



CARE HOUSING ASSOCIATION

ANTISOCIAL BEHAVIOUR PROCEDURE

1. Purpose

To ensure that every complaint of antisocial behaviour (ASB) is dealt with fairly, efficiently, and in line with Care Housing Association's (Care's) Antisocial Behaviour Policy.

2. Definitions

The working definition of antisocial behaviour that is covered within this procedure and Care's ASB Policy is: *'Antisocial Behaviour is behaviour that is capable of causing a nuisance, annoyance or distress to any person living in, working in or visiting the locality of Care Housing Association's properties'*

This includes, but is not limited to:

- Noise nuisance
- Pet / animal nuisance
- Intimidation
- Violence or threats of violence
- Abusive or threatening language
- Criminal damage / vandalism
- Hate behaviour
- Substance misuse
- Alcohol-related nuisance or disorder

3. How You Can Help

Most people don't realise how their actions can affect others; often, by discussing things in a calm and reasonable way, many issues can be resolved without Care's intervention. Before you report ASB, stop and consider whether the problem can be resolved by talking. Your neighbour may not even realise the impact their behaviour is having.

If your neighbour or a member of support staff speaks to you about something you are doing which causes them nuisance, annoyance or distress please remain calm. If you agree then taking note of the issue and apologising should mean no further action or any involvement of Care is necessary.

If you are experiencing noise nuisance please politely and calmly ask your neighbour to keep the noise down. If noise nuisance persists, please contact the environmental health officer at your local council or let us know.

Do not retaliate as this could result in complaints being made against you.

If appropriate, we will ask you about what steps you have taken to reasonably resolve matters.

Gather evidence. Keep a record of all incidents of antisocial behaviour, including dates, times, details of anyone involved, what happened and how it made you feel.

4. Timescales

Care will respond to your complaints of ASB within pre-defined timescales for different priorities of cases:

- High priority – 1 working day for initial acknowledgement and offer of a follow up visit within a further 2 working days.
- General ASB – 3 working days for initial acknowledgement and offer of a follow up visit within a further 5 working days if necessary.

Note: Acknowledging a case may be either sending an acknowledgement letter or email or telephoning the reporter, depending upon which is most appropriate.

We will work with all relevant partners in order to progress a case to a satisfactory conclusion.

5. Investigating your complaint

5.1 Care will initially respond to your complaint, by telephone where possible, then will offer to visit you at your home to discuss the complaint in person within the timescales above. If you do not wish for us to visit you at your home an alternative meeting point can be agreed. We will also arrange to speak to any witnesses.

Note: If the complaint is anonymous, we will not be able to respond directly to you but will undertake an investigation as per this procedure.

- 5.2 When we meet you to discuss the complaint, we will ask for the following information:
- The nature of the incident including exact details of what happened and how it has affected you
 - The name(s) and address(es) of the subject(s) if known
 - The reason(s) why you feel the incident may have occurred
 - The involvement of any other agencies, for example support staff, police, council, etc.
 - What you expect to happen as a result of the complaint
 - Any support needs you may have as a result of the incident

It is important that you tell us as much information as possible to enable us to investigate the complaint thoroughly and give consideration to possible resulting actions and determine the priority of the case. If you feel you need your friends/family/support staff to be present, please invite them to this meeting.

- 5.3 Following receipt of this information we will be able to advise:
- The next steps we will take and when we will carry out these tasks
 - The likely outcome of the complaint based on the information you have provided
 - Any environmental improvements or repairs we will carry out (where applicable) that may be necessary to resolve your complaint
 - How you will be kept informed of the progress of your complaint to suit your needs, e.g. telephone, email, by post, etc.
 - How you can report further details or incidents to us. This may include telephone calls, emails, incident sheets, etc.

- 5.4 If the complaint is of a high priority nature (e.g. physical assault) we will consider taking immediate action which may include legal action, e.g. injunction proceedings. If this is the case, we will run you through the process and the assistance we will need from you.

Note: The complainant and witness identities will not be disclosed unless we are given permission to do so, though where people wish to remain anonymous this may restrict the actions available to us.

6. Support Requirements

6.1 The Association will consider the support needs of reporters and make an assessment on how to meet their needs. Support offered will be tailored to an individual and the situation, for example:

Threat of Physical Attack to Person or Property

- Works to make a property more secure (e.g. new locks, security lights, panic alarms)
- Discuss with the social worker and/or support provider any options for increased 1:1 support
- Re-housing to temporary/permanent alternative accommodation
- Provision of escorts to Court

Language Barriers

- Access to telephone interpreters
- Use of Care staff who speak other languages
- The provision of a tape recorder or Dictaphone where a written diary cannot be kept

Emotional/Mental Distress

- Access to counselling services
- Regular telephone calls and visits by Housing Officers
- Support beyond any Court proceedings
- Witness support

Additional support may also be provided in liaison with external agencies, such as the Police and Social Services.

6.2 A proportionality assessment will be carried out to determine whether the subject's actions are related to their support need and whether it is still reasonable and proportionate to take the proposed action. Subjects with support needs will be offered support and information where appropriate.

7. What we will do next

There are several options open to Care after the investigation of your complaint has been carried out, we must ensure that our actions are reasonable and proportionate:

Take no action

Your complaint may not constitute antisocial behaviour and may not warrant further action. There may also be occasions where we are unable to substantiate your complaint, for example there may be no witnesses and the subject denies the allegations made against them. In these instances, it is unlikely that we will be able to take any form of action.

Mediation

Mediation involves an impartial third-party helping people in dispute to work out an agreement. As it is entirely voluntary, mediation will only be successful if people in dispute are all willing to resolve their conflicts. Examples of when we may use mediation include cases where neighbours are in dispute about car parking, boundary disputes, or early stages of noise nuisance.

Issue a warning to the subject(s)

Care will issue a verbal, and if appropriate, a written warning to subjects where it has been proven that they have caused ASB. In cases where the subject is a tenant of Care, the warning will highlight where they have breached their tenancy or licence.

We will always issue a warning prior to taking any legal action against subjects, except in cases where this may raise safety issues for witnesses / reporters.

Issue a recharge invoice to the subject(s)

If a tenant has caused damage to Care's property, then we will recharge them for the repair/replacement costs. This may be straight away, or repair work may be left to the end of the tenancy if appropriate.

Acceptable Behaviour Agreement (ABA)

An ABA is a voluntary agreement between the subject(s) of antisocial behaviour and Care. It will outline commitments given by the subject in relation to their future behaviour and will also clearly state the action Care will take should there be a breach of the ABA. The aim of the agreement is to prevent Care having to take legal action against subjects by giving them a chance to prove that they can change their behaviour. Typically, ABAs may be used where there has been persistent low-level antisocial behaviour.

Injunctions

Injunctions are civil orders which prohibit a person from engaging in a particular kind of behaviour. Care can only use an injunction against a person who has the mental capacity to understand what they are doing and how they can modify their behaviour to comply with the terms of an injunction. The legal term for this is 'Wookey competent'. A person is assumed to have capacity unless proven not to.

We may use injunctions to stop the following: persistent loud music, verbal abuse, persistent damage, or to prevent a person from entering a particular area.

Undertakings

An undertaking is a promise given to the Court. If a person is accused of ASB, then they can promise the Court not to behave in this way in the future. The person who gives the undertaking does not have to admit that they have done any of the acts they are accused of. Once an undertaking has been given it has the same effect as a Court Order; if it is broken then it will be contempt of court and an application can be made for committal to prison.

Possession Proceedings

Care will only consider issuing possession proceedings as a last resort when we have tried all other viable solutions. The exception to this would be the most severe ASB, for example physical assault, for which Care will adopt a zero-tolerance approach.

8. Closing Cases

Cases with no further incidents will be reviewed on a monthly basis via the Housing Officer's monthly report.

A case will be closed when:

- It has been investigated, action taken where necessary, and no further incidents have occurred since the review 2 months prior.
- It is not possible to gather sufficient evidence to take any action

All parties will be informed when a case will be closed.

9. Recording

Housing Officers will keep a record of all ASB reports, communications and actions using housing management software. An individual paper case file may also be created if there is significant correspondence. Managers should be informed of new cases of ASB and will monitor via the Housing Officer's monthly report.

10. Appeals Process

Subjects of ASB have the right to appeal against any decision to take action to end their tenancies on mandatory grounds under Section 21 or Grounds 1-8 Schedule 2 Housing Act 1988.

To appeal against such a decision, the subject or their representative must notify Care by phone, email or in writing within 7 days of receipt of the notice seeking possession. The appeal should include the reasons why they believe the decision to take action to end their tenancy is unfair.

Care's Chief Executive, or an individual they nominate, will respond to any appeal within 5 working days. The response will involve a review of the evidence provided, which will include the right for the tenant to see the evidence against them and provide oral and written evidence. The Chief Executive will then make a recommendation which will consist of:

- In the event that the appeal is not upheld; a justification of the action taken and the reasons why it was felt there was no alternative; OR
- In the event that the appeal is upheld; an explanation behind the original decision to take the chosen course of action, and an explanation why the Association has now changed its stance on your case. There may be conditions placed upon an upheld appeal to ensure that any outstanding issues are positively resolved in the future.

The Chief Executive's recommendation must be approved by a Director of the Association.

In the event that an appeal is not upheld, subjects have the right to challenge the action through the legal process. We recommend that legal advice is sought if doing so.

Committee Review Date - April 2020