

ANTI-SOCIAL BEHAVIOUR

'Statement of Anti-social Behaviour Policy
and Procedures'

April 2017

Contents

Statement of Policy and Procedures.....	3
Policy.....	4
What is anti-social behaviour?	4
The strategic context	5
Our approach to anti-social behaviour	5
Obligations of tenants	6
Support of complainants and witnesses	7
Professional and expert witnesses	7
Hate incident and other harassment policies	8
Domestic abuse and violence policy	8
Prevention of anti-social behaviour	8
Estate Management	10
Mediation	11
Rehabilitation of perpetrators and support for vulnerable groups	11
Data protection and information exchange.....	12
Sharing information with tenants and the wider community	13
Confidentiality	13
Cross-tenure issues.....	13
Protection of staff	14
Training of staff to deal with anti-social behaviour.....	14
Information on other relevant policies.....	14
Procedures.....	16
Making a report about anti-social behaviour	16
Our standards.....	16
Our procedure	17

Statement of Policy and Procedures

This document supports Lancaster Council's Corporate Plan and fulfils the Council's requirements, relating to Section 218A of the Housing Act 1996, as a registered housing provider to prepare and publish policies and procedures in relation to anti-social behaviour.

The landlord must produce the following documents:

- Statement of Policy and Procedures on anti-social behaviour ('the statement'); and
- Summary of current policy and procedures on anti-social behaviour ('the summary').

The Statement of Policy outlines our general approach to anti-social behaviour. It tells you what anti-social behaviour (ASB) is and sets out the guiding principles for those officers in the Council who deal with ASB. It says what we want our services to achieve for people experiencing ASB, and sets out the principles on the kind of service level and quality we aim to provide.

The Statement of Procedures outlines our procedures when dealing with anti-social behaviour on a day to day basis. For example, it includes information on how and to whom a report of anti-social behaviour should be made, how contact will be maintained with the complainant, and how the progress of the case will be monitored. It contains sufficient information to enable a tenant to understand how the landlord will deal with a report of ASB and what is expected of the tenant.

Policy

What is anti-social behaviour?

Anti-social behaviour (ASB) is defined as “conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”. This is the generally accepted term.

ASB is further defined under certain circumstances, as follows:

- For the purposes of an application to the courts by a housing provider, local authority or the police for a civil injunction: “conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises”;
- For the purposes of the housing management functions of a housing provider or local authority: “conduct capable of causing housing-related nuisance or annoyance to any person”
- For the purposes of ASB case reviews (the “Community Trigger”): “behaviour causing harassment, alarm or distress to members or any member of the public”.

A list of examples includes:

- Noise nuisance (e.g., loud parties, shouting, noise from TVs, radios, hi-fi's and burglar alarms);
- Intimidation and harassment
- Local environmental quality issues (e.g. litter, dog fouling, graffiti, fly tipping and nuisance vehicles) or
- Aggressive and threatening language and behaviour
- Actual violence against people and property
- Hate incidents that targets members of identified groups because of their perceived differences (e.g. race and ethnicity, gender, age, religion, sexual orientation, mental health or disability)
- Using housing accommodation to sell drugs, or for other unlawful purposes.

If the incident you are reporting relates to Domestic Noise then we would **not** consider that to be anti-social behaviour. This includes such issues as:

- Banging doors
- Footsteps from adjoining properties and/or communal areas
- Noise of children running or playing
- Loud talking from adjoining properties and/or communal areas
- Low level noise from TVs, radios or music
- Noise from washing machines, vacuum cleaners or other domestic appliances
- One off parties or festival/events — such as bonfire night
- DIY at reasonable hours
- Running up and down stairs.

We will assist you to resolve disputes with your neighbours. We will only take formal action if we are satisfied that evidence can demonstrate that an individual or individuals have acted in an

anti-social manner. If appropriate we will offer those involved in a dispute the opportunity of a face-to-face restorative meeting or mediation to resolve issues.

The strategic context

As a member Lancaster District Community Safety Partnership, through Section 17 of the 1998 Crime and Disorder Act we have a statutory duty on agencies to tackle crime and disorder as part of our core or 'mainstream' work. We will work with the police and other agencies to reduce crime and disorder throughout the district, and will play a key role in dealing with, undertaking project and preventative work to prevent and tackle ASB. This statement of policies and procedures reflects this requirement and complements the work of the Lancaster District Community Safety Partnership.

As a landlord, we have a duty, under the Anti-social Behaviour Act 2003 to respond to ASB affecting the properties we manage. Our landlord duties and powers are different from, and usually act in addition to, the duties and powers we have to deal with ASB in the wider community. In this document (and the procedures document) we will make it clear when a policy or a power applies only to Council tenancies. In addition, we have a range of powers to take action against those causing ASB under the Anti-social Behaviour, Crime and Policing Act 2014.

In our wider role in protecting the environment, the Council has a range of responsibilities to deal with environmental anti-social behaviour (ASB), such as noise, graffiti, litter, dumped rubbish and abandoned cars. These responsibilities arise from a number of Acts and local byelaws, but in particular from the Environmental Protection Act 1990, and the Anti-social Behaviour, Crime and Policing Act 2014.

Our approach to anti-social behaviour

The Council recognises that to provide a quality housing service it must be effective in tackling the problems created by anti-social behaviour.

A three pronged approach has been adopted as an effective means of addressing the problem as a whole:

- **Prevention:** by local partnerships, and by putting in place measures to create a physical & social environment where crime, anti-social behaviour, and neighbour nuisance are less likely to arise in the first place
- **Early intervention:** including making use of current powers available under the Housing Act 1996, the Crime and Disorder Act 1998, and the Anti-social Behaviour Act 2003, and the Anti-social Behaviour, Crime and Policing Act 2014.
- **Rehabilitation:** breaking the cycle of repeated crime, anti-social behaviour and neighbour nuisance

Key principles

We will:

- Make people aware what anti-social behaviour is;
- Publicise and promote the various services we provide to combat ASB;
- Encourage people to report ASB and make it possible for them to do this using a range of reporting methods;
- Seek to respond to each report of ASB as quickly as possible and, in any case, within our target times;

- Support victims of ASB to the extent that the seriousness of the case requires;
- Evaluate casework to determine what works and will share best practice;
- Work in partnership with other agencies and statutory and voluntary groups to ensure that both case based and long term anti-social behaviour strategies are addressed.

To deliver this we will:

- Identify the local problems
- Determine local action
- Implement local action
- Assess the impact of local action; and

Obligations of tenants

- A good neighbour will tolerate and understand the different lifestyles of others.
- Tenants are responsible for the behaviour of every person (including children) living in or visiting their homes. They are responsible for them in your home, on surrounding land, in communal areas (stairs, lifts, landings, entrance halls, paving, shared gardens, parking areas) and in the locality around your home
- Tenants, and those they are responsible for, must not cause a nuisance, annoyance or disturbance to any other person. Examples of nuisance, annoyance or disturbance include: loud music; persistent shouting, persistent arguing and door slamming; dog barking and fouling; offensive behaviour; rubbish dumping; playing ball games close to someone else's property.
- Tenants, and those they are responsible for, must not harass any other person. Examples of harassment include: racist behaviour or language; using or threatening to use violence; using abusive or insulting words or behaviour; damaging or threatening to damage another person's property or possessions; writing threatening, abusive or insulting graffiti; doing anything that interferes with the peace, comfort or convenience of other people; discrimination against minority groups.
- Tenants, and those they are responsible for, must not inflict or threaten violence against any other persons in their household. They must not harass or use mental, emotional or sexual abuse to make anyone who lives in their household leave the home
- They must not use their homes, communal areas or neighbourhoods for any illegal activity such as selling drugs
- They must not at any time subject the Council employees, agents, contractors or councillors in the course of their duty, to any physical or verbal abuse

- Tenants and those they are responsible for must not run a business from your home without the Council's agreement in writing. They must keep their gardens tidy and must not damage or put graffiti on The Council property or any property in their neighbourhood
- They must co-operate with the Council and their neighbours to keep any communal areas clean, tidy and clear of obstruction; keep pets under control at all times and not keep any animal that the Council decides is unsuitable for their home
- Tenants and those they are responsible for must not park a vehicle anywhere on their property except on a hardstanding; must not park a caravan or motor home on their property without the Council's written agreement; and must not park anywhere that will obstruct the emergency services. They must not do major repairs or park un-roadworthy vehicles in their property, on the land around their homes, or on the road

Support of complainants and witnesses

We recognise that complainants and witnesses are crucial to tackling anti-social behaviour: whether they are victims of anti-social behaviour directly, or residents who have witnessed anti-social behaviour. We need residents to report incidents and provide evidence to help take action against perpetrators.

Reports may be made in person, in writing, via phone, e-mail or by contacting their Estate Manager. All reports of anti-social behaviour will be quickly and formally acknowledged and all reported instances will be investigated.

We recognises that gaining the trust and confidence of complainants and witnesses is key to keeping complainants and witnesses on board. No more so than at the crucial first stage when a report is made. This is the point at which complainants' and witnesses' expectations are set.

It will be made clear to the complainant any decisions and actions will be based on facts. At the appropriate time (and exercising appropriate discretion to protect any complainant), any alleged perpetrator will be given an opportunity to give their version of the events in question.

Where appropriate an action plan will be established with the complainant and the complainant will be contacted regularly during the course of proceedings and, in any case, whenever there is some item of progress.

The possibility of legal action will be discussed with all parties (including the perpetrator) at the appropriate time during the investigation particularly complainant needs urgent legal protection as a result of violence or the threat of violence.

Complainants and witnesses will be supported throughout all stages of the process; from report, to court, remedy and beyond.

Professional and expert witnesses

We will give careful consideration to the safety of complainants. Where they are not willing to provide direct evidence to the court, we will endeavour to use professional and expert witnesses and hearsay evidence. Professional and expert witnesses may be Council staff, Police Officers, community representatives, and/or officers from other statutory agencies.

Hate incident and other harassment policies

We will treat any racial, or harassment on the grounds of sexual orientation or disability as a Hate Incident.

We are committed to:

- Taking account of our equality policy when we ask people to undertake work on behalf of the service
- Eliminating unlawful discrimination in its service provision
- Promoting equal opportunities for all ethnic groups
- Delivering a high standard of service to all communities and to delivering services fairly to all sections of the community
- Providing services that are sensitive to differences in needs, language, culture, and religion
- Recognising the diversity of local communities and to foster good relations between communities
- Raising people's awareness of discrimination and prejudice against people from different ethnic backgrounds and to promoting action to tackle any resulting problems

Domestic abuse and violence policy

We are committed to working in partnership with a range of statutory and voluntary agencies to address all aspects of domestic violence. We have a separate Domestic Abuse policy document that sets out the wider approach to tackling domestic abuse violence and supporting victims of domestic violence.

We can respond where a partner has vacated the dwelling house as a result of violence/threats of violence by the other partner. The violence/threat of violence could be directed at the partner or at other family members living with the partner. As in any case of anti-social behaviour we recognise the need to ensure the safety of the individual experiencing the anti-social behaviour. It is not anticipated that we will seek possession of a property contrary to the wishes of the affected individual.

Prevention of anti-social behaviour

We are committed to prevention through local partnerships, and by putting in place measures to create a physical & social environment where crime, anti-social behaviour, and neighbour nuisance are less likely to arise in the first place. Early intervention including making use of current powers available under the Housing Act 1996, the Crime and Disorder Act 1998, the Anti-social Behaviour Act 2003 and the Anti-social Behaviour, Crime and Policing Act 2014 are also key to preventing the escalation of anti-social behaviour.

Informal interventions - These will be considered first in most cases, particularly when dealing with young people, as they can stop bad behaviour before it escalates. This will be determined a case by case basis. These include verbal warnings, written warnings, community resolution, mediation, acceptable behaviour contracts, parenting contracts, support and counselling.

Tenancy agreements - The Council's tenancy agreements contain clauses making it clear to tenants that anti-social behaviour or illegal activity (whether by the tenant, people who live with the tenant or visitors) is not acceptable and may lead to the loss of their home. The clauses in the tenancy agreements are fair and reasonable, and have been subject to consultation with tenants. These clause have been set out in the section of the document. We will ensure that their tenants are made aware of the importance of meeting the terms of their tenancy agreement and more generally the importance of fulfilling their responsibilities by not behaving in a way that is unlawful or damages the quality of life of others

We have a range of powers available to help enforce good behaviour. These include:

- Introductory tenancies
- Demotion order
- Family intervention tenancies
- Civil Injunctions
- Community protection notices
- Proceedings for possession
- Public spaces protection orders

Introductory tenancies The Council established an introductory tenancy scheme. The scheme applies to all new tenants, and lasts for 12 months, after which the tenancy becomes secure unless the local authority has repossessed the dwelling.

The eviction process for an introductory tenant is different to that for a secure local authority tenancy, in that no grounds for possession have to be made to the County Court. A tenant has the right to an internal review of any decision to evict.

Demotion orders The Council can also apply to the County Court to allow a secure tenancy to be brought to an end by a demotion order, the existing tenancy is replaced with a demoted tenancy. The Court may only make an order if the tenant, another resident of or visitor to the tenant's home behaved or threatened to behave in a way which is capable of causing nuisance or annoyance or includes using the premises for unlawful purposes. The Court must be satisfied that it is reasonable to make an order.

The Demotion Order gives a serious warning to the tenant. It removes a number of their tenancy rights, thereby acting as a positive incentive to the tenant to change their behaviour: if they stop causing problems, they can regain a higher level of security and rights. If a tenant continues to misbehave the tenancy can be brought to an end in a similar manner to an introductory tenancy.

Family intervention tenancies In some circumstances the Council may offer family intervention tenancies to existing tenants who have been evicted as a result of anti-social behaviour, or could be at risk of eviction because of it. They normally last between 6 months and a year and include an agreement about behaviour expected and the involvement of support services.

Acceptable behaviour contracts An Acceptable Behaviour Contract is an individual written agreement between a 10-18 year old, the local housing office and the police not to carry on with certain identifiable acts, which could be construed as anti-social behaviour. Although targeted at this age group it can be used for over 18s – if they still live at home in council, rented or privately owned property with their parents. Although not legally binding the contract may be cited in Court at a later stage to provide evidence of attempts to amend behaviour.

Parental responsibility contracts A Parental Responsibility Contract is an individual written agreement similar to an Acceptable Behaviour Contract but is specifically aimed at children under the age of 10 years old. The parent or guardian signs the contract and they take responsibility for their children's conduct

Civil Injunctions are civil orders obtained from the county court. An injunction prohibits the person concerned from engaging in the behaviour detailed in the injunction. Injunctions can be used to prevent a range of anti-social behaviour relating to housing and the wider neighbourhood, for example, using a property for drug dealing, playing loud music at night, barking dogs, verbal abuse and vandalism.

Community protection notices These notice can be used for a wide range of behaviour from littering to noise nuisance or graffiti. It is intended to address the behaviour of persons aged 16 or over, business's or organisations where the committing of anti-social behaviour is spoiling the community's quality of life. Before a Community Protection Notice is served the recipient must be warned about the issues of anti-social behaviour being raised and that if it is not corrected, further action may take place

Proceedings for possession , When a tenant fails to meet the standards of reasonable behaviour established by their tenancy agreement, then the Council may seek to protect the rights of other tenants and the wider community by enforcing the terms of the tenancy.

Public spaces protection orders Public spaces protection orders are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Criminal sanctions Although the Council may not have the relevant power to take action itself, it will – as the landlord –liaise with the Police to ensure that appropriate action is pursued against an alleged offender, under the legislation as appropriate.

Estate Management

Through the general management of the environment and landscape we seek to create and maintain, clean attractive safe estates.

Estate Inspections We carry out regular inspection of the estates and deal promptly with any identified issues. These are undertaken through Estate walkabouts at least twice a year to identify issues, and problems including any risks and hazards on its estates. The aim is to produce a plan of action to deal with the issues, and review the actions taken on previously identified issues.

Graffiti We aim to remove obscene, racist or offensive graffiti within one working day and all other graffiti at the earliest possible time.

Abandoned Vehicles The Council has legal power to remove abandoned vehicles on council land..

Dog Nuisance The Council's Dog Warden Service responds to reports regarding strays and patrol areas for stray dogs and contravention of the By-laws. The Council also operate fixed penalty notices for dog fouling.

Designing out crime It is recognised that physical factors such as property design and estate layout have an impact on crime, anti-social behaviour, neighbour complaint and tenancy conduct. Estate repair and improvement schemes aim to reduce the opportunities for crime and anti-social behaviour in our estates by various target hardening methods, i.e. alley gating, privatising gable ends, improved home security measure, environmental redesign..

Residential CCTV schemes We have introduced additional residential CCTV in targeted areas. These can only be introduced where there is clear evidence of need.

Controlled entry to flats We have introduced entryphones to many blocks of flats with communal entrances to provide some control over access.

Neighbourhood safety We will work with residents and other agencies to maximise the impact of multi-agency working to tackle crime, anti-social behaviour, and neighbour nuisance on our estates.

Mediation

Mediation permits individuals to discuss their grievances and resolve their own disagreements. It can offer a more positive alternative to legal action.

All cases of anti-social behaviour will be treated seriously and will be thoroughly investigated. We will respond to all reports of anti-social behaviour in a proportionate and reasonable manner. We aim to approach and resolve problems in a conciliatory manner as opposed to taking an adversarial approach. In such circumstances, based on the evidence available, we will consider whether mediation is the most appropriate means of resolving the problem.

Rehabilitation of perpetrators and support for vulnerable groups

When dealing with alleged perpetrators our response will depend on the nature of the offending behaviour. In many cases of anti-social behaviour there may be underlying causes such as:

- Drug addiction
- Alcohol addiction
- Mental health issues
- Learning difficulties
- Family or relationship breakdown

Individuals whose anti-social behaviour is a consequence of one or more of the issues listed above may sometimes require support in maintaining their tenancies and addressing their behaviour. When dealing with vulnerable individuals we will consider the factors which may be contributing to neighbour nuisance before deciding on an appropriate course of action.

We recognise that the most successful interventions are those that engage the individual in changing their own behaviour. By ensuring that individuals understand the impact of their behaviour on the community whilst offering the necessary support for them to stop, it is possible to achieve long-term change. We will look at facilitating access to support services, and intervention by specialist agencies.

Specialist agencies include, but are not limited to, the community health, drugs and substance misuses, tenancy support service providers and other community based services such as drug and alcohol support and mental health services.

Young people When dealing with young people we will attempt to ascertain the causes of the anti-social behaviour and involve parents/guardians in seeking to resolve the matter. Consultations with appropriate agencies will be undertaken, for example, probation, youth services, children's services, and education services Education Welfare. In particular Social Services. We will refer appropriate cases to ensure that the local social services department carry out an assessment pursuant to Section 17 of the Children Act 1989 to identify whether a child is a 'child in need' necessitating the provision of services to that child and/or his/her family to meet those needs. This assessment should normally be carried out before any specific enforcement action is taken against the young person (e.g. an application for an Anti-social Behaviour Order). We will use acceptable behaviour contracts and parental responsibility contracts with juvenile perpetrators.

Whilst we will consider addressing anti-social behaviour by tackling the underlying problems of individuals or households, we do not expect complainants and witnesses to suffer nuisance, disorder, damage and harassment month after month, and will take any necessary enforcement action.

Tenancy support Through our own in-house household intervention team and in partnership with a number of agencies we can facilitate access tenancy support services. A tenancy support service is of benefit to a range of tenants, such as tenants suffering from mental ill health and to tenants who may not have a formal diagnosis but whose level of life skills may leave them at risk of breaching their tenancy obligations, and losing their homes. Where tenancy support is provided a service plans to achieve an individual's independence will be drawn up by the support provider. These are then delivered over a period of time and reviewed regularly with the intention that while they might start at a relatively intensive level, they should reduce over time to the point when the tenant has achieved their independence and ability to sustain their tenancy without any additional support.

Data protection and information exchange

Tackling anti-social behaviour requires robust information exchange between agencies.

Data Protection Act 1998 (Section 29) allows for the exchange of information where it is for the purposes of the prevention or detection of crime, apprehension or prosecution of offenders and where failure to disclose would be likely to prejudice those objectives.

Crime and Disorder Act 1998 (Section 115) allows for the exchange of information where the disclosure is necessary or expedient for the purposes of any provision of the Crime and Disorder Act 1998, or amendments to that legislation.

Human Rights Act 1998 may impact on information sharing, in particular Article 8 which states that everyone has the right to respect for his private and family life, his home and his correspondence. This right is not absolute - interference can be justified in the interests of the prevention of disorder or crime.

Regulation of Investigatory Powers Act 2000 Surveillance is covered by the Regulation of Investigatory Powers Act 2000 and ensures that the use of surveillance does not conflict with the Human Rights Act.

Freedom of Information Act 2000 The Act seeks to promote a culture of openness within public administration. The underlying principle of the Act is that all information held by a public authority should be freely available, apart from a number of tightly defined exempt items. The Freedom of Information Act gives everyone two specific separate rights: the right to know whether information exists; and the right to ask for access to information.

Information will be shared with confidence and within the framework of existing legislation with members of the Lancaster District Community Safety Partnership through the Protocol for Information Exchange – Crime and Disorder Act 1998

There are two main categories of information that we may need to share or exchange.

De-personalised information is that which does not specifically identify an individual. There are a number of occasions where the Lancaster District Community Safety Partnership and other partnerships require de-personalised information. These include obtaining the information required for the Crime and Disorder Audit, hotspot mapping and trends analysis regarding crime and disorder rates.

Personalised information is that which identifies a specific individual or individuals. There are a number of circumstances where the obtaining of personalised information may be necessary:

- Pre-crime and anti-social behaviour to target early interventions at the people that need them
- Post-crime and anti-social behaviour to enable enforcement action to be taken
- Young people specific, e.g. child protection, Youth Inclusion and Support Panels, Youth Inclusion Programmes
- Housing needs, for example to establish homeless status or to house those with specific circumstances, such as sex offenders, in the most appropriate accommodation.

Sharing information with tenants and the wider community

When action has been taken to tackle anti-social behaviour it is extremely important to provide feedback to the victims and witnesses.

Pre-court action - where we have taken action that is not court action (such as a warning or agreement), we will tell the victim or witnesses to ensure that the victim is aware that there has been any attempt to address the problem. It would not, however, normally be appropriate to discuss the detailed terms of the warning or agreement with the victim or witnesses.

It is also important to inform the wider community about work that has been undertaken to give warnings to perpetrators of anti-social behaviour. Although it would not be appropriate or necessary to identify those involved, we will take steps to communicate the message that action has been taken.

Court action - when court action has been taken against an adult, or against a juvenile in a civil court, reporting restrictions do not normally apply. Victims and witnesses are able to attend court and hear the results of the verdict. The court may impose reporting restrictions in special circumstances but unless this has been done we will report the court action to the wider community.

Confidentiality

We will seek complainants' and witnesses' permission prior to the disclosure of information to the perpetrator, legal representatives or other interested parties.

We will ask complainants and witnesses if any other organisations have been informed and, if so, the name, if possible, of the person providing help, whether the police have been informed and, if so, which station and which officer is handling the case. If the police have not been informed, the complainant or witness will be asked if they wish the police to become involved. If they do not, then the complainants' and witnesses' wishes will be respected.

Complainants and witnesses may wish the Council to take no action against the perpetrators, even when known, and the complainants' and witnesses' wishes will be respected. The complainants' and witnesses' wishes and security will be at the centre of any decisions taken.

A perpetrator will only be interviewed with the consent and prior knowledge of the complainants and witnesses. This must be observed due to possible risks or repercussions to the reporters. There may also be occasions when the perpetrator will not be interviewed.

Cross-tenure issues

We will contribute to cross-tenure approaches to addressing anti-social behaviour through the Lancaster District Community Safety Partnership, and by sharing information with other agencies in accordance with agreed information exchange protocols.

We may act to protect owner-occupiers or those in other tenures from the actions of tenants, and equally, may take action against people in other tenures to protect their tenants.

Protection of staff

The Council is not prepared to tolerate:

- Verbal or physical harassment of its employees, including racial and sexual harassment;
- Physical assault upon employees by clients or other members of the public, either during or outside working hours, which are a result of their employment by the Council;
- Attacks on, or damage to, the property of employees of the Council which result from their employment;
- Harassment of any employee by a colleague or other person.

Tenants or persons living in or visiting a tenants home must not at any time subject Council employees, agents, contractors or Councillors in the course of their duty, to any physical or verbal abuse. Examples of physical abuse includes any actual or threatened assault, attack, violent act, or aggression and verbal abuse includes any unreasonable and/or unlawful verbal attack which causes or is likely to cause alarm, distress or intimidate.

All staff are encouraged to report incidents of aggression and violence; including verbal abuse and threats. The Council will take appropriate legal action to protect staff

Training of staff to deal with anti-social behaviour

In tackling anti-social behaviour it is important that staff have the confidence and knowledge to identify and investigate incidents and reports of anti-social behaviour and are equipped to take appropriate action. These training needs will be identified through the Council's Employee Development & Performance Appraisal scheme to inform individual and team development plans.

Information on other relevant policies

Housing Allocation Policy The Council may deem housing applicants ineligible for rehousing if the applicant, or member of their household, has been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant of the Council. Unacceptable behaviour is defined as behaviour which, if the applicant, or member of their household, were a secure tenant of the Council, would entitle the Council to a possession order.

Tenant, resident and community engagement We have always been keen to involve tenants and local community associations in discussing and developing the local services, and addressing housing issues generally. By being more involved, communities will be more confident and better informed, contribute to better decision-making leading to improved services and standards locally, as well as developing their own skills and opportunities.

Community trigger If you have been a victim of anti-social behaviour you may be able to use the community trigger to request a review of your case.

If you have been dissatisfied with the outcome of a case, and the case meets our threshold agencies including councils, police, local health teams and registered providers of social housing have a duty to undertake a review of how they have dealt with it.

The community trigger can be used by any victim of anti-social behaviour or by any person acting on their behalf, for example a family member, friend, carer, councillor, MP or other professional person.

This is intended to ensure that all victims are able to use the community trigger. However, the victim's consent should be sought by the person using the community trigger on their behalf.

The community trigger should not be used to complain about a single organisation. If your complaint is about an individual organisation you are advised to follow their complaints procedure.

To meet the requirements of the community trigger threshold, one of the following criteria must be met:

- 3 or more complaints in the last 6 months from one individual about the same problem, **or**
- 5 individuals complaining about the same or similar incidents in the last 6 months, **or**
- 1 incident motivated by hate in the last 6 months from one individual

Procedures

Making a report about anti-social behaviour

We will accept reports verbally or in writing. Anonymous reports will also be accepted for initial investigation in order to encourage people who would not otherwise lodge a report for fear of reprisals. The limitation of the use of anonymous report in taking action must be recognised.

When a report has been made and, in the judgement of the housing officer concerned, the Council can take no further action, the complainant will always be told and given the reasons. The complainant will not be left with unrealistic expectations.

Our standards

In response to individual reports of anti-social behaviour:

Reporting

- Every report will be quickly and formally acknowledged
- Every report will be investigated by the tenancy and estate management team
- Investigations will seek to identify and interview all interested parties
- Investigations will start at the earliest possible time after receipt of the report and be conducted with all reasonable speed
- Investigators will not pre judge any report – decisions and actions will be based on facts
- Every report will be graded to assist in prioritising our initial response
- Tenants and residents will be encouraged to resolve disputes themselves where appropriate
- Responses will, as necessary and as appropriate, move from advice, conciliation, mediation and support for tenants' own action, to legal action by Lancaster The Council on behalf of victims of anti-social behaviour
- We will demonstrate through action that anti-social behaviour will not be tolerated, and will make this absolutely clear to its tenants and to any person who is seeking a tenancy
- To be clear about how incidents of anti-social behaviour can be reported; publicise what is unacceptable behaviour and what action can be taken with witness reports
- To make the reporting channels as simple as possible
- On receipt of a report, let the person know that their report is important and tell them how it will be dealt with and in what timescales
- To consider applying to the court for an immediate order such as a civil injunction so as to provide some immediate respite
- To assess the home environment to understand what witness protection measures are required (such as installing new locks on windows and doors, a panic button)
- To give details of an emergency out of hours contact
- When people are too scared to come forward consider the use of hearsay evidence containing anonymised witness statements and professional witnesses.

Supporting and explaining legal action

- To discuss and plan every stage of the legal action i.e. the serving of papers, the exchange of witness statements, the court hearing, and the implementation of the remedy with the witness
- To keep witnesses informed of the progress of their case weekly
- To keep close control of the evidence with regular retrieval and checking of diary sheets
- To remain alert to any potential risks to witnesses
- To let other relevant staff know of the witnesses' potential vulnerability, so they too can keep a 'look out'
- To put the witness in touch with other residents who might be available to offer support

At court

- To offer to arrange a visit to the court in advance of the hearing so witnesses can familiarise themselves with the layout
- To ask the court for a room where the layout is less intimidating
- To arrange transport to the court for witnesses
- To make arrangements or cover the costs of any childcare or other dependent care
- To consider reimbursement for time off work, and other expenses incurred by the witness
- To escort the witness at all times
- To arrange if possible for a police presence at the court
- To secure the provision of a secure waiting area

After the court

- To inform the victim, community and relevant agencies about successful legal action
- To consider publicising successes
- To provide ongoing support for as long as the witness feels it is necessary and as long as reasonably practicable

Our procedure

How we categorise cases

All reports of anti-social behaviour made are categorised according to their level of seriousness as set out below. How a case is rated is an important judgement which may affect how quickly we deal with a case, although we will always keep an open mind and change the rating of a case if we feel it has become more or less serious

Grading

All reports will be assessed and classified using the following criteria:

GRADE ONE - Anti-social behaviour resulting in actual or threatened violence or incidents that indicate a likelihood of serious injury, or any racist incident or act.

GRADE TWO - Anti-social behaviour which is intentional, targeted, and may be continuous. This behaviour may be a combination of unwelcome or illegal acts with the intention to intimidate, frighten or harm a person or cause damage to their property. Such behaviour prevents the quiet enjoyment of the home and may affect physical or mental wellbeing. This may be treated as harassment.

Examples of this behaviour:

- Domestic violence/abuse in the home towards anyone (this may also be Grade one)
- Illegal or immoral use of property or communal areas, including drinking alcohol or using illegal substances in communal areas
- Stalking or unwanted attention
- Verbal abuse / abusive telephone calls
- Intentional damage to property or a dwelling
- Using dogs to terrorise a person
- Children / youths intimidating residents by deliberately congregating in areas to obstruct pathways or entrance / exit to home
- Offensive material placed through letterbox or on the property or its vicinity (e.g. threatening / abusive letters, food, excrement, graffiti)
- Demanding goods, services or money with menace

GRADE THREE - Behaviour or acts considered breaches of the tenancy agreement. Anti-social behaviour may occur where there is no intention to cause harm, alarm or distress or to deliberately target and annoy someone, rather this is caused through a thoughtless, inconsiderate attitude.

Examples:

- Unintentional damage to property
- Running a business from a property
- Noise nuisance e.g. DIY, children playing, pets
- Nuisance caused by pets – fouling, noise,
- Hoarding rubbish within the home or garden
- Graffiti/damage to communal areas
- Youths congregating in communal areas
- Unsightly gardens
- Unauthorised parking
- Carrying out car repairs on communal areas
- Abandoned Vehicles

GRADE FOUR - Behaviour and acts that do not represent a breach of tenancy conditions and for which the landlord has no further legal powers upon which to act.

Examples:

- Disputes over differing lifestyles
- Disputes over parking where no tenancy/leasehold condition has been breached or criminal activity has occurred.

Initial action

- Report of anti-social behaviour received at council housing.
- Officer takes full details, obtains consent to record and share data, and checks the ASB

management system (ASBMS).

- If a case has already been opened on ASBMS, the Officer records the incident as a separate report; otherwise a new case is opened.
- The case is allocated to an Estate Manager.

Additional information

- If ASB involves criminality or hate crime, environmental issues or racial harassment; the police, Environmental Health Services and Community Safety and Safeguarding Manager, respectively, are notified and further access given to the case on ASBMS, as deemed appropriate.

Categorise and risk assessment

- Estate Manager categorises the case and carries out a risk assessment, based upon the details provided.
- If an assessment has already been carried out, the officer is to check whether the new information changes the category.

Response

- Reports will normally be managed by the Estate Manager for the area the reporter lives in (even if the subject lives in an area on another estate). If the Estate Manager for that area is on leave or absent when a report is made the report should never be left until they return. In these instances the person taking the report should give the details to the Principal Management Officer for allocation.
- The Estate Manager will record and monitor the case. All contacts and events should be recorded to provide a chronological record of the management of the case on the ASBMS.
- The Estate Manager will in all cases:
 - Acknowledge receipt of the report within two working days enclosing the Summary of Policies and Procedures leaflet
 - Re-assess the seriousness of the report and risk to the reporter
 - Grade the report 1-4
 - Assess whether a breach of tenancy conditions has occurred
 - Assess suitability for referral to mediation
 - Assess suitability for referral to other agencies
 - Arrange a further interview with the reporter
 - Carry out investigations
 - Manage the case until closure

Response times

GRADE	INITIAL INTERVIEW	INITIAL MEETING WITH PMO	COMPLETE INITIAL ENQUIRIES	FEEDBACK TO ALL PARTIES
ONE	Within 24hrs of receiving report	Violence/ threats of violence within 48hrs of initial report	Within 5 working days of initial report	Within 7 working days of initial report
TWO	Within 3 working days of initial report	Monthly meeting	Within 7 working days of initial report	Within 10 working days of initial report
THREE	Within 10 working days of initial report	Monthly meeting	Within 15 working days of initial report	Within 20 working days of initial report
FOUR	Not required	Not required	Not required	Within 7 working days of initial report

- If there are reasons why the target times have not been met (difficult to contact reporter/did not attend an interview) these reasons will be noted on the ASBMS

Initial interview with the reporter

- The Estate Manager will make an appointment to interview the reporter at home or in the office as soon as possible to obtain more details of the situation and to talk more fully about what action could be taken. The interview will be recorded on the ASBMS.
- At the interview the Estate Manager will collect more details:
 - Is this the first incident? If other incidents have occurred, but not been previously reported to the Council, as much detail as possible needs to be obtained about these at this stage, for example, when the incident(s) happened, where it occurred, who was present, what happened and so on.
 - Details of the incident itself (for example, the nature of the incident and what happened).
 - Whether the subject(s) is known to the reporter and, if so, details of name(s) and address(es) and ethnic origin of the subject(s).
 - Who else was present, including people who might be willing to act as witnesses - and their details. They will be interviewed separately to obtain a full statement.
 - If any other organisations have been informed and, if so, the name, if possible, of the person providing help.
 - Whether the police have been informed and, if so, which station and which officer is handling the case. If the police have not been informed, the reporter will be asked if they wish the police to become involved. If they do not, then the reporter's wishes will be respected.

- The initial interview is very important. The Estate Manager will gather as much information as possible so that a decision about what help can be provided and a programme of action devised to deal effectively with the situation.
- The Estate Manager will explain what action the Council can take in the short term, for example, contacting other agencies, arranging for repairs, improving security measures, contact with victim support services.
- The Estate Manager will explain what other action may be taken with the reporter's consent. This may involve contacting other agencies to arrange a case conference to determine the appropriate action;
 - Mediation;
 - The possibility of the council as a landlord taking action;
 - The possibility of civil action e.g. Injunctions;
 - The possibility of criminal prosecution by the police or council.
- The reporter may wish the Council to take no action against the subject(s), even when known, and the reporter's wishes will be respected. The reporter's wishes and security will be at the centre of any decisions taken.
- The reporter will be encouraged to keep his or her own record of incidents. This may include an Incident Record Book. This kind of record can be extremely useful if legal action is pursued. An Incident Record Book will be issued to assist the reporter in recording any future incidents.
- The Estate Manager will record full notes of the interview and update the ASBMS

Arranging support

- It may be appropriate to offer information about other organisations and/or individuals in locality who are able to offer support and assistance. Where necessary this will be arranged on behalf of the reporter.

Temporary accommodation/transfer

- As a rule, Lancaster City Council will not re-house reporters but will, rather, seek to resolve the situation by tackling the subject about their anti-social behaviour and securing the ending of this behaviour. In very rare and serious cases it may be necessary to re-house reporters or witnesses on a temporary or permanent basis – such circumstances are likely to involve extremely violent, organised criminal activity.
- Lancaster City Council will facilitate such arrangements when these are absolutely necessary but it will be emphasised that the anti-social behaviour policy is focused on the stopping of the subjects' anti-social behaviour rather than the re-housing of the reporter or their witnesses.
- In cases involving a serious threat or violence or where the reporter may be deemed to be homeless if they cannot return to their property due to a real risk or likelihood of experiencing violence, emergency measures will be instigated, and case conference will be

called involving any support workers/involved agencies, housing advice, housing benefits, Neighbourhood or Housing Needs Manager where appropriate and police if appropriate. A record of actions agreed at this meeting must be kept.

- If a tenant, in the long term, wishes to move from their home, a transfer application will need to be completed for assessment.

Subject interviews

- The Estate Manager will arrange to interview the subject of the report, ideally in a Council office with a second person present (another council officer, police officer or specialist professional). If the interview is to be conducted at the subject's home, all necessary risk assessment checks are to be carried out before visiting with a second person.
- The Estate Manager will provide the subject of the report an opportunity to explain their version of events and account for the alleged ASB.
 - At this interview:
 - The nature of the report will be explained to the subject.
 - The Council's policy will be clearly explained.
 - The subject will be asked for his or her comments.
- The intention of the interview is not only to discover the subject's side of events but also to ensure that further incidents do not recur and this fact will be made clear in the interview.
- The Estate Manager will record full notes of the interview and update the ASBMS

Further contact/investigations

- In order to establish the extent of the anti-social behaviour and to gather evidence which may be used for legal purposes, it will be necessary for the Estate Manager at interview to obtain the consent of the reporter to carry out further enquiries. This will be explained to the reporter and recorded on the ASBMS.
- The Estate Manager will then make contact with all relevant agencies and keep a record of their enquiries and information received on the case file. The ASBMS will be updated as the case progresses to provide a tracker of events and actions.
- Where at all possible, enquiries will be made in writing – for example, where an Estate Manager requires information from the police about an incident, they will:
 - Have obtained the reporter's consent
 - Complete a written request for information and send or fax to the police station
 - In GRADE ONE cases, they will 'phone the police if the person is at risk and then have information backed up in writing following their written request for information
 - Liaise with the police and observe information sharing protocols
- The Estate Manager will record full notes of the enquires and update the ASBMS

Action plans

- Our case management procedure encourages flexibility in finding solutions and recognises that each case will be managed on its own merits whilst observing at all times, confidentiality, legal obligations, consent, and agreed protocols.
- Where action is required an action plan will be agreed with the reporter as soon as is practicable. It may be necessary to involve and co-ordinate with other agencies.
- All involvement with other agencies will be documented. The details of the action plan will be sent to the reporter, and other agencies.
- The action plan could incorporate:
 - Regular visits to the reporter and, with their agreement, encouraging and assisting additional help from local groups if that is felt to be appropriate.
 - Arranging victim support
 - Setting out a range of visits, mediation, warning letters and legal action which is considered to be appropriate as far as the subject(s) is concerned and ensuring the reporter is kept informed of the action being taken.
 - Setting out the range of repair work needed and ensuring that the emergency status of these repairs is adhered to.
 - Casework meetings
 - Further evidence gathering through interviewing neighbours, and surveillance measures.
- The action plan may need amending will the circumstances change. Any changes to the action plan will be recorded and the reporter notified.
- Actions will be monitored at casework meetings.
- The Estate Manager will carefully record each follow-up visit or action taken in relation to the report on the ASBMS.

Legal action

- If legal action is being considered, the Estate Manager will obtain written confirmation from all the witnesses, including the reporter, that they are prepared to attend court if necessary.
- The Estate Manager will prepare the appropriate case papers in liaison with and for referral to Legal Services. These will be reviewed by a Principal Management Officer. Discussion with Legal Services will take place as to the exact requirements for each case.
- The case papers will be forwarded to Legal Services with an instruction to commence proceedings, and the reporter and subject will be advised that proceedings have been requested. All details will be recorded on the ASBMS.
- The case will continue to be reviewed to check whether or not there has been any recurrence of the report and will ensure that all checks are recorded on the ASBMS.
- On receipt of a court date this will be confirmed in writing to both the reporter and the subject.

- Arrangements will be made for the reporters, and witnesses, to attend Court.
- On notification of the outcome of the court hearing all records will be updated, and a letter will be sent to the reporter, and to the subject confirming the outcome.

Post court reviews

- The case will be reviewed by the Estate Manager to check whether or not there has been any recurrence of any incidents, and ensure that the records are kept up to date.
- The Estate Manager will review the action plan and write to the reporter and to the subject to confirm any action being taken, and where necessary seek further advice.

Enforcement

- If enforcement of a court order is required the case will be referred to the Council's Legal Services for action.
- The Estate Manager will notify the reporter and the subject of the enforcement action.
- The Estate Manager will notify all appropriate agencies or services that the enforcement action is to take place.
- The case will be kept under review to check whether or not there has been any recurrence of reports, and that the records are kept up to date.

Closure of a case

- We will close an anti-social behaviour case when:
 - We believe we have resolved the problem or the problem has stopped
 - We think that there is no case to investigate
 - We believe the evidence does not warrant action
 - The witness does not respond to us further to reporting an incident
 - Should there be no further report for a period of 6 months then the case will be considered closed, and all the appropriate parties advised
- We will record why the case has been closed and will write to tell you that we have closed the case and contact you to conduct a survey so that you can give us your opinion about how we handled the case.

Monitoring and support

- A Principal Management Officer will monitor and supervise all cases through a monthly review meeting with the relevant Estate Manager, and provide all necessary advice and support to the Estate Manager.