

# **MUIR GROUP HOUSING ASSOCIATION LIMITED**

## **STATEMENT OF PROCEDURES ON ANTI-SOCIAL BEHAVIOUR**

### **Purpose**

The purpose of this procedure is to ensure that all residents and staff are aware of the Association's role in ensuring residents enjoy a decent and peaceful environment to live in. It is our aim to ensure that every victim of nuisance receives swift and effective support leading to a resolution of the problem. Muir Group adopts a victim-centred approach to dealing with anti-social behaviour.

### **Background and Scope**

This procedure applies to all tenancies and leases. In terms of definitions used within this document:

Community Housing Officers will be referred to as CHOs.

Scheme Managers will be referred to as SMs.

Regional Managers will be referred to as RMs.

Assistant Regional Managers will be referred to as ARMs.

Muir Group Housing Association may be referred to as 'the Association' or 'Muir Group'.

Anti-social behaviour will be referred to in this document as ASB. Although the Association has placed types of ASB into three categories (Extreme, Serious and General Nuisance), the officer attending to the case will be expected to deal with each complaint individually. If, following investigation, it is decided that a specific case is better placed in a higher category the officer should notify the complainant immediately and will follow the appropriate time scales.

ASB is an umbrella term which encompasses all types of nuisance including, but not exclusively:

## **Extreme**

### Physical violence

## **Examples**

Violence or threats of violence to neighbours or staff (other than domestic violence)

### Verbal abuse, harassment, intimidation and threatening behaviour

Shouting, aggressive swearing, verbally abusive behaviour, arguing in the street, staring through windows for no reason

### Hate related incidents

Persistent nuisance targeted at an individual or group because of their race, colour, nationality, ethnic or national origin, sexual orientation, gender, disability, religion and age

### Domestic abuse

A person physically assaulting their partner for whatever reason, mental abuse of the same

## **Serious**

## **Examples**

### Criminal behaviour

Any other types of criminal behaviour Not already mentioned in other categories e.g., burglary

### Prostitution/Sexual Acts/Kerb Crawling

Sex workers, sexual acts, soliciting, kerb crawling

### Misuse of communal areas, public spaces or loitering

Intimidating gangs of youths congregating outside local shops, aggressive begging in communal areas

### Alcohol related

Drinking heavily and causing a nuisance to other residents

### Drugs, substance misuse and drug dealing

Dealing drugs, leaving needles in communal areas, partaking in solvent abuse in public or communal areas

## **General Nuisance**

## **Examples**

### Nuisance from vehicles

Driving dangerously, abandoned or untaxed cars, parking issues, car repairs, residents repairing cars for a living from their property

### Garden nuisance

Untidy gardens, unsafe structures, old junk left in gardens

### Vandalism and damage to property

Spraying paint or writing on a wall, kicking and breaking a fence panel, damaging or stealing plants or flowers in a garden

### Pets and animal nuisance

Dogs barking repeatedly, fouling of public areas, general nuisance caused by pets

### Litter, rubbish and fly tipping

Placing refuse in communal areas

### Noise

Shouting, loud late night parties, repeatedly banging doors or buzzing intercom systems, loud music or TV

## **Procedures and Implementation**

The effective management of ASB and nuisance is embedded within the work of the Housing Services Department and the organisation as whole. As such, consideration of the effects of ASB and nuisance on individuals and communities is given from the first point of contact with a potential tenant to the day that tenant's involvement with the Association ceases.

## **Preventing ASB**

### Applications and Allocations

Muir Group is committed to preventing ASB occurring on its housing schemes and in the communities in which it operates. By using an allocations procedure that has been specifically written and designed to do just that, Muir Group aims to eradicate ASB from its housing stock and neighbourhoods and tackle ASB at the first point of contact with prospective tenants, ie applicants.

Consideration must be given to the expectations of housing associations when assessing housing applications. Muir Group's allocations procedure seeks to prevent ASB by: -

- Reserving the right of the Regional Manager to exclude applicants from the waiting list who have a recent record of anti-social behaviour. This includes people who have had legal action taken against them for

nuisance, harassment and violence or threats of violence. Where cases are excluded on these grounds, applicants are informed of their right to appeal via the Complaints Procedure.

- Cancelling applications where Muir Group, another housing association, local authority or private landlord has previously evicted or sought to evict the applicant or member of the applicant's household for a breach of tenancy.
- Returning any application forms that have incomplete data. This is particularly important when there are no references to or history of where an applicant has lived in the last 3 years

In addition and in line with existing practice at Muir Group: -

- All applicants will receive a home visit to ensure that the information submitted on the application is correct.
- The Community Housing Officer (CHO)/ Scheme Manager (SM) will ensure that the housing application form has been completed correctly and that references have been received from present or previous landlords. The CHO/SM must be as satisfied as they can be before allocating a property that the applicant is unlikely to cause ASB.

The Associations allocations procedure also allows the Regional Manager to sensitively re-let a property or properties where there has been a particular problem with ASB. The Regional Manager has the authority to vary the allocations policy on that property or area to minimise the risk of ASB occurring again. Such variations must be reported to the Director of Housing Services.

#### False information on the application form

If, at any time following commencement of a tenancy, the Association is made aware that the tenant has given false information on the housing application form, the Association will seek legal advice and consider taking appropriate action against that tenant. Account will be taken of the current conduct of the tenancy in relation to ASB, previous history of ASB and previous tenancy references.

#### Sign-up

Before a new tenant signs a tenancy agreement or a deed of assignment (used when tenants mutually exchange) for a Muir Group property, the CHO/SM will ensure that the following is made clear to the tenant: -

- The terms of the tenancy agreement are explained including the points relating to community responsibility (inc. ASB, nuisance, harassment on any ground) – see Appendix 1.

- That action will be taken if the terms of the tenancy agreement are breached. Such action may result in the tenant losing their home if possession is the route chosen by the Association.

Muir Group's current tenancy agreement is written in Plain English. This should ensure that the clauses within the tenancy agreement, including those relevant to the management of ASB, are easy to understand.

### **The Complaints Process**

It makes no difference whether the person making a complaint is a Muir Group resident or not. If the cause of the problem is a resident or leaseholder of the Association, or any person living with or visiting them, the complaint will be investigated and dealt with in accordance with the procedures laid out within this document. When a resident of the Association makes a complaint against a non-resident, we will advise and support our resident in contacting the correct agencies and assist them in resolving the problem.

It is extremely important to remember that every new tenant is made aware of their obligations and the tenancy conditions concerning ASB and nuisance before they sign a tenancy agreement or deed of assignment. It is therefore assumed that if a tenant has behaved antisocially, they have done so being fully aware of the Association's stance on the matter and the potential consequences of such action. Each tenant has an obligation to pass on this information to family, visitors and friends. Ignorance is no defence for breach of tenancy conditions.

### **Stage 1 - Making And Receiving A Complaint**

Muir Group will ensure that there are numerous ways in which complaints of ASB can be made. The most common methods of receiving complaints of ASB are as follows:

- By email to [info@muir.org.uk](mailto:info@muir.org.uk)
- Via our website at [www.muir.org.uk](http://www.muir.org.uk)
- By telephoning us on 0300 123 1222
- By textphone on 0300 123 3005
- By writing to us
- In person at any of our offices
- Via estate meetings or focus group meetings.
- By reporting details of ASB to any members of Muir Group staff whilst they are 'on site'. This includes Muir Group's Estate Managers and cleaners.

A complaint of ASB can come from an individual suffering from ASB or on their behalf from another individual or agency.

On initially receiving a complaint of ASB, by whatever means, the recipient must record the details of the complaint in our Anti-Social Behaviour case

recording system, ReACT. If the member of staff receiving the complaint is not the designated officer who is to deal with the case they must ensure that as much information as possible is taken and logged in ReACT. The case must be allocated to a designated case officer and the complainant must be informed in writing as to who their case officer is (usually the CHO/SM).

An ASB pack must also be sent to the complainant. This should contain an incident diary booklet, a copy of the relevant ASB Factsheet(s), copy of the Policy and Procedures Summary Document and contact details of any other agencies relevant to the particular type of ASB case.

ReACT will automatically allocate the timescale for responding to the report of ASB depending on the type of ASB. The complainant must be interviewed within 24 hours in the case of Extreme ASB, five working days in the case of Serious ASB or ten working days in the case of General Nuisance.

On occasion, the case officer may determine that the case should be dealt with more urgently than the prescribed timescale. The case officer may take account of background information held about the complainant (where known) and the alleged perpetrator(s) including any previous complaints received. When assessing the seriousness of a complaint the following issues should be considered: -

- Is the complaint reasonable?
- Is the complainant able to sort the matter out him/herself?
- Is Muir Group able to make changes to the property or surrounding area which may alleviate the problem?
- Is Muir Group the most appropriate organisation to deal with the complaint or should it be referred to another agency?
- Could there be underlying reasons for the complaint?
- Are there any cultural issues that may have an influence on the action to be taken?
- Are there any other issues that may have an influence on the action to be taken, eg the vulnerability of the perpetrator or the complainant?

## **Stage 2 – Investigation**

### **Anonymous complaints**

Anonymous complaints should not be ignored and even if no action is taken, the complaint should be still recorded in ReACT in case there are more complaints in the future.

If the case officer is able to verify an anonymous complaint (e.g. witness car repairs or resident damage) then they must do so. The perpetrator can then be advised that the incident has been witnessed the nuisance first hand and can be cautioned as to their behaviour.

### Responsibility for the ASB case

As stated previously, the case will be allocated to a designated case officer in ReACT. This will normally be the CHO/SM who manages the scheme or property where the ASB is alleged to be emanating from. The case officer will be responsible for the ASB case until the matter is concluded. They will also be responsible for ensuring that ReACT is kept up to date and all timescales adhered to. This ensures a consistent approach and ensures that the complainant is fully aware of who the point of contact at Muir Group is.

### 2.1 - Interviewing the Complainant

It is important to establish as much relevant information as possible at the first interview to include: -

- The nature and seriousness of the reported ASB
- Names and addresses of alleged perpetrators
- Whether there are any underlying causes e.g. longstanding disputes
- Identity of any witnesses
- Names of any other agencies which have been involved
- Permission to contact the alleged perpetrators
- An indication of what action the complainant would like Muir Group to take and their preferred outcome
- Referral to the police if a crime has been committed, Victim Support and Crime Stoppers
- A review of any evidence collated by the complainant, eg diary.

Consideration at the first interview should also be given to the following 5 key questions:

- What/who is causing the problem?
- Who is affected?
- Where does it happen?
- When does it happen?
- Why does it happen?

The case officer should give a clear explanation of the process, options and possible outcomes at the interview and agree a provisional action plan and timescales to deal with the issues raised on the original register form and at the interview.

### Provisional Action Plan

The case officer should also inform the complainant how Muir Group will support them throughout and beyond the process. It is essential that regular contact with the complainant is maintained and that they are kept aware of all actions taken and progress made in relation to the complaint. The case officer will confirm all the acceptable/preferred means of contact, eg telephone, letter, email, combination of methods, etc, with the complainant. The frequency of contact should also be agreed at this interview and documented on the Action Plan Proforma in ReACT. ReACT will automatically generate a stage to prompt the case officer to produce an Action Plan. Completed Action Plans must be scanned into ReACT and stored in the case folder for that case. Complainants should be advised that their complaint will be kept confidential but that in certain cases it may be impossible to take any action without the perpetrator identifying them.

The importance of reporting further incidents to other agencies i.e. the Police, Environmental Health, etc, should be stressed, as these agencies can be called upon to give evidence at a later date. Any reports to such agencies must be noted by the complainant and logged on the case file with relevant details, i.e. Police Officer's name and collar number, incident/crime number or name of Environmental Health Officer. The complainant should also be advised of the importance of completing the sheets in the incident diary booklet at this stage, as they will form the basis of any future legal action. The case officer must explain the layout of the incident diary booklet and ensure that the complainant is aware of how to complete the incident diaries correctly. Diary sheets may be relied upon in future legal action so they must be completed accurately.

Each "Incident Diary Sheet" should detail:

- When the incident happened, including time, date and duration
- Where the incident happened, such as a house number or street
- Who did it or who was involved, including names and addresses
- What happened, based on fact and not opinions
- If there were there are any witnesses, including names and addresses where known
- Whether the incident has been reported to the Police, or any member of staff within the Association such as the CHO or Customer Service Team
- How the incident has affected the complainant
- Signature and date.

A dated and signed incident diary that is completed at the time of the incident or very shortly after is contemporaneous. This means that it can be used by a witness as a memory aid when giving evidence in court.

The Association has a number of compact tape recorders (Dictaphones) in each of its Area Offices available for people to verbally record details of

incidents if they feel more comfortable doing so this way. Such recordings need to be transcribed by the Association and the transcript signed by the resident.

Contact details of any other relevant agencies should be handed to the complainant at the interview, if not sent by post previously or recorded on the Local Contact Sheet distributed at sign up. Such agencies may include Environmental Health Department, Victim Support etc.

Finally, the complainant should be made aware of the Association's Complaints Procedure should they be dissatisfied with the way the Association deals with the ASB complaint.

**A detailed record of the interview and an Action Plan Proforma must be completed by the case officer and added to the case in ReACT. The Complainant must be asked to sign the Action Plan.**

In very serious cases where there has been a physical attack, or threatened violence, it may be necessary to move to legal action immediately. It is vital that these cases are brought to the attention of the RM/ARM immediately, who may seek legal advice.

### 2.2 - Interviewing the Alleged Perpetrator

If the case officer believes there is a case to answer and that the complainant's expectations are not unreasonable, then further action should be taken. Without exception, the permission of the complainant must be obtained before the alleged perpetrator is interviewed.

A letter should be sent to the alleged perpetrator suggesting a time for an appointment so that the case officer (and another member of staff if appropriate) can conduct an interview. This letter should refer to the allegations of ASB that have been made, and explain that this is only an investigative interview.

Depending on the nature of the complaints/incidents, the case officer should inform the RM/ARM of the intended appointment so that a risk assessment can be made as to whether the interview should be held in the office or at the perpetrator's home. It may also be appropriate for the interview to be held in locations specific to the type of nuisance, for example if it has occurred concentrated in a specific area. To ensure personal safety, it may be appropriate for two officers to be present at all times during the interview, regardless of the location. The interview can be recorded if all parties present agree.

Each of the allegations should be discussed with the perpetrator in a non-judgmental manner and their responses recorded in writing. Muir Group's approach to ASB should also be clearly explained. A detailed written record should be completed immediately after the interview.

The interview will come to one of three conclusions:

1. The allegations are denied or the alleged perpetrator refuses to accept that their behaviour is anti-social and/or makes counter claims against neighbours, possibly to cloud the issue and make it difficult to discover the truth.
2. That the allegations are true and have been admitted by the alleged perpetrator.
3. The allegations are untrue.

If the case officer is satisfied at this stage that the allegations are not fabricated or exaggerated, then the perpetrator should be advised that they have breached their tenancy agreement. They should be given a formal caution and informed that if their behaviour does not improve, and further complaints are received, then the Association will take further action, which may lead to them losing their home. The caution and the consequences of continued ASB should be confirmed in writing and any agreements by the perpetrator to amend their behaviour detailed.

#### Failure to Attend

If the perpetrator fails to keep to the appointment they should be written to and requested to be available at a further appointment time. If they fail to keep this appointment a formal caution should be issued in writing. Lack of cooperation by the perpetrator should not prevent the ASB procedure from progressing.

#### 2.3 – Interviewing Witnesses

If the complainant supplies the names and addresses of witnesses to the ASB or nuisance during the interview, a letter or telephone call should be made to those individuals requesting an interview to discuss the matter. The incident diary booklet contains separate witness report sheets and the complainant should be encouraged to ask witnesses to complete these to support their completed incident diary sheets.

If the individual states that they do not have a problem, the case officer should find out why they think a complaint may have been made by the original complainant. Their response should be recorded in the case file in ReACT.

#### 2.4 - Action Plan

A detailed record of the interview and an Action Plan Proforma must be produced by the case statement and placed in ReACT. The proposed action plan will be discussed and agreed with the alleged victim or complainant. The action plan must include:

- an outline of the action the Association intends to take giving agreed target times and review dates.
- the measures which the complainant has agreed to undertake, such as completing incident diary sheets or contacting the police.
- preferred method of communication and frequency of contact with the complainant.

A copy of the agreed action plan must be signed by the victim or complainant who will then retain a copy. The action plan must be completed within 10 days of the initial interview with the complainant.

The action plan should be regarded as a working document, which can be altered, however if changes do occur the complainant must be notified immediately and a written record saved in ReACT.

### Further Action

If, following a formal caution, the perpetrator does not amend their behaviour, the case officer, in consultation with the RM/ARM, must consider further action. Each Area Office must keep an up to date register of the contact names and addresses for agencies that may be able to assist complainants and the Association in tackling ASB. It is important that this is regularly updated and reviewed.

### Multiple Perpetrators

If there are a number of individuals causing nuisance, eg gangs of youths causing annoyance, it is important to take enforcement action against all those responsible for the nuisance. This ensures consistency in the application of the procedure and will have more impact than if just one individual is targeted.

Where not all the perpetrators are residents of the Association, a partnership approach should be adopted with all landlords/agencies involved.

### Support For Complainants

Muir Group Housing Association understands the important role the complainant plays in the detection, prevention and action against ASB and crime. As such, Muir Group will keep complainants informed of all developments in each case of ASB and inform all parties in writing when a case has been closed. Muir Group will itself support complainants and witnesses as much as possible and where it cannot will involve other specialist external support agencies. Such support may include:

- Assessing the security of a complainant's home
- Assessing the means of communication a complainant may have or not have. Muir Group will consider providing a pay as you go mobile phone to complainants where deemed appropriate

- Arrange access to specialist support agencies such as victim support and counselling etc
- Utilising the flexibility of the allocations policy to effect management transfers
- Consider rehousing complainants temporarily
- Provide access to Language Line interpretation services
- Employ the 'Intensive Housing Management Package' by diverting additional resources to a particular ASB case
- Escorting the complainant to Court in the event of legal action being taken
- Maintaining effective communication with complainants
- Ongoing support beyond any court proceedings.

If the case officer concludes that the allegations of ASB are true and substantiated following the interview with the complainant and perpetrator, the matter should be discussed with the RM/ARM to determine an appropriate course of action. Whilst the various options may have been discussed with the complainant at the initial interview, it is not until the alleged perpetrator is interviewed, or not depending on attendance, that the Association can take a view on whether the allegations are founded and what action is appropriate. The Association has a number of legal and non-legal remedies available to tackle ASB. Each ASB case is different and therefore each case will be considered separately. Muir Group will not adopt a 'one size fits all' approach to dealing with ASB.

Dependant on the nature of the particular case, non-legal options should be considered first.

### **Stage 3 - Non-legal Remedies**

Any action taken must be reasonable and proportionate to the ASB being caused:

#### **No further action**

It may be that after the complainant and perpetrator have been interviewed it is felt that no further action is required on the part of Muir Group. In some cases there may be action which the complainant can take themselves and these options will be explained to the complainant with appropriate support and guidance offered.

If no further action is required a letter should be sent to the complainant and perpetrator clarifying the Association's stance on the matter. This option may be appropriate where the perpetrator has accepted that he/she has behaved in an unacceptable manner and agreed to amend their behaviour.

### Written and verbal warnings/cautions

The power of verbal and written warnings or cautions to perpetrators of ASB should not be underestimated. In general, three formal warnings can be issued before further action is taken. However, the number of cautions issued will depend on the severity of the case, i.e. the case officer may issue more cautions to someone who repeatedly slams the front door than to someone who has physically assaulted another resident. In the latter example, it may be the case that no cautions are issued and the Association commences legal or non-legal action immediately.

It is therefore left to the case officer and ARM or RM to decide how many cautions, if any, are issued.

### Letter from Muir Group's solicitor

It may 'add more weight' or be appropriate in some cases for the Association's legal advisors/solicitors to write to perpetrators of ASB on the Association's behalf. In some cases a warning letter from an agency other than Muir Group, such as a solicitor, may have the desired effect and add weight to the Association's approach to dealing with a particular perpetrator of ASB.

### Mediation

Mediation can facilitate the reaching of an agreement between parties involved in a dispute.

Mediation concentrates on practical solutions for the future, but is only a possible solution if both parties agree to undertake mediation. Mediators visit the parties involved in a dispute. They listen to each party's explanation of the problem and help find options and formulate an agreement to resolve the problem if possible.

Extreme cases that involve severe mental health problems or severe dependency on alcohol or drugs may not be suitable for referral. Details of the nearest mediation service can be found in the directory of support agencies available in each office.

In some cases, the case officer may attempt initial mediation without using an external mediation service.

### Transfer of Accommodation

A person subjected to ASB may feel that the only solution is to transfer to an alternative property in a different location. Incidents of ASB may appear isolated or not serious enough to merit a move but often fear of a further attack or an escalation of incidents can have a devastating effect on the victim, leaving them unable to feel safe outside or even inside their own home. Transfer requests from victims of ASB should therefore always be given a

high priority. In such situations the case officer and RM/ARM should liaise with other housing providers in order to facilitate a move. A reciprocal letting may be appropriate if Muir Group cannot assist directly. It may be the case that due to a fear of reprisals against the complainant the Association has to delay action against the perpetrator until the complainant is relocated.

### Referral to appropriate support services or other agencies

Muir Group has long standing working relationships with a number of professional support agencies across the country. Employing such support services may be appropriate in tackling certain ASB cases. As stated previously, a directory of relevant support agencies should be kept in each Area Office and be referred to if appropriate. Muir Group Housing Association also employs a team of Floating Support Workers around the country and referrals to this team should also be considered if appropriate, and if current caseload allows.

Support services may include referral to Intensive Family Support Projects, Family Intervention Projects or other tenancy support services.

It should be noted that referral to a support service or agency may also form part of a legal remedy.

It may be more appropriate to refer specific cases to other agencies such as the Environmental Health Department who may be better qualified to tackle the issue or to a multi-agency ASB group who can agree a joint approach to tackle the ASB.

### Acceptable Behaviour Contracts

An acceptable behaviour contract (ABC) is simply another tool that can be used to tackle ASB. Whilst not legally binding, it quite clearly defines the nuisance being caused by an individual or individuals and requires them to cease such behaviour from the date the contract is signed by both parties.

The ABC illustrates that Muir Group have been 'reasonable' in dealing with the case and that alternatives to possession have been considered. If the ABC is breached and possession action is taken, for example, it may strengthen the application for possession. This principle would apply in all instances where further legal action is pursued.

The ABC should only be used when the case officer is satisfied that the complaints of nuisance are genuine.

Other agencies may also be party to the ABC, eg the Police or local authority.

### Parenting agreement

A parenting agreement is similar to an ABC but should be used where the perpetrator of the ASB is a minor.

### Starter tenancy extension

If the perpetrator of the ASB is a starter tenant, consideration can be given to extending the starter tenancy for a period of six months as an alternative to applying for possession. Reference should be made to the Association's Starter Tenancy Policy and Starter Tenancy Procedure if consideration is being given to this remedy.

### Restorative Justice

Restorative Justice (RJ) processes give victims the chance to tell offenders the real impact of their crime, to get answers to their questions and to receive an apology. It gives the offenders the chance to understand the real impact of what they've done and to do something to repair the harm. RJ holds offenders to account for what they have done, personally and directly, and helps victims to get on with their lives.

RJ can also take place through the criminal justice system when the offender has already been sentenced, in prison or in the community. It can take place when an offender has pleaded guilty in court, but before the judge passes sentence and can be used as an alternative to prosecution for less serious crimes.

### **Reviewing the Case**

During stage 3, the case officer should review the case every two weeks. As agreed in the action plan, regular contact must be maintained with the complainant in their preferred method of communication.

### **Stage 4 - Legal Remedies**

Any action taken must be reasonable and proportionate to the ASB being caused. The key to any legal action is the presentation of good quality evidence, which clearly shows that ASB is being caused.

### Injunction

An injunction is an order made by a court requiring a person to do or refrain from doing a particular act, i.e. governing their future behaviour. Generally Muir Group will consider an injunction in cases where:

- Nuisance needs to be stopped immediately.
- The complainant needs to be safeguarded while possession proceedings are taking place.

- The breach of tenancy is not severe enough to warrant possession proceedings.
- The nuisance is being caused by persons not residing in or visiting a Muir Group property.

The Association may deem it appropriate, following legal advice, to apply for a power of arrest to be attached to an injunction.

#### Undertaking in court

The perpetrator can give an undertaking in court that they will do or refrain from doing a particular act to govern their future behaviour. An undertaking will act in the same way as an injunction.

#### Anti-social behaviour order (ASBO)

ASBOs can be used against anyone over the age of 10 years old. Part 4, Chapter 2, of The Police Reform Act 2002, amends Section 1 of the Crime and Disorder Act 1998 (c.37) relating to the authorities who are entitled to apply for ASBOs. The changes mean that, in addition to the Police and Local Authorities, registered social landlords (RSLs) can now apply for an ASBO against any individual over 10 years old if they believe that “the individual is acting in a manner causing or likely to cause harassment, alarm and distress to one or more persons not of the same household as himself and that such an order is necessary to protect other persons in any place in England and Wales from further antisocial acts by him.”

Muir Group may apply for an ASBO against anyone residing in or likely to be on premises provided or managed by us or against someone in the vicinity or likely to be in the vicinity of such premises.

Where an ASBO is considered to be the appropriate course of action to deal with a particular case of ASB, the case officer must refer the matter to the RM/ARM. The RM/ARM will arrange, where appropriate, a case conference with relevant members of staff within Muir Group, the local authority, Police and other relevant agencies to agree a course of action.

#### Parenting order

A Parenting Order is a court order which usually means a parent or carer must attend parenting classes (sometimes called parenting programmes/ interventions). Parents may also be ordered to meet other conditions, like making sure their child stays at home at certain times, or attend meetings with their child’s teachers. These can last for up to three months, and are intended to help improve the child’s behaviour.

### Individual Support Order (ISO)

An ISO is a support programme aimed at helping young people aged between 10 and 17 change their anti-social behaviour. Their purpose is to tackle the underlying causes of a young person's anti-social behaviour, by imposing positive conditions.

They are usually issued to people who are already subject to an ASBO, and involve counselling for problems like drugs and anger management. They are also designed to involve parents in improving the young person's behaviour, as parents can be fined if an ISO is broken.

### Demoting an Assured or Secure Tenancy

Where appropriate, the Association will consider applying to the courts for a tenancy demotion order.

If granted by the courts, this order reduces the resident's security of tenure and effectively demotes a secure or assured tenancy to an assured shorthold tenancy for twelve months. An assured shorthold tenancy is subject to a mandatory possession ground and is therefore much easier to bring to an end by the landlord should the anti-social behaviour pattern continue. By demoting a tenancy, the Association also removes a number of rights that that tenant has or may have under a full secure or assured tenancy such as the Right to Buy or Right to Acquire, etc. However, should the tenant change their behaviour, they would regain a higher level of security following the twelve-month demotion period. The demotion order can therefore also act as an incentive. It should be noted, however, that any tenant who held a secure tenancy prior to demotion would become an assured tenant upon successful completion of the demotion period.

The Association will continue to consider new options made available by legislation to tackle ASB. The Association will also support other agencies when exercising their legal powers to tackle ASB.

### Possession Action

In most cases the Association will consider all other legal and non-legal options before commencing possession proceedings. However, in some cases it may be appropriate to commence possession proceedings immediately.

In pursuing an application for possession of a property, the Association must prove to the Court that the perpetrator has been given every opportunity to alter their behaviour or to take steps to control the behaviour of residents or visitors to the property. The Association needs to demonstrate that it has been reasonable in the management of the ASB case and that it has been made clear to the resident that they may lose their home if the nuisance persists.

When considering possession action, the case officer must check the computer diary notes and discuss the matter with the Income Management Officer to ascertain if the Association is currently taking possession action for rent arrears. If this is the case, the case officer should seek legal advice regarding the effect this may have on any further possession action on grounds of ASB/nuisance.

Once the decision has been made to commence possession proceedings, the case officer will liaise with the Association's solicitors regarding the preparation of a Notice of Seeking Possession (NSP). Once the NSP has expired and if the nuisance is continuing, the case officer will request that the Association's solicitors commence possession proceedings. The notice period for the NSP should be discussed with the RM/ARM and solicitor if required. The nature of the case will determine the length, if any, of the notice period. An NSP being served on grounds of ASB/nuisance should usually be served personally on the tenant by the case officer, where possible. The case officer must make arrangements to be accompanied by another member of staff and must also inform the RM/ARM where they are going, who they are going with and what time they are likely to be returning.

In the event that the risk assessment highlights potential safety issues with a perpetrator a process server should be employed to serve the relevant documents.

Suitable referral arrangements are in place to pass all case information to the Association's solicitor. This is where the benefits of creating a case file are realised, as effectively all the case officer needs to do is to send a copy of the case file to the solicitor.

It is essential that evidence continues to be gathered once legal proceedings have commenced as the Association may need to prove that the nuisance is ongoing at the time the case is heard. Any additional information and/or evidence which is obtained by the Association following referral should be forwarded to the solicitor immediately.

It is essential that the solicitor speaks to the main complainants/witnesses in every ASB case to explain the legal process and to answer any questions that the complainants/witnesses may have. It must be made clear to the complainants and witnesses that they can contact the solicitor or the Association at any point if they have any questions or concerns.

### Closure Order

Closure orders can be used to offer communities immediate respite by temporarily closing premises for three months. They can be used where the premises have been used to cause significant and persistent disorder, persistent serious nuisance to a community or where the premises have been used by drug dealers or users of Class A drugs.

## **Reviewing the Case**

During stage 4, the case officer should review the case every two weeks. As agreed in the action plan, regular contact must be maintained with the complainant in their preferred method of communication.

## **Stage 5 - Closing a Case**

A clear conclusion to each case is essential for both the complainant and the perpetrator. Cases can be deemed closed in the following circumstances:

- The complainant advises the Association that the nuisance has ceased or reduced to a level where the Association's involvement will no longer have an impact.
- The complainant confirms that they no longer want the Association to tackle the issues of ASB and the Association is happy with this.
- No further reports are received from the complainant for a period of 3 months. In these circumstances, the case officer must make attempts to contact the complainant in order to ascertain if the problem is on going.
- The complainant fails to cooperate in any legal action, eg by failing or refusing to supply statements to solicitors, etc, without good reason thereby jeopardising the outcome of the course of action. In these circumstances, the case officer must make attempts to contact the complainant in order to encourage them to cooperate in the case.
- A case has been resolved by mediation.
- The perpetrator has been evicted, has abandoned the property or has terminated their tenancy.

The case officer must notify all interested parties of the Association's intention to close a case. This will normally be done a month before the case file is actually closed to allow any interested party to request that the file stays open. The case officer should also finally confirm in writing to all interested parties when a file has been closed as well as notifying the Central Services Team that an ASB Satisfaction Survey (and ASB Witness Satisfaction Survey if appropriate) needs to be sent out. .

## **Re-opening a case**

A new incident or report about an individual, group or household should not be recorded as a new case unless the case has been previously closed. If an additional report is received after about the same individual, group or household after the case as been closed, this must be regarded as a new case and a new case number given. The cases should be linked in ReACT in a folder.

## **Additional Information**

### **External agencies and how they can assist**

#### **Local Authorities**

Local authorities have responsibilities under various pieces of legislation to tackle ASB. Generally, Muir Group adopts a multi-agency approach to tackling ASB and where appropriate should involve other agencies such as local authorities.

Many of our local authority partners are able to supply video or audio recording equipment to record acts of ASB, which may be used in further actions through the court. Many ASB cases will also require the assistance or involvement of the local authority's Environmental Health Department.

In cases where a mental health problem is suspected or nuisance is occurring in a property where children reside, contact should be made with the Social Services Department. Regular contact should be maintained during ongoing cases.

In cases of suspected neglect or abuse, a referral should be made immediately upon receipt of the report. It is important to maintain regular contact with Social Services and other involved agencies once such a referral has been made, to ensure that action is being taken.

In cases of children not attending school or who are frequently absent from school, a referral should be made to the Educational Welfare Department.

Local authorities may also be able to assist through the use of multi-agency ASB groups.

#### **The Police**

If allegations of criminal activity are made or are suspected from the available evidence, this information should be provided to the Police.

Requests for information regarding anti-social behaviour may be requested from the Police via the Housing Liaison Officer. The Association has signed a number of Information Sharing Protocols across the country that allows the exchange of information between the Police and the Association. Police Officers can also be called as witnesses in future court actions.

The Police also have obligations under various pieces of legislation.

#### **Professional Witnesses**

In some cases it may be very difficult to gather evidence of ASB due to fear of reprisals or the location of a property being such that it is not easily viewed.

In these cases the Association may consider the appointment of Professional Witnesses to gather evidence on our behalf. This option will only be considered in extreme cases and where alternative options have been discounted.

Agreement of the Director of Housing Services must be sought in these cases.

### **Using technology to tackle ASB**

#### **Dictaphones**

All Area Offices have a number of compact tape recorders (Dictaphones) that residents can use to record the details of ASB incidents as they occur. Ideally the Association should be encouraging complainants to complete the incident diary sheets but if this is proving to be a problem for whatever reason the Dictaphones do offer an alternative. The Dictaphone should be issued with the following guidelines:

- The Dictaphones are not to be used to record levels of noise nuisance, as this would be inadmissible as evidence. Local authority Environmental Health Departments have the equipment to do this.
- The Dictaphones should be used by complainants to verbally record the details of incidents. Complainants should be asked to document the details in line with the questions asked on the incident diary sheets. Case officers should go through the incident booklet with the complainant prior to issuing a Dictaphone. An incident booklet can be issued with a Dictaphone as guidance.
- All Dictaphones and tapes should be logged out and an appropriate disclaimer completed by the complainant.
- Once a number of incidents have been recorded the tapes can be submitted to the case officer. The case officer should then type out the details of the incidents in statement form and ask the complainant to sign them, before scanning and storing the documents against the case in ReACT.
- The Dictaphones and the tapes should be stored securely.

#### **Mobile CCTV**

The Association has purchased a number of mobile CCTV kits, which can be used to record incidents of ASB from a secure location. The RM/ARM is responsible for determining the location and use of each kit depending on the demands within each region.

## CCTV

The Association has installed fixed CCTV systems on a number of its housing schemes to combat ASB. The Association has a separate policy and procedure on the use of images captured by CCTV cameras.

## Publicity

The Association reserves the right to publicise its successes in tackling ASB. This may be done in local newspapers, website, residents' newsletters or in other forms of media as deemed appropriate.

## Monitoring of the Procedures

Each case officer is responsible for ensuring that the Central ASB Database is regularly updated for each complaint received. The RM/ARM will monitor each ASB/nuisance case on a monthly basis and will agree actions to be taken by the case officer. Each case will be discussed at monthly one-to-one meetings between the case officer and RM/ARM to ensure that all time scales are maintained and stages completed.

Performance on compliance with ASB timescales is reported to the Board and where appropriate, the Director of Housing Services will provide the Board with a summary report of any serious ASB cases or issues. Performance on compliance with timescales is also reported to residents on a quarterly basis via the website and annually in the Annual Report.

The decision to submit a case to court rests with the case officer although the matter should be discussed with the RM/ARM prior to referral and must be based on the details of the case, legal advice and likely outcome.

Once a decision is made to enter a case into court, all relevant documents and a referral form must be sent to the Association's solicitor instructing action to be taken.

The Association's Customer Service Charter includes service standards to how the Association deal with ASB and nuisance cases. The use of ReACT and the service standards will allow the Association to set performance targets, report performance against those targets and allow managers, the Board and residents to effectively monitor the Association's performance. The Association will also be able to evaluate the effectiveness of specific ASB initiatives.

## Monitoring Satisfaction Levels

As part of the new monitoring system, the Association developed two satisfaction surveys:

- An ASB satisfaction survey to be sent to complainants after the closure of the case
- An ASB Witness satisfaction survey to be sent to witnesses after the closure of the case.

The feedback gathered is used to review how the Association deals with cases of anti-social behaviour and to improve service delivery.

### **Variations to the Procedures**

Every case of ASB is different. Muir Group does not operate a 'one size fits all' approach to ASB. As such the RM/ARM may vary the policy accordingly.

### **Review of procedure statement**

This procedure statement will be reviewed internally on an annual basis, with a fundamental review carried out every three years.