

Barnardo's response to Stengthening Powers to tackle anti social behaviour.

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Introduction

Barnardo's is one of the largest children's charities working in 380 projects and with 110,000 children, young people and their families and carers in some of the most disadvantaged communities and neighbourhoods across the UK. Our services include parenting education – including with parents on parenting orders; work with children at risk of involvement in anti social behaviour and those who are already in the youth justice system.

Our comments on this consultation are informed by research; practice evidence and the views of parents and children and will relate only to the impact the proposals may have on children.

General comments

Barnardo's believes that everyone has the right to live in a safe and decent community and we are aware of the unhappiness, fear and economic cost that ingrained anti social behaviour brings to communities particularly the most vulnerable residents, including children and young people. It is often those communities experiencing extreme poverty, economic hardship and a poor environment which are those where anti social behaviour has the most debilitating effect.

However, we have a number of concerns about the focus on children and anti social behaviour and some of the very punitive approaches being taken to tackle such behaviour. We believe that preventative approaches, which foster respect and equality and that lead to the creation of safe and strong communities that are not divided by scapegoating are more effective in dealing with anti social behaviour. We would not wish to ignore the fact that a few individual children do behave in a way that is very detrimental to their community and clearly need robust action to protect communities from their behaviour. But the great majority of children and young people share adult's desires to be able to go about their business in their own community without being fearful or at risk.

We note that the introduction to this consultation says that the proposals deal with empowering front line practitioners and are disappointed to see that the proposals relate almost exclusively to the police rather than proposals for powers, duties or resources for other practitioners who also work with children at risk of anti social behaviour.

Specific comments

1. Proposed new front line powers in relation to individual acts of anti social behaviour.

We would be concerned that new powers to exclude children from public spaces could further alienate them from the rest of the community and from the police and

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community support wardens. The Government has placed great emphasis on improving these relationships and allowing such discretionary powers would be damaging and discriminatory; they seem to suggest a 'personalised penal code', relating to a single individual and decided upon by another single individual. We would argue that the current powers available, both under Anti Social Behaviour legislation in relation to dispersal and under the Children Act in terms of concern about children themselves, are sufficient to deal with any low level misbehaviour.

2. Deferred Penalty Notices attached to and Acceptable Behaviour Contract

ABCs are voluntary arrangements designed to offer support to children and young people to enable them to desist from misbehaviour. The report published by the National Audit Office in 2006 noted that where ABCs failed to stop children re engaging in anti social behaviour, it was more likely to be because of a failure to engage the young person in making the contract and to support them in complying with it.¹ We cannot see that imposing a deferred PND would be effective in ensuring compliance and it certainly would not be an alternative to proper engagement and support for children and young people. Barnardo's would like to see a real commitment to tackling the causes of anti social behaviour and helping children to change. We would advocate other approaches, for example that taken by the Barnardo's Heartbeat project in Hartlepool. When a young person is engaged in anti social behaviour and some formal intervention such as an ABC or ASBO is being considered to address a young person's behaviour, a fast track referral is made to our service where we can provide a holistic assessment and support to address the underlying causes of the behaviour.

3. Recognising on-street reparation in police performance measures

We welcome any proposal to remove the perverse incentive sometimes provided by the offences bought to justice targets, particularly in relation to children. Informal reparation, which enables children to face up to their behaviour and apologise can be very effective. However, from our own experience in restorative practice we know that mediating between a perpetrator and victim requires particular skills and training. We would welcome some reassurance that the police and community wardens will receive this training. Unskilled mediation can actually exacerbate conflict situations rather than resolve them.

4. Reinforcing parental responsibility for their child's behaviour

Barnardo's has a significant number of services supporting parents to take responsibility for their children and providing education and skills to help them develop better relationships and appropriate discipline measures. We do not believe, from the evidence of our practice, that financial penalties assist parents to take more responsibility or result in changes in the behaviour of their children. Those children who do engage in anti social behaviour are, in the majority from our poorest and most disadvantaged families and communities. Measures which in effect make them poorer can only serve to put more pressure on what can be already fragile family relationships.

¹ Tackling Anti Social Behaviour, National Audit Office London 2006, The Stationery Office