

**KINGSTON CHURCHES HOUSING ASSOCIATION**  
**ANTI SOCIAL BEHAVIOUR POLICY AND PROCEDURES**

**INTRODUCTION**

This document sets out our detailed policy and procedure on responding to anti social behaviour. It provides a structured and detailed response strategy for action by housing staff. This anti social behaviour policy replaces the former neighbour nuisance policy.

Kingston Churches Housing Association will not tolerate any form of anti social behaviour. We have a commitment to providing a reasonable living environment for tenants and recognise that if allowed to persist, anti social behaviour can significantly affect quality of life. Tenants need to know in what circumstances they are expected to take responsibility and pursue their own action, and in what circumstances they can expect a response or action from us.

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**1.0 DEFINITION OF ANTI SOCIAL BEHAVIOUR**

Anti social behaviour is anything that causes alarm, distress, nuisance or annoyance to a person. This might include, amongst other things:

- Excessive noise disturbance
- Violence, threats and intimidation
- Abusive behaviour
- Drug Dealing
- Harassment of neighbours
- Racial Harassment or other hate crimes
- Frequent serious disturbance
- Vandalism

- Damage to property
- Keeping of dangerous pets
- Behaviour of children or visitors

It is therefore any behaviour which disrupts the peace and comfort of tenants, adversely affects their health, or leads to an increase in costs in managing KCHA property.

It can be against a group or an individual and it is necessary to note that often the person causing the nuisance may not be aware that they are disturbing others, for example by playing their music too loud.

## **2.0 POLICY OBJECTIVES**

**2.1** This policy sets out our approach to dealing with nuisance, tenant disputes, harassment and violence, from a housing management perspective. The policy covers a wide range of issues from prevention through conflict resolution, to more formal and legal remedies for dealing with incidents. It gives clear options for staff to use when dealing with a complaint of anti social behaviour.

Our tenancy agreements contain clauses requiring tenants not to do, or permit, anything that causes a nuisance or annoyance to their neighbours. This covers actions in the communal areas as well as the home.

Tenants are responsible for the actions of members of their households, including children, lodgers, animals and visitors.

Tenants should have a degree of tolerance of the different lifestyles of others and cannot expect to enjoy absolute peace and quiet.

When assessing complaints to determine whether they constitute anti social behaviour we will consider the frequency and severity of incidents, their affect on the victim(s), and other contributory factors such as the construction of the building. The intentions of the person carrying out the behaviour will also be taken into account, as well as any disability they may have.

We will assist tenants with trying to resolve low level disputes. For example, quarrels regarding differences in lifestyles may result in a breakdown of communication between neighbours. We have a role to play in mediating between tenants to prevent a dispute escalating into something more serious. We will support the actions of other agencies such as the local Environmental Health Department if it is satisfied the nuisance exists.

We recognise the importance of making every effort to tackle anti social behaviour, resolving problems and avoiding legal action if at all possible. We acknowledge that evicting a tenant does not necessarily stop the anti social behaviour. In some cases it just continues in the same locality or moves to an adjacent one. It is important to keep in mind that since the implementation of the Human Rights Act, the courts are now paying particular attention to the efforts made by Associations to resolve and mediate in nuisance cases.

Despite the fact that we will do whatever we can to tackle anti social behaviour and avoid legal action, we must accept the very real fact that legal action is sometimes the only effective method for resolving problems.

The Government has a renewed campaign to raise the profile of anti social behaviour and has introduced new methods and powers to tackle the problem.

The most significant change is the recent introduction of new legislation which gives new powers to Housing Association to tackle anti social behaviour. The Anti Social Behaviour Act 2003 became law in November 2003. The Act was introduced because of Government dissatisfaction with the existing measures available for tackling anti social behaviour.

The Provisions of Part 2 of the Anti Social Behaviour Act 2003 came into effect in England in June 2004.

Provisions within Part 2 of the Act include

- All social landlords are required to prepare and publish Statements and Summaries of their Policies and Procedures in relation to anti social behaviour
- The Act provides RSLs with the same injunctive powers to protect their tenants as local authorities. It also makes several significant improvements to housing injunctions available under the Housing Act 1996
- It gives landlords the right to apply for a demotion order to end a secure or an assured tenancy and replace it with a demoted form of tenancy.
- It ensures that the courts consider the actual or likely effect which anti social behaviour has had or could have on others when it considers whether it is reasonable to grant a possession order against a tenant under one of the nuisance grounds for possession.

## 2.2 There are varying forms of anti social behaviour.

KCHA classifies anti social behaviour into **low**, **medium** and **high**:

### 2.2.1 **LOW LEVEL ANTI SOCIAL BEHAVIOUR**

We expect tenants to resolve low level anti social behaviour themselves. The role of the housing staff is to advise them on how to go about this. Any involvement in disputes that do not have actual or potential remedies through enforcement of the tenancy conditions will be limited to advice and mediation. Low level anti social behaviour includes:

- Neighbour disputes normally resulting from a clash of lifestyles which do not involve violence.
- Intermittent noise ensuing from normal use of the property. For example loud television volume.
- Nuisance as a result of someone being more messy or untidy than usual but which does not directly impact on neighbours. For example an overgrown garden.

Actions to deal with low level nuisance include:

- Writing to the perpetrators pointing out the alleged nuisance and asking them to take more care and to be aware of the affect on their neighbours.
- Offer of mediation – either with the housing office or a mediation service. Housing staff should make every effort to persuade all parties to enter into mediation. This is particularly important because housing staff will be expected to demonstrate at court that the Association has tried everything possible to try

to resolve the dispute. Judges increasingly expect mediation to have been tried before a case reaches court and it is possible that the case could be dismissed if it has not.

- Advising the complainant what action they can take to resolve it. In most cases the complainant will be advised to discuss the alleged nuisance with the perpetrator. Tolerance and respect for the needs of others is required and should be encouraged.

### **2.2.2 MEDIUM LEVEL ANTI SOCIAL BEHAVIOUR**

This type of anti social behaviour is normally serious because of the affect it has on the complainant over time. However, it is behaviour that is unlikely to result in court action although the threat of it may persuade a perpetrator to moderate their behaviour. Examples of medium level anti social behaviour can include:

- Loud and frequent parties
- Aggressive or threatening language or behaviour
- Regular and loud noise, particularly, but not exclusively, late at night (including music, shouting and swearing and noise from televisions and radios).
- Any behaviour which directly affects the health or safety of a tenant.
- Any deliberate damage to property and vandalism.

Our policy is for housing staff to be pro-actively involved in combating medium level anti social behaviour. Although a perpetrator is unlikely to lose their home for this kind of behaviour, we will use every means at our disposal to bring the dispute to an end.

Actions to deal with medium level anti social behaviour include:

- Serving NOSP or NTQ
- Threatening eviction action through the Court
- Meeting with the perpetrators or their family (if a child)
- Involving the Police or Environmental Health
- Taking Witness statements
- Requesting that the complainants keep accurate diary sheets to record the nuisance.
- Covert surveillance
- Service of injunctions
- Recharging for any damage caused
- Use of Acceptable Behaviour Contracts

### **2.2.3 HIGH LEVEL ANTI SOCIAL BEHAVIOUR**

This level of anti social behaviour is far more likely to mean legal action and could lead to the perpetrators losing their home.

Examples of high level anti social behaviour could include the following:

- Intimidation or harassment on the grounds of race, sexual orientation, religious belief, disability or age
- Damage to property or the threat of damage
- Drug taking or drug dealing
- Criminal activity

- Threats or actual violence against persons
- Persistent threats or verbal abuse

Actions to deal with high level of anti social behaviour should include:

- Serving NOSP or NTQ
- Demotion of tenancy through the Court
- Service of Injunctions
- Accurate record keeping of incidents by the victims
- Taking possession proceedings through the Court
- Working in partnership with the Police and Environmental Health Department
- Use of Anti Social Behaviour Orders
- Meeting with the perpetrators
- Taking witness statements
- Ensuring that victims are supported and advised at all stages of the process.
- Recharging of any damage caused

### **2.3 TENANT SERVICES AUTHORITY REQUIREMENTS**

The Tenant Services Authority Performance standards for registered social landlords state that:

*RSLs should be actively involved in the development and monitoring of effective, long term, strategies to deal with anti social behaviour by residents, their families and any visitors to their homes where a breach of the law and/or their Tenancy Agreement is involved. In order to monitor this effectively, they should record the reported number of incidents of anti social behaviour, including any notices served, evictions, prosecutions and exclusions.*

*In order to meet the performance standards, RSLs should be able to demonstrate that they:*

- *Have a lettings policy and procedure which meet priority housing need and ensure that all new lettings would contribute towards achieving stable communities and sustainable tenancies.*
- *Work with local authorities to obtain adequate information on applicants who have been nominated from the statutory register so that they will be able to meet our regulatory requirements*
- *Have a policy and procedure that allow them, if necessary to take reasonable action to recover homes where the residents, their families or visitors have been involved in anti social behaviour.*
- *Cooperate and communicate with the police service, youth offender teams, Social Services and other local agencies, and enlist their support in taking preventative and remedial action to deal with anti social behaviour.*
- *Consult on and seek the cooperation of their residents in implementing their policies for dealing with anti social behaviour and involve them in resolving local problems.*

### **2.4 EQUAL OPPORTUNITIES**

All our staff and contractors must comply with our Equal Opportunities Policy when dealing with customers.

It must be remembered that anti social behaviour can be traumatic for everyone involved with it, and special care should be taken to treat people fairly and appropriately in the circumstances. In particular staff should:

- Be alert to identify vulnerable people, whether victim or perpetrator, and try to ensure that by referral they get access to the support they need.
- Give 'victims' the space, time and means to have their say and to state their case when they first report an incident.
- Seek to quickly identify cases of harassment/victimisation and carry out considered assessments of the support 'victims' need.
- Empower tenants by providing them with information they can understand to resolve problems for themselves.
- Work in partnership with other agencies to achieve a sustainable solution to anti social behaviour.

### **3.0 PROCEDURE**

#### **3.1 Receiving and Recording Complaints**

Complaints regarding anti social behaviour should be accepted either verbally or in writing. People acting on behalf of a resident or people who are not KCHA tenants can also make complaints.

The person receiving the complaint must use the Anti Social Behaviour Report form to make a note of the complaint a copy of which must be placed on the complainant's file. A copy should be kept for monitoring purposes. This must then be passed to the Housing Officer.

It is important to remind the complainant that all information will be treated as confidential.

#### **3.2 Investigating the Complaint**

After receiving a complaint of ASB the Housing Officer must, in every case, carry out an initial investigation to assess whether the incident amounts to Low, Medium or High ASB. The Housing Officer is primarily responsible for resolving low and medium level ASB. The Housing Services Manager will take the lead for high level cases of ASB.

##### **3.2.1 Low Level ASB**

In many cases the investigation can be completed at the first contact with the complainant, either over the phone or in person. In cases of low level ASB the complainant must be advised in writing within 5 working days of one or more of the following:

- That it is not appropriate for KCHA to get further involved.
- They should (if appropriate) discuss the problem with the alleged perpetrator and try to resolve it themselves.
- Of their legal rights and the legal measures they could consider taking against the alleged perpetrator.

##### **3.2.2 Medium and High Level ASB**

###### **Stage 1**

Cases will be investigated where the behaviour complained about is serious and falls into the categories described above in 2.2.2 and 2.2.3

Within two working days the Housing Officer must interview the complainant and take a written statement from them. The interview can be carried out either at the office or in their home. The Anti Social Behaviour Report Form will be used in the interview of the complainant.

Anti social behaviour cases are not always one sided and it is important to investigate thoroughly before taking any action, especially legal action.

If from the interview the Housing Officer discovers that the nuisance is severe then the case must be discussed with the Housing Services Manager. At this stage consideration should be given to whether additional support is necessary, such as emergency repairs and provision of security devices e.g. fire proof letter boxes or additional locks.

Following the interview the Housing Officer must:

- Advise the client of the next course of action and agree a date when they will be told about the action we have taken.
- Decide whether the complainant should be asked to keep a diary of events. This is only necessary when the incidents are regular and the evidence to be gathered via diary sheets will be directly useful in strengthening the case against the alleged perpetrator. There should always be a fixed period in which witnesses are asked to complete diary sheets. They should never be allowed to continue indeterminably.
- Consider whether any other agencies should be notified at this stage and, with the consent of the complainant if appropriate, inform them e.g. the Police.
- Advise the complainant of any other steps they would be required to take to support our actions e.g. eventually attending court and giving evidence.
- Stress where appropriate the benefits of informal solutions, e.g. talking to the other party or asking for mediation to assist.
- Make it clear what action we can take and what action other bodies or the complainant should take.
- Identify the support that we can give.
- Discuss a realistic timetable with the complainant.
- Arrange meetings on a monthly basis for the Housing Officer to contact the complainant to get an update of the situation.
- Confirm any of the above in writing.

All the information gathered should then be placed in a separate ASB folder.

Once all the information has been recorded and a plan of action agreed the Housing Office can end stage one.

## **Stage Two**

The aim is for the Housing Officer/Housing Services Manager to resolve the complaint within 10 working days.

They will carry out a thorough investigation including contacting and interviewing the alleged perpetrator/s, witnesses, contacting the police and other agencies to gather

relevant information or evidence. The alleged victim should be supported throughout the investigation by:

- Keeping them updated on the actions we have taken
- Reviewing their needs.

Particular consideration should be given to whether the victim/complainant should be considered for emergency accommodation via the local authority or perhaps a referral to a women's refuge.

After the case has been investigated a decision needs to be made on the action to be taken. The key decision is whether KCHA believes that medium or high level ASB is taking place and the alleged perpetrator is responsible for it. It is important to understand that this decision is made on a 'balance of possibilities'. At this stage we do not have to be sure that ASB is taking place to reach this conclusion. We only need to believe that on the evidence ASB is more 'likely than not' to be occurring to be able to take action against the alleged perpetrator.

Depending on this decision the action we take must be one or any of the following:

- Write to the perpetrator setting out our belief that they are causing ASB and insist that the nuisance stops immediately.
- Serve the perpetrator with a NOSP. This is recommended if we believe the perpetrator will ignore a lesser warning or the ASB is flagrant or persistent, or there is sufficient evidence to proceed to an eviction. NB. Serving NOSP does not mean we will evict a perpetrator. Realistically it is often the best means of convincing them to modify their behaviour. The injury to a perpetrator of being wrongly served with a NOSP can be repaired with an apology. Not so for a victim where we fail to take action to help them.
- The evidence suggests that another person is responsible and we need to interview them
- Apply for an injunction. NB: Mainly for serious or persistent behaviour that is adversely affecting the wellbeing of the victim.
- Write to the complainant explaining why no further action will be taken e.g. if it is found that there is no case to answer against the perpetrator.
- Mediation
- Monitor the case for a further (time limited) period to gather additional evidence. Apart from an action in its own right, it is recommended practice whenever we believe ASB is taking place and have already decided to pursue legal action.

In all instances the complainant must be told of the action we have decided to take after the investigation. If our involvement is continuing we must set out:

- What we propose to do.
- The timescale for doing it.
- What we expect to achieve by it.

This ends Stage Two.

### **Stage Three**

This stage is for one of the following:

- Monitoring to gather evidence with a view to making a decision whether to escalate or close the case.
- Monitoring to see whether the perpetrator heeds warnings given at Stage Two.
- Preparing the case for legal action, including gathering further evidence, working with other agencies etc. The Housing Office and Housing Services Manager need to work jointly at this stage.

There are no specific timescales attached to this stage but it is important that cases are not left open indefinitely. Therefore timescales should always be set (e.g. 3 months) for monitoring that are agreed with victim/complainant, and if there are no further developments consideration must be given whether to close the case or extend the monitoring period. The victim/complainant must always be advised of this decision.

Preparation for legal action can be protracted and it is important that however long it takes we keep the victim/perpetrator informed at regular intervals.

Stage Three comes to an end when no further action, legal or otherwise, can be taken, the case is resolved, or there is insufficient evidence to proceed any further. It is important to let the victim (and perpetrator) know that the case is being closed.

## **4.0 GUIDANCE**

### **4.1 Keeping Records**

Keeping accurate records is one of the most important aspects of dealing with an ASB complaint. It is important that all relevant contributions to the case are recorded with appropriate times, dates and details of the person making the contribution. Since some contributions may become more relevant later in the case it is good practice to record everything relating to the case.

### **4.2 Supporting Victims/Adopting a Victim Centred Approach**

We will adopt a victim centred approach in dealing with anti social behaviour and harassment. However, this does not mean that the alleged perpetrator is immediately assumed to be guilty.

It is important that the investigation into the case is carried out in a sensitive and sympathetic manner. Victims must feel that they have the confidence to tell the Housing Officer about the problems they are experiencing. During an interview no attempt must be made to undermine the victim's confidence by challenging the validity of their statement or by under-estimating the effect that anti social behaviour is having on the victim.

In some cases a victim may know who the alleged perpetrators are but may be unwilling to tell as they lack confidence or are frightened. In such situations victims' wishes should be respected but it should be made clear to them that we are restricted as to what we can do if they will not disclose the identity of the perpetrators.

### **4.3 Mediation**

Where appropriate and there is agreement from both parties, and the nuisance is serious and likely to escalate with legal action being taken against one or both

parties, consideration should be given to referring the case to mediation. Mediation is not appropriate in all cases of harassment. Mediation is likely to be more successful if:

- All parties to the dispute acknowledge that there is a problem
- All parties to the dispute are willing to be involved and to try.
- There is a prospect of bringing about an acceptable solution.
- The dispute has not involved any form of violence or racial harassment.
- All parties to the dispute are present themselves during the mediation process, or have an advocate.

#### **4.4 Security Measures**

Security measures that could be taken include:

- Additional locks or bolts
- Fitting spy holes to front door
- Letter box cages/fire proof letter cages.

This must always be considered in cases of harassment.

#### **4.5 Notice Periods**

Where the nuisance is serious the 4 week notice period can be dispensed with and possession can be applied for immediately.

#### **4.6 Raising Expectations**

It is important not to unrealistically raise the complainant's expectations of the action we will or might take. The complainant should be aware that it could take at least twelve months from the date of first contact to going to court.

Diary sheets should not be issued unless they are going to be used as part of an investigation into the case.

#### **4.7 Communicating with the Victim/Complainant**

A failure to communicate what we are doing is one of the biggest complaints from victims/complainants. Failure to communicate could cause major problems because it:

- Gives the impression that we are doing nothing
- Leads the victims to believe we do not care
- Undermines the witness's confidence to give evidence in court especially since the time period from their first statement to a court hearing can be anything up to 18 months.
- Encourages perpetrators in the belief that they can act with impunity.

It is crucial therefore to make the effort to keep the victim/complainant regularly informed. Where there are also witnesses involved and we are proposing to take legal action based on their evidence, regular contact must be maintained with the witnesses. It is also good practice to inform the perpetrator from time to time that the case is still being monitored.

#### **4.8 Dealing with Malicious and Unfounded Complaints**

Some reports of anti social behaviour may be malicious or unfounded. Some people make complaints as a way of harassing a neighbour, motivated by prejudice because they consider the person 'different' from themselves.

The Housing Officer should make it clear at the initial interview if she feels the complaint to be unreasonable or if we are not prepared to take further action on the current evidence. This should be noted on the Anti Social Behaviour Form, detailing why this is the case. Where a neighbour dispute arises from a clash of lifestyles, rather than one party causing anti social behaviour, the Housing Officer should still advise the complainant to first discuss the matter with their neighbour. The Housing Officer should also consider whether referring them to a mediation service would be helpful.

#### **4.9 Interviewing the Alleged Perpetrator**

At the interview with the alleged perpetrator the Housing Officer should:

- Complete an Anti Social Behaviour Form including the action plan, with an agreed time and date of the next contact.
- Remain objective and not accuse.
- Not reveal the identity of the complainant unless they have given their permission.
- Discuss the complaint in detail, being specific about possible alleged affect of others.
- Listen. It is important that they are allowed to put their side of the story.
- Make it clear that we will not tolerate anti social behaviour and will take any necessary action to prevent it.
- Work with the perpetrator to identify any help and assistance they might need to put a stop to the anti social behaviour.
- Advise that we will be monitoring the situation.
- Make it clear to them that if the allegations prove to be true, they are in breach of the tenancy agreement, and that we will consider taking legal action if we have sufficient evidence.
- Not threaten legal action unless there is a reasonable possibility of taking such action. If legal action is threatened and not followed through, it will lose its impact if required in the future.

#### **4.10 Sustainable Tenancies and Vulnerability**

- 4.10.1 Anti social behaviour can be caused by tenants or their family members, who are vulnerable, and can be problematic to deal with. Problems often cannot be resolved without the intervention of appropriate qualified support from health and/or caring services.
- 4.10.2 Although many vulnerable people successfully live in the community without difficulty, vulnerability can make a person less able than most to manage the social relationships required for living without dispute. Vulnerable people may cause disturbance without realising the consequences for people living around them. Conversely they can be ill equipped to deal with neighbours who cause them nuisance or distress.
- 4.10.3 It is important that vulnerable tenants are properly assessed and assisted by professionals. If they are not then any future legal action taken is likely to fail because of their lack of support and because of their vulnerability. We must

consider the Disability Discrimination Act 1995 before deciding what action to take against a person with mental health problems or any other disability which appears to be causing anti social behaviour.

- 4.10.4 Being vulnerable does not mean that people cannot take responsibility for their actions. However, their personal circumstances may mean that they need help and support to live independently and to sustain a tenancy. Some tenants may become vulnerable or develop mental health problems at a later point in their tenancy, for various reasons. It is important that our response in such cases is sensitive. Staff must make every effort to elicit appropriate support and assistance for them.
- 4.10.5 Vulnerable people can include:
- people with mental health problems
  - people at risk through self neglect, living in unsanitary conditions
  - people with drug or alcohol dependency
  - the elderly
  - young people leaving care
- 4.10.6 When we consider letting a property to a vulnerable applicant we must give consideration to any special needs outlined, including in relation to any reports of anti social behaviour. We will not reject an applicant without first considering whether a tenancy would be sustainable if appropriate care and support is in place. This support may come from family, friends, and voluntary and statutory agencies. It is important that we ensure that there is the appropriate care package in place before the tenancy commences.

#### **4.11 Partnerships/Joint Working with Other Agencies**

We recognise the importance of good working relationships with other agencies to assist us when dealing with and solving problems of anti social behaviour. The Government's TOGETHER Campaign encourages working together locally to tackle problems. It is particularly helpful to establish working links with the Police, Education, Local Authority Social Services Departments, Drug and Alcohol Team, Community Psychiatric Nurses, Health Service Providers, community groups, mediation services and other housing associations.

#### **4.12 Publicity**

It is important that our anti social behaviour is known and understood by those who may have reason to use it. We will therefore advertise the policy through our regular tenants' newsletter. We may also publish any successful action taken and resolutions in the newsletter where appropriate. We will also produce a summary of the policy, which can be made widely available free of charge, to anyone who wishes to see it.

#### **4.13 Training**

Training will be given to housing staff on all aspects of anti social behaviour.

#### **4.14 Confidentiality**

All staff will ensure that confidentiality is maintained at all times. In all nuisance cases we will only divulge information to a third party where we have the written consent of the person concerned and/or subject to the provisions of the Data Protection Act.

## **5.0 WHEN CONSIDERING THE OPTIONS**

The appropriate course of action we take depends on the following:

- The nature of the anti social behaviour
- Whether the complainant wishes to pursue certain options
- The powers we have
- The powers of other bodies
- The level of evidence, in case we wish to pursue legal action

We will not push complainants into courses of action they do not feel comfortable with. We should always remember that complainants may fear reprisals and should not be encouraged to put themselves in a position where they feel they are in danger or feel under threat. However, we should try to allay these fears by explaining the legal remedies for the Police have to take action if the perpetrator harasses the witness. We also need to explore the reasons behind their fears with them. It could be the case that additional support is required.

### **5.1 Management Action**

#### **5.1.1 Diary Sheets**

The purpose of the diary sheets should be made clear to the complainant from the outset. It should be explained that the diary sheet builds us a picture of the type and frequency of the complaint. We also need to explain that keeping the diary sheets does not offer a guarantee that KCHA will take further action. It depends on the nature and seriousness of the anti social behaviour. Any action will be agreed between the complainant and the Housing Department. Complainants should be encouraged to return their completed diary sheets to the office on a monthly basis.

It should be explained to the complainants that the diary sheets may form part of the evidence in a legal case and therefore must be completed accurately and truthfully.

Diary sheets should only be used for a fixed time and then reviewed. We should only encourage continued use of diary sheets on the basis that they are likely to gather useful evidence to be used in a legal case.

#### **5.1.2. Formal Warning**

If, after monitoring the situation, we are satisfied that anti social behaviour is ongoing and that there is a potential case for legal action, a formal warning letter should be sent to the perpetrator. It is important to remember that a warning of possible legal action could be sent at an earlier stage if it felt that this might be all that is needed to bring the anti social behaviour to an end.

The letter should:

- Set out the clauses in the tenancy agreement that are allegedly being breached.
- Inform the perpetrator that we will take legal action if the anti social behaviour does not cease immediately.
- Invite the perpetrator to discuss the matter with either the Housing Officer or the Housing Services Manager.

### 5.1.3 A Case Conference Approach

Case conferences are most effective when all agencies are involved. Agencies that may need to be involved are the Police, Education, Local Authority, Social Services and Health Service.

The approach should involve:

- Contact between all parties
- A clear plan of action
- A review of the action

### 5.1.4 Acceptable Behaviour Contracts and Parental Contract Agreements

Acceptable Behaviour Contracts are aimed at youths aged between 10 – 18 years old and Parental Contract Agreements are aimed at children under the age of 10 years. They constitute a contract with us, in partnership with the Police, the offending youth or child and the parents or guardians of the youth or child.

Acceptable Behaviour Contracts can be a useful option when dealing with youths instead of pursuing legal action.

These contracts can be used when there is unacceptable behaviour such as the following:

- Vandalism and graffiti
- Shouting and swearing
- Playing music too loudly
- Drinking alcohol
- General 'loutish' behaviour

The contracts have a date when they will be enforced. They need to be signed by the offender, their parent or guardian, the Police Officer, and the Housing Officer or Housing Services Manager. If the contract is breached we can, in partnership with the Police or the Local Authority proceed to court to try to obtain an Anti Social Behaviour Order. The Courts are more likely to award an ASBO if there was a previous ABC in place that had been broken.

The ABC remains in force for 6 months. If the youth or child has not breached the contract in that time a new one will not be issued.

## 5.2 Legal Action

Legal action should be considered where:

- Previous action, including an interview with the perpetrator, has failed to put a stop to the anti social behaviour.
- Immediately where anti social behaviour constitutes a threat to staff or tenants.
- Where there has been a clear breach of terms in the tenancy agreement, or other actions that amount to grounds for possession
- Where the victim agrees that it is an appropriate course of action
- Where the anti social behaviour is sufficiently serious, frequent or prolongs to indicate that legal action would be successful.

### 5.2.1 **The Role of Other Witnesses**

If we are considering legal action we should contact potential witnesses and ask if they can substantiate the complaint and whether they would be prepared to give evidence in Court. They should be provided with diary sheets if this has not already been done.

We will also need to consider other sources of evidence, for example the Police or Environmental Health Department.

### 5.2.2 **Possession Action**

If it is agreed that possession action is the way forward, the relevant Notices should be prepared and served. The Notices will set out the grounds for possession and notice period. The notice should be served in person with a covering letter to give the alleged perpetrator the chance to discuss the matter.

We may seek an outright possession order or a suspended possession order. We may also consider a demotion of tenancy.

If we seek a suspended possession order this would be on terms that the tenant agrees to stop the anti social behaviour and abide by the terms of their tenancy agreement. This would also apply to a demotion of tenancy. However, in the case of a demoted tenancy, where there is a breach within the following 12 months, a Section 21 Notice could be served and possession awarded by the Court forthwith.

### 5.2.3 **Injunctions**

We may seek either a permanent or a temporary injunction to enforce the terms of the tenancy.

An injunction can be sought in conjunction with seeking possession. For example, in a case where the tenant is threatening the safety of other tenants, an interim injunction may be obtained to exclude them from their home pending the outcome of the possession action.

If the incident is domestic violence then the tenant or partner may consider applying to the court for an injunction to exclude the offending partner from the property.

### 5.2.4 **Continuous Improvement and Performance Standards**

We are committed to achieving and maintaining high standards and continuous improvement in the service we provide to our tenants. Our aim is to maintain a peaceful and secure environment for our tenants by:

- Taking positive steps to discourage nuisance and anti social behaviour by publicising our policy in newsletters and advising new and existing tenants of it.
- Responding to complaints quickly and efficiently, in a sensitive and caring manner, ensuring that we meet our publicised timescales.
- Dealing with all complaints seriously whilst maintaining confidentiality.
- Ensuring that appropriate support is provided to victims.
- Ensuring that properties are secure, graffiti is removed and repairs undertaken within publicised timescales.

- Working in partnership with tenants and other agencies including the Police, Social Services, Local Authority, Environmental Health, Health and mediation services.
- Using mediation where both parties are agreeable.
- Considering legal action where appropriate.
- Assisting and advising tenants of legal action they can pursue themselves to resolve the nuisance problem.
- Adopting best practice and complying with legislation.
- Providing training for staff.
- Reporting all cases of nuisance and anti social behaviour to the Board.
- Regularly updating procedures and policies.

We expect our tenants to:

- Make children and visitors aware of the need for good, neighbourly behaviour.
- Keep us informed of any ongoing problems
- Keep records of any nuisance and anti social behaviour
- Understand our limitations as their landlord when trying to deal with cases of anti social behaviour.
- Co-operate with us in trying to resolve anti social behaviour, including attempting mediation.

## **6.0 PREVENTATIVE ACTION**

There is a need to encourage tenants to report early any cases of nuisance, disputes with neighbours or harassment or violence that they may be experiencing. At each new sign up it will be clearly explained what behaviour is acceptable and what behaviour is not. We will also ensure that the new tenant understands the implications of a tenant not behaving.

At the sign up interview both sides are agreeing to a legal document which sets out both the landlord's and the tenant's responsibilities. The sign up is an important session as it gives us the opportunity to establish ground rules, but it should also be seen as a way to reassure the new tenant that they are coming to a secure environment.

## **7.0 PERFORMANCE MONITORING**

The Housing Services Manager and the Housing Officer will ensure that cases are monitored at each one to one meeting. They should also ensure that a proactive approach is taken and regular monthly contact is maintained with the complainant to provided on-going support.