

Anti-social behaviour

Summary of DCH statements on anti-social behaviour policy and procedures

In order to make clear our approach to anti-social behaviour, we have two key documents:

our statement of policy - this describes our overall attitude and general approach to anti-social behaviour, and what commitments we make to dealing with it

our statement of procedures - this makes clear how we deal with a report of anti-social behaviour, and outlines the type of action we may take.

Both these statements are available by contacting any Devon & Cornwall Housing office, or from our website at www.dcha.co.uk. The statements are intended to be in plain language, short and accessible. We have also prepared the short summary below.

Policy summary

What is anti-social behaviour?

We use the following legal definitions of anti-social behaviour:

“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”

“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”.

These include behaviour such as:

- harassment (including racial harassment and homophobic behaviour)
- intimidation, verbal abuse, violence or threats of violence
- assault, unruly behaviour or public disturbances
- vandalism, rubbish, abandoned vehicles, arson and other criminal damage
- excessive noise
- drug or alcohol abuse.

Why and how are we dealing with anti-social behaviour?

We want to build more than houses – we want to work with local people to create communities where people want to live. Anti-social behaviour stops us doing this – this is a major reason why we need to deal with it.

Our approach will be in proportion to the problem. Serious problems need serious action, and we will use court action and police liaison where necessary.

We will also be creative about how we can solve and prevent problems, for example by working with residents using a community development approach.

What are residents' responsibilities?

- residents need to be considerate to their neighbours, and keep noise and nuisance to a minimum. But, people also need to be tolerant – just because you can hear your neighbour making a noise doesn't mean it's a nuisance
- nobody should be tolerant of serious crime, or racial abuse
- often, low-level nuisance is best dealt with by the affected residents themselves
- when we are taking action on residents' behalf in more serious cases, we will still keep them informed and involve them in agreeing actions.

How do we support people affected?

We will do what we can to support people affected. We will ask them what they want, and try to meet their needs. We will keep them informed of what is happening, and in serious cases work with other agencies such as the police.

We will try to amend our services for individual needs. This could include a translation service, documents in larger print or interviewing people in the evening if they work during the day.

Sometimes anti-social behaviour is caused by problems like drug or alcohol misuse, or mental illness. Addressing these problems directly may be better than court action.

How can we prevent anti-social behaviour?

We try to prevent anti-social behaviour in the first place, as well as stopping it from escalating. Examples of how we can do this include:

- the work of our specialist community development and housing staff in developing sustainable communities
- additional help from DCHA supported housing staff for people with particular vulnerability or challenging behaviour
- partnership working with other organisations, including mediation services.

How do we keep information confidential?

We will always ask the person affected for their permission before we first contact the person being complained about. We will never contact the alleged perpetrator or any third party without first discussing with the person reporting the incident.

When liaising with other agencies, we need to share information to work effectively together. In many cases, such as the police, we have formal agreements on how this information is used, and how it is kept as confidential as possible.

Anti-social behaviour - Summary of DCH statements on anti-social behaviour policy and procedures (continued)

Our other policies

Racial and other harassment - we take racial harassment and other hate-crimes particularly seriously. The process for reporting such incidents is the same as with other anti-social behaviour, and we take care to monitor trends and offer appropriate support.

Our approach to anti-social behaviour goes across tenures, including all our rented and shared ownership properties. This includes taking appropriate action if our residents either cause nuisance to other tenures, or are themselves victims of anti-social behaviour by non-DCH residents.

Staff training - all housing staff are periodically trained on responding to anti-social behaviour reports, and where appropriate to investigate and take necessary action.

Procedures summary

How can people report anti-social behaviour

People can report anti-social behaviour (ASB) by contacting their local housing office. They do not have to be a DCHA resident to report ASB – they might be a neighbour, contractor or police officer, for example.

The report can be made in any way, such as by phone, email or visiting our offices. We will record all reports of anti-social behaviour on a computer database. This enables us to track what is happening on the case, and make sure that we are keeping to our deadlines and targets.

We give each report a reference number, and tell the person affected the name of who will be investigating it. In some cases, we may ask people to report the problem to another more appropriate agency, such as environmental health or the police.

Agreeing an action plan with people affected

It is important that the people reporting problems are involved with decisions relating to any action we may take. When we are agreeing a course of action, we will ask what outcome the person affected would be happy with. This does not mean that we will be able to achieve the desired outcome, but is intended to ensure that people are seeking a realistic outcome.

We will consider using legal proceedings if other enforcement has been unsuccessful, or the ASB is so serious that a legal response would be proportionate. Eviction proceedings will be the last option and will be considered along with other legal solutions such as injunctions, or an Anti Social Behaviour Order (ASBO).

Risk assessment

We have a responsibility to all our residents, staff, and contractors to ensure their safety. We therefore carry out a risk assessment when we first become involved in a case, and update it regularly.

We will ask people affected how they feel about us contacting the person they are complaining about, and whether there is a threat of violence or intimidation.

Taking action

There are a number of actions available, both informal and legal. The action we take will depend on how serious the case is, and what evidence is available.

Action outside the courts may include:

- if it is likely to be effective, simply asking the person causing the problem to change their behaviour
- mediation
- formal warnings
- an Acceptable Behaviour Contract (a formal agreement between us and the person causing problems).

We may use legal proceedings in serious cases, or if low-level anti-social behaviour has continued.

Action may include:

- injunctions - used to enforce the terms of the tenancy or to exclude the perpetrator from a specified area where there is serious risk to other people
- exclusion orders – to stop someone from entering an area
- anti-social behaviour orders (ASBOs) - If an ASBO is breached, the person can be sent to prison
- eviction proceedings – this will be the last option, when it can clearly be shown that all other remedies have not worked or the ASB is serious and affects the wider community.

During 2005 we will be deciding whether to use additional legal tools such as introductory tenancies and demoted tenancies.

Monitoring reports of anti-social behaviour

We will record and investigate all reports of ASB brought to our attention. We will also look carefully at all our actions to see how effective they are, listening to residents and other agencies. We will report annually to regional committees and tenants groups on how our ASB policy is working, and improvements that are planned.

If you are unhappy with our service

If you are not happy with our service, you should follow our complaints procedure. This is intended to quickly resolve any problems. Please ask at any office if you would like a copy of our leaflet "How to complain".