

New

Revision



## Tenancy & Estate Management

### Anti-social Behaviour Policy & Procedure

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<b>Scope:</b>	This policy applies to <u>all</u> members and operating business units of The Hyde Group including: <ul style="list-style-type: none"><li>• Hyde South East</li><li>• Hyde Community Businesses</li><li>• Hyde Martlet</li><li>• <i>intouch</i></li><li>• Minster General Housing Association</li></ul>
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<b>KLOE:</b>	Landlord Services: Tenancy & Estate Management: Estate Management (July 2007)
<b>Relevant Statute:</b>	<ul style="list-style-type: none"><li>• Anti-social Behaviour Act 2003</li><li>• The Crime and Disorder Act 1998</li><li>• Housing Act 1996</li></ul>
<b>Regulatory Code:</b>	3.5: Housing associations must provide good-quality housing services for residents and prospective residents.
<b>Consultation:</b>	Staff: Respect Standard Strategy Group (RSSG), Housing Operations Group (HOPS) and OBU Housing Management Teams Residents: Customer Consultation Programme

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# Anti-social Behaviour Policy

## 1 Scope

1.1 This policy applies to all members and operating business units of The Hyde Group including:

- Hyde South East
- Hyde Community Businesses
- Hyde Martlet
- *intouch*
- Minster General Housing Association

1.2 It applies to all residents and service users of The Hyde Group including tenants, leaseholders and shared owners.

1.3 The policy provides that:

- We will respond to complaints of anti-social behaviour (ASB) from whatever source if it is alleged that our residents, or members of their families, are perpetrators of ASB;
- We are committed to finding ways of acting with and on behalf of our residents who experience ASB caused by people who are not our tenants; and
- We will provide a range of measures designed to prevent ASB.

## 2 Definitions

2.1 This policy and associated procedure is designed to deal with ASB that directly affects the housing management functions of the members of The Hyde Group, as a 'relevant landlord', and as defined by and incorporated into Sections 153A and 153B of the Housing Act 1996 by Section 12 of the Anti-Social Behaviour Act 2003:

- *“conduct which is capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions of a relevant landlord”*; or
- *“conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose”*.

2.2 The term is used to describe actions that unreasonably interfere with or could interfere with an occupier's normal use and enjoyment of their home, garden or neighbourhood. The definition extends to behaviour that can create a nuisance or annoyance for another person connected with the property, including Hyde staff and contractors.

## 3 Policy Statement

### General Statement

3.1 This policy and associated procedure sets out our approach to tackling ASB, through prevention, enforcement and support. Its purpose is to minimise the amount of ASB that our residents and service users suffer, which impacts adversely on our communities.

- 3.2 This policy sets out what we expect from our residents and service users and what they can expect from us to protect their right to peaceful enjoyment of their home and their community.
- 3.3 The Hyde Group accepts that:
- Everyone has the right to their chosen lifestyle providing this does not spoil the quality of life of others. This implies tolerance, consideration and respect for the requirements and needs of others;
  - The Hyde Group has a role as landlord in ensuring that such rights and obligations are realised in individual cases; and
  - The Local Authority and Police Authority have a larger role within the arena of the public interest to promote and protect the interests of those living within their boundaries.
- 3.4 The Hyde Group will demonstrate by its actions that it will not tolerate ASB. We will make this absolutely clear to our residents and service users and to any person who is seeking a tenancy or lease.

### **Resident's Responsibilities**

- 3.5 We expect our residents to show consideration to their neighbours and their community, and not to commit, or allow their family or visitors to commit acts of ASB. This includes harassment, noise nuisance, annoyance or disturbance, whether to other residents, their visitors or other people in the area, such as our staff and contractors.
- 3.6 In addition to the legal responsibilities set-out in their tenancy agreement or lease, we will encourage all residents to:
- Report all incidents of ASB, harassment and domestic abuse.
  - Report all crimes, including threats or acts of violence, to the Police.
  - Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner, for example via a local mediation service.
  - Respect other peoples' right to their chosen lifestyle and everyday reasonable level of disturbance. Examples may include food smells, babies crying at night or religious practices.
  - Work with us to resolve disputes/issues, for example by providing witness statements, attending court etc.

### **Action to Deal Effectively with ASB**

- 3.7 Our response to proven allegations of ASB will be proportionate and appropriate and will address ASB through effective:
- Preventative action
  - Early intervention
  - Provision of support and advice for those reporting ASB and witnesses
  - Legal action against perpetrators (whether by us or another agency)
  - Provision of support for perpetrators
- 3.8 Except in very serious cases, our initial intervention will aim to stop the problem behaviour, prevent re-occurrence and achieve effective and long-lasting solutions.

- 3.9 We aim to provide a balanced approach between protecting the quiet enjoyment of the community with helping individuals to sustain their tenancies by addressing the ASB.

### **Re-housing Victims of ASB**

- 3.10 As far as possible action will be taken against a perpetrator of ASB to stop the behaviour, rather than moving the person/s affected by it. Where the resident wants to leave their home, we will support requests for re-housing if we are satisfied that it is reasonable and necessary to protect the victim or witness.

### **Non-Legal Remedies**

- 3.11 We believe that in many incidences ASB can be stopped when challenged early enough. Wherever possible we will use non-legal intervention measures.

### **Legal Action**

- 3.12 Where the case is either serious and/or criminal or other intervention has failed to stop or prevent persistent ASB, we may pursue legal action. We will evict perpetrators only as a last resort or where there is serious risk to others. The options taken will vary depending on:

- The type of behaviour and its impact on others;
- The age of the perpetrator;
- Any vulnerability or disability of the perpetrator;
- Whether the perpetrator is a resident or non-resident;
- Willingness of the perpetrator to engage with support/intervention packages offered; and
- The evidence we have to support the case.

- 3.13 Criminal cases will be referred to the Police to deal with. Where the individual who reports ASB wishes to pursue their own action to resolve a problem of ASB and we feel there is sufficient evidence to do so, we will provide advice and support to assist them.

### **Partnership Working**

- 3.14 The Hyde Group will adopt a multi-agency approach to tackling ASB to benefit from sharing of expertise and resources, including feeding back on the effectiveness of services and working towards solutions to specific area issues. We will work in partnership with statutory organisations, partnering agents, community groups, professional bodies and other stakeholders to support individuals who report ASB, witnesses and perpetrators' and to manage behaviour. We will work in partnership at a strategic and operational level.

### **Support for Complainants and Witnesses**

- 3.15 We aim to create sustainable communities and an environment where victims and witnesses feel confident and safe in coming forward to report ASB. We will provide support to the person reporting ASB and witnesses both to ensure their own well-being and that action against perpetrators is as successful as possible. We will support complainants of ASB by:

- Dealing with their reports promptly;
- Involving them in discussions about the action plan to resolve their issue;
- Keeping them informed of any developments; and
- Referring them to appropriate support services where necessary.

- 3.16 Generally we would wish to obtain agreement with complainants about the particular actions to be followed. There may be occasions where the complainant would wish that Hyde take no specific action on their report. The situation may however be serious enough that we feel we have little option but to pursue the issue against their wishes. In such circumstances we will take appropriate measures to protect all those affected. On the other hand a complainant may wish us to take an action against an alleged perpetrator that we consider is not proportionate to the alleged incident. In such a case we may decide to follow a different course of action. We will always communicate and make the complainant aware of our proposed action plan.
- 3.17 Active and serious engagement with witnesses is critical to the success of this service, which relies significantly on the courage and tenacity of individuals living under threat and at the centre of the anti-social activity. We will support residents by:
- Providing good, regular and up-to-date information on the progress of cases; and
  - Building their confidence and capacity to act as witnesses.
- 3.18 We are committed to resolving reports of ASB, and will endeavour to be realistic and to strike a balance between establishing reasonable optimism and avoiding unreasonable expectations. We will work closely with the police to ensure that appropriate support is provided to prevent harassment of the complainant or witnesses.

## 4 Respect Standard

- 4.1 The Hyde Group is committed to working towards the standards and core commitments of the Government's Respect Standards for Housing Management:
- We aim to demonstrate and communicate to residents and the wider community our commitment to tackling ASB and promoting a culture of respect.
  - We will use our best endeavours and work with our partners to prevent ASB from occurring and addressing problems quickly where it does.
  - We will always aim to provide customers with the support and information tailored to individual needs to ensure they feel safe and secure in their home and neighbourhood. Also to enable them to co-operate with confidence in any enforcement measures, without fear of the legal process or possible reprisals.
  - Wherever possible and appropriate we will take a multi-agency approach to preventing, deterring and resolving ASB and rehabilitating perpetrators.

## 5 Service Standards

- 5.1 We aim to provide clear information to residents about how to report incidents of ASB and provide a wide variety of ways to report incidents.
- 5.2 We will respond to incidents of ASB and offer to interview individuals reporting ASB either by telephone or face-to-face, in accordance with the severity of the case:
- Category A: High risk – Respond and offer an interview to take place within 1 working day
  - Category B: Medium risk – Respond and offer an interview to take place within 5 working days

- Category C: Lower risk – Respond and offer an interview to take place within 10 working days

5.3 We aim to deal quickly and effectively with all cases to resolve them at the earliest opportunity. We will record anonymous reports, but only take action if the ASB can be substantiated either by staff or where additional evidence can be gained.

5.4 All parties in an ASB case will be treated fairly and listened to on an equal basis. Counter allegations will be treated as separate cases and action will be taken based on the evidence available.

## **6 Monitoring and Review**

6.1 Line Managers of Case Officers will regularly monitor each case of ASB; provide appropriate advice and support to those officers, ensuring that they receive appropriate training; and ensure that all cases are appropriately recorded and dealt with in line with detailed operating procedures.

6.2 We will benchmark performance with other organisations and will provide regular summary reports to the Executive Management Team, Senior Management Forum and Hydewide Residents' Eye on the volume, progress of reports of ASB, action taken and case outcomes, together with an analysis of resident satisfaction in the provision of the service to residents.

6.3 This policy will be reviewed at least every two years and updated to reflect any changes to corporate/customer requirements and targets; and the law.

6.4 The Respect Standard Strategy Group (RSSG) will be consulted on any proposed changes to this policy. We will use customer feedback to inform reviews and recommend changes to this policy document at any time.

6.5 The Service Transformation Group will approve this document and any substantial changes to it.

## **7 Equality and Diversity**

7.1 An Equality Impact Assessment has been carried out based on the resident profiling information we currently hold. This policy is not deemed to adversely impact on anyone on the grounds of age, disability, ethnicity or gender. We will continue to review this as part of the on-going monitoring process.

## **8 Training**

8.1 We are committed to ensuring staff have the confidence and knowledge to identify and investigate incidents and reports of ASB. All relevant staff will receive an induction into ASB and access to up-to-date ASB information. Letter templates have been introduced as part of an ASB Toolkit to assist staff who wish to use them.

## **9 Publicising the Policy**

9.1 The Hyde Group will publicise its policies and procedures on ASB to residents and staff in a number of ways:

- Tenancy Agreement
- Residents Handbook
- Leaflets
- Residents Newsletters
- Residents Website
- Hyde-wide Intranet
- Policy Briefings
- Training

9.2 We will publicise ASB cases where we feel it will have a positive effect (justifiable, proportionate and necessary). This may be via the use of newsletter, leaflets or local media.

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# Anti-social Behaviour Procedure

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<p><b>Connected Policies:</b></p>	<p>This policy and associated procedure should be read in conjunction with separate policies and procedures for dealing with Racist Incidents and Domestic Violence.</p> <p>In applying this policy and associated procedure, we will give due consideration to other policies and strategies that may have a direct or indirect bearing upon this document. These other documents will include, but are not necessarily limited to:</p> <ul style="list-style-type: none"> <li>• Domestic Abuse Policy</li> <li>• Harassment (Racial Harassment &amp; Hate Crime) Policy</li> <li>• Abandoned Vehicles Policy</li> <li>• Allocations Policy</li> <li>• Complaints Policy</li> <li>• Customer Care Charter</li> <li>• CCTV Policy</li> <li>• Lone Working Policy</li> <li>• Equality &amp; Diversity Strategy</li> </ul>
<p><b>Forms and Letters:</b></p>	<p>Refer to ASB Toolkit</p>
<p><b>Leaflets:</b></p>	<ul style="list-style-type: none"> <li>• ASB Policy &amp; Procedure Summary Statement</li> <li>• Resolving Neighbour Disputes</li> <li>• Local leaflets on Community Safety Partnerships, Mediation Services, Noise Nuisance etc.</li> </ul>

## 1 Receiving a Report of Anti-social Behaviour (ASB)

- 1.1 Reports of ASB can be made by telephone, in writing, in person or via the residents' website. Reports will be accepted by any Officer from any service user, either directly or via a third party such as the Police, Social Services etc.
- 1.2 We will accept a report of ASB if it affects our housing management function and/or either the complainant/victim/witness **and/or** the alleged perpetrator are our service users. Reports of incidents from non-service users about non-service users will be referred to the appropriate partner agency.
- 1.3 Initial details will be recorded (an example is the ASB Initial Report **[ASB1]** Form, which is also available as an email template). A copy of the record will also be provided to the complainant if requested.
- 1.4 The Officer receiving the complaint will reassure the complainant/victim/witness that:
  - Their case will be investigated;
  - Help and support is available; and
  - All information provided will be treated as confidential.
- 1.5 The details will be passed to the Case Officer within one working day.
- 1.6 Where a crime has been committed the Officer will advise the victim to report the crime to the Police.
- 1.7 Where we have a duty to pass information to a statutory agency such as the Police or Social Services, for example where a child is at risk, the Case Officer will inform the individual that we will be speaking directly to the relevant agency giving full details of the situation.

### A Complaints from a Third Party

- 1.8 Where a report is made via a third party no information on the individual's circumstances will be given without confirmation of consent gained from that individual or in line with Local Information Sharing Protocols.
- 1.9 Officers will ask if direct contact can be made with the person who they are reporting on behalf of.
- 1.10 *If the third party is unwilling to pass on the details of the victim or has concerns about direct contact being made with this person, the Officer will explain the limitations it imposes on investigating the ASB and agreeing on a form of action.*

### B Anonymous Complaints

- 1.11 Where a person reporting ASB wants to remain anonymous the Officer dealing with the report will:
  - Reassure them that if they do reveal their identity that we will not inform the alleged perpetrator without their permission;
  - Gain as much information as possible on the ASB; and

- Discuss the action we can take in tackling ASB, including help and support that can be provided.

1.12 *If the victim still wishes to remain anonymous, the Officer will explain the limitations it imposes on investigating the ASB and agreeing on a form of action.*

1.13 All anonymous reports of ASB must be recorded by the Officer receiving the complaint.

## 2 Multiple Types of ASB

2.1 Multiple complaints received about the same incident will be recorded as one case with one case file. Where more than one ASB type is reported within the same case, the higher category type will be recorded. If a case escalates to a higher category, the ASB type will be amended to reflect the new category.

## 3 Recording and Responding to the Incident

3.1 Once the Case Officer receives a report of ASB they will assess the risk of the case according to the likelihood of the incident re-occurring and potential seriousness of the possible outcome.

3.2 The risk assessment will be based on:

- The information provided;
- The information we hold on the person reporting the incident;
- The information we hold on the alleged perpetrator; and
- Any additional information obtained via partnership forums or other agencies.

3.3 All incidents of ASB reported to us must be logged onto the ASB database and a Case File created in a blue wallet for easy recognition.

### A Category A

3.4 **Category A is ASB that directly impacts on an individual or household and is likely to result in further damage, abuse or violence:**

- Racial Harassment/Hate Crime [[REFER to Racial Harassment and Hate Crime Policy](#)]
- Domestic Abuse [[REFER to Domestic Abuse Policy](#)]
- Assault
- Arson or attempted arson
- Gang, knife and gun crime
- Sexual offences

### B Category B

3.5 **Category B is ASB which has a direct impact on an individual or household:**

- Verbal abuse, threats, harassment and intimidation
- Drug use and dealing and solvent abuse.
- Prostitution
- Misuse of communal areas/public space or loitering (including youth disorder)

- Rowdy behaviour/drunkenness
- Burglary
- Unsanitary conditions
- Criminal damage (including graffiti and vandalism) (Personal)
- Bullying
- Noisy neighbours
- Pet and/or animal nuisance

## C Category C

### 3.6 Category C is ASB which is “non personal” and can effect the environment:

- Car damage and theft from cars
- Nuisance vehicles and car repairs
- Abandoned vehicles
- Boundary and garden disputes
- Dumped rubbish or fly-tipping
- Criminal damage (including graffiti and vandalism) (Non-personal)

## 4 Agreeing Initial Action

### A Immediate Resolution

- 4.1 Some cases can be resolved immediately by agreeing a course of action, e.g. arranging for the removal of graffiti or an abandoned vehicle etc.
- 4.2 Where possible the complainant will be encouraged to discuss the matter with the alleged perpetrator directly and advice on approaching a neighbour and reaching a mutually agreed solution will be given by the Officer. It is important that the person feels comfortable in taking this approach and recognises the positive long-term benefits in having an amicable relationship with the other person. This course of action will not be suggested where there is a history of violence or threats known to us or the victim.

### B Immediate Action

- 4.3 The Case Officer will send a written acknowledgement, summarising the ASB and agreed initial action (and example is the **[ASBL1]** standard letter). If a written acknowledgement is considered inappropriate, the reasons will be documented and recorded as “verbal acknowledgement” or “N/A” accordingly.
- 4.4 Where appropriate the Officer dealing with the case may also:
- Issue an ASB incident diary booklet;
  - Survey the damage or raise a repair; or
  - Liaise with other agencies

### C Investigating the Case

- 4.5 The Case Officer will document all details of the investigation [\[REFER to ASB Toolkit for guidance and good practice examples\]](#).

## D Interviewing Victims and Witnesses

### Arranging the Interview

- 4.6 The person reporting ASB will be offered the opportunity of an interview, this may be over the telephone, face to face at their home or at the office, which ever is more convenient for the victim. The Case Officer will aim to do this within the following timescales:
- Category A – 1 working day
  - Category B – 5 working days
  - Category C – 10 working days
- 4.7 An interview outside of these timescales can be agreed at the complainant's convenience only.
- 4.8 The Case Officer will also consider anyone else who needs to be included such as an advocate or friends and whether there are any other support needs to be catered for (e.g. disability, languages etc.) Younger family members will not be used to provide interpretation for cases of ASB which include any sensitive information.

### During the Interview

- 4.9 The Case Officer will record all details of the interview (an example is the Interview Record Form [ASB2] which should include:
- What the problem is
  - When and how frequently it has happened
  - Who is affected and how
  - Names and addresses of any witnesses
  - Names and details of perpetrators, or description if not known
  - Why they believe the ASB happens
  - Establish if any action has been taken already and by whom
  - What action they want to see taken, obtaining permission to approach the alleged perpetrator
  - Any additional support that can be offered to the individual: see Supporting Victims and Witnesses
  - Clear guidance as to what information they are happy with being disclosed during the investigation
- 4.10 Where there has been no success in contacting the victim to arrange an interview, a letter will be sent by the Case Officer outlining action that can be taken, including contact details of the officer dealing with the case, stating if there is no response within five working days, the case will be closed.

## E Agreeing an Action Plan and Case Review Date

- 4.11 During the interview the Case Officer will discuss all options to agree actions.
- 4.12 It is important to be clear about the options, their likely impact and any limitations to ensure the individual has a full understanding.

4.13 The agreed actions will be listed and documented (this constitutes the Action Plan) and will include where relevant:

- An assessment if there is any risk to the victim and/or their family and measures needed to meet any issues identified (e.g. security devices, increased security on the property);
- A check for support needs and agreeing with the victim how these will be met;
- A request for any necessary repairs which will be monitored to completion;
- Photographs of damage which can be used as evidence when and where appropriate;
- Details of how to complete and when and where to return any Incident Diary sheets that are issued; and
- A “case review” date, which will be set depending on nature and frequency of the incidents, this will be generally two weeks (maximum eight weeks).

4.14 At the end of the interview, the Case Officer will clarify the details noted and confirm in writing within five working days.

## 5 Interviewing the Alleged Perpetrator

### Arranging the Interview

- 5.1 If the alleged perpetrator is a Hyde Group tenant, or a member of their household or visitor, the person interviewed will be the tenant of the property, who will be reminded that they are responsible for the behaviour of other members of their household or visitors.
- 5.2 If the alleged perpetrator is a tenant of another landlord, a member of their household or visitor, attempts will be made to contact the other landlord prior to interview.
- 5.3 If the alleged perpetrator is neither of the above, or unknown, the status will be sought during the interview.
- 5.4 Before the interview it is important to have carried out a risk assessment on the person. This will be based on the information provided by victims and witnesses, any other information held by Hyde. Consideration will be given as to:
- Whether a second member of staff or support worker will be present;
  - The location of the interview;
  - Whether there are any other support needs to be catered for (disability, languages etc.);
  - The level of information the victim or witness has agreed can be discussed and whether they want to be identified; and
  - Who else will be attending the interview with the alleged perpetrator (at their request).
- 5.5 Where a high risk is assessed in respect of criminal behaviour, including any reported gun or knife crime the Officer must seek advice from the Police and/or specialist agency on safety issues and measures before interviewing the alleged perpetrator.

### During the Interview

- 5.6 The Case Officer will record information (an example is the Interview Record Form **[ASB3]**) informing the alleged perpetrator that the purpose of the interview is to:
- Make them aware of the allegation and any supporting evidence;
  - Listen and document their version of events;

- Discussion any options to resolve such as support or practical changes; and
- Make them aware of the “case review date” if appropriate.

5.7 The alleged perpetrator will be made aware of the action plan, which may need reviewing based on the alleged perpetrator’s response, level of evidence and severity of the ASB.

5.8 Where there are counter allegations, a new case will be opened and handled by the same Officer.

5.9 At the end of the interview, the Case Officer will clarify the details noted and confirm in writing within five working days.

## 6 Alleged Perpetrator Unknown

6.1 The Case Officer will work closely with the victim and any witnesses to identify the alleged perpetrator and be proactive in gathering evidence to identify them.

6.2 The Officer could consider one or more of the following ways to identify the person:

- Approach other people in the location who may be affected by the behaviour or were possible witnesses;
- Gaining a description of the perpetrator;
- Sharing information in the multi agency forums; or
- Existing CCTV footage in the area.

## 7 Evidence Gathering

7.1 It is important to gather evidence as soon as possible as peoples' memories fade and can become influenced by third parties, and physical evidence may deteriorate. The Case Officer should aim to collect the widest variety of evidence for the case which:

- Is appropriate and relevant;
- Is cost-effective; and
- Respects confidentiality

7.2 There are a number of different ways to gather evidence depending on details of the case including:

- Witness statements
- Information from other agencies
- Incident Diary sheets
- CCTV
- Supporting witnesses
- Expert witness
- Hearsay evidence

## 8 Partnership Working

8.1 Where local partnership protocols are in place for dealing with relevant agencies these will be followed.

- 8.2 Multi-agency partnership working will be encouraged as it can often increase the success in resolving the behavioural issues through providing individual support using the different agencies expertise and resources, and sharing evidence.
- 8.3 Case conferences can be held for either the victim or alleged perpetrator where the Case Officer is aware that:
- Other agencies are already involved;
  - They may hold relevant information that would be of use in taking legal action or pursuing other options;
  - They have tools /powers not available to us;
  - They are able to offer support and advice that will prevent or reduce further incidents of ASB; or
  - It is necessary in order to “prevent or detect crime and disorder” and/or “protect public safety” and there is no less intrusive way to achieve this.
- 8.4 Where the case will be dealt with in partnership with another agency the Case Officer will establish who is responsible for each aspect of the case management including responsibility for:
- Funding any expenditure;
  - The type of action is appropriate and by whom it will be taken;
  - Ensuring residents are up-dated on any progress made;
  - Monitoring and evaluating the effectiveness of the action(s) taken; and
  - Agreeing action plans and ensuring their implementation.
- 8.5 Where there is no protocol or these points are not covered, the Officer will agree this with the agencies involved and document the agreed responsibilities.

## 9 Action to Deal with ASB

- 9.1 When considering what action to take to tackle the ASB the Case Officer must consider what is reasonable and appropriate, and consider all other agencies resources and action.

### A Non-Legal Remedies (see ASB Toolkit)

- 9.2 For details of legal and non-legal remedies, the agencies who conduct them and the type of ASB they are used for see:

#### **Toolkit section: Non-legal remedies**

The section includes:

- Acceptable Behaviour Agreements/Contracts (ABA/C)
- Mediation
- Restorative justice
- Support services/family intervention
- Referral to multi-agency panels
- Parenting agreement/contracts
- Warning letters
- Diversionary schemes

- Good Neighbour Agreements

### Temporary accommodation and transfers

- 9.3 Where possible we aim to keep the resident within their own home, however where the person is at risk remaining in their home the Officer will discuss options for relocating to temporary accommodation or applying for a transfer in line with the Group's policies and procedures.

## B Legal Action (see ASB Toolkit)

- 9.4 When taking legal action the Case Officer must agree with their Line Manager and demonstrate that they have already tried non-legal remedies, unless anyone involved is at risk (e.g. violence or threat of violence).

### Toolkit section: Legal remedies

The section includes:

- Notice of Seeking Possession
- Possession
- Undertaking in Court
- Demotion
- Injunctions
- Parenting Order
- ASBO
- Eviction
- Other legal housing actions

## 10 Keeping Complainants Informed

- 10.1 Communication will be maintained and documented with all parties throughout the case informing them of:

- Action taken and any outcomes;
- Any changes in staff dealing with the case;
- any new initiatives or actions that can be used; and
- Case progress within five working days of the "case review" date (an example is the **[ASBL2a standard letter]**).

- 10.2 Where there have been no further incidents reported, the Case Progress letter will include a request for contact to be made within five working days otherwise we can only assume the situation has settled down and there have been no further incidents and the case closed, an example is the **[ASBL2c standard letter]**. This letter will be sent by the Case Officer.

## 11 Vulnerable Complainants, Witnesses or Perpetrators

- 11.1 In all cases, the Case Officer will consider the support needs and vulnerability of the person reporting the incident, any witnesses and the person responsible for the ASB before agreeing the appropriate course of action.

11.2 The Case Officer will seek to arrange support for vulnerable residents and consider options on an individual basis. These may include (but are not limited to):

- Providing interpreters, translating documents, supplying dictaphones, accepting diary sheets in other languages/formats.
- Facilitating health and mobility needs including mental health and learning disabilities.
- Inviting and encouraging participation by any person providing support for the individual.

11.3 To demonstrate we have considered the needs of the alleged perpetrators and that we are acting reasonably, the Case Officer will complete the “DDA Considerations” form **[ASBDDA]**.

## 12 Support for Victims and Witnesses

12.1 The Case Officer will ensure the following support is offered to the person reporting the ASB and any witnesses to ensure their own well-being and that any action taken against the perpetrator is as successful as possible **[REFER TO TOOLKIT Victim/Witness Support Contact List]**:

- Communicate regularly with the individual that experienced the ASB and any witnesses;
- Where appropriate and where the individual agrees, refer to a support agency
- Deal with reports of ASB promptly;
- Treat those who report ASB and witnesses sympathetically and sensitively;
- Issue diary sheets **[ASBDIARY]** (or other appropriate means of recording) to record future incidents;
- Agree a Case Review Date
- Help to prevent intimidation e.g. through working with the Police and other agencies;
- Offer to arrange a familiarisation visit to the courts and meet expenses for attendance at court;
- In very serious cases, it may be necessary to re-house residents, either temporarily or permanently (refer to 9.3);
- Aim to carry out interviews in a neutral place where requested; and
- Where residents’ expectations are unrealistic, help them to better understand what we may realistically achieve.

## 13 Closing the Case

13.1 A case can be closed in the following circumstances:

- In agreement with the victim or witness;
- Where there have been no further incidents for three months;
- Where the victim or witness has failed to respond within five working days to requests for updates;
- All reasonable action has been taken to resolve the matter;
- The victim has not co-operated; or
- There is no evidence to support the allegations.

13.2 When closing a case, all parties will be informed in writing where appropriate, within five working days and whenever possible, via telephone, examples are the **[ASBL9a]** and **[ASBL9b standard letters]**. The following information must be included in the letter:

- The reason for closing the case;

- An acknowledgement of the discussion regarding closing the case;
- Enclosing a Customer Satisfaction Form to the complainants (see 14.1)

13.3 Where mediation has taken place, the Case Officer will be allowed a further period to monitor and evaluate the case. The length of time for review is usually dependant on the course of mediation undertaken by parties involved. Parties will be contacted individually by the investigating officer to confirm the case is now closed. These cases can be closed in the following circumstances:

- Agreement between both parties
- Where there have been no further incidents for three months.

## 14 Customer Satisfaction

14.1 An ASB Customer Satisfaction Form **[ASBSAT]** will be enclosed with a pre-paid return envelope with all case closed letters. Where it is not appropriate to send a satisfaction form, the reasons must be documented (for example where the correspondence address is unsafe).

## 15 Case Studies and Lessons Learnt

15.1 It is important we continue to learn from our experiences and share these with colleagues. A brief summary of unique cases will be prepared in agreement and consultation with the Line Manager on the **[ASBFEEDBACK]** Form and made available within the ASB Resource Library area of the intranet.

## 16 Monitoring

16.1 The Officer receiving the report and Case Officer dealing with the complaint will record and monitor the extent and type of ASB in order to:

- Establish the scale and type of the problem;
- Develop effective strategies;
- Target resources;
- Develop effective performance measures; and
- Gather intelligence that supports decisions and evaluate subsequent action.

## 17 Publicity

17.1 Hyde is committed to tackling ASB and we will use all the tools and powers available to work towards improving the lives and communities of our residents. Raising awareness of our tough stance on ASB by promoting our approach to tackling and preventing ASB will improve residents' confidence in our ability to deal effectively with it.

17.2 Across the Group, local offices will publicise success cases, examples can include local mediation intervention, injunctions, possession orders and crack house closures. In all cases we will respect resident anonymity and be sensitive to the effect of any personal detail disclosure.

17.3 The level and scope of any publicity will always be proportionate. As a general rule court outcome letters from injunctions and possession orders will only be publicised to direct

complainants involved in the case. However, if wider prohibitions are imposed then a letter stating such restrictions can be sent to those concerned, for example residents living within a designated exclusion zone. In both these situations the names of the perpetrators can be included. Staff wishing to publicise more generally through quarterly newsletters and magazine publications for example, will be required to remove all names and personal details relevant to the case to avoid identification.

## 18 Appendices

### Appendix A – What is and is not ASB?

1 Examples of ASB include (but are not limited to):

- Abandoned vehicles
- Arson or attempted arson
- Assault
- Boundary and garden disputes
- Bullying
- Burglary
- Car damage and theft
- Criminal damage (including graffiti and vandalism)
- Domestic abuse
- Drug use and dealing and substance abuse
- Dumped rubbish and fly-tipping
- Gang, knife and gun crime
- Misuse of communal areas and public space or loitering (including youth disorder)
- Noisy neighbours
- Nuisance vehicles and car repairs
- Pet and animal nuisance
- Prostitution
- Racial harassment and hate crime
- Rowdy behaviour and drunkenness
- Sexual offences
- Unsanitary conditions
- Verbal abuse, threats, harassment and intimidation

#### Racial Harassment and Hate Crime

2 Racial harassment and hate crime is ASB which is deliberate and targeted to a person or a group of people motivated by a certain personal aspect of, or belief about that person or people. Hate crime is often, though not exclusively, on the following grounds of gender identity, sexuality, religion, disability or age. In all cases the Racial Harassment & Hate Crime Policy should be followed.

#### Domestic Abuse

3 Domestic abuse can be displayed in many different forms within different types of relationships. For the purpose of this policy the Hyde Group adopts the Home Office's definition:

*“any violence between current and former partners in an intimate relationship, wherever the violence occurs. The violence may include physical, sexual, emotional and financial abuse.”*

- 4 Domestic abuse occurs across society regardless of age, gender (identity), race, sexuality, wealth and geography.
- 5 Domestic abuse can occur between persons living together or apart, in any location among individuals with different forms of relationships. This includes abuse from or against children, siblings, parents or grandparents. In such cases the Domestic Abuse Policy should be followed.
- 6 Examples of what is not ASB include (but is not limited to):
  - Babies crying
  - Cooking odours
  - Normal behaviour occurring at unusual times because of different working patterns provided that the resident is attempting to keep disturbance to a minimum.
  - One off parties e.g. a BBQ where there is no evidence that the problem will reoccur.
  - Clash of lifestyles including cultural differences.
  - Children playing
- 7 Officers should work with the neighbours to try and encourage greater tolerance and understanding to prevent escalation to ASB recognising that tolerance is required if communities are to be inclusive and that we need to balance the needs of the individual and those of their neighbours.

## **Appendix B – Preventing ASB**

- 1 Examples of preventative measures we will use include:
  - Appropriate lettings, including early tenancy support.
  - Clear messages at sign-up
  - Regular inspections to maintain the appearance of estates
  - Designing out crime
  - Mediation and restorative justice
  - Diversionary initiatives
  - Multi-agency and partnership working
  - Good neighbour and tenancy agreements
  - Ensuring all information is accessible to all (e.g. translations etc)
  - Security improvements
  - Working effectively with support services
  - Publicity from successful cases (both internal and external)
  - Tackling social exclusion in partnership with schools and other agencies

## **Appendix C – Assessing and Signing-up New Tenants**

- 1 We will consider applicant’s past history of ASB and whether this indicates a current risk in re-housing. Decisions will take into account any previous, current and/or planned engagement of the applicant with support services.

- 2 Wherever possible we will use Starter Tenancies for all new tenancies (except in the case of current social housing tenants)
- 3 At the sign-up, Officers will clearly explain what is ASB, how to report incidents and what action can be taken to tackle ASB. All handbooks and letting packs will include a copy of ASB Policy & Procedure Summary leaflet.

#### **Appendix D – Rehabilitation of Perpetrators**

- 1 We will support perpetrators to sustain their tenancy and reduce the risk of losing their home. Where appropriate we will work with available support teams and external specialist agencies when considering issues of ASB, including those that are a consequence directly or indirectly of drug or alcohol abuse, mental health or disability.
- 2 Where enforcement action is necessary we will aim to integrate this with support. In the case of a vulnerable perpetrator, we will ensure all relevant agencies are able to contribute towards the case to consider the perpetrators needs and agree an action plan. Where the perpetrator is a young person, we will involve their parents/guardian and other agencies as appropriate.

#### **Appendix E – Confidentiality, Data Protection and Information Exchange**

- 1 The Hyde Group has a separate policy on confidentiality and data protection. We will deal with cases of ASB reported to us in line with this policy. We will provide information to the Police and other agencies in line with any agreements we sign up to locally. These agreements are often called Joint Working protocols and provide for the legal sharing of information to help tackle ASB and crime. A victim / witnesses' account of an incident can be written down and they do not need to sign the statement. We will respect their right to remain anonymous if they wish. They should be made aware however, that this can affect the strength of what they say and the weight that others, including the courts, will place on what they tell us.
- 2 The Data Protection Act 1998 allows for the exchange of information where it is for the prevention or detection of crime or for the apprehension or prosecution of offenders. Where appropriate, information will be shared with other agencies, where there is a statutory duty to do so, and/or where information-sharing protocols/arrangements are in place.
- 3 The Crime and Disorder Act 1988 (Section 115) allows for the exchange of information where the disclosure is necessary or expedient for the purposes of any provision of the Crime and Disorder Act or amendments to that Act.

#### **Appendix F – Protection of Victims and Witnesses against Intimidation**

- 1 We aim to create sustainable communities and an environment where victims and witnesses feel confident and safe in coming forward to report anti-social behaviour.
- 2 We will provide support to the person reporting the anti-social behaviour and witnesses both to ensure their own well-being and that action against perpetrators is as successful as possible.