

29 July 2008

Your Ref:

Our Ref: 0566/08

Mr Barry Jones
Request-968-8e41c139@whatdotheyknow.com

Force Disclosure Unit
Police Headquarters
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Dear Mr Jones

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER 0566/8

I refer to your request for information dated 30 June 2008, which was received by Strathclyde Police on same date. Your request has now been considered and on 29 July 2008, a decision was made to grant your request in full. As such, the information you have requested is detailed below.

Overview

The 'Parent Alert Scheme' aims to inform and alert parents/guardians, by letter that their child has come to the attention of the police. This scheme applies to children under 16 years of age. The letter is sent to a parent/guardian in circumstances where, although no formal police action is to be taken on that occasion, it is deemed appropriate that the parent/guardian be made aware of police involvement. It is hoped that parents/guardians will respond positively and in the interest of the child.

No more than 3 parent alert letters will be sent in respect of any child. The first letter informs the parent/guardian of the time, date and location at which police had occasion to speak with their child. It provides brief details of the circumstances in which the child was found. It confirms that the child is not the subject of any formal police action and that the letter is intended only to advise the parent/guardian of the circumstances of the incident, in order that they might respond accordingly in the interest of their child. A contact telephone number is provided should the parent/guardian have any further questions regarding the incident or letter.

Should the child again come to the police attention, a second letter might, where appropriate, be delivered to the parent/guardian. It again provides the same details as the previous letter but notes that the child has been subject of a previous letter. This letter also advises the parent/guardian that should this pattern of behaviour continue, that it may require officers to refer the matter to the Reporter of the Children's Panel for consideration of any further measures necessary. Again, telephone contact numbers are provided should the parent/guardian wish to discuss the matter further or seek additional information. Where appropriate, a drug/alcohol information package is also provided. Should a third letter be required, it invites the parent to attend a discussion, with police, regarding the child's behaviour and vulnerability.

The scheme also aims to connect children, and their families, with locally available services and diversionary opportunities, and is in line with the Scottish Government's strategy for early intervention.

i. "Please provide a list of "known disorder areas" and any documents held which relates to how these areas are decided upon."

The identification of "known disorder areas", also referred to as "hot spots", can be the result of incident and crime analysis of the area, combined with community intelligence received by police. An area might be so identified as a result of an increase in the number of incidents/crimes and/or an increase in community complaints. These areas are reviewed and amended as circumstances dictate and accordingly definitive lists are never created albeit are known by police officers working in the area.

ii. "What legislation permits for "Community Police Officers" to disturb and interfere with activity which is not criminal in nature?"

Section 17 of the Police (Scotland) Act 1967 defines the duties of Police Constables as follows:

"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"

As above it is the duty of a Police Constable to "prevent" the commission of offences. In order to achieve this aim it is necessary for Police Officers to patrol and interact with individuals in order to prevent any escalation of behaviour which might in turn become criminal in nature. It should also be considered that while the behaviour may not be criminal, it may be antisocial in nature and such behaviour might have a detrimental effect on the local community and other individuals. The provisions of the Antisocial Behaviour Etc. (Scotland) Act 2004 must then be considered.

In addition to the comments above, a Common Law duty of care also exists in relation to the care and welfare of children, particularly those found under the influence of alcohol or at locations which might make them more vulnerable.

iii. "What legislation permits the release of information to the parent concerning the whereabouts of the child?"

While it is the responsibility of the police to prevent crime, disorder and antisocial behaviour, it is also the responsibility of parent/guardian in terms of Section 1 of the Children's (Scotland) Act 1995 to:

- a) "*safeguard and promote the child's health and development and welfare*"
- b) "*to provide in a manner appropriate to the stage of development: -*
 - 1. *direction*
 - 2. *guidance**to the child*"

The disclosure of information is considered to be compatible with Section 139 of the Antisocial Behaviour Etc. (Scotland) Act 2004 in that information is provided to parents in

order to prevent any pattern of behaviour considered to be antisocial in nature or effect. The "Parental Alert Letter" provides information, which might otherwise be unknown, to the parent/guardian allowing them to provide "guidance" as per the Children's (Scotland) Act 1995. Details regarding the child's whereabouts at the time of the police contact are considered to be relevant and appropriate information to provide.

iv. "How is information concerning the contacts details of the parents provided to the "Community Police Officers"?"

Information regarding parent/guardians contact details is generally provided by the child.

v. "What legislation permits the disturbance of parents by Community Police Officers informing them of the location of their child?"

As previously mentioned in question 3, Section 1 of the Children's (Scotland) Act 1995 and Section 139 of the Antisocial Behaviour Etc. (Scotland) Act 2004 also cover the above question. You should be aware that children do not become the subject of parental alert letters where there has been no antisocial or concerning element to their behaviour. It is considered necessary that parents/guardians are made aware of any such behaviour. Also, continued behaviour or any escalation in the behaviour of the child may well result in a referral to the Scottish Children's Reporters Administration or onward referral to the Local Authority in order that measures, where appropriate, contained within the Antisocial Behaviour Etc (Scotland) Act 2004, such as Acceptable Behaviour Contracts, Unacceptable Behaviour Notices or Antisocial Behaviour Orders might be considered.

It is important that parents and guardians are aware of such activity at the earliest possible stage in order that they can offer guidance and advice to the child. Aside from children behaving in an unacceptable manner, the child's care and wellbeing is considered to be of paramount importance.

vi. "What records are kept of such incidents, for how long and for what purpose?"

Information in relation to parent alert letters is held for police purposes in paper and electronic format. This allows any escalation or increase in frequency to be monitored and addressed as appropriate. Records are destroyed when the child reaches 16 years of age.

vii. "Which local businesses have contributed cellular communication devices to this initiative?"

Your request for information has now been considered and I can advise you that Strathclyde Police does not hold any of the information requested by you. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, records are not kept of which businesses have donated mobile phones to the initiative.

By way of information, enquiries with the Glasgow North East & East Dunbartonshire Division, has revealed that approximately 2-3 mobile telephones were donated for use by local Community Police Officers in the Bishopbriggs area engaged in the old Parent Alert Scheme described in the East Dunbartonshire Antisocial Behaviour Strategy. This scheme fell in to disuse and was replaced by the current scheme involving "Parent Alert Letters".

However, you should note that Airwave radios, with telephony capability, have been standard issue to police officers throughout Strathclyde since early 2006, which would obviate any need for the use of mobile telephones.

I hope this information is helpful, however, if you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance to request a review of the decision made by the Force. Should you wish to request such a review, please write to Mrs Sheena Brennan, Disclosure Manager at the above address within 40 working days of receiving this letter.

Once informed of the Review Panel's decision, if you are still not satisfied, then you are entitled to apply to the Scottish Information Commissioner for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, telephone 01334 464610.

I would like to take this opportunity to thank you for your interest in Strathclyde Police. Should you require any further assistance concerning this matter please contact me directly on 0141 435 1216 quoting the reference number given.

Yours sincerely

Colette McFarlane
Freedom of Information Officer