

Statement of Policy and Procedures of Anti-social Behaviour

Anti-social behaviour: tackling it together



June 2016

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Foreword

This policy is adopted by The City of Wolverhampton Council and Wolverhampton Homes (WH) and is in compliance with 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.

WH is the arm's length management organisation set up by the City of Wolverhampton Council to manage, monitor and improve its housing stock. WH has the delegated authority for the housing management function of the City of Wolverhampton Council properties where it is the managing agent. As well as dealing with incidents of anti-social behaviour (ASB) in council-owned properties, since May 2013 WH has been responsible for delivering an ASB service on behalf of the City of Wolverhampton Council in relation to ASB in private housing as well as non-housing ASB.

1. Purpose of the policy

Part 2 of section 12 of the ASB Act 2003 requires housing organisations to prepare a policy in relation to ASB and procedures for dealing with occurrences of ASB.

The policy provides guidance for officers, residents, businesses and members of the public on how Wolverhampton ASB Team responds to complaints of ASB.

The policy also outlines the commitment to our duties in relation to the Equality Act 2010 (with regard to ASB and hate crime) which aims to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

2. Policy statement

WH aims to ensure everyone can enjoy their right to peace, quiet and security in and around where they live and/or work. The ASB Team recognises that it must be effective in tackling the problems created by ASB and has adopted the following approach:

- Our approach is one of prevention, diversion, enforcement and support;
- We will respond to every report of ASB;
- Investigation will start at the earliest possible time after receipt of the complaint and will be conducted with all reasonable speed;
- Investigations will seek to identify and interview all interested parties;
- Complainants will be advised of progress on their case and will be involved throughout the course of the investigation;
- Where appropriate, parties will be encouraged to engage in the mediation process;
- We will work with perpetrators of ASB to encourage them to address their problematic behaviour;
- When required, we will use a range of legal and non-legal interventions against perpetrators of ASB.
- We will provide support for victims and witnesses of ASB;

- We recognise the importance of partnership working and work in collaboration with key agencies;
- We will demonstrate that we will not tolerate ASB and will make this clear to residents and to the wider public;
- Extensive procedures have been developed for staff when dealing with ASB. The procedures conform to ISO 9001 Quality Standards and are regularly reviewed and audited;
- We provide a specialist service that comprises a team of qualified and experienced officers. The ASB Team will provide internal staff training as well as offering training and advice to other agencies;

3. Definitions

3.1 ASB

For the purposes of this policy, the definition of ASB is consistent with that used in the ASB, Crime and Policing Act 2014, which is:

- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person;
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or,
- Conduct capable of causing housing-related nuisance or annoyance to any person.

3.2 Hate crime and hate incidents

Hate crimes and hate incidents are taken to mean any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.

A hate crime or incident is any crime or incident which is perceived by the complainant or any other person to be motivated by hostility or prejudice based on a person's actual or perceived characteristics. The common monitored strands (protected characteristics) of hate crime include;

- Race and Ethnicity
- Religion and Beliefs
- Sexual Orientation
- Disability
- Transgender Identity (trans women & trans men)

3.3 Domestic abuse

Domestic abuse is controlling and coercive behaviour and includes physical, sexual or emotional abuse that takes place within an intimate or family-type relationship. This includes heterosexual relationships, gay and lesbian relationships and family relationships such as the abuse of older people, forced marriage, honour based crimes and female genital mutilation.

4. What is ASB?

4.1 Examples of ASB

Examples of ASB include, but are not limited to:

- Criminal behaviour
- Racist or homophobic behaviour and religious hatred
- Threatening or intimidating behaviour
- Gang membership
- Domestic violence
- Playing loud music
- Excessive noise
- Damage to property
- Uncontrolled pets
- Dumping rubbish
- Misusing motor vehicles
- Making malicious complaints

4.2 The City of Wolverhampton Council Tenancy Agreement

The following section applies to existing and prospective Wolverhampton Homes' tenants. Sections 48 - 50 of the City of Wolverhampton Council's Tenancy Agreement entitled **Anti-social Behaviour** state that tenants:

- Must not do anything in the property or in the neighbourhood which is of a criminal nature. Tenants must not cause criminal damage to the dwelling or allow or incite any other occupier or visitor to do so.
- Must not do, or threaten to do, anything which causes, or is likely to cause harassment, alarm or distress to other persons residing, visiting, working or otherwise engaging in lawful activity in the neighbourhood or to any WH tenants, managing agents, employees, contractors or emergency services anywhere. Nor must [tenants] allow, fail to prevent or incite anyone living with [the tenant(s)] (including children) or visitors to do any of these things.
- Must not do anything which is likely to be, might become or is a nuisance, annoyance or inconvenience to other persons residing, visiting, working or otherwise engaging in lawful activity in the neighbourhood or to any WH tenants, managing agents, employees, contractors or emergency services anywhere. Nor must [the tenant(s)] allow, fail to prevent or incite anyone living with [the tenant(s)] (including children) or visitors to do any of these things.

Sections 51 - 52 of the City of Wolverhampton Council's Tenancy Agreement entitled **Noise** state that tenants:

- Agree not to play or permit to be played by any other person residing in or visiting the property, any electrical equipment that omits noise or musical instrument or to operate any other equipment in the property, garden or communal area in such a manner as to cause or to be likely to cause a nuisance, disturbance or annoyance to any person in the neighbourhood.

- Agree not to cause or permit any noise to be created within the property in such a manner as to cause or to be likely to cause a nuisance, disturbance or annoyance to any person in the neighbourhood. This includes but is not limited to shouting, arguing, loud singing, door slamming, other vocalised noise, dog barking and using DIY tools/electrical equipment for unreasonable lengths of times and/or late at night and/or in the early hours of the morning.

Section 53 of the City of Wolverhampton Council's Tenancy Agreement entitled **Drugs and Drug Dealing** states that tenants:

- Must not use the property or any location within the neighbourhood to use, make, supply or store any drug (unless it is a lawfully prescribed drug for medicinal purposes) or to cultivate, manufacture or sell any drug. Nor must [tenants] allow, fail to prevent or encourage any other person to use, make, supply or store any drug (unless it is a lawfully prescribed drug for medicinal purposes) or to cultivate, manufacture or sell any drug.

Section 55 of the City of Wolverhampton Council's Tenancy Agreement entitled **Domestic Abuse** states that tenants:

- Must not abuse, assault, threaten or harass any person living with them sexually, emotionally or financially.

Sections 56 - 57 of the City of Wolverhampton Council's Tenancy Agreement entitled **Criminal Purposes** state that tenants:

- Must not use the property for criminal, immoral or illegal purposes. Nor must [tenant(s)] allow or fail to prevent anyone living with them (including children) or visitors to do any of these things.
- Will not use communal areas of the property for the consumption of alcohol which then causes behaviour that is a nuisance, annoyance or inconvenience to any person. Nor must [tenant(s)] allow or fail to prevent another person to do so.

5. What the ASB Team cannot deal with?

Whilst we recognise that nuisance may affect people in different ways and at different levels; not every complaint made to us will be dealt with as ASB. Some types are considered to be everyday living noises or minor lifestyle differences rather than ASB and therefore these complaints may not be investigated under the terms of this policy.

Examples of such behaviour are:

- People mowing their lawns or using other garden maintenance at reasonable times and frequency.
- People vacuuming or using other domestic appliances at reasonable times and frequency.
- People carrying out DIY/repairs at reasonable times
- Noise generated by everyday living, eg, walking across laminate flooring wearing shoes, people talking, crying babies, children playing.

- Cooking smells
- Children playing in their homes or in the locality of their homes or a designated playing area. Children playing balls games is normally not considered to be ASB.

6. Policy objectives

The main objectives of the policy are to:

- Encourage the reporting of incidents of ASB
- Ensure that incidents of ASB are reported, accurately recorded and monitored.
- Ensure that early action is taken to prevent the escalation of nuisance behaviour into serious ASB.
- Support victims, their families and witnesses.
- Advise victims and witnesses of the services that the City of Wolverhampton Council, WH and partner agencies can provide.
- Take a victim orientated approach when dealing with complaints
- Fully investigate complaints of ASB and deal with them within the given timescales
- Ensure that actual and potential perpetrators of ASB are aware of the consequences of their actions.
- Take legal action against the perpetrators where it is proportionate and where there is sufficient evidence to do so.
- Encourage a multi-agency approach to dealing with casework and finding resolutions to ASB.
- Ensure all relevant officers are fully trained to be able to deal with complaints of ASB.

7. Partnership working

ASB and its causes and effects are wide and varied. WH values, supports and contributes to partnership initiatives to reduce crime and ASB. Where necessary, we request, arrange and attend partnership meetings with relevant agencies where a multi-agency approach is required to resolve specific issues of ASB; these may include referral of cases to local tasking meetings or case conferences.

All partner agencies carry out a range of functions relating to ASB. In many instances in order to pursue a course of action, joint working will be an important part of the approach taken. Other partners may be able to provide evidence and additional information or provide specialist support services. Other agencies have specialist skills and resources or powers at their disposal. Partner agencies include:

- Community groups
- Voluntary sector organisations
- Early Help teams
- Public Protection Team
- Mediation services
- Mental health services
- Clinical Commissioning Group
- National Probation Service

- Community Rehabilitation Company
- Recovery Near You
- Registered social landlords
- Safer Wolverhampton Partnership
- Social services
- Tenant and resident groups
- Tenant management organisations
- West Midlands Fire Service
- West Midlands Police
- The City of Wolverhampton Council
- Wolverhampton Victim Support
- Youth Inclusion and Youth Offending Team
- Job Centre Plus
- Education, training and employment providers
- Private landlord forums

8. Types of remedies

Wolverhampton ASB Team uses a variety of remedies, both non-legal and legal. We seek to use the most appropriate remedy available to resolve ASB cases; these include:

8.1 Early and informal interventions

Early intervention through an informal approach can be successful in stopping ASB committed by most perpetrators. These methods will be considered and exhausted first as they can often stop bad behaviour before it escalates.

- **Verbal warnings/Written warning letters**
- **Mediation.** Mediation can be an effective tool, solving the issues by bringing all parties together to talk through their concerns. Wolverhampton ASB Team utilises the services of Wolverhampton Mediation Service via a service level agreement. The trained mediators provide a confidential, impartial service that can often solve many incidences of misunderstanding or ASB.
- **Acceptable behaviour contracts (ABC).** These are agreements with the perpetrators of ASB. The ABC consists of a list of anti-social acts that the perpetrator agrees to stop doing and outlines the consequences if the ABC is not complied with. ABCs are not legally binding but can be cited in court as evidence if the individual continues to behave in an anti-social manner and further action, such as an injunction or possession proceedings, is taken.
- **Support and counselling.** In many cases there are underlying causes of ASB. Substance misuse or alcohol dependency can often drive ASB. The ASB Team will signpost wherever possible to the appropriate agencies that can offer support and counselling depending on the circumstances of the person concerned.
- **Surveillance.** Wolverhampton ASB Team may work with partner agencies to carry out both overt and covert surveillance, which may be audio and/or visual. RIPA legislation will be complied with at all times. There may be occasions when disclosure of CCTV or audio recordings to a third party such as the police may be

required in order for the prevention and detection of crime and for the apprehension of offenders (in line with the Crime and Disorder Act 1998).

8.2 Legal actions

Where there is sufficient evidence and legal action is proportionate, the following legal tools may be considered.

- **Civil injunction.** A civil injunction is a court order to stop or prevent individuals engaging in ASB. It can resolve issues before they escalate any further. Positive requirements may be attached to the injunction which are designed to assist the perpetrator in addressing the underlying cause of the ASB they have engaged in (for example, substance abuse). If the terms of an injunction are breached, this can result in a fine, imprisonment and/or, if they are a Council tenant, mandatory eviction from their home. The injunction can be obtained for people causing ASB from the age of 10 years upwards and can be used on all housing tenures, not just social housing tenants, as well as those perpetrating ASB in public places such as shopping areas, open spaces, etc. When considering applying for a civil injunction on an individual(s), **Ex parte (emergency) civil injunction** – in some instances of serious behaviour an emergency injunction may be sought.
- **Criminal behaviour order.** A criminal behaviour order can be issued in a criminal court against a person who has been convicted of an offence to tackle the most persistent perpetrators of ASB who are also engaged in criminal activity. The ASB does not need to be part of the criminal offence. The order would include prohibitions to stop the ASB, but can also include positive requirements like in civil injunctions above.
- **Closure order.** Closure orders can be used to close a property of any tenure down when it is being used or is likely to be used to commit nuisance or disorder. This is a fast and flexible power that can be used to protect victims and communities by quickly closing premises causing ASB.
- **Community protection notice.** The community protection notice is intended to deal with ongoing nuisance which negatively affects the community's quality of life by targeting those responsible. The nuisance can include graffiti, rubbish or noise.
- **Public space protection order (PSPO).** This order imposes conditions which may include multiple restrictions and requirements in an area such as parks, alleyways or communal areas, where the ASB is detrimental to the local community. These include restrictions around drinking alcohol in a public place, dogs or noise. A PSPO can also restrict access - prior to the introduction of the ASB, Crime and Policing Act 2014, Gating Orders were used to close access to certain public rights of way where there had been ASB. Previously, gating was the only option but it may be possible under a PSPO to restrict the activities causing the ASB rather than stop access altogether.
- **Section 222 injunction.** Using their powers under the Local Government Act 1972, local authorities can apply to the civil courts for injunctions to restrain ASB that constitutes a public nuisance. Injunctions can prohibit an individual from entering the area where the nuisance has been committed and may also contain other prohibitions designed to restrain the type of ASB which has caused the public nuisance.

The following section applies only to existing and prospective WH tenants.

- **Introductory tenancies.** All new tenants have introductory tenancies. The use of introductory tenancies enables easier repossession of the property during the first 12 months of the tenancy where there are grounds for eviction. The tenant has the right to seek a review of the decision to seek possession which must be carried out within the statutory framework. The use of introductory tenancies in Wolverhampton provides a strong message to both new and existing tenants that ASB will not be tolerated.
- **Extension of introductory tenancy.** Where there are continuing doubts about the conduct of a tenant, for example, if complaints have been received about ASB, the introductory tenancy period may be extended for an additional 6 months. The tenant may request a review of this decision.
- **Demotion of tenancy.** Demotion orders allow us to apply to the courts to reduce the security of tenure for tenants and can be a precursor to possession of the property. If a secure tenancy is demoted for a period of one year, the tenant has some rights reduced such as the 'Right to Buy' and possession during this period is easier. Demotion orders are a serious warning to tenants that if the ASB continues swift action can be taken to seek possession of their home.
- **Possession proceedings.** This is court action that can lead to Council tenants being evicted from their homes. Before this stage is reached the tenant(s) involved will have had several warnings to stop their behaviour. Evicting people from their home is a very serious matter and this power will only be used in the most serious of cases.
- **Absolute ground for possession**
The ASB, Crime and Policing Act 2014 introduced a new absolute ground for possession of secure tenancies where serious ASB or criminality has already been proven by another court. This means that WH will no longer need to prove that it is reasonable to grant possession and the court must grant possession providing set procedures have been followed, and subject to any human rights or public law challenge.
- **Right to Buy.** The Housing Act 2004 contains measures to prevent anti-social secure tenants from buying their home under the 'Right to Buy'. These circumstances include when there is a possession order in force on the property whereby the landlord can apply to the court asking for the 'Right to Buy' to be suspended because of ASB. The court will stipulate for how long the 'Right to Buy' is suspended.

It is important to note that each case is different and is judged on its own merits. Legal action in some cases may not be an appropriate solution. In order to progress legal action Wolverhampton ASB Team applies to the County or Magistrates Court where evidence is presented and judgment is made by a district judge.

Other legal measures to address ASB include:

- **Housing Act 1996 Exclusion from the Waiting List.** This legislation allows local authorities the power to exclude certain categories of people from the housing register, for example, those with a record of serious ASB.
- **Protection from Harassment Act 1997.** This legislation provides a power of arrest and the possibility of a restraining order being obtained which could carry a

penalty of imprisonment. The intention is to prevent a perpetrator from entering an estate and/or harassing others.

- **Civil Evidence Act.** In civil proceedings, hearsay evidence is admissible. This allows evidence to be given where a witness is too frightened to attend court personally.
- **Confiscation of Alcohol (Young Person Act 1997).** A police officer can require that intoxicating liquor can be handed over by certain people in certain circumstances.
- **Sex Offenders Act 1997.** The legislation requires the police to maintain a register of sex offenders who fall within the remit of the legislation. A risk assessment is carried out on people who are registered and pose a risk to the community.
- **Clean Neighbourhoods and Environment Act 2005.** This legislation covers many of the problems affecting the quality of the local environment including nuisance vehicles and abandoned vehicles, litter, graffiti and fly-posting, fly-tipping, noise disturbance and dogs in public places.
- **Environmental Protection Act 1990.** Imposes a legal obligation on local authorities to investigate complaints of statutory nuisance which includes noise nuisance. Extreme noise can lead to equipment being seized and prosecution can lead to a fine. Wolverhampton ASB Team liaises with the City of Wolverhampton Council's Public Protection Team in cases where it is appropriate to use this legislation to abate noise nuisance and, where the perpetrator is a Council tenant, will consider further legal action against the tenant when an Abatement Notice has been served.
- **Crime and Disorder Act 1998.** This legislation contains certain powers that may be taken to prevent children becoming involved in criminal behaviour or ASB.

9. Hate crime/hate incidents and harassment

WH is committed to responding to all forms of hate crime, hate incidents and harassment in a robust way and to send out a clear message the seriousness with which we view any form of harassment.

Wolverhampton ASB Team and its key partners, including West Midlands Police, work together to:

- Take action to prevent harassment occurring and to stop it when it does occur.
- Put in place measures to prevent and deal effectively with complaints of harassment and provide appropriate support to the victims.
- Support staff and members of the public in reporting harassment when it occurs.
- Take effective action where appropriate in order to provide a safe environment for all and deter future acts of harassment.
- Provide staff with training in how to deal sensitively with such issues.

In 2015, WH became a third party reporting centre for hate crime so if victims and witnesses are not comfortable reporting an incident to the police, we can report incidents on their behalf and deal with the matter as part of the management of the ASB case.

9.1 'Mate crime'

WH are committed to tackling Disability Hate Crime, this includes 'mate crime'. WH have supported the development of the Safe Place Scheme in Wolverhampton as part of the work around tackling 'Mate Crime'. Although there is no statutory definition of 'mate crime' in United Kingdom law, the term is generally understood to refer to the befriending of people who are perceived by perpetrators to be vulnerable, for the purposes of taking advantage of, exploiting and/or abusing them. This can strongly, although not exclusively, be associated with people with a learning disability, learning difficulties or mental health conditions.

WH now operates as a hate crime reporting and signposting service and we ensure that victims are given guidance and advice on contacting specific hate crime support services and agencies.

10. Domestic abuse

WH will treat all domestic abuse cases as very serious and we are committed to providing support to complainants who are suffering from domestic abuse and, as outlined in WH's Domestic Abuse Policy and West Midlands Domestic Violence and Abuse standards, aims to prevent further violence or threat of violence. If agreed by the complainant, we will work with relevant partner agencies to achieve the best level of support, protection and action in cases of domestic abuse by:

- Ensuring risk assessments are undertaken and interventions provided within a risk-based framework; these may be provided either from within the ASB Team or via other support services within WH or partner agencies.
- Making referrals to Wolverhampton's domestic violence multi-agency risk assessment conference as appropriate
- Ensuring that the person experiencing violence or threats of violence, harassment or intimidation is central to what happens and is provided with all the support they need.
- Providing advice and information on support agencies, emergency contacts, emergency accommodation, re-housing options and how to get independent legal advice.
- Taking a risk assessment approach and, if appropriate, taking action against known perpetrators of domestic abuse using the tools and powers available under the provision of the ASB, Crime and Policing Act 2014. NB, these new tools and powers are complementary to and not a replacement for specific domestic abuse legislation such as non-molestation orders, occupation orders, domestic violence protection notices and domestic violence protection orders.
- Supporting staff and those people suffering from domestic abuse to report incidents when they occur.
- Making safeguarding referrals where appropriate
- Providing ASB Team staff with training in how to deal sensitively with such issues.

11. Gang Membership

The definition of street gangs set out in the Centre for Social Justices' report, 'Dying to Belong' is:

- "A relatively durable, predominantly street based group of young people who:
- See themselves (and are seen by others) as a discernible group;
- Engage in criminal activity and violence;
- Lay claim over territory (this is not geographical territory but can include an illegal economy territory);
- Have some form of identifying structural feature; and
- Are in conflict with other similar gangs".

Wolverhampton Homes supports the Safer Wolverhampton Partnership's 2016 to 2019 Preventing Gang Involvement and Youth Violence Strategy which seeks to stop people becoming involved in gangs in the first place with extra emphasis on early intervention and prevention and providing support to help people move away from violence and gangs.

Wolverhampton ASB Team is committed to supporting individuals at risk of becoming involved in gangs and will make referrals to specialist agencies as appropriate. If enforcement action is necessary, the ASB Team will work in partnership with West Midlands Police to utilise the most appropriate legal powers available to protect individuals and communities from the danger of gang-related violence.

12. 'Prevent' and 'Channel'

The Counter-terrorism and Security Act came into force on 1 July 2015. It places a duty on local authorities and other public bodies to have 'due regard to the need to prevent people from being drawn into terrorism and extremism'.

WH is committed to supporting vulnerable individuals at risk of being drawn into extremist ideology. We have increased joint working with relevant partners through 'Prevent' and have referral mechanisms in place for staff to staff to raise concerns. Wolverhampton ASB Team is represented at the multi-agency Channel Panel which meets to review cases where people have been identified as being at risk from radicalisation.

13. Child Sexual Exploitation (CSE)

Anyone working with Children and young people must be alert to the possibility for whom they have concerns may be sexually exploited. ASB Team staff have received CSE awareness training and referral/reporting mechanisms are in place should they have concerns.

14. Modern Day Slavery

The Modern Day Slavery Act came into force on 29 October 2015. It aims to detect, prevent and deal with all forms of modern slavery and labour exploitation.

The Act makes provisions about slavery, servitude, forced or compulsory labour and human trafficking. In accordance with the Act, WH strongly opposes slavery and human trafficking and would never knowingly conduct business with partners, contractors, supply chain or employees in such practice. We will therefore ensure that we work collaboratively with our partners, the local police and the Gang Master Licensing Authority to tackle any concerns or risks associated to Modern Slavery Traders. We will continue to work closely with our partners, contractors and the supply chain to ensure that 'slavery' and/or 'human trafficking' does not occur anywhere in the entirety of our operations.

WH will also take due regard to the need to notify the Homes Office of any individuals suspected of being victims of human trafficking or slavery. WH's adult and children's safeguarding procedures clearly outline the ways in which concerns around modern slavery should be dealt with. WH will undertake all reasonable and practical steps to educate our staff and supply chain by working closely and supporting the Gang masters Licensing Authority and by being represented on the Wolverhampton Modern Slavery Partnership. We will ensure that staff are able to report issues of concern to the appropriate agencies and through the Modern Slavery Helpline

15. Safeguarding

WH is committed to ensuring it adopts a robust and systematic approach to safeguarding children and adults in order that the processes it adopts run as a thread through all aspects of service delivery.

Staff will work with a range of agencies to safeguard the welfare of children and adults with care and support needs with whom they come into contact.

As a member of Wolverhampton Children's and Adults' Safeguarding Boards WH contributes to the overall strategy that aims to ensure engagement by all service providers within the city.

Wolverhampton ASB Team will carry out risk assessments on all complainants in ASB cases; exceptions to this are where the complaint is anonymous or where the referral comes from another agency (for example, the police). Where significant risks are identified, staff will make safeguarding referrals or referrals to other agencies as appropriate.

16. Prevention of ASB

WH is committed to preventing and deterring ASB.

16.1 The City of Wolverhampton Council's Housing Outreach Team

WH works in partnership with The Housing Outreach Team to provide support for tenants with ASB issues and timely referrals are made in order to minimise the impact of ASB on tenants and neighbourhoods. The Housing Outreach Team has successfully interceded and has resolved numerous cases where ASB has been cited as a cause of tenancy failure.

16.2 Housing Support Team

The remit of the Housing Support Team is to provide tailored, intensive and assertive support to those at significant risk of tenancy failure or those who have risk factors which indicate that they may have some difficulties successfully managing a tenancy.

The Housing Support Team works with the following:

- Families at risk of eviction due to ASB.
- Individuals where there is a prevalence of poor mental health which has an impact on their ability to manage their tenancy
- High risk domestic abuse cases
- Troubled families requiring intensive housing support

16.3 Diversionary activities

Making sure young people have activities they can easily access and which are appropriate for their age and particular needs can help to prevent and reduce ASB. Activities can help ensure that young people make constructive use of their leisure time. It is essential that supportive work with young people helps them to learn about the boundaries of behaviour that are expected by society and the impact that ASB can have on others. WH recognises the importance of diversionary activities in the prevention of ASB and contributes financially towards diversionary activity programmes across the city.

16.4 Role of the Concierge Service

Where it operates, WH's Concierge Service provides a daily face to face interaction with local residents. Concierge officers have a role in monitoring CCTV equipment and reporting incidences of ASB to the ASB Team and to the police so that appropriate action can be taken. Incidents witnessed by the concierge officers can be used as evidence in support of Wolverhampton ASB Team taking legal action.

16.5 Publicity

WH has a publicity policy for its ASB cases and, where appropriate, will publicise the action it takes in order to combat the problem. The intention is to provide information to reassure the public that action is being taken and to act as a deterrent.

Where appropriate, WH will publicise the action it takes and the approach it has to dealing with ASB through the use of press releases, newsletters, presentations and

training. Publicity may often be carried out jointly with the City of Wolverhampton Council and West Midlands Police.

16.6 Mapping/profiling ASB

Wolverhampton ASB Team recognises the importance of mapping complaints by type and area in order to develop a profile of ASB activity. The information will be used to determine hotspots and, in conjunction with partner agencies, to develop action plans for areas in order to combat ASB and prevent or reduce further activity.

17. Rehabilitation of perpetrators

In considering its response to ASB, Wolverhampton ASB Team will seek to balance the need for strong action with the need to rehabilitate offenders.

Cases can be referred to case conferences or local Tasking meetings for discussion with partner agencies to determine action and support for the individual. Where an individual has identified support needs a referral to a support agency is made. As outlined in section 13.2, referrals may also be made to WH Housing Support Team.

Younger perpetrators can experience problems with their family and school due to their behaviour. Wolverhampton ASB Team will look at the causes of the ASB and seek to involve parents/guardians. It may also be appropriate to contact their school or other agencies such as Social Services. Wolverhampton ASB Team promotes the use of acceptable behaviour contracts to moderate behaviour and monitors the contracts for any breaches or any support needs. In partnership with other agencies, officers will work with individuals who breach their contracts.

18. Cross-agency and cross-border working

18.1 Protocol with the City of Wolverhampton Council's Public Protection Team

As outlined at the beginning of this policy, as well as dealing with incidents of ASB in council-owned properties, since May 2013 WH has been responsible for delivering an ASB service on behalf of the City of Wolverhampton Council in relation to ASB in private housing and non-housing ASB.

In 2014 a review of ASB services across the city was carried out during which consideration was given to noise nuisance in private housing. It was concluded that complaints about noise (together with other environmental ASB such as fly tipping, dog fouling, etc) in private housing would continue to be managed by the City of Wolverhampton Council's Environmental Health Team. Complaints about noise and other environmental ASB occurring in Council tenancies are managed by Wolverhampton ASB Team.

A protocol exists between Wolverhampton ASB Team and the City of Wolverhampton Council's Public Protection Team to ensure partnership working and co-operation on the management of cases.

18.2 Protocol with tenant management organisations (TMO)

TMOs are responsible for the management of ASB in tenancies managed by the TMO. A protocol is in place between Wolverhampton ASB Team and TMOs to ensure partnership working and co-operation on the management of cross-tenure cases. Wolverhampton ASB Team also provides advice to TMOs on ASB cases should this be required.

18.3 Cross-border working

Over the past three years Wolverhampton ASB Team has developed links with other local authorities and agencies working across those areas in tackling cross-border ASB. Examples of this are:

- A high court injunction to stop the nuisance of 'car cruising' across the Black Country. In conjunction with West Midlands Police, the City of Wolverhampton Council's Legal Services and Wolverhampton ASB Team led on obtaining an injunction on behalf of the four Black Country local authorities of Walsall, Dudley and Sandwell.
- Collaboration with ASB colleagues from Centro to tackle individuals causing ASB on buses across the region.

This collaborative working with cross-border agencies will continue.

19. Training of staff

All officers dealing with ASB will receive training on WH's policies and procedures, together with specialist training and training on statutory changes. Training will also be provided to staff from other agencies as requested.

20. Data protection and information sharing

WH is a signatory to the Safer Wolverhampton Partnership's Information Sharing protocol. The protocol encompasses:

- Information on the data protection implications of the Crime and Disorder Act 1998.
- Guidance on the Human Rights Act 1998 and the principle of proportionality.
- Guidance on the Data Protection Act 1998.

21. How to report ASB

A complaint can be made about ASB by:

- Telephoning the ASB Reporting Line – 01902 551188.
- Email - customer.services@wolverhampton.gov.uk
- Writing to the ASB Team –
Wolverhampton ASB Team, PO Box 6935, Wolverhampton, WV1 9YJ
- Visiting a WH One Stop Shop

Complainants will be asked to provide their name, address and contact details. Please note that if a complaint is anonymous, any investigation may be limited because of a lack of information.

NB. Wolverhampton ASB Team does not provide an emergency response service. If an urgent police response is required, you should call 999. For routine police matters, call 101.

22. What complainants can do

- In the first instance you may wish to try speaking to the person responsible.
- Report incidents of ASB to Wolverhampton ASB Team and, if appropriate, to the police.
- Keep a written record of all incidents, for example, when the incident occurred, what happened, and who was there.
- Tell us the names of those who are behaving in an anti-social manner. If you do not know their names tell us what they look like and what they were wearing.
- We will not disclose your details to an alleged perpetrator without your consent.
- Play an active part in helping us resolve the matter. For example, if appropriate, be open to mediating with the other party.

23. What Wolverhampton ASB Team will do

Wolverhampton ASB Team will respond to all reports of ASB swiftly and efficiently. The action we take will depend on the nature of the complaint. Any action will be agreed with the complainant. We will maintain contact throughout the course of the complaint and advise complainants on progress that is being made.

Wolverhampton ASB Team will:

- Work in partnership with other agencies to tackle problems and provide support. This may involve sharing information about you with partner agencies, for example West Midlands Police. Before this happens, however, you will be requested to give your consent to information about you being shared.
- If there are any concerns about adult or child safeguarding, information will be shared with relevant agencies irrespective of whether consent has been obtained.
- Refer to other agencies where appropriate.
- Treat hate crime/hate incidents as a serious matter.
- Deal with incidents of domestic violence from the victim's point of view.
- Support victims and witnesses.
- Contact the people responsible quickly to try to prevent further ASB.
- Aim to prevent ASB and moderate behaviour before taking legal action.

Complainants will be:

- Contacted within the timescales outlined in the categories below and, where appropriate, arrangements made for an initial visit by a member of the ASB

Team. A visit may not always be appropriate, for example, the complainant may not want a visit or may not wish to pursue their complaint.

- Provided with contact details of the officer dealing with their case.
- Provided with information about they should record incidents of ASB.
- Provided with details of who they should contact in an emergency.

When we receive a complaint the ASB Team will respond as follows:

Category A: Serious

- Harassment/intimidation (includes threatening behaviour).
- Criminal activity such as assault, arson or theft.
- Domestic violence.
- Hate related incidents and hate crime.
- Sexual acts such as indecent exposure or prostitution.

The complainant will be contacted within 1 working day. An exception to this will be where there is police involvement in which case Wolverhampton ASB Team will liaise directly with the police to agree which agency will lead on investigating the matter. In some cases it may be necessary to redirect your complaint to a more appropriate agency, for example, the police.

Category B: Persistent

- Damage to property or vandalism.
- Noise, such as loud music, shouting, domestic noise or vehicle noise in or around Council tenancies. (Please note that if noise is occurring in private housing, this should be reported to the City of Wolverhampton Council's Environmental Health Department).
- General nuisance including groups of people causing problems, foul and abusive language.
- Drug related activity such as drug dealing and syringes.
- Animal related nuisance in WH tenancies such as uncontrolled dogs. (Please note that if animal related nuisance is occurring in private housing, this should be reported to the City of Wolverhampton Council's Environmental Health Department).

The complainant will be contacted within 3 working days. An exception to this would be where there is police involvement in which case Wolverhampton ASB Team will liaise directly with the police to agree which agency will lead on investigating the matter. In some cases it may be necessary to redirect your complaint to a more appropriate agency, for example, the police.

Category C: Nuisance

Environmental issues in or around Council properties such as:

Dog fouling

Fly tipping

Abandoned vehicles

Rubbish

Graffiti (unless of a hate-related nature when it will be dealt with as a Category A complaint)

Hoarding

The complainant will be contacted within 5 working days. Please note that environmental issues described above that occur in areas of private housing, on the public highway and in public areas fall under the remit of the City of Wolverhampton Council's Environmental Health Department.

24. Support of complainants and witnesses

While we are investigating an ASB complaint, Wolverhampton ASB Team will keep the complainant informed through regular contact either by telephone, email, in writing or by a visiting in person. In all cases, Wolverhampton ASB Team will support complainants and witnesses:

- At the start of the investigation we will complete an assessment which will help us identify any support the complainant may require either by WH or other agencies with whom we work in partnership.
- Provide the complainant with information about how to record incidents of ASB
- Advise the complainant about improving their security at home if required.
- Provide practical support for victims and witnesses during court cases.
- Provide regular staff contact.
- Where appropriate, provide a personal escort for victims and witnesses to and from court.
- Use injunctive powers to address witness intimidation.
- With the complainant's permission, refer them to the Victim and Witness Support Officer.

25. Links to other policies

This policy does not work in isolation. Other policies that support or influence this area include:

- **Housing allocations.** An applicant can be excluded from the housing register where they (or any member of their household) have perpetrated ASB serious enough to make them unsuitable to be a tenant. This behaviour must be so serious that (if the applicant had been a secure tenant at the time) it would have entitled WH to a possession order under Section 84 of the Housing Act 1985, Part 1 of Schedule 2 (except ground 8). We would need to be satisfied that the order would not be suspended.

We will clearly explain the terms of the tenancy agreement to all new tenants, drawing particular attention to the clauses surround neighbour nuisance and ASB.

All new applicants who are offered housing will receive a post-tenancy visit within 28 working days of their new tenancy start date. The purpose of this visit will be to check that they have settled into their new home and to raise any problems that may have come to light in the first few weeks of their tenancy, such as nuisance and ASB.

- **Homelessness.** Where legal action is being taken against someone's tenancy for ASB, we will advise the City of Wolverhampton Council's Housing Options section. A joint visit may be undertaken at this time.
We are committed to sustaining tenancies ensuring, where appropriate, support is provided to help individuals amend their behaviour. However, it is recognised that legal action will, where appropriate, be necessary in order to bring ASB to an end.
If a household becomes homeless as a result of their ASB and they are subsequently found to be intentionally homeless, then any duty would be restricted to the provision of temporary accommodation for a limited period.
- **Equality and diversity.** WH is committed to genuine equality of opportunity and valuing diversity in its role as a community leader in service delivery, employment and as a procurer of services.
At WH, we believe that everyone has the right to be treated equitably, with respect for their cultures and values and to feel safe and secure in their own home and neighbourhood.
We will not tolerate any form of discrimination and are therefore committed to the elimination of all forms of discrimination in all our policies, procedures and practices. We will make sure that no person or group applying for housing services or employment will be treated less favourably than any other person or group because of their individual characteristics. These characteristics include, but are not limited to, disability, ethnicity, race, colour, gender, age, religion, sexual orientation, gender reassignment and marital status.

26. Customer satisfaction

Customer satisfaction surveys will be carried out in order to determine the level of satisfaction with the service provided. Performance indicators will be set for the speed of our response to complaints and for the level of customer satisfaction. Where customers are not satisfied with the service provided, a senior member of staff from the ASB Team will contact them to discuss their dissatisfaction and explore whether anything else can be done to assist the complainant. This information will be utilised to determine if and how we can learn and aid service improvement.

27. Complaints, compliments and suggestions

Wolverhampton Homes is committed to providing customers with excellent service. Customers can help us to make sure we are doing this by letting us know their views.

We want to hear from customers if they:

- Have received a particularly good service;
- Are unhappy with the service they have received from us or feel that they have been unfairly treated;
- Have a suggestion on how we could improve.

If a complaint relates to a service where there is an existing process for dealing with complaints or appeals we will let the customer know and advise them who will deal with the matter or how they can progress.

Ways customers can contact us with a complaint, compliment or suggestion:

- Email us at complimentsandcomplaints@wolverhamptonhomes.org.uk
- Online form on the Wolverhampton Homes website – <https://www.wolverhamptonhomes.org.uk/aboutus/contact-us/compliments-complaints-and-suggestions>
- Write to us: Customer Feedback Officer, Wolverhampton Homes, 29 Market Street, Wolverhampton, WV1 3AG
- Call us on 01902 556789
- Ask a relative, advocate or friend to contact us on their behalf

What is a complaint?

A complaint is an expression of dissatisfaction about any of our services or the service provided by anyone on our behalf. Examples of a complaint include where a customer believes:

- We have failed to do something we should have done.
- We have treated them unfairly.

Different stages of complaints

We currently have a two stage complaint procedure.

Stage 1

We aim to resolve all complaints at stage 1.

When a customer makes a complaint we will try to resolve the matter straightaway. If we are not able to we will acknowledge the complaint within 4 calendar days. We will then pass the complaint to the manager responsible for the service which the customer has received. They will then respond to the customer within 14 calendar days.

If the investigation is going to take longer we will be in touch to let the customer know when they can expect a full reply.

Stage 2

We hope that the customer is satisfied with the response given at stage 1. But if the customer thinks we have not addressed the issue properly or that they have got new evidence or information which we need to know about then they can ask us to review our original decision. The customer needs to do this within 28 days if possible.

The customer will need to tell us why they are not satisfied; detailing exactly what issues they think we have not fully addressed, or if they think there is something inaccurate in our reply or they have new evidence/information.

The complaint will be reviewed and responded to by the relevant service director. They will reply within 14 calendar days. If it is going to take longer they will get in touch to let the customer know when they can expect a full reply.

This is the final stage of the Wolverhampton Homes Complaint Procedure.

If the customer is not satisfied with the response given at Stage 2 – we will let them know how to progress their complaint further. See below for more details.

What other options are there?

If the complaint relates to a service area covered by the Housing Ombudsman and the customer is not satisfied with the response to their complaint after they have completed our procedure, they can refer their complaint to:

1. A designated person, defined as an MP, Local Councillor or a Recognised Tenant Panel Member. They are there to help to try and resolve complaints locally. If the designated person cannot help, they can refer a complaint to the Housing Ombudsman. If the designated person refuses to deal with your complaint customers can contact the Housing Ombudsman directly – see point 2 below.

OR

2. The customer can wait eight weeks and refer their complaint directly to the Housing Ombudsman.

Contact details for the Housing Ombudsman are:

Housing Ombudsman Service, 81 Aldwych, London, WC2B 4HN
Telephone: 0300 111 3000
Email: info@housing-ombudsman.org.uk
Housing Ombudsman Website: www.housing-ombudsman.org.uk

If the complaint relates to a service area covered by the Local Government Ombudsman we will let the customer know and give them their contact details.

28. Community Trigger

What is the Community Trigger?

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a number of measures to improve the way in which agencies work together to tackle ASB. These include ways of giving victims a greater say in how ASB is dealt with. The Community Trigger gives victims of ASB or hate crime the right to request a case review if they are not satisfied with how their case has been dealt with by agencies.

If the Community Trigger request meets the required threshold, agencies including the City of Wolverhampton Council, Wolverhampton ASB Team, West Midlands Police and social housing providers have a duty to carry out a case review.

What is the threshold for the Community Trigger?

For a case review to take place, one of the following criteria needs to be met:

- If an individual has reported three separate incidents relating to the same problem in the past six months to the Council, Police or registered social landlord [and is not satisfied with how their case has been dealt with];

OR

- If an individual has reported one incident or crime motivated by hate (due to race, religion, disability, sexual orientation or transgender identity) in the last six months and no action has been taken;

OR

- If at least five people have made reports about the same problem in the past six months to the Council, Police or registered social landlord and no action has been taken.

To qualify for a review under the Community Trigger the ASB/hate crime must be reported within one month of the alleged behaviour taking place.

Who can use the Community Trigger?

The Community Trigger can be used by:

- A person who believes they have experienced harassment, alarm and distress and are not satisfied with the response they have received from agencies;
- A person acting on behalf of a victim, for example, a family member, friend, carer, councillor, MP or other professional person. The victim's consent should be sought by the person using the Community Trigger on their behalf;
- The victim can be an individual, a business or a community group.

How can a request for a Community Trigger case review be made?

Customers can request a review of their case by:

1. Completing an on line form – available from <http://www.wolverhampton.gov.uk/article/5618/Community-Trigger>
2. Downloading a Community Trigger request form - available from <http://www.wolverhampton.gov.uk/article/5618/Community-Trigger>
3. 'Phoning us on 01902 551188 and we will take your details over the 'phone.

What happens next?

Once the Community Trigger request form is received, the case will be assessed and, if the threshold has been met, the agencies involved in the case will conduct a review of the way in which it has been dealt with. If the review panel feels that further

action is required, they may make recommendations to the relevant agency. The customer will be kept informed throughout the review process.

Further information about the Community Trigger

More information about the Community Trigger can be found at <http://www.wolverhampton.gov.uk/article/5618/Community-Trigger>

29. Monitoring and review

We will consult with service users, staff and internal/external agencies in the periodic review of this policy and procedure. We will review this policy every year to ensure that any changes in best practice and government legislation are incorporated.

DRAFT