

**Safer Haringey  
Crime and Disorder Information Sharing Protocol  
Revised document**

## **CONTENTS PAGE**

1. Purpose of this Protocol
2. Parties to this Protocol
3. Document Control
4. Background
5. Procedures
6. Key legislation
7. List of Appendices:
  - A. Designated CD-ASB Liaison Officers
  - B. Information Exchange Forms
  - C. Depersonalised Information Indices
  - D. Flowchart - Summary
  - E. Prosecuting - Procedural Protocol
  - F. Signatures

# 1 Purpose of this Protocol

- 1.1 This Individual Protocol is an agreement between Partner Organisations (see Section 2) specifically to facilitate and govern sharing of information (including photographs) relating to the prevention, detection and reduction of Crime and Disorder.
- 1.2 The purpose of this protocol is to facilitate the exchange of information in order to develop and implement the following:
- 1.3 To comply with the statutory duty on chief police officers and local authorities under the Crime and Disorder Act 1998 to work together to develop and implement a strategy and tactics for crime reduction, including:
  - Information sharing between the Partner Organisations for the purpose of tackling Anti-Social Behaviour.
  - Information sharing between the Partner Organisations for the purpose of implementing the Government's Prolific and Other Priority Offender Strategy.
  - Applications for Information by a Local Authority or Housing Association, for the purposes of considering applying for a possession order in order to evict a tenant.
  - Applications for Information by a Local Authority or Housing Association, for the purposes of determining an application for persons made homeless by threat of violence or harassment.

## **2 Parties to this Protocol** The 'Partner Organisations':

ASRA Greater London Housing Association  
British Transport Police  
CARA Irish Housing Association  
Christian Action Housing Association  
Circle 33 Housing Group  
Crown Prosecution Service  
Family Housing Association  
Genesis Housing Association  
Great Ormond Street Hospital (GOSH)  
Habinteg Housing Association  
Haringey Council

- Anti Social Behaviour Action Team
- Children and Young People Service
- Community Safety Team
- Drug and Alcohol Action Team
- Environmental Services
- Parking Services
- Youth Offending Service
- Social Services

HM Revenue & Customs  
Homes for Haringey  
Hornsey Housing Trust  
Innisfree Housing Association  
Kelsey Housing Association  
Ladybur Housing Co-operative Ltd  
London Fire Brigade  
London Probation Service  
London & Quadrant HSG Trust  
Metropolitan Housing Partnership  
Metropolitan Police Service  
Mosaic Homes  
Newlon Housing Trust  
NHS Haringey  
Novas Group  
Patchwork Housing Association  
Peabody Trust Housing Association  
Presentation Housing Association  
Sanctuary Housing Association  
Servite Houses  
Shian Housing Association Ltd  
St. Mungos Housing Association  
Teachers' Housing Association  
Ujima Housing Group

## Victim Support Haringey

### 3 Document Control

<b>Versio n</b>	<b>Date</b>	<b>Author</b>	<b>Comments</b>	<b>Approval</b>
1.0		Stephen Cornell	Initial draft	
1.1	03/10/03	Stephen Cornell	Revisions to indemnity	
1.2	08/10/03	Stephen Cornell	Report to Management Board	Management Board
1.2	21/10/03	Stephen Cornell	Report to Council Executive	Council Executive
1.3	01/12/04	Oscar Ramudo	Initial draft of CD-ASB ISP	Partners
1.4	12/01/05	Oscar Ramudo	Consultation and comments incorporated	Partners
1.5	04/06/05	Oscar Ramudo	Final Draft	Partners
1.6	1/9/09	Leo Kearse/ Richard Kaufman		

- 3.1 The Protocol became effective on 04 July 2005.
- 3.2 The Protocol will be reviewed annually (See Section 5.16).
- 3.3 Any significant amendments to this Protocol made before the review date stated above will need to be approved in principle by all Partner Organisations and will only be effective until the review date. All significant amendments will need to be ratified and endorsed by the Partner Organisations and their legal departments at the review date.

## **4 Background**

4.1 Public bodies require administrative powers to share information for specific purposes, and these powers will most often be provided by a statutory gateway, to provide the lawful basis for disclosure.

### **4.2 Crime and Disorder Act 1998**

4.2.1 This protocol is recommended to the relevant authorities (See Appendix A), as described in the Crime and Disorder Act 1998, as the vehicle to share information to tackle crime and disorder.

4.2.2 Section 115 of the Crime and Disorder Act 1998 provides the lawful power for anyone to disclose information to a relevant authority – the police, police authority, local authority, probation committee or health authority, or to any persons acting on their behalf – where this is necessary or expedient for the purposes of a provision of the Act.

4.2.3 The signatories to this Protocol are persons/organisations that have been invited by the responsible authorities represented on Haringey's Crime and Disorder Reduction Partnership to participate in the exercise of the obligations set out in Section 6 of the Crime and Disorder Act 1998.

4.2.4 Section 115 does not, however, override the need to disclose in a proper manner, taking into account other statutory and common law constraints on disclosure, including data protection, human rights and the common law. This Protocol puts in place sound arrangements for information sharing, so as to be clear about the process involved and the type of information to be shared to ensure compliance with data protection legislation.

### **4.3 Homelessness Act 2002**

4.3.1 Section 184 of the Housing Act 1996 states that Partner Organisations may make 'such enquires as are necessary' to establish whether parties applying as homeless persons for re-housing are eligible. Section 10 of the Homelessness Act 2002, extends the 'priority groups' for re-housing to include those who have been made homeless by being the subject of violence, the threat of violence or harassment. This entitles relevant housing authorities and associations to request from the Metropolitan Police information to establish the applicant's eligibility for re-housing.

#### **4.4 Health Act 1999 & National Health Service and Community Care Act 1990**

4.4.1 When sharing information under this Protocol with any Health Service body the following Acts should be considered, they facilitate information sharing for the purposes of exercising NHS functions:

- a. Health Act 1999 and associated Regulations, NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000. They allow NHS bodies and local authorities to enter into partnership arrangements in relation to the exercise of any NHS functions if the partnership arrangements are likely to lead to an improvement in the way in which those functions are exercised.
- b. National Health Service and Community Care Act 1990 provides that when a local authority is assessing the need for any type of community care and it appears that there may be a need for health or housing provision, the local authority shall notify the appropriate PCT, Health Authority or housing department and invite them to assist.



## **5 Procedures**

### **5.1 Partner Organisation Procedures**

- 5.1.1 Partner Organisations agree to develop and implement joint procedures where appropriate in relation to this Protocol.
- 5.1.2 Partner Organisations agree to share local procedures that relate specifically to this Protocol.

### **5.2 Designated Officers**

- 5.2.1 In order to ensure that information is exchanged in the most efficient, effective and secure manner, the Partner Organisations will select and appoint Designated Liaison Officers (DLO) (See [Appendix A](#)). All Partner Organisations are responsible for ensuring that this list is kept up-to-date. The DLO should provide an out of office hours contact if available. Any changes must be communicated to Haringey Council's Community Safety Team DLO.
- 5.2.2 If a Partner Organisation has a Data Protection / Information Sharing Coordinator that oversees all information sharing issues, the DLO will liaise with them where appropriate.
- 5.2.3 DLOs will assume responsibility for:
  - Providing guidance and answering all queries relating to this Protocol, via phone, fax, e-mails or letters as appropriate and in accordance with each organisation's information handling policies
  - Chasing up enquiries if not responded to within five working days
  - Training other staff in the requirements of the Protocol.
  - Promoting the Protocol throughout their own organisation
  - Informing [safercommunities@haringey.gov.uk](mailto:safercommunities@haringey.gov.uk) if there is a change in contact details for the Designated Liaison Officer or if the organisation changes its name, e.g. one RSL merges with another
  - Obtaining feedback on the result of cases for which information was requested (optional)
  - Monitoring and auditing all incoming and outgoing requests and disclosures. Keep a record of information requested and disclosed

- Sending out a questionnaire to each organisation requesting information to monitor the speed and efficiency of the Information Sharing process (optional)

### 5.3 Officers Requesting Information

5.3.1 An officer requesting information from another Partner Organisation should submit the inquiry through a Designated Officer. A reply should be made within five working days. The request must be in writing and on the 'Request/Disclosure Form' attached to this document at Appendix B. The request must be transmitted in a secure way.

### 5.4 Personal information

'Personal Information' is information which relates to a living person who can be identified from the information<sup>1</sup>.

Where it is necessary for information to be shared, personal information will be shared on a need-to-know basis.

Any duty of confidentiality will be respected unless there is an overriding 'public interest' to disclose the information and if there is a 'legitimate purpose' to sharing (See Section 5.6). Where the disclosure would breach client confidentiality the request should be referred to a designated manager - unless exceptional circumstances apply, e.g. where there is a need for urgent medical treatment. Managers should have access to a source of advice and support on information sharing issues. This may be a Caldicott Guardian.

The reasons for breaching client confidentiality must be fully recorded and clearly referenced to the evidence and information on which the decision is based. This must include details of any third parties and details of all the information/evidence they have been given.

### 5.5 Consent

5.5.1 Many of the data protection issues surrounding the disclosure of personal data can be avoided if the consent of the individual has been sought and obtained. Obtaining consent remains a matter of good practice and in circumstances where it is appropriate and possible, informed consent should be sought. (See 'Consent Form', Appendix B). Consent lasts as

---

<sup>1</sup> For more details on what constitutes as being personal information, and what constitutes as being sensitive personal information, see Part 1 of the Data Protection Act 1998  
[http://www.opsi.gov.uk/acts/acts1998/ukpga\\_19980029\\_en\\_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980029_en_1)

long as required - unless it is withdrawn. Individuals have the right to withdraw consent after they have given it.

- 5.5.2 However, in many cases the aims for which information is shared under this Protocol might be prejudiced if Partner Organisations were to seek consent. In such cases, the disclosing agency must consider possible grounds to override the consent issue. It is possible to disclose without consent if it is in the 'public interest'.

## 5.6 Public Interest

- 5.6.1 If consent has not been sought, or sought and withheld, the agency must consider if there is an overriding public interest of justification for the disclosure. Responsibility for considering disclosure in these circumstances rests with the disclosing authority. In the event of doubt the Partner Organisation should obtain legal advice.

- 5.6.2 Partner Organisations understand the Public Interest criteria to include:

- Administration of justice
- Maintaining of public safety
- Apprehension of offenders
- Prevention of crime and disorder
- Detection of crime
- Protection of vulnerable members of the community

- 5.6.3 The rule of proportionality should be applied to ensure that a fair balance is achieved between the public interest and the rights of the data subject.

## 5.7 Fair Processing

The Data Protection Act 1998 requires that when personal information is collected from a data subject, they are told what it will be used for and who the information will be shared with. When collecting information from clients, staff in partner organisations should explain:

- What is done with the information;
- The reason why professionals are capturing it; *and*
- Who the information can be routinely shared with

Partner Organisations will ensure that their 'Fair Processing Notices' are kept up-to-date and provide an accurate explanation of the information sharing activities that are being undertaken.

Where appropriate, Partner Organisations will ensure that there is information on their external websites informing individuals that the information that they provide will be processed in accordance with the Data Protection Act 1998. Partner Organisations will ensure that their 'Fair

Processing Notices' are kept up-to-date and provide an accurate explanation of the information sharing activities that are being undertaken.

## **5.8 Depersonalised information**

- 5.8.1 Depersonalised data encompasses any information that does not and cannot be used to establish the identity of a living person, having had all identifiers removed.
- 5.8.2 Partner Organisations accept that there are no legal restrictions on the exchange of depersonalised data, although a duty of confidence may apply in certain circumstances, or a copyright, contractual or other legal restriction may prevent the information being disclosed to Partner Organisations.
- 5.8.3 Information shared between Partner Organisations should be limited for the purposes of the enquiry. If the purpose of this ISP can be achieved using depersonalised information, then this should be the preferred method used by officers. For example, in assessing crime hotspots geographic information that does not identify living individuals might be used for strategic planning purposes.
- 5.8.4 Partner Organisations recognise that great care must be taken when depersonalising data and that the Information Commission has stated that even a post-code or address can reveal the identity of an individual. Partner Organisations are also aware that it may be possible for an individual's identity to be revealed by comparing several sets of depersonalised data.
- 5.8.5 The partners to this Protocol agree to share depersonalised information from the indices listed at Appendix C (and any other indices as is deemed appropriate by all Partner Organisations). This is not an exhaustive list.

## **5.9 Non-personal data**

- 5.9.1 Partner Organisations agencies understand that non-personal data is data that does not, nor has ever, referred to individuals.

## **5.10 Data Protection Act**

- 5.10.1 Partner Organisations agree to comply at all times with data protection legislation and other legal requirements relating to confidentiality.

## 5.11 Retention Periods

5.11.1 All partner organisations who are party to this ISP will put in place policies and procedures governing the retention and destruction of records containing personal information retained within their systems

5.11.2 As a general rule, partner organisations agree that personal information that has been shared will be destroyed once it no longer is of relevance to the initial inquiry. This should be actioned in accordance with partner organisations information security policies.

## 5.12 Access Request & Freedom of Information Act

5.12.1 The Data Protection Act gives people the right to apply to an organisation that holds personal information about them for access to that information. The exercise of this right is referred to as a subject access request. People may exercise this right on their own behalf or through a representative. Where people do not have the mental capacity to make a request on their own behalf, because they are too young or for some other reason, their parent or person with Power of Attorney may make the request on their behalf.

5.12.2 The right of subject access applies to all personal information held by an organisation about that data subject regardless of whether or not that organisation is the “owner” or “source” of the information. The information must be disclosed to the data subject unless one of the exemptions in the Data Protection Act applies. For a list of subject access exemptions see Appendix E.

5.12.3 The Freedom of Information Act 2000 (FOI) enables any member of the public to apply for access to information held by bodies across the public sector. The Act provides a general right of access to information held by public authorities in the course of carrying out their public functions, subject to some exemptions. Alongside other legal protections, the exemptions provide grounds for refusal to provide information.

5.12.4 Partner Organisations will ensure that this ISP is included in their Publication Scheme.

### 5.13 Data Quality

5.13.1 Information discovered to be inaccurate or inadequate for the purpose will be notified to the data owner. The data owner will be responsible for correcting the data and notifying all other recipients in writing, quoting the reference from and date of the original 'Request/Disclosure Form'.

### 5.14 Security Procedures

5.14.1 Personal data will be kept securely within a password computer system or otherwise physically secure with appropriate levels of staff access.

5.14.2 All grounds for the disclosure of personal information under this protocol will be formally recorded, and partners will process information fairly and objectively in every case.

5.14.3 Staff in Partner Organisations handling information sharing requests relating to this Protocol must:

- Be fully aware of their responsibilities under the Protocol mentioned above, together with the Data Protection Act and Duty of Confidentiality.
- Share information under the terms of this protocol must only be used for the purpose stated in the original request for information.
- Information cannot be passed to a third party for any purpose other than those mentioned in section 29(1) of the Data Protection Act 1998 (DPA), without obtaining consent from the disclosing organisation. If staff do wish to pass the information onto a third party, they MUST first obtain consent from the disclosing organisation via the designated liaison officer. (In a high risk situation this may not always be a reasonable requirement. In emergencies, the public interest disclosure is a sufficient exemption to override this requirement).
- Store hard copies of the request/disclosure and consent forms in a lockable container when not in use, and a clear desk policy implemented.
- If the information is held electronically, the document MUST be placed within a folder with a secure password and access restricted only to persons with a genuine 'need to know' the information.
- Once this information is no longer required, it MUST be returned to the Designated Liaison Officer for destruction. Only the minimum amount of personal information should be retained which is necessary

to achieve the specific objective under the Crime and Disorder Act 1998 / Housing Acts 1985/1996 or Homelessness Act 2002.

5.14.4 Each Partner Organisation is responsible for ensuring that their appropriate staff are adequately trained in respect of all matters covered by this Protocol.

5.14.5 Regular information should be requested formally (and agreed by the supplying partner) on one form and a further form should not need to be made for each occurrence. Such procedure is subject to a continued review by participating Partner Organisations and by a further formal request form every 9 months if de-personalised or non-personal or 6 months if personal.

5.14.6 Where appropriate, Partner Organisations agree to develop joint policies and procedures.

5.14.7 All officers sharing information through this ISP will ensure that they adhere to their organisation's information security policies.

#### 5.15 **Breaches of Protocol**

5.15.1 Partner Organisations agree to comply at all times with data protection legislation and other legal requirements relating to confidentiality. Partner Organisations agree that any breach of confidentiality will undermine and affect the credibility of this Protocol.

#### 5.16 **Review Procedures**

5.16.1 The Protocol will be reviewed by the Partner Organisations annually.

5.16.2 The review is to be undertaken jointly by officers agreed by the Partner Organisations unless agreed by the Partner Organisation for a single Partner Organisation to undertake the review. This work will be coordinated by the Community Safety Team (CST), Haringey Council. At each review date the CST will pull together a review group made up of parties to the Protocol, and identify operational problems, new legislation and highlight any proposed amendments to be agreed.

5.16.3 Partner Organisations agree to take part and contribute to these reviews. The reviews will cover:

- Quality standards of shared information
- Retention practises
- Security arrangements – storage, transfer, disposal
- Individuals' legal rights (ensuring that they are being adhered to).
- Effectiveness of ISP

## **5.17 Right to Audit this Protocol**

5.17.1 Partner Organisations may audit compliance with the Protocol.

5.17.2 Partner Organisations agree to assist other Partner Organisations during the audit process as long as reasonable notice is given in writing detailing the scope of the audit process and they do not object.



## 6 Key Legislation

Disclosing information under the key pieces of legislation in relation to this Protocol, including:

### 6.1 Crime and Disorder Act 1998

- 6.1.1 Disclosure may be made despite a duty of confidentiality where there is an overriding public interest, for example to prevent or detect crime, disorder, anti-social behaviour, annoyance/ nuisance, dwellings being used for immoral or illegal purposes.
- 6.1.2 The exchange of personal information post conviction will be subject to the same presumption of confidentiality. However, the administration of justice and the prevention of crime are in the public interest and will provide the grounds upon which a disclosure can be justified. Care must be exercised in the disclosure of conviction data. In this case it must support action under the Crime and Disorder Act and a Designated Officer must ensure that the information is accurate and relevant to an enquiry before it is released.

### 6.2 Homelessness Act 2002, Housing Act 1985 & 1996

- 6.2.1 Disclosure of information to the Partner Organisation will be on a case-by-case basis. The information disclosed will be expressly limited to (please refer to 2.2.10 for relevant sections of the Act):
  - a. A summary of all visits to the premises as a result of relevant complaints or otherwise;
  - b. A summary of any relevant incidents witnessed by Partner Organisation representatives;
  - c. Details of any criminal conviction of the applicant involving relevant incidents. The offender and offences must be directly linked to reasons for the application to the relevant authority for housing or nominee. For example, if the applicant is applying for assistance for the reason of being forced into homelessness by threat of violence, any offence of violence that party has committed, or has had committed against them, may be relevant to the assessment of eligibility for re-housing.

or

Details of any relevant criminal conviction of persons residing at the property. The offender and offences must be directly linked to the property, i.e., offences committed at the relevant property, or in the vicinity thereof, and care must also be taken to ensure that "spent"

convictions, within the meaning of the Rehabilitation of Offenders Act, are not disclosed.

- 6.2.2 The Metropolitan Police's Designated Officer must ensure that any information on, validated previous convictions is accurate and up to date before disclosing any such information.

## **7 List of Appendices**

- G. Designated CD-ASB Liaison Officers
- H. Information Exchange Forms
- I. Depersonalised Information Indices
- J. Flowchart - Summary
- K. Prosecuting - Procedural Protocol
- L. Signatures

## Appendix A

### Designated Liaison Officers

Organisation and address	Name	Contact tel.	email address	Post
<b>ARHAG Housing Association Ltd</b> 2 <sup>nd</sup> Floor Alexandra Court 122-124 High Road Wood Green London N22 6HE	Joyce Oyebanjo	020 8829 1199	<a href="mailto:joyebanjo@arhag.co.uk">joyebanjo@arhag.co.uk</a>	Housing Operation Manager
<b>ASRA</b> ASRA House 1 Long Lane London SE1 4PG	Kiron Mahal	020 7940 6600	<a href="mailto:kiron.mahal@lha-asra.org.uk">kiron.mahal@lha-asra.org.uk</a>	Director
<b>British Transport Police</b> Crime & Disorder Partnership unit 55 Broadway St. James Park London SW1 HOBD	Paul Wilson	020 7918 0064	<a href="mailto:paul.wilson@btp.pnn.police.uk">paul.wilson@btp.pnn.police.uk</a>	Chief Inspector Crime & Disorder (London)

<b>Organisation and address</b>	<b>Name</b>	<b>Contact tel.</b>	<b>email address</b>	<b>Post</b>
<b>Cara Irish Housing Association</b> 341a Seven Sisters Road London N15 6RD	Dee McRedmond	020 8809 8374	<a href="mailto:deemcredmond@caraha.org">deemcredmond@caraha.org</a>	Housing Team Manager
<b>Christian Action Housing Association</b> Benedict House 61 Island Centre Way Enfield EN3 6GS	Sarah Thompson	01992 765 947	<a href="mailto:sarahthompson@christianaction.org.uk">sarahthompson@christianaction.org.uk</a>	Housing Services Manager
<b>Circle 33 Housing Group</b> 1-7 Corsica Street London N5 1JG	Amanda Ross & Deirdre Manley Saj Hussain	020 7447 3268  020 7447 5392	<a href="mailto:amanda.ross@circleanglia.org">amanda.ross@circleanglia.org</a> ; <a href="mailto:deirdre.manley@circleanglia.org">deirdre.manley@circleanglia.org</a> ; <a href="mailto:saj.hussain@circleanglia.org">saj.hussain@circleanglia.org</a> ; <a href="mailto:john.considine@circleanglia.org">john.considine@circleanglia.org</a> ;	ASB Co-ordinator  Customer Services Manager
<b>Community Housing Group</b> 59 Compton Road London N1 2YT	Kathleen Hopgood	020 7428 5553	<a href="mailto:khopgood@communityhousing.org.uk">khopgood@communityhousing.org.uk</a>	Service Manager
<b>Crown Prosecution Service</b> Edmonton Police Service PO Box 44918 Edmonton London N9 0XR	Daren Streeter	020 8884 6401	<a href="mailto:daren.streeter@cps.gsi.gov.uk">daren.streeter@cps.gsi.gov.uk</a>	Chief Executive
<b>Family Mosaic Association</b> 4th floor, River Park House 225 High Road London N22 8LN	Jennie Anderson	020 8826 4950	<a href="mailto:jennie.anderson@familymosaic.co.uk">jennie.anderson@familymosaic.co.uk</a>	Regional Housing Manager

<b>Organisation and address</b>	<b>Name</b>	<b>Contact tel.</b>	<b>email address</b>	<b>Post</b>
<b>Genesis Housing Association</b> <b>Paddington Housing Association</b> 324 Harrow Road London W9 2HP	Peter Doherty	020 8537 4576	<a href="mailto:peter.doherty@pcha.org.uk">peter.doherty@pcha.org.uk</a>	Head of Housing Services
<b>Habinteg Housing Association</b> Holyer House 20-21 Red Lion Court London EC4A 3EB	Rebecca Samuel Or Peter Biggs	020 7822 8739	<a href="mailto:rsamuel@habinteg.org.uk">rsamuel@habinteg.org.uk</a> <a href="mailto:pbiggs@habinteg.org.uk">pbiggs@habinteg.org.uk</a>	Area Manager
Haringey Council <b>Anti-Social Behaviour Action Team</b> 782 High Road London N17 0BX	Mike Bagnall	020 8489 1903	<a href="mailto:michael.bagnall@haringey.gov.uk">michael.bagnall@haringey.gov.uk</a>	Manager
Haringey Council <b>Children Services</b> 3rd floor, 48 Station Road Wood Green N22 7TY	Jan Doust	020 8489 3150	<a href="mailto:jan.doust@haringey.gov.uk">jan.doust@haringey.gov.uk</a>	Head of Access & Pupil Support
Haringey Council <b>Community Safety</b> Civic Centre High Road Wood Green N22 8LE	Claire Kowalska	020 8489 6949	<a href="mailto:claire.kowalska@haringey.gov.uk">claire.kowalska@haringey.gov.uk</a>	Interim Community Safety Manager
Haringey Council <b>Drug &amp; Alcohol Action Team</b> Civic Centre High Road Wood Green N22 8LE	Mia Moilanen	020 8489 2658	<a href="mailto:mia.moilanen@haringey.gov.uk">mia.moilanen@haringey.gov.uk</a>	Information and Needs Analyst

<b>Organisation and address</b>	<b>Name</b>	<b>Contact tel.</b>	<b>email address</b>	<b>Post</b>
Haringey Council <b>Environmental Services</b> 1st floor, 639 High Road Tottenham N17 8BD	Robin Payne	020 8489 5513	<a href="mailto:robin.payne@haringey.gov.uk">robin.payne@haringey.gov.uk</a>	Assistant Director - Enforcement
Haringey Council <b>Housing Services</b> 13-27 Station Road Wood Green N22 6UW	Denise Gandy	020 8489 4237	<a href="mailto:denise.gandy@haringey.gov.uk">denise.gandy@haringey.gov.uk</a>	Head of Strategy & Performance
Haringey Council <b>IT Services</b> Floor 3rd Floor 225 High Road River Park House Wood Green N22 8HQ	James Harding	020 8489 3112	<a href="mailto:James.harding@haringey.gov.uk">James.harding@haringey.gov.uk</a>	Quality Assurance & Data Officer
Haringey Council <b>Parking Services</b> 44 Finsbury Road Wood Green N22 8PD	Paul Cox	020 8489 2153	<a href="mailto:paul.a.cox@haringey.gov.uk">paul.a.cox@haringey.gov.uk</a>	Parking Operations Manager
Haringey Council <b>Social Services</b> 9th floor, White Hart Lane Unit 5 St Georges Estate Wood Green N22 5QL	Gary Jefferson	020 8489 1383	<a href="mailto:gary.jefferson@haringey.gov.uk">gary.jefferson@haringey.gov.uk</a>	Head of Service - Learning Difficulties
Haringey Council <b>Youth Offending Service</b> Civic Centre High Road Wood Green N22 8LE	Vinnett Percy	020 8489 1124	<a href="mailto:vinnett.percy@haringey.gov.uk">vinnett.percy@haringey.gov.uk</a>	Operations Manager
<b>Haringey Teaching Primary Care Trust</b> B1 Trust Headquarters St Ann's Road London N15 3TH	Dilo Lalande	0208 442 6874	<a href="mailto:dilo.lalande@haringey.nhs.uk">dilo.lalande@haringey.nhs.uk</a>	Assistant Director - Governance

<b>Organisation and address</b>	<b>Name</b>	<b>Contact tel.</b>	<b>email address</b>	<b>Post</b>
<b>HM Revenue &amp; Customs</b> Waterloo International Terminal Waterloo London SE1 7LT	Paul Stephenson	0800 595 000	<a href="mailto:paul.stephenson@hmrc.gsi.gov.uk">paul.stephenson@hmrc.gsi.gov.uk</a>	
<b>Homes for Haringey</b> 6 <sup>th</sup> floor, River Park House 225 Wood Green High Road London N22 8HQ	Jackie Thomas	020 8489 3800	<a href="mailto:Jackie.thomas@homesforharingey.org">Jackie.thomas@homesforharingey.org</a>	Director of Housing Management
<b>Hornsey Housing Trust</b> 62 Mayfield Road London N8 9LP	Idiong Ekpo	020 8340 6374	<a href="mailto:idionge@hornseyht.co.uk">idionge@hornseyht.co.uk</a>	Housing Manager
<b>Innisfree Housing Association</b> 190 Iverson Road London NW6 2HL	Lee Daly	020 7692 1244	<a href="mailto:lee@innisfree.org.uk">lee@innisfree.org.uk</a>	Head of Housing
<b>Kelsey Housing Association</b> Kelsey House 2 Perry Hall Road Orpington Kent BR6 0JJ	Claire Fry (Tracy Pearce)	01689 791 315 (01689 791 293)	<a href="mailto:Claire.fry@dominionhg.co.uk">Claire.fry@dominionhg.co.uk</a> <a href="mailto:Tracy.pearce@dominionhg.co.uk">Tracy.pearce@dominionhg.co.uk</a>	Area Manager (Housing Officer)
<b>Ladybur Housing Co-operative Ltd</b> Burbridge Way London N17 9GY	David Meade	020 8801 6700	<a href="mailto:ladybur@aol.com">ladybur@aol.com</a>	Chief Executive
<b>London &amp; Quadrant Housing Trust</b> 1st floor, St George's Chamber 23 South Mall Edmonton N9 0TS	John Joannou	020 8887 6077	<a href="mailto:jjoannou@lqgroup.org.uk">jjoannou@lqgroup.org.uk</a>	Manager



<b>Organisation and address</b>	<b>Name</b>	<b>Contact tel.</b>	<b>email address</b>	<b>Post</b>
<b>London Fire Brigade</b> Tottenham Fire Station 49 St Loys Road Tottenham N17 6UE	John Brown	020 8885 2274	<a href="mailto:john.brown@london-fire.gov.uk">john.brown@london-fire.gov.uk</a>	Borough Command r
<b>London Probation Service</b> Telfer House Highgate N6 4QJ	Joseph Rambarath	020 8341 9060	<a href="mailto:joseph.rambarath@london.probatation.gsx.gov.uk">joseph.rambarath@london.probatation.gsx.gov.uk</a>	Senior Probation Officer
<b>Metropolitan Housing Partnership</b> Alexander Place Lower Park Road New Southgate London N11 1QD	Scott Black PA Sonia Carlisle	020 8976 1020 020 8976 1021	<a href="mailto:scott.black@mht.co.uk">scott.black@mht.co.uk</a>	Assistant Director - Housing Services
<b>Metropolitan Police Service</b> The Correspondence Unit Tottenham Police Station 398 High Road London N17 9JA	Kyri Pitsillides	020 8345 0719	<a href="mailto:YRMailbox-.ISPrequests@met.police.uk">YRMailbox-.ISPrequests@met.police.uk</a>  Hard copy to: The Correspondence Unit Tottenham Police Station 398 High Road London N17 9JA	Informatio Manager
<b>Mosaic Homes</b> 4th floor, River Park House 225 High Road London N22 8LN	Jenny McLean	020 8826 4949	<a href="mailto:jenny.mclean@mosaichomes.co.uk">jenny.mclean@mosaichomes.co.uk</a>	Tenancy Service Manager
<b>Newlon Housing Trust</b> 204 Hoxton Street London N1 5LH	Christine Williams	020 7613 8060	<a href="mailto:christine.williams@newlon.org.uk">christine.williams@newlon.org.uk</a>	Team Leader
<b>Novas Group</b> 73-81 Southwark Bridge Road London SE1 0ND	John Norley	07739 590 776	<a href="mailto:john.norley@novas.org">john.norley@novas.org</a>	Head of Housing & Support

<b>Organisation and address</b>	<b>Name</b>	<b>Contact tel.</b>	<b>email address</b>	<b>Post</b>
<b>Patchwork Housing Association</b> 7 Willoughby Road Turnpike Lane N8 0HR	Katina Lytra	020 8347 2335	<a href="mailto:katinal@patchwork.org.uk">katinal@patchwork.org.uk</a>	Support Services Team Manager (Haringey & Enfield)
<b>Peabody Trust Housing Association</b> 45 Westminster Bridge Road London SE1 7JB	Lisa Spall Mel Matthews	020 7021 4603 or 4281	<a href="mailto:lisa_spall@peabody.org.uk">lisa_spall@peabody.org.uk</a> <a href="mailto:mel.matthews@peabody.org.uk">mel.matthews@peabody.org.uk</a>	Community Safety Officer
<b>Presentation Housing</b> 47-49 Durham Street Vauxhall SE11 5JA	Darren Ziants	020 7091 9452	<a href="mailto:darren.ziants@presentation-sia.org.uk">darren.ziants@presentation-sia.org.uk</a>	Tenancy Services Manager
<b>St Mungo's Housing Association</b> 2nd floor, Griffin House 161 Hammersmith Road London W6 8BS	Miles Davis	020 8762 5681	<a href="mailto:milesd@mungos.org">milesd@mungos.org</a>	Area Manager
<b>Sanctuary Housing Association</b> London Regional Office Sanctuary House Lymington Avenue 88-96 High Road London N22 6HE	Sharon Standell	020 8826 1606	<a href="mailto:sharonst@sanctuary-housing.co.uk">sharonst@sanctuary-housing.co.uk</a>	Regional Director
<b>Servite Houses</b> 2 Bridge Avenue London W6 9JP	Mary Langston Colin Lydon	020 8704 4262 020 8704 4257	<a href="mailto:mlangston@servitehouses.org.uk">mlangston@servitehouses.org.uk</a> <a href="mailto:clydon@servitehouses.org.uk">clydon@servitehouses.org.uk</a>	Team Leader North ASB Manager
<b>Shian Housing Association</b> 76 Mare Street London E8 3SG	Leslie Laniyan	020 8985 7120	<a href="mailto:Glaniyan@shian.org.uk">Glaniyan@shian.org.uk</a>	Managing Director

Organisation and address	Name	Contact tel.	email address	Post
<b>Teachers Housing Association</b> Rugby Chambers London WC1N 3QU	Gill Green	020 7440 9440	<a href="mailto:ggreen@teachershousing.org.uk">ggreen@teachershousing.org.uk</a>	Housing Services Director
<b>Ujima Housing Group</b> Ujima House 388 High Road Wembley Middx HA9 6AR	Asif Choudri	020 8733 0765	<a href="mailto:Asif.Choudri@ujima.org.uk">Asif.Choudri@ujima.org.uk</a>	Director Customer Services
<b>Victim Support Haringey</b> 24-26 Commerce Road London N22 8ED	Debbie Tibber	020 8888 9878	<a href="mailto:debbie.tibber@vsharingey.org.uk">debbie.tibber@vsharingey.org.uk</a>	Chief Executive

**Appendix B**  
**Information Exchange Forms**

## Crime, Disorder and Anti-Social Behaviour Information Sharing Protocol

The following information has been supplied in accordance to the Haringey Crime, Disorder & Anti-Social Behaviour Information Sharing Protocol.

The following provisions **MUST** be applied in accordance to the Protocol above:

- You should be fully aware of your responsibilities under the Protocol mentioned above, together with the Data Protection Act and Duty of Confidentiality.
- Information shared under the terms of this protocol must only be used for the purpose stated in the original request for information.
- Information cannot be passed to a third party for any purpose other than those mentioned in section 29(1) of the Data Protection Act 1998 (DPA), without obtaining consent from the disclosing organisation. If you do wish to pass the information onto a third party, you **MUST** first obtain consent from the disclosing organisation via the designated liaison officer.
- These forms **MUST** be stored in a lockable container when not in use, and a clear desk policy implemented.
- If the information is held electronically, these forms **MUST** be placed within a folder with a secure password and access restricted only to persons with a genuine 'need to know' the information.
- Once this information is no longer required, it **MUST** be returned to the designated liaison officer for destruction.

## Crime, Disorder and Anti-Social Behaviour Information Sharing Protocol Request/Disclosure Form

Requesting Officer's Ref:	
Disclosing Officer's Ref:	

**PART A – INFORMATION REQUESTED - (to be completed by requesting officer)**

**Information requested by:**

Name:	
Position:	
Organisation/Department:	
Address:	
Contact phone number:	
Email address:	

**Information requested:**

Briefly describe the information required and the circumstance that have led to this request being made, including any names, addresses and dates of birth and state whether they are a victim, informant, witness or suspect.

Name:			
Address:			
DOB(ddmmyyyy):			

Date information is required by (ddmmyyy):				
If urgent, please state reason:				

If a VIW <sup>2</sup> , has consent been obtained and included at Part B of this form?	
If not a VIW or no consent has been obtained, is it in the public interest to disclose?	
Please state reason for public interest:	

**Under which piece of legislation: (please tick)**

Crime and Disorder Act	S115- Crime Reduction Strategy	<input type="checkbox"/>	S17 – Crime Reduction	<input type="checkbox"/>
	S1 – ASB	<input type="checkbox"/>	S2 – Sex Offender Orders	<input type="checkbox"/>
	S8 – Parenting Order	<input type="checkbox"/>	S11 – Child Safety Order	<input type="checkbox"/>

<sup>2</sup> Victim, Informant or Witness

	S15 – Local Curfew Orders	<input type="checkbox"/>	Ss28-33 – Racially Aggravated Crimes	<input type="checkbox"/>
Housing Act	S84 – application for possession order			<input type="checkbox"/>
Homelessness Act	S10 – application for re-housing			<input type="checkbox"/>
Other (please state)				<input type="checkbox"/>

Signature of requesting officer:		Date:			
----------------------------------	--	-------	--	--	--

**PART B - INFORMATION DISCLOSED – (to be completed by disclosing officer)**

Date request received:	
Disclosure Agreed:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Reason for declining request (if applicable):	

**Information disclosed by:**

Name:	
Position:	
Organisation:	
Department::	
Address:	
Contact phone number:	
Email address:	

**Information disclosed to:**

Name:	
Organisation/Department::	
Contact phone number:	

**Delivery method (please mark as appropriate):** Post  Email  Fax

Signature of disclosing officer: \_\_\_\_\_ Date supplied: \_\_\_\_\_

## Crime, Disorder and Anti-Social Behaviour Information Sharing Protocol Consent Form

Requesting Officer's Ref:	
Disclosing Officer's Ref:	

**Please provide the relevant information below:**

I give:	
consent to disclose to:	

**Information to which this consent applies:**

My personal data and any relevant information, for the purposes of:
---

Name:			
Address:			
DOB (ddmmyyyy):			

Signature:			
Date (ddmmyyyy):			

**Witnessed by requesting officer:**

Name:			
Position:			
Signature:			
Date (ddmmyyyy):			



## **Appendix C**

### **Depersonalised Information Indices**

**Police:**

- MPS crime statistics;
- Local crime information (CRIS data);
- Calls for police assistance (CAD data).

**Local Authorities (and registered social landlords as appropriate):**

- Criminal damage and graffiti removal;
- Derelict and empty property;
- Emergency out of hours calls;
- Nuisance families and resident complaints;
- Racial, homophobic and domestic violence incidents and other forms of hate crimes;
- Re-housed homeless, victims, offenders;
- Turnover of tenants;
- Vandalism to estate lighting;
- All night cafes;
- Alcohol and entertainment licences;
- Noise levels and nuisance neighbours;
- Elderly resident locations;
- Families on benefit;
- Vulnerable persons;
- Children involved in crime;
- People undertaking drug and substance misuse treatment;
- Population data and property values;
- Leisure, youth and playground facilities;
- School exclusions.

**Health:**

- Accident and Emergency admissions;
- Registered alcoholics and drug users;
- Vulnerable persons;
- Ambulance control and dispatch calls;
- Mentally disordered people;
- Substance misuse.

**Probation:**

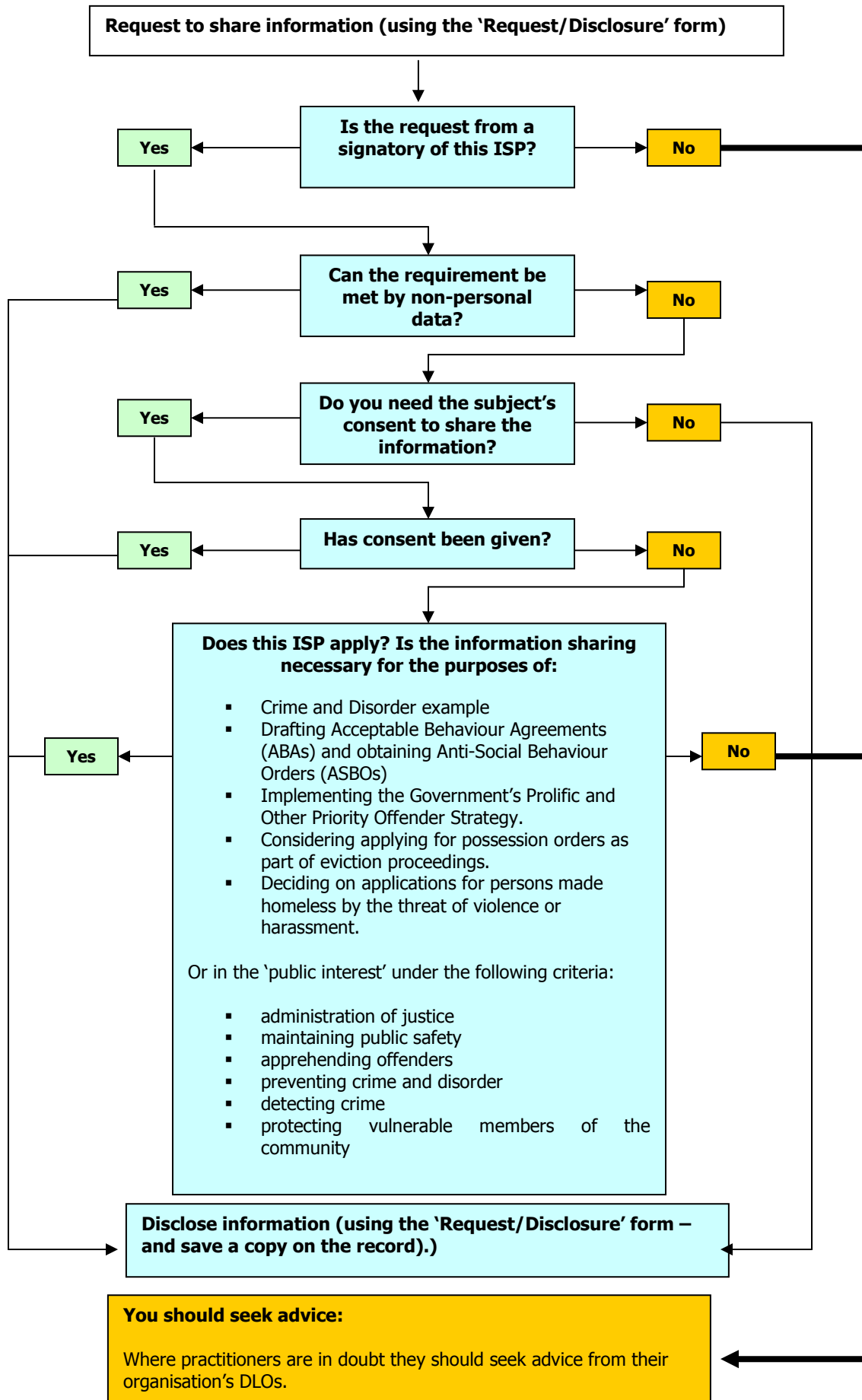
- Offender profiles;
- Children at risk.

**London Fire Brigade:**

- Fires;
- Any duty under the Fire and Rescue Services Act 2004.

**Appendix D**  
**Flowchart Summary**

## Flowchart of key principles for sharing information under this ISP



## **Appendix E**

### **Additional legislation relating to this ISP**

### **Data Protection Act 1998**

(Noting Part 4, Section 29 – Exemptions – Crime and Taxation)

For more information see:

[http://www.opsi.gov.uk/acts/acts1998/ukpga\\_19980029\\_en\\_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980029_en_1)

### **Housing Act 1985**

### **Housing Act 1996**

### **Human Rights Act 1998**

### **Common law duty of confidence**

### **Rehabilitation and Offenders Act 1974**

For more information see:

[http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1974/cukpga\\_19740053\\_en\\_1](http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1974/cukpga_19740053_en_1)

### **Criminal Procedures and Investigations Act 1996**

This Act requires the police to record in durable form any information that is relevant to an investigation. The information must be disclosed to the Crown Prosecution Service, who must in turn disclose it to the defence if it might undermine the prosecution case. In cases where the information is deemed to be of a sensitive nature the CPS can apply to a judge or magistrate for a ruling as to whether it should be disclosed.

For more information see:

[http://www.legislation.gov.uk/acts/acts1996/ukpga\\_19960025\\_en\\_1](http://www.legislation.gov.uk/acts/acts1996/ukpga_19960025_en_1)

### **Crime and Disorder Act 1998**

Part 4 Chapter 2 Section 115, states that anyone can disclose information to the police, local authority, health authority or persons acting on their behalf, where disclosure is necessary or expedient for the purposes of reducing crime and disorder in their. The use of Section 115 must be considered on a case by case basis, and must still be compliant with the principles of the DPA 1998. Disclosure between partner organizations requires that the legal restrictions as outlined in this Crime and Disorder IISP are followed.

For more information see: [http://www.opsi.gov.uk/acts/acts1998/ukpga\\_19980037\\_en\\_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980037_en_1)

### **Youth Justice and Criminal Evidence Act 1999**

This Act gives the police and the courts the ability to offer 'Special Measures' to vulnerable victims and witnesses of crimes. The act fundamentally affects the way in which evidence is gathered and presented in court in respect of children and other vulnerable groups.

Special Measures: Other 'Special Measures' provisions include:

- Video recorded evidence
- Evidence presented in court by live link
- Evidence in private
- Screening witness from the accused
- Removal of wigs and gowns
- Aides to communication
- Support from an intermediary.

For more information see: [http://www.opsi.gov.uk/Acts/acts1999/ukpga\\_19990023\\_en\\_1](http://www.opsi.gov.uk/Acts/acts1999/ukpga_19990023_en_1)

### **Immigration and Asylum Act 1999**

Part 1 Sections 20 and 21 provides for a range of information sharing 'to' and 'by' the Secretary of State:

- to undertake the administration of immigration controls to detect or prevent criminal offences under the Immigration Act;

For more information see: [http://www.opsi.gov.uk/acts/acts1999/ukpga\\_19990033\\_en\\_1](http://www.opsi.gov.uk/acts/acts1999/ukpga_19990033_en_1)

### **Criminal Justice and Court Services Act 2000**

Part 3 Chapter 2 Section 67, establishes multi-agency arrangements for the assessing and managing the risk posed within their areas by sexual and violent offenders and other offenders considered to be potentially dangerous.

For more information see: [http://www.opsi.gov.uk/Acts/acts2000/ukpga\\_20000043\\_en\\_1](http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000043_en_1)

### **Regulation of Investigatory Powers Act (RIPA) 2000**

The Regulation of Investigatory Powers Act 2000 primarily deals with the acquisition and disclosure of information relating to the interception of communications, the carrying out of surveillance and the use of covert human intelligence. It is unlikely that this Act will have any implications on the sharing of personal information.

For more information see: [http://www.opsi.gov.uk/acts/acts2000/ukpga\\_20000023\\_en\\_1](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000023_en_1)

### **Anti Social Behaviour Act 2003**

For more information see: [http://www.opsi.gov.uk/acts/acts2003/ukpga\\_20030038\\_en\\_1](http://www.opsi.gov.uk/acts/acts2003/ukpga_20030038_en_1)

### **Criminal Justice Act 2003**

Part 13 Section 325, of this Act details the arrangements for assessing risk posed by different offenders. Co-operation may include the exchange of information.

For more information see: [http://www.opsi.gov.uk/acts/acts2003/ukpga\\_20030044\\_en\\_1](http://www.opsi.gov.uk/acts/acts2003/ukpga_20030044_en_1)

### **Prevention of Terrorism Act 2005**

For more information see: [http://www.opsi.gov.uk/acts/acts2005/ukpga\\_20050002\\_en\\_1](http://www.opsi.gov.uk/acts/acts2005/ukpga_20050002_en_1)

### **Crime and Disorder Regulations 2007**

These regulations describe the nature of information to be shared between relevant authorities within each local government area under the new duty to share depersonalised electronic information.

For more information see: [http://www.opsi.gov.uk/si/si2007/uksi\\_20071831\\_en\\_1](http://www.opsi.gov.uk/si/si2007/uksi_20071831_en_1)

## **Subject Access Exemptions**

The following is a list of exemptions that may apply to data held by Haringey Council

- Where to provide the subject with access to the data would disclose information about another individual, who can be identified from that information, we are not obliged to provide that information to the requestor without the third party's consent unless it is reasonable in all the circumstances to comply with the request without the consent of the individual (Section7(4)).
- Adoption records and reports
- Social services or health Information supplied to a court in relation to children's proceedings.
- Social services information where providing the information would be likely to prejudice the carrying out of social work by causing serious harm to the physical or mental health or condition of the data subject or another person.
- Records concerning the physical/mental health/condition of the data subject where to provide the information would be likely to cause serious harm to the physical/mental health/condition of the data subject or any other person. It is for the health professional that is responsible for the care of the data subject to determine whether serious harm would be likely to be caused, unless the data subject has already seen or knows about the information.
- Social services or health information where the request was made on behalf of a child or someone who isn't capable of managing their own affairs and where the person provided it in the expectation that it would not be provided to the requestor or the person expressly indicated it should not be disclosed to that person.
- Where to provide the information would prejudice any of the following: the prevention or detection of crime; the apprehension or prosecution of offenders; or the assessment or collection of any tax or duty. (s.29 DPA)
- Information that we are obliged to make public (such as the electoral register). (s32 DPA)
- Employment references given by the council. (Schedule 7 (1) DPA)
- Information held for the purposes of management forecasting or planning, where to provide the information would prejudice the business or other activity of the data controller (Schedule 7 (5) DPA)
- Records of the intentions of the organisation in relation to any negotiations with the data subject. (Schedule 7 (5) DPA)
- Information that is legally privileged. (Schedule 7 (10) DPA)



## **Appendix F**

### **Prosecuting Procedures Protocol**

## **Joint Agency Protocol**

### **Anti-Social Behaviour Orders (S1(c) Crime and Disorder Act) and Breaches of Anti-Social Behaviour Orders.**

This Protocol is intended to guide the signatories, in order for applications to be made before criminal courts under S1(c) Crime and Disorder Act 1998. It is issued in conjunction with the Crown Prosecution Service (CPS) Guidance on Anti-Social Behaviour Orders (ASBOs) issued April 2004. Although the CPS will take primacy in the prosecution, it is acknowledged that other agencies will have an interest in the supporting evidence supplied, and in the enforcement of any orders that result. The Protocol also covers cases where any ASBO has been breached.

The Protocol covers the offences committed within the geographical region of the London Borough of Haringey.

#### **The signatories are:**

Metropolitan Police.....(Borough Commander)  
Crown Prosecution Service.....(Borough Crown Prosecutor)  
Crown Prosecution Service.....(District Crown Prosecutor)  
London Borough of Haringey.....(Borough Solicitor)

## **Background**

### **Purpose of Protocol**

To ensure that applications for S1(c) ASBOs are made and enforced in appropriate cases.

To reduce the level of Anti-Social Behaviour (ASB) in the London Borough of Haringey and increase public confidence in the criminal justice system.

Nothing in this agreement affects the existing liaison and consultation framework concerning applications for “stand alone” ASBOs made under S1 Crime and Disorder Act. However, it is acknowledged that the CPS will have an interest in such orders, both in terms of offering supporting evidence emanating from previous court proceedings and in respect of their statutory duty to prosecute any breach offence initiated by arrest. The use of S1(c) orders is intended to complement procedures dealing with “stand alone” orders.

### **Liaison and Consultation**

All requests for orders on conviction will be dealt with under this procedure.

Officers will not approach prosecutors or the Court direct, to seek such orders. An officer has no right of audience to make the application and any application made by the CPS is subject to the Code for Crown Prosecutors and should be reviewed before the relevant Court date.

### **Personnel**

Each agency will nominate a lead officer in the field of ASB. This individual should be familiar with the practice and procedure of ASBOs.

In the case of the CPS one lawyer will be nominated for each Team; that lawyer will be trained in the theory and practice of ASBOs. All permanent Duty Prosecutors in Charge Centres will also be trained to the same standard. The Unit ASBO lawyer will be a first point of contact within the CPS for outside agencies wishing to discuss ASBO cases, and will offer guidance and advice to

colleagues on such cases. He or she is NOT expected to act as the reviewing lawyer in all cases where an ASBO is under consideration.

For a list of current Police and CPS Liaison see the end of this Appendix.

## **Case Review**

### **Assessing a case for suitability for an ASBO**

Any consideration of a potential S1(c) application must be made internally before inter-agency liaison is commenced.

An arresting officer or Officer In Charge (OIC) who feels that his defendant may be suitable for a Post-Conviction ASBO should initially raise the matter with his CJU QA / CPU Sergeant, who, if he concurs that an application is appropriate, will then contact the CPS Duty Prosecutor or Unit ASBO lawyer.

If the CJU QA / CPU Sergeant approves an application an MG13 Application Notice (including suggested Prohibitions), together with any additional evidence (over and above the evidence which supports the suggested Charge) should be prepared and sent to the Duty Prosecutor with the MG13.

The Duty prosecutor should then make an early assessment of the circumstances of the case, including the additional evidence and consider if an ASBO should be applied for, and, if so, what Prohibitions should be sought, taking into account the police submissions on the MG13.

### **Short-Form Assessment Procedure (Custody Cases only)**

It is recognised that if a prisoner is in Custody awaiting charge and is not to be granted bail prior to his first Court appearance, it may not be possible to present the full package of additional evidence to the Duty Prosecutor at or before point of charge. In such cases the following threshold test should apply.

The arresting officers / OIC should still consult the CJU QA / CPU Sergeants, and if they consider the case to be appropriate it may go forward to the Duty Prosecutor with an MG13 only. In such cases the MG13 must be endorsed by the CJU QA / CPU sergeant as suitable for this expedited procedure. It will then be open to the Duty Prosecutor to review the necessity for the application. If the need for an application is accepted, the usual form NFR/1 to Court and Defence may be prepared and served in the normal way, amended to state that further evidence will follow.

If a case is accepted via this procedure, the OIC / CJU QA / CPU Sergeant will supply the relevant additional evidence to the CPS within seven days. This time period may not be extended – if the evidence is not available within this timescale, the case would be more appropriately dealt with by way of a “stand alone” ASBO.

If in such a case the defendant indicates a Guilty plea to the substantive charge at the first Court appearance, The CPS will actively seek an adjournment of the sentencing hearing to allow the preparation of the relevant package of evidence to support the ASBO application. The OIC and Prosecutor should be in a position to give the Court an accurate time estimate for a contested application.

It must be emphasised that this procedure applies ONLY to cases where the suspect is not suitable for bail. If the subject is suitable for bail, and the full evidential package is not available, he should be bailed to return to the police station for charge to allow preparation of the ASBO application prior to charge.

### **Late Consideration of Application**

It is accepted that information may come to light in the investigation and preparation of any criminal case, which is not apparent at point of charge, which may lead to that case being considered an appropriate vehicle for a S1(c) application. In such a situation, the CJU QA / CPU Sergeant should seek early consultation with the Unit ASBO Lawyer.

All proposed applications will be considered on their merits. However, the further the case has progressed the less likely it will be that a S1(c) application will be considered suitable. It is hard to imagine any set of circumstances where an application would become appropriate after the substantive charge has been proved.

The best practice remains that an application is considered at point of charge.

It must be emphasised that no case will be considered for an ASBO unless an MG13 has been provided.

### **The Assessment Tests**

There must be current or pending criminal proceedings for a relevant offence for there to be jurisdiction to apply for a S1(c) order. If at any point the criminal proceedings are withdrawn, dismissed, or the accused is acquitted, the jurisdiction for S1(c) is lost.

If there is an urgent need to protect the community, it may be more appropriate that the S1 method be followed with an interim application being made, either notice or ex-parte (S1(d)).

It will be Borough Policy that in all cases where the charge is burglary, robbery or drug supply or where the offender is a Prolific and Priority Offender (PPO), there will be a presumption that an application is made unless there are substantial mitigating circumstances.

Where an ASBO is sought against a young person aged 16 or under, unless there has been a consultation with the Youth Offending Service, the "stand alone" ASBO procedure is in principle more appropriate. This is because the "stand alone" process has in-built requirements to enable consultation with other agencies such as Education and Social Services, who may have statutory duties to intervene and carry out assessments to address the behaviour in different ways. It may also result in more appropriate ways of addressing the behaviour than resort to a court order in suitable cases. That is not to say that post conviction applications will not be considered for such offenders, but a high degree of inter-agency consultation will need to be evidenced for such cases to be taken forward.

Broadly speaking, if wide prohibitions are sought, covering a variety of behaviour that is not easily identifiable from the conviction history alone, the appropriate course of action is that the Local Authority or Police Solicitors apply for a stand alone ASBO under section 1 of the Crime and Disorder Act 1998. In those applications, evidence of the defendant's behaviour can be introduced whether the same resulted in criminal convictions or not, provided that the behaviour is recent and relevant to the ASBO sought. Such "stand alone" applications would be preferable if the application will involve a large amount of evidence from Local Authority officers and expert witnesses, and the subject's criminal history is negligible.

However if an ASBO target is someone who regularly offends, and the facts and record of their offending will be the main basis for an application for an ASBO, then the matter would of course be best handled by the CPS as a S1(c) application.

At the end of the consideration process, the CPS should have reached a decision about the appropriate method of application, based on the protocol document. Prosecutors are encouraged to identify appropriate cases and to invite police to provide further evidence to support an application. Ultimately, the decision whether to proceed with S1(c) remains with the CPS. Once a

decision as been made, it should be reported to the appropriate person in each relevant agency in accordance with agreed lines of communication.

### **Third Party Initiation**

Any other agency which might wish the CPS to make an application for a S1(c) order must make a referral through the local Anti-Social Behaviour Action Team.

While the CPS is a willing participant in multi-agency working to address ASB, their ability to act depends on the existence of criminal charges against the perpetrator. The information flow to support such charges comes from the police.

### **Disagreement and Dispute Resolution**

AS proficiency and expertise in the use of ASBOs spreads throughout the Metropolitan Police and the CPS, it is not anticipated that there will be many occasions when an agreement cannot be reached as to whether or not an application should be made for an order. It is expected that CPS ASBO lawyers and Duty Prosecutors will develop good working relationships with CJU QA / CPU Sergeants.

However in the event of intractable disagreement, the case in question should be referred to the ASB prosecutor for London at Ludgate Hill, who will make the final decision. This must be a decision reached by the CPS, as it the statutory responsibility of the CPS to seek orders on conviction, and not that of the police.

In cases where the CPS does not accept that a S1(c) application is appropriate, the case may be referred to Metropolitan Police solicitors to consider a “stand alone” ASBO. The Duty Prosecutor should also endorse the MG13 with his reasons for rejecting the application to assist such future consideration.

### **Actions when an Application is Agreed**

Documents to be prepared: Application Notice to Court and Defendant

#### **Draft Order**

If the Duty Prosecutor, or any other reviewing lawyer, agrees that an application should be made, he should prepare copies of the draft order, which should be attached to the case file. He should also prepare an Application Notice, which should list any additional evidence to be relied upon. This document will contain a Hearsay Notice.

With the approval of the CPS Borough ASBO Lawyer, Draft Orders may be prepared and submitted by CJU QA / CPU Sergeants.

#### **Evidential Preparation**

The OIC will prepare an MG13 outlining the behaviour underlying the application, any maps and PNC print, detailed antecedents in accordance with Association of Chief Police Officers (ACPO) Guidance. The MG13 will also record that the officer has checked with the Local Authority (ASBAT) records or representative to determine whether any proceedings are current or imminent for a “stand alone” ASBO.

These documents should be kept together under separate cover on the prosecution file to ensure that the prosecutor does not refer to them as part of the prosecution case concerning the substantive charge.

## What Prohibitions Should an Order Contain?

### ACPO Guidance states that the order:

Only imposes prohibitions and not positive requirements

Covers the range of anti-social acts committed by the defendant

Relates to the acts complained on

Is realistic, reasonable and proportionate

Is clear, concise and easy to understand

Is specific about time and place

Is specific when referring to exclusion from an area, include street names and clear boundaries

*(Always do this by reference to a map)*

Is in terms, which make it easy to determine and prove a breach

SHOULD NOT CONFLICT WITH ANY OTHER Court orders

The CPS endorses this guidance.

## The Prosecution Process

### Principle

While the application is of course for a civil order ancillary to sentence, it should be conducted in a professional manner similar to the prosecution of the substantive offence.

### Service of papers

The Crown Prosecution Service will serve upon the Court and the Defendant (or his legal representative) a copy of the Application Notice, including Hearsay Notice, a copy of the Draft Order, and the full evidential package at the same time as Advance Information is served for the substantive charge. In cases where the full service of these documents is not possible at this stage – see paragraphs 7 and 8 above – a basic Application Notice alone will be served and the CPS will undertake serve the outstanding documentation:

In cases where acceptable Guilty pleas have been entered, or in cases which will proceed to trial in the Magistrates Court, within eight days.

In cases which are committed to the Crown Court, no later than the date of PDH.

In cases sent to the Crown Court under S51 Crime and Disorder Act 1998, within twenty-eight days.

The same documents may also be served on the Probation Service once the defendant has been convicted; however in the case of Youth Offenders, the YOS should be served with copies at the first appearance.

### Post Conviction Procedure

Upon the defendant's conviction for the substantive offence, the prosecutor will then draw the Court's attention to the Application Notice. If the defendant does not challenge the application or any evidence called to support it, the Court may proceed to consider the ASBO there and then.

However if the defendant contests any of the evidence, the prosecutor should then ask the Court to adjourn not only the ASBO application but also the entire sentencing exercise – as there is no power to remand a defendant to appear for the ASBO application. The prosecutor should be able to give the Court a realistic estimate of the duration of the contested hearing.

The Court will allow sufficient time for evidence adduced by both prosecution and defence to be heard, either on the date a requirement for a contested hearing is notified or on some future date.

### **Preparation for the Hearing**

When a date is fixed the CPS lawyer dealing with the case in Court should ensure that the contested hearing is entered in the Unit Diary and that the case file is referred to the Unit ASBO lawyer. The CPS Unit Head must then ensure that a lawyer trained in ASBO work is available to conduct the application hearing. The case must be reviewed to ensure that all relevant applications have been made and that the evidence it is proposed to rely upon in the hearing has been served in advance on both defence and Court.

It should be made quite clear to the defence that as the ASBO is a civil order, the CPIA does not apply. Disclosure of evidence is a voluntary exercise by the CPS which is undertaken as good practice to ensure the smooth progress of the Application hearing.

### **Orders at the Court's volition**

If the Court indicates it may wish to exercise powers to impose an Order under S1(c) in a case where the prosecution has not made an application, the CPS will seek a short adjournment so that the CJU QA / CPU Sergeant can be contacted to provide any information which may assist the Court in drafting Prohibitions.

### **Applications for S1(c) Orders in the Crown Court**

At least 14 days prior to the hearing of the application the prosecution will provide the Court and the defence with a time estimate for the application.

At least 7 days prior to the hearing the defence will advise the Court and the prosecution whether or not the hearing is contested and whether or not the time estimate is agreed.

Where a defendant indicates that he will dispute the application, if necessary, the Crown Court will adjourn the sentencing hearing to allow evidence to be called by the prosecution or the defence.

The Court will serve the defendant and supply the CPS with a copy of the Order.

Where the Crown Court decides of its own volition to make an ASBO it will invite representations from the prosecution and defence.

### **Standing Consultation**

#### **Rationale and Representation**

The CPS should be in regular contact with the ASBAT. There is no statutory requirement for the police or prosecution to consult with the Local Authority before a request is made for an order on conviction (S1E(1)). However, it is necessary to check police records and with the Local Authority that there is no existing ASBO on the defendant and that no such proceedings are being contemplated, before the defendant is put forward for an order on conviction.

However the constitution of such groups varies from area to area. The CPS representative should not be party to any discussion (indeed should not be present during any discussion), which may give rise to disclosure issues during criminal proceedings. In areas where detailed case histories are considered at ASBAT, it may be more appropriate for those groups simply to refer case files to the CPS for consideration after the full debate.

### **Identification and Prosecution of Breaches**

The power to prosecute breaches lies with both the CPS and the original applicant for any “stand alone” ASBO. However the CPS has a statutory function under the Prosecution of Offenders Act to prosecute any breach charges arising out of an arrest.

While it would not be the intention of the CPS to remove from another agency its statutory powers, the presumption should be that breach offences are prosecuted by the CPS. It is the only prosecuting authority with representatives at every Court every day and therefore will be best placed to deal with any issues arising out of the non-attendance of defendants granted bail.

Should there arise a case where the Local Authority is in a position to put information before the Court more expeditiously or efficiently than the CPS, the authority to prosecute may be passed to them by the Borough Crown prosecutor.

The case file submitted to the Duty Prosecutor for consideration of charge must contain a copy of the original ASBO and any map, together with the statements needed to prove the breach. It should also contain, if available, details of the ASB leading up to the Order having been made. This might come in the form of a statement from the police or local authority.

Given that identification may be an issue, especially in the case of “stand alone” ASBOs, it will be good practice for the defendant to be interviewed as to whether he accepts himself to be subject to an ASBO.

*The Unit lawyer for the Wood Green Prosecution Unit CJU is Nana Owusuh*

*In the case of the London Borough of Haringey the nominated individual is Angela Tryfonos*

*In the case of the Metropolitan police, the nominated individual will be Sgts Pugh and Warboys*



## **Appendix G**

### **Signatures**

<b>Name (officer/organisation)</b>	<b>Signature</b>	<b>Date</b>
<b>ARHAG Housing Association Ltd</b> Name: Joyce Oyebanjo Title: Housing Operations Manager		
<b>ASRA Greater London Housing Association</b> Name: Lily Tripathi (on behalf of director)		
<b>British Transport Police</b> Name: David Dickason Title: Chief Inspector		
<b>Cara Irish Housing Association</b> Name: Dee McRedmond Title: Housing Team Manager		
<b>Christian Action Housing Association</b> Name: Ian Martin Title: Director of Housing and Community Services		
<b>Circle 33 Housing Group</b> Name: John McFarlane Title: Group Director of Customer Services		
<b>Crown Prosecution Service</b> Name: Sarah Maclaren Title: District Crown Prosecutor		
<b>Family Housing Association</b> Name: Jennie Anderson Title: Regional Housing Manager		
<b>Family Housing Association</b> Name: Jo Murphy Title: Group Director		
<b>Genesis Housing Association</b> Name: Peter Doherty Title: Head of Housing Services		
<b>Great Ormond Street Hospital</b> Name: Dr Jane Collins		

Title: Chief Executive		
<b>Habinteg Housing Association</b> Name: Verena Harbourne Title: Regional Operations Manager (South)		
<b>Haringey Council</b> Name: <b>David Warwick</b> Title: Chief Executive		
<b>Haringey Council</b> Name: <b>Charles Adje</b> Title: Leader		
<b>HM Revenue and Customs</b> Name: John Whyte Title: Regional Manager London		
<b>Homes for Haringey</b> Name: <b>Stephen Clarke</b> Title: Chief Executive		
<b>Hornsey Housing Trust</b> Name: Andrew Billany Title: Chief Executive		
<b>Innisfree Housing Association</b> Name: Clare Winstanley Title: Chief Executive		
<b>Kelsey Housing Association</b> Name: Andrew Fellows Title: Chief Executive		
<b>Ladybur Housing Association</b> Name: David Meade Title: Housing Manager		
<b>London &amp; Quadrant Housing Trust</b> Name: Steve Yianni Title: Group Director North Thames Region		
<b>London Fire Brigade</b> Name: Martin Ranson Title: Borough Commander		

<b>London Probation Service</b> Name: Sean Walker Title: Assistant Chief Officer (Haringey)		
<b>Metropolitan Housing Association</b> Name: Neil Mawson Title: Director North Thames		
<b>Metropolitan Police Service</b> Name: Stephen Bloomfield Title: Borough Commander		
<b>Mosaic Homes</b> Name: Sandra Fawcett Title: Director of Housing Services		
<b>Newlon Housing Trust</b> Name: Sunita Parbhakar Title: Assistant Director		
<b>NHS Haringey</b> Name: Tracey Baldwin Title: Chief Executive		
<b>Novas Group</b> Name: Elizabeth Heaton Title: Dependency Worker		
<b>Patchwork Housing Association</b> Name: Katina Lytra Title: Support Services Team Manager		
<b>Peabody Housing Trust</b> Name: Leanne Donald-Whitney Title: Group Director North Thames Region		
<b>Presentation</b> Name: Joe Joseph Title: Group Director North Thames Region		
<b>Sanctuary Housing</b> Name: Rebecca Hopewell Title: Director		
<b>Servite Houses</b>		

Name: John Mensah Title: Regional Development Director		
<b>Shian Housing Association</b> Name: Oluremi Omokorede Title:		
<b>St Mungos</b> Name: David Devoy Title: Regional Director		
<b>Teachers Housing Association</b> Name: Jill Greer Title: Housing Services Manager		
<b>Ujima Housing Group</b> Name: Asif Choudri Title: Deputy Director of Housing		
<b>Victim Support</b> Name: Debbie Tibber Title: Acting Borough Manager		