

1.0 Introduction

Co-op Homes understands the importance of tackling anti-social behaviour and harassment including racial harassment. We fully recognise the detrimental effect this has on our tenants, and the wider community. We recognise that the local community can play a valuable role in tackling anti social behaviour; Co-op Homes will support this in addition to ensuring that we meet our statutory and contractual obligations.

The Anti-Social Behaviour Act 2003 (section 12), amending the Housing Act 1996, requires us to publish a statement of our policies and procedures in dealing with anti-social behaviour. This statement outlines our approach to anti-social behaviour, recognising that measures taken to address problems of crime and anti-social behaviour are continually changing. This statement will be regularly reviewed and updated taking on board the views of our residents, partners and our parent company.

1.1 Definition of Anti-social behaviour.

Anti-social behaviour occurs when behaviour by a household(s) or individual(s) causes alarm, distress or threatens the physical or mental health, safety or security of another household(s) or individuals.

The 1998 Crime & Disorder Act defines anti-social behaviour as an act that:

‘causes or is likely to cause, harassment, alarm or distress to one or more persons not in the same household’

Our strategy takes a wider view as anti-social behaviour creates an environment where more serious behaviour can take hold. It can occur anywhere including in the home.

2.0 Policy

Our common aim is:

- The management of anti-social behaviour and harassment within the areas where we manage housing and the environs. We recognise the importance in taking effective and early action to reduce the likelihood of legal action being needed and to increase the chances of anti-social behaviour issues being resolved successfully.
- To have procedures that reflect Policy guidelines which have clear lines of responsibility, are easy to follow, understand and are accessible for both employee and tenant members. Co-op Homes will ensure proper guidance is given to tenant members on their rights to live in a peaceful environment and the options open to them if they feel their peace is being affected

3.0 Anti-Social Behaviour

Examples of anti-social behaviour (which may be motivated by race, sexuality / homophobic hate crime, disability, religion, gender or age) include, but are not limited to:

- Racial Harassment
- Stalking or unwanted attention
- Actual violence
- Domestic violence and abuse
- Aggressive and threatening behaviour including Youths/gangs congregating in an intimidating way
- Intimidation and / or harassment by others
- Verbal abuse (intentional or unintentional)
- Alcohol and solvent abuse
- Using accommodation to sell drugs, for prostitution or for other unlawful purposes
- Inconsiderate disposal of household rubbish and/or Fly-tipping (illegal dumping of rubbish)
- Inconsiderate parking of vehicles and abandoned vehicles
- Overgrown gardens
- Noise nuisance
- Nuisance caused by children
- Nuisance caused by pets including dogs barking or fouling communal/public areas
- Graffiti, vandalism or damage to property
- Obstructing communal areas
- Cycling and use of skateboards on footpaths or balconies
- Nuisance from motorbikes, mopeds or joyriding
- Squatting
- Businesses such as car repairs on the property

4.0 Our Obligation to Our Tenants and Other Residents

This Policy applies to any person who has a right to live in a property belonging to or managed by Co-op Homes and who suffers annoyance or nuisance. It includes other neighbours living in the area such as tenants of other housing associations or owner occupiers and anyone else lawfully in the area, whether they are visiting or working.

This policy also covers Co-op Homes, its agents and contractors who have responsibility for managing the housing stock. We will not tolerate abuse of employee, contractors, agents, tenant representatives and voluntary workers when carrying out their roles on our behalf. We will take action which may include legal action against anyone who causes antisocial behaviour, harassment or violence or threats of violence etc towards our employees, agents or contractors.

5.0 Our Approach

Co-op Homes has based its Anti-Social Behaviour Policy on the following principles.

We are committed to resolving cases of nuisance and Anti-Social Behaviour (ASB) for our tenants using a victim centred approach and we will where necessary work with other agencies to do this. Responsibility for dealing with anti-social behaviour ultimately lies with us although Richmond Housing Partnership are responsible for managing all cases of ASB.

Co-op Homes will encourage residents firstly to try and resolve low level disputes by approaching their neighbours directly. Complainants will be given advice on how to go about this and a copy of our self help guide. Secondly, where other bodies have more effective powers to deal with the problem, we will refer residents to them. Co-op Homes will support the actions of other agencies such as the local Environmental Health Department if it is satisfied the nuisance exists.

5.1 Multi-agency partnerships

Co-op Homes participates fully within a multi-agency framework to tackle anti-social behaviour. Partnership with Local Authorities and Police are essential in combating anti-social behaviour and developing good practice in a joint approach. The speed of response is also an important factor as we are to achieve workable solutions. In all cases we will consider whether other agencies can assist in resolving the problem:

We work with:

- Police
- Social Services
- Education
- Other Registered Social Landlords
- Youth Offending Service
- Voluntary Sector Organisations
- Mediation Services
- Victim Support

We meet regularly with a Hounslow Anti Social Behaviour Action Group (ASBAG) and recognise that the development of multi-agency partnerships can be an effective way to prevent and combat anti-social behaviour. Partnerships may involve:

- A co-ordinated approach by specialist agencies to provide perpetrators of anti-social behaviour with the support they may need which could aid their rehabilitation
- Help from specialist agencies may prevent Co-op Homes from having to take legal action in relation to anti-social behaviour
- Joint working with the police through the Anti-Social Behaviour Action Group may improve the chance of legal action being successful.
- By approaching the problem from more than one angle, we may increase our chances of resolution especially where a situation escalates. E.g. Environmental Health serving a noise abatement notice on a noisy household while Co-op Homes gives notice of possession proceedings.
- Working with agencies to tackle nuisance by youths or groups. Particular focus on pro social behaviour measures involving community development to engage with youths.

5.2 Obligations of Tenants

Tenants are subject to the conditions of their tenancy agreement. The tenant Handbook also explains tenants' obligations and is available on our website.

Under the conditions of their tenancy our tenants are required:

- Not to cause a nuisance, or let their family, friends or visitors cause a nuisance by making excessive noise or harassing anyone.
- Not to be involved in criminal activity
- Not to damage the property and to return it to the Landlord in a good state when they leave
- To dispose of their rubbish in the appropriate place, specifically in bins where provided.
- To be responsible for the good behaviour of their family, friends and visitors in their homes or on estates.
- To ensure that any pets that Co-op Homes has given permission to keep are under order and do not make mess, cause a nuisance, or damage their home, communal areas or neighbouring property.
- Abide by parking regulations and ensure vehicles used by them are taxed and insured.

5.3 Response to Complaints of anti-social behaviour

Complaints regarding antisocial behaviour will be accepted verbally, in writing or electronically from residents of Co-op Homes or other residents of a neighbourhood who wish to complain about one of our residents or other persons who may not be tenants but are causing a nuisance. Co-op Homes will respond to complaints within 2 working days, an anti-social behaviour report will then be completed with the complainant and medium and high level cases will be referred to RHP. In all cases of anti-social behaviour a home visit will be offered if the complainant does not wish to come into one of our offices to be interviewed or it is more appropriate to visit them at home. We, or RHP acting on our behalf, if the case has been referred, will keep the complainants regularly informed of developments both verbally and in writing .Contact will be made at least every 10 working days and more frequently if there are major developments in the case.

As some complaints may be unfounded or even malicious a non-judgemental approach will be taken at the early stages of investigation.

It will not always be necessary for complaints to be made in writing before action is taken, although this will be advised. Help will be given to anyone who has difficulty in giving a written statement (for example, someone whose first language is not English). In the case of anonymous complaints, which may be malicious and in themselves be considered a form of harassment, they will only be accepted in exceptional circumstances. An example would be where anti-social behaviour relates to serious problems and there is good reason to believe that there could be fear of reprisals.

We recognise the need to support individuals, families and communities, in taking a stand to prevent anti-social acts and will consider, in partnership, appropriate intervention to have the maximum impact in tackling anti-social behaviour. Where appropriate, and particularly where property is being used for illegal activities, we will not hesitate to use enforcement measures

available to ensure anti-social behaviour ceases, including eviction of perpetrators of serious and/or persistent anti-social behaviour.

Complainants will be referred to other support agencies if it is agreed that this will provide additional necessary support for them.

Complainants who are not satisfied with the outcome of their complaint can appeal in line with the complaints procedure.

5.4 Categories of Anti-social Behaviour

Co-op Homes categorises the severity of anti-social behaviour according to the effect on the victim, the actual anti-social behaviour that has or is taking place and the level of risk posed by the perpetrator. This determines the urgency with which the case is dealt with and the amount of time dedicated to the solution of the problem. This does not imply that less serious cases are taken less seriously but if a resident is at risk it is essential to respond quickly. High level cases of anti-social behaviour will be dealt with urgently and a visit made within 24 working hours

We expect residents to resolve **low level anti-social behaviour** themselves and we will advise them how to go about this. We will not have any significant involvement in these cases as they are not situations in which we normally have powers to help the complainant. Low level anti-social behaviour includes neighbour disputes, normally resulting from a clash of lifestyles which does not involve violence, and intermittent noise ensuing from a normal use of property e.g. a loud television set or noise from walking about in properties with low sound insulation by design.

Medium level anti-social behaviour can have a debilitating effect over time. However, it is behaviour that could result in court action e.g. threatening behaviour, excessive noise and nuisance that directly affects the health or safety of a resident.

High Level anti-social behaviour: These cases include:

- Serious harassment including hate behaviour
- Violence or threat of violence
- Damage to property or the threat of damage
- Drug taking or dealing
- Persistent threats or verbal abuse.
- Racial harassment
- Domestic violence

5.5 Preventative Action

Obligations relating to anti-social behaviour and harassment shall be reinforced, clause-by-clause, when tenants sign their tenancy agreements. Co-op Homes employees will explain in detail the responsibilities of the landlord and tenant (and their household members and visitors) are and in what ways the tenant can help the landlord by collecting evidence of anti-social behaviour (for example - using a diary to record incidents. The diary sheets will give examples of what needs to be included such as the time and date of the incident, the action, the effect the action had on the victim –e.g. ‘kept me awake until 2am’).

Other preventative measures that Co-op Homes will use include mediation and structured interviews to help tenants/members and their households causing nuisance to establish ways of tackling their behaviour.

We will support perpetrators in attempts by them to rehabilitate them and mediate their behaviour where this is practical. We recognise that anti social behaviour can result from a range of factors such as alcohol and drug abuse, mental health problems and disability.

5.6 Support of Complainants

It is our policy to make every effort to ensure that complainants are made to feel secure and in extreme cases where the police have confirmed that the complainant is at risk of violence if they remain in their current home, alternative accommodation will be sought.

In all cases complaints of anti-social behaviour will be dealt with in a prompt and courteous manner. Where further action is appropriate the tenant will be kept up to date on developments and contact will be made at least every 10 days.

In many cases we may need to work with other agencies in order to maximise resolution of the problem and support the tenant where appropriate. We will welcome the support, advice and partnership working with other agencies.

5.7 Supporting Witnesses

We recognise that successful action against anti-social behaviour depends on:

- Residents providing information to us and the police.
- Residents providing evidence to secure court orders/convictions against perpetrators of anti-social behaviour.

We realise the best way to support witnesses is to take swift and effective action.

The support process will include:

- Regular contact
- Updated information
- Accompany and transport to and from court
- Witness protection in conjunction with the police.

We will use all available sources within our resources to collect evidence such as: Environmental Health; Housing employee; noise recording equipment from our parent company etc. When witnesses of anti-social behaviour are reluctant to provide evidence in court proceedings, Co-op Homes will consider use of professional witnesses. Professional investigators are an expensive option and will only be used for serious cases that involve a serious risk to potential witnesses. The advice of the police will be sought before any investigations agency is instructed.

6.0 Tenant Participation

Co-op Homes are committed to working with tenants and local residents to enforce intolerance of anti social behaviour. We are determined to resolve anti-social behaviour and harassment problems and realise that consultation and discussion is invaluable in achieving this.

POLICIES AND LEGISLATIVE FRAMEWORK

A. Harassment Policy

All forms of harassment are unacceptable and Co-op Homes takes them very seriously. All reports of harassment including racial harassment, sexual harassment, harassment of people living with HIV/AIDS and harassment of gay and lesbian residents will be thoroughly investigated and legal opinion will be taken where appropriate. We will evict tenants who are guilty of harassment or where members of their household, friends or visitors are responsible. Tenants at risk because of violence who need to be moved will be made clearly aware of the options available.

Harassment is not always reported because victims do not want to 'make a fuss' or others will not give importance to their experience of abuse. We hope to address this under reporting by encouraging our tenants to report hate crime at our local offices rather than attending a police station.

We believe in racial equality, and we will use our powers to take action against any individual involved in racially motivated incidents where the victim or the perpetrator is a resident of Co-op Homes or the properties it manages.

Group definition of racial harassment:

'Racial harassment is an unwelcome or hostile act or series of acts perceived by the victim as being carried out on racial grounds'

If employees are found guilty of harassing a tenant or a member of their household we will make use of our disciplinary code. [Our harassment policy is attached. – under revision].

Our primary concern when dealing with reports of harassment will be the safety of our customers and we will take a victim centred approach when dealing with reported incidents.

B. Domestic Violence Policy

Co-op Homes will not tolerate acts of Domestic Violence and will take appropriate action if evidence is brought to our attention to ensure the safety of victims. We will work with our partner local authorities, the police and any other agency as required to resolve a case of domestic violence.

Such violence may be physical, emotional or psychological. It is most commonly perpetrated by men but may also be perpetrated by women or between gay and lesbian partners.

Wherever possible, Co-op Homes will assist those threatened with or suffering violence by seeking secure accommodation, free from the threat or fear of violence. Where we cannot

provide such assistance ourselves we will provide advice on alternative accommodation and support available.

If a tenant, a member of their household or visitors is responsible for domestic violence Co-op Homes will take such necessary direct action such as securing an injunction and/or possession action. We will also support the police in securing a conviction.

C. Equal Opportunities Policy

Every employee of Co-op Homes must comply with our Equal Opportunities Policy when dealing with customers.

Employees must take care to treat people fairly and appropriately when dealing with anti-social behaviour and must be aware that anti-social behaviour can be traumatic for everyone involved. Employees should:

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

D. Prevention of anti-social behaviour

It is our policy to maximise our resources in the prevention of anti-social behaviour.

- Co-op Homes adopted introductory tenancies in 2003. This means a new tenant must prove 6 months of being a good tenant before they become a secure tenant. Short life properties only have assured shorthold tenancies.
- We provide financial support to the police for their anti-social behaviour campaigns, particularly with the young.
- We participate in multi agency partnerships such as Hounslow's Anti Social Behaviour Action Group (ASBAG)
- We work closely with the police and other agencies such as local Environmental Health Departments, Mediation Services and groups representing minority groups
- We actively participate in multi agency review teams, particularly where perpetrators belong to gangs where other members may be tenants or family of tenants of other RSLs.
- Aim to ensure high standards of estate care dealing with abandoned cars, fly tipping and graffiti.
- Take action against squatters
- Make use of Acceptable Behaviour Agreements and ASBOs.

E. Rehabilitation of Perpetrators

In many cases perpetrators of anti-social behaviour may themselves be in need of support, for example where anti-social behaviour is the result of

- Drug abuse/dependency
- Alcohol abuse/dependency
- Mental Health issues
- Disability issues.

In line with the Disabilities Discrimination Act 1995 we will work with Social Services, Drugs and alcohol support and other agencies. We will work with parents where juveniles are the perpetrators of anti-social behaviour. However, where the rehabilitation approach fails we will resort to injunction, anti-social behaviour order or possession.

F. Data Protection and Information Exchange

Power under section 115 of the Crime and Disorder Act 1998 and the Data Protection Act 1998 allow agencies to disclose information for the detection and prevention of crime and anti-social behaviour. We will work closely with the police to [provide information for any anti-social behaviour database. Any information exchange will be compliant with the Human Rights Act 1998.

G. Confidentiality

The identity of complainants or witnesses will only be disclosed to a third party with their express permission. Although, complainants need to be aware that there will be cases where it is apparent to the perpetrator who the complainant is.

However, any information that cannot be linked to an individual may be passed to a third party if it will assist in the reduction of crime and disorder.

H. Training Employees

It is our policy to train all employees dealing with anti-social behaviour providing core training for all employees and further training through the appraisal and personal development process.

All housing employees will be trained on :

- Taking anti-social behaviour reports from complainants
- The HRA 1988
- Criminal Action on racially aggravated offences
- Supporting witnesses and victims when cases go to court
- Anti-social behaviour case management and case law.
- Mental Health Awareness

I. Review and Appeals

Co-op Homes has in place a clear review process for monitoring cases and an appeals process for complaints for customers who believe their case has not been dealt with properly.

J. Financial Costs

Co-op Homes recognises that there will be financial costs associated with anti-social behaviour but that the implementation of the above principles will have a positive effect on the following:-

- turnover and management of voids;
- allocation of housing;
- incidence of repairs;
- insurance costs;
- employee costs dealing with cases and absence due to stress,
- public perception of Co-op Homes

K. Legislative Framework: Recent legislative changes include:

- **Anti-Social Behaviour Act 2003:** This new, important piece of legislation strengthens the powers of landlords to deal with anti-social behaviour in the following ways:
 - A power of arrest can be attached to an injunction obtained through the Local Government Act 1972 if there is a threat of violence or use of violence or there is significant risk of harm
 - Proceedings for Possession: the Act now allows courts to take the following issues into account when they are considering gaining possession orders:
 - The effect on those in the locality if the nuisance is repeated
 - The effect of the nuisance on those in the locality
 - The continuing effect of the nuisance
 - Anti-Social Behaviour Injunctions: the legislation now gives housing associations and local authorities the power to injunct anyone – not just tenants – who is causing a nuisance which affects the way estates are managed and gives protection to those engaged in lawful activity on the estate or members of the employee of landlord while carrying out their duties.
- **Police Reform Act 2002:** It is now possible for Interim ASBOs to be granted, for a fixed period of time, to prevent further anti-social behaviour pending the full ASBO being obtained.
- **Demoted Tenancies:** Registered Social Landlords and local authorities can apply to the County Court for a demotion order. If a secure tenancy is demoted then, for a period of 1 year, the tenant has some rights reduced and repossession during the year becomes easier. This will probably not be relevant where contractual (Co-op) tenancies apply.

L. Legal and other Remedies

Co-op Homes is committed to using a range of approaches to tackle the wide range of anti-social behaviour issues and to keep up to date on current best practice. Only when preventative and management approaches have failed to resolve the problem will Co-op Homes consider using legal remedies. This is not only because of the seriousness of taking away someone's home but also because eviction may not in itself resolve the problem; it may simply move it elsewhere. There is no standard approach to when certain legal remedies will be applied but Co-op Homes (through RHP) will consider the options available and those that are most likely to be appropriate and effective in the circumstances of each case. The following is a list of the legal and other options available.

Types of remedies/legal action that can be taken:

- Mediation between victims and perpetrators at an early stage
- Issue a warning letter regarding the anti-social behaviour and/or breach of the tenancy.
- Get perpetrators to sign Acceptable Behaviour Contracts. We hope that these will encourage them to improve their behaviour.
- Undertake Parental Control Agreements and monitor a parent/carer of a child under the age of ten years to ensure that behaviour of the child is not continuing to cause distress and/or disturbance to others.
- Undertake, in partnership with the Metropolitan Police and partner agencies, an application to the court for an Anti-Social Behaviour Order (ASBO). Any breach of this type of order is a criminal offence and can result in a prison sentence of up to 5 years or a fine or both.
- Serve a Notice to Quit or Notice of Seeking Possession on those who do not address their behaviour or continue to breach their tenancy/leasehold agreement and/or commit a criminal offence
- Seek possession, through the court, of the homes of those who cause levels of distress and disturbance to others that is totally unacceptable. This will include continuous and persistent anti-social behaviour in the locality.
- Apply to the court for an injunction that will exclude individuals from their homes, or from visiting the homes of tenants, or from an area, to ensure that their behaviour stops. An injunction is a civil remedy which is obtained through the County Court and either compels a person to do something or forbids a person from doing something. The breach of an injunction is not, in itself, a criminal offence but it is contempt of court and could lead to a fine or imprisonment
- Where neighbouring owners-occupiers are involved in Anti-Social Behaviour, we may take legal action or support legal action against the owner.
- Community development activities or other pro social behaviour options to tackle low level nuisance from youths

M. Committee Members Involved in Anti-Social Behaviour/Harassment: A Co-op Homes Management Committee member involved in, or with an interest in a complaint or incident of Harassment or Anti Social behaviour:- will not be allowed to be present at any meeting which discusses the case.

N. Monitoring and Reporting

Co-op Homes is committed to continuous improvement in service delivery and standards, and understand that effective monitoring and reporting is inherent in the process of evaluating and reviewing performance.

Quarterly reports will be submitted to the Services Sub Committee. Individual cases will be monitored at relevant Management Meetings.

A central file of anti-social behaviour complaints received will be held and used as follows:-

- to record numbers of complaints received
- to categorise the types of complaints received e.g. noise, harassment, violence, pets/animals, drug/alcohol/substance abuse
- to categorise the type of action taken to resolve the complaint e.g. mediation, referral to support agency, management transfer, legal action
- to record the stages cases have reached

- to measure success - i.e. outputs/outcomes. For example - how many cases referred to mediation were resolved? What means of resolution were adopted in respect of individual anti-social behaviour cases. Which ones proved successful?
- to measure length of process to resolve complaint;
- to profile victims/perpetrators e.g. ethnicity; faith; sexuality
- to identify trends;
- to evaluate numbers of complaints investigated within target times. Complaints will be reviewed and we learn from this process and aim to continually improve our approach to tackling anti-social behaviour.
- to measure performance against Performance Indicators and set benchmarks.
- In addition a further analysis of anti-social behaviour complaints will monitor progress of cases.

O. Review.

This Policy will be reviewed every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

October 2006

Co-op Homes Anti-social Behaviour Procedure

1. Framework

These procedures are to provide guidance on what action is taken when a resident or third party reports any form of anti-social behaviour, whether harassment, nuisance or discrimination. These procedures provide a framework to deal with different types and degrees of incident ranging from disputes and nuisance to serious anti-social behaviour. Determining factors include the nature and seriousness of the incident and the victim's preferred course of action.

There are some occasions when neighbours simply do not get on with each other and Co-op Homes does not have any powers to intervene. In such cases, we will help by giving advice. If you cannot find an amicable solution to the dispute with the other person, it may be possible for you to take legal action of your own. We will be honest with you if your complaint falls into this category but we will do what we can to assist both parties in reaching agreement.

In many cases though, we depend upon the co-operation of residents in resolving ASB. It is a problem that affects the whole community and we work with many other agencies to find answers. In severe cases, we may consider taking action to evict the person causing the nuisance and we cannot do this without the evidence supplied by those who have suffered. At the same time, we need help from the whole community to find creative ways of avoiding these problems and making our estates safe and pleasant places in which to live.

2. Who deals with complaints involving anti-social behaviour?

Co-op Homes is part of the Richmond Housing Partnership Group. Richmond Housing Partnership's ASB Team is responsible for managing all anti-social behaviour reported by Co-op Homes' tenants. They have responsibility for ensuring that first time cases of nuisance/antisocial behaviour/harassment reported by tenants are dealt with according to the stages set out in this anti-social procedure. New cases of anti-social behaviour will be referred to RHP as agreed within the service level agreement between RHP and Co-op Homes. However, through regular review meetings Co-op Homes will retain overall responsibility for anti-social behaviour reported to and from our tenants. Where appropriate, either Co-op Homes or RHP employees will also advise tenants on contact with **Environmental Health Officers (Noise control Officers)** in the Local Authority where the property is based.

3. What Action can be taken?

Anti-social behaviour comes in many forms and the action that can be taken will depend on the circumstances of each case. Below is a summary of the informal action that can be taken by Richmond Housing Partnership on Co-op Homes' behalf. RHP will consider all these options and record the reasons for their final decision within individual anti-social behaviour case logs. In Medium and High cases, the reasons for any decision will be discussed and agreed with Co-op Homes through a process of regular review meetings.

Speaking to neighbours – wherever possible, we advise that you speak to your neighbour yourself. At times, the person is not aware that they are causing a problem and they are happy to be more considerate.

Warning Letter – to the perpetrator reminding them of the terms of their tenancy or lease or to the complainant if the complaint proves to be malicious.

Letter to a block – if several households are failing to keep to the terms of their tenancy or lease.

Improving security and safety – by strengthening doors and providing window locks, a fireproof letterbox or by improving visibility and security around entrances by cutting back shrubbery. In addition, we can consider CCTV cameras and the provision of panic alarms and mobile phones for victims

Mediation - a voluntary arrangement whereby all parties involved are helped to explain their viewpoint and reach agreement with the help of an independent third party.

Referral to other agencies for help – such as the local Environmental Health Noise Team or the police.

Referral to other agencies for intervention – such as Social Services or the Education Authority when children are involved or to the Community Mental Health team if the perpetrator or complainant suffers from mental health problems or to the Drug and Alcohol team if this is appropriate.

Other measures are voluntary (not legally binding) but are less formal.

Acceptable Behaviour Contracts (ABC's) – voluntary agreements made with Co-op Homes and the police and any person over the age of ten years who is causing anti-social behaviour. The person agrees not to do certain specific acts of anti-social behaviour, such as causing graffiti or abusing neighbours.

Parental Control Agreements – these are similar to ABC's but when a child is under the age of ten years, one or both parents undertake to prevent their child from committing specific acts of anti-social behaviour.

If the informal measures fail to eliminate the anti-social behaviour, we may take stronger action to enforce the tenancy conditions.

Service of a Notice of Seeking Possession – this is the first stage in repossessing a property. It may act as a warning but this action will only be taken when Co-op Homes believes that actual Court action could be successful. The Notice sets out details of the anti-social behaviour and is valid for a year.

Anti-Social Behaviour Orders (ASBO's) – Orders made by a Court prohibiting a person from committing specific acts of anti-social behaviour. The Order is for a minimum of two years and the police can arrest any person breaking the Order. It is only suitable in serious cases as a considerable amount of evidence is required.

Obtaining an Injunction – this is a Court order that either makes someone do something or prevents them from doing something. It can be obtained quickly and is used either to protect a complainant if they have been threatened or to protect Co-op Homes employees or contractors. It should be used in serious cases where strong evidence is required. The

power to obtain injunctions has been extended by the Anti-Social Behaviour Act 2003 and can be used against visitors to a property or other members of the household.

Demoted Tenancy – this can be ordered by a Court against a tenant and is valid for one year, during which time, the tenant loses their security of tenure. This makes it easier for Co-op Homes to evict the tenant if the behaviour does not improve. If there is no further problem, the tenant will be granted a new tenancy at the end of the period of demotion but they will permanently lose some right such as the right to buy. It may also affect other rights to exchanges and transfers.

Repossession of the Home – this can be difficult to obtain but Co-op Homes' decision whether or not to proceed is based on the seriousness of the anti-social behaviour and we may still proceed to Court even though we believe the action could be difficult. The Anti-Social Behaviour Act 2003 requires the Court to consider the impact on neighbours and the neighbourhood as well as the impact on the individual of losing their home.

4. The Investigation Stage

After receiving a complaint of anti-social behaviour (ASB) an initial assessment will be carried out to decide whether the incident amounts to Low, Medium or High Level ASB. This may be possible over the telephone but in medium and high cases, a personal interview will be offered to take place within five working days, provided this is convenient to the complainant. The reason for the categorisation of the case should be recorded on the ASB Report form.

Irrespective of the level of incident every effort shall be made to resolve the matter within 20 working days.

In low and medium cases, an arrangement will be made for collection or return of any nuisance diary sheets issued within a maximum of 10 working days. These sheets shall be used to assist in establishing the severity of the problem or whether a case exists.

Low Level ASB

These situations usually require action by the complainant because Co-op Homes does not have powers to deal with them. Some examples of these situations are listed below;

- Neighbour disputes normally resulting from a clash of lifestyles which do not involve violence or a breach of the tenancy agreement.
- Occasional noise resulting from a normal use of the property. For example a loud television set.
- Nuisance as a result of someone being more messy or untidy than usual but which does not directly impact on neighbours and is not classed as an environmental nuisance. For example, an overgrown garden.

In many cases the investigation can be completed at first contact with the complainant either over the phone or in person.

The complainant will be advised by RHP on behalf of Co-op Homes of one or more of the following in writing within 10 working days of the complaint being made

- That Co-op Homes will not investigate or get further involved because it has no powers to deal with this type of nuisance
- The complainant should (if appropriate) attempt to discuss the matter with the alleged perpetrator in an attempt to resolve the matter themselves.
- Offer advice on their legal rights and other measures they could employ to bring the problem to an end. An example may be to refer a dispute between neighbours to the Mediation Services
- That the investigation is continuing but is not concluded. In this case, the complainant will be told when there will be a further update on progress.

Reports considered as being without foundation or substance will not be pursued. The applicant will be notified of this decision.

Any escalation of the anti-social; behaviour will necessitate reassessment of the case and re-evaluation of action.

If the case has not been resolved within 20 working days it will be re-classified as Medium Level and it will be given a greater priority in order to achieve a resolution.

Medium Level ASB

Where the ASB is assessed as a medium level, such as threatening behaviour, excessive noise, or breach of a tenancy condition, action shall be considered to bring the matter to a satisfactory conclusion and may include:

- An interview followed by a written warning
- Service of a Notice of Seeking Possession (which is the first legal stage in bringing a tenancy to an end through the Courts) or Forfeiture Notices or a Notice to Terminate an Introductory Tenancy.
- If the perpetrator is a child, meeting with them and their family
- Referral to the relevant local strategic partnership such as ASBAG, or other borough-wide multi agency group that makes decisions about action to reduce anti-social behaviour by individuals or groups.
- Consideration of the use of an Acceptable Behaviour Contract and/or Parental Control Agreement
- Threatening eviction action/forfeiture
- Involving the Police or Environmental Health Department
- Covert surveillance
- Injunctions
- If damage, recharging the work and putting it right

In Medium Cases of ASB, the case will be reviewed every ten days and the complainant contacted with details of progress. If the case is not resolved within three months, it will be reassessed as a High Level Case.

High Level ASB

High level ASB should be referred immediately to RHP's ASB Manager and dealt with by them until the case is closed. These cases will normally involve working with multi agency partnerships so that information can be shared with the police and other agencies. Application for an Anti-Social Behaviour Order will be decided by such panels. High level ASB is a case involving one or more of the following behaviour:

- Serious harassment (deliberately annoying or disrupting)
- Violence or threat of violence
- Damage to property or threat of damage
- Drug taking or dealing
- Persistent threats or verbal abuse
- Racial Harassment
- Domestic Violence

In this event, additional support shall be considered such as fitting security devices or surveillance equipment or carrying out repairs that make the complainants home more secure.

N.B. If the perpetrators are young people, Parental Control Agreements or Acceptable Behaviour Contracts shall be considered. If these measures have already been tried, the case should be referred to the Anti-Social Behaviour Panel for consideration of an ASBO. A case conference may also be an option if other agencies are involved.

Throughout this process the complainant will be kept aware of action being taken and their needs will be continuously reviewed. At the first interview, the CLO will explain that the case will be reviewed weekly by the CLO and ASB team and the complainant will be contacted.

If the complainant or perpetrator is known to be vulnerable it may also be appropriate to involve other agencies. If the complainant or perpetrator is thought to have mental health difficulties, the local community mental health team **must** be contacted immediately to facilitate joint work in supporting the victim or dealing with the perpetrator.

Where the ASB/nuisance is continuous the complainant shall be requested to complete a nuisance diary sheet, recording times and dates of any further incidents. This is vital if legal action is to be successful.

An arrangement shall be made for collection or return of the nuisance diary sheets within 5 working days. These sheets shall be used as to establish the severity of the problem or whether a case exists.

5. Recording incidents of anti-social behaviour:

Reports of antisocial will be accepted verbally, in writing or electronically from residents of Co-op Homes or other residents of a neighbourhood who wish to complain about one of our residents. Once registered, cases will be referred to RHP for investigation and action. Complaints will be responded to within 2 working days and high level cases within 1 working day.

An anti-social behaviour report will then be completed with the complainant and in all medium and high level cases of ASB a home visit will be offered if the complainant does not wish to

come into an office to be interviewed. Complainants will be kept regularly informed of developments both verbally and in writing .Contact will be make at least every 10 days and more frequently if there are major developments in the case.

As some complaints may be unfounded or even malicious a non-judgemental approach will be taken at the early stages of investigation.

It will not always be necessary for complaints to be made in writing before action is taken, although this will be advised. Help will be given to anyone who has difficulty in giving a written statement (for example, someone whose first language is not English). In the case of anonymous complaints, which may be malicious and in themselves be considered a form of harassment, they will only be accepted in exceptional circumstances. An example would be where anti-social behaviour relates to serious problems and there is good reason to believe that there could be fear of reprisals.

We need to support individuals, families and communities, in taking a stand to prevent anti-social acts and consider, in partnership, appropriate intervention to have the maximum impact in tackling ASB. Where appropriate, and particularly where property is being used for illegal activities, we will use enforcement measures available to ensure ASB ceases, including eviction of perpetrators of serious and/or persistent ASB.

Complainants will be referred to other support agencies if it is agreed that this will provide additional necessary support for them.

Complainants who are not satisfied with the outcome of their complaint can appeal in line with the complaints procedure (see section 18 of this procedure)

Targets: Responding to the initial report of Anti Social Behaviour

Category of Anti-social Behaviour	TARGET Respond within
High Level	1 working day commence investigation within 5 working days
Medium Level	2 working day commence investigation within 10 working days
Low Level	Acknowledgement 2 working days commencing investigation within 10 working days

6. Managing Anti-social Behaviour Cases

When a complaint is received as much relevant information as possible will be collected. This will include written acknowledgement of the complaint as well as the opportunity of a face to face interview with the complainant who should be given the choice of coming into the office or a home visit for medium or high level ASB. A 'Report of Anti-Social Behaviour form' should be used and the interview should provide the following information:

- Who the complaint is about
- Time and instances of nuisance
- How long the nuisance has been going on
- How severe the nuisance is
- How the nuisance affects the complainant/complainant's household
- What action has been taken by the complainant
- Possible witnesses
- Action/involvement of other agencies (e.g. police, social services)

Advice to be given at this stage will include:

- What action RHP on behalf of Co-op Homes will take following the interview
- Explaining the procedure
- Detailing the involvement of any external agencies

If it is clear that a condition of tenancy relating to nuisance has been breached RHP on behalf of Co-op Homes will offer appropriate support and contact relevant agencies where necessary. Immediate action must be taken to minimise nuisance and attempt to resolve the situation at the earliest possible stage.

If it is decided that no breach of tenancy has occurred, the complainant will be advised how they can deal with the issue themselves. A report of the decision must be documented and placed on the ASB file for reference. This will support any enforcement action if it becomes necessary.

If, at the end of the interview, the victim does not want any action to be taken against the perpetrator(s), their wishes should be respected unless the nuisance is illegal. The Officer should confirm whatever action is agreed, in writing following the completion of the investigation.

All cases will be reviewed at least monthly and action plans revised as necessary updating the ASB schedule.

7. Interviewing the Perpetrator

Following the initial interview with the complainant, if further action is necessary, with the consent of the complainant, RHP will arrange an interview with the alleged perpetrator. They will send a letter outlining the report of nuisance and confirming a date and time for interview. All the facts of the allegation will be clearly put to the perpetrator and they must be given an opportunity to respond. Any discrepancies or counter allegations should be investigated. Whilst this is an opportunity for the alleged perpetrator to give their version of events, RHP will, where appropriate, make them aware of the potential consequences of their actions, including the ultimate sanction of eviction.

By the end of the interview/investigation, RHP should be in a position to inform the complainant in writing of what action has been taken to date and any future action necessary.

If further action is necessary RHP will agree an action plan with the complainant outlining what RHP (on behalf of Co-op Homes) will be doing. This should be confirmed in writing and where possible be signed by the complainant.

If the allegations are denied and no additional evidence exists to support the complainant, no further action can be taken at this stage apart from emphasizing the need to comply with tenancy conditions and have consideration for neighbours. Mediation may be proposed as a way forward.

If there is sufficient evidence to support the complainant the perpetrator must be told that the behaviour is a breach of tenancy and must stop. They should be warned that a Notice of Seeking Possession will be served if the nuisance persists. They should also be warned of other legal action that could be taken against them. The complainant must also be written to advising them of the outcome and asked to keep records should any further problem occur. If the nuisance is in the form of loud noise e.g. loud music, the complainant should be advised to contact the Noise Control Team of the Local Authority Environmental Services and to keep RHP informed.

The perpetrator may make a counter allegation and this should be put to the complainant. If it appears that this is a dispute rather than serious anti-social behaviour, then RHP may consider referring both parties to mediation. If both parties refuse mediation then they should be written to advising that the situation will be monitored and should allegations be substantial then legal action may be taken.

Evidence can be collected by Environmental Health or police. Members of employee can also be witnesses and can give hearsay evidence.

8. Deciding on Action

The precise course of action to be followed is dependent on the circumstances of the case and in particular on the following:

- The outcome desired by the tenant and what is achievable
- What type of action the person can deal with, with support
- Whether the alleged perpetrator is a Co-op tenant
- Whether criminal or civil proceedings are to be taken (options may include injunctions, possession, ABAs, ASBOs)
- Whether external agencies are involved and which.

Options for inclusion in the Action Plan include:

- Involvement of the mediation service
- Security or safety measures to protect the complainant and or other residents
- Minor maintenance works to alleviate noise transfer
- Referral for multi-agency action
- Issuing a warning letter to the alleged perpetrator confirming that any further incidents will lead to formal proceedings
- Drawing up an Acceptable Behaviour Agreement (ABA)
- Applying for an Anti-Social Behaviour Order (ASBO) against the perpetrator
- Taking possession proceedings against the alleged perpetrator or seeking an injunction order
- Supporting the tenant in their own legal action against the alleged perpetrator
- Supporting police in legal action against the alleged perpetrator

- Involvement of statutory or voluntary agencies
- Publicising the action being taken to deter others.
- Serve the perpetrators with a NOSP (if the allegations are believed: a lesser warning might be ignored but if there is sufficient evidence to suggest that action may lead to eviction, it is the best means of achieving modification of the perpetrators behaviour).
- The evidence may suggest that another person is responsible so the focus of the investigation will be changed.
- Monitor the case for a further time period to gather additional evidence (this is also necessary where legal action has commenced and evidence is being gathered to strengthen the case).

Where it is clear the alleged perpetrator is responsible or where the evidence reasonably points to this conclusion and there is severe anti-social behaviour, a Notice of Seeking Possession will be issued.

The Notice shall contain an accompanying letter that provides the perpetrator with the opportunity to discuss the matter again.

Following this action monitoring shall take place to:

- Gather evidence with a view to making a decision whether to escalate or close the case.
- Monitor to establish whether the perpetrator has heeded the warning
- Prepare the case for legal action, including gathering further evidence and working with other agencies.

There are no specific timescales attached to this stage but it is fundamental that cases are not left open indefinitely. Therefore time scales for monitoring should be applied (e.g. 3 months) which shall be agreed with the victim/complainant.

9. Witness or Victim Support

If legal action is to be successful, RHP will in most cases require the complainant to give evidence in the County Court against the perpetrator.

If the complainant agrees to give evidence at court, every effort will be made to support the witness. When legal action commences and the case is referred to RHP's solicitors, a meeting will be held with the witness to explain the legal process and the timescales involved. If necessary, the witness may be asked to meet with our solicitors before Court. The witness will be escorted to and from Court if they wish but RHP will ensure that witnesses remain confident about giving evidence through regular contact and updates on the progress of the action.

Where it is necessary to contact the Police for the purpose of gathering or exchanging information, the ASB team shall be contacted to request this information.

Where the incident or nuisance has been witnessed by others, witness statements shall be taken especially where legal action is likely or is being considered. Diary sheets shall be issued to witnesses where the anti-social behaviour/nuisance continues.

Where the Environmental Health Department has had involvement they should also be contacted to supply a witness statement.

Where witnesses are afraid to give evidence due to fear of harm and the anti-social behaviour /nuisance continues, the assistance of a professional witness or investigation service may be sought.

Where a witness is giving evidence in person Co-op Homes will consider:

- o Additional security at home e.g. locks, lighting, alarms
- o Access to counselling
- o Contacting the police about additional presence.
- o Transport to court
- o Access to translation services and reasonable expenses.

RHP will contact the complainant to provide updates, even if there is no progress, every 10 days. This contact must be recorded.

10. Monitoring

Complaints of anti-social behaviour will be monitored and recorded on a data base and reviewed with Co-op Homes on a regular basis.

Reports will be provided to Co-op Homes Management Team on a monthly basis and to our Committees annually. Tenants will be sent a satisfaction questionnaire when an ASB case has been closed. This will form part of overall tenant satisfaction surveys.

11. Emergency Transfer of Victim

In the most severe cases of ASB/Racial Harassment, transfer to alternative accommodation may be arranged to ensure the safety of the victim or their family. This may be a transfer within the borough or in extreme cases, witnesses may be moved under the National Witness Mobility Scheme run by the Home Office. However, action against the alleged perpetrator is the main priority.

12. Complaints

If the complainant is unhappy with the outcome of the investigation or the process that has been followed, they will be informed of Co-op Homes Complaints Procedure. However, in the first instance the complaint will be investigated by RHP's Anti-social Behaviour Manager who will respond to the complaint and provide a written report to Co-op Homes on the case.

January 2007