

ONE STAFFORDSHIRE INFORMATION SHARING PROTOCOL

SAFER ESTATES AGREEMENT

Working Definition

Everyone who is a tenant is entitled to the benefit of what the law refers to as the 'quiet enjoyment' of their home.

Throughout the local authority areas of Staffordshire, the vast majority of residents in the community are respectable law-abiding people.

Anti-social behaviour is defined in three alternative ways:

- a) Conduct that has caused, or is likely to cause harassment, alarm or distress to any person
- b) Conduct capable of causing a nuisance or annoyance to a person in relation to that persons occupation of residential premises; or
- c) Conduct capable of causing housing-related nuisance or annoyance to any person

The Staffordshire Councils and Statutory Partners together with Staffordshire Police have agreed a joint strategy:

- To co-operate in the development of policies to improve the effectiveness of both the Police and Statutory Partners in tackling the problems of crime, anti-social behaviour and harassment.
- To pursue all available remedies with a view to modifying the behaviour of offending individuals and affecting a lasting solution.
- To increase the confidence of residents in the ability of the Police. Statutory Partners and Local Authorities to combat these problems and to encourage their support in combating crime, anti-social behaviour and harassment.

The parties to this agreement are convinced that the approach set out in this strategy will lead to effective action against those individuals who disrupt the life of our communities, and in so doing will both improve the quality of life for residents and reduce the cost to the community of anti-social behaviour and criminal activity.

Not all anti-social behaviour involves criminal activity, but the behaviour is such that it is detrimental to the quality of people's lives affected by it. It is a problem which has many causes and which manifests itself in many different ways and thus, by necessity, it is one which requires a wide range of responses if it is to be successfully tackled.

If we do not successfully address the issues of anti-social behaviour some of these areas will become stigmatised as areas where nobody wants to live. Substantial areas of housing although physically fit and habitable will be rejected and unlettable to people in housing need.

The answer lies, not in the hands of any single body, but in a broad concerted effort by all agencies working together - supporting each other with a common aim - to make our community a better place in which to live, in which to bring up our children and in which to grow old without fear. Acting independently none of us can achieve the success we desire.

If we are to have any realistic hope of tackling what are in fact problems of society, then we must act in partnership, all play our part and support each other.

Wider Implementation

The Safer Estates initiative should be extended to include all publicly owned properties within an identified geographical region. The core action plan should be used as best practice guidance; however the scheme may be adapted to meet local needs.

Implementation needs to facilitate a single and consistent message and promote the priorities being delivered by the Police and Statutory Partners in all parts of the Force area. This will include the key features documented under Good Practice.

All nominated Community Safety Partnership (CSP) leads should receive appropriate training so that they can carry out their duties in relation to this agreement.

Disclosure of information will be strictly in accordance with the One Staffordshire Information Sharing Protocol and this document should be read in conjunction with it.

Requests for information will ordinarily be made in writing using the standard application form at part 4 of this appendix. There may be by exception in urgent cases the need for some disclosure to be made by telephone supported in writing afterwards. However, proportionate and relevant information concerning specific individuals or an address may be exchanged at partnership meetings where Partner agencies meet to discuss crime and disorder issues. This information must be minuted.

Requests made under the Safer Estates Agreement must be made by email on the appropriate form by the nominated CSP lead. These requests should be emailed to Staffordshire Police at information.exchange@staffordshire.pnn.police.uk. Any email containing sensitive personal data should only be exchanged between PSN connected email accounts or by using suitable encryption. Rejected requests will be returned to the requester via email. Information provided for approved requests will also be returned via email.

Staffordshire Police will require to be notified by email within 14 days of issue, of any action taken as a result of the disclosure. Staffordshire Police will monitor and audit compliance with this Agreement and will, from time to time, carry out checks to ensure information is used, secured and disposed of appropriately.

Terms of Reference

1. Several key areas and/or issues will be identified by lead Partners to the Safer Estates Agreement. In each case the important issues and problems will be identified by local staff that will identify key witnesses and perpetrators. A strategy to tackle them will be jointly agreed by the Police and Statutory Partners and discussed at agreed localised meetings. These meetings may also be attended by other Partner agencies. Relevant information will be exchanged between Partner agencies at these meetings with the authority of the Safer Estates Agreement or under the authority of section 115 of the Crime and Disorder Act.
2. The essence of the Partnership is a clear understanding of the types of information that are relevant to both parties and a willingness to provide it in a timely and appropriate manner.
3. Relevant information to support criminal and/or civil proceedings in relation to housing matters, which are known to the Police or Statutory Partners, will be recorded and exchanged, where appropriate. It is understood that certain information which is to be used for a criminal prosecution will not be available to be used in civil action until after the conclusion of legal proceedings in the criminal case. This will be defined on a case by case basis.
4. All requests received will be considered ROUTINE. Where a Housing Provider considers the request to be 'high' priority they are required to provide information to support this, the request will then be considered. Without Notice Injunctions are urgent by exception and it is the responsibility of the Housing Provider to highlight them to the Partnership Information Exchange Team (PIET) by telephone.
5. Staffordshire Police will endeavour to respond to requests within 10 working days. However, it must be recognised that where a high volume of requests are received, this time frame will be extended and requests will be responded to in order of receipt.
6. All parties will operate within the provisions of the Data Protection Act 1998, as defined in the One Staffordshire Information Sharing Protocol. In compliance with those provisions they will employ a problem solving approach to the issues agreed and will pursue effective responses via mutual co-operation and joint case management.
7. The Information Assurance Team within Staffordshire Police will, as required and in agreement with Partner agencies, carry out third party security reviews to assess security arrangements of Partner agencies to ensure that information shared is held in accordance with the Protocol.
8. The Safer Estates Agreement relates only to the provision of information and not documents. The completed Safer Estates form can be used as evidence in court proceedings without the need to seek prior permission. Any requests for original documents, for example original statements, crime reports, incident logs etc., will only be provided on receipt of a court order which will need to be sent to: disclosure.unit@staffordshire.pnn.police.uk for which standard charges will apply.
9. The Safer Estates Agreement will be reviewed every year alongside the One Staffordshire Information Sharing Protocol or earlier if appropriate.

Local Involvement and Representation

At a local level, all officers within participating organisations will work within the terms and conditions described within this document. Its intention is to describe a revised approach to the co-ordination of policing and the delivery of housing services in key areas in relation to anti social behaviour.

The partnership arrangement and its successful operation will be developed and monitored by attendees of the agreed localised meetings where Partner agencies meet to discuss crime and disorder issues. Membership must have regard to local circumstances but in relation to a particular district or borough authority should include:

- Representation from the local authority housing department
- Representation from the Community Safety Partnership
- The Statutory Partners operating within that local authority area
- The Local Policing Team Inspector and/or Sergeant or LPT Partnership Manager for each relevant Local Policing Team area

In addition, on an operational basis, there will be a group of designated officers with responsibility for the exchange of information between Police and Statutory Partners, and for decisions on strategies and approaches to be adopted to resolve any particular case.

All represented Social Registered Landlords, Police and relevant Local Authorities are party to the One Staffordshire Information Sharing Protocol. Prior to the localised meetings all attendees will sign the attendance sheet which will also outline a confidentiality clause. This will serve the purpose of reminding representatives of their responsibilities outlined within the One Staffordshire Information Sharing Protocol, Data Protection and Human Rights legislation.

Local Involvement and Representation-Good Practice

- *Commitment to be disseminated throughout the relevant organisation to establishing and executing the agreement*
- *Joint briefings*
- *Local information exchanges*
- *A 'joint action' approach, e.g. visits and/or letters/ABC's*
- *Awareness that extends beyond criminality - broader based co-operation on 'nuisance'.*
- *Partnership working is mainstream activity, not a one off - becomes standard practice and retains its dynamism*
- *Working agreements which recognise that rapid staff turnover can reduce the effectiveness of agreements, awareness of this Protocol should be included in induction processes*
- *Each Partner should identify a designated officer*

- *Research effects/effectiveness of the agreement locally on the perception of residents on the safety and security of their environment*
- *Ensure adequate witness support arrangements in place*
- *Devise and employ effective systems for information gathering and retrieval.*
- *All Partners represented at localised meetings where Partner agencies meet to discuss crime and disorder issues will have signed up to the One Staffordshire Information Sharing Protocol.*
- *Regular meetings with Partner agencies to be held in each of the local authority areas. A minimum of four a year to be held to ensure delivery and the monitoring of the effectiveness of this agreement.*

Process for requests for relevant information

The Safer Estates Agreement applies to any Anti-Social Behaviour or Crime & Disorder.

The above therefore allows for Partners to provide relevant information to Partners in support of action under the Housing Acts 1998 and 1996 which gives wider grounds for eviction and for obtaining civil injunctions to providers of social housing; and any other relevant legislation.

Whilst it is appreciated by all Partners that there cannot be a blanket policy on disclosure, it is agreed that the disclosure of all relevant information to Partners who have signed up to the One Staffordshire Information Sharing Protocol is approved on a case by case basis.

The grounds for the disclosure of information are fully documented within the One Staffordshire Information Sharing Protocol.

In cases where the housing provider has carried out an investigation/assessment and there is evidence to suggest that the applicant is considered to be 'anti-social' (as defined by the Safer Estates Agreement) consideration will be given by the Police to disclose any relevant information.

Pre-Tenancy/ Vetting checks

Staffordshire Police will not, within this agreement, undertake pre-tenancy checks, except where these are;

1. Linked to a Homelessness Act application (see below).
2. Required to evidence that an applicant for a tenancy has deliberately failed to provide information relating to previous offences, therefore supporting action under Ground 17 of Housing Act 1988, Schedule 2 as amended by the Housing Act 1996 (refer to Appendix 1 Section 2.2.1).

Pre-tenancy checks linked to applicants who declare themselves as, or who are suspected of being a Registered Sex Offender are not within the scope of this agreement. These are to be undertaken under the MAPPA Protocol.

Requests relating to applications under the Homelessness Act 2002

It is accepted that this agreement will cover the disclosure, with the consent of the data subject, of relevant information from the **police where this is not available directly from previous landlords**, to deal with the provision of evidence for the exclusion of applicants due to previous anti-social behaviour or where the applicant is seeking accommodation due to the risk of violence.

Statutory Partners are reminded that housing applicants must not be forced to make a subject access request as part of their application. Partners who are uncertain of these restrictions should refer to section 56 of the Data Protection Act 1998 and the relevant ICO guidance.

However, if a Local Authority / Housing Provider wish to consider using pre-tenancy checks it is suggested that a strict criterion is formulated by the Local Authority / Housing Provider to establish when such a check should be requested.

Requests for information under the Safer Estates Agreement should be submitted on the appropriate form only (other forms submitted will be returned) via email to the PIET: information.exchange@staffordshire.pnn.police.uk who will evaluate the request, research police systems and respond directly to the requestor. Requests that DO NOT meet the required criteria will be returned to the requesting agency.

Requests for information must always be documented as per the standard application form at part 4 of this agreement.

Further guidance on requesting information relating to housing issues is documented in the below information sharing checklist which is included at part 3 of this agreement.

Information Sharing Checklist

Requests for information under the One Staffordshire Information Sharing Protocol should be directed, via email to: information.exchange@staffordshire.pnn.police.uk,

A request for information is considered relevant if the following applies:

No.	Check:
1.	Agencies requesting information are formally signed up to the One Staffordshire Information Sharing Protocol in accordance with the Safer Estates agreement.
2.	The agreed pro-forma has been completed correctly (part 4 of this agreement). A specific date should be given from which the relevant information is sought.
3.	The request is lawful in the circumstances and NOT a 'FISHING expedition'
4.	Checks have been carried out to ensure the request is not a routine PRE-TENANCY check.
<p>Note 1: In cases where an applicant for housing has disclosed that they have previous convictions but there is no evidence to suggest they may be linked to anti-social behaviour a check cannot be done under the Safer Estates Agreement.</p> <p>In these circumstances it is not appropriate to request an applicant to apply to the Police for a Subject Access check under the Data Protection Act 1998, as this is not within the spirit of the Act.</p> <p>There is a basic disclosure certificate available which costs £25.00 and provides the requestor (must be the data subject) with a current conviction history (spent convictions are not provided). This is the most appropriate and fairest route to direct applicants, however it may be the case that some applicants may not be able to cover the cost of the check themselves so consideration should be given to providing some financial assistance where this is the case. Further information in relation to this process is available at : www.mygov.scot or via email : info@disclosurescotland.gsi.gov.uk</p>	

Note 2: In cases where the housing provider has carried out an investigation/assessment and there is evidence to suggest that the applicant is considered to be 'anti-social' (as defined by the ASB Act 2014) consideration will be given by the Police to disclose any **relevant** information.

Note 3: In cases where individuals are either (a) in rehabilitation for drugs and/or alcohol or (b) residing at a homeless project, this in itself does not qualify police checks to be undertaken under the Safer Estates Agreement. Requests will be dealt with on a case by case basis and the requestor is required to provide sufficient evidence to support why the individual is likely to show signs of anti social behaviour.

Statutory Partners are therefore advised to make initial enquiries with the Rehab Centre / Homeless Project to gain an understanding of the individual's background which will assist in determining where best to house the individual. If at this point concerns are raised, this should be provided as evidence to the police who will carry out checks and provide appropriate information.

Note 4: Requests for details of incident data relating to (a) any ASB/criminal behaviour in the neighbourhood and (b) information required to assist in gating rear access pathways should be researched by the Housing Provider via Crime map found at www.police.uk

Note 5: As part of the Information Sharing Agreement it is imperative that the requesters feed back information to the Police, i.e. new address details, reports by neighbours re anti social behaviour, in a timely and appropriate manner.

Please note: Requests that do not fulfil the required criteria will be returned to the requestor and continued submission of inappropriate requests is likely to result in the Partner agency being removed from the Safer Estates Agreement.

Staffordshire Police will routinely monitor Partner agencies to determine information has been provided for the purpose of crime and disorder and used in accordance with the One Staffordshire Information Sharing Protocol.

In addition, Staffordshire Police will, as required and in agreement with Partner agencies, carry out third party security reviews to assess security arrangements of Partner agencies.



STAFFORDSHIRE POLICE

Staffordshire Multi Agency Joint Protocol for Information Exchange REQUEST FOR DISCLOSURE OF INFORMATION

Requests to be forwarded via email to information.exchange@staffordshire.pnn.police.uk

Date of Request:

1. Requester Information:

Designated Requesting Officer Name:

Organisation:

Address:

Telephone Number:

2. Subject of Disclosure Request:

Name:

Date of Birth:

Address:

Unique Ref No if known, e.g. Nat. Ins. No:

Date from which relevant information is sought:

3. Summary of Specific Information Requested:

4. Grounds for Disclosure & Potential Actions:

Grounds for Disclosure:

Potential Actions (i.e. what do you intend to do once you have the information):

5. Internal Use Only - Partnership Information Exchange Team (PIET)

If request is rejected provide reason:

If request is accepted provide disclosure:

Staffordshire Police Partnership Information Exchange Team (PIET):

Name:

Date: