

Edition 4 – May 2008

# STANDARD ISSUE

RESPECT  
STANDARD  
FOR HOUSING  
MANAGEMENT



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# LATEST NEWS

Welcome to the fourth edition of Standard Issue in which we focus on Supporting and Protecting Victims and Witnesses.

As usual thanks to everyone for their contributions, which as always were more than we could use. The level of contributions is once again heartening and gives a good indication of how much best practice is out there.

Remember, this is your newsletter so do please let us know if there is anything in particular you would like to see covered in future editions.

## Robert Attrill

Editor, Standard Edition  
Robert.attrill@communities.gsi.gov.uk

## NEW MINISTER FOR HOUSING

Caroline Flint was appointed Minister for Housing in January 2008 due to a cabinet mini-re-shuffle. Caroline was most recently Minister of State for Employment and Welfare Reform. Her ministerial responsibilities included the labour market, welfare to work and child poverty. Caroline was also Minister for Yorkshire and the Humber. Before working at the Department of Health, Caroline was Parliamentary Under Secretary of State at the Home Office responsible for reducing organised and international crime; anti-drugs co-ordination and international and European issues.



## SIGN UP

We are pleased to see that sign-up to the Standard continues, given the recent changes in Government, and the creation of the New Youth Taskforce. As you will know, the Youth Taskforce was created from the Respect Taskforce to build on the Respect programme and support local delivery of the Government's vision for young people. The Respect programme has been a success in reducing anti-social behaviour and today, the vast majority of what was promised is up and running, including the Respect Standard. However, we have not come this far together to neglect all the hard work that is already making a difference and key elements of the Respect programme, like neighbourhood policing and community empowerment are still priorities. The Respect Standard still continues to be led and supported by Communities and Local Government and officials here are still available for advice and support. As of March 2008 (the latest figures available at time of going to print) sign-up had reached over 70% of all social housing stock in England and we are still continuing to encourage more landlords' participation to ensure that all residents can expect quality services in line with the Standard.

## UP & COMING

### Victims and Witness Guidance issued by Communities and Local Government, the Home Office and the Ministry of Justice

We will shortly be publishing comprehensive joint guidance for practitioners on victims and witnesses. As we know, most anti-social behaviour housing related cases are heard in the Civil, rather than the Criminal Courts. In the latter there are often more robust procedures in place to protect victims and witness of anti-social behaviour. However, we know anti-social behaviour cases form a small proportion of the business of civil courts and often the layout of court buildings is not conducive to protecting and reassuring victims and witnesses. There is also not the same degree of support networks in the civil system. It is against this backdrop that the first part of this guidance, which we hope will be of particular use to you all, has been produced in effect, to help sign post practitioners to available support and best practices for civil courts. The second part of the guidance is more detailed, and advanced, advice for practitioners. Again, as signatories to the Standard we will automatically send you all a copy.

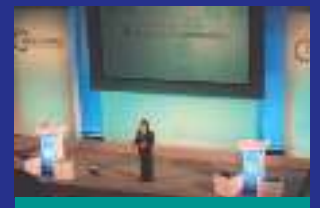
## WHAT'S HAPPENED?

### Partnership Working

Guidance on partnership working for Registered Social Landlords and Crime and Disorder Reduction Partnerships (CDRPs) was published in February. The guidance aims to help improve engagement between housing associations and their partners with CDRPs, to assist landlords in tackling problems that can blight housing estates, including drinking in public, youth congregation, truancy and drug taking. As signatories to the Standard you should have received a copy. If you have not received a copy you can request one from our publications department by emailing [communities@twoten.com](mailto:communities@twoten.com) or tel: 0870 1226 236 quoting product code: 07LSR04925.

### Respect and Communities Event

Back in November we held an event aimed at practitioners and tenants. The event, with thanks to all of you for its great attendance, focused on how genuine resident empowerment can bring about positive change and build confidence and resilience necessary to challenge anti-social behaviour. The conference, which saw excellent presentations from a group of young people from Poplar HARCA and included practitioner led workshops, was also addressed by our Secretary of State, Hazel Blears. Hazel took this opportunity to reaffirm the Departments commitment to the Respect Standard and pointed out that "the Standard has never been about a one-off initiative. It is about making a lasting difference in our neighbourhoods."



# PRACTICE MAKES PERFECT

For many of you Supporting and Protecting Victims and Witnesses of anti-social behaviour is key to successful outcomes. Therefore, with the impending publication of the Victims and Witness Guidance we felt it was a good time to take a look at this core activity and spotlight some of the valuable work that is being undertaken out there.

## DEALING WITH ASB ON THE BROOKHOUSE ESTATE, ECCLES

There was a spate of incidents on the Brookhouse estate involving harassment and intimidation of residents and damage to property during December 2007. It was clear that a number of properties on the estate were being targeted.

Various agencies were concerned that the situation could escalate in particular over the Christmas period and wanted to ensure that all victims and witnesses of anti-social behaviour and crime had as much support as possible over the period whilst the housing and council offices were closed and access to services was limited.

In response, Salford City Council's Anti-Social Behaviour Team, New Prospect Housing and Greater Manchester Police in partnership organized a series of initiatives in order to equip residents with the necessary information in terms of how to report incidents and the out of hours contact details in the event of an emergency.

A leaflet drop and a door knocking exercise was conducted by Police Community Support Officers

to all properties on the streets identified as being targeted and residents were provided with a 24 hour telephone number to access for advice and support regarding anti-social behaviour. Anti-Social Behaviour officers made a number of calls to vulnerable residents over the Christmas closure period for additional support. The Anti-Social Behaviour Team also contacted the police over the Christmas closure period to share information of any incidents occurring over the period.

CCTV equipment was also installed in some properties where residents had been targeted. There were some incidents of criminal damage which occurred over the Christmas period which were reported to the police.

Investigations are ongoing and any identified culprits will be dealt with appropriately. Residents feedback has been that they felt safer and well supported with the additional measures that were put in place.

**Mark Fitton**  
Anti-Social Behaviour  
Co-ordinator  
Housing Connections  
Partnerships

## WITNESSES ENCOURAGED TO TAKE A STAND AGAINST ANTI-SOCIAL BEHAVIOUR

"Newham Witness Charter outlines service standards that members of the public can expect if they come forward as witnesses"

An innovative programme to tackle anti-social behaviour has been launched by the London Borough of Newham in partnership with East Thames Group.

The programme aims to encourage people to record incidents of anti-social behaviour and come forward as witnesses, demonstrating the support services they will receive from local agencies. As part of the programme, the Newham Witness Charter has been produced in consultation with a wide range of groups and individuals. Thought to be the first of its kind, the Charter outlines service standards that members of the public can expect if they come forward as witnesses. It sets out services and support provided by the council and 23 partner agencies, including most housing associations operating in the borough.

The Charter also includes a Witness Pack containing useful contact numbers for reporting

incidents, logs for recording incidents and a guide that explains court proceedings and what acting as a witness entails.

East Thames Group has also worked with Newham to produce a training DVD on how to support anti-social behaviour witnesses which includes local volunteers and witnesses who speak about their experiences. Aimed at staff within housing associations and other public bodies who support witnesses of anti-social behaviour, the DVD will form part of training being delivered to RSL front line staff in March and April.

Recently, a Peer Support Group has also been formed on the back of the programme. This involves council and housing association tenants, who have been witnesses in the past, offering support to current or potential witnesses.

**Sarah Buckland**  
ASB Manager  
East Thames Group



## **SOUTH ESSEX HOMES – WITNESS SUPPORT SCHEME SUCCESS**

Since it was launched in October 2005, South Essex Homes have operated an effective Witness Support Scheme to support their key objective of reducing anti-social behaviour. A specialist anti-social behaviour Team was created which has improved the reporting of and, dealt more vigorously with anti-social behaviour.

The evidence of witnesses cannot be underestimated, especially in cases involving formal enforcement action. It is therefore, essential that victims and witnesses should be supported before, during and after the case is being dealt with in accordance to their individual needs. Witness Support is a collective responsibility but in those cases where witnesses are vulnerable or where they may be required to attend Court to give

evidence, they are given further and specific support by the Witness Support Scheme Officer.

As a result of four different cases that involved excellent witness evidence, South Essex Homes Witness Support Scheme successfully nominated four different persons for the National Respect Awards For Taking A Stand (RAFTAS). These witnesses each found that the support that they were given assisted them during their own bad experiences. Each of them has agreed to be part of a localised voluntary Witness Support Group. As such, if South Essex Homes are dealing with other would-be victims, members of this voluntary group can meet up with witnesses as they wish, exchange telephone numbers and encourage them also

to take a stand against anti-social behaviour. This has already proved to be very successful.

Any witness in a case is welcome, but with thought, care and dedication – and not necessarily a large expense – these same

witnesses can become excellent witnesses with the formation of a Witness Support Scheme.

**Lynsey Stephenson**  
Communications and  
Media Manager  
South Essex Homes



## **NORTHAMPTON BOROUGH COUNCIL – HOUSING SERVICES SUPPORTING VICTIMS AND WITNESSES**

At Northampton Borough Council we wanted to ensure we were being proactive in providing support for victims and witnesses of anti-social behaviour. We particularly wanted to ensure we were providing appropriate care and support to the victims and witnesses of anti-social behaviour where cases were proceeding to court.

The Crown Prosecution Service in Northampton has set up a very successful 'witness care unit', and so we consulted with them. A series of meetings were set up with the unit manager who gave us advice on making sure that everything

remains victim/witnesses centred. We were advised that the most important thing is always to keep those involved fully informed at each step.

Victim support and the Witness Service at the Court were also consulted. The court process can be intimidating and Witness Service agreed that they would take direct referrals from Housing and would then support the victims/witnesses through the court process. Victim support also agreed to take direct referrals and make contact to assist and provide support.

Northampton Borough Council now has a Supporting the Victims



and Witnesses of Anti-Social Behaviour protocol, which has been agreed in partnership with Victim Support and The Witness Service.

**Nick McKenzie**  
Housing Services Team  
Leader  
Northampton Borough Council



## **SHEFFIELD HOMES ANTI-SOCIAL BEHAVIOUR UNIT WITNESS SUPPORT**

Sheffield Homes recognise that giving evidence in court can be a stressful and scary experience for witnesses, especially those living close to the defendants in anti-social behaviour cases.

We have a long established and comprehensive package of support for all witnesses who attend court on behalf of Sheffield Homes.

This process starts when someone first reports anti-social behaviour to us. We treat all complaints seriously and aim to build the victims' confidence in us by keeping in regular contact. Our procedures are built around attempting to resolve cases without the need for legal action but where this becomes necessary we will offer a range of support measures to help witnesses feel safe, secure and confident right through the process:

- Court Visit before a hearing. The witness is shown inside

a courtroom and can stand in the witness box to familiarise themselves with the layout of the Court. We will also explain how the process works and what their role will be.

- Transport to/from a hearing.
- Use of a private witness room away from the defendant.
- Use of Witness Support Officers.
- 'Guide for Witnesses' leaflet.
- Improved home security/ connection to an out of hours alarm service.
- Use of injunctions.
- Liaison with the Police.
- Continued contact and support after the trial.

We feel that providing these services for people who are brave enough to take a stand against anti-social behaviour is the least we can do.

**Jim Dee**  
Assistant Manager Anti-Social Behaviour Unit  
Sheffield Homes

## **WREKIN HOUSING TRUST**

*"We have volunteers who have been victims/witnesses of anti-social behaviour in the past"*

The Wrekin Housing Trust, Beth Johnson, Bromford Living and Bournville Village Trust have worked in partnership to develop a Peer Witness Support Scheme in the Telford & Wrekin area. Between the four organisations, we have volunteers who have been victims/witnesses of anti-social behaviour in the past, who are willing to give up their time as and when needed, to provide support on a voluntary basis to residents currently experiencing anti-social behaviour. The most effective and powerful witness support can be provided by Peer Support, by people who have been victims/witnesses themselves, who can empathise emotionally and provide the confidence and self-belief to those currently experiencing anti-social behaviour that they can put a stop to it. This capacity building strengthens the skills, knowledge and confidence within communities to tackle anti-social behaviour and empower residents to take a stand.

**Louise Holland**  
Wrekin Housing Trust

## **SAFER WITH SENTINEL' - HELPING RESIDENTS STAND UP TO ANTI-SOCIAL BEHAVIOUR**

Sentinel Housing Association has launched 'Safer With Sentinel', a package of support to help people stand up for their communities and give evidence about anti-social behaviour.

The aim of 'Safer With Sentinel' is to effectively deal with anti-social behaviour complaints which involve intimidation of victims and witnesses by offering appropriate support to ensure that complainants feel safe and able to progress the complaint further. Witnesses and victims of anti-social behaviour have three key needs which 'Safer With Sentinel' aims to meet:

- Safety: ensuring complainants feel secure and protected.
- Information: ensuring complainants know what is happening with the case and are not 'kept in the dark'.
- Support: ensuring complainants do not feel isolated and providing easy access to support services enabling them to stay engaged with the process.

security, personal security devices, overt or covert CCTV, panic alarms connected to a 24 hour service centre, as well as regular contact and information about the progress of the case. When necessary, Sentinel will also apply for emergency injunctions to protect residents.

For those giving evidence at court, there is a range of services including pre-hearing visits, accompanied journeys to and from court, secure waiting rooms, and payment for expenses. Beth Holmyard, Anti-Social Behaviour Officer for Sentinel said, "One of our biggest hurdles to taking enforcement action is getting residents to give evidence for court cases. People are often worried about reprisals or afraid of going to court as they don't know what will happen. 'Safer With Sentinel' offers support, as well as practical measures such as CCTV and extra home security." 'Safer With Sentinel' has been publicised with postcards, posters and a radio campaign.

Residents undergo a 'needs' assessment to identify what features are required. The options include extra home

**Beth Holmyard**  
Anti-Social Behaviour Officer  
Sentinel Housing



# CALICO – OUT OF HOURS WITNESS SUPPORT

Since 2004 Calico has provided an out of hours witness support service to customers reporting anti-social behaviour/nuisance issues who are deemed to be at risk or vulnerable. This service is essentially in place to reassure people and build up a trusting relationship with the landlord. Residents are offered this service whether or not they are a Calico tenant providing they live on our estate.

Each week the anti-social behaviour officers provide a weekend/bank holiday service whereby we contact residents already identified by staff as in need of additional support. It provides an opportunity for the customer to inform us of any further incidents or simply get things off their chest on the same day/day after rather than waiting until Monday morning and also enables staff to provide further advice on how to respond to the problem. We keep a record of all residents contacted and whether there have been further incidents, including details of the advice given. Residents are strongly



advised to inform the police if a serious incident occurs rather than wait for the next contact from Calico.

We originally intended to expand the service to a standby/call-out service to include weekday evenings and weekends. However, based on feedback from customers and case numbers we

decided to retain the 'we call you' option. This provides a value for money service that targets those in greatest need. It assists us in keeping witnesses on board if the case should require a legal intervention. Customers are genuinely appreciative of the weekend contact and in reality the numbers of contacts are relatively low.

We do not rely solely on the out of hours service to support witnesses but for little cost it provides a great deal of reassurance and builds confidence in them that we are taking their issues seriously.

**Karen Ainsworth**  
Respect Manager  
Calico Housing

## INSPIRED?

Why not keep us up-to-date with what you have done with your community to show your public commitment to meeting the Standard. Tell us about current projects or innovative ideas that you have undertaken.

# YOUTH TASKFORCE – ACTION PLAN

The Youth Taskforce Action Plan was launched on the 18th March 2008. It sets out how we will take forward the response to anti-social behaviour by young people with a strong package of measures to do more to tackle the root causes of bad behaviour.

The Action Plan sets out an approach based around **tough enforcement** to tackle problems, **non negotiable help** to tackle the causes of problems and **early intervention and prevention** to nip problems in the bud.

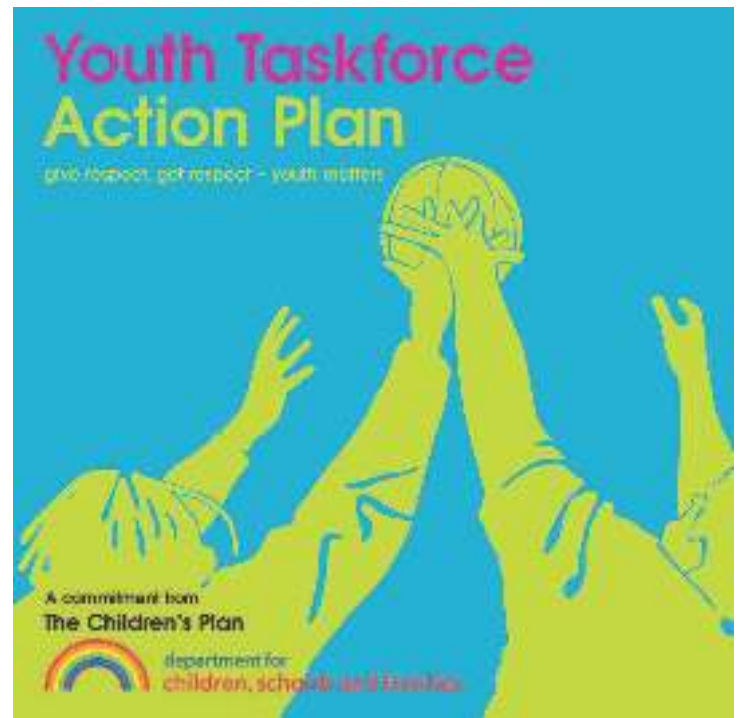
We have announced a package of up to £218.5 million over the next three years to continue and build on work to tackle youth anti-social behaviour and its causes. And we are committed to do more - communities want lasting improvements and that means not only stopping behaviour but also changing it.

The Action Plan shows how we will do this by:

- **Continuing investment to support local services to tackle anti-social behaviour.**

We need to keep up and extend the good work we've started. Over the next three years we'll continue the investment we've made this year through the Respect programme. That totals over £100 million over the next three years.

- **Setting up 20 projects to address the most challenging young people.** These will be based on the successful Family Intervention Projects which have helped the most anti-social families. These projects will work with around 1,000 of the most challenging young people each year.
- **Intervening early by setting up 52 Challenge and Support projects.** Focused on young people involved in or at risk of anti-social behaviour and crime. We will invest £13 million over three years.
- **Continuing investment into positive activities for young people** – giving them places to go and things to do. Almost £23 million next year (2008/09) is being invested to achieve this.



- **Addressing poor parenting** – parents are a key influence but many need extra help to meet their responsibilities better and we're making up to £60 million available over the next three years.

Further information on the Youth Action Plan can be found at [www.everychildmatters.gov.uk/youthmatters/ytf/actionplan](http://www.everychildmatters.gov.uk/youthmatters/ytf/actionplan)

## ANTI-SOCIAL BEHAVIOUR TOOLS AND POWERS

The Home Office Guidance on Anti-social Behaviour Tools and Powers will be published on the 8th of May. Since 1998 there has been a raft of measures introduced which are designed to curb anti-social behaviour. This included introducing Anti-social Behaviour Orders in the Crime and Disorder Act 1998 and Fixed Penalty Notices for Disorder in the Criminal Justice and Police Act 2001. The Anti-Social Behaviour Act 2003 has been fundamental to the campaign to tackle anti-social behaviour, giving local agencies the tools to get on with their job.

Now practitioners will be able to find advice on all of the legislation and measures they can use to tackle anti-social behaviour in one place. The guidance covers the incremental use of the tools from Acceptable Behaviour Contracts to Anti-social Behaviour Orders and Injunctions and a range of situations illustrated with case studies to point the way to effective action. It also has a very useful chart that lists all the possible types of anti-social behaviour and describes the legislation and enforcement and support measures that are available. Given that anti-social behaviour forms part of the work

of a number of Government Departments the Home Office has consulted very widely with its delivery partners, including Communities and Local Government, the Crown Prosecution Service, Department of Children Schools and Families, the Youth Justice Board to name a few.

We know that more and more areas are now taking actions to tackle anti-social behaviour, enforcement powers are being widely used and thousands of practitioners have been trained and are committed to taking action in their communities.

The new guidance for practitioners will be an invaluable reference source and put out a strong positive message about the approach to tackling anti-social behaviour. It will also compliment the:

- Anti-social behaviour Actionline – a free telephone advice line on tackling anti-social behaviour; and the
- Respect website [www.Respect.gov.uk](http://www.Respect.gov.uk) which offers advice and information on all anti-social behaviour related matters. It will also be possible to download a copy of the guidance from this website.

# GETTING TO KNOW YOU...

IN THIS ISSUE WE PROFILE THE WORK OF CIRCLE ANGLIA ONE OF THE UK'S LARGEST GROUPS OF AFFORDABLE HOUSING PROVIDERS

**Circle Anglia and its partners currently manage over 45,000 homes. The group signed up to the Respect Standard last May, and have been making great progress to tackle anti-social behaviour in a diverse range of communities and neighbourhoods.**



*Group Director of Services, Robert Black, Group Chief Executive Mark Rogers with tenants Judith Wren, Terence Ali and Anne Anketell, Managing Director of EPIC (Empowering People through Independence and Choice) Trust.*

The group recognised the importance of raising awareness of the Respect standard to its residents, and took action to:

- Distribute a dedicated Respect booklet to over 30,000 homes
- Launch a dedicated Respect website – [www.circleangliarespect.org](http://www.circleangliarespect.org)

It was this communication campaign informing and advising residents about tackling anti-social behaviour that was recognised by the Chartered Institute of Public Relations as a 'Best Not-for-

## “Circle Anglia also began piloting a pioneering resident mentor programme in April”

Profit campaign' at the 2007 Pride awards.

As well as using the powerful tool of communication, Circle Anglia firmly believes in supporting victims and witness of anti-social behaviour. As part of this, Circle Anglia also began piloting a pioneering resident mentor programme in April with two of the group's

partners, South Anglia Housing and Wherry Housing Association. It is thought the scheme is the first of its kind in the social housing sector.

The resident mentor scheme involves working closely with five residents at Wherry and South Anglia, who have personal experience of anti-social behaviour. Each

resident will befriend and offer emotional and practical support to victims in their community, either face-to-face over a cup of tea in a neutral setting or by telephone.

Chris Ellison, Managing Director of South Anglia Housing comments: “The resident mentor scheme will use communication and

personal support as strong tools in the battle against anti-social behaviour. It will give residents the opportunity to provide support to others in their community who are experiencing anti-social behaviour, and become a friend through a very difficult time."

Wherry Housing Association is also piloting the mentor scheme, but has also taken new steps to tackle anti-social behaviour and support victims in East Anglia. Last September, they launched a 24-hour hotline to help victims of anti-social behaviour which is answered by Wherry during normal working hours, and

partners, Flagship Housing Group, at all other times. It allows residents to report anti-social behaviour, domestic violence or race-hate crime at anytime of the day, 365 days a year.

Wherry also forged a new partnership with Victim Support Norfolk to boost the free mediation service they already provide for anti-social behaviour victims. Mark Jones, managing director of Wherry comments; "Our partnership with Victim Support Norfolk means that if cases progress to court, the victim gets free transport to and from court, and the support of a trained

specialist to explain the court procedure. They also arrange a court visit before the case to help victims feel more at ease with the process. They provide a dedicated person for each victim to speak to, which is really valuable at such a distressing time."

If your organisation is considering setting up a peer mentoring scheme, or wants to boost the level of support currently provided to victims of witnesses of anti-social behaviour, you can speak to Mark Luetchford, Head of Sustainable Communities at Circle Anglia to find out more about their work. He can be

contacted on **020 7704 5433** or email [mark.luetchford@circleanglia.org](mailto:mark.luetchford@circleanglia.org)

**Hannah White**  
PR & Communications Officer  
[Hannah.white@circleanglia.org](mailto:Hannah.white@circleanglia.org)  
Circle Anglia

"Our partnership with Victim Support Norfolk means that if the case progresses to court, the victim gets free transport to and from the court and the support of a trained specialist to explain the court procedure"

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# TOOL KIT

## ANTI-SOCIAL BEHAVIOUR RELATED CASES IN THE COUNTY COURTS

In general terms, county courts deal with a relatively small proportion of anti-social behaviour related cases, with the majority being dealt with by magistrates' courts. However, anecdotal evidence suggests that the number of anti-social behaviour related cases being brought to county courts has increased in recent times.

The main categories of anti-social behaviour related cases dealt with by the county courts are applications for Anti-Social Behaviour Injunctions (ASBIs), applications for Anti-Social Behaviour Orders (ASBOs – these however cannot be free standing but need to be attached to other related principal proceedings, usually a housing possession claim), housing possession claims on grounds of anti-social behaviour, and demotions.

One of the key findings of a recent pilot scheme

undertaken in a number of county courts to test the concept of a "county court Anti-Social Behaviour co-ordinator" was to make a "checklist" developed during the pilot available to all county courts. The "checklist" acts as an additional comprehensive guide to county court staff when dealing with anti-social behaviour related cases, and incorporates good practice developed previously on a local basis. It includes questions such as whether the correct forms have been used; whether the correct supporting papers have been filed; and whether witnesses will be attending the hearing. The "checklist" was made available to claimant organisations involved in the pilot in order to provide them with a quick reference guide as to key information that they needed to provide the court concerning, for example, potential problems or special requirements.

Her Majesty's Court Service (HMCS) have now circulated the "checklist" across the county court network and this should provide county court staff with a common, helpful source of reference material when dealing with anti-social behaviour related cases, and court users should benefit from having uniformed procedures being followed, with early notification of any problems with their applications. It should however be emphasised that whilst the "checklist" should help court staff to identify any problems with anti-social behaviour related claims, it is the responsibility of claimants to ensure that correct procedures are followed and in particular that the courts are given early notification of any potential problems or special requirements.

This is illustrated by a key outcome from the pilot scheme, which showed that

arrangements for special requirements such as witness support could be made in the county courts, where the court is given sufficient and early notice, and these findings have been incorporated into the Victims and Witness Guidance that is being published shortly.

If you are therefore considering issuing an anti-social behaviour related claim in the county court, preparations for those court proceedings could be assisted by reference to the Victims and Witness Guidance and to the above "checklist". A copy of the "checklist" and more information is available from Mike Wrankmore (HMCS) – [Michael.Wrankmore@hmcourts-service.gsi.gov.uk](mailto:Michael.Wrankmore@hmcourts-service.gsi.gov.uk).

“Anecdotal evidence suggests that the number of anti-social behaviour cases being brought to county courts has increased in recent times”

# MY VIEW... PETER SMITH

Anti-Social Behaviour Specialist Prosecutor,  
Crown Prosecution Service, South West

**As a Lawyer/Advocate, I like to think that I “win” trials and this view of our importance to the trial process is reinforced by programmes such as Kavanagh QC where our hero advocate always manages to snatch victory from the jaws of defeat. If I look at it logically, however, whilst my actions can lose the trial, I rarely have sufficient impact on the process to win it. That honour must go to the witnesses.**

Lawyers constantly talk about the differences between our Civil and Criminal Law systems, but whilst there are significant differences, the trial process remains the same in that both sides call their witnesses to give evidence to the Court and the Court makes its judgement on the evidence that is before it. Whilst the Advocates dress up in robes and wigs and draw attention to themselves, it is the Witnesses who give the evidence upon which the case will turn and therefore should be the most important persons in the Court.

When dealing with anti-social behaviour, it is the witnesses who continue to suffer throughout the process.

They suffer the consequences of the behaviour; they then suffer what can be the de-humanising process of trial preparation by lawyers and investigators where their words can be changed “because it looks better”; they appear in Court where the system appears to be primarily concerned with the Defendant receiving a fair trial. The net result of this process is that the system puts people off from being witnesses and thus manages to defeat its purpose, namely justice.

Over recent years the Criminal Justice System has sought to address some of the obvious issues and Victim Support has been operating in both Magistrates’ and Crown Court

for some time and in most Courts the waiting facilities for witnesses have improved greatly. Another development over the last couple of years has been the joint Police/ Crown Prosecution Service Witness Care Unit which gives all victims and witnesses a single point of contact throughout the case and ensures that accurate information is given to them at all stages. Also the Criminal Courts are extending their use of screens and CCTV Links to protect witnesses from having to face the Defendants in court. Finally, the Criminal Justice Act 2003 allowed the Court to admit statements from intimidated witnesses as hearsay statements, but this is only done in exceptional circumstances.

Whilst these changes have helped, the key to success is always going to be the human touch. Witnessing any anti-social behaviour is never a pleasant experience and being asked to attend Court and give evidence, during which the defence will suggest that “you are mistaken” or worse, will always be unpleasant. As an Advocate, we must recognise this and stop portraying the whole process as a game. We must make use of the tools that the

law has provided us with to ensure that Best Evidence is given to the Court in every case and we must try to mitigate the intimidatory process of giving evidence and where necessary protect the witness by use of bail conditions, Injunctions and ASBOs. Where an ASBO is obtained using professional and hearsay evidence as suggested by the Home Office, we must not forget that prosecution of the breach requires the witness to give evidence as hearsay would not be admissible and therefore we have to look after all our potential witnesses so that they will give evidence on breach.

The purpose of the anti-social behaviour strategies and legislation is to give relief to victims and witnesses and to protect them from intimidation and anti-social behaviour. That puts the victim and the witnesses at the heart of the process and we should ensure that they are the ones that “star” in the Court process and receive the help and support they require to ensure that they give the best evidence possible.

**Peter Smith**  
Anti-Social Behaviour  
Specialist Prosecutor  
CPS South West

## Further Information

If you would like further information on the Respect Standard for Housing Management please visit our web site:  
[www.communities.gov.uk/housing/housingmanagementcare/antisocialbehaviour/publicationsantisocial/respectstandard/](http://www.communities.gov.uk/housing/housingmanagementcare/antisocialbehaviour/publicationsantisocial/respectstandard/)

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May 2008

Product Code: 08SHM05267

ISBN: 978 1 8511 2961 4

