

Nuisance & Anti-Social Behaviour Procedure

1. MANAGEMENT INFORMATION

1.1 Policy Details

Date Policy approved by Board			
Updated	December 2009		
Next Review Date	December 2011		
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Responsible Director	Director of Operations		
Pages	Whole Document	Appendices	

1.2 Circulation List

The Operation Policies and Procedures are located electronically on SLH's Intranet.

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3. PURPOSE

- 3.1 The procedure details the process that shall be followed when investigating incidents of Nuisance and Anti Social Behaviour, and this procedure links with all the policies and procedures that are contained within the Community Safety Strategy to ensure a seamless approach in this area of Housing Management and Community Safety.

4. SCOPE

- 4.1 The Director of Operations shall be responsible for the implementation and review of this procedure.
- 4.2 The Director of Operations and Head of Regeneration, Service Development and Enterprise are responsible for ensuring that this procedure is followed throughout SLH.
- 4.3 All staff who receive notification of a Nuisance issue, either verbally or in a written form, have a responsibility to ensure that the matter is investigated in accordance with this and all related procedures in the Community Safety Strategy appropriate to the case.

5. REFERENCES

Policies and Procedures

- Nuisance and Anti Social Behaviour Procedure
- Racial Harassment Policy and Procedure
- Harassment and Hate Crime Policy and Procedure
- Confidentiality Policy
- Customer Care Policy
- Land Strategy
- Domestic Violence Policy and Procedure
- Equality & Diversity Policy
- Anti-Social Behaviour Order (ASBO) Procedure
- Acceptable Behaviour Contracts (ABC) Procedure
- Abandoned Vehicles Procedure
- Demoted Tenancies Procedure
- Out of Hours Procedure

Other Documents

- Customer Service Standards
- HC Regulatory Circular
- HC Anti Social Behaviour

6. DEFINITIONS

- 6.1 “Nuisance and Anti Social Behaviour” is defined as behaviour which disturbs the peaceful enjoyment of another, either directly in the form of “Harassment” – where one or a number of individuals select a specific individual as a target for nuisance behaviour, or generally, where disturbance can be caused by individuals or groups in a locality that presents a disruption to the lives of others.
- 6.2 Specific definitions for all categories of unacceptable behaviour are detailed in the Community Safety Strategy.

7. RISK FACTOR

- 7.1 The risk factor is high as incidents of Nuisance and Anti Social Behaviour that remain unresolved lead to a decline in the reputation of an area, which adversely affects the letting potential of the area over time, thereby having a direct affect on the income generation of the Group. In addition, a poor response in this area of Housing Management leads to a poor reputation for the Group which is unacceptable.

8. PROCESS

8.1 Reporting Incidents of Nuisance and Anti Social Behaviour

- 8.1.1 A complaint about incidents of Nuisance and Anti Social Behaviour will be accepted either verbally or in writing.
- 8.1.2 The complainant can report the incident in person, via the telephone, email or fax, via a third party or agency acting on their behalf or in writing.
- 8.1.3 The complainant does not have to be identified at the reporting stage, but in the interests of conflict resolution, it is useful to know all parties to the dispute to ensure effective communication at all stages in the investigatory process.
- 8.1.4 The complainant does not have to confirm the complaint in writing, the initial complaint, if made verbally, is sufficient to commence the investigation.
- 8.1.5 Verbal complaints should be recorded, during receipt of the complaint, on the anti social behaviour referral form situated in Arch House Plus, the referral form records the main details of the complaint for further investigation. Written complaints should have the main details highlighted to ensure that the facts of the case are fully clarified at the start of the investigatory process. The person initially receiving the complaint shall do this and assess at the outset whether this case is a High, Medium or Low Risk case from the information initially supplied. The person receiving the complaint will also assess the “type” of anti social behaviour case being reported to ensure the referral is highlighted to the appropriate operational team for action. If the case is High Risk or there is

evidence of Harassment, Hate Crime, Domestic Violence or Racial Harassment – the referral shall immediately be completed and sent on the work flow system to the Community Safety Team for immediate action.

8.1.6 **All** complaints shall be logged to the appropriate operational team by the person receiving the complaint, in date order of receipt. The officer in the community safety team will log all details on the database. This information will be recorded immediately following receipt of the complaint, the referral will be acknowledged by letter or telephone by the community safety team within 1 working day or the neighbourhood management team within 5 working days.

8.2 Referring the complaint for investigation: Appendix A

8.2.1 **All** complaints shall be referred to the appropriate operational team who will acknowledge the complaint and log all the information. The referral shall be received by the appropriate Officer within 1 working hour of receipt of the complaint on the same day that the complaint is made. If the appropriate Officer is not in work on the day the complaint is received, the matter shall immediately be referred to the Community Safety Manager and the Community Safety Officers who shall determine what action, if any, shall be taken, and by whom.

8.2.2 The “appropriate” operational team will be determined at the initial referral stage in accordance to the “Type” of anti social behaviour reported and in line with the work flow process map identified in paragraph 8.2. An investigating officer will be appointed and he/she will handle the case during the investigation. This officer will be referred to as the “Investigating Officer” for the purposes of this procedure and will be a generic title referring to either the Neighbourhood Management Officer or Community Safety Officer depending on the “type” of anti social behaviour reported.

8.2 Investigating the complaint

The Victim

8.3.1 The investigating officer shall commence the investigatory procedure by contacting the complainant, if known, or victim of the nuisance, to arrange a home visit or office interview (As preferred by the complainant) to discuss the matter in detail.

Please Note: in certain circumstances, particularly where instances of violent or threatening behaviour are evident, the victim may prefer an office interview so that the presence of the investigating officer at the home of the victim does not serve to inflame the situation. This initial contact shall be made within 24 hours (1 working day) of receipt of the complaint.

8.3.2 A visit or interview will be conducted with the victim within a further four working days and therefore within a maximum period of five working days since receipt of the complaint.

- 8.3.3 The visit or interview with the victim will establish the facts of the case, gathering existing evidence that may already be apparent (i.e.) photographs of damaged property, copies of completed diary sheets detailing incidents, video or audio evidence of activities etc. Any material evidence received from the victim shall be receipted, so that the victim has a record of who received it on behalf of the organisation. The full facts of the case shall be recorded during this interview or visit on a "Case Management File", and the signature of the victim obtained on the form on its completion. A "Consent Form" shall be completed, signed and dated.
- 8.3.4 A "1st Action Plan" will be completed with the victim, and all possible outcomes will be discussed. It is important that realistic outcomes are discussed, as the victim needs guidance on what is achievable in law (i.e.) eviction may not be achievable for minor issues and a more appropriate avenue of resolution may be mediation, therefore such advice should be offered set realistic objectives. The victim shall be asked to sign the Action Plan as confirmation of the agreed course of action. This initial Action Plan shall be reviewed throughout the investigatory and monitoring process to ensure that it remains both relevant and realistic.
- 8.3.5 **AT ALL STAGES, RISK, AND EVIDENCE OF HARASSMENT, HATE CRIME, DOMESTIC VIOLENCE, RACIAL HARASSMENT SHALL BE REVIEWED AND THE CASE PROGRESSED IMMEDIATELY.**
- 8.3.6 The Investigating Officer shall consider appropriate methods/level of victim support that can be offered by the organisation as detailed in the Nuisance and Anti Social Behaviour Policy, and these requirements shall be incorporated into the Action Plan that is agreed with the victim. Re housing may be considered as an option at this stage depending on the severity of the case and victim engagement, each case will be assessed on an individual basis and will include a formal case review with the community safety manager. Re housing will be considered by the investigating officer as part of the ongoing action plan.
- The victim shall be issued with contact details for the Investigating Officer, including details of emergency telephone numbers, to enable contact in an emergency, if required. The Nuisance hotline number will also be issued to the complainant as a source of continued witness support, but the complainant will be urged to report matters to the Police to ensure optimum support is provided. During office hour's staff shall contact the Investigating Officer on his/her mobile telephone if out on site when an emergency situation occurs.
- 8.3.7 The victim shall be issued with a nuisance diary to record further incidents, and any necessary stationery or equipment shall be provided or loaned by the organisation (i.e.) notebooks, paper, pen, tape recorder, and pre paid envelopes shall be provided on request.
- 8.3.8 On return to the Office, the Investigating Officer will seek to obtain corroboration via existing information held on file or on the computer, enquiries

with outside agencies or the Police, requesting additional or supportive information etc. These enquiries may require written confirmation before such agencies will respond, therefore, the appropriate paperwork and a secure fax line shall be used.

- 8.3.9 At all times, the Investigating Officer shall ensure that the database is kept updated with progress throughout the investigatory process, so that all staff can enquire after cases, if required.

The Perpetrator

- 8.3.10 The Investigating Officer shall visit the alleged perpetrator to discuss the complaint within 7 working days of receipt of the initial complaint.

- 8.3.11 At this stage in the investigation, it is advisable to with-hold the identity of the complainant or victim, if at all possible (i.e.) if allegations of noise, indicate that a number of complaints have been received, so that individuals are not targeted in retaliation. The Investigating Officer shall also look for additional evidence of tenancy contravention, such as damage to the property, unkempt gardens etc., and these issues should also be discussed at this visit. It should be noted that there may be other avenues available to the Investigating Officer on which action can be taken that does not wholly rely on the evidence of a near neighbour i.e. criminal convictions, experience of Investigating Officer in dealing with the individual etc. The approach taken with each individual case must, to some extent, rely on the judgement of the Investigating Officer dealing with the case at the time.

- 8.3.12 If the perpetrator admits to causing a problem, the Investigating Officer shall warn them of acceptable modes of behaviour and that the situation will be monitored to ensure compliance. The perpetrator shall also be warned of the possible consequences should they fail to comply as instructed.

- 8.3.13 If the perpetrator fails to admit to the problem, the Investigating Officer shall warn them that the situation will be investigated and monitored, and the consequences for the perpetrator, if the facts of the case are proven, should be communicated to the perpetrator.

- 8.3.14 Discussions with the alleged perpetrator may provide the Investigating Officer with additional facts which indicate that the problem is more of a "Neighbour Dispute" than an issue of Nuisance and Anti Social Behaviour, and a more cautious approach needs to be adopted when deciding on the Action Plan. The Investigating Officer shall seek immediate guidance from the Community Safety Manager at this stage to clarify the most appropriate action to take.

- 8.3.15 Alternatively, the case may already be showing signs of "harassment" or other specialist case type and shall be immediately referred up to the Community Safety Team for specialist help. SLH have secured an externally funded project named WAVES, witness and victim encouragement service, the WAVES coordinator is situated in the community safety team at SLH and the investigating officer shall make a referral to the WAVES Coordinator where

intensive witness support is needed. The WAVES Coordinator will keep the investigating officer and the neighbourhood management officer informed if the case escalates through intimidation, harassment or retaliation.

8.3.16 On return to the Office, the Investigating Officer shall review the findings of the case so far, and reach an informed decision about the most appropriate and realistic course of action. The Investigating Officer shall then write to all parties involved, informing them of the course of action to be followed, and the consequences that will follow if the problem persists.

8.3.17 When reviewing the case, the Investigating Officer shall be aware of issues that may require a referral to the Police or Social Services or Education Welfare departments of the Local Authority, and necessary referrals should be made using either the "Agency Referral form" or "Police Intelligence Form" as appropriate. Such referrals shall be kept in the case management file for future cases reviews with the community safety manager.

8.3.18 Referral shall also be made to the Environmental Health Department of Liverpool City Council if the complaint relates to an area of their jurisdiction i.e. noise, rubbish etc.

8.3.19 Copies of all correspondence shall be filed immediately upon the relevant house files, copied into the Neighbour Nuisance and Harassment Case File and the progress of the case updated on the database.

8.3 Monitoring the Nuisance Complaint

8.4.5 The Investigating Officer shall monitor cases in line with the monitoring frequency agreed with the complainant in the Action Plan until the matter has either been resolved to the victim's satisfaction, or there is insufficient evidence being collected to progress the case to the next stage. If the matter is resolved, a letter shall be sent to all parties expressing the organisation's appreciation for their co-operation. If the matter is inconclusive, the Investigating officer shall review the case with the community safety manager to establish whether further action is appropriate, or whether the case should be closed the database should be updated with this decision.

8.4.6 The monitoring procedure shall take the form of regular telephone calls to the alleged victim to check progress (as actual visits can be inflammatory), and collection of and reviewing of completed nuisance diaries, to check the validity/extent of the problem. The database shall be updated at each stage and notes will be kept on the Nuisance and Harassment Case File on the "Neighbour Nuisance Monitoring Notes".

8.4.7 The Investigating Officer shall consider additional means of gathering evidence if it is felt that the employment of surveillance staff or equipment is appropriate, and regular formal and informal contact with the Police is essential in ensuring the safety of the victim and all concerned, if there is the threat/risk of violence involved. If there is confirmation from the Police that the alleged perpetrator has been previously convicted of an offence which would

reflect Anti Social Behaviour in the locality (i.e.) burglary of a property in the locality; drug offences etc. the matter can be escalated to possession action. At this stage the case will need to be formally reviewed with the community safety manager and the database updated with all decisions.

- 8.4.8 The community safety manager shall consider all the facts of the case before engaging the employment of surveillance services or authorising a professional witness operation.

8.4 Escalation of Action

- 8.5.1 If the problem persists following the warning visit to the perpetrator and the confirmation/first warning letter that was sent at the outset of the investigation, a final warning letter shall be sent to the alleged perpetrator and a second interview will take place, a warning will be given of the legal consequences should the problem continue to persist.
- 8.5.2 Contact shall be made with the victim to ensure compliance with the final warning letter within 5 working days of the letter being despatched to the alleged perpetrator. The situation shall be monitored to ensure compliance for a period of time agreed by the investigating officer and the victim before the case is closed.
- 8.5.3 If the problem continues to persist after this period, the Investigating Officer shall complete the "Legal Action Referral", and the preferred course of escalation action (i.e.) injunction, possession etc. shall be discussed with the Community Safety Manager who will review the case to date and recommend future action.
- 8.5.4 If there is any doubt as to the preferred course of action, the investigating officer shall seek legal advice and discuss all options with the community safety manager before proceeding.
- 8.5.5 If the decided course of action is possession, a NOSP shall be issued without further delay, on the authority of the Community Safety Manager, and the database updated to reflect this action. Please note that in the case of Starter Tenancies, a S21 Notice is issued.
- 8.5.6 If possession action is to be followed, the case will continue to be monitored closely and further evidence will be gathered throughout the period leading up to the case being heard in court. Care shall be taken to guide witnesses through this period, as success in court is dependent on the quality of the evidence presented, and therefore appropriate witnesses should be selected who will be able to cope with the process. Where this is doubtful, "professional" witnesses or "hearsay" evidence should be considered. Witnesses may be referred to the WAVES Coordinator who will be a dedicated contact for witnesses.
- 8.5.7 Advice from the solicitor shall also be sought about alternative legal remedies that are available, i.e. injunctions, Demotions, ASBOS etc.

8.5.8 Consideration shall always be given to the provision of mediation services as an alternative to escalation, if thought appropriate to the case involved, a mediation referral form should be completed and emailed to the mediation coordinator in the community safety team. The case will then be allocated to a mediator and a co mediator in line with the SLH service level agreement.

8.5.9 **At all times** consideration shall be given to the safety of staff and staff shall not place themselves at unnecessary risk in attempting to resolve problems of Nuisance and Anti Social Behaviour. If local staff feel that they are being placed in a dangerous or high risk position, the Community Safety Manager shall refer the case to the **JULIE MARSH TITLE** for further action and support.

8.5.10 **Please note: staff safety is paramount**, and the following measures can be considered if local staff members feel that the case is putting them at unnecessary risk:

- Referral to the Community Safety Manager (CSM)
- Installation of security equipment in and around the office i.e. CCTV, locks etc.
- Injunctive proceeding to keep the individual away from the office
- Staff issued with mobile telephones/attack alarms
- Staff advised to visit in pairs
- Staff advised to change home telephone numbers and go ex-directory
- Employment of security personnel at the office and/or on the estate
- A letter from the CSM officially excluding the person from the premises
- Individual and team counselling for staff
- Training on ASB and self defence for all staff
- Reporting individuals to the Police
- Potentially Violent reporting procedures, notify any contractors / partners of the risks on the estate
- **Staff shall not give out personal details without establishing source by fax**

The Community Safety Manager shall authorise whatever measures are required to ensure staff safety and shall report the action taken to the Senior Management Team and the Director of Operations.

8.5.11 Nuisance and Anti Social Behaviour issues on multi landlord estates should be dealt with in the same way as detailed above, referrals shall be made to other landlords where their tenants are involved and multi agency case conferences will be arranged for high risk cases.

8.5.12 All tenants who leave their properties following incidents of Nuisance and Anti Social Behaviour, either via eviction or of their own accord, shall be entered on an exclusion list held by the organisation and details circulated to other landlords for their information and necessary action. The cost of any resultant damage shall be recorded and notified to the Income Generation Manager for recovery proceedings against the former tenant.

9. RESIDENT, STAFF AND STAKEHOLDER INVOLVEMENT IN POLICY

9.1 CHECK THIS OUT Under review

10. EQUALITY & DIVERSITY IMPLICATIONS

- 10.1 This policy underpins the commitment of SLH to provide equality in access to, and provision of, services offered to all residents regardless of their age, religion, disability, gender, race, national origin, sexual orientation, appearance, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.
- 10.2 SLH ensures that all staff attend equality, diversity and culture awareness training.
- 10.3 SLH will ensure that during times when an interpreter may be required, language line is accessed. Formal letters can be produced in alternative languages and leaflets are also available (upon request) in alternative languages, Braille and large print. If a tenant has a hearing disability, SLH will access Type Talk and Mini-Loop.
- 10.4 All SLH front line staff are trained on how to contact language line and use the Type Talk and Mini-Loop.

11. RISK ASSESSMENT

- 11.1 As part of the work that is delivered within the community safety team risk assessments shall be completed for all out of hours activity, out of hours lone working, surveillance work and the professional witness service.

12. EFFICIENCY / VALUE FOR MONEY ASSESSMENT

- 12.1 SLH's Corporate Plan 2009-2011 seeks to outperform against its budgets to improve efficiency and improve the quality of services delivered to customers. This is to include staff training, which will embed customer care, equality and diversity and health and safety issues in SLH staff.
- 12.2 SLH will continue to work in partnership with other agencies to pool resources where possible and create opportunities for saving from greater economies of scale.

13. CONTINUOUS IMPROVEMENT ASSESSMENT

- 13.1 The SLH Group has a corporate commitment to continuous improvement and the Board has agreed a continuous improvements methodology which looks at key areas.
- 13.2 SLH has an Action Plan which sets targets with timescales for implementation, identifies lead officers with overall responsibility for achieving the target and details how this will be monitored and the anticipated outcome. Progress is monitored and reported to Board quarterly.

- 13.3 It is important that all staff involved in the delivery of the Policy ensure that they seek to improve their knowledge and effectiveness in this area of work. It is essential that staff share their experiences of operating the procedures, so that improvements can be made.
- 13.4 SLH will provide thorough training to staff and will when necessary be provided with refresher training and information on any procedural and legislative changes as necessary.
- 13.5 SLH will display appropriate posters and material in our offices stating our commitment to excellence in customer care.
- 13.6 SLH will collect information from our customers in order to assess satisfaction with the service they have received in dealings with us and also use information from complaints and use the feedback to make service improvements where necessary.

14. GOOD PRACTICE PROCEDURAL GUIDE FOR STAFF

14.1 See Service Delivery Good Practice Guide

15. FREQUENTLY ASKED QUESTIONS

15.1 See Service Delivery Good Practice Guide

16. ASSOCIATED AND LINKED POLICES

This policy is linked to the following Group documents:

- SLH's Customer Service Standards
- Equality and Diversity Strategy
- Complaints Compensation Policy and Procedure
- Community Safety Policy
- Confidentially Policy
- The Bulletin, Our Voice and local newsletters
- 'Tell Us About It' Customer Suggestion Scheme
- Service Delivery Good Practice Guide