

Housing Service Antisocial Behaviour (ASB) Policy

Neighbour Nuisance

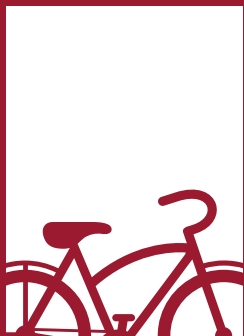
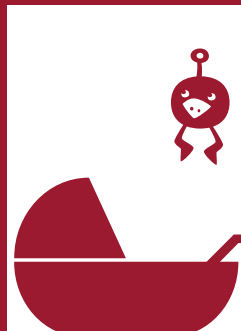
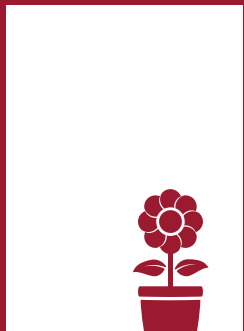


Stamping out Antisocial behaviour

Purpose

To set out the general principles of how the London Borough of Barking and Dagenham (LBBD) housing service deals with antisocial behaviour.

To cover in general terms how we will tackle problems which arise in and around our properties, and fulfill our obligations under the Antisocial Behaviour Act 2003.



Aims

Through the delivery of this procedure, we aim to:

- enable residents to live peacefully within their homes without unreasonable disturbance from others
- encourage reporting and make it easy to report antisocial behaviour
- deal with complaints of antisocial behaviour from our tenants and residents in a fair and proportionate approach
- respond quickly and in a robust manner to incidents of antisocial behaviour
- ensure residents are clear on their tenancy obligations
- inspire confidence amongst residents that antisocial behaviour will be challenged
- ensure complainants are kept informed of actions being undertaken on their complaint
- use a full range (and where appropriate a combination) of measures (such as diversion, prevention, enforcement, engagement and rehabilitation) to tackle antisocial behaviour and its underlying causes
- provide a framework for supporting victims, witnesses and vulnerable perpetrators

Introduction

The Council wishes every person to be able to quietly enjoy their home, noting that everyone has a right to their own chosen lifestyle, providing that this does not spoil the quality of life of others. This implies in some cases a limited degree of tolerance of and respect for the requirements and needs of neighbours.

When dealing with cases of antisocial behaviour, the action taken will depend very much on the extent of the problem and other factors that will vary considerably from case to case.



Definitions of Antisocial Behaviour

We define antisocial behaviour as:

- Conduct capable of causing nuisance or annoyance to any person and directly or which indirectly relates to or affects the housing management functions of LBBB.
- Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by LBBB for an unlawful purpose. (ASB Act 2003-Nuisance and annoyance)



Some acts of ASB are deliberate, with the person(s) responsible being aware that their behaviour will have a negative effect. Some forms, however, happen because of a lack of consideration or awareness of the impact of certain acts or as a result of conflicting, but legitimate, lifestyles.

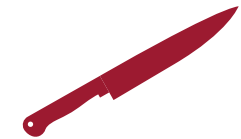


To focus on the impact of ASB and support victims we divide it into three categories known as the PEN approach:

Personal - designed to identify ASB incidents that the caller, call-handler or anyone else perceives as either deliberately targeted at an individual or group or having an impact on an individual or group rather than the community at large.

Types of behaviour that fall into this category include:

- Hate related incidents and crime
- Violence
- Criminal damage including arson
- Verbal abuse
- Harassment



Environmental - deals with the interface between people and places. It includes incidents where individuals and groups have an impact on their surroundings including natural, built and social environments.

Types of behaviour that fall into this category include:

- Street drinkers
- Drug use and its effects.
- Trespass
- Nuisance from vehicles



Nuisance - those incidents where an act, condition, thing or person causes trouble, annoyance, inconvenience, offence or suffering to the local community in general rather than to individual victims.

Types of behaviour that fall into this category include:

- Noise Nuisance
- Drug dealing or cultivation of drugs
- Prostitution
- Criminal damage to public buildings
- Pets not being kept under appropriate control

Further to the PEN approach there are also two other sets of behaviours to be aware of:

1. Criminal behaviour which is also listed above will be dealt with as such but as a Partnership, LBBB may also use specific ASB tools and powers (including legal action) to reduce the effect of this behaviour on local communities.

Types of behaviour that fall into this category include:

- Drug dealing or cultivation of drugs
- Threat or actual use of violence
- Criminal Damage
- Hate Crime

2. Unwanted Behaviour which is behaviour is unwanted and viewed as unacceptable by the person experiencing it (the complainant). LBBB does not consider behaviour in this category to be 'antisocial behaviour,' so legal action is unlikely to be appropriate, but services such as mediation are still offered to help resolve this type of complaint and to manage the complainants expectations.

Types of complaints that fall into this category include complaints about:

- Cooking smells
- Normal living noise, for example, hovering and other domestic chaos
- Children playing
- Fencing or boundary disputes
- Parking issues when there are no parking regulations being broken

Community Trigger



It is a new provision in the Antisocial Behaviour, Crime and Policing Act which received Royal Assent in March 2014.

The community trigger will give victims and communities the right to demand that persistent antisocial behaviour is dealt with.

The community trigger will provide additional accountability to ensure that all agencies work in partnership to meet the needs of victims. It will give victims and the community the right to require agencies to deal with persistent antisocial behaviour and will place a new duty on LBBB and the partnership to take action and deal with the issues if they have not already done so.

The focus of a community trigger case review is on bringing agencies together to take a more joined up, problem-solving approach to find a solution for the victim. LBBB and the partnership will have a duty to undertake a case review when someone requests one and their case meets our threshold:

- If an individual has complained to the Council, Police or a Registered Housing Provider (social landlord) about three separate incidents in the last six months and they consider there has been no action taken.
- If five individuals in the local community have complained separately to the Council, Police or Registered Housing Provider (social landlord) in the last six months about similar incidents of antisocial behaviour and they consider no action has been taken.

On receipt of a trigger LBBB partnership will acknowledge receipt within 2 working days, research and have a case review or take to the VOLT ASB meeting within 10 working days. If it is upheld there will be a multi agency action plan put into place, the complainant/s written to to agree action plan and the appropriate information recorded onto police and LBBB systems. If it is not upheld the complainant/s will be written to with an option to appeal through the Community Safety Forum. The activity and actions we receive around the Community Trigger will be monitored by the Community Safety Forum and Safer Neighbourhood Board. For the purpose of the community trigger, antisocial behaviour is defined as behaviour that is likely to cause harassment, alarm or distress to any member of the public.

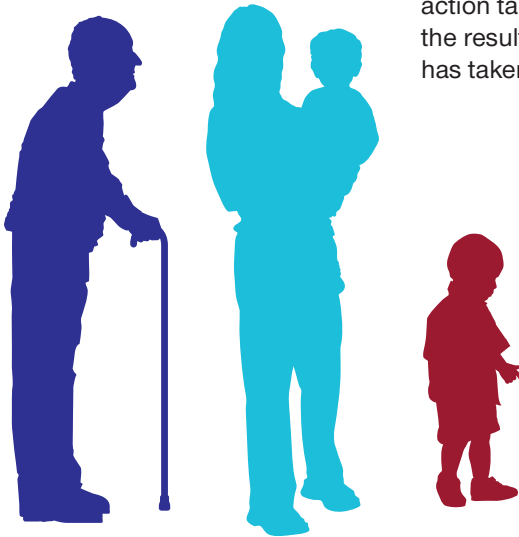
Available Tools

Risk Assessments:

All officers are to fill out the standard Metropolitan Police Risk assessment form with every client and then scan it and send it to the ASB Coordinator. These forms are to assess the risk (if any) the complainant may be at and their vulnerability. They are also a guide for officers as to what level of intervention and support is needed. If officers have not been briefed please see ASB Coordinator.

Action Plans:

All housing officers are to agree an action plan with every complainant and then put this in writing. An action plan is a list of agreed actions (some of which are listed below) to try to resolve the situation. The actions should be for both the housing officer and the complainant to carry out; refer to mediation-housing officer, to keep diary sheets-complainant. This is an important part of the process as it gives the officer an opportunity to explain what can and cannot be done thereby managing expectations of the complainant and also illustrating to the complainant that they are being listened to and action taken. These agreed actions should then be listed along with the results in the closing letter so that all parties are aware of what has taken place.



Safeguarding:

All housing officers must make sure that children at risk and vulnerable adults are referred to our safeguarding procedure if they feel there is sufficient risk or if something comes to light through conversation with a tenant. This is done by using the appropriate alert form and if there is any doubt the Housing Officer should consult with their manager or the ASB Coordinator.

Making sure that children and vulnerable adults are protected from harm are shared responsibilities of everybody involved in the planning and delivery of local public services.

Statutory and national guidance outlines these responsibilities in relation to both adults safeguarding and the safeguarding of children and young people. In Barking and Dagenham these are the responsibility of the Adult Safeguarding Board and the Local Safeguarding Children's Board.

Safeguarding Adults referrals may describe a range of different adult protection situations. They can include difficulties between individual service users, tensions between the vulnerable adult and their carers, failures in a service to provide care to an acceptable standard, individual cruelty, negligence or neglect, as well as attempts to deliberately exploit more vulnerable individuals.

There are four levels of response which are designed to support practitioners to assess the seriousness of the presenting concern and decide which level of investigation provides the appropriate and proportionate response.

Diary Sheets



Case Review



Good Neighbour Agreement



CONTRACT



Formal Letter



WRITTEN WARNING



Witness Statement



Available Tools

Courses of Action:

Having visited the complainant, any witnesses, the other party and after considering any other evidence that exists, the housing officer must decide on the appropriate course(s) of action and advise the complainant. Generally, the housing officer should, depending upon the issues, consider the following actions:

- a. In case of counter allegations further investigation should be carried out
- b. Monitoring (use of ASB Diary Sheets)
- c. Referral to Victim Support
- d. Referral to Safer Homes
- e. Consult with ASB Coordinator
- f. Case Review (ensuring notes of review are recorded and evidenced on Capita)
- g. Mediation, Community Mediation, Restorative Justice which can be supported by the ASB Team
- h. Good Neighbour Agreement
- i. Acceptable Behaviour Contract/Parental Contract Agreement
- j. Formal letter listing acceptable and unacceptable behaviour (if previous two actions are refused)
- k. Letter drop to encourage reporting in the wider community
- l. Estate visit with police
- m. Written warning to other party in accordance with Conditions of Tenancy
- n. Refer to the ASB Standing Case Conference attended by police/ Legal/ YOT and other agencies, in order to agree a joint approach. As a result of this a multi agency action plan will be agreed to deal with the matter and advise the complainant accordingly.
- o. Interview other party on Council premises with other agencies present: police and support services.
- p. Joint visit with police
- q. Where not specifically a 'housing' issue refer to the appropriate agency.
- r. Where the nuisance is severe, involves witnessed threats of violence or violence itself then consideration must be given by the housing officer to the possibility of obtaining an injunction as an immediate response. Where this is considered appropriate the housing officer should fill out a legal action justification form and discuss with senior housing officer and ASB coordinator.
- s. Witness Service for any witnesses who may need to attend court
- t. Other legal remedy for secure tenants, serving of Notice of Seeking possession, demoted tenancy application
- u. Environmental Improvements- lighting, security cameras, removal of planting
- i. If the perpetrator is an introductory tenant housing officer/senior officer to consider sanction of extending of introductory tenancy following separate process and if the nuisance is severe serve Notice of Possession Proceedings on introductory tenant. (see separate section of Management Manual).



Case Reviews and Standing Case Conference

If the Housing Officer feels that a case meets two of the following criteria; it is medium risk or above, involves more than one agency or/and has not been resolved despite previous casework then it is their responsibility to bring it to the attention of their senior housing Officer and the ASB Coordinator. It may then be discussed as a Case Review, referred to the Standing Case Conference or, if high risk, an emergency Case Review organised. The Housing Officer must be present at any of these meetings to present the facts of the case or make sure their senior housing officer or the ASB Coordinator are appropriately briefed to present their case. Once any of these meetings have taken place and an action plan agreed notes must be recorded on Capita to evidence this. A referral to The Standing Case Conference can be made via the ASB Coordinator or through the ASB Team.



Court Action

It is clearly in our interest as a landlord to resolve these issues by the best and most appropriate means possible. Taking a case to Court is usually the last option but may be necessary to resolve the case. This will include researching, gathering and presenting evidence to support our case such as any CCTV footage and a log of the recorded incidents. Victims and, if there are any, witnesses who are willing to come forward will strengthen our case either by making a statement to be read out in court or ideally giving evidence directly to the court. This can be supported by evidence from professional witnesses such as housing officers, police officers, ASB officers and noise investigation officers. Officers should make reasonable attempts to act as a professional witness where possible.

Supporting Complainants through court process

If legal action is required then the housing officer must support complainants through the legal justice system including appearing at court. When taking statements explain fully why a statement is being taken, how it will be used, that the complainant/ witness has given permission for their details to be read out in court and if possible that they are willing to give evidence in court. To help any potential witnesses it is worth exploring their security with them, where appropriate, through the Safer Homes project, involving the SNT and court security on the day of the hearing. They should also be referred to the Witness Service who will provide a pre trial visit to the court explaining what to expect on the day and arrange to look after them on the day. The Witness Service are based in the criminal courts but can assist with hearings in the civil court. Assistance on any of the above can be obtained by asking the ASB coordinator..

Confidentiality

Officers must be mindful of confidentiality when meeting with any complainant or other party and only refer them to other agencies if they give their permission for us to do so. The exception to this rule is if the officer feels that an adult or child is at immediate risk and needs to raise a safeguarding. If there is any doubt the officer should speak to their manager or the ASB Coordinator.

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