies. Partner Agencies DO NOT have to agree with the proposed civil action being taken.

Comment: Technically correct but the fact remains that the MPS is party to the ABC agreement and the question then arises as to whether they would be party to any challenges re coercion.

Question 7

No recorded information has been located that answers this question, however the below answer has been provided in order to assist you.

ABCs are designed to make the recipient aware that their actions are anti-social and that their actions have a wider impact on the wider community. Conditions attached to each ABC are designed to be proportionate and have to be agreed by all parties, including the recipient. We will never set prohibitions that the respondent cannot reasonably abide by. Involving the recipient in drawing up the Contract may help them to recognise the impact of their behaviour and take responsibility for their actions. The MPS, RSL, or Local Authority may also agree to provide support that will help the individual to keep to the terms of the Contract. It may also refer the person to agencies that are able to provide further intervention or support.

Comment: This is a crucial admission that ABCs are intended, as a whole, to

establish subjects civil obligations. Given the involvement of the MPS, this must bring it within the remit of the 1998 Act and thus the provisions of the European Convention. This answer points very much to the conclusion that this is an issue where the provisions of Article 6.1 of the European Convention apply.

Question 8

Independent persons are not present at all ABC signings, however should the recipient wish to bring an independent person or nominate a witness to attend they are free to do so. Such a request for an independent person to be present will be accommodated unless the independent person will hinder or disrupt the ABC meeting.

Comment; 'Independent' here refers not to someone accompanying the subjects, parents etc (as did the author in these cases) but as required in an Article 6.1 setting. This response seems not to take this on board. [It occurs to me that the last comment *might* be related to the tensions generated in the first of the five interviews. I have to say that it seemed to me my unannounced arrival and presence threw the 'officials' off-balance, and that J's mother's anger ignited quite a lot of general shouting and cross-conversation.] There is the 'strine' saying "about as welcome as a rattlesnake in a lucky dip'. One has been called worse ...]

The ABCs drafted in Tower Hamlets were drafted and agreed by the MPS, RSL's, and London Borough of Tower Hamlets Legal Department as part of the Consultation Process in accordance with Home Office Guidance.

Comment – one refers to the FoI to The Home Office and its lack of seeking guidance etc

Question 9

There is no record that the MPS has taken any legal advice on the status of ABCs. The ABCs are not a legally binding document and the recipient is under no obligation to sign the contract, and once signed, they are under no obligation to abide by the conditions set out within the contract.

Comment: The problem here is that the MPS has made what seems to be a common error. Whatever the status of an ABC, the HRA 1998 says that such a body as the MPS must do nothing that will create a breach of rights – the ABC can do this if its basis is unsound and if subjects' safeguards are denied or undermined.

An acceptable behaviour contract (ABC) or Agreement (ABA) is an intervention designed to engage an individual in acknowledging their anti-social behaviour and its effect on others, with the aim of stopping that behaviour.

Comment: again, to determine civil obligation and thus A6.1 applies

An ABC is a written agreement made between a person who has been involved in anti-social behaviour and their;

o local authority covered by HRA1998

o youth inclusion support panel (YISP)

o landlord covered by HRA1998 if a local authority or other statutory body

o local police force covered by HRA1998

ABCs are not set out in law, which is why they are usually referred to as 'agreements'. The two terms - Agreement and Contract - are interchangeable and practitioners should use whichever term they feel will achieve the desired outcome with the perpetrator. Any agency is able to use and adapt the model, but it is important that the youth offending team is contacted and becomes involved when completing an ABC with a young person.

Comment: the term 'perpetrator' suggest assumption of 'guilt'?

Although ABCs have often been made with young people, they are a tool that can be used for a person of any age. The informal, flexible nature of the contract means they can be used for various types of anti-social behaviour.

Additional questions

An Acceptable Behaviour Contract or agreement is completely flexible and can be adapted for the particular local need. It can include conditions that the parties agree to keep. It may also contain the agreed consequences of a breach of the agreement.

The individual may agree to:

- o stop specific behaviour that has been causing disruption to the community

- o positive requirements such as engaging in a community group, attending school regularly or attending a local youth diversion scheme.

The agency may also agree to provide support that will help the individual to keep to the terms of the Contract. It may also refer the person to agencies that are able to provide further intervention or support. Involving the individual in drawing up the Contract may help them to recognise the impact of their behaviour and take responsibility for their actions.

It is important that both parties sign and receive a copy of the Contract so that there is no doubt about what has been agreed. In the case of a child or young person, parents or guardians should be encouraged to attend the interview to agree the contract. Acceptable behaviour contracts and agreements usually last for about 6 months, but can be renewed by agreement between both parties.

All ABC's in the London Borough of Tower Hamlets are stored with the MPS Partnership Unit in Digital and Paper Records. The Paper records are kept in a locked office in a locked filing cabinet, and the digital files are stored on the shared drive with restricted access to named users only. London Borough of Tower Hamlets Council also keep records of ABCs under the same conditions.

Comment: This is the first time there has been any mention of the involvement of the local authority. Does this mean LBTH also is engaged in this whole process and in the HRA 1998 issues we are raising? If LBTH were the landlord, their involvement would be direct. As they have transferred housing stock to EEH, the latter has assumed the landlord role in the ABC process. EEH is not subject to Freedom of Information and the issue of whether they are covered by the 1998 Act has to be examined. However, Fair Play would raise the issue of whether LBTH has involvement because of their nomination rights re housing allocations? We will be raising these matters with LBTH.

Signing an ABC is not an admission of guilt. The signing of the ABC is to acknowledge that they recipient is saying "I agree I will not do the acts listed in the ABC", they are NOT saying "I agree I have done the above acts".

Comment: again, to determine civil obligations. It also allows the Police and RSL an extraordinary and unfair leverage over young people they suspect but cannot prove are offending. It's quite explicit in the above statement – they are not seeking admission/confession about what has been done or alleged to have been done, they are asking the young people to sign that they will not do such things in the future. In effect, it says “we know you did this, we can't prove it, but sign a broad series of things you agree not to do.”

This is quite unacceptable in a democratic society under the Rule of Law. No one expects to be asked to sign “I will not shoplift” or “I will not break the speed limit” or “I will not get rat-arsed and stagger out the local”. This device is being misused, and appears to this author that there's a suggestion that it is replacing good policing and proper prevention. Saying that one is solving ASB by getting kids to sign in large numbers under such circumstances is misleading if a large percentage are obtained through what I witnessed. That would mean there is good cause to doubt what proportion of the total were actual incidents of ASB. Surely it's high time we erased all vestiges of the attitude “I know you did it, I can't prove it”. ABCs conducted in this manner rely neither on criminal burden of proof beyond reasonable doubt, nor civil balance of probabilities.

I saw no hint of any attempt to say to each young person what it is alleged s/he had done, all bar one were presented with an identical tick list in respect of which there was no discussion whether the young people had done any of them. Discussing this with a local authority councillor outside of Tower Hamlets, I was struck by the attitude “there's no smoke without fire”, the councillor was by no means “hang'em and flog'em” and it's easy to see how the Police and Councils are able to represent these devices by cooking up impressive statistics which, however, have one flaw – they may not represent the true effectiveness of ABCs with those for whom such a process, properly conducted, might prove beneficial.

In these 5 cases, given the way the process was conducted, that was never a reality even had all 5 been actually committing ASB.

One is left, also, with a nagging concern that the whole ABC issue is yet another approach to persistent issues in neighbourhoods, one of which is intolerance towards the presence of young people, usually by a minority with personal agendas, another is the failure to engage with young people and children about their community needs and to provide from an early age the requisite investment in a community play environment - play streets, and other approaches. In the past 30 years children have disappeared from many streets and areas, squeezed out by the parked car, but also because of adult hostility and parental deference to other adult pressures.

ABCs are a Home Office approved tool to assist Police, RSLs, Local Authorities, and other recognised Partner Agencies to tackle Anti-Social Behaviour. ABCs are designed to guide young people and adults who may have fallen in with the wrong crowd, or who may have other welfare concerns that are having a detrimental impact on their behaviour. The purpose of the ABC is to give the recipient an opportunity to stop causing ASB and to change their ways and hopefully stay away from criminality.

Comment: again, to determine civil obligations

ABC Guidance is available via the Home Office Website:

www.homeoffice.gov.uk

Section 16: Duty to provide advice and assistance.

In relations to the Questions 10, 11, 12, that you have agreed to withdraw, I can bring the following points to your attention:

Q10: East End Homes should be able to supply this requested data.

Q11: Police do not store this data but the RSLs keep records of individuals who fail to engage/sign.

Q12: Technically, there does not have to be an official complaint made. The Police or the RSL can witness the ASB and draft an ABC. As long as Police are satisfied that the recipient has behaved in a manner that caused or was likely to cause harassment, alarm, or distress to any person not of the same household, Police can issue an ABC.

Comment: This avoids the question's purpose which was to seek information about how public complaint relates to the ABC process. At the meetings, I met the PCSO and mention was made of RSL officials involvement. The term 'issue' is interesting in the context of a subject voluntarily signing an 'informal' agreement.

The statement that no official complaint needs to have been made is Kafkaesque surely – “I am asking you to sign an agreement saying you will not do several things which we are not asking you to admit you have done but about which we may or may not have had a complaint or complaints by one or more people or none.” This reflects the first encounter I had ten years back in Islington when the police officer there answered the question what had the two boys done with something along the lines they hadn’t done anything wrong, it was anti-social behaviour

Conclusions

These 5 situations are one of many thousands faced by young people in the UK – some 55,000 have been signed, many of them by children.

In general terms, if councils etc accept these ABCs as part of a process to determine the civil obligations of those being asked to sign, then there is a human rights issue around independent procedures, clarity of what is at issue, and independent judgment. Representation is also an issue which has to be addressed.

It’s concerning to us that many Councils rely on Home Office advice re ABCs – our FoI to the HO shows that advice re their legal status has not been sought nor advice on the human rights aspects. Uncritical reliance has been made on the original scheme at Islington which our 2002 report showed raised many of the issues in this case, and we are investigating a further, disturbing parental allegation in that Borough.

Concerning the letters to parents at Appendix A, no one who cares about fairness, due process and elementary justice can be happy with the paragraph stating the young people have been “loitering, causing nuisance and being involved in alleged drug use/activity”. These are criminal law issues after all.

The letter also makes it crystal clear it is expected the interview will result in an ABC being signed. Indeed, the draft was sent to the 5 prior to the interviews, there was no sense of the TH Team in any way expecting to discuss whether such things had happened, still less the young person’s involvement. I found that to be the case in these five instances – “we know you were there, sign”.

The 80% signing rate – well, where such an approach as we saw is used, backed by threats of leaseholder/tenancy loss, and such heavy-handedness, one is not impressed by such stats, or even convinced as to what exactly such a claim means.

Nor was I impressed in any way at all by the expectations and attitudes of any of the TH Team. There was over-reliance on ‘authority’ (this is supposed to be an informal approach), there was little evidence up to Sgt R of any concern about the rights of the young people. It was clear to me that there are questions which

need to be addressed re the relationship between Mr B, the PCSO, and some of the young people. He made reference to a situation some years before that the police had not entered that estate at all – there's a whole bag of questions there – but where now it was improved. On the basis of what I saw, I would hazard there's a deal to do yet and this would not have helped.

I was concerned on M's letter to see that EEH was prepared to exchange information with her parent's landlord. RSL? Private? Council? We have had intimation that one SE council/RSL has given 'information' to private landlords about alleged tenant behaviour 'behind the scenes'. This seems abusive to us, and likely, given the free-hand the 1980 and 1988 Housing Act shorthold tenancies give to landlords re possession, to create a risk of eviction on no sound basis, just hearsay.

Turning to the 11 points in each proposed ABC:

1. Not to congregate in a group of 3 or more in communal EEH areas – I think all 5 accepted they did this, suggested wet weather was part of it, the youth club being closed also, and saw the point. I did ask if this meant G, his Mum and Nan – G would be barred from this on strict observance There was agreement they'd take this on board, but that doesn't need this ABC process. Also, if 4 adults gathered in a communal area??
2. Not to congregate in a group of 3 outside the shops in named street. Now this has a clear ECHR and UN Convention on the Rights of the Child import – freedom of association is not to be curtailed except by law and as justified by limited circumstances. To ask for such 'voluntary' curtailment (without any proper evidence of instances of abuse of that right) is not acceptable. That there is the stated possibility of tenancy/lease loss is oppressive, coercive and totally unacceptable. Returning to the letter, it is also deeply concerning that those who would not sign are warned that refusal to do so would serve as good evidence for an Anti-Social Behaviour Contract should there be more ASB. Only if one had submissive magistrates forgetting their job is to administer justice.
3. Also 4, 6, 7. Again asking someone to sign they will not do what they have not yet done, if we accept their word, or if we do not have evidence we are prepared to share. We were told we could not be told who had made complaints (we did not ask as we know this is not practice, and in those cases justifying such an approach in general an understandable one.). But also, we could not know how many complaints or how many people had made them. I got an impression that there were in fact few individual complainants, reliance was on EEH and police officials, but I got no sense of any possibility that their evidence, in notebook or other form, might be examined. Whether true or otherwise, we are left with a sense of much being hearsay, vague reports, 'guilt by association'. Whatever

crime-stopping qualities are claimed, it stinks in terms of good community relations and there are others in the area who sense this I think.

Item 5, there was easy admission of smoking cigs in stairwells, this applies to all tenants, but I got a funny look when I asked if adults would get ABCs if they did so. Of course, I was told.

The football item – existing open space taken. The young people made it clear they wanted replacement and an end to 'No Ball Games'. The constant non-opening of the Youth Club made participation in their 'approved' activity a tad difficult. Am I alone in thinking "This is daft, kids want to play football, exercise, run off energy, play as a team etc, we go on about them not being outside, becoming at risk of obesity, yet the minute they step outside, someone is on their case"?

Item 9 – oppressive and unproven.

Item 10 – all denied it, but, yes, kids have always climbed onto buildings, especially if denied outlet. The dangers to kids are what should be the main concern, not ASB.

This report has dealt with what has become a common procedure with young people, some aged as young as 9. Police, Council, RSL resources are diverted to run ABCs.

They are claimed to help prevent children and young people becoming involved in the criminal justice process. Yet in these cases, the immediate assumption is that the kids were committing ASB, and that they had not been was dismissed out-of-hand. No sense of needing or producing proof, parents threatened with tenancy/lease loss, even where they have bought their council/RSL homes.

These are not healthy attitudes to display to the young if one wants any chance of gaining their respect. There is a chance of injustice and loss of home, and by threatening that refusing to sign an ABC would be good evidence to justify an ASBO, the informal, non-legal claims of the approach are undermined. Those advocating the "avoiding the criminal justice system" approach need to remember 'justice' as much as 'criminal'.

This is a Borough with huge needs, many tensions and a council implementing major cuts in the sort of services these young people need. We asked for FoI information about their expenditure on youth and play services in the past 3 years. So far as I can tell, breach of FoI by Tower Hamlets. Likewise, on use of ABCs, a further

breach of the law. On play areas in the LBTH, they claim in an FoI response to have none.

There is the question of the application of Freedom of Information to RSLs (Registered Social Landlords). Often these RSL are devices for transfer of Council housing stock to a public body.

At this time it seems that RSLs are not subject to FoI. In a situation such as this, where EEH admitted that they have most of their tenants through nomination from the local authority and where the ability to participate in ABC procedures stems from that nomination process, it seems most reasonable that they should be subject to FoI. Certainly the idea that RSLs should act in the spirit of the Freedom of Information Act seems to us one that should be axiomatic.

There arises a question as to the involvement of the London Borough of Tower Hamlets. They maintain ABC records, as the MPS FoI answer reveals, they transferred housing stock and tenancies to EEH, and they will have nominating rights re EEH tenancies. This Report has no conclusion on that matter, it is one that has to be examined further in a general, national context.

The question must arise, in these five cases, and by implication, re many more in TH and beyond – to what extent are ABCs being used for their alleged purpose, that of engaging with subjects so they can avoid being caught up in the criminal justice system? Is the use of vague allegation, guilt-by-association, threat of eviction, reliance on hearsay a sound and legitimate way to achieve this? How many children and young people are being coerced into signing of ABCs? Is their use distorting the true pattern of juvenile misbehaviour?

Indeed, how much is reliance on use of ABCs a symptom of lazy policing and a disregard for the rights of children to be treated fairly and in accordance with the ECHR and the UNCRC, both of which the UK has ratified, incorporated into domestic law in the first case and for which we have international legal obligations as regards both?

Is this all going too far as regards a simple and harmless approach to misbehaviour by the young? Look at the language of the letters and ABCs, this is not 'harmless', it raises serious issues. How many similar cases of concern would one find if all 55,000 ABCs in this country were examined against standards of fair play, elementary justice?

The other question is, what has LB TH been doing to create communities where children can play, associate? Wouldn't a sound investment in such facilities from the earliest age be an insurance for happier, healthier kids?

I did ask also what happened to those who made bogus allegations against children etc, who wasted police and council/RSL time? I was assured that if this was the case, no more would be done about the allegations. No, I pursued, what happens to them, are they warned, ABCs, ASBOs etc? As has happened in the north west?

Blank incomprehension. No, this has not happened. Yet falsely and vexatiously to exaggerate or embellish or even invent allegations, to have pressure put on children and young people as happened in these cases, for no justifiable reason, would that not be a serious case of ASB? We still live in an age of the 'no smoke without fire' attitude to the young, even amongst officialdom. After all, it's easier to sweep kids off the street than to confront such people. The man on the balcony – why? Aren't the police interested in such a person for quite obvious other reasons?

We have to ask – how many complaints? How many people making them? Unless police etc are willing to answer that simple pair of questions, the suspicion that this use of ABCs is a knee-jerk convenience must remain.

The MPS response on this evaded what is a key issue –n what does it take in terms of public complaint to lead to a summons to an ABC interview? Ten years ago, in Islington, we were denied that answer, and again this is the case in Tower Hamlets. In the Islington case, it appears to me that it came from one person, and in this situation, again, parents mentioned a new tenant in the estate photographing children from his balcony. In the MPS FoI response: **“As long as Police are satisfied that the recipient has behaved in a manner that caused or was likely to cause harassment, alarm, or distress to any person not of the same household, Police can issue an ABC.”**

If we rely on this, the question arises as to the soundness of the Police 'satisfaction', and the suspicion can easily arise that the emphasis is on accepting that those who claim harassment, alarm or distress are justified or honest in doing so. In this writer's long experience, that is a questionable assumption in more than a few situations.

Again, what efforts were made to engage with the parents involved BEFORE the issuing of the ABCs? No complainant made personal approaches to families. In the case of EEH, MPS etc, none so far as one can see, these letters arrived out of the

blue, without warning. That is not good community work by EEH, not good tenant care, and not good policing. A letter out of the blue with a pre-decided, preconceived agreement that kids and parents are expected to sign, backed with thinly-veiled threats re tenancy/lease loss and action in magistrates courts is not an acceptable substitute for really dealing with issues. Getting children to agree not to associate with others on the basis of unsubstantiated allegations so as to 'remove the problem' and no doubt tot up another 'success' is nothing short of oppressive and outrageous.

This report will go to all families involved, to the Met Police at Bow and above, to EastEnd Homes, to LB Tower Hamlets, to local media outlets. Also on our website, to MPs and Lords.

These cases suggest to Fair Play for Children that the whole practice of ABCs needs to be reviewed on the basis of lack of transparency, possible abuses of the ECHR and UNCRC, unsound practice by the Home Office and other issues.

As this Report is published, the Home Secretary has published a White Paper 'Putting victims first - more effective responses to antisocial.

<http://www.official-documents.gov.uk/document/cm83/8367/8367.pdf>

This is not a suitable place to discuss its approach except on perhaps two relevant matters. The first is that the Home Secretary has said nothing about ABCs in this White Paper other than to repeat previous attitude: "Acceptable Behaviour Contracts are informal, voluntary agreements between an individual who has committed ASB, and a local agency (and also sometimes involving the local community)"

So it appears that, in producing this official document, The Home Office has still failed to examine the actual status of ABCs – our previous FoI to the HO gained the admission that they have never sought legal advice on this matter, nor about the relevance of the ECHR and thus the Human Rights Act 1998 – we see a continuation over a decade of reliance upon the claim of the original scheme at Islington that it was purely informal and wholly voluntary. Given there have been 55,000 such contracts signed, this seems to me to be a huge failure of due diligence by this Government Department.

The other concern is emphasis in the White Paper proposals that certain levels of complaint would trigger requirement for action. Three complaints from an individual, for example. In this instance, the man on the balcony with his camera? Whilst there may be cases where this could be the right approach, what of the vexatious and harassing individual hell-bent on removing the sound of children from

near to him? Should we always assume he is the victim? If these young people were to have been subjected to his campaign of harassment using the police and RSL, who would be the victims? There is the case that it's five young people and their parents and grandparent in one case. No one seems to be bothered about the harm this can do to community/police relations and there is no balance of sanction against such people. Wasting police time is one description. It does happen.

As a footnote, one is inclined to enquire why the final page of the letter/agreement was sent to the families concerned? This is information about ethnic origins, council tenancy, rent arrears etc. All that is completed is ethnic origin. Why were such sheets sent out?

Jan Cosgrove
May 2012



EastendHomes
38 Wager Street
London
E3 4JE



Enquires to: Gill Parker
Email:
gill.parker@eastendhomes.net
Tel: 020 8880 7812

Date: [REDACTED] 2012

Dear [REDACTED]

Re: Report of Anti Social Behaviour – [REDACTED]

Please be advised that EastendHomes has received information from the police relating to your son [REDACTED] conduct on the [REDACTED] Estate.

The allegations are:

[REDACTED] has been stopped on the [REDACTED] Estate on numerous occasions by the Police and Safer Neighbourhood Team loitering, causing nuisance and being involved in alleged drug use/activity.

In order to ensure that your son fully appreciates the kinds of behaviour he must not engage in while on the estate, EastendHomes are asking your son and yourself as his guardian, to sign an Acceptable Behaviour Contract. This details the behaviour your son must not engage in. Should he then continue to engage in this behaviour, EastendHomes may initiate action to secure an Anti-Social Behaviour Order.

Please note that having been offered this opportunity to informally resolve the anti-social behaviour being caused, should [REDACTED] not agree to sign the Acceptable Behaviour Contract then this would serve as good evidence for an Anti-Social Behaviour Order should he engage in any further anti-social behaviour.

I would advise that enforcement action is also being pursued against other young people who have been associating with your son.

In order to progress this matter, I have scheduled an appointment for your son and yourself to review and sign the acceptable behaviour contract, a sample



EastendHomes Limited, Registered Address: Tayside House, 31 Pepper Street, London E14 5RP
Company Number 4518155
Registered as a Social Landlord with the Housing Corporation Number L4434
Charity Registration Number 1107891

copy of which is enclosed, for [redacted] April 2012 at 4.40pm.
The Mile End Safer Neighbourhood Team will also be in attendance and will
witness/co-sign the contract

**I look forward to seeing your son [redacted] and yourself on Thursday
[redacted] April 2012 at 4.40pm at the Bow Road Police Station, London Bow
E3 .**

Yours sincerely



**G Parker
Neighbourhood Housing Manager**

Acceptable Behaviour Contract

THIS CONTRACT is made on the

Between

(1) EastendHomes Ltd

38 Wager Street, Bow, London, E3 4JE (EastendHomes)

(2) Metropolitan Police Service

Mile End East Safer Neighbourhood Team, Bow Road Police Station,
London, E3 (the Police)

AND

I, [REDACTED]

Of [REDACTED]

HEREBY AGREE the following in respect of future conduct

1. Not to congregate in a group of three or more (including self) on the communal areas of any EastendHomes estate including any stairwells, landings, or entrance lobby.
2. Not to congregate in a group of three or more (including self) outside the shops in the Wager Street Parade on the [REDACTED] Estate.
3. Not to threaten, intimidate or verbally abuse any resident, passer-by to any EastendHomes property, any member of EastendHomes staff or its contractors.
4. Not to damage any property belonging to EastendHomes or any of its residents.
5. Not to smoke in any communal area including stairwells, landings and entrance lobbies of any property belonging to EastendHomes.
6. Not to participate in any drug or alcohol activity on any EastendHomes estate.
7. Not to use matches or any other fire starting equipment to give rise to fires on any EastendHomes estate.
8. Not to play football on the [REDACTED] Estate unless this is part of a [REDACTED] Youth Club session which is supervised by an approved youth worker.

9. Not to enter any building on any EastendHomes estate except the block you live in, unless visiting a relative or friend and where so doing, not to loiter in any communal area when passing through.
10. Not to climb onto any building or structure on any EastendHomes property.
11. Not to remain present when any other party is involved in any of the activities already defined.

FURTHER

In addition, by signing this contract I enter into contract with EastendHomes not to act in a manner which causes or is likely to cause harassment, alarm or distress to one or more persons not in the same household.

BREACH

If [REDACTED] Hill does anything which he has agreed not to do under this contract which EastendHomes considers to amount to anti-social behaviour, EastendHomes may :

1. Make an application in conjunction with the police and the London Borough of Tower Hamlets to the Magistrates Court for an Anti-social Behaviour Order to prohibit [REDACTED] from acting in a manner likely to cause harassment, alarm or distress within the locality.
2. Take enforcement action on the grounds that there has been a serious breach of the EastendHomes leasehold agreement in respect of [REDACTED] which could include forfeiture of the lease.

FURTHER

[REDACTED] acknowledges that where an Anti-social Behaviour Order is made by the Court and breached, he will be liable if convicted to a term of detention or to a fine or both.

The contract will remain in force for a period of one year until [REDACTED] April 2013

DECLARATION

I confirm that I understand the meaning of this contract and that the consequences of breach of the contract have been explained to me.

Signed.....Date.....

Signed Parent/Social
Worker.....Date.....

Signed.....EEH Officer Date.....

Signed.....Police Officer Date.....

Signed.....YOT Officer... Date.....



Acceptable Behaviour Contract

Name:

Address:

Telephone No:

Date Of Birth:

Sex: Male

Place of education/

Details of Occupation:

Schools Officer Informed: Y/N

Ethnic Origin (please circle)

Black (i) African (ii) Caribbean (iii) Somali (iv) Other (please state).....

Asian (i) Bangladesh (ii) Chinese (iii) Indian (iv) Other (please state).....

Irish **White U.K.** **Jewish** **East European** **Other (please state)**



Family Details (please give adult(s) details and date of birth

Housing Details (please circle)

Council **Housing Association** **Owner Occupier** **Leaseholder** **Private Rental**

Please state name of landlord – EASTENDHOMES

How long has occupant lived at current addressyrs.....mths

Rent Arrears: Y / N

Appendix B

Answers by 5 young people to whether they had been involved in activities set out in points 1-11 in the letter to parents.

	J	G	A	F	M
1	?	N	Y	Y	
2	Y	Y	Y	Y	
3	N	N	N	N	
4	N	N	N	N	
5	Y	Y		N	
6	Y	N	N	N	
7	N	N	N	N	
8	?	Y	Y	Y	
9					
10	Y	N	N	Y	
11	?	N	N		
When asked whether they had taken part in the activity alleged in the stated question, these were the answers of the 5.					
Where blank = no answer. Where ? = 'not sure'					

