

Example risk assessment

Agencies must complete a risk assessment checklist prior to applying for a respect order, youth injunction or housing injunction. The below is an example of a risk assessment checklist. Agencies are free to use the below or create their own, depending on local need. The example below does not include an exhaustive list, and agencies should consider other questions relevant to the individual case.

Consideration should be given to providing the risk assessment checklist as part of the application to court as it may provide the court with relevant contextual factors when making a decision to grant the Order/Injunction.

Risk assessment checklist for respect order/youth injunction/housing injunction

1. Before commencing proceedings, the applicant should consider whether an early intervention approach or alternative approach would be appropriate. Examples of early and alternative interventions include informal warnings, mediation and acceptable behaviour contracts. Details of informal interventions can be found earlier in the guidance.

Have you considered use of any informal interventions prior to deciding to apply for a respect order, youth injunction or housing injunction?

☐ Yes ☐ No

Expand below, including any informal interventions that have already been used:

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2. Before commencing proceedings, the applicant should consider use of other formal tools and powers available through the Anti-Social Behaviour, Crime and Policing Act 2014. This could include, for example, the Community Protection Warning/Notice or the Closure Power.

Have you considered use of any formal powers available in the Anti-Social Behaviour, Crime and Policing Act 2014?

☐ Yes ☐ No

Expand below:

3. If the applicant is aware that the proposed respondent is potentially vulnerable, and/or has mental health issues, consideration should take place at the earliest possible stage, as to:

- a. Whether or not the proposed respondent has the mental capacity to defend a claim for a respect order/youth injunction/housing injunction and, if not, after consultation with appropriate bodies, as to how to make arrangements for an application for the appointment of a litigation friend in accordance with CPR 21;
- b. Whether the proposed respondent should be directed to the NHS Liaison and Diversion Service or other health professional;
- c. Whether or not any issues arise under the Equality Act 2010;
- d. Whether or not there is a need for a community case assessment in accordance with the Care Act 2014;
- e. What steps can be taken to enable the proposed respondent to fully participate in the proceedings and (if they wish to do so) to give their best evidence.

Have you considered the respondent's vulnerability and mental health capacity in line with the above?

☐ Yes ☐ No

Expand below, highlighting the rationale and weighing up the vulnerability of the victims/community against the vulnerability of the respondents:

4. Before commencing proceedings, the applicant should consider whether the order to be sought should include any positive requirements for the purpose of preventing the

proposed respondent from engaging in anti-social behaviour, and if so, should identify such requirement(s) and the person(s) who should be responsible for supervising compliance.

Have you considered use of any positive requirements?

☐ Yes ☐ No

Expand below:

5. Have you considered the vulnerability of the victim, including:

- a. How the behaviour is affecting their physical and mental health;
- b. If the victim is a repeat victim;
- c. If there are children living at the address who affected by the behaviour; and
- d. Other relevant contextual factors.

☐ Yes ☐ No

Expand below:

If yes, have you considered all safeguarding concerns, including completing a full safeguarding referral form?

☐ Yes ☐ No

Expand below, including highlighting any safeguarding measures that have been put in place:

6. The respect order permits a person to be excluded from their home where the anti-social behaviour includes the use, or threatened use, of violence against other persons, or there is a significant risk of harm. Agencies should only apply for an exclusion from home in exceptional circumstances, taking into account the vulnerability of the victim and the harm being caused by the perpetrator. Agencies should also consider the vulnerability of the perpetrator, and any factors that are contributing to their behaviour. Other informal interventions or anti-social behaviour powers may be appropriate prior to applying for an exclusion from home.

If applying for an exclusion from home, have you considered all contextual factors, including the vulnerability of the victim and the perpetrator, as well as other interventions?

☐ Yes ☐ No

Expand below. It is vital that rationale is documented if seeking to exclude someone from their home:

7. Have you thought about the implications of publicising the order, in particular in relation to the youth injunction for children. Particular consideration should be given to the benefits and risks of informing the public about the order and the impact it will have on both the perpetrator and the victim?

☐ Yes ☐ No

Expand below:

Youth Injunction only

8. If the proposed respondent is under 18, consultation in relation to the proposed application should take place with the Youth Offending Team at the earliest possible stage. Consideration should also be given at an early stage as to whether or not any issues arise under the Children Act 1989 and/or the Children Act 2004.

Have you considered consulting with the Youth Offending Team as well as considering any issues arising under the Children Act 1989 and/or the Children Act 2004?

☐ Yes ☐ No

Expand below, including any details of the consultation: