

Give respect, get respect

Dealing with anti-social behaviour





Our approach to anti-social behaviour

The Crime & Disorder Act 1998 defines anti-social behaviour as:

“acting in a manner which causes or is likely to cause harassment, alarm or distress to one or more persons who are not of the same household.”

Another definition is found in the Anti-Social Behaviour Act 2003:

“conduct which is capable of causing nuisance or annoyance to any person... or involves using or threatening to use housing accommodation for an unlawful purpose.”

Anti-social behaviour and neighbour nuisance ranges from annoyances like barking dogs or loud music to more serious issues such as harassment and violence.

As a landlord we want our neighbourhoods to be free from anti-social behaviour. We try hard to provide an environment in which people are happy to live. We work to prevent anti-social behaviour occurring on our estates through the sensitive design of new homes and refurbishment programmes, and through the allocations, involvement and estate management policies delivered by our staff.

We know from talking to customers that most people do not suffer from anti-social behaviour. But, we also know that for the minority of people who suffer problems, this can be a major area of concern, so tackling and preventing anti-social behaviour is a priority. We will work in close partnership with residents, the police, councils and other agencies, and provide a joint, consistent and effective approach to anti-social behaviour.

This leaflet should be read together with our new service standards published in April 2011. Please ask if you would like a copy.

What is acceptable behaviour from a neighbour?

We believe that tenants have the right to their chosen lifestyle without fear or intimidation, providing it does not unreasonably interfere with other people's rights to the quiet enjoyment of their home and community.

We expect our tenants to show consideration to their neighbours and respect their property and environment.

Our tenancy conditions make it clear that tenants must take responsibility for their own and their children's actions, as well as those of their visitors, and behave in a way that does not harass or intimidate others.

There are steps that tenants can take to help reduce noise and nuisance, for example:

- **make sure your children are not causing problems to others**
- **avoid banging doors**
- **use headphones if listening to loud music**
- **let your neighbours know if you are having a party**
- **ensure that dogs are not distressed and left to bark.**



If it develops into an argument it is best to walk away



The first thing to do

Often the best way of solving a problem is to talk to your neighbour. Explain calmly and politely that their behaviour is causing you a problem. They may not realise their dogs bark when they are out, or that their TV sounds so loud through the wall. It is important to do this when you are calm and not when you are angry or irritated about the disturbance.

Sometimes, talking to the other person may be the end of the matter, but you should always keep notes in case it is not. If the matter goes further, an accurate record made at the time of the incident can convince someone who does not know you, and who will listen to all those involved, that your version of events is correct.

The way you record evidence is important. This does not need to be time consuming, but it is important that you write down the exact nature of the problem, the date, and start and finish times of each incident.

We can supply forms and extra guidance for recording incidents of anti-social behaviour. This can be very important, as these forms can be used as notes made at the time or shortly after an incident, which is exactly what the courts require.

If you decide to report the problem to us we will always ask if you have tried to sort it out yourself (unless the situation is so serious that it would not be appropriate). Anonymous complaints will not be investigated, however all reports are handled in the strictest confidence and we will initially keep your identity confidential.

Please contact us if the problem continues, you think someone is breaking their tenancy agreement or you are not sure what to do next. We will fully discuss the problem with you before taking any action.



How do I report anti-social behaviour?

If you are being affected by anti-social behaviour you can report it to us:

- ➔ by phone or in person in office hours
- ➔ through our websites or by email
- ➔ by phone outside office hours
- ➔ on behalf of another person.

ASB Respect Line

We realise that anti-social behaviour doesn't just happen during daylight hours and it doesn't just happen during the week. Our dedicated ASB Respect Line is available outside office hours, so if there's a problem, you're never on your own.

When you call our office numbers outside office hours, you will automatically transfer to the ASB Respect Line team. All our contact information can be found on the back of this leaflet.

You can also report anti-social behaviour from your mobile with our free text line:

- ➔ start your text with 'ASB'
- ➔ text '80800'
- ➔ the message will be sent straight through to the ASB Respect Line team
- ➔ you will receive a confirmation text so you know your message has been received
- ➔ a member of the ASB Respect Line team will then be able to call you back to take further details, as required.



We understand that victims of anti-social behaviour are often scared of reporting it, as they are concerned about consequences for themselves, or worried that we will not take their report seriously.

If you are affected by anti-social behaviour you can expect that:

- ➔ fully trained staff will investigate every report of anti-social behaviour caused by another of our tenants promptly and thoroughly, as set out in our service standards. We may also be able to find ways of acting in cases where the problem is caused by someone who is not our tenant
- ➔ investigators will, in the first instance, assume that the complaint is justified
- ➔ all reports will be handled in the strictest confidence.

Prioritising complaints - what are the three categories of anti-social behaviour?

When we receive a report of anti-social behaviour, we assess its seriousness. We give the complaint a priority, and start to take action within the timescale given.

Priority One

Serious anti-social behaviour Investigation within 1 working day

This category will primarily include harassment and intimidating behaviour which compromises the safety of tenants or our staff, or the safety of the local neighbourhood. Many of these cases will be linked to a crime and will require the involvement of the police. You should always contact the police first if you are under any threat. Examples include:

- assault
- domestic abuse
- hate crime
- serious harassment, including harassment because of the victim's age, disability, gender, race, religion or sexuality.

Priority Two

Anti-social behaviour Investigation within 5 working days

This category will include forms of anti-social behaviour that cause alarm or fear, or unreasonably interfere with other people's right to the use and enjoyment of their home and community. Examples include:

- noise nuisance
- vandalism
- nuisance from visitors.

Priority Three

Nuisance cases Investigation within 10 working days

This category includes nuisance behaviour which negatively affects a resident's quality of life in and around their home. Many types of nuisance in this category may be able to be resolved between tenants through dialogue, without the need to report the incident to us. Examples include:

- ball games issues
- parking issues
- high hedges
- littering or fly-tipping.

Hate crime or domestic abuse

If you have suffered hate crime or domestic abuse, we will:

- arrange to meet you in your home, at our office, or at another reasonable place, within one working day of you contacting us
- offer you a choice of a female or male member of staff to meet with you
- not be judgemental in any way about you or your personal situation
- if necessary carry out emergency repairs to make your home secure again within 24 hours, and where necessary, start to improve the security at your home within one working day
- carry out appropriate risk assessments, and where there is a high risk to you or your family, engage with other specialist agencies.



What happens once I have reported anti-social behaviour and how will I be supported?

We are committed to taking action on anti-social behaviour in a customer-focused way. We will:

- let you know who is the lead caseworker dealing with your complaint
- agree with you what action we will take
- not reveal your identity unless you have authorised us to do so
- keep you informed, with regular updates
- provide a range of ways to support people suffering from anti-social behaviour, and potential witnesses
- let you know when we are closing your case and offer an opportunity for you to appeal this decision.

Our action to resolve anti-social behaviour will always be reasonable and proportionate to the problem, including legal action where this is justified. We will involve other organisations including the council and the police, where this helps to deal with the problem.

The methods of investigating a report of anti-social behaviour may include interviews, letters and agreements. If you have not already been keeping notes of the incidents, we may ask you to do this and can supply special forms to record the exact nature of the problem, the date, and the start and finish times of each incident. If we need to take further action, it is helpful if you are prepared to act as a witness, although we will not insist on this.

We usually will not re-house tenants who are affected by anti-social behaviour. We aim to resolve the situation by tackling individuals about their anti-social behaviour and resolving it.



We will help people causing anti-social behaviour to change their behaviour where this is the best approach.

What happens if the problem continues?

Anti-social behaviour tools

- **Mediation** – a way of coming to an agreement without court action. We may insist on mediation prior to taking court action, where appropriate.
- **Starter tenancy** – a starter tenancy is a tenancy agreement subject to a 12 month probationary period. If there are problems with the tenant's conduct, including anti-social behaviour, we can choose to extend the starter period or end the tenancy.
- **Partnership working** – we have strong links with partners such as the police, social services, the youth offending team and local authorities. This helps if another agency is better placed to resolve your problem, or we cannot resolve the issue without their involvement.
- **Acceptable Behaviour Contract** – a voluntary agreement between the alleged perpetrator and us, often in together with the police or other partners. It is generally used before other more formal action is taken.
- **Injunction** – a court order preventing an individual from creating a nuisance or engaging in anti-social behaviour. In more serious cases, an Injunction Order can have a power of arrest attached.
- **Parenting Order** – available alongside other court action where a Sex Offender Order has been made in respect of a child or young person, or where they have been convicted of a criminal offence. Can also be sought by referral to several of our partner agencies.
- **Parenting Contract** – similar to an Acceptable Behaviour Contract, but targeted at the parents of young perpetrators. Usually implemented by a partner agency.
- **Demoted tenancy** – an order made by the court, which reduces security of tenure. Breaches of the order may result in eviction.
- **Possession** – an order made by the court, returning the property to the landlord (usually by way of a subsequent eviction). Under the Respect Standard, possession is only a last resort, when all other potential solutions have been explored, or in the most serious of cases. A court may choose to apply terms to a possession order such as suspending it for a period.
- **Court action** – where court action is appropriate, remember that evidence will be required to prove a case of anti-social behaviour. We cannot do this without your support. This will usually be by completing incident diary log sheets, witness statements and most importantly, a willingness to attend court and give evidence.

Witnesses will be supported every step of the way and provision will be made to protect you if appropriate.

What is a case closure?

A clear conclusion and closure of each case is important for all those involved, and we will only close a case after discussing this with you.

Some cases have to be closed even though you may not be satisfied, for example if:

- **the reported behaviour cannot be reasonably described as nuisance**
- **there is not enough evidence**
- **the victim or perpetrator will not try other approaches such as mediation, and there is not enough evidence for enforcement action**
- **the report is obviously mischievous.**

You have the right to appeal the decision within 28 days of the closure of the case, and we are able to reopen a case should the problem reoccur.



Helping people change their behaviour

We try to help tenants who cause anti-social behaviour to keep their tenancies. We will:

- **make it clear when they are putting the tenancy at risk through their behaviour**
- **arrange extra support for a period, where necessary and available, and where this support will assist in changing the behaviour. This might include drug or alcohol counselling services, or support for people with mental health issues or disabilities, all of which may affect the ability to manage a tenancy effectively.**

Preventing anti-social behaviour

After a case of anti-social behaviour is closed, we will ask you what difference we made and what we could have done better. We will use your feedback to improve services.

We will review with residents each year the ways in which we deal with anti-social behaviour, and how our standards can be improved.

We will let you know about our performance on preventing and resolving anti-social behaviour, including details of customer feedback and the changes we have made as a result.

Contact information



67 Morrab Road, Penzance TR18 2QJ

Tel: 0300 303 8030

Kenwyn Street, Truro TR1 3BA

Tel: 0300 303 8030

PHA offices and phone lines are open Monday to Friday 9am - 5pm



Tor House, St Peters Quay, Totnes, Devon TQ9 5SH

Tel: 0800 316 88 39

Our Totnes office and phone line is open Monday to Thursday 8am - 5pm and Friday 8am - 4.30pm

2 Ker Street, Devonport, Plymouth PL1 4GE

Tel: 0300 123 8080

Paris Street, Exeter EX1 2JZ

Tel: 0300 123 8080


Our Plymouth and Exeter offices and phone lines are open Monday to Friday 9am - 5pm



Our group head office is at:

Paris Street, Exeter EX1 2JZ

Tel: 0300 123 8080

Independent Futures  Contact your support officer

www.dchgroup.com



If you would like this anti-social behaviour leaflet in the appropriate translation, please contact 0300 123 8080

إن كنت ترغب في ترجمة هذه المعلومات حول مناهضة السلوك الاجتماعي غير اللائق، فالتفضل بالاتصال على 0300 123 8080

ذاکتر تحذیر بوقت کما از قبل یادگاری پنوعتیار به (ناکاره نژدقوه الايه التيه تکان) کان دانشودي و هرگير در او همينيت ياز من دي 0300 123 8080 پيموندي تکان

如果您需要将此反社会行为的信息翻译为其他语言，请电话联系 0300 123 8080

Jeśli chciałoby Państwo otrzymać niniejszą informację o zachowaniach antyspołecznych innej wersji językowej, prosimy o kontakt telefoniczny pod numerem 0300 123 8080

Caso pretenda a tradução desta informação sobre comportamento anti-social, deverá ligar para 0300 123 8080

If you would like this document in a different format, please contact 0300 123 8080