

# FIRST WAVE FINDINGS: Anti-social behaviour

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Addressing anti-social behaviour (ASB) has been a key priority for successive UK and Scottish governments, resulting in a range of new legislation, powers and mechanisms for tackling the problem. Individuals are subject to ASB interventions that comprise elements of both support and sanction, with a complicated relationship between these elements. This briefing paper presents indicative findings from our research undertaken to date, based on interviews and focus groups with policy stakeholders and practitioners plus interviews with 40 people subject to ASB-related interventions including Family Intervention Projects.

## Key points

- Most individuals and households subject to ASB-related interventions experience multiple

forms of vulnerability and marginalisation, often rooted in their own childhoods. These experiences can be manifested in mental health issues, homelessness, domestic violence, challenges of parenting and difficult home environments.

- These vulnerabilities and chaotic circumstances undermine key premises upon which conditionality frameworks are based, which assume people will make decisions and responses to incentives in rational and future-orientated ways. In many cases individuals have a very limited comprehension of the forms of sanction and support and behavioural requirements placed on them.
- Relationships between individuals subject to conditionality and practitioners implementing sanctions and support are essential. But they are fluid and progressive and positive outcomes are not linear or consistent. Similar interventions in seemingly similar circumstances can lead to a diverse range of outcomes.
- Some individuals subject to sanctions regarded them as a catalyst for positive change but others viewed them as ineffective. Support was regarded as essential if sanctions were to be effective but there were concerns that access to specialised support was being reduced.
- Tensions between the support and sanction elements of conditionality were widely recognised. The extent to which ASB-related interventions should focus on ending problematic conduct, or address the underlying causes of such behaviour, were disputed.

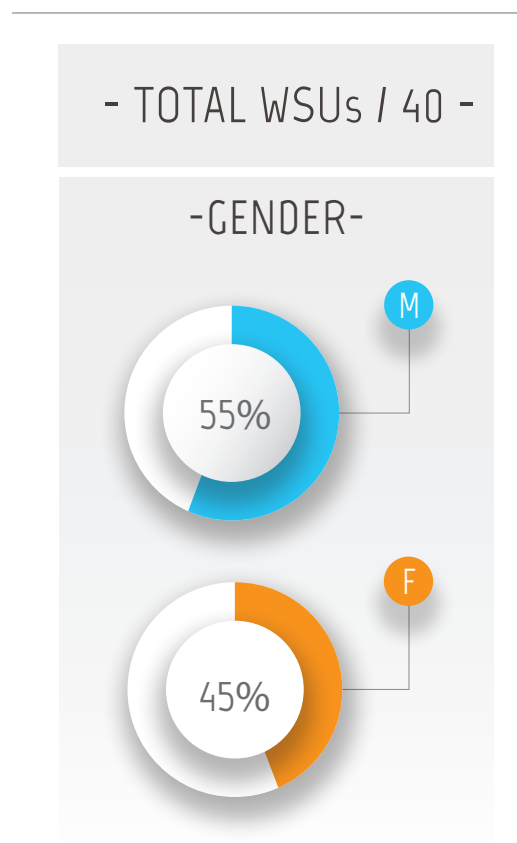


- There was a stark contrast between complex and personalised packages of intervention relating to ASB and impersonal and ‘automatic’ sanctions regimes relating to benefits. Individuals found the latter very difficult to navigate and found that they often exacerbated their financial and social marginalisation and vulnerability.
- There was widespread support for the principle that access to welfare such as housing and benefits should be linked to behavioural requirements. But some people subject to conditionality believed that such sanctions and support were unfair or ineffective in their own personal cases.

## Policy contexts

Addressing ASB has been a key priority for successive UK and Scottish governments, resulting in a range of new legislation, powers and mechanisms for tackling the problem. Since 2009 the following developments have been important in constructing the policy and practice context for ASB-related conditionality:

- In England, the Coalition government (2010-2015) established the Troubled Families Programme, aiming to turn around the lives of 120,000 families including households engaged in ASB, with new payment by results mechanisms.
- In England, the Anti-social Behaviour Crime and Policing Act 2014 consolidates and extends legal powers and, crucially, enables proactive behavioural requirements to be imposed on individuals.
- In Scotland, the 2009 Promoting Positive Outcomes framework developed by the Scottish Government and Convention of Scottish Local Authorities (COSLA) continues to underpin ASB interventions.
- In both England and Scotland, approaches to ASB have increasingly been devolved to local partnerships, with less centralised monitoring requirements, although the issuing of guidance and dissemination of good practice have continued.



- The growth of the private rented sector has increased the importance of this housing tenure, and private landlords, in the regulation of ASB. In England there has been a growing emphasis on the role of charities and the private sector in delivering ASB interventions.
- In England and Scotland, ASB is less of a national policy priority than previously and in many cases resources provided to tackle ASB have been under pressure as a result of austerity measures.

## What is conditionality? Policy and practice contexts and rationales

ASB policymakers and practitioners did not immediately relate the term ‘conditionality’ to ASB policy and interventions. One senior policy officer said: ‘Conditionality isn’t a term you’d normally use in relation to ASB so it’s not a policy tool we would be thinking of normally.’ (PS2a, Senior policy manager, community safety, Scottish Government) Other practitioners believed

it related primarily to welfare benefits. But policymakers and practitioners did conceptualise an understanding of conditionality, as follows:

*“ I think I understand the word conditionality to mean a responsibility to comply with an obligation in return for receipt of a state benefit. It is about people being expected to behave in a certain way as a condition of receiving welfare in the wider sense. So not just benefits but maybe in social housing. ”*

*(PS2a, Senior policy manager, community safety, Scottish Government)*

Policymakers and practitioners often referred to the ‘rights and responsibilities’ underpinning ASB interventions and including social housing tenancies. They understood that: ‘The intent of the social behaviour intervention would be to effect behaviour change.’ (PS2a) They argued that such understandings were long-established in ASB policy and practice. They identified three key changes in recent contexts. Firstly, that the wider discussion of ASB, welfare and conditionality had changed in tone and that there were powerful political messages beyond the more technocratic changes in the 2014 Act. Secondly, that wider welfare benefit reform, including sanctions, was affecting individuals and households subject to ASB interventions. Thirdly, practitioners in England recognised that the scope for positive or proactive behavioural requirements, for example requiring individuals to take up support, would lead to changes in the management of ASB cases. There was also a recognised difference between the political rhetoric and policy development in England, and in Scotland where a prevention- and assets-based approach and a focus on protecting tenancy rights was being promoted.

### Enacting conditionality: the practice of sanctions and support

Practitioners suggested that they were continuing to implement interventions based on well-established good practice and they argued

strongly that support and sanction were both fundamental to ASB interventions:

*“ It’s part of our job to identify vulnerabilities or support needs and then offer referrals... we’ve done lots of informal interventions and you tend to find ... if you could get someone an element of support, then they quickly sort of start behaving. ”*

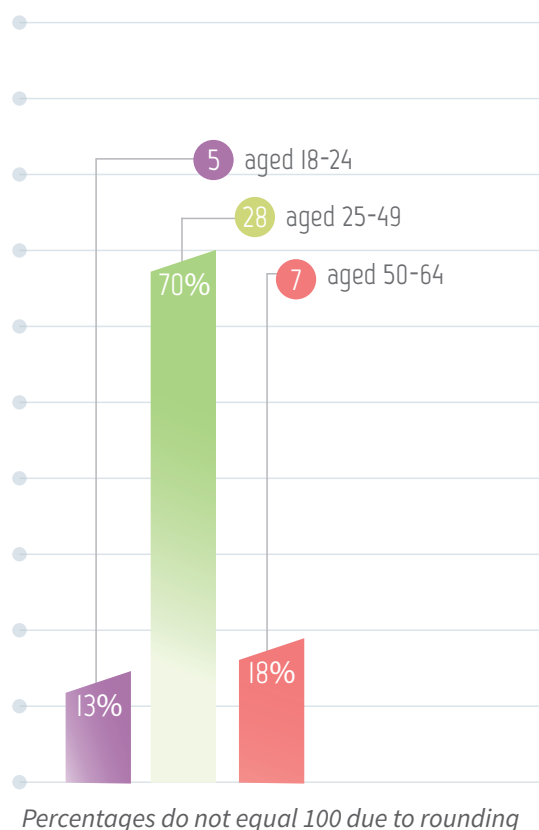
*(FG4, Anti-social behaviour, England)*

They also refuted the idea that their work was simply punitive:

*“ The work we do is never punitive - normally we’re only trying to stop behaviours. We’re not here to punish people. It’s just to try and stop particular behaviours that are affecting other people or the individuals ”*

*(FG4, Anti-social behaviour, England)*

-AGE-



They identified that the support side of interventions was not always sufficiently specified and argued that this should form a key element of a contractual arrangement with individuals:

*“ You’re getting support specified in the same contract that tells them that they’ve got to do ‘X,Y and Z’ and ‘recognise the need to be more specific about engagement with support’, so to undertake a particular appointment with mental health services rather than simply saying ‘engage with services’. ”*

*(FG17, Anti-social behaviour, Scotland)*

The new possibilities of increasing the use of positive requirements were broadly welcomed. Practitioners also raised the challenges of capacity:

*“ It’s also a resource issue for authorities because obviously everyone is losing money now, budgets are tighter, there might not be such a priority there. ”*

*(FG17, Anti-social behaviour, Scotland)*

## False premises? Household contexts, capacities and engagement

The characteristics of the sample confirmed the vulnerability and marginality of people engaged in ASB. A majority reported mental health issues, half of the sample had been in prison and at least half of the sample were experiencing, or had experienced, homelessness. A large number of these individuals also had substance misuse problems. Practitioners similarly referred to the vulnerabilities of individuals and households, especially intergenerational problems, a perceived ‘poverty of aspiration’, the challenges of low incomes (exacerbated by benefit sanctions) and particularly a problem of education. They challenged some of the premises that sanctions were based upon:

*“ You want people to be active. You want people to be engaged. If you don’t start off trusting people they’re going to engage less. ”*

*(PS12, Policy and communications manager, UK disability organisation)*

*“ Most government instruments have been constructed in a very blunt fashion and not really constructed by the people who are going to be affected by the consequences... there are large numbers of sanctions have been applied without understanding why they are being imposed. ”*

*(PS24, Head, NGO offending)*

Practitioners explained that, far from individuals simply being ‘forced’ to do things, interventions were always, to some extent, a negotiation and discussion. They highlighted the importance of explaining ‘in plain English’ to individuals what measures they were subject to, why, and what they were required to do:

*“ It’s good practice to sit down with them and go through each line to make sure they understand that. I think that’s what everyone does... We don’t want people to breach. ”*

*(FG4 Anti-social behaviour, England)*

However, it was evident that many individuals subject to interventions had a very limited understanding of them:

*“ They were just throwing these ASBOs and injunctions and all these like, official letters and things. I couldn’t sort of take it on board what I was reading. I don’t understand it, get it or anything really, I didn’t understand why I was getting it. ”*

*(WSU, ASB, female, England)*



Crucially, some individuals argued that, due to their situation at the time, no amount of information would have assisted their understanding:

*“ I would have like filtered it through and it would have been something totally different in my head anyway. ”*

*(WSU, ASB, female, England)*

There was also some scepticism expressed about the extent to which individuals could be forced to take up support services:

*“ If people don’t want drug and alcohol support, how useful is forcing them to do such support going to be? ”*

*(FG4 Anti-social behaviour, England)*

*“ We offer buckets of support and we’ve got intensive support, we’ve got ordinary support, we’ve every version known to man, but unless they attend appointments, sign up to it, you can’t make it [happen]. How do you enforce a positive behaviour order? ”*

*(FG17, Anti-social behaviour, Scotland)*

Individuals also reported that they retained a sense of personal control and agency in engaging with intervention services, rather than services always being regarded as compulsory or imposed:

*“ I didn’t have to. That was voluntary; that was my choice. It was there, and I thought, well, you know what, if it’s there I’m going to take it. It was very welcomed, it really was, you know, at the time. I mean, even now I’ll give [Family Intervention Project worker] a call if I’m having an issue. If I’m having a problem with anything, you know. ”*

*(WSU, ASB, female, England)*

*“ I tell them that I need support, that’s why they’re involved. ”*

*(WSU, ASB, female, England)*

There was evidence that, despite the complexities of relationships and non-linear progress, family intervention workers were welcomed by individuals subject to interventions. They played a key role as mediators and advocates for households and in identifying and accessing appropriate support services:

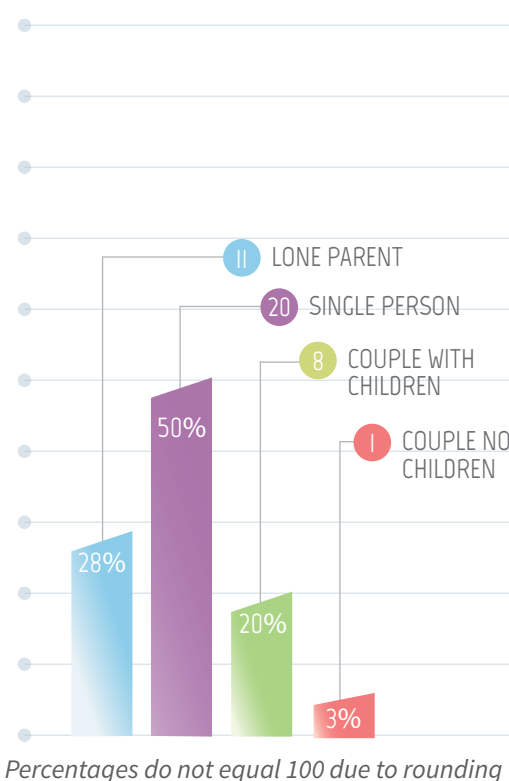
*“ I don’t know where I would have been if I didn’t get the help that I did get. Things could have come out a lot worse. ”*

*(WSU, ASB, female, England)*

*“ When we went to court [FIP worker] was with us, and he was amazing. You know, he kept nudging me, ‘keep calm, keep calm’. He was kind of my saviour, really, because he also kept me calm. ”*

*(WSU, ASB, female, England)*

## -HOUSEHOLD TYPE-



*“ They work so hard. They want to bring families together and try to understand each other, you know? They’re a good thing. ”*

*(WSU, ASB, male, England)*

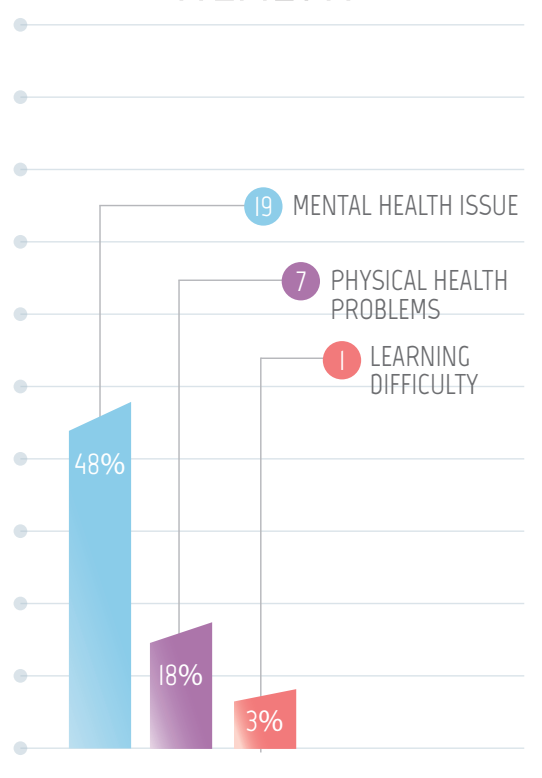
## Achieving behaviour change? The outcomes of interventions

Key informants and practitioners expressed conflicting views about the efficacy of support and sanctions in resolving ASB. Some argued that existing practice was effective in a large majority of cases and that there was no need, therefore, to link further mechanisms, such as benefit sanctions, to ASB.

*“ We get there with 90 percent of the cases, so to suggest that we need to put something else in, like links to sanction somebody’s benefits, is wrong. ”*

*(FG17, Anti-social behaviour, Scotland)*

### -HEALTH-



However, others argued that forms of benefit sanction may be more effective than other enforcement measures.

Others indicated that sanctions were evidently not working:

*“ If people are subject to repeat sanctions then clearly behavioural change is not working. Clearly there have got to be other reasons why people then can’t change their behaviour... I think the unintended consequences are that people engage even less, that people disappear from the welfare system. ”*

*(PS24, Head, NGO offending)*

But this was countered by a belief that sanctions ‘were a small part of a very long road’ and that for in some cases individuals ‘realise the [measure] has got teeth and they think ‘hang on, this is just going to escalate.’ It was argued that enforcement action could actually identify underlying problems:

*“ When you go down the enforcement route all of a sudden you’ll discover that things have come to a head, maybe a bereavement in the family... they go into a spiral of drinking to cope with their grief and sometimes it can be as simple as they need a grief counsellor. ”*

*(FG17, Anti-social behaviour, Scotland)*

Cases were also cited where formal mechanisms such as ASBOs had helped vulnerable individuals manage relationships, for example with unwanted visitors to their homes.

There was considerable interest in the new potential to have positive behavioural requirements such as engagement with support and that for ‘some people, it might give the extra push they need because some people might recognise they need help but just not get round to it and they’re being told they have to’. *(FG4, Anti-social Behaviour, England)*

Examples were given of individuals now engaging

with alcohol misuse or homelessness services and the potential of extending this to requirements on, for example, private landlords. It was also pointed out that mechanisms such as Acceptable Behaviour Contracts/Agreements already used positive requirements. It was recognised that there was insufficient evidence to establish the long-term evidence of the effectiveness of these new powers.

However, it is also the case that other factors, not related to direct support or sanctions, such as changing family dynamics or growing maturity, also influence behaviour change:

*“ When [his] mum left... he[son] really started to become more positive in himself, and I think the family dynamic has really been changed, and there has been a really positive shift in the family and we can’t*

*quantify what that exactly is. ”*

*(Support worker in interview with WSU, ASB, male, England)*

*“ I’m older and wiser and I certainly don’t behave in that manner that I behaved in then and I have got two kids. I have grown up from then and I’m aware of the actions and the things that can happen if you don’t adhere to the [social landlord]. ”*

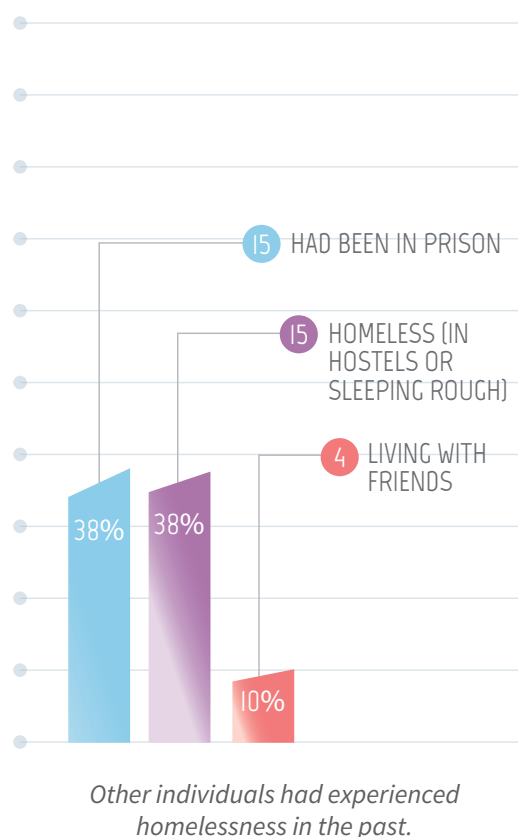
*(WSU, ASB, female, Scotland)*

Some individuals also stated that they had asserted control over their situation and it was their own rules and actions that resulted in behaviour change:

*“ [I said to my daughter] ‘At the end of the day, once the ASBO’s over and you think that you can go back to how you were before, you’ll be moving out, simple as that. You’re not coming back here.’ So she kind of knows the seriousness of it. That’s my rules, nobody else’s. There’s no intervention or anybody else has put that in place; that’s me that’s put that in place. ”*

*(WSU, ASB, female, England)*

## -REPORTED ISSUES-



## The compounded impacts of multiple conditionality regimes

One new finding from this research is the extent to which other forms of sanctions, particularly related to employment and housing benefits, were affecting individuals subject to ASB interventions. Several people in our sample were subject to employment-related sanctions and assessments of capacity to work. It was evident that these individuals did not fully understand the system or how to navigate it and there appeared to be a stark and very significant difference between the more personalised, intensive and relationship-based ASB interventions, particularly FIPs, and the more automated and impersonalised benefits sanctions regime:

*“ I had an appointment with the Work Programme and I had a hospital appointment at the same time and because I chose to go to the hospital they put me on a sanction, because they said it was a mandatory appointment which I had to go to. ”*

*(WSU, ASB, male, England)*

*“ Jobcentre, they’re pushing me all the time, ‘you go work, you go work? Then I tell them ...I didn’t find any job because I don’t have any qualification or anything. I don’t know proper English... but they didn’t understand. They’re telling me oh you don’t find job then I cancel your jobseekers and this and that. Then I said yes, you can cut my Jobcentre because me and my son, how I feed my children? ”*

*(WSU, ASB, female, England)*

*“ I mean if they sanction me then I’ve got nothing... I think well there’s only one option for me to survive, to go and steal. Otherwise... how does anyone expect me to survive with nothing? ”*

*(WSU, ASB, male, England)*

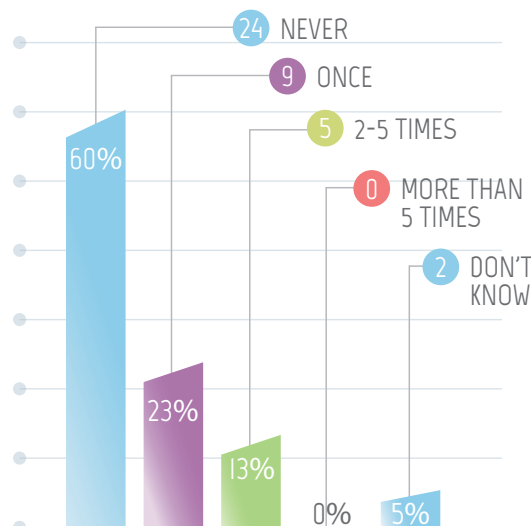
There was also evidence of insufficient coordination between agencies that would enable a joined-up picture of what sanctions individuals were subject to and what requirements within these different regimes they needed support to achieve.

## The ethics of conditionality

The ethics of conditionality was something that research participants had thought about. One practitioner argued that all interventions, including sanctions, involved careful ethical considerations:

*“ Are we going to evict this family?... That’s taxing enough and it’s troubling*

## -BENEFIT SANCTIONS-



Percentages do not equal 100 due to rounding

*enough if you’ve got any sort of degree of social conscience. ”*

*(FG17 Anti-social behaviour, Scotland)*

Policy stakeholders and practitioners made three key arguments in favour of conditionality. Firstly, as described above, they suggested that sanctions could facilitate behaviour change, including engagement with support, which could lead to positive outcomes for individuals and communities. Secondly, they argued that, with specific regard to ASB interventions, there was a misunderstanding of their primary purpose, which was to stop the problematic behaviour and protect communities:

*“ Does an ASBO improve behaviour? Now it can improve behaviour but that is not the purpose of it, the purpose of an ASBO, it was brought in to give respite to the community. ”*

*(FG17, Anti-social behaviour, Scotland)*



Thirdly, they indicated that there was an inherent relationship between enforcement, sanctions and support and it was their cumulative impact that was important:

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***“ Welfare support and the use of injunctions go hand in hand... Enforcement and support, how those two things interface and work together, they should work together to provide a solution. ”***

***(FG4, Anti-social behaviour, England)***

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***“ Just because you’re supporting a family doesn’t mean to say you can’t do enforcement work at the same time because you’ve got the greater community [to consider]. ”***

***(FG17, Anti-social behaviour, Scotland)***

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However, concerns were also raised about the justifications for sanctions, including ASB-related interventions. Firstly was a concern that individuals, through no fault of their own, were not in a position to undertake required forms of behaviour or to respond to the incentives of sanctions or support:

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***“ If they’ve not been parented, they’ve not been told how to run a household, then how are they expected to change their behaviour to match that? ”***

***(FG17, Anti-social behaviour, Scotland)***

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Secondly, there was a concern about the wider political debate that new sanctions regimes operated within:

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***“ I think the government would say that they’re trying to create some kind of a contract in which people have rights and responsibilities... but they operate in a climate of coercion and suspicion and a climate of intimidation. ”***

***(PS12, Policy and communications manager, UK disability organisation)***

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Thirdly, they articulated a concern that wider economic and social developments, and governmental policy, were exacerbating the vulnerabilities of individuals and households, seen for example in the growing reliance on foodbanks and the reduction in the provision of specialist support services. Finally, there was a concern that current governmental rhetoric, and the use of some measures, deepened divides between groups in society:

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***“ If you start going to sanctions you go back to the divide between the working and not working and council tenants and others. We should treat everyone equally. ”***

***(FG17, Anti-social behaviour, Scotland)***

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Individuals subject to ASB interventions tended to support the principle of sanctions, both related to ASB and wider benefits sanctions, but sometimes challenged their appropriateness and fairness in their own specific cases:

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***“ If it was just somebody who was having parties every weekend, taking drugs and all that sort of stuff, they don’t deserve to keep their house. ”***

***(WSU, ASB, male, Scotland)***

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***“ It was through my own fault that I’m on the short tenancy thing... I do agree with the likes of the ASBOs and things like that or the neighbourhood would just be an absolute nightmare. ”***

***(WSU, ASB, male, Scotland)***

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***“ I was into a lot of drugs at the time and they took the tenancy off me. I was in hospital because I smashed the flat up... So that led to homelessness... Honestly, I think it was my fault, if I hadn’t taken all the drugs it’d have probably been different. ”***

***(WSU, ASB, male, Scotland)***

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*“ I suppose it is fair given what I did to the flat... I suppose it’s fair that I’m restricted or being under a curfew or being watched, monitored... I don’t know, maybe because I’ve caused trouble before. I have actually been a bad guy before; stealing and things. Not here but when I was younger I used to steal out of shops so it’s made me feel guilty that way. ”*

*(WSU, ASB, male, Scotland)*

*“ I was made out to be a vile human being, basically, by the judge, and didn’t - you know, I need to make changes, you know, it was all me, but at the end of the day I’m*

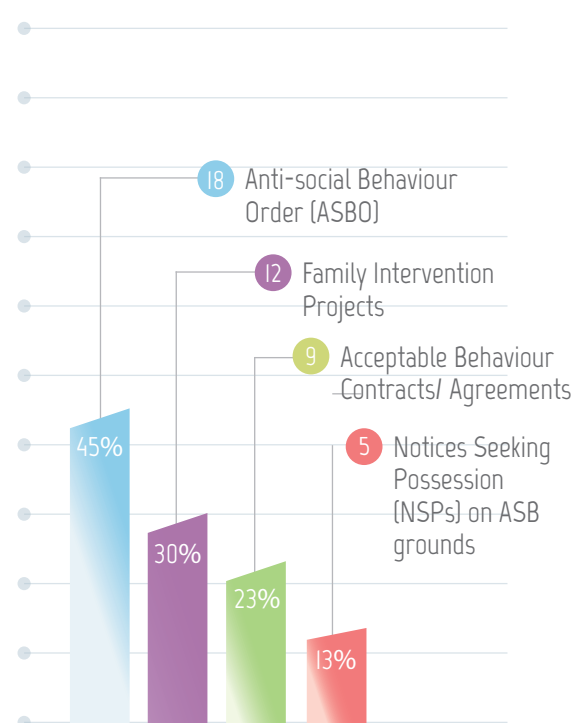
*not the only person in the block. So that should have applied - he shouldn’t have just singled me out... He didn’t hear my side; he wasn’t interested. So there was no fairness there. ”*

*(WSU, ASB, female, England)*

*“ At the end of the day, I think I’m a human being [laughs]. You know what I mean? With mental health issues, and my daughter’s got mental health issues... we’ve got to have a release somewhere, at the end of the day, and I can’t keep biting my tongue. I can’t keep being abused. ”*

*(WSU, ASB, female, England)*

## -INTERVENTIONS (AT ANY TIME)-



*Note: A smaller number were, or had been, subject to other interventions including Parenting Orders, Housing Injunctions, introductory tenancies or Scottish Short Secure Tenancies. None of the sample had been subject to Family Intervention Tenancies, CRASBOs or the new powers introduced in the Anti-social Behaviour, Policing and Crime Act 2014.*

## Conclusions and key messages for policy and practice

The findings presented in this paper are consistent with existing research evidence on the forms of ASB interventions, localised practice and outcomes for individuals subject to sanctions and support, including the complexity and multiple vulnerabilities experienced by individuals and households; the relative efficacy of mechanisms of support and sanction; the central role of relationships and partnerships; and the complexity of measuring outcomes. However, a number of key new findings have arisen from this research, including:

- The consistent support for the principles of conditionality and requiring individuals to meet behavioural requirements, including from those subject to interventions, although there are significant concerns about the effectiveness of these measures.
- Challenges to the key premises for conditionality understood to require individuals to respond rationally to the threat of sanctions, to take up and engage with support and to enact future-orientated decision-making in a context of significant and multiple vulnerability and very complex personal circumstances.

- A compounded negative impact of new forms of sanctioning, particularly through employment - and housing-related benefit sanctions, which vulnerable individuals and households often struggle to navigate and which result in further financial hardship and alienation from potential support services.
- The continuing tension between simply stopping ASB in the short term and actually addressing the underlying causes of ASB and providing the necessary support to enable positive outcomes to be sustained in the long term.
- The impacts of budget reductions for ASB interventions, both directly to ASB practitioners and to the specialist support services they work in partnership with, which risk a serious loss of accumulated expertise and a significant reduction in local capacity to deliver required support (and enact sanctions to maximise take up of this support). This is exacerbated by the challenges of engaging new partners, for example private landlords, in interventions and

the wider weakening of the security of social housing tenancies.

## Further research

These participants subject to ASB-related interventions will be interviewed again for our research in 2015-16 and then for a third time in 2016-17. This will enable the research to capture the dynamics of change for these individuals and the role of sanctions and support within this. It will also enable a better understanding of the medium-term cumulative outcomes of interventions and the impacts of new legislation and mechanisms of sanctions and support that are currently being introduced.

## Further Information

This paper was written by Prof John Flint and Dr Jenny McNeill of the University of Sheffield and Elaine Batty of Sheffield Hallam University. It is one of a set of nine presenting our first wave findings on different policy areas. An overview paper sets out our findings in summary.

Further information about the project may be found at: <http://www.welfareconditionality.ac.uk/>

A briefing paper on the policy context and existing research evidence for ASB-related interventions may be accessed at: [http://www.welfareconditionality.ac.uk/wp-content/uploads/2014/09/Briefing\\_ASB\\_14.09.10\\_FINAL.pdf](http://www.welfareconditionality.ac.uk/wp-content/uploads/2014/09/Briefing_ASB_14.09.10_FINAL.pdf)

For further information about our findings, please contact communications officer Janis Bright at [janis.bright@york.ac.uk](mailto:janis.bright@york.ac.uk)

-KEY-

PS refers to policy stakeholder  
 FG refers to focus group  
 WSU refers to welfare service user

Welfare Conditionality: Sanctions, Support and Behaviour Change is a major five-year programme of research funded under the Economic and Social Research Council's Centres and Large Grants Scheme. The project aims to create an international and interdisciplinary focal point for social science research on welfare conditionality and brings together teams of researchers working in six English and Scottish Universities.

