

Guide to the Antisocial Behaviour etc. (Scotland) Act 2004



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SCOTTISH EXECUTIVE

Guide to the Antisocial Behaviour etc. (Scotland) Act 2004



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Ministerial foreword

All of us – the Scottish Executive, local agencies and local communities – have a responsibility for tackling antisocial behaviour. But it is local communities and local agencies who are in the driving seat - they have a **key** part to play - supported by the Executive.

We want to encourage local communities and local agencies to put a stop to antisocial behaviour. We are playing our part. We recognise that there is a lack of support for ordinary people affected by antisocial behaviour – this undermines their confidence which means that they will not report antisocial behaviour when it happens or take a stand against it. People need to know what can be done (and in some cases what cannot be done) if they are suffering from antisocial behaviour. They need to know who they should contact for help in particular situations and they need to feel confident to do this. This is why, as part of our communications strategy, we are telling the public what services are on offer and what help they can expect from their local agencies.

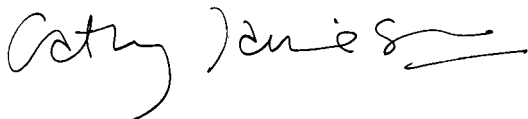
We are also supporting local agencies to make sure they are in a position to respond to their local communities. The new Antisocial Behaviour etc (Scotland) Act 2004 gives antisocial behaviour practitioners new tools to get on with the job of tackling antisocial behaviour. We have also given substantial funding to every local authority across Scotland to provide services such as mediation, victim support and helplines for people suffering from antisocial behaviour.

We have started a wider programme of practical support. This guide is just one part of that. It gives antisocial behaviour practitioners a summary of the contents of the Act and how it can be used to tackle antisocial behaviour. Over the coming months, we will also provide even more help to make sure local agencies can use the new powers available to them. This will include:

- a series of practical 'masterclasses' on different parts of the Act aimed at antisocial behaviour front-line, operational staff;
- a telephone advice line for professionals working on antisocial behaviour to help them put into practice the new measures in the Act; and
- a website for practitioners to show good practice.

We have provided a framework and we will continue to work to support local agencies. Now is the time for local agencies to take action. Together, we can make a real difference for the people we all serve. We need to remove the feeling of hopelessness that has developed around antisocial behaviour in so many of our communities. We need to encourage a sense of responsibility and confidence. We also need to develop a culture of respect – respect for our communities, respect for our neighbours and respect for ourselves.

We need your help to make real changes and I hope this guide kick-starts the process.



Cathy Jamieson
Minister for Justice

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Antisocial behaviour strategies (part 1)

Local agencies – councils, the police, the children’s hearing system, the courts and registered social landlords – need to work together to tackle antisocial behaviour. But they also need to work closely with local people, because they are the ones who experience antisocial behaviour and they need to be involved in developing the solutions. Antisocial behaviour strategies, covering each council area in Scotland, will provide the basis for promoting co-ordinated action to prevent and tackle antisocial behaviour in local communities.

- Under the Act, every local authority, together with the relevant chief constable, must prepare, publish and review a strategy for dealing with antisocial behaviour in their council area.
- The strategy will set out:
 - antisocial behaviour problems in the council area;
 - the services already available for preventing and tackling them (including for people under 16, victims and witnesses of antisocial behaviour and people who need mediation to help solve disagreements between neighbours);
 - the new services that the council and other agencies will need to put in place to fill any gaps in services; and
 - how the council and the police will co-ordinate their work and exchange information.
- In preparing their strategies, local authorities must consult the principal reporter to the children’s panel, registered social landlords (RSLs) and groups representing people affected by antisocial behaviour. Strategies will be expected to identify those areas where antisocial behaviour problems are particularly bad and how the council will work with local people on an ongoing basis to tackle the problems.
- To monitor the strategies and make sure that relevant agencies are responsible for their actions, local authorities must publish progress reports from time to time. The police, RSLs and the children’s reporter must provide all the information the council needs for these reports. The content and timing of these reports will be decided by Scottish Ministers.
- Finally, as well as asking local authorities to consult RSLs, section 3 gives Scottish Ministers the power to make regulations for particular RSLs to get involved in preparing, reviewing and revising strategies. This power has been adopted because of the very varied nature of RSLs – some are very large, having received local-authority housing, while others, for example in rural areas, may be managing relatively few properties. We would expect those RSLs that are the main or a major housing provider in the local-authority area to be more closely involved in all aspects of the strategy than smaller ones.

Antisocial behaviour orders (ASBOs) (part 2)

Antisocial behaviour orders (ASBOs) are preventative orders to protect victims of antisocial behaviour and the wider community from further acts of antisocial behaviour – that is, behaviour that causes or is likely to cause alarm or distress. It is a criminal offence to break an order.

ASBOs were introduced by the Crime and Disorder Act 1998 but were limited to people aged 16 or over in Scotland. The measures in the Antisocial Behaviour etc (Scotland) Act 2004 replace those in the 1998 Act as they relate to Scotland, and introduce a number of changes.

The main changes are as follows.

ASBOs for under 16s

- Sheriffs can now grant an ASBO or interim ASBO against an individual aged 12 or over who is continuously involved in antisocial behaviour, and where existing options are not working. Interim ASBOs can be made before the full evidence is heard if there is a pressing need to protect people. The sheriff must consider the views of the principal reporter before granting an interim order.
- Before a sheriff can consider granting a full ASBO to someone under 16 years, a children's hearing will be held. The sheriff will consider the advice of the children's hearing before making the decision on whether to grant a full ASBO.
- When granting an ASBO against someone under 16, sheriffs will also have the power to grant a parenting order if it is decided that this will help prevent further antisocial behaviour.
- If an ASBO is granted against someone under 16, and this is broken, this will be a criminal offence and will be reported jointly to the procurator fiscal and the principal reporter. The procurator fiscal, in discussion with the principal reporter, will decide what action should be taken according to the circumstances of each case. However, possible penalties do not include going to prison, which is an option for an ASBO against an adult.

Other changes to ASBOs

- When an ASBO or interim ASBO has been granted, copies of the order must be given to both the offender and the local authority. Local authorities must maintain a record of these orders and make this information available to the relevant people, for example, the police and other local authorities.
- Any ASBO that is applied for is no longer limited to the boundaries of the local authority area, and can now cover other local authority areas.
- Breaking an ASBO is already a criminal offence. To allow the police to act immediately in these cases, there is now a statutory power of arrest.

Dispersal of groups (part 3)

Everyone has the right to feel safe in their community. It is unacceptable for people to be afraid to leave their homes, to use public spaces, or go about their day-to-day business, because they feel intimidated by groups of people hanging about.

New powers will allow the police to deal with people who are involved in antisocial behaviour in trouble spots to help bring relief to local communities.

- Part 3 creates a new power for a senior police officer to designate (in other words, name) an area, in consultation with the local authority, where there has been significant, continuous and serious antisocial behaviour, and the presence or behaviour of groups is contributing to the problems.
- Before a senior police officer designates an area, an authorisation notice giving the area and date when the designation will begin and end must be drawn up. The senior officer may also decide that the powers should only be enforced on certain days or times within the overall period. That information should also be included in the authorisation notice. The notice must be published in a local newspaper and public notices which can clearly be seen in the area. An area can be designated for up to, but no more than, three months.
- In the designated area, the police will have the power to disperse groups of two or more people or individuals within groups where their presence or behaviour is causing, or is likely to cause, alarm or distress to any member of the public. In deciding whether to use that power the constable has to be satisfied that by doing so it is likely to reduce the alarm and distress. The police can order any person who does not live in the area to leave, and can also prohibit them from returning to the area for the next 24 hours.
- It is not an offence to be given instructions to leave the area from the police. But, if individuals refuse to follow the constable's instructions, they will be committing an offence. In these circumstances, police can arrest a person without a warrant.

Closure of premises (part 4)

In some communities there are particular premises which are a constant focus for antisocial behaviour, for example, drinking or drug dens. For those living nearby their lives are made a misery. They live in fear and have little or no break from it day or night. The aim of this condition is to give the police and courts the power to seal off premises (residential and non-residential) and prohibit all access to them, for up to three months, to give the surrounding community relief.

- A senior police officer can authorise that a closure notice is served on the premises if they have good reason to believe that a person has been involved in antisocial behaviour on the premises within the last three months. They can also issue a closure notice where the use of the premises is associated with significant, continuous and serious nuisance or disorder.
- A number of procedures must be followed before a notice is granted. These include consulting the local authority about the planned closure, and taking reasonable steps to find out the identity of any person (or people) who lives in, has responsibility for or has an interest in the premises.
- A constable will then serve a closure notice on the premises. This prohibits anyone going into the premises who does not live there or is not the owner. It is an offence not to keep to this notice or obstruct a police officer serving a notice.
- A sheriff then has two court days to consider an application from the police for a closure order to be made on the premises. The police have to make this application on the first court day after the day on which a closure notice is served on a premises. When deciding whether an order should be granted, the sheriff will consider the ability of anyone living in the premises to find alternative accommodation and the vulnerability of anyone in the household who has not been involved in antisocial behaviour.
- If a closure order is granted, the premises can be closed for up to three months, with a possible extension of up to six months. If anyone remains within or enters the premises once the order has been served, they would be guilty of an offence, which could result in a fine or imprisonment, or both.

Noise nuisance (part 5)

Continuous noise nuisance from a few people can create misery for the rest of the people living in the area. Part 5 of the Act gives local authorities extra powers to deal with noise nuisance quickly.

- Local authorities can apply noise controls to specific areas and at specific times. If necessary, the authority can apply the conditions 24 hours a day, seven days a week.
- Officers of the local authority, or the police, have the power to investigate any noise complaints. Scottish Ministers will set the maximum levels of noise allowed and the approved measuring devices in regulations.
- If an officer of the local authority considers that the noise coming from someone's home is more than, or may have been more than, the noise level allowed, they may issue a warning notice.
- If noise continues after this warning notice has been served, a fixed penalty notice of £100 can be issued. If this penalty is paid, no further action will be taken. However, if the fine is not paid within 28 days, local authorities will proceed with prosecution through the procurator fiscals office. Local authorities keep the proceeds of any notices issued.
- Powers have also been extended to allow local authority officers to apply for a warrant to seize any equipment which is causing the noise.

The environment (part 6)

One of the most visible forms of antisocial behaviour is disrespect for the environment. This affects the feeling of wellbeing in communities. If streets are covered in litter, and public areas are covered in graffiti, this can contribute to an environment where crime takes hold, and people feel unsafe. The Act introduces measures for even greater use of fixed penalty notices, both for littering and fly-tipping, with the likelihood of being caught and fined a real deterrent to this type of behaviour.

Litter

- As well as local-authority employees, the police now also have the power to issue fixed penalty notices for littering. This will increase the likelihood of people who drop litter being penalised, especially outwith local-authority working hours.
- The officer no longer has to witness someone dropping litter, but can issue a fixed penalty notice if there is reason to believe an offence has been committed. There is a maximum of £200 that can be set as a fixed penalty fine.
- The Scottish Ministers have the power to direct organisations which have a duty to clear litter as to how they should carry out that duty.

Fly-tipping

- Because there is such a strong overlap with littering, fixed penalty notices can now be issued for fly-tipping offences too. The fine is the same – £50 – but Scottish Ministers can vary this amount, up to £200. Again, it is no longer necessary to catch the culprit in the act of fly-tipping, and a fine can be issued if it is clear who the fly-tipper is from the items they have left. Local-authority officers, officers of the Scottish Environment Protection Agency (SEPA) and the police have powers to issue fixed penalty notices.

Graffiti

- Local authorities now have powers to issue notices to remove graffiti to those responsible for street furniture, for example, phone boxes, park benches, transport and educational institutions. If the graffiti is affecting the environment or is offensive, local authorities can issue notices ordering that the graffiti is removed within a specific time (at least 28 days). If it is not removed, the local authority can carry out this work and claim back the cost from the owner.

Increased penalties

- Criminal offences may be tried in one of two ways – under summary or solemn procedure. Cases heard under summary procedure are heard by magistrates or a sheriff, and cases heard under solemn procedure are heard before a jury. The penalties available in summary proceedings for a range of environmental offences have now been increased. Offences such as:
 - serious cases of fly-tipping;
 - using a large industrial plant (or landfill) in a way which would harm the environment;
 - polluting the water environment or supply; and
 - releasing harmful material into sewers;

can all result in fines of up to £40,000.

Housing: Antisocial behaviour notices (part 7)

The aim of parts 7 and 8 of the Act is to make sure that landlords take reasonable steps to manage or stop antisocial behaviour in relation to the properties they let. A landlord who does not take action when there is antisocial behaviour at a house which he or she lets is failing the wider community.

Part 7 deals with problems at individual houses. The Act gives the local authority powers to use against the landlord, as well as take action against the people who are behaving antisocially.

- The local authority will normally try to work with the landlord to improve management practices. However, the landlord may not respond. The local authority is able to serve a notice (called an 'antisocial behaviour notice') which sets out what the landlord must do within a given time.
- If the landlord does not keep to the notice, he or she will be committing a criminal offence and, if convicted, face a fine of up to £5,000. The local authority will also be able to do any of the following.
 - a Charge the landlord certain costs resulting from them failing to do something. If necessary, it will claim back these costs as a debt in the normal way. For example, the council might have to employ professional witnesses for ASBO proceedings when the landlord could reasonably have provided evidence.
 - b Ask the sheriff court for an order that no rent should be paid, stopping the landlord's flow of income and encouraging him or her to take the necessary action.
 - c Ask the sheriff court for an order transferring the management control of the property to the local authority, so that it can deal with the antisocial behaviour problem itself.

Housing: Registration of private landlords (part 8)

Part 8 of the Act deals with letting houses in the private sector. The Act introduces a registration scheme for local authorities to prepare and maintain a public register of all private landlords in their area. This will provide some basic information about the private rented sector. It also complements the measures to deal with individual landlords (which are outlined in part 7). Part 8 includes the following.

- Landlords, their agents and any properties he or she lets will be listed on a public register.
- The landlord must be judged a 'fit and proper' person to let houses. In making this judgement, the local authority will consider any previous convictions, the landlord's track record on tackling antisocial behaviour, and any other material believed to be relevant.
- If a person fails the 'fit and proper' test, their application for registration will be refused. Information which comes to light after a person is registered can lead to them being removed from the register. However, there is a right to appeal against these decisions.
- Once registered, the landlord has a duty to make sure that the information they have provided is kept up to date.
- A landlord who lets a property without being registered will be committing a criminal offence – the penalty for which will be a fine of up to £5,000. The local authority will also be able to serve a notice that the tenant must not pay any rent. Any Housing Benefit would stop as no rent would be paid. The landlord can appeal against the notice.

Parenting orders (part 9)

Parenting orders are being introduced to deal with parents who deliberately or recklessly fail their children – whether on welfare grounds or by failing to take reasonable steps to prevent their child from committing crime or antisocial behaviour. Parenting orders are civil orders, but breaking the order is a criminal offence.

- Either the local authority or the principal reporter to the children’s panel can apply to the sheriff court for a parenting order if:
 - a the child has been involved in antisocial behaviour and the order is to prevent further antisocial behaviour; or
 - b the child has been involved in crime and the order is needed to prevent further criminal behaviour.

The principal reporter can apply if making an order is in the interests of improving the welfare of the child.

- The court will consider the views of the child. It will also consider whether, and to what extent, the parent has taken voluntary steps to prevent the child from getting involved in crime or antisocial behaviour.
- The order will last for 12 months unless it is extended. As far as possible, the court will try to make sure that the order does not conflict with the parent’s religious beliefs, nor interfere with times they normally go to work. Under the order, the parent will normally have to receive counselling or guidance for up to three months.
- Breaking an order will be a criminal offence and can be punished by a fine (not more than £1000). If this fine is not paid, a court must enforce a Supervised Attendance Order (SAO). If the parents do not keep to the SAO, the court will have all sentencing powers – including imprisonment – available as options. The interests of the children of the family will always be considered in sentencing.

Further criminal measures (part 10)

Antisocial behaviour orders (ASBOs)

To deal with antisocial behaviour effectively, courts have been given the power to make an ASBO immediately after a person has been found guilty of any criminal offence involving antisocial behaviour as, or as part of, the sentence given. The purpose of this is to protect the public from further acts of antisocial behaviour.

Community reparation orders

The Act provides for a new order for people aged 12 and over who are convicted in a sheriff or district court of an offence involving antisocial behaviour. The person would have to work between 10 and 100 hours to give something back to the community they have damaged.

Restriction of liberty orders (RLOs)

The Act extends restriction of liberty orders to people aged under 16.

An offender given an RLO may be restricted to a specific place for up to 12 hours each day or not allowed to leave a specific place for up to 24 hours each day (or both) for up to 12 months. The offender will be monitored electronically to make sure he or she keeps to the RLO.

If the person is under 16, the court must get a report from the local authority, which sets out the support to be provided to him or her during the period of the RLO. The court will need to be satisfied that the local authority will provide services for the individual's support and rehabilitation before it can enforce an RLO.

An RLO cannot be combined with a drug treatment and testing order for young people under 16. For young people under 16, the court may only combine an RLO and a probation order.

Ban on selling spray paint to under 16s

Preventing vandalism and graffiti is an important part of the strategy to promote safe, secure and attractive communities and tackle antisocial behaviour. Graffiti involving spray paint is particularly difficult and expensive to remove.

The Act makes it an offence to sell spray paint to people under 16 years of age. The maximum penalty for a person guilty of this is a fine, of not more than £1000. It will also be an offence if retailers offering this product do not show a warning notice saying this.

Authorised local-authority staff will also have powers to enter and inspect premises, and to seize goods, to make sure this is enforced.

Vehicles used in a way that causes alarm, distress or annoyance

The Act allows the police to deal with people who cause alarm, distress or annoyance to members of the public through the antisocial use of vehicles on or off public roads.

- The police are given the power to stop, seize and remove motor vehicles. They can do this when vehicles are being or have been:
 - a driven off-road; or
 - b driven on the public road or other public place without due care and attention or reasonable consideration for other road users.
- In both of these cases, a constable must also have a good reason for believing that a motor vehicle is being, or has been used, in a way which is likely to cause alarm, distress or annoyance to members of the public.
- It is an offence for a person to fail to stop a vehicle when asked to do so by a police officer. The punishment is a fine.

Fixed penalty notices (part 11)

Where antisocial behaviour has taken place, Ministers aim to provide a quick, effective and fair response. Fixed penalty notices (FPNs) will help with this. Police can issue FPNs for a range of offences.

Statutory offences

The list of statutory offences which FPNs can be issued for in relation to ASB include:

- riotous behaviour while drunk in licensed premises;
- refusing to leave licensed premises when asked to do so;
- going to the toilet in a place that causes, or is likely to cause, annoyance to any other person;
- being drunk and incapable in a public place;
- being drunk in a public place in charge of a child;
- continuing to play musical instruments, sing, play radios and so on after being asked to stop;
- vandalism; and
- drinking alcohol where it breaks a bye-law.

Common-law offences of breach of the peace and malicious mischief are also included.

Operation of FPNs

- The offender has 28 days to challenge the FPN or pay in full. The amount of the FPN goes up by 50% if it is not paid or challenged by the end of that period.
- If the FPN is challenged, police will present a report to the procurator fiscal for them to consider prosecution.
- The increased penalty will be recovered in the same way as an unpaid fine set in the district court by way of sentence in a criminal case.

Other powers

The Act also provides:

- powers to amend, add or remove FPN offences; and
- power for Ministers to set the amount of the penalty (this will be up to £500).

The FPN scheme will be piloted and evaluated in Scotland before it is introduced throughout the country. Police, clerks and the Crown Office will be consulted on developing a pilot scheme which will take place in the Tayside Police Force area. The Lord Advocate will issue guidelines on how the scheme should operate on a pilot basis and, depending on the evaluation of the pilot, on a national basis.

Children's hearings (part 12)

Supervision requirements: conditions restricting movement

Section 135 introduces a new power for children's hearings to set conditions restricting movement if a young person meets the criteria for secure accommodation, as set out under section 70 (10) of the Children (Scotland) Act 1995. If a young person meets the secure criteria, children's hearings will then consider whether a secure authorisation or a condition restricting movement is the most appropriate option.

Supervision requirements: duties of local authorities

Section 136, says that local authorities have a duty to carry out the decisions of children's hearings contained in supervision requirements. It also allows the children's hearings to ask the reporter to apply for an order from the sheriff court asking a local authority which has not carried out its duty to do so. The section also sets out the procedures to be followed.

Failure to provide education to excluded pupils

Section 137 gives the reporter and a children's hearing power to refer the case of a child who has been excluded from school to Scottish Ministers if it appears that the local authority concerned has failed to carry out its duty under section 14(3) of the Education (Scotland) Act 1980 to provide education to a pupil excluded from school.

Miscellaneous and general (Part 13)

Sharing information

To effectively manage antisocial behaviour the relevant agencies must share information at a local level.

Under section 139, any person has the power to release information to a relevant authority where that is necessary for the purposes of any measure in the 2004 Act or any piece of legislation which relates to tackling antisocial behaviour. Clearly this includes exchanging information in relation to ASBO investigations, applications and other relevant matters. The relevant authority means a local authority, a chief constable, the principal reporter, a registered social landlord, and any authority managing Housing Benefit.

Section 139 also makes clear that where a person releases information to a relevant authority under this section which is confidential, and they let the authority know about that confidentiality not being kept, the authority must respect that confidentiality.

Equal opportunities

Section 140 says that any person using any of the measures in the 2004 Act should do so in a way that encourages equal opportunities and meets the equal opportunities requirements as defined in the Scotland Act.

Equal opportunities means preventing, removing or regulating discrimination between people because of a person's sex, marital status, race, disability, age, sexuality, language, social origin, religious beliefs or political opinions.

Interpretation of antisocial behaviour

Section 143 of the Antisocial Behaviour (Scotland) Act 2004 sets out the interpretation of antisocial behaviour for the purposes of the Act (except parts 7 and 8).

The legislation says that a person is involved in antisocial behaviour if they:

- act in a way that causes or is likely to cause alarm or distress to anyone; or
- behave in a way that causes or is likely to cause alarm and distress to at least one person not of the same household as them.

In this definition 'conduct' would include speech, and a course of conduct must involve conduct on at least two occasions.

The expression 'likely to cause' means that someone other than a victim of the antisocial behaviour can give evidence about whether behaviour is antisocial or not. Professional witnesses can be used if people who are targeted by the behaviour feel unable to come forward, for example, for fear of intimidation.

It is the effect or likely effect of the behaviour on other people that determines whether the behaviour is antisocial. The authority applying for the order does not have to prove that the defendant intended to cause alarm or distress.

While an authority does not have to prove intention, it would not be appropriate to use the powers in the Act where an individual cannot understand the consequences of their actions. If an individual has a disability or a medical or developmental condition, or it is suspected they may have such a condition, they should get advice from medical experts on what support is available.

Antisocial Behaviour etc (Scotland) Act 2004 – Timetable

Part	Subject	Planned start date	Further information	Contact
1	ASB strategies	28 October 2004	Guidance being published.	ASB Unit 0131 244 4919
2	ASBOs	28 October 2004	Guidance being published.	ASB Unit 0131 244 4919
3	Dispersal of groups	28 October 2004	Guidance being published.	Police Division 0131 244 2142
4	Closure of premises	28 October 2004	Guidance being published	Police Division 0131 244 2142
5	Noise nuisance	1 February 2005 (local authorities to give 2 months notice from December 2004)	Guidance being published	Noise Team 0131 244 0393
6	Environmental offences	28 October 2004 (apart from flytipping FPN - 5 November 2004)	Explanatory letter to relevant people.	Waste Regulation 0131 244 1759
6	Graffiti removal	28 October 2004	Guidance being published	Civic Governance 0131 244 7050
7	Housing: ASB notices	15 November 2005	Working group set up to introduce the measures.	Private Housing 0131 244 7952
8	Registration of private landlords	15 November 2005	Working group set up to introduce the measures.	Private Housing 0131 244 7952
9	Parenting orders	4 April 2005	Draft guidance to be consulted on.	Youth Justice 0131 244 5443
10	ASBOs on conviction	28 October 2004		ASB Unit 0131 244 4919
10	Community reparation orders	Pilots from January 2005	Pilots in Inverness, Dundee and Greenock from January 2005.	Community Justice 0131 244 5438
10	Restriction of liberty orders for young people under 16	4 April 2005		Community Justice 0131 2443514
10	Ban selling spray paint to young people under 16	5 November 2004	Guidance to be published. Warning notices to be provided for retailers.	ASB Unit 0131 244 4919

10	Seizing of vehicles	Early 2005		Police Division 0131 244 2142
11	Fixed penalty notices	Pilot from April 2005	Pilot in Tayside from January 2005.	Police Division 0131 244 2142
12	Tagging through children's hearings	Pilots start 4 April 2005	Consultation on draft guidance in autumn.	Youth Justice 0131 244 1676
12	Local authority responsibility	31 January 2005	Consultation on draft guidance in autumn.	Youth Justice 0131 244 1676
13	Privacy of certain proceedings	28 October 2004		ASB Unit 0131 244 4919
13	Releasing and sharing information	28 October 2004	Guidance being published.	ASB Unit 0131 244 4919
13	Equal opportunities	28 October 2004		ASB Unit 0131 244 4919

Abbreviations and glossary

ASB

Antisocial behaviour

ASBOs

Antisocial behaviour orders

Breach of the peace

Includes public-order offences that would reasonably alarm and annoy the public.

Children's hearings system

A Scottish system that deals with the needs and behaviour of children and young people, usually under 16 but in some circumstances up to the age of 18, who need care and protection or who have committed an offence.

CROs

Community reparation orders

FPNs

Fixed penalty notices

Malicious mischief

Deliberate and malicious destruction of, or damage to, the property of another person.

Reporter to the children's panel

The reporter is a locally based official to whom all referrals must be made relating to children and young people who may need compulsory supervision. If, after an investigation, the reporter decides compulsory measures are needed, the child will be referred to a children's hearing. The reporter is employed by the Scottish Children's Reporter's Administration (SCRA).

RLOs

Restriction of liberty orders

RSLs

Registered social landlords – housing associations. This means an organisation named on the register maintained under section 57 of the Housing (Scotland) Act 2001.

SCRA

The Scottish Children's Reporter's Administration (SCRA) is a non-departmental public body (NDPB) responsible for managing the reporter system (see above) and providing suitable accommodation for children's hearings.

SEPA

Scottish Environment Protection Agency

Secure accommodation

Secure accommodation is a residential placement where children and young people are confined to the accommodation and not able to leave, unless this is authorised. The children's panel normally decides to put children and young people in secure accommodation, but young people can also be sentenced through the courts.

SAO

A Supervised Attendance Order is an alternative to going to prison for not paying a fine. It replaces the unpaid portion of a fine for a number of hours set by the courts.



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