

# Anti-Social Behaviour Procedures



**These procedures set out how Southern Housing Group assess reports of nuisance, investigate the facts and take action to tackle the problem and bring cases to a resolution. They inform residents of our processes and provide staff with a structure within which they can implement the Group's Anti-Social Behaviour (ASB) Policy.**

## 1 What is ASB?

Our residents consider that ASB could be described as -

*" any conduct which is capable of causing nuisance or annoyance  
and which affects the quality of life for other residents  
and the landlord's management of it's business "*

## 2 Introduction

We aim to deal with ASB quickly and effectively. To do this we need to accurately identify the nature and scale of the problem. Each situation is different and the right response to one may escalate the problem in another.

Our aims in dealing with ASB are:

- To clarify acceptable behaviour for all residents
- To encourage and enable a self-help approach where this is appropriate
- To give residents realistic expectations of the service the Group provides
- To make referrals to mediation services where appropriate
- To work effectively with partners in dealing with ASB
- To be effective where action is taken

## 3 Self-help

For people to live in close proximity to each other there has to be a reasonable expectation that all residents will:

- Treat people as they want to be treated themselves
- Take responsibility for their actions and those of their children, household and visitors
- Take care of their home and environment
- Be reasonably tolerant of local circumstances – eg. when local facilities are lacking and local children need somewhere safe to play
- Be prepared to get involved without adding to the problem
- Try to resolve problems themselves if it is safe to do so.

It is often difficult to resolve problems without those involved talking to each other.

### 3.1 Speaking face to face with people

People are often unaware that what they are doing is causing a nuisance to another person. Most people are reasonable if approached with courtesy. We strongly recommend that this step is taken before reporting the matter to us or any other agency – it will often

resolve the problem far quicker and keep relations between the parties on a harmonious level.

The Group believe it is reasonable to expect this step to have been taken before becoming involved, except for serious ASB cases or where there is a genuine fear of violence. The resident's handbook contains further advice on this area.

Even where the Group have become involved, we strongly recommend the use of mediation as an alternative way of resolving disputes without resort to enforcement action by the Group or a Court of law.

### **3.2 Reporting ASB to other Agencies**

In addition to the Group many other agencies have a responsibility for dealing with ASB. In fact they are often able to provide a more direct solution to the problem. Below is a brief guide to reporting problems which may be experienced:

Is there a serious risk to life or property? If yes, dial 999 and ask for the relevant service/s. If no but you have experienced or witnessed a crime, call the police non-emergency number listed in your local directory

Are you suffering from noise nuisance? If yes telephone your local Environmental Health Department. They have statutory powers to deal with unreasonable noise nuisance from neighbours.

Is there a persistent problem with animals or birds? If they are fouling or causing a noise or smells, telephone the local Environmental Health Department. If you think animals or birds are being neglected or mistreated call the RSPCA.

Is a vehicle causing a nuisance? If someone damages your vehicle or drives in a dangerous manner contact the police. Call SHG if the vehicle appears to have been abandoned on our land.

***If you do report ASB to another agency, please also keep us informed.***

## **4 Reporting an ASB incident to the Group**

Contact details for the different parts of the Group are listed at the end of this document.

The incident can be reported in several ways – in person, by telephone, by letter, by fax or by email. A report can also be made on behalf of someone else.

But when an incident is reported, we will usually need to know as much of the following as is possible:

- Name, address and contact number of the person reporting the incident
- Nature of the complaint
- Name & address of the alleged perpetrator
- Is the alleged perpetrator a resident of the Group?
- When the behaviour started. If it is continuing. Are there other related issues or incidents.
- Has the person reporting the incident has approached the alleged perpetrator directly
- Has the ASB been reported before and, if so, what action was taken or agreed
- Has the ASB has been reported to any other organisation or agency
- Would the person reporting the incident be willing to complete diary sheets (if appropriate)
- Were there any witnesses, if so provide their name, address

- Can we use personal details (eg. name) during our investigation
- What outcome does the person reporting the incident want to see.

The Group complies with the Data Protection Act 1998 when dealing with personal data. This means that data will be processed in accordance with the law and our own confidentiality policies. This may restrict our ability to reveal information about another individual without their express written consent.

When ASB is reported we will issue a reference number, this assists us in tracking the report when we are contacted again about the same matter.

## **5 Recording an incident**

When we receive a report of ASB a record will be made of the incident. Using the information given at the time, the incident will be recorded using one or more of the following description types:

- Alcohol Related
- Other Criminal Behaviour
- Domestic Violence
- Drugs / substance misuse / drug dealing
- Garden Nuisance
- Hate Related – Age
- Hate Related – Disability
- Hate Related – Religion
- Hate Related – Gender
- Hate Related – Race
- Hate Related - Sexual Orientation
- Litter / Rubbish / Fly – tipping
- Misuse of communal areas or public spaces / loitering
- Noise
- Nuisance from Vehicles
- Pets and Animal Nuisance
- Other Physical Violence
- Prostitution / Sexual Acts / Kerb Crawling
- Vandalism and Damage to Property
- Verbal Abuse / Harassment / Intimidation / Threatening Behaviour

## **6 Summary of how an ASB case is managed**

The stages in managing an ASB report /case can be summarised as follows:

### **6.1 Initial assessment.**

When ASB is reported to us we aim to make an initial assessment and contact in line with our existing service response times for phone calls and letters. Unless the matter is clearly a high risk issue in which case we aim to respond within 24 (working) hours.

## 6.2 Explaining the next step.

We will advise what our initial assessment is and explain the reasoning behind that assessment. Our response to ASB must be *proportionate* and *appropriate*.

If we are going to take some action then we will explain specifically what the next step will be. This will be based on the appropriate priority for the issue and the proportionate action to be taken.

## 6.3 Prioritising our response.

We prioritise each report according to our perception of its risk, and aim to contact the complainant and advise of the next steps to be taken in accordance with the following priorities:

**High risk - 24 hours (working day)**

including allegations of serious criminal activity, the use of violence, serious damage to property, racial harassment, homophobic harassment, domestic violence and graffiti of an offensive nature

**Medium risk - 2 to 5 working days**

including allegations of criminal activity, verbal abuse, high level noise nuisance, and intimidating behaviour

**Low risk - 5 to 10 working days**

including allegations of disputes, simple breaches of tenancy conditions e.g. pet nuisance, car repairs, running a business without permission etc, access disputes.

This is a general guide (but is not definitive) and each case will be assessed on its particular circumstances which may be considered by us to have a higher or lower risk. When deciding which priority will apply, housing staff will consider all known factors, including the following:

- The impact the behaviour has on those affected
- The level of risk posed to those affected
- The seriousness of the behaviour
- The frequency of the behaviour
- Any vulnerability suffered by those involved (including the alleged perpetrator) e.g. mental illness, learning difficulties, drug/alcohol misuse, the elderly, the young, the disabled

## 6.4 Which action to take.

Actions available to us are listed in section 6. These include further investigation. It is not good practice to try to map out all the actions we will take or anticipate the potential outcome at too early a stage. This often creates misinformation and disappointment if the course of the investigation changes later on.

## 6.5 Keeping the parties informed.

We will advise when we expect to have completed our investigation or further action. We will keep the parties informed on the outcome of actions we take and whether any subsequent action is planned. Making it clear to all parties when a resolution is reached, including where no further action will be taken.

## **7 Actions available to us to tackle ASB**

### **7.1 Scheme visits**

Scheme visits form an important part of assessing an ASB case.

They are our opportunity to gather information and witness incidents first hand. They help us to understand the extent and impact of ASB on a scheme/estate and determine ways of resolving this.

### **7.2 Home visits**

We understand that residents may feel more comfortable and confident about discussing a case in their own homes. We aim to support this need with home visits and always try to arrange a mutually convenient.

However we may in some circumstances have to insist that an interview is conducted at one of the Groups offices.

### **7.3 Warning letters**

Warning letters may be sent to individuals or even to all residents of a particular scheme /estate. These letters:

- Identify specific ASB issues
- Inform alleged or potential perpetrators that we are prepared to tackle ASB
- Provide an opportunity for alleged perpetrators to come forward and discuss ways to resolve the issue
- Encourage other residents to come forward and report ASB

Staff must ensure that the letters are always generated within the APP recording system to ensure they form part of the case notes.

### **7.4 Mediation**

This offers an alternative way of resolving disputes without resort to enforcement action by the Group or a Court of law.

Mediation is conducted by a neutral third party (not a Group employee). It is impartial and confidential. Mediation enables two or more people in dispute to seek a mutually acceptable resolution to their difficulties. It is not about apportioning blame, passing judgement, gathering evidence, or giving advice.

It is only used when both the parties in dispute consent or voluntarily agree to this form of communication as a way forward to resolving their dispute. However the Group see this as a key element in resolving disputes and may decide it is not appropriate to pursue any other action if the parties involved have not reasonably considered this step.

### **7.5 Neighbourhood Agreements & Good Neighbour Declarations**

This is an agreement negotiated between the landlord and residents on an estate or larger scheme. Neighbourhood Agreements aim to facilitate local improvements and increase resident involvement through partnership work between residents and Southern Housing Group.

These agreements set out residents' rights and responsibilities and underline what local people believe to be reasonable neighbourly behaviour. In doing so, it aims to empower residents by work together with the Group to deal with neighbour disputes, including ASB, and reduce crime.

## **7.6 Acceptable Behaviour Contract (ABC)**

This is a voluntary agreement. It involves the alleged perpetrator agreeing to moderate his/her behaviour and it specifies a list of anti-social acts in which the person is alleged to have been involved and which they agree not to continue. It is mostly used where ASB is caused by people living with their parent(s)/guardian(s) at home, and so is often used with youths from 10 to 18 years.

If the contract – which lasts for a minimum of 6 months - is breached further steps will follow, often legal action by the Police or the parent(s)/guardian(s) landlord.

## **7.7 Parental Control Agreement (PCA)**

This agreement is the same as an ABC except that the parent(s)/guardian(s) take full responsibility for the behaviour of their child, usually under 10 years of age. It sets out ways in which parents are required to exercise control over their child's behaviour.

If the agreement – which usually last 6 months, but may be renewed - is breached it may be cited in a Civil Court for an application for an Eviction Order (see 6.11 below) or at a Magistrates Court in support of an ASBO (see 6.8 below).

Other parenting contracts include: Parenting contracts for truants/excluded pupils and parenting orders.

## **7.8 Anti-Social Behaviour Order (ASBO)**

An ASBO may be applied for by the local authority, police or a registered social landlord such as Southern Housing Group. The Order forbids the person from doing something which is causing ASB, specific details will be set out in the Order. It may be made against anyone aged 10 and above who has acted in an anti-social manner which has caused or is likely to cause harassment, alarm or distress and an Order is necessary to prevent further ASB. The order usually lasts for a minimum of 2 years. Breach of an ASBO is an arrestable offence and can lead to imprisonment, a fine, or both.

The Group appreciate the granting of an ASBO is very serious and will not make an application without the recommendation of the Group ASB Manager, the authorisation of a Group Director and consultation with the local authority and police of its proposed application.

## **7.9 Injunction**

An injunction is a Court Order which either forbids or requires someone to behave in a certain way. It can be a quick and effective way to tackle ASB. The injunction may include a power of arrest or an order excluding someone from a specific area, which could include their home. They are aimed at stopping the nuisance rather than punishing the perpetrator. However breach of an injunction is contempt of court and the Defendant can be fined, receive a suspended sentence or be sent to prison.

An injunction may be requested by either an individual, such as a resident, or an organisation, such as the Group. They may sometimes be applied for without notice to the perpetrator.

We will not normally use injunctions where the perpetrator lacks the mental capacity to understand what they are doing or if they are under 18 years of age – as any order would in reality be unenforceable.

## **7.10 Demotion of tenancy status**

When a tenant has behaved in an anti-social manner we can apply for an order which will reduce the status of their tenancy to an assured shorthold tenancy for one year. This applies to both secure and assured tenants.

We will always give our tenants notice of our intention to apply for such an order and they will also have an opportunity to appeal against this course of action using our complaints procedure and the housing ombudsman (see our Complaints Policy for further information).

For a period of one year following the demotion we may apply for a possession order if we are satisfied that there have been further threats of/conduct which is capable of causing a nuisance or annoyance or we are satisfied that there has been any other breach of tenancy.

If the tenant does not commit any further breach of tenancy then their tenancy will become an assured tenancy at the end of the demoted period.

### **7.11 Possession action/Eviction**

We can apply to a court for a possession order in cases of serious ASB or where other interventions are considered inappropriate or have failed to stop the behaviour.

In all but the most serious of cases we will serve a Notice of Seeking Possession on the tenant at the property, proceedings may be issued immediately thereafter. This will lead to a court hearing at which the tenant is invited to attend.

We usually seek an immediate possession order although the court may decide to delay the order from taking effect on the condition that the anti-social behaviour ceases immediately. The Group also claims the costs of taking legal action against the tenant.

If an immediate possession order is granted or the tenant breaks the conditions set out by the court then we may apply for a warrant to evict all occupiers from the property and return possession to the Group. We always review our cases and attempt to contact the tenant before applying for an eviction warrant. However once we have applied for the warrant only a successful court appeal will prevent the eviction occurring.

Where we have already been granted a suspended possession order for rent arrears, we could ask the court to consider evidence of anti social behaviour as a reason to enforce the Order.

Tenants who are evicted are usually considered intentionally homeless by local authority housing departments.

### **7.12 Publicity**

We will consider whether it is necessary to publicise any ASB order for any of the following reasons:

- to inform the community
- to assist in enforcement
- to inhibit the behaviour of the subject of the order
- to deter others

Publicity may include the name, partial address and a photograph of the subject. This action must be agreed by the Group's ASB Manager.

## **8 Involving other agencies**

When dealing with ASB we will consider the issues concerned and decide whether it will benefit from a multi agency approach.

- It is likely that no organisation can solve the problem on its own;
- It avoids different agencies with common aims working without knowledge of action by the other;

- Not all remedies and prevention strategies are available to all agencies

Where another agency takes the lead we will not take action if this just duplicates the work without providing any additional solution, support or protection for those affected by ASB.

When working with other agencies we will share information in accordance with the law on confidentiality where it is in the interests of public safety and/or for the prevention of crime and disorder.

Our work with other agencies may involve case conferences, joint action plans, joint evidence gathering and referrals to specialist support agencies; for example Drug Action Teams and Youth Offending Teams.

## **9 When is a matter closed?**

We aim to achieve an outcome that is satisfactory to tenants affected by the ASB before a case is closed. But this can't always be achieved.

It is important that we avoid people thinking that we are taking further action when this is not the case. Therefore we close a case when:

- The problem has been resolved, or
- We do not have enough evidence to take further action and there are no ongoing incidents, or
- We can no longer actively make an impact on the situation using action that is *proportionate* and *appropriate*.

This means that we will not close a case just because an initial attempt to investigate or resolve the matter has failed, so long as further action is *appropriate* and *proportionate*. But if all such action has been tried and proved unsuccessful then we will close the case.

We always aim to keep all parties informed. This means we will send a letter to both the person reporting the ASB and any alleged perpetrator if we have involved them in our investigation. Where a matter has been investigated we expect to provide the following information:

- the details of the ASB reported,
- the result of our investigation,
- (where appropriate) that we will continue to monitor the situation, and
- (where possible) advise where independent advice may be sought.

## **10 Recording and monitoring our performance**

Accurate and consistent recording of ASB will enable us to clearly identify the nature of the problem and to analyse long-term trends. Therefore we try to collect as much information as possible when an issue is reported. This includes:

- Making clear file notes of the initial incident and any further incidents reported – using the Groups computerised records system
- Keeping accurate concise notes of every conversation between Group staff and any parties involved – using the Groups computerised records system
- Encouraging the use of Nuisance Diary sheets as a running record of incidents – ensuring they are kept with the ongoing case file or held on the Groups computerised records system
- Making sure that the Group's ASB database is kept up to date

The Group maintains an ASB database of all ongoing investigations into ASB. An investigation may include more than one incident of ASB. We use this database not only to provide us with an up-to-date summary of the case but also to record and monitor:

- What ASB is occurring across the Group,
- Where it is occurring
- How quickly we respond to any report

This information helps us to continuously improve our response to ASB.

## **11 Explaining the jargon**

We have tried to avoid using jargon in these procedures to make them as user-friendly as possible to both Group employees and residents. We hope that the following clearly explain the main abbreviations used in this document.

ABC - acceptable behaviour contract

ASB - anti-social behaviour

ASBO - anti-social behaviour order

PCA - parental control agreement.

## **12 Other Publications**

In addition to this document the Group also have available:

**ASB Policy Statement** (42 pages) - based upon the G17 Strategic Policy Statement

**ASB Strategy** (8 pages) - an overview of the Groups strategy, present and future

**ASB Policy & Procedure Summary** (1 page) – a brief overview of this procedure guide and the policy statement referred to above.

**Racial Harassment Policy Statement** (1 page)

**Domestic Violence Policy Statement** (1 page)

All of these documents can be viewed at the Group's main offices or are available on request by contacting the Service Centre (details at the end of this document).

## **13 Complaints about our service**

Sometimes we make mistakes, we appear to act unfairly or we fail to provide you with the service which you believe you should have received.

We welcome suggestions and complaints from people who use our services. We believe that complaints can provide important lessons, help to make sure mistakes are not repeated and lead to service improvement for everyone.

If you have something to say about the Group's policies and procedures or the information we provide on them then let us know. Please address this feedback to the Policy & Service Improvement Department c/o or Service Centre.

If you have a complaint our local staff will attempt to deal with it and resolve it locally. If we can't find a solution in this way, or if you prefer to deal with the matter more formally, then our complaints procedure will help you. Contact the Service Centre on 08456 066 366 for a leaflet which describes in detail how complaints are dealt with.

All complaints are dealt with in strict confidence. Our commitment to fairness means that you will not be treated differently if you make future complaints about our service.

---

## Contact us

If you live anywhere in the UK except the Isle of Wight, phone us on **08456 066 366**

If you live on the Isle of Wight, phone us on **08456 581 654**

### All residents

Service Centre opening hours  
8am to 8pm, Monday to Friday

Email us at  
[servicecentre@shgroup.org.uk](mailto:servicecentre@shgroup.org.uk)

Write to us at **Service Centre,  
Southern Housing Group,  
PO Box 643, Horsham RH12  
1XJ**

Visit our website at  
[www.shgroup.org.uk](http://www.shgroup.org.uk)

For help with translations, or if a large type, Braille or audio summary would be useful, please contact the Service Centre.

#### Bengali

অনুবাদ সাহায্য পেতে হলে সার্ভিস সেন্টারে 08456 120 041 নম্বরে ফোন করুন।

#### Gujarati

અનુવાદ સંબંધી મદદ માટે સર્વિસ સેન્ટરને ટેલિફોન નંબર 08456 066 366 પર ફોન કરો.

#### Turkish

Tercüme konusunda yardım için 08456 120 031'dan Hizmet Merkezi'ni arayın.

#### Vietnamese

Muốn được giúp đỡ về dịch thuật, xin gọi Trung Tâm Phục Vụ (Service Centre) điện thoại số 08456 066 366.

#### Somali

Wixii ah caawimo turjumaan ka soo wac Xarunta Adeegga telefoonka 08456 066 366

#### Chinese

若需要提供翻譯，請致電服務中心 (Service Centre) 08456 066 366。

#### Arabic

لمساعدتك في الترجمة يرجى الاتصال بمركز الخدمة على هاتف 08456 066 366.

#### Urdu

ترجمہ میں مدد کے لئے سروس سنٹر کو اس نمبر 08456 066 366 پر فون کریں۔

#### Mandarin

需要翻译的帮助，请拨打 08456 120 041 联系服务中心。