

Oxbode Housing Association

Policy, Procedure and Good Practice Guidelines:

Tackling Anti Social Behaviour

INTRODUCTION

The range and scope of anti social behaviour (ASB) is a broad one, ranging from minor disputes linked to life style, to severe problems such as drug dealing and prostitution. ASB problems can be very difficult to resolve and extremely time consuming. Situations are often complicated by personal disagreements, counter claims, lack of evidence, and acts of retaliation. With this in mind, there will always be a need to exercise considerable judgement and pragmatism in progressing cases to successful conclusions.

AIMS AND OBJECTIVES

- To take effective action to assist those who are affected by or are victims of ASB.
- To effectively resolve problems and enforce the clauses within the tenancy agreement.
- To minimise the effects of ASB on the physical appearance of estates.
- To minimise the negative effects of ASB on the reputation of estates and therefore the demand for units therein.
- To be an integral part of our commitment to tenancy support, reducing conflict and where possible reaching agreed solutions to ASB.
- To offer customers the best possible service in relation to ASB by gaining their confidence, not raising expectations, being realistic, keeping them informed and working with them to resolve problems.
- Preventative work to be an integral part of the Housing Officer's role.

POLICY PRINCIPLES

The key principles to the management of cases of ASB are:

- Focus on preventative work.
- Focus on housing problems.
- 'Nip it in the bud'
- Encourage and facilitate self-help.
- Set and monitor action plans for serious cases.
- All cases are different, do not make assumptions, remain as objective as possible. It is not always as straightforward as complaint = problem = victim.
- Keep complainants informed, keeping to response timescales
- Ensure the complainant understands what our powers in the matter are, and the role of any other agencies involved.

- If we are unable to assist, state this clearly and as soon as possible. Offer advice on who can help.

RESPONSIBILITY

The Housing Officer is responsible for dealing with any incidences of ASB on their patch and deciding actions. For the more serious cases close liaison and monitoring with the Housing Manager will be necessary and the frequency of this will depend on the nature and severity of the case.

SOURCES OF REFERRAL

Notifications of ASB can come from various sources, for example; tenants of the Association and other landlords, private residents, relatives of tenants, contractors working on the scheme, schools, businesses, other professionals (for example health visitors, social workers, community mental health workers, occupational therapists, the police). All of these are valid sources and this list is not exhaustive.

The information about ASB does not necessarily have to be in writing, it can be received in the following formats;

- By letter.
- By phone.
- By interview.
- By site inspection.

ANONYMOUS INFORMATION

If information is given anonymously please action as follows:

- If by phone or in person, thank the person for drawing the matter to our attention, reassure them of total confidentiality. Let them know if the problem is an existing one and if actions are already being taken without giving specific details. (This is because if the caller cannot be identified we need to be aware that it could be the perpetrator trying to ascertain actions that the Association is taking).
- Explain the Association's course of action from the stage of the referral and if possible persuade them to give their details so that we can keep them informed and glean further information from them, to assist us in building up a better picture of the situation.
- If by letter, it may be appropriate if the ASB is severe, to investigate the complaint, despite the fact that the information has been given anonymously. Cross-reference the information with any other ASB reported for the same address/person. Discuss the problem with your Housing Manager.

STAGE ONE – ESTABLISHING IF IT IS A PROBLEM THAT WE SHOULD BE DEALING WITH

Assess at the outset if this is an ASB problem that falls into the remit of the Association to resolve. The points here to consider are;

- Is this simply a clash of life styles or morals where we should not get involved?
- Is the report to do with incidents that can only be sorted out by the police or another agency, as they do not constitute a breach of the tenancy agreement? For example, this might be people that are living in owner occupied accommodation, people living in properties that belong to other landlords.

If the problem is not the responsibility of the Association the Housing Officer must make this clear at this stage, explaining why and offering advice on who to refer to if possible.

STAGE TWO – ASSESSING THE PROBLEM AND INITIAL ACTION FOR MINOR ASB

The Housing Officer has the responsibility to assess the nature and seriousness of the ASB, and the Association's response to it. The cases should be kept under review with the Housing Manager.

Problem Assessment

ASB can range from the very minor to the very severe. At this stage the course of action must be determined by a judgement of how severe the problem is. However, what may seem a relatively minor problem can become more severe if the ASB is persistent or frequent.

The following list is intended as a guide to assessing the severity of problems:

Minor ASB

One off noise incidents
Low level occasional noise nuisance
First instance parking problems
Untidy/messy gardens/driveways
Minor problems with individual children
Minor car repairing problems
Pet fouling

Severe ASB

Substance abuse causing ASB
Drug dealing
Prostitution
Stolen goods storage
Persistent noise nuisance
Persistent major car repairs
Running a business
Severe child/youth problems
Alcohol abuse causing ASB
Threats and acts of violence
Harassment

Initial Action

1. Encourage self help where appropriate

This is a critical part of 'nipping it in the bud'.

- Outline self-help as the Associations' preferred initial option. Explain that the person may not know that their behaviour is causing a problem to others, and a friendly word may be all it takes not only to solve the problem. This can also ensure that they can continue to live as neighbours amicably.
- Explain that our involvement at an early stage can escalate matters on occasions, by putting things on an official and formal level.
- Offer to send out the 'You and Your Neighbours' leaflet and log sheets.

2. Consider if there is a definitive answer that will solve the problem NOW

- i.e. for parking disputes – are there designated spaces depicted on a plan?
- For land maintenance disputes refer to plans, use a similar approach for right of way and boundary disputes.

3. Consider tenancy support

Below is a menu of options to be used. There is no specific order, as the nature of cases will vary;

- Consider appropriate tenancy support measures in order to resolve the problem e.g. for a tenant who has rubbish on the drive, supply them with relevant LA number for special refuse collection, or arrange collection for them.
- Consider if an appointment is needed to discuss the matter further with the complainant.
- Consider if any informal discussion between the HO and the perpetrator may be the most effective course to take.
- Consider if the signing of an acceptable behaviour contract may encourage commitment from either or both parties. Ensure the ABC is amended to suit each case so that it remains relevant and personal for the person(s) signing.
- Consider mediation. If the problem is linked to a clash of lifestyles, this may be a preferred option. Mediation can be either carried out by internal means by the HO and or the HM, or you may wish to consider external mediators, if they are available. If you are unsure about mediation schemes in your area ask your Housing Manager, speak to the nearest CAB or Local Authority.
- Nuisance may be caused by a person's inability to manage a tenancy, e.g. because of dependency on drugs or alcohol, mental health problems, learning difficulties. If you think this is the case, then ask the perpetrator if they could do with some help, and refer to a relevant agency.

STAGE THREE – DEALING WITH SEVERE OR PERSISTENT PROBLEMS

1. Where problems are happening on a reasonably regular basis or are of a very serious nature, a systematic approach is required. Examples of such problems are bouts of loud music, regular parties, car speeding to and from a property, persistent car repairs, problems caused by visitors calling to

possible drug dealers or prostitutes, regular problems with gangs of children and youths, and problems caused by the possible running of a business.

2. The Association requires the officers involved to manage the problem. This means:

- Keeping in touch with the complainant, keeping them informed;
 - Keeping in touch with all other agencies involved
 - Undertaking regular reviews of the case with the Housing Manager;
 - Not allowing the case to “drift”;
 - If we are unable to help, inform the tenant as quickly as possible, with the reasons why, and advice on other options.
3. Dealing with ASBs can be a significant cause for dissatisfaction with an RSL’s performance. The objective is to be clear, supportive, informative and responsive.

4. Establishing/proving the problem and the extent of it

Following the first reports, the Housing Officer should ensure clear records of all telephone conversations are being recorded by all staff, whether on the IBS Diary or on file notes. Appendix One outlines the information required. The Housing Officer is responsible for keeping front-line staff aware of any ASB cases, and the sort of information they are required to collate.

5. Action Required

- 5.1 Thank the victims and witnesses for their information. It is extremely important that they know how much we value their information and understand that their situation is difficult and distressing. Reassure them that their information is confidential and advise them what the process will be. Give them an idea of when you will contact them next.
- 5.2 Arrange to meet with the victims to discuss the ASB. A detailed record of the problem should be made and signed where possible by the victim (refer to Appendix One for the information required). Use your judgement as to whether the self-help option is appropriate here as often in such cases the severity of the problem may render this inappropriate.
- 5.3 Decide whether or not there is a problem. Obtain a clear understanding of all the details, specifically the nature, severity, regularity of the events and their effects. Note who else witnessed the incidents, whether it was reported to the police and the incident numbers. Use the checklist as a guide to establishing this. (Appendix One)
- 5.4 If possible, contact the perpetrator in person. Consider an accompanied visit or office interview if the person could be violent. The problem should be explained to the perpetrator, the actions required to resolve the situation, and the consequences if s/he fails to do this. The type of approach you adopt will depend on your professional judgement, your knowledge of the perpetrator and their ability to manage a tenancy.

Agree a timescale for the problem to be rectified. Confirm details of the interview in writing. Put this deadline in your diary and follow it up.

If an acceptable behaviour contract could potentially be of benefit decide whether a joint visit with a Police Officer would reinforce that the specific behaviour will not be tolerated. Bear in mind that a Police visit may be intimidating for some tenants and be counter productive.

- 5.5 Develop an Action Plan which is appropriate to the case. Detail what is to be done, by whom and the timescales. Refer the case to other agencies where appropriate, and note their roles in the case. Ensure that you monitor the involvement of the other agencies, chasing up information, responses promised etc. It is the HO's responsibility to manage the case. Discuss the Plan with the Housing Manager, and then show the victim.
- 5.6 Diary sheets (Appendix Three) must be given to the victim/witnesses in all serious cases. Where there are questions and doubts about the circumstances surrounding the case it must be explained that the diary sheets will help us to build up an accurate picture of the ASB and the effects that it is having on the community or household affected. In such cases, clearly agree a time scale for monitoring and keep a diary record of this, to ensure that you ask for the sheets back at the set time. These sheets are extremely important and must be completed correctly. If they show the evidence to be relevant they can be used to form statements if required at a later date. It is important that the standard diary sheet is used and the guidelines discussed with the victim/witness. Always send out a good supply of the sheets so that an ongoing record can be made, also sheets often get passed to other victims. Set a reasonable time scale for the initial monitoring of the problem if required and confirm this to the victim when you send out the sheets.
- 5.7 If the perpetrator does not remedy the problem, find out why. If there is no reasonable explanation, issue a Notice of Seeking Possession, in consultation with the Housing Manager.
- 5.8 If the behaviour still persists, discuss the case with the Housing Manager. Critical to this stage is the decision whether there is enough evidence to have a reasonable chance of success in court. The Housing Manager will decide whether to proceed with a court case, following consultation with a solicitor.
- 5.9 **Other solutions:**
 - Obtain an emergency injunction within 24 hours (for use in severe cases).
 - Immediate service of NSP (usually only where a firm case has been established and this will be sufficient to be upheld in court). In such circumstances often the case can be entered for court the next day, refer to your solicitor).

- Consider applying for a Demoted Tenancy Order. Approval from Housing Manager, Chief Executive and Chair of Housing Manager committee must be sought before application to the court.
- Consider a transfer – but see Appendix Two.
- Set up mediation with a relevant suitable agency; if there is no one in the area use internal mediation where appropriate.
- Obtain further evidence to establish a case. This will mean the following actions being made in isolation or in combinations;
 1. Establish if witnesses or victims living in the area are prepared to give witness statements and attend court.
 2. Establish if an other witnesses are prepared to give statements and attend court, i.e. the police, environmental health, school teachers, social services, staff, contractors etc. (particularly important here is working with the police to establish any incidents and/or convictions that have arisen.)

Refer to the Safer Estates Protocol (Appendix Three)

If you have established that the Association will need statements, refer to the solicitor to arrange these to be taken.

- Consider what support and advice we can give to witnesses and/or victims. For this, liaison with the police will be essential. Also consider victim support groups, and any other agencies such as Age Concern. It is worth checking with the local CAB or Local Authority Offices for information on local voluntary groups that may be able to offer support. Consider the use of professional witnesses in serious and severe cases. Refer to the solicitor and the Housing Manager for guidance on this.
- 5.10 The action plan must be monitored and reviewed regularly with the Housing Manager and the solicitor.
 - 5.11 Ensure that you regularly liaise with the victims/witnesses to keep them apprised of the situation.
 - 5.12 Ensure that diary sheets where relevant are continually kept.
 - 5.13 Ensure that a record of all actions is kept up to date on the IBS system.

Information to note when recording nuisance complaints

- Make a note of all telephone and personal conversations. Ensure that the contents of the diary note/file note record as accurately as possible the detail of the conversation. Avoid subjective comment, but where it is unavoidable, always qualify it. For example, "Mr Smith appeared to be drunk; I could smell alcohol and his speech was slurred".
- Always remember that a diary note or file note could be used in court. Therefore it has to be clear, concise, relevant and objective.
- Confirm all agreements with all parties in writing. Make a note of the date and time a referral was made to another agency, and the name of the person accepting the referral.

Information to note when interviewing victims and witnesses

Be as specific as possible, always noting:

- Date
- Time
- Duration of incident
- Location
- Who was involved
- Who is the perpetrator
- What words were used
- What actions were taken, and by whom
- Record any details such as car registration numbers
- Where any photographs taken
- Any response/retaliation made
- The effect on the victim
- Details of police involvement and incident numbers, actions taken etc.

Confirm the record of the visit in writing, asking the victim or witness to sign the document as a true record.

If there is physical evidence of the incident, e.g., graffiti, take photographs

The Use of Transfers in ASB Cases

- In many difficult neighbour disputes, an easy course of action may appear to be offering a transfer to one of the parties involved. This gives rise to many issues; it is "easy" for the housing association as it moves the problem. However, it could be seen as rewarding the complainant (a quick way to get a transfer) or ducking the issue. In addition, it will cause upheaval and expense for one of the parties. We should avoid at all costs the use of transfers where it appears to reward those whose behaviour is offensive e.g. an owner-occupier forcing a tenant off a private estate.
- It is best practice to investigate all complaints thoroughly. Officers should ensure that allegations of nuisance by neighbours are not in fact a disguised transfer request. The best course of action can then be discussed, examining the causes of the problem and thereby arriving at the most effective solutions.
- Transfers can be useful where a tenant is being victimised or threatened with violence. The need to move a vulnerable person quickly may involve approaches to other housing organisations to find temporary or permanent accommodation.
- Where other methods have appeared to fail and the dispute is ongoing, perhaps to the detriment of the health of the tenants, then the housing officer may want to consider them for a transfer. The tenants will have to complete a transfer form and will be dealt with in accordance with Gloucester City Council's policy.

APPENDIX 3

OXBODE HOUSING ASSOCIATION

DIARY OF INCIDENTS

It is essential for you to keep an accurate record of any incidents of nuisance. This is necessary as a basis for legal action.

DATE	TIME START- FINISH	NATURE OF INCIDENT	WAS ANY ACTION TAKEN BY YOU	GIVE DETAILS OF ANY WITNESSESS	POLICE INCIDENT NUMBER(S)

