



48 Addington Square,

London SE5 7LB

0207 7033231 – [atd@atd-uk.org](mailto:atd@atd-uk.org) - [www.atd-uk.org](http://www.atd-uk.org)

### **Response to the White Paper:**

## **Respect and Responsibility – Taking a Stand Against Anti-Social Behaviour**

### **Introduction**

ATD Fourth World believes that wherever there are people living in poverty, human rights are violated, and consequently seeks to address the issue of poverty as a human rights issue.

We believe that people with experience of poverty have an important contribution to make, especially on subjects pertaining to them. These antisocial behaviour proposals will affect the poor more than any other group.

We would like to add our voice to the chorus of protest coming from the voluntary sector about the government having skipped the green paper stage of this legislation. We can think of no good reason why it should be fast tracked through parliament.

Many of the measures discussed here are solutions imposed from above, and as such do not constitute working with people, but demeaning them. Whilst the readers of certain right-wing newspapers may believe that people guilty of antisocial behaviour need to be put in their place, we believe that such problematic behaviour is symptomatic of a people whose dignity is always being undermined, who are subject to prejudice, and who are usually thwarted in their attempts to lift themselves out of their environments.

We believe that winning cooperation and dissipating the poverty mindset is best achieved by nurturing the sometimes fragile dignity of a people who can be frustrating to work with.

This response is based on several interviews with people living in poverty today, as well as the knowledge gained through ATD Fourth World's nearly 30 years of working alongside people experiencing by poverty.

## Ministerial Forward

David Blunkett's forward opens: **As a society, our rights as individuals are based on the sense of responsibility we have towards others and to our families and communities.**

Joseph Wresinski, the late founder of ATD Fourth World, said, "It is precisely in order to meet those responsibilities that people claim rights." We think that Mr Blunkett's emphasis on social responsibility is laudable, but that rights and responsibilities should be given equal precedence.

**"Where families and parents are failing to meet their responsibilities to their communities, we will work with them until they do."**

Several decades ago, ATD Fourth World was amongst the first to talk about partnerships with people in poverty. We are therefore a little disappointed with this use of the phrase 'work with them', which sounds more like a euphemism for forceful persuasion than the engendering of a spirit of co-operation. It should be clarified what is meant by "working with them", and how far this would entail *compulsory* measures.

## Chapter 1: Building on Firm Foundations

### 1.2 families causing nuisance to be warned, helped but, if necessary, evicted

The Antisocial Behaviour Bill deals with eviction, and perhaps warning, but there is no mention of helping "nuisance" families. ATD Fourth World would like to ask the Government to elaborate on this help they propose to offer to families causing "nuisance", and to indicate to what extent this assistance will involve putting children into local authority care. Supporting the inclusion of families in difficult circumstances takes time and costs money. Is the Government prepared to resource this adequately?

### 1.14 The role of individuals, families, communities and businesses is to get involved and take responsibility.

This is exactly what one family member of ATD Fourth World meant when she told us:

**"There's no structure these days."**

Her instinct as a parent was to become acquainted with, and watch out for, all the young people that frequent her street. Her neighbours often don't dare to make contact with the local youngsters and then, when they grow tall, perceive them as threatening. Street wardens, very much a community initiative, do not form the sort of informal relationships that bind a community together. For the different sectors in the community to work together, there is a need for a structure to facilitate this. Local Strategic Partnerships could provide this structure to work in partnership to tackle anti-social behaviour issues, but they do not exist in local authorities where there is not a Neighbourhood Renewal Strategy.

## 2. Preventing anti-social behaviour and protecting families

**2.16 We want the benefits of parenting support to be an option for more parents on a voluntary basis in the first instance, through Parenting Contracts. We will also ensure that we have mechanisms for parents who are not willing to address their child's behaviour and we will be increasing the circumstances in which Parenting Orders can be made.**

Several of those interviewed had responded positively to parenting classes, but all rejected the idea that parents might be forced into classes.

**“If I was forced into parenting classes I would feel demeaned. A parenting course should be made to look attractive rather than a humiliation.”**

**“A parenting contract gives obligations to a parent who is probably more in need of support.”** *ATD Fourth World family member*

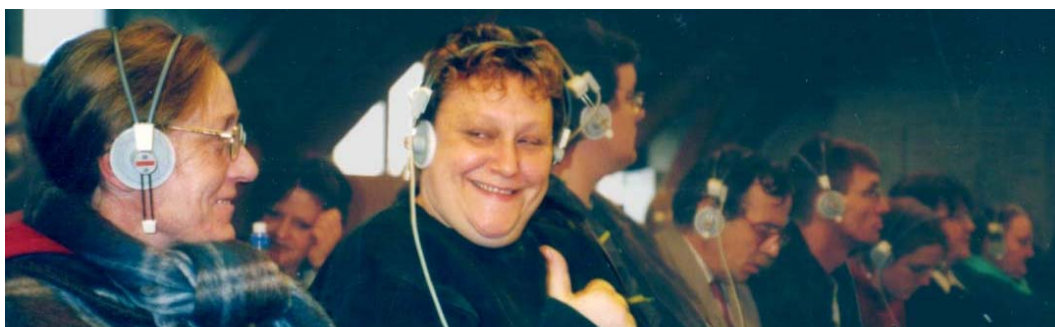
**2.17 FGC can be an effective way of dealing with offending behaviour.**

ATD Fourth World is all too aware that a lack of support, human and material resources and poor social work practice has invaded and broken apart many families experiencing long-term poverty. We welcome the new possibilities promised by Family Group Conferencing as a means for the family to work with professionals to find solutions. We would ask the Government how they will ensure local authorities have the resources to carry out FGCs as currently they are not universally offered.

**2.19 Often families need some practical assistance in managing their children and household budget.**

ATD Fourth World can cite numerous cases of families who have asked social services for such practical assistance and have been denied it due to lack of resources. Such support, when provided, has been negative and viewed as intrusive and lacking continuity.

**I asked for some support with my kids. They sent a woman out to help in the home, to help me get my daughter to school. We had all that help for a little while but then she moved away and then social services said they couldn't send anyone else and then the kids started fighting all the time again and I couldn't control them so again I asked social services for help to have them put into voluntary foster care for a while, so I could get myself together. A while later I asked for the kids back and I got them back but if I'd carried on getting the help I wouldn't have needed to put them into foster care in the first place.**



It needs to be clearly stated how this assistance will be provided, by whom, and what their remit will be. Families experiencing poverty have an innate fear of social services due to interventions often leading to accusations of neglect due to the lack of awareness and understanding of issues around poverty and the climate of child protection superceding family support. It would therefore be unwise for child protection team social workers to provide assistance, as families will be unwilling to accept such a service. Instead, family support workers are needed, as are befrienders and a supportive community network.

#### **2.24 We will be taking powers to enable intensive fostering to occur as an alternative to custody.**

The people living in poverty that we interviewed, although largely suspicious of the foster care system, all agreed that it was preferable to incarceration. We would like assurance though, that there will be sufficient intensive foster homes available with sufficient resources, as well as appropriately trained foster carers. Without that, the legislation will be meaningless. Where consent is withheld by the parents or carers, compatibility with the human rights act should also be considered as the child will not have suffered significant harm from the parents and a fostering order could be a breach of article 8 of the ECHR.

#### **2.34 Parents have a legal responsibility for ensuring that their children behave in an acceptable way and attend school regularly. We therefore propose to give LEAs and schools formal powers to ask parents who have failed to secure their child's regular attendance or whose child has been excluded for serious misbehaviour to sign Parenting Contracts.**

**"You should see the letter the school sent me, talking as if I was the enemy. Schools and social services should also be responsible"**

**"You can't stop a child from truanting. You have to ask why the child isn't attending."**

**"There are millionaires with children rioting. Would you tell Prince Charles to go on a parenting course? I don't think so."**

ATD Fourth World knows of many examples of children being unofficially excluded from school because they are expected to have a negative impact on the school's status in education.

Of course parents have a role in encouraging children to attend school, but we strongly believe that schools should be pulling as much as parents pushing children through the school gates. Resources should be concentrated on supporting schools to include the most challenging pupils who feel already at 12 or 13 years old that school has nothing to offer them. Punishing parents is unacceptable; even more so fixed penalty notices, which fail either to take account of the family's circumstances or to address the child's problems. We know of one parent soon to be taken to court with a child refusing to attend because of bullying; the school is refusing to address the problem, and no other school will take her because she has a bad record.

**"David Blunkett does not understand the carrot and stick method of child rearing. The stick is now against the law, while carrots are beyond the financial reach of the poor."**

**2.34 (Cont) Police officers, school and LEA staff will be able to issue an FPN to parents who condone or ignore truancy.**

**“It’s crazy for heads to issue FPNs to parents of errant children. They don’t even know the families. Parents absolutely cannot force children to go to school. We should be asking why are the children not attending.”**

**“£80 could break a family who can’t even afford to buy a newspaper, or it could exacerbate family problems such as domestic violence. If I had to pay that now, I would have to consider offering my children into care.”**

Families experiencing poverty will be further thrust into debt in order to pay such fines. Inadequate incomes for the poorest sectors of society living on benefits or the minimum wage will lead to many being forced to choose between paying the FPN and providing for the family.

The legality of FPNs being issued without the family having the possibility to argue their innocence before a court would appear to be a breach of article 6 of the Human Rights Act guaranteeing a fair trial.

**2.35 Parents may be told that refusal to sign or breach of the contract will result in a fixed penalty notice or prosecution (for an attendance related contract) or a court-imposed Parenting Order (for an exclusion related contract).**

We would like it clarified whether FPNs for truancy will *only* be issued if the parent refuses to sign a parenting contract. Also what is the maximum number of FPNs a parent of two truants at different schools might be issued in one financial year. Will these measures apply to foster parents?

## **Chapter 3: Safer and cleaner public places**

**3.12 For some time local authorities, the police and local communities have been frustrated by their lack of powers to close down premises – rented, owner occupied or otherwise – where Class A drugs are being sold and used. We are determined to ensure that the ruin they can cause in communities is stopped.**

**“Why board up a habitable house when there’s such a shortage of places to live? Aren’t the police themselves short of housing?”**

The families of ATD Fourth world are as keen as any other to combat the influx of hard drugs into their communities. Nevertheless all the interviewees doubted that closing down such premises would solve anything.

**“Equivalent housing *must* be provided for the evictees. Not all tenants are responsible for, or know about the activities of their housemates.”**

## Chapter 4: Local Problem, Local Action

**4.13 The police, in consultation with local authorities, will therefore be given the ability to designate areas with significant levels of anti-social behaviour. Within these specified areas the police will be able to disperse groups of people and will have access to automatic, fasttrack child curfew powers.**

It has already been pointed out that this could constitute an infringement of the human right of free assembly. But the people we spoke to didn't criticise from that perspective.

**“You can't send people away if they haven't done anything. It's when they are drunk that the problems occur, they start to get rowdy and that spills over to passers by. If there were more youth clubs people wouldn't need to hang around on the streets. Can they help it if people think they look threatening?”**

**“Young people very often do not have suitable places to hang out but dispersing them sends very negative messages. Instead, people from the community should be enlisted to accompany those who feel insecure. Very often, the young people themselves will be honoured to take such a responsibility.”**

**“Once you get to know them these groups are not threatening at all, most of them just have nowhere else to go. The solution is to know the group, and to hold the leaders responsible for all its members.”**

A worry was expressed among those interviewed that young people from ethnic minorities would be more likely to targeted and perceived as a threat. If this new power is addressing the fear of crime, safeguards need to in place to ensure this does not result in further isolating young black and minority ethnic people.

**4.22 The Police Reform Act 2002 allowed the creation of community safety accreditation schemes. Accreditation schemes will allow more people to exercise enforcement powers, including FPNs, with the agreement of Chief Constables.**

Much doubt was expressed about the suitability of these Community Support Officers for the issuing of sanctions. Although some are praised for doing a good job, it seems that CSOs have neither the training nor the accountability of the Police, and shouldn't be given the power to issue fines. We do acknowledge though, that certain CSOs are in a position to understand a child's circumstances better than most police.

**“If Community Support Officers had the power to impose FPNs that would make me angry. They don't make themselves known to the community, are complacent and hard to contact.”**

**Our CSO is one of the lads, a slippery character who hasn't got a clue.**

**“CSOs in our estate are well built bouncer types with uniforms and keys. I would be very cross if they had more powers. I wish their role was more community unifying – they go straight to the police with problems instead of to the parents”**

**4.39 ...Although we have to ensure that swift and effective action can be taken against anti-social tenants, it is vital that where possible the behaviour is tackled, the tenancy saved and the family is not moved. Constant forced moves not only damage family life, they also create unstable communities.**

ATD Fourth World would like to point out that the promise of swift, effective action sounds like ‘knee-jerk reaction.’ In contrast we believe in the transforming power of long-term relationships with difficult families. We are glad that the government recognises the destructive effect on family life of forced moves as in our experience this is one of the defining experiences of poverty and social exclusion.

**4.42 Through the Homelessness Act 2002, we have revised the housing legislation so that, local authorities now have a specific power to refuse to allocate social housing to any household which is guilty of unacceptable behaviour serious enough to make them unsuitable as tenants. Additionally, local authorities must treat any household that becomes homeless as a result of their own anti-social behaviour as ‘intentionally homeless’.**

Labelling families as ‘intentionally homeless’, especially families actually applying for accommodation, seems to address neither their problems nor those of society. Recent comments in the press about ghettoising antisocial families under a motorway junction (comments reported from Labour MP Frank Field) do at least address the question of where such families may be housed, but we would warn against creating concentrations of families with problems. Respondents suggested trying an alternative approach involving dispersal of problem families into slightly more upmarket areas to give families a fresh start and prevent the creation of "anti-social ghettos". We are concerned as to what will happen to the children of such households. Even if they are branded ‘intentionally homeless’, the local authority still has the duty under the 1989 Children's Act to rehouse them (as emphasised in a Court of Appeal ruling on 4 May 2002).

**“Some people don't believe they will be evicted until it happens. What about taster evictions where the offenders spend a fortnight in bed and breakfast? This may result in improved behaviour and therefore less disruption for the family concerned.”**

**“There are non-threatening ways to deal with antisocial neighbours. They should be moved to nicer areas and led by example. They should be encouraged to feel more integrated with the community around them.”**



**4.48 We will be consulting on whether to give local authorities an enabling power to withhold payments of Housing Benefit to individual tenants where they believe this is the most effective way of tackling anti-social behaviour.**

We welcome the proposal outlined in the bill that landlords publish antisocial behaviour policies. This means that everyone can be judged by the book rather than by prejudice. We would like to stress to the government that eviction should only be used as a last resort. Families in poverty are evicted every day because inadequate incomes and poor administration of housing benefit leads to rent arrears; then they have to be rehoused, often in private accommodation. The whole process is destabilising and exhausting. The docking of housing benefit is the crudest modifier of behaviour and would contribute towards poverty and eviction.

**“In our estate you are more likely to get evicted over rent arrears than for antisocial behaviour. They are refusing to do anything about a woman running a brothel, but the housing benefit company is months behind in paying me and I’ve been given an eviction warning!”**

**4.50 It is important that anti-social behaviour is tackled no matter where people live. This includes owner-occupiers.**

Since there was nothing about owner-occupiers in the Bill, we look forward to learning what equivalent sanctions are proposed for those who cannot be evicted. Perhaps corrective measures aimed at owner-occupiers will prove less destructive when applied to people living in poverty than fines and evictions.

## **Chapter 5: Effective enforcement**

**5.9 At present FPNs can only be issued to people over 18. We will pilot the FPN scheme for disorder offences to 16-17 year olds who will be made responsible for paying their own fines.**

Earlier in the white paper, it said:

**“75 per cent of males aged 16-17 who are charged and appear before the Youth Court are not in formal full-time activity.”**

This implies that around 75 per cent of 16-17 who get fixed penalty notices will have great difficulty paying it themselves.

**“It is very dangerous to give a child [of 16] a fine like that. Some children will surely turn to crime for the money, especially if they want to keep it secret from their parents, while others will be able to pass the buck to their parents.”**

**5.29 The Courts Bill, currently before Parliament, includes a package of measures to improve enforcement, which will be piloted before nationwide introduction. These measures include a discount for prompt payment in line with agreed terms, or increases if the defendant fails to pay on time, or fails to contact the court to reschedule payments . . . We also want to look at a range of different ways to ensure that fines are paid to increase confidence in fining as a sentence.**

Though we appreciate the benefits of FPNs to the authorities in terms of efficiency, we would like to point out that on the spot fines fail to take account of circumstances, or ability to pay, and are therefore not instruments of justice, but punitive weapons.

The government seems determined to forge ahead extending FPNs, disproportionately affecting families experiencing poverty and landing more of them in court as a result of having insufficient means to pay the fines, subjecting them to a humiliation that the richer people would have paid their way out of.

**“Of course the middle classes will pay the fine and no one will think any more about it, but the people who can’t afford £80 will end up in court, in deeper trouble, and publicly humiliated.”**

The measures to improve enforcement will make it even worse for those in poverty, who can’t pay early, if at all, and those without the confidence or organization skills to contact the court. In conclusion, ATD Fourth World has no confidence in fining as a sentence especially for these antisocial offences for which the poor are being targeted.

## Final comments

In the Guardian on March 12th of this year, Mr Blunkett was quoted as saying, "I just do not agree with the idea that because you are poor, your kids are out of control, that your family is dysfunctional, you can do nothing about it,"

One mother of three told us:

**“It’s not just the poor who are badly behaved though poverty does exacerbate the difficulties of bringing up children. The poor kids are often the ones with the fewest facilities available to them, and the least sympathy from society.”**

The families with whom ATD Fourth World works sensed they were being victimised by this statement, and were quick to point out that dysfunctional families exist in all strata of society. ATD Fourth World welcomes many of the proposals regarding ASBOs and ISSPs, and supports the idea of parenting classes in principle. However we do not think it fair to hold parents 100 per cent responsible for truancy, nor to demean them into forced parenting classes and contracts.

Appendix A shows several instances of how the White Paper seems to be targeting those living in poverty. However, the value of the FPNs seems calculated to hurt middle classes pockets, and consequently cripple those who are entirely dependent on benefit or the minimum wage. This seems inconsistent and unfair in the extreme.

This response brings to the fore the opinion of people living in poverty, the group in society for whom the measures in the White Paper will have most impact. If this White Paper had been written in partnership with communities suffering from the anti-social behaviour of a few, the measures contained within would reflect what local people living in marginalised areas really need. ATD Fourth World believes participatory methods to be the most effective way of bringing about effective policy that makes people feel more responsible and integrated into society. By singling out the poorest the Government is perpetuating the kind of policy that will further estrange and exclude the most vulnerable children and adults in society.

## APPENDIX A: Examples from the white paper implying that it is targeting low-income communities.

(Introduction, paragraph 2) **[Responsibility] continues into local communities, where people take pride in the appearance of estates and do not tolerate vandalism, litter or yobbish behaviour.**

We question the interchangeable use of *community* and *estate*, and suggest that it means that poor communities are really what is being referred to.

**2.9 There are a small number of families that can be described as 'dysfunctional'. Two or three families and their wider network of contacts can create havoc on a housing estate or inner city neighbourhood.**

Again two community types singled out that have reputations for poverty.

**4.13 The police, in consultation with local authorities, will therefore be given the ability to designate areas with significant levels of anti-social behaviour. Within these specified areas the police will be able to disperse groups of people and will have access to automatic, fasttrack child curfew powers.**

We have to ask which areas these will be with special laws? Will they be the areas where the poorest live? Is this a form of apartheid?

**4.48 We will be consulting on whether to give local authorities an enabling power to withhold payments of Housing Benefit to individual tenants . . . This will include a look at introducing an automatic trigger for Housing Benefit sanctions . . . in designated geographical areas**

We do not understand why such a trigger would apply only in some localities.

Paragraph 4.50 tacks on a mention of antisocial owner-occupiers although all the sanctions are directed towards housing benefit dependent tenants.