



The Highland Partnership

Antisocial Behaviour

Protocol



This protocol is endorsed by the above partners

Change Control			
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1. Introduction

1.1 The Highlands are widely recognised as being a safe place to live, work and visit. The Council, with other partner agencies, seeks to strengthen and enhance this reputation. A key element of this work is to deal effectively with antisocial behaviour across all tenures.

1.2 Unfortunately, anti social behaviour does sometimes occur within communities in the Highlands.

1.3 The signatories to this protocol take anti social behaviour very seriously and believe that everyone has a right to live peacefully in their home and their community, without suffering through the actions of other people.

1.4 This protocol recognises that joint working is vital to the provision of a coordinated approach by services and public agencies in response to issues of antisocial behaviour.

1.5 The Scottish Government published an Antisocial Behaviour Framework in March 2009 which focuses on prevention, integration, engagement and communication. The signatories to this protocol are committed to working together to address the causes of antisocial behaviour and meet the needs of individuals and communities in resolving and preventing antisocial behaviour in the Highlands.

1.6 This protocol recognises that antisocial behaviour can mean different things to different people. Any definition of antisocial behaviour needs to be flexible and recognise that behaviour which is merely different may not be antisocial.

The Antisocial Behaviour Etc (Scotland) Act 2004 provides the following definition;

"A person engages in antisocial behaviour if they : act in a manner that causes or is likely to cause alarm or distress : or pursue a course of conduct that causes or is likely to cause alarm or distress to at least one person not of the same household as them"

1.7 It is cases where the behaviour of a person or persons causing serious and persistent upset to another household or the general neighbourhood that will be targeted for action. This behaviour can often involve harassment, violence and criminality and can give rise to widespread misery, anger and fear affecting large numbers of households or even whole communities.

1.8 This protocol largely deals with actions to address antisocial behaviour by adults. Offending and anti-social behaviour by young people is managed through children's services procedures, as set out in section 5.5

1.9 This protocol clearly identifies and sets out the defined roles of each agency involved in responding to antisocial behaviour.

1.10 This protocol will be subject to annual review by all partner agencies or where legislative or other change requires and/or by agreement of all partners.

1.11 Other legislative documents that should be read in conjunction with this protocol can be found in Appendix 1.

1.12 This protocol acknowledges that partners may have conflicting responsibilities in relation to managing particular cases of antisocial behaviour, and specific processes to manage such cases will be taken account of when proposed action is being agreed.

2. Equalities Statement

2.1 The signatories to this protocol are committed to working towards a community where everyone receives equal opportunities in delivery of our services, by ensuring that all residents can live without threats, verbal or physical harassment or prejudice on the grounds of race, disability, gender, sexual

orientation, disability, age or faith in line with the Council's and other partners' commitment to promote equal opportunities and good relations.

3. Background

3.1 It is recognised that many antisocial incidents are of a minor or one-off nature and are resolved without recourse to the law or a multi-agency approach. This protocol is **not** designed to assist with such incidents which will be managed by the Lead Agency/Service depending on the incident in accordance with approved policies and existing powers and duties. **See Appendix 2.**

3.2 If the issue cannot be resolved in this way or is of a more serious or persistent nature affecting more than one Service or Agency, details may then be submitted to the Antisocial Behaviour Partnership Group for discussion and agreed action.

3.4 Where adults who are involved in antisocial behaviour have responsibilities for children, account must be taken of the impact of any measures and actions on the wellbeing of the children. Where necessary, this should include consultation with Social Work Services, in line with the Housing & Property/Social Work Eviction Liaison Protocol.

4. Role of Antisocial Behaviour Partnership Groups

The Antisocial Behaviour Partnership Groups (Partnership Group) will meet 6/8 weekly and be held in the following areas

Area Partnership Group	Northern Constabulary Command Area
Caithness	North Division
Sutherland	North Division
Mid Ross & East Ross (if required cases from Skye & Lochalsh would be discussed at this group)	North Division & Central Division
Lochaber	Central Division
Inverness	East Division
Badenoch, Strathspey & Nairn	East Division

The Agencies/Services will submit details of serious and persistent antisocial behaviour cases for discussion at the Partnership Group and a course of action will be agreed following discussion between the agencies/services involved.

The Area Housing & Property Manager and a member of their area team will resource and manage the business of the Partnership Group, i.e. agenda, meetings, venue, representation, actions and minutes.

Membership of the Partnership Group will include ;

- Highland Council Housing & Property Service, (normally the Chair)
- Northern Constabulary, Area Command Representative (1 or 2)
- Highland Council Antisocial Behaviour Investigator with geographic area responsibility
- Highland Council – Transport, Environmental & Community Services
- Highland Council – Legal Services

In specific cases other services or agencies will be invited to attend, where their input is important in discussion of the case. This could include representatives from ; Registered Social Landlords, Social Work Service (Criminal Justice, Children, young people & families), Education, Culture & Sport Service, Chief Executives Service (Ward and or Corporate Manager), Reporter to the Children's Panel, Community Mental Health Services, Highland Drug & Alcohol Team, Highlands & Islands Fire & Rescue Service, NHS or other relevant agency.

All available information relevant to the subject under consideration will be shared between those present, in accordance with legislation and agreed protocols. This will ensure the group is fully informed, and able to decide what action is required, by whom, and to authorise a recommended course of action, in appropriate cases.

The partnership Group may recommend a course of action based on known information about the subject, without need for further investigation. e.g ; warning letter advising of potential ASBO application , negotiate an Acceptable Behaviour Contract, or engage mediation services. These interventions must be justified by evidence available. This could include a referral for further investigation by the Antisocial Behaviour Investigator and or an action plan involving more than one agency whatever the tenure of the complainer and perpetrator(s).

The 'Chair' of the Partnership Group will ensure that the complainer/s and perpetrator are informed of the action proposed.

Any agency represented on the Partnership Group can request an emergency case conference of the group, to address an urgent, serious or emerging issue. Arrangements for such an emergency meeting will be made in consultation with the Area Housing & Property Manager.

Urgent cases which arise between meetings will be referred to the AH&PM or their representative to determine what liaison is required with other agencies regarding emergency action.

The Partnership Group will review 'live' cases at each meeting until the issue has been resolved at which time the case will be closed.

The Partnership Group members will ensure that appropriate issues are referred to the Joint Highland Community Safety Tasking Group (Tasking Group) referred to in the Chief Executive's section of this protocol.

5. The Roles & Responsibilities of each partner

Each agency has specific roles in the management of antisocial behaviour issues in the community. This section identifies these roles.

The Highland Council and Northern Constabulary have joint responsibility for an approved post of Police Antisocial Behaviour Officer who works within the Housing & Property Service and responds to requests for information in relation to antisocial behaviour from both agencies.

This role is also important in the research and preparation of court papers including Police led applications for Anti Social Behaviour Orders (ASBO's) and overview of Criminal Anti Social Behaviour Orders (Cr.ASBO's) within the Criminal Justice System.

5.1 Northern Constabulary

Northern Constabulary shall investigate all allegations of criminal conduct and where sufficient evidence (as defined within Scots law) exists, report any offender to the Procurator Fiscal or Reporter to the Children's Panel. Details of any conduct which may constitute Anti Social Behaviour, as defined by the Act, will be included within the report in order that the Procurator Fiscal may consider making an application for an order as defined within Section 118 of the Antisocial Behaviour etc (Scotland) Act 2004.

Where insufficient evidence exists to report any alleged offender to the Procurator Fiscal or Reporter to the Children's Panel, but there is a sufficiency of information to indicate that the conduct falls within the meaning of antisocial behaviour, Northern Constabulary shall share this information with the Highland Council and other partners allied to this protocol.

Northern Constabulary shall share information with statutory agencies and partners in accordance with the requirements of the Antisocial Behaviour etc (Scotland) Act 2004, the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002, ensuring measures are in place for the secure handling and storage of such information in accordance with the Government Protective Marking Scheme (GPMS).

Northern Constabulary as one of the lead agencies in tackling antisocial behaviour have a significant contribution and interest in specific issues and circumstances.

The Police (Scotland) Act 1967 Section 17 (as amended) details the powers and responsibilities of Police Officers. In summary, subject to the provisions of this Act, it shall be the duty of the constables of a police force –

- a) to guard, patrol and watch so as –
 - i) to prevent the commission of offences
 - ii) to preserve order, and
 - iii) to protect life and property;

b) where an offence has been committed (whether within or outwith the police area for which the police force is maintained) to take all such lawful measures, and make such reports to the appropriate prosecutor, as may be necessary for the purpose of bringing the offender with all due speed to justice;

The Antisocial Behaviour etc (Scotland) Act 2004 provides the Police and other partnership agencies with extended powers to tackle antisocial behaviour across the community.

Northern Constabulary shall enforce those sections of the Antisocial Behaviour etc (Scotland) Act 2004 currently in force that specifically empower the Police to act in respect of defined antisocial behaviour.

5.2 The Highland Council

The Highland Council has a primary responsibility for the management of the response to antisocial behaviour in the area, supported by the Chief Constable, and other statutory agency partners.

The Highland Council will work with Northern Constabulary and other agencies in preparing a strategy for dealing with antisocial behaviour in the Highland area.

Complaints which constitute allegations of criminal conduct will be dealt with by officers of Northern Constabulary. However, some of these incidents may also involve antisocial behaviour.

All reported allegations of antisocial behaviour received by Highland Council will be directed in the first instance to the appropriate Service or Agency identified in **Appendix 2** for investigation.

Housing & Property

The Housing & Property Service is responsible for overseeing the Council's response to antisocial behaviour complaints. This responsibility is normally delegated to the Area Housing & Property Managers but may vary where other services have a lead role.

In the role as landlord, if the complaint relates to a Council Tenant and constitutes a breach of tenancy conditions, the Housing & Property Service will take the appropriate steps to manage the complaint. This may involve input from the Community Warden Service, the Housing Officer, referral for mediation or advice and guidance from the Antisocial Behaviour Investigator. This may result in the issue being resolved.

If the complaint relates to another tenure type (non Council Tenant) or does **not** constitute a breach of tenancy conditions, the Housing & Property Service will direct the complainant to the appropriate landlord or agency in order to have their complaint investigated. **See Appendix 2.**

The Housing & Property Service may also provide assistance in such cases through to the Community Warden Service or the Antisocial Behaviour Investigator by means of advice, guidance and signposting. Referrals for mediation can be made by any Partner Agency, Housing Provider or by self referral.

If the complaints require to be handled by more than one of the Partner Agencies, joint intervention in the early stages may be required to prevent further antisocial behaviour. This may result in referrals to one or more of the following : Community Warden, Housing Officer, Antisocial Behaviour Investigator, Transport, Environment and Community Services (TECS), Education, Culture & Sport Service, Social Work Service, Mediation Service or Partner Agency for follow up visit and investigation. This may require joint working by more than one Agency and may result in the issue being resolved in the early stages.

The Housing & Property Service will co-ordinate the approach to Antisocial Behaviour Orders in the local authority area unless the application is being made by a Registered Social Landlord. This will be done through liaising with other Council Services, and Partner Agencies. The role and responsibilities of Services and Agencies in relation to the enforcement of other legislation will continue.

Transport, Environmental & Community Services (TECS)

Antisocial issues managed and investigated by TECS are enforcement and inspection of houses in multiple occupancy (HMO's), littering and fly tipping, dog fouling, stray dogs and abandoned vehicles. The Environmental Health section of TECS is involved in the investigation of noise nuisance complaints in conjunction with the Police and Housing providers.

Planning & Development Service

The Planning & Development Service will report incidents and claims of antisocial behaviour to the Council's Area Housing & Property Service. Enquiries about closing public paths in an attempt to combat antisocial behaviour will also be referred to the Council's Area Housing & Property Service for discussion in terms of this protocol.

Social Work Services - Criminal Justice Service (CJS)

Criminal Justice Service mainly work with people aged 16 and over that have offended and are subject to statutory supervision in the community. Criminal Justice Service would not normally be involved in cases unless it already has an active statutory involvement with the person through, for example, probation, community service, diversion or a statutory prison licence. Voluntary assistance can also be requested by ex-offenders on release from prison for up to 12 months if they are not subject to statutory supervision.

Criminal Justice Service may also be in a position to share relevant historical information which will assist in planning interventions with the perpetrator(s), if previously known to the service.

If an antisocial behaviour perpetrator is a current Criminal Justice Service case, the supervising officer will contribute to the action plan in relation to antisocial behaviour taking account of the perpetrators history of offending and propose effective solutions for managing the case through a multi agency approach in order to address the issues presented by the individual.

Criminal Justice Service is also responsible for writing social enquiry reports, providing information to the court at the pre-sentencing stage in respect of offending behaviour, risk assessment and

sentencing options. Where a report has been ordered on a person subject to an ASBO it is vitally important that relevant information is documented

Chief Executive Service

Dealing with antisocial behaviour at the strategic level is referred to the work of the Joint Highland Community Safety Tasking Group (Tasking Group) led by the Chief Executive's Head of Policy and Performance and Head of Operation for Northern Constabulary with membership drawn from community planning partners. The purpose of the Tasking Group is to deal with operational tasking at the Highland level, to deal with community issues, to agree community responses and to achieve community results consistently in the context of the Single Outcome Agreement and supporting plans. The Tasking Group also promotes public reassurance through a joint approach to reporting to the media and other communications, including planned information and publicity campaigns on antisocial behaviour.

Community safety issues brought to the attention of the Tasking Group are identified from engagement with the Highland communities and analysing of the community safety data. The Tasking Group act on these issues by prioritising and resourcing the response and where appropriate refer those for policy review to the other partnership groups and to the Community Planning Performance Board.

The Corporate Managers together with Divisional Commanders and CHP Managers are responsible for identifying systematically community safety issues from their operational area through engagement with Ward Managers and the communities through Ward Forums, Community Council meetings, other partnership forums and other engagement with businesses and community groups. In addition the Corporate Managers ensure the replication of the Highland Tasking Group processes at Operational Area and take a joint approach in seeking and responding to community views at the Ward level.

The Community Safety Officer based in the Chief Executive's Service provides advice and support to the Tasking Group on the development and achievement of Community Safety outcomes and objectives. The officer is responsible for monitoring, collating and analysing performance data (e.g. results analysis, problem profiles, public surveys, performance information and other evaluation) and for undertaking quantitative and qualitative research on policy issues and good practices within Community Safety. The post holder also co-ordinates community safety funding bids, leads in the delivery of Safe Highlanders and is responsible for agenda planning and production of action notes for the Tasking Group. In addition Community Safety Officer leads the Highland Public Space CCTV System, which contributes to tackling antisocial behaviour and to enhancing overall community safety.

Legal Services

Legal Services will be involved in offering advice and guidance either through the position of a specialist solicitor or through other solicitors. Principally in working with the Antisocial Behaviour Investigators, legal assistance will be offered on the remedies available to the authority and the preparation and presentation of applications for Antisocial Behaviour Orders and Interim Orders. Legal Services will participate in Partnership Group meetings and multi-agency case conferences considering housing management issues which might have an aspect of antisocial behaviour. Instructions for actions of eviction will be progressed by legal staff. Legal Services will also offer advice and assistance to TECS on antisocial behaviour related issues such as noise nuisance and fixed penalty notices.

Licensing

The Chief Executive's Service administers the Registration of Private Landlords and civic government licensing, including licences for Houses in Multiple Occupancy (HMO's).

Where there is doubt as to whether or not an application to register as a private landlord should be approved, it will be considered by the Council's Registration Panel with representation from other Services and from Northern Constabulary as required.

Removal from the Register or appeals against refusal of registration will be considered by the Council's Registration Review Panel with information gathered from other Services and Agencies as required. Input from Northern Constabulary may be particularly important in this process. The legislation provides appeal by summary application to the sheriff and further appeal to the sheriff principal.

In cases where serving an Antisocial Behaviour Notice (ABN) on the landlord is considered an option by the Partnership Group, a report will be provided to the Registration Review Panel who will consider whether further action is needed.

The Registration Review Panel has delegated authority to service antisocial behaviour notices where appropriate. Referrals to the Registration Review Panel will be made to the Head of Housing who will convene meetings when required.

Membership of The Registration Review Panel is :

- The Depute Chief Executive
- Director of Transport, Environmental & Community Services
- The Head of Housing

5.3 NHS Highland

NHS Highland will work with partners at an operational level where there is a specific issue relating to individuals whose health may be a potential contributory factor in antisocial behaviour. Appropriate protocols will be developed and implemented to support this approach.

NHS Highland will further work with partners to promote education, prevention and awareness of the causes and impact of antisocial behaviour.

5.4 Highlands and Islands Fire and Rescue Service

Highlands and Islands Fire and Rescue Service (H&IFRS) will work with the partners agencies to investigate and address issues of fire related antisocial behaviour such as:

Hoax calls, Attacks on fire and rescue staff, Firesetting behaviour, Wilfull fire raising, Vandalism, Careless disposal of refuse, Flytipping

All of this impact on (H&IFRS) resources which expose the public and (H&IFRS) staff to increased risk and have a detrimental effect on the quality of community life.

All reported allegations of fire related antisocial behaviour received by the Service, from any source, will be reported to Northern Constabulary and, where appropriate, the Council's Area Housing & Property and TEC Services.

In the role of education, prevention and awareness, (H&IFRS) will engage with partners at national and local level to promote campaigns through the media. (H&IFRS) will work with other agencies to raise awareness of home safety, wider community safety issues and provide pro-social activities for young people through our youth engagement programmes and fire setting intervention schemes.

5.5 Issues of anti-social behaviour and offending by young people

Anti-social behaviour and offending by young people is managed through children's services, and through the procedures for '*Getting it right for every child*' and child protection. This involves a co-ordinated process of assessment, planning and intervention by the core group of staff around a child, led by a named person or lead professional.

Many of the provisions available to adults are also available to children, and the legislation and guidance makes clear that these should be used as part of the Child's Plan. In all cases where an ASBO is being considered, there should be consultation with the Area Housing & Property Manager.

There are also some specific provisions for children and young people, such as Intensive Support & Monitoring Services.

If agencies have any concerns about the management of antisocial or offending behaviour by a young person, this should be escalated to the Area Children's Service Managers Group.

5.6 Registered Social Landlords (RSL's)

The Registered Social Landlords who have housing stock in the Highlands are as follows ; Albyn Housing Society Ltd ; Cairn Housing Association Ltd ; Link Housing Association Ltd ; Hanover Housing Association Ltd ; Key Housing Association Ltd ; Lochaber Housing Association Ltd ; Lochalsh & Skye Housing Association Ltd ; Margaret Blackwood Housing Association Ltd ; Pentland Housing Association Ltd ; Trust Housing Association Ltd.

Registered Social Landlords have their own Policy and Procedures for investigating reports of antisocial behaviour within their own housing estates.

Registered Social Landlords can direct complainers to any of the Services/Agencies detailed in **Appendix 2** or have the facility as Landlords to make referrals to these Services in order to resolve the issue.

However, there may be occasions where a multi agency approach is required to resolve the issue -: these cases should be referred in the first instance to the Area Housing & Property Manager for a decision on its appropriateness for discussion at the partnership Group.

Registered Social Landlords will refer urgent cases which arise between meetings to the Area Housing & Property Manager who will liaise with other agencies regarding emergency action.

The Antisocial Behaviour Scotland Act 2004 allows the local authority and registered social landlords (RSL's) to apply to the sheriff for an ASBO to protect persons in the local authority's own area. Unless otherwise agreed by the Partnership Group, Registered Social Landlords will coordinate the approach to ASBOs relating to people residing in property managed by them. In doing so, the landlord will work closely with Council Services and Partner Agencies. The role and responsibilities of Services in relation to the enforcement of other legislation will continue.

The Local Authority are required to maintain statistics in relation to ASBOs in their Local Authority area, therefore Registered Social Landlords will inform the Area Housing & Property Manager of any ASBOs granted relating to their tenancies.

The power for Registered Social Landlords to apply for ASBOs is without prejudice to the power of the local authority to seek an ASBO in respect of Registered Social Landlord premises.

6. Communication

6.1 The signatories to this protocol are committed to providing a co-ordinated approach to communication between and within partner agencies, and to the general public.

6.2 The partner agencies endorse co-ordinated, planned information/publicity campaigns on antisocial behaviour, including : Adverts, publicity campaigns, roadshow, informative leaflets and posters however, agencies and services should seek to capitalise on planned publicity, and recognise the benefits of co-ordinated responses to media enquiries.

6.3 Enquiries from the media relating to serious antisocial behaviour will be managed in consultation with the partner agencies' Communication/Public Relations Officer. As the Highland Council has the lead responsibility for the management of ASB, the Council's Public Relations Officer will have the lead responsibility when co-ordinating a multi (joint) agency response.

6.4 All agencies have their internal policies for the management of publicity campaigns, and media enquiries. These policies will be complied with, and are not undermined by this protocol.

7. Information Sharing

7.1 The Antisocial Behaviour Etc (Scotland) Act 2004, Section 139 allows that "Any person has the power to disclose information to a relevant authority where it is necessary or expedient for the purposes of the Act". The Highland Partnership Antisocial Behaviour Information Sharing Protocol can be found at **Appendix 3**

The Highland Data Sharing Partnership members which are Northern Constabulary, The Highland Council and NHS Highland, have agreed a joint protocol for sharing information, which will be referred to.

The Highland Data Sharing Partnership Information Sharing Protocol asserts

1. All organisations will accept a duty of confidentiality and will not disclose (such) information without the consent of the person concerned, unless there are statutory grounds and over-riding justification for doing so.
2. Organisations will use information only for the purpose established under the agreed procedures.
3. Information shared with a member of another organisation for a specific purpose will not be regarded as intelligence for general use of that organisation.

NOISE**Police powers**

The police can use common law powers (breach of the peace) against a person making excessive noise. Additionally, under section 54 of the Civic Government (Scotland) Act 1982, as amended by section 24 of the Crime and Disorder Act 1998, the police have powers to confiscate sound equipment immediately for up to 28 days if a person fails to stop the noise on being asked to do so by a police officer. The owner can ask for the equipment to be returned to him, but will have to pay whatever charge the police consider reasonable to cover their costs. Courts in Scotland also have the power to order forfeiture of such equipment.

Under sections 80 and 81 of the Environmental Protection Act 1990 local authorities have a duty to deal with any noise which they consider to be a statutory nuisance. Section 79 of the 1990 Act lists various statutory nuisances, including noise. The Council may send an environmental health officer to visit a house and record noise levels to determine whether a statutory nuisance exists. If the officer concludes the noise is indeed a nuisance, he can take action immediately. If the noise is intermittent, the officer may ask that a diary is kept of the days and times of the noise, or alternatively leave equipment to record it. The officer may measure the noise in investigating the complaint. There is no specific level at which noise becomes a statutory nuisance - the environmental health officer must decide if the law is being breached according to the specific circumstances.

The local authority may try to solve the problem informally - by persuading the person making the noise to stop. If this fails, and they are satisfied that the noise amounts to a statutory nuisance, they must, under section 80(1) of the 1990 Act, serve an abatement notice on the person responsible. The notice may require the noise to be stopped completely, reduced, or limited to certain times of the day. A person on whom an abatement notice has been served can appeal within 21 days. If a person on whom an abatement notice has been served fails, without reasonable excuse, to comply with the notice, he may be prosecuted in the Sheriff Court (section 80(4) of the 1990 Act). Conviction may result in a maximum fine of £5,000, plus a daily fine of £500 for each day on which the offence continues after conviction. The Local Authority also has the option of offering a fixed penalty notice to those who they believe have committed an offence and where an abatement notice has not been complied with.

Taking independent action through the courts

If the local authority does not take action, an individual can take the complaint directly to the Sheriff Court under section 82 of the Environmental Protection Act 1990. The court will need to be persuaded that the noise problem constitutes a statutory nuisance.

DOG FOULING, PETS AND ANIMALS

Dogs and other animals are often the subject of complaint in neighbour nuisance cases.

Dog Fouling (Scotland) Act 2003

The Act makes it an offence for a person in charge of a dog, who, after allowing that dog to foul, fails to clear away and dispose of the excrement appropriately. The Act applies to all public places, including common passages, closes, courts, stairs, back greens and other similar areas subject to a number of specified exceptions. Dog fouling is made an offence in respect of which the evidence of only one witness is sufficient.

Authorised local authority officers and police constables have the power to issue fixed penalty notices to any person who is suspected on reasonable grounds of committing an offence under the Act. When a fixed penalty notice has been issued criminal proceedings can be brought against the suspected offender unless he or she requests a hearing within 28 days of the notice being issued or the notice is withdrawn. The Act provides that failure either to pay a fixed penalty notice or to request

a hearing within the 28 day period will result in the fixed penalty being increased by 50% and being enforceable as if it were a court decree.

Civic Government (Scotland) Act 1982

Section 49: this provides that any person who suffers or permits any creature in his charge to cause danger or injury to any other person who is in a public place or to give such a person reasonable cause for alarm or annoyance shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 2 (currently £500).

Section 49 also provides that a district court, if satisfied that any creature kept in this vicinity of any place where a person resides is giving that person reasonable cause for annoyance, may make an order requiring the person keeping the creature to take, within such period as may be specified in the order, such steps (short of destruction of the creature) to prevent the continuance of the annoyance as may be so specified. Any person who fails to comply with the order is guilty of an offence and liable to a fine not exceeding level 3 (currently £1,000).

Dangerous Dogs Act 1989 and 1991

The Dangerous Dogs Acts 1989 and 1991, allow the police to take action against the owners of dangerous dogs not complying with the Act.

Other Animals

Under section 49(2) of the Civic Government (Scotland) Act 1982 a district court may make an order to control (but not destroy) any creature where that creature is giving a neighbouring resident 'reasonable cause for annoyance'. 'Any person' can apply for such an order, but this will not include a local authority acting either as a public health authority or on behalf of neighbouring residents.

HOUSING

Housing (Scotland) Act 1987 - Section 320: this provides that anyone who wilfully, or by culpable negligence, damages a house or any appurtenances of a house shall be guilty of an offence, liable on summary conviction to a fine without prejudice to any remedy for recovery of the amount of the damage.

Housing (Scotland) Act 2001 - sections 14-22

These sections provide for recovery of possession of a house let on a secure tenancy, with grounds 2, 7 and 8 of Schedule 2 to that Act being most relevant to behaviour which is anti-social.

Ground 2 allows for the possession of a house where the tenant, a person residing or lodging in the house with the tenant, or a person visiting the house has been convicted of using the house or allowing it to be used for immoral or illegal purposes; or of an offence punishable by imprisonment committed in, or in the locality of the house. By way of example a landlord could seek recovery of possession in the event that a tenant is convicted of or is found to have allowed the house to be used for the supply of drugs.

Ground 7 allows for the possession of a house on the ground that the tenant, a person residing or lodging in the house with the tenant, or a person visiting the house has acted in an anti-social manner. "Anti-social" is defined as meaning, in relation to an action or course of conduct, "causing or likely to cause alarm, distress, nuisance or annoyance". It also provides that "conduct" includes speech and a course of conduct must involve conduct on at least two occasions.

Ground 8 allows for possession where the tenant or any person residing or lodging in the house with the tenant has been guilty of conduct in or in the vicinity of the house which is a nuisance or annoyance, or has pursued a course of conduct amounting to harassment of a person residing in, visiting or otherwise engaged in lawful activity in the locality.

Anti-social behaviour orders

This is an order which can be applied for by a local authority or registered social landlord in consultation with the police against an individual whose behaviour is anti-social (i.e. causes alarm or distress to one or more people not in the same household as himself). The order will prohibit the person from doing whatever is considered necessary to protect people in the area from further anti-social acts by the person.

Applications can be made by the local authority against owner-occupiers; private sector tenants; and tenants of public sector landlords, including local authorities. Orders can only be made against those aged 12 or over.

Applications will be made to the sheriff court acting in its civil capacity. The Sheriff may make an order on an interim basis pending a final disposal.

Breach of an order without reasonable excuse is a criminal offence with a maximum penalty on indictment of five years in prison

By-laws for regulation of local authority's houses

Section 18 of the Housing (Scotland) Act 1987 : A local authority may make by-laws for the management, use and regulation of houses held by them for housing purposes. These could be used to tackle nuisance and anti-social behaviour.

Conversion to Short Scottish Secure tenancy

Housing (Scotland) Act 2001 Section 35 : This section allows a landlord to serve notice upon a secure tenant with the effect of converting the tenancy to a short Scottish secure tenancy. The landlord may only serve a notice where the tenant (or any one of joint tenants) or a person residing or lodging with, or subtenant of, the tenant is subject to an anti-social behaviour order. A tenant who is aggrieved by the conversion may raise proceedings by summary application.

PUBLIC NUISANCE AND DRUNKENNESS

Civic Government (Scotland) Act 1982 Section 47: this provides that any person who urinates or defecates in circumstances so as to cause, or be likely to cause, annoyance to any other person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 2 (currently £500).

Section 50: this provides that any person who is, while not in the care of a suitable person, in a public place, drunk and incapable of taking care of himself shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 (currently £500).

It also provides that any person who is drunk in a public place while in charge of a child under the age of 10 or while in possession of a firearm (including a crossbow, air gun, air rifle or air pistol) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 (currently £500).

Protection from Harassment Act 1997 Sections 8-11 : this gives individuals the right to be free from harassment and allows them to bring an action of harassment in the civil courts. Remedies available are:

- Interdict (or interim interdict)
- Non-harassment Order
- Damages (including for any anxiety or financial loss)

A Non-harassment Order can also be made in the criminal court where a person is convicted of an offence involving harassment.

Breach of a Non-harassment Order made either by a civil or criminal court in Scotland would be a criminal offence punishable on indictment by imprisonment for up to 5 years and/or an unlimited fine, or summarily by up to 6 months' imprisonment and/or up to a £5,000 fine

Public Order Act 1986

Section 18 of the Act provides that the use of words or behaviour or display of written material intended to stir up racial hatred is an offence. This is an arrestable offence with a maximum prison term of six months and/or a fine of £5,000. The Act also gives the police powers to tackle criminal damage, including offensive graffiti.

COMMON LAW

Under common law almost all offences which cause public disturbance are a breach of the peace and the police should be involved.

Intimidation: Scots common law recognises an offence of making "criminal threats", which may be charged where serious injury is threatened. In other circumstances, intimidatory behaviour may be charged as a breach of the peace. The penalty for a common law crime is only restricted by the sentencing powers of the court in which the case is tried. For example, a sheriff sitting with a jury may impose up to 3 years imprisonment and/or an unlimited fine.

Harassment: Harassment may be charged as a breach of the peace in Scotland, since breach of the peace is defined as behaviour likely to cause alarm or annoyance to the public. Breach of the peace is a common law crime, the maximum penalty is only limited by the sentencing powers of the court in which the case is tried.

Interdict: This is a remedy, obtained by an order of the civil court, to prevent wrong, harm or injury being done to a person or his or her property. It also would be available where a person anticipates that wrong, harm etc may be done to him or her or to his or her property. The conduct on which the complaint is based must amount to some appreciable wrong, harm or injury (not necessarily physical injury). Reasonable grounds for fearing such conduct is sufficient. If the court grants interdict, it must state precisely what acts it is designed to prevent. Interdict may be obtained on an interim basis to preserve affairs in their existing state pending a decision of the court. The

remedy is not available if some statutory remedy, which would achieve the desired end, is available.

Racially aggravated offences

Sections 33 and 96 of the Act introduce a new offence of racially aggravated harassment and provide an obligation for the court to take account of any established racial motivation in any offence as an aggravation when determining the appropriate sentence.

A person is guilty of racially-aggravated harassment if he-

- follows a racially-aggravated course of conduct which amounts to harassment, either intended or where it would appear to a reasonable person that it would amount to harassment, or
- acts in a manner which is racially aggravated and which causes or is intended to cause alarm and distress.

A course of conduct is defined as being racially aggravated if it is-

- one motivated by racial hostility; or if
- racial hostility was demonstrated towards the victim either at the time of committing the offence, or immediately before or after.

It covers cases where a person is attacked because of his relationship with a member of a racial group. Racial group is defined as a "group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins."

The maximum penalty for racial harassment is six months' imprisonment or a fine not exceeding the statutory maximum or both on summary conviction, and on indictment, seven years' imprisonment or a fine or both.

The Highland Partnership Antisocial Behaviour Protocol

Appendix 2

Defining and referring issues of antisocial behaviour

Any definition of antisocial behaviour needs to be flexible and recognise that behaviour which is merely different may not be antisocial.

The Antisocial Behaviour Etc (Scotland) Act 2004 provides the following definition;

"A person engages in antisocial behaviour if they : act in a manner that causes or is likely to cause alarm or distress : or pursue a course of conduct that causes or is likely to cause alarm or distress to at least one person not of the same household as them"

The Act further states that: "conduct" includes speech; "a course of conduct" must involve conduct on at least two occasions; "likely to cause" has the effect that someone other than a victim of the antisocial behaviour can give evidence of its occurrence. This is intended specifically to enable the use of professionals as witnesses where those targeted by antisocial behaviour feel unable to come forward, for example, for fear of reprisal or intimidation. This list is not exhaustive and includes behaviour which may be or may contribute to antisocial behaviour. Individual perception of what constitutes antisocial behaviour will differ. Tolerance and awareness of other individuals' circumstances and problems is important. The underlying causes of antisocial behaviour are complex, however, it is crucial that where it occurs, antisocial behaviour is identified and addressed.

Nature of problem	Lead Agency/Service
Neighbour disputes e.g. noise, children's behaviour, parking, pets, lifestyle clashes	Anyone living in the Highland Council area can self refer to Highland Community Mediation to discuss issues and look at options available. If tenant of a Registered Social Landlord or the Council is involved and you feel formal action may be required– complaint should be made to the respective Landlord If not tenant of above – consult with Citizens Advice Bureau or a Solicitor of choice as an independent civil matter
Boundary disputes	Anyone living in the Highland Council area can self refer to Highland Community Mediation to discuss issues and look at options available. If tenant of a Registered Social Landlord or the Council is involved and you feel formal action may be required– complaint should be made to the respective Landlord If not tenant of above or the dispute does not involve land owned by either the Council or other landlords – consult with Citizens Advice Bureau or a Solicitor of choice as an independent civil matter
Untidy or unsafe property	Landlord/owner Private Rented Housing Panel http://www.prhpscotland.gov.uk/prhp/1.html
Houses of Multiple Occupancy licensing	Chief Executive's Service, Licensing Section - Administration of licenses TECS Environmental Health Officer – Enforcement & Inspection of HMO Licenses
Registration of Private Landlords	Chief Executive's Service, Licensing Section – Administration of registration applications Registration Panel - Consideration of applications where there is doubt if the applicants is a 'fit and proper person' to act as a landlord Registration Review Panel – Consider appeal cases and cases where action is required regarding persistent issues of antisocial behaviour by tenants of a registered landlord
Any form of harassment and or intimidating behaviour	Northern Constabulary
Behaviour that causes alarm	Northern Constabulary If the behaviour is as a result of alcohol or drug misuse, referral may be made to the NHS and or the Community Mental Health Service
Vandalism and graffiti	Northern Constabulary TECS Education & Enforcement Officer
Littering and fly-tipping	TECS Education & Enforcement Officer
Abandoned vehicles	TECS Education & Enforcement Officer
Dog fouling	TECS Education & Enforcement Officer
Animal Welfare	TECS Animal Health & Welfare Officer
Noise nuisance	Northern Constabulary, TECS Environmental Health Officer, landlord/owner
Fire setting/raising hoax fire calls	Northern Constabulary/Fire Service
Antisocial use of vehicles	Northern Constabulary

The Highland Partnership Antisocial Behaviour Information Sharing Protocol

1. Introduction

1.1 The Highland Partnership Antisocial Behaviour Protocol requires information sharing between Northern Constabulary, The Highland Council and Registered Social Landlords in order to take an appropriate course of action including criminal prosecutions, against people who persist in engaging in antisocial and/or criminal behaviour.

1.2 The Highland Policy for Sharing Information (approved by the Joint Committee on Action for Community Care, 20 June 2003) provides the framework for this individual information sharing protocol between Northern Constabulary and The Highland Council.

1.3 The Highland Policy for Sharing Information does not provide for information exchange between the Northern Constabulary and Registered Social Landlords.

1.4 This Individual Protocol covers the sharing of information in relation to reported incidents of antisocial behaviour, between Northern Constabulary, The Highland Council and Registered Social Landlords.

2. Information covered by this Protocol

2.1 Information referred to in this protocol relates to data held on paper or electronically, giving details of incidents of antisocial behaviour or criminal behaviour where a complaint is being investigated by the Highland Council or a Housing Association.

3. Requests and Exchange of information

3.1 Requests for information must be made by Senior staff within the Highland Council and Housing Associations using the '**Request for Police information**' form (page 2 of this document).

3.2 Exchange of information must be made within the confines of the Data Protection Act. Under the protocol, information will be exchanged between the Area Commander and Senior staff within the Highland Council and Housing Associations.

3.3 Information disclosed remains the property of the disclosing agency and can only be used by the agency who requested the information and only for the purpose it was requested.

3.4 If the agency which requested the information needs to use it for another purpose or if a third party requests the information the original disclosing agency must be contacted and the information can only be passed on if they agree.

3.5 Each agency is responsible for ensuring that confidential information is protected against unauthorised disclosure.

CONFIDENTIAL

ANTISOCIAL BEHAVIOUR INVESTIGATION

REQUEST FOR POLICE INFORMATION

WEEK ENDING DATE			
Name of Agency Requesting Info			
Name of Employee Requesting Info		Contact Telephone Number	

Name		Sex M/F	
Address			
Address		Postcode	
Date of Birth			

Brief Outline of Incidents (Please include as much information as possible, preferably details of more than one incident) :

Date	Time	Police Informed Y/N	Details of Complaint

Please indicate whether you require a

Full Report	
Verbal	
Simple Reply	

Reasons for Disclosure:

Anti-Social Behaviour			
Homeless Application			
Eviction			
Maintenance, i.e. Rechargeable Repairs			
Insurance			
General Information			
Name (Print)		Signature	

This leaflet is designed to inform staff of procedures and help them determine and indicate to others, the levels of protection required when handling official documents.

The term document refers to all material assets, ie papers, drawings, images, disks and all forms of electronic data records. This leaflet is designed as an aid only.

Further and more comprehensive guidance can be found in the Manual of Protective Security or from your own **Information Security Officer**.

Vetting Levels

The level of vetting will dictate what protectively marked material can be accessed / handled.

A Basic Check (BC) (Baseline Standard) will allow access to protectively marked information up to CONFIDENTIAL and occasional access to SECRET.

A Security Clearance (SC) (Security Check) is required for individuals who are to be employed in posts where they will have long term, frequent and uncontrolled access to SECRET assets and occasional supervised access to TOP SECRET assets.

A Developed Vetting (DV) clearance is required for those individuals who are to be employed in posts where they will have long term, frequent and uncontrolled access to TOP SECRET assets and includes those while not in such posts that are in a position to directly or indirectly bring about the same degree of damage.

For more detailed information regarding vetting contact your own Vetting Officer.

Handling Protectively Marked Material

A Guide for Police Personnel

PROTECT
RESTRICTED
CONFIDENTIAL
SECRET
TOP SECRET



**Revised
April 2007**

Introduction

The Chief Constables' Council originally mandated adoption of the Government Protective Marking Scheme in 2001. This is now a formal compliance requirement of the ACPO/ACPOS Information Systems Community Security Policy.

This guidance leaflet supersedes and replaces the previous issue dated October 2001.

Personnel need to be aware that it is important that protective security practices:

- Implement the 'need to know' principle
- Are workable and user-friendly
- Deal with all the prevailing threats
- Are effectively co-ordinated by the Personnel who use them
- Are just, open and reasonable, where they may impinge on the lives of staff

When selecting the appropriate marking, personnel should also consider:

- How damaging the consequences would be if material was lost, stolen, disclosed or destroyed
- Correct marking is applied (over or under classification damages the credibility of the system)
- A compilation of many items marked at the same level may require the whole to be marked at a higher level
- The scheme should not be used to protect against sensitivities likely to arise due to inefficiency or administrative error

- It does not provide exemption from Freedom of Information legislation
- Regular reviews of the material may be necessary in order to downgrade or destroy any such material

As from February 2007 there are now five levels of Protective Marking* that can be applied to sensitive assets, depending on the degree of sensitivity involved:

1. **PROTECT**
2. **RESTRICTED**
3. **CONFIDENTIAL**
4. **SECRET**
5. **TOP SECRET**

The majority of information held within the Police Service contains personal or sensitive data and therefore requires a level of Protective Marking.

(Information already in the public domain will not require a protective mark.)

This guide predominantly deals with assets that are marked at either PROTECT, RESTRICTED or CONFIDENTIAL, as they comprise the vast majority of 'sensitive' information assets held within the Police Service.

It is intended to give very basic guidance on the application of protective markings to **police information** together with storage handling and movement requirements.

It is not exhaustive! For further clarification and in particular for advice regarding SECRET and TOP SECRET please contact your Information Security Officer.

RESTRICTED	CONFIDENTIAL
Top and bottom of every page	Top and bottom of every page
Protected by one barrier, e.g. a locked container within a secure building.	Protected by two barriers e.g. a locked container in a locked room, within a secure building.
Use secure waste sacks. Keep secure when left unattended.	Use a SEAP approved cross cut shredder. Keep secure when left unattended.
Securely destroy. Floppy disk - dismantle and cut disk into quarters & dispose with normal waste. Optical Media - destroy completely - disintegrate, pulverise, melt or shred. Use approved contractor for bulk items.	Securely destroy. Floppy disk - dismantle and cut disk into quarters & dispose with normal waste. Optical Media - destroy completely - disintegrate, pulverise, melt or shred. Use approved contractor for bulk items.
Triple overwrite using CESG approved software.	Triple overwrite using CESG approved software.
In a sealed envelope with protective marking shown. A transit envelope may be used if sealed with a security label.	In a new sealed envelope with protective marking shown. Transit envelopes must not be used.
By post or courier, in a sealed envelope. Do not show protective marking on the envelope.	By post or courier. Double enveloped both fully addressed. Protective marking shown on inner envelope only. Return address on outer envelope.
May be used if private secure network.	May be used if private secure network in cases of operational urgency.
May be used in cases of operational urgency if due caution is exercised.	Not to be used.
Not to be used.	Not to be used.
May be used in cases of operational urgency if due caution is exercised.	Not to be used unless encrypted fax service available.
May be used.	Not to be used unless enhanced end to end encryption service deployed.
May be used.	Not to be used without encryption service compliant with ACPO/ACPOS Community Security Policy.
Not to be used without encryption service compliant with ACPO/ACPOS Community Security Policy.	Not to be used without encryption service compliant with ACPO/ACPOS Community Security Policy.

Requirements and restrictions on the handling/disposal etc of SECRET and TOP SECRET material are not included in this aide-memoire. Should you find yourself confronted with or required to deal with such material, seek advice or assistance from your force Information Security Officer, who will be able to advise you accordingly.

*NB – When used as a Protective Marking – the words PROTECT / RESTRICTED / CONFIDENTIAL / SECRET and TOP SECRET, will be displayed in capitals to differentiate them from ordinary use within documents.
The same rule applies when attaching a descriptor (see later) all DESCRIPTORS will be written in capital letters.

Application / Activity	PROTECT
Marking documents	Top and bottom of every page
Storage of hard copy documents	Protected by one barrier, e.g. a locked container within a secure building.
Disposal of paper waste	Use secure waste sacks. Keep secure when left unattended.
Disposal of magnetic media	Securely destroy. Floppy disk - dismantle and cut disk into quarters & dispose with normal waste. Optical Media - destroy completely - disintegrate, pulverise, melt or shred. Use approved contractor for bulk items.
Reuse of Media (Hard Drives etc)	Triple overwrite using CESA approved software.
Movement within Force using own internal distribution system	In a sealed envelope with protective marking shown. A transit envelope may be used if sealed with a security label.
Movement between forces/partner agencies	By post or courier, in a sealed envelope. Do not show protective marking on the envelope.
Force Internal 'Phone Network	May be used.
Public Telephone, Mobile Telephone and WAP 'phone networks	May be used.
Pager Systems & SMS	May be used.
Facsimile Machines	May be used.
Airwave Radios	May be used.
Force Data Network, Email Services using PNN – GSI – NHS – CJSM – MOD secure addressing conventions	May be used.
Internet Email / Internet Services	May be used.

If there is a requirement to use any of the above methods of communication at a higher level than recognized safe to do so, the operational urgency and the need for transmission must be weighed against the risk of a security breach, for which the force may be held accountable. If it is decided that such transmissions are essential, they should be kept short and guarded speech used. The use of some form of prearranged codes should be considered to avoid identifying officers, informants or locations.

Descriptors

When you originate material requiring a Protective Marking, you **may**, if necessary, add a DESCRIPTOR where it **helps indicate to others** the nature of the sensitivity and the groups of people who need access.

One exception is the PROTECT marking which should always be used with a DESCRIPTOR from the following list:

APPOINTMENTS

Concerning actual or potential appointments that have not yet been announced

HONOURS

Unannounced recognition for exceptional Achievement

MANAGEMENT

Policy and planning affecting the interest of groups of staff

MEDICAL

Medical reports, records and material relating to staff

PERSONAL

Material intended for the person to whom it may be addressed

STAFF

Concerning references to named or identifiable staff or personal confidences entrusted by staff to management

DESCRIPTORS that can be used with either PROTECT or RESTRICTED include:

COMMERCIAL

Relating to a commercial establishments processes or affairs

CONTRACTS

Concerning tenders under consideration and the terms of any tenders

INVESTIGATIONS

Concerning investigations into disciplinary or criminal matters, involving members of the police service

PRIVATE

For information collected through electronic government services provided to the public and agencies and relating to the individual or agencies

Other DESCRIPTORS include:

POLICY

Proposals for new or changed force policy, prior to publication

VISITS

Concerning details of visits by, for example, royalty, ministers and other dignitaries.

CHIS

(Covert Human Intelligence Source) regarding informants and their handling. Any informant related information should be protectively marked CONFIDENTIAL as a baseline, with the appropriate handling procedures. Information which identifies an informant should be marked SECRET

With the exception of PERSONAL or PRIVATE, which may be used by themselves, the above descriptors may only be used in conjunction with a protective marking.

Special handling instructions may also take the form of caveats, nicknames and code words or exceptionally other handling instructions e.g. DESCRIPTOR may take the form of an operation name – such as - "OPERATION RAINBOW" – EYES ONLY.

Impact Criteria – Law Enforcement, Public Order & Safety

PROTECT

Impact Levels 1 & 2

Would accidental or deliberate compromise of assets marked **PROTECT** be likely to cause:

Impact Level 1

- ◆ No impact on life and safety;
- ◆ Minor disruption to emergency service activities that requires reprioritisation at local (station) level to meet expected levels of service;
- ◆ No impact on crime fighting;
- ◆ No impact on judicial proceedings;

Impact Level 2

- ◆ Inconvenience or cause discomfort to an individual;
- ◆ Minor disruption to emergency service activities that requires reprioritisation at area / divisional level to meet expected levels of service;
- ◆ Minor failure in local Magistrates Courts

NOTE

- ◆ PROTECT is not a national security protective marking and the policy relating to the use of RESTRICTED remains unchanged.
- ◆ Not to be used for operational issues.
- ◆ **Must** be accompanied by a Descriptor, (e.g. PROTECT – STAFF).

'Protective Marking' is the method by which the **originator** of an asset (that is all material assets, ie papers, drawings, images, disks and all forms of electronic data records), indicates to others, the levels of protection required when handling the asset in question, in terms of its sensitivity, security, storage, movement both within and outside the originator's own department or force and its ultimate method of disposal.

RESTRICTED

Impact Level 3

Would accidental or deliberate compromise of assets marked **RESTRICTED** be likely to cause:

- ◆ A risk to an individual's personal safety or liberty
- ◆ Disruption to emergency service activities that requires reprioritization at the County or organizational level to meet expected levels of service
- ◆ Hinder the detection, Impede the investigation of, or facilitate the commission of low level crime (i.e. crime not defined in legislation as "serious crime"), or hinder the detection of serious crime
- ◆ A low-level criminal prosecution to collapse; cause a conviction for a low-level criminal offence to be declared unsafe or referred for appeal
- ◆ A breach of proper undertakings to maintain the confidence of material provided by third parties;
- ◆ A breach of statutory restrictions on disclosure of material (does not include the Data Protection Act 1998, where non-sensitive information is involved);
- ◆ An undermining of confidence in public services;

CONFIDENTIAL

Impact Level 4

Would accidental or deliberate compromise of assets marked **CONFIDENTIAL** be likely to cause:

- ◆ Loss of telecoms of a region for up to 24 hours;
- ◆ Loss of power in a region causing disruption for up to a week;
- ◆ Major loss of a Leading Financial Company of £10s millions;
- ◆ Major disruption of key regional transport systems for up to a week;
- ◆ Breakdown of local water suppliers and/or sewage service for over 100 people or prolonged drought (up to 1 month);
- ◆ Regional disruption to the distribution of some essential goods, fuel, raw materials and medicines and widespread disruption of food for up to a month;

SECRET

Impact Level 5

Would accidental or deliberate compromise of assets marked **SECRET** be likely to cause:

- ◆ Loss of telecoms nationally for up to a week;
- ◆ Loss of power in a region causing disruption for more than 1 week;
- ◆ Severe losses to UK Business of up to £1 billion;
- ◆ Severe national disruption of key transport systems for up to a week;
- ◆ Breakdown of regional water suppliers and/or sewage service (effecting >100 people) or prolonged drought (up to 3 months);
- ◆ National disruption to the distribution of essential goods, fuel, raw materials and medicines and widespread disruption of food for up to a month;

TOP SECRET

Impact Level 6

Would accidental or deliberate compromise of assets marked **TOP SECRET** be likely to cause:

- ◆ Loss of telecoms nationally for more than 1 week;
- ◆ Loss of power nationally affecting the whole of the UK for more than 1 week;
- ◆ Severe financial losses to UK Business of £10s billions;
- ◆ Severe national disruption of key transport systems for over a month;
- ◆ Total breakdown of national water supplies and/or sewage service (effecting >100 people) or prolonged drought (> 6 months);
- ◆ National disruption to the distribution of essential goods, fuel, raw materials and medicines and widespread disruption of food for over a month;

Impact Criteria – Critical National Infrastructure

PROTECT	RESTRICTED
<p>Impact Levels 1 & 2</p> <p>Would accidental or deliberate compromise of assets marked PROTECT be likely to cause:</p> <p>Impact Level 1</p> <ul style="list-style-type: none"> ◆ Local loss of telecoms for a few hours; ◆ Local power outages causing disruption for up to 12hours; ◆ Minimal impact on finance (less than £10,000); ◆ Minor disruption of a key local transport systems for up to 12 hours ◆ The breakdown of local water supplies and/or sewage service for a small number (<10) of people for more than a day; ◆ Local disruption to the distribution of some essential goods, fuel, raw materials, medicines and/or food of up to a week; <p>Impact Level 2</p> <ul style="list-style-type: none"> ◆ Local loss of telecoms for up to 12 hours; ◆ Local power outage causing distribution for up to 24hours; ◆ Minor loss to a Financial Company (less than £1 million); ◆ Minor disruption of key local transport systems for up to 24 hours; ◆ The breakdown of local water supplies and/or sewage service for a small number (<50) of people for more than a week; ◆ Local disruption to the distribution of some essential goods, fuel, raw materials, medicines and/or disruption of food for up to a month; 	<p>Impact Level 3</p> <p>Would accidental or deliberate compromise of assets marked RESTRICTED be likely to cause:</p> <ul style="list-style-type: none"> ◆ Local loss of telecoms for up to 24 hours; ◆ Loss of power in a region causing distribution for up to 24 hours; ◆ Major loss of a Leading Financial company of £millions; ◆ Disruption of a number of key local transport systems for up to 24 hours; ◆ Breakdown of local water supplies and/or sewage service for a number (up to 100) of people or prolonged drought (up to 1 month); ◆ Regional disruption to the distribution of some essential goods, fuel, raw materials and medicines and/or widespread disruption of food for up to a week;

CONFIDENTIAL	SECRET
<p>Impact Level 4</p> <p>Would accidental or deliberate compromise of assets marked CONFIDENTIAL be likely to cause:</p> <ul style="list-style-type: none"> ◆ A risk to a group of individuals safety or liberty; ◆ Disruption to emergency service activities that requires reprioritization at national level (e.g. one police force requesting help from another) to meet expected levels of service; ◆ Impeding of the investigation of, or facilitate the commission of serious crime (as defined in legislation); <p>A serious crime prosecution to collapse; cause a conviction for a serious criminal offence to be declared unsafe or referred to appeal;</p>	<p>Impact Level 5</p> <p>Would accidental or deliberate compromise of assets marked SECRET be likely to cause:</p> <ul style="list-style-type: none"> ◆ A threat to life directly leading to limited loss of life; ◆ Disruption to emergency service activities that requires emergency powers to be invoked (e.g. military assistance to the emergency service) to meet expected levels of service; ◆ Major, long term impairment to the ability to investigate serious crime (as defined in legislation); <p>A number of criminal convictions to be declared unsafe or referred to appeal (e.g. through persistent and undetected compromise of an evidence-handling system);</p>
<p>TOP SECRET</p> <p>Impact Level 6</p> <p>Would accidental or deliberate compromise of assets marked TOP SECRET be likely to:</p> <ul style="list-style-type: none"> ◆ Lead directly to widespread loss of life; ◆ Threaten directly the internal stability of the UK or friendly countries leading to widespread instability; ◆ Cause major, long term impairment to the ability to investigate serious organised crime (as defined in legislation); ◆ Cause the collapse of the UK Judicial system; 	

When a protective marking is applied to an information asset it is indicating its value in terms of the damage that is likely to result from that information being compromised. The sections on this page detail the criteria **specific to public order, public safety and law enforcement** for each level of Protective Marking.

Impact Criteria – Defence, International Relations and Intelligence

PROTECT

Impact Levels 1 & 2

Would accidental or deliberate compromise of assets marked **PROTECT** be likely to cause:

Impact Level 1

- ◆ Delay or loss of minor supply service;

Impact Level 2

- ◆ Inconvenience or cause discomfort to an individual;
- ◆ The loss of a number of minor supply services;

RESTRICTED

Impact Level 3

Would accidental or deliberate compromise of assets marked **RESTRICTED** be likely to cause:

- ◆ A risk to an individual's personal safety or liberty;
- ◆ Minor loss of confidence in Government;
- ◆ More difficulty to maintain the operational effectiveness of security of UK or allied forces (e.g. compromise of UK forces doctrine or training materials);
- ◆ Embarrassment to Diplomatic relations;
- ◆ Disadvantage to a major UK company;
- ◆ Damage to unique intelligence operations in support of intelligence requirements at JIC Priority Three or less;

CONFIDENTIAL

Impact Level 4

Would accidental or deliberate compromise of assets marked **CONFIDENTIAL** be likely to cause:

- ◆ A risk to a group of individuals safety or liberty;
- ◆ Major loss in confidence in Government;
- ◆ Damage to the operational effectiveness of security of UK or allied forces (e.g. compromise of a logistics system causing re-supply problems without causing risk to life);
- ◆ Disadvantage to a number of major UK Companies;
- ◆ A halt in unique intelligence operations in support of intelligence requirements at JIC Priority Three or less, or damage unique intelligence operations in support of intelligence requirements at JIC Priority Two;

SECRET

Impact Level 5

Would accidental or deliberate compromise of assets marked **SECRET** be likely to cause:

- ◆ A threat to life directly leading to limited loss of life;
- ◆ A direct threat to the internal political stability of the UK or friendly countries;
- ◆ Severe damage to the operational effectiveness or security of UK or allied forces (e.g. compromise of the operational plans of units of company size or below in a theatre of military operations);
- ◆ A rise in international tension, or seriously damage relations with friendly governments;
- ◆ Disadvantage to the UK in international negotiations (e.g. advance compromise of UK negotiation strategy or acceptable outcomes, in the context of a bilateral trade dispute);
- ◆ A halt in unique intelligence operations in support of intelligence requirements at JIC Priority Two, or damage unique intelligence operations in support of intelligence requirements at JIC Priority One;

TOPSECRET

Impact Level 6

Would accidental or deliberate compromise of assets marked **TOP SECRET** be likely to:

- ◆ Lead directly to widespread loss of life;
- ◆ The collapse of internal political stability of the UK or friendly countries
- ◆ Cause exceptionally grave damage to the operational effectiveness or security of UK or allied forces (e.g. compromise of the operational plans of units of battalion size or above in a theatre of military operations)
- ◆ Directly provoke international conflict, or cause exceptionally grave damage to relations with friendly governments
- ◆ Severely disadvantage the UK in international negotiations (e.g. advance compromise of UK negotiation strategy or acceptable outcomes, in the context of a major EU or WTO negotiating round)
- ◆ Halt unique intelligence operations in support of intelligence requirements at JIC Priority One.