

M. Sikand, **ASBOs: A Practitioners Guide to Defending Anti-Social Behaviour Orders**, LAG Books, London, 2006, £45.00 Pb, ISBN 1-903307-41-4

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This book brings a refreshingly objective, reasoned and well researched legal perspective to an arena all too often clouded by populist political rhetoric, dry official guidance documents, or impassioned academic critique (to which I stand guilty as charged). Concurring fully with the praise offered in the foreword by Edward Fitzgerald QC, I found myself immersed immediately in a cogently written, deeply engaging and informative book which exudes a standard of clarity to which all academics should aspire.

Skilfully each chapter blends extracts from pertinent legislation and case law, supported by firm sign-posting, linking commentary and acute points of critical reflection. Sikand is to be commended for incorporating Home Office sources alongside key concerns expressed by such organizations as asboconcern and the British Institute for Brain Damaged Children. On this basis, the first five chapters adeptly address the many concerns associated with ASBOs. Following an introductory outline of the context in which a number of core issues are explored including breaches, geographical variation, the lack of data on ASBO appeals, and the wide definition, Sikand moves on smoothly, in Chapter 1, to explain ASBOs and other civil remedies available. The pre-ASBO considerations explained in Chapter 2 provide a lucid insight into the process and remind readers of legal obligations with respect to data protection, consultation and disclosure. Chapters 3 and 4 address the thorny matter of hearsay and 'equality of arms' in respect of Article 6 of the European Convention on Human Rights (ECHR). These chapters also explain key legislation and rules and thus afford a solid understanding of the legal referents.

Anyone looking for a coherent explanation of the processes involved need look no further than chapters 5-9 which explore the mechanics relating to different types of ASBOs, culminating in Chapter 9 with a discussion of consequences of breach.

Chapter 5 explains stand-alone ASBOs, Chapter 6, post-conviction ASBOs, Chapter 7, terms and duration of ASBOs, and Chapter 8, written by Rajeev Thacker, explains ASBOs in the county court. As with each chapter of this guide, statutory frameworks, case law decisions and informed analyses are synthesised with great aplomb. Chapters 11 and 12 provide solid information on appeals and costs.

Chapter 10, focusing on children and young people, will be of greatest interest to readers of this journal. Written in the tone of the opening chapters, it opens with a return to the troubling issue of ASBO breaches and the consequences thereof for children and young people. This establishes strong foundations for reproducing Gil-Robles' (UN Commissioner for Human Rights, 2005) concerns in respect of stigmatisation, from which the reader is then manoeuvred through the specific issues that arise in relation to children and young people. With dexterity, Sikand explores the legal principle involved in ascertaining 'best interests of the child', outlines the obligation to safeguard children's interests in the Children Act 1989, notably section 17 on ascertaining a 'child in need' (she also explores similar obligations in respect of adults under the NHS and Community Care Act 1990 in Chapter 5), and explains the greater complexity of cases involving 'looked after children' especially the conflict of interest for local authorities in ASBO applications. An informed discussion on reporting restrictions provides an understanding of the background to lifting restrictions, whilst accounts of the role of the Youth Offending Team and court procedures add further illuminating dimensions to this chapter. Unfortunately, although a brief outline is offered, the lack of fuller engagement with Independent Support Orders (ISOs) and Parenting Orders is the only area where this chapter, and indeed the book might have been strengthened. Sikand does state that 'detailed consideration' of these 'is beyond the scope of this book' (p. 247), but, in the light of her commendable focus on the high extent of breaches, these ancillary orders, especially under-utilised ISOs, have the potential to equip children and young people with support mechanisms to alter their behaviour and thus meet the 'preventative' aspect of ASBOs she rehearses throughout.

One hundred and forty-nine pages of helpful appendices include key sections of pertinent legislation, rules and ECHR articles, and examples of forms alongside a

lengthy list of contact information for a wide range of statutory and voluntary sources. Sikand also includes a highly beneficial checklist for practitioners, and, unsurprisingly, I urge those professionals to work assiduously to ensure that the questions about their clients' needs are explored and all alternatives to ASBOs are considered fully.

The overwhelming, and indeed reassuring, aspect of this book lies in the way it underlines, despite the many misgivings about ASBOs, the way in which the legal profession is developing judgments and practice to ensure rights are upheld and due process maintained; in short, offering robust procedural safeguards against the potential excesses embedded in the legislation. Accordingly, akin to Sikand's suggestion to "instruct a criminologist" (p. 142) to challenge 'hot-spot' theories, the book underlines why academics need to engage more with the legal experts involved in the day-to-day processing of ASBO cases to inform our own work. Moreover, the book provides a firm case for much greater legal involvement, especially at the pre-ASBO stage, but, as Sikand explains there is no legal requirement and "those lawyers who are prepared to work on a *pro bono* basis are not usually welcomed by the legal authority – some have flatly refused to let lawyers be present" (p. 23).

In the light of the deficiencies she highlights in Home Office guidance (pp. 85-7), Maya Sikand is to be congratulated for this outstanding work which will be invaluable to all practitioners involved in 'defending ASBOs'. Moreover, if academics can look beyond the sub-title they will find themselves thoroughly captivated by the extracts from developing case law, statutory tests, and the informed accompanying narrative. I regard this to be crucial reading for anyone involved or interested in ASBOs.

Reference

Gil-Robles, A. (2005) *Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his Visit to the UK 4-12 November 2004*, CommDH 6. Strasbourg: Council of Europe.