

Introduction

The Board and officers of the Association are committed to providing the highest standard of service to all its residents. As part of this commitment we recognise that residents and the communities in which they live, have a right to peace, quiet, and security in their homes. Common and Statutory Law protects this right. It is also an obligation placed on residents through their tenancy agreements.

We work hard to support the basic principles contained within this right

As with many aspects of modern society, a small minority of residents can cause social problems for their neighbours, and if not tackled effectively these can have a serious impact on the well being of those affected. Such behaviour is now commonly classified as 'anti-social behaviour'.

Our commitment to residents of the communities we serve, will be made clear through the ensuing sections of this Guide, but the delivery of the services necessary to deal with anti-social behaviour will depend greatly on the support, and equal commitment, from affected residents, and all agencies involved in the process. We cannot solve neighbourhood problems working in isolation.

Every complaint of anti-social behaviour made to the Association will be dealt with sympathetically, and in as prompt and effective manner as the circumstances permit. We will adopt an approach that is essentially complainant orientated, and the most appropriate remedies sought, given the facts of each case. We will offer a range of services,

which may include mediation by an independent body, police involvement, home visits, personal support for the complainant where possible, and referral of perpetrators to support groups and other relevant organisations, as appropriate.

This guide will tell you how to identify and make a complaint of anti-social behaviour, the procedure that will be followed, and information on what we as a landlord can do.

What is Anti-Social Behaviour?

Anti-social behaviour is defined in Section 1(1)a of the Crime and Disorder Act 1998 as an individual acting in a:

"manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household"

Given this definition, it is not possible to draw up an exhaustive list of behavioural activity or actions that may be so categorised. However, the following are the more obvious examples:

- Noise nuisance
- Violent behaviour
- Serious public order disturbances
- Racial and other harassment
- Vandalism and damage to property
- The fouling of public areas
- Graffiti

- Domestic Violence
- Using homes to sell drugs, or for other unlawful or immoral purposes

Obligations of Tenants

ALL tenants are responsible for their own behaviour, and that of members of their household, invited visitors, and pets.

The clauses detailing a tenant's obligations are clearly stated in the tenancy agreement, and are fully explained to each new tenant prior to their signing the document.

Prevention

Prevention is recognised as a key element in the management of anti-social behaviour. The Association adopts a range of measures intended to reduce the possibilities of such activity occurring, **but our residents themselves hold the key to practical prevention, by not behaving in a manner likely to give cause for complaint.**

How do I Make a Complaint of Anti-Social Behaviour?

If you experience an act of behaviour which you believe to be anti-social in nature, you can either **write to, visit, e-mail, or telephone** us to make the initial report.

You will always be asked if you have spoken to the alleged perpetrator yourself. In the majority of cases the perpetrator is unaware that their behaviour is causing a nuisance to

anyone. Although this can be a difficult option, a polite conversation may be all that is required to solve the problem.

Who has the powers to help?

It will not always be possible for us to resolve every type of neighbour nuisance or dispute, but we will endeavour to give advice about who can help.

In some cases of nuisance other agencies may have more powers, for example the Police, or the Local Authority's Environmental Health Department.

Incident Diary Forms

You may be asked to complete incident diary forms for a period of time, depending on the type and nature of the behaviour. Although this can be time consuming and laborious, it is essential in building evidence that may be used later should legal action eventually prove necessary.

No Surprises

We will carefully record all information provided, and ensure that you are fully informed during any investigations. All proposed action will be explained to you. The detail is outlined in the procedures at the end of this guide. Whilst the Association has a policy for supporting complainants, care in the investigative process is vital and action cannot always be taken quickly.

Working With Others

As already explained, we may need to work with other agencies to resolve the problems.

On 16th March 2004 all the main housing associations operating on the Isle of Wight joined with the Police, Social Services, and the Education Service, in signing a local Anti-Social Behaviour Protocol.

The protocol is a document which facilitates the exchange of information between organisations to establish an inter-agency process for tackling anti-social behaviour, and the issuing of Anti-Social Behaviour Orders (ASBO) and Acceptable Behaviour Contracts (ABC).

Anti-Social Behaviour Orders ('ASBO's)

What is an ASBO?

Anti-Social Behaviour Orders are intended to put an end to persistent and serious anti-social behaviour that makes life a misery for communities. It is a "*community based order*" similar to an injunction and can involve local people in collection of evidence and helping to enforce breaches.

An ASBO sets out a list of behaviours that the defendant is prohibited from doing or locations they are prohibited from going to. Prohibitions in an ASBO must relate to identified anti-social behaviour therefore the agency applying for the order must show that the defendant:

- a. behaved in an anti-social manner;
- b. the prohibitions set out relate to this behaviour;
- c. an order is necessary to protect people from further anti-social behaviour.

Who can apply for, or issue, an ASBO?

The police (including British Transport Police), the local authority or registered social landlords can apply for an ASBO against an individual who "*acts in an anti-social manner*". That means behaving in a manner that causes "*alarm, harassment or distress*" to one or more people of a different household.

Before an application is made, the police and local authority must be consulted, or consult with each other, as appropriate to the circumstances.

Statutory consultation requirements mean that:

- a. the police and local authority must consult each other;
- b. registered social landlords and the British Transport Police must consult the local authority and the police in the area.

Who can an Order be made against?

Section 1(1) of the Crime and Disorder Act 1998 provides that *"an order can be made against anyone who is at least 10 years old"*. It is unlikely that there will be many cases where it would be appropriate to apply for an Order against a 10 or 11 year old, although an Order might be the right response where such a young person has been involved in anti-social behaviour with an adult.

Where groups of people are involved in anti-social behaviour a case needs to be made for each individual against whom an Order is sought. However, cases can be heard together by the court.

How long does an order last for?

The minimum duration for an Order is 2 years.

What happens if the Order is breached?

The Home Office guidance states that *"breach of an Order without reasonable excuse is a criminal offence triable either way with a maximum penalty of up to 5 years in prison and up to a five thousand pound fine"*.

It is essential that any breach of an Order is acted upon quickly.

The time-scale for making an application

The Crime and Disorder Act 1998 states that under Section 127 of the Magistrates Court Act 1980, *"an application for an*

ASBO must be made within 6 months of the behaviour taking place" (although earlier incidents may be used as background to support the case). This means it is really important to act quickly and to make sure evidence is as up to date as possible.

Calling members of the community as witnesses

It may add weight to a case if members of the community provide statements or are witnesses. However, the legislation makes provision for professional witnesses. These might be police, housing association staff or council officials.

Acceptable Behaviour Contracts

What is an "Acceptable Behaviour Contract"?

An Acceptable Behaviour Contract (ABC) is an informal agreement between an agency/s and an identified individual who is behaving inappropriately or anti socially.

The ABC sets out an agreement between the parties about acceptable behaviour AND must specify the behaviour that is causing concern. The format for an ABC is very similar to an ASBO and lists behaviours that are "not acceptable". For example, it might specify that the person concerned will not spit in the street.

The contracts are **negotiated** between the agencies and the individual in question and should be signed by all parties involved.

What is the time-frame for an ABC?

As the ABC is not a legal contract, there is no obligation to run to a set timetable. However, it is good practice to make sure that the ABC related to recent behaviour and is up to date. The parties involved should agree a time for the ABC to run (usually 6 months) and set regular review dates to look at the agreement.

Who can be the subject of an ABC?

An ABC can be used to deal with any anti-social behaviour although it is usually intended for use with young people.

If a young person under 10 is causing concerns, it is possible to set up a "Parental Responsibility Contract" which is similar to an ABC but is drawn up with the parent/ guardian rather than the young person.

What do you do if an ABC is breached?

As an ABC is an informal agreement, there is no formal process for dealing with a breach. However, it is VERY important that the agencies drawing up the agreement consider how they will monitor progress and what they will do if the individual concerned does not keep to the agreement, otherwise the ABC is of limited value if any at all.

What Other Action Could we take?

Anti-social Behaviour Orders and Contracts are just two options available.

Intermediate types of action may be considered more appropriate depending on the situation. These include:

- Mediation
- Injunctions
- Referral to support agencies
- Possession proceedings

In some cases we will seek legal opinion as to whether the development of a case is worth pursuing in the light of the evidence submitted.

What we will not do

Subject to mediation activity, we will not take legal action in connection with issues between two parties that clearly amount to no more than allegation and counter-allegation on the basis of a mutual dislike for each other.

We will not pursue legal action where the advice is against a case succeeding, particularly where there is likely to be inadequate witness support.

We will not tolerate aggressive or violent behaviour towards any of our officers and contractors.

Rehabilitation of perpetrators

Legal action to seek possession of the property, (i.e. to evict the perpetrator) will only be taken as the last resort.

We will endeavour to identify the issues relating to the behaviour and where possible secure relevant support for the

perpetrator, from other agencies. This action is essential where there are issues relating directly or indirectly from:

- Drug abuse
- Alcohol abuse
- Mental health
- Disability

Where a younger person persistently commits acts of anti-social behaviour, we will seek parental approval to make a referral to the Youth Inclusion Support Panel. If successful, that person and their family will receive support to reduce the possibility of further incidents of anti-social behaviour or escalation into criminal activities.

Data protection and information exchange

Under the Data Protection Act 1998 any confidential information held will only be passed to other organisations on a need-to-know basis and with an individual's consent unless there are exceptional circumstances.

Confidentiality

The Association gives assurance that information supplied by the complainant will not be disclosed to the perpetrator, their legal representatives or other interested parties without gaining the consent of the complainant.

Related Policies

The Association has other policies that relate, directly or otherwise, to anti-social behaviour. These policies include:

- Complaints
- Nuisance and Harassment
- Policy on Equality and Diversity

Anti-Social Behaviour Policy Statement

A copy of the Association's Policy Statement on Anti-Social Behaviour can be viewed at the office at any time. If you would like a copy, however, please contact the office and we will forward one to you, free of charge.

The Policy statement has been prepared in consultation with the Tenant Forum. It will be reviewed annually, or whenever the law is revised or changed, and tested against its use.

Residents are encouraged to comment on aspects of the Policy which they consider may improve the service or procedures contained within it.

**Vectis Housing Association Limited
November 2004**

Useful Telephone Numbers:

Vectis Housing Association	01983 525985
Police	0845 045 4545
(Isle of Wight) Law Centre	01983 524715
Citizens Advice Bureau	0845 120 2959
Environmental Health Department	01983 823000
RSPCA	01983 840287
Feline Welfare	01983 521778