



STATEMENT OF STRATEGY, POLICIES & PROCEDURES FOR DEALING WITH HARASSMENT AND ANTI-SOCIAL BEHAVIOUR

1. INTRODUCTION

Habinteg Housing Association has agreed a strategy and comprehensive policies and procedures for dealing with harassment and anti-social behaviour. The association believes that tackling anti-social behaviour is a key ingredient in delivering excellent homes and services. Renewing our housing and improving our services is not enough if people feel threatened in those homes and frightened to walk the streets. The association, working in partnership with tenants and other agencies, plays a vital role in creating and sustaining communities in which everyone can take pride.

The Association have considered the Respect Housing Management Standard and have agreed a position statement detailing how Habinteg intend to abide by and achieve the principles of the Standard.

2. DEFINITION OF ANTI-SOCIAL BEHAVIOUR

This statement applies to all Habinteg tenants, their family, friends and visitors and to neighbouring residents.

The term anti-social behaviour covers a wide range of issues from inconsiderate behaviour to serious criminal activity. It has been defined as follows:

- "a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself (Section 1(1)(a) Crime and Disorder Act 1998)
- "behaviour that unreasonably interferes with other people's rights to the use and enjoyment of their home and community" (Chartered Institute of Housing 1998)

Nuisance is more likely (but not always) to affect more than one individual or household. Nuisance covers behaviour that unreasonably interferes with other people's rights to the use and enjoyment of their home and community, such as playing loud music at night. For example:

- Noise nuisance including parties
- Intimidating behaviour from groups of people
- Car repairs and abandoned vehicles
- Drug and alcohol related incidents
- Rubbish dumping
- Using premises for commercial gain or outworking
- Graffiti, vandalism and damage to communal areas
- Nuisance caused by pets and other animals.

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The term has legal standing in relation to nuisance grounds for possession and statutory nuisance.

Harassment is defined as any behaviour that intimidates, dominates or harms an individual or a family or group of individuals. The actions can be either physical or verbal. Harassment differs from Nuisance and Anti-Social Behaviour in that it is targeted against particular individuals, households or groups of people. The definition of racial harassment used in this policy and procedure is based on the definition of a racist incident recommended by the Lawrence Inquiry Report (Recommendation 12).

“A racist incident is any incident which is perceived to be racist by the victim or any other person.”

Habinteg also recognises that harassment may be directed against an individual, family or group of people because of other prejudices held by a perpetrator which are factors in determining who is victimised. This harassment may include homophobic harassment directed at lesbians, gay men, bisexual or transgendered people, for example. It also includes harassment directed at disabled people or people with learning difficulties.

Harassment may include any of the following:

- Abusive or insulting behaviour – written or verbal
- Violence and threats of violence
- Vandalism to property
- Arson or attempted arson
- Repeated and unfounded complaints against a tenant or family or group
- Actions/activities intended to deter a person from occupying a particular property
- Abusive telephone calls
- Uninvited visits to someone’s home
- Placing excrement, rubbish or offensive materials near or in the victim’s home.

In accordance with the 2003 Anti Social Behaviour Act (ASBA) the type of behaviour covered by this statement comes from the “conduct test” for injunctions under S. 153A and S. 153B of the Housing Act 1996 (introduced by S. 13 ASBA 2003). This is conduct that is:

- “Capable of causing a nuisance or annoyance to another person” and “Directly or indirectly relates to or affects the housing management functions of a relevant landlord” and
- “Consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.”

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Those affected by nuisance or annoyance are described as:

- Those who have a right to live in a property owned or managed by the landlord
- Those living in any other property in the neighbourhood (e.g. owner occupiers and tenants of other landlords)
- Anyone else lawfully in the property described above or in the locality (e.g. working in or visiting local facilities).

The housing management function is described as “any activity that the landlord would undertake in day to day or strategic management of the stock”, for example:

- Tenant participation
- Maintenance and repairs
- Rent collection and rent arrears control
- Estate management
- Dispute resolution

The key determinant in deciding whether particular behaviour is antisocial or not should be the impact of the behaviour on others.

3. GENERAL POLICY STATEMENT

This statement is an expression of the association’s aims, attitudes and general approaches to the prevention and reduction of harassment and anti-social behaviour.

Our approach is multi-agency and incorporates the Government’s three-pronged strategy of prevention, enforcement and rehabilitation. Our aim is to achieve a constructive balance between the three and a proactive approach to partnership working rather than just appearing to be enforcers.

The association accepts that it has a role to play in minimising the physical, social, economic and environmental factors that contribute to anti-social behaviour and harassment.

We will deliver a proportionate and flexible response to the challenges that ASB presents. This statement is supported by a separate comprehensive policy and operational procedure covering anti-social behaviour and nuisance and racial and other harassment. The primary aim is for staff to respond to reports of incidents promptly and take appropriate action.

The policy and procedure aims to give staff some degree of flexibility while maintaining a core of consistency that is essential to ensure fair treatment of victim and perpetrator. The policy and procedure have been drawn up to reflect current good

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practice and the requirements of both legislative and regulatory guidance.

The strategy and policy outlined in this statement are formulated on the basis of the following key principles:

- all Habinteg residents, other members of their household and their visitors have a right to the quiet enjoyment of their home and immediate locality;
- anyone has the right to their chosen lifestyle providing this does not spoil the quality of life of others;
- this implies some degree of tolerance of and respect for the requirements and needs of others;
- residents have a key part to play in resolving problems;
- reports of harassment and anti-social behaviour will be responded to promptly, in a consistent and sensitive manner, and resolved at the earliest opportunity;
- staff will be supported, trained and equipped to deal with harassment and anti-social behaviour;
- that all possible risks posed to Habinteg by harassment and anti-social behaviour be minimised. These risks include loss of tenancies, injury to tenants, injury to staff, damage to property, complaints, legal challenge, damage to Habinteg's reputation, damage to Habinteg's ability to let and manage its properties, and poor assessment by its regulators.

Habinteg sees responding to anti-social behaviour as integral to its housing and property management and support services. Hence, the local and regional staff employed to deliver these services are responsible for dealing with anti-social behaviour issues on their “patch”. This includes prevention, enforcement and rehabilitation through the delivery the association’s strategy and implementation of policies and procedures, in partnership with tenants and other stakeholders.

Harassment and anti-social behaviour are not just housing management issues but are cross departmental. For example, development has a role to play in designing out opportunities for crime and anti-social behaviour, improving sound insulation, ensuring adequate estate lighting and minimising “blind spots”. Human Resources, IT and Finance are all involved too in arranging training, providing performance monitoring and recording facilities and forecasting budgets.

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4. LEGISLATIVE AND REGULATORY REQUIREMENTS

This statement has been prepared in accordance with the requirements of the Antisocial Behaviour Act 2003 and with reference to the Housing Corporation's Regulatory Code and Guidance. The 2007/08 review builds on the work done by the association during 2003/4 on reviewing and implementing revised policies and procedures on dealing with anti-social behaviour, nuisance and harassment.

5. STRATEGY ON ANTI-SOCIAL BEHAVIOUR AND HARASSMENT

Like other social landlords, Habinteg has to deal with a wide variety of types of antisocial behaviour and harassment. Some schemes suffer from drugs and other related crime, but the majority of incidents are neighbour disputes and poor behaviour by children. In some areas residents of surrounding properties and estates cause problems. In others the main problems involve Habinteg's own tenants.

There have been incidents of harassment aimed at disabled and older tenants. Habinteg is aware that some tenants are particularly vulnerable to harassment and criminal activity, such as burglary and bogus callers.

The strategy is delivered through the application of specific policies and the implementation of detailed procedures. The strategy can be summarised as follows:

- "prevention is better than cure";
- a "cross departmental approach";
- multi-agency working;
- a range of interventions;
- regular monitoring and review of the effectiveness of policies and procedures.

6. TENANTS OBLIGATIONS

The association's tenants are expected to abide by the terms of their tenancy agreement at all times and to take responsibility for all members of their household, visitors to their home and household pets.

Where the perpetrator is a tenant of the association, or a friend, relative or any other person living at the property, the association will enforce the terms of its tenancy agreements to ensure the objectives of this policy are achieved. The tenancy agreement includes a number of conditions which clearly state our expectations in

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terms of acceptable behaviour and conduct.

7. PREVENTATIVE WORK

The association will widely publicise this statement and its related policy and procedure. We will work with other agencies where appropriate to map anti-social behaviour incidents to detect trends and “hot spots”. We will report on action taken against perpetrators, including anti-social behaviour orders, and publicise campaigns and other activities related to tackling anti-social behaviour in our tenants’ newsletters.

Every effort will be made to prevent anti-social behaviour and harassment by designing out opportunities for anti-social residents to damage the physical and social fabric of the community, for example, “secure by design”, securing empty properties and employing scheme based staff whose role includes challenging attitudes and behaviours.

The association also uses local lettings plans to achieve balance, mixed communities and works with local Crime and Disorder partnerships and Community Safety groups.

Habinteg will contribute to local partnerships to help prevent harassment and anti-social behaviour occurring. These might include poster and leaflet campaigns to raise awareness, work with local schools, “target-hardening” measures to protect vulnerable tenants, working with tenants representatives and resident groups and considering the use of introductory tenancies on some estates.

8. MULTI-AGENCY WORKING

The main mechanism for delivering the strategy is through Habinteg staff dealing with complaints in accordance with the association’s own agreed policy and procedure. However, Habinteg recognises that there will be many occasions when it will need to work with other agencies to deal effectively with harassment and anti-social behaviour. These agencies include the police, local authority services such as education and social services, health agencies and the voluntary sector. The policies and procedures incorporate multi-agency working and give staff guidance on referring cases to other agencies.

Currently, the association works with Local Authority partners, the Police and voluntary organisations in a number of localities .In Kent for example, the police hold surgeries in our scheme office. In Hull we work with Age Concern, Victim Support, the Community Safety Group, the Youth Service and the Hull Dock Regeneration Group. We have entered into a number of information sharing protocols across the country. Further work needs to be done on an audit of partnerships and protocols,

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identifying key contacts and developing partnerships in other areas where gaps exist. Priority will be given to areas where there is a higher incidence of anti-social behaviour or harassment on our estates.

9. A RANGE OF INTERVENTIONS

Habinteg's policies and procedures include a wide range of interventions for dealing with harassment and anti-social behaviour. These interventions include:

- mediation
- the appropriate enforcement of the tenancy agreement
- development work with perpetrators
- providing floating support for victims
- mechanisms such as Anti-Social Behaviour Orders (ASBOs) and Acceptable Behaviour Contracts (ABCs)
- and the actions of other agencies

Habinteg accepts that people have the right to their chosen lifestyle providing this does not spoil the quality of life of others. This means that tolerance of and respect for the requirements and needs of others is essential. Habinteg will, as part of its work with residents, seek to promote such tolerance and respect. This includes working with residents to clarify what is reasonable and what is unreasonable in terms of times and places for children and young people to "play out", for example.

10. SUPPORT OF COMPLAINANTS & WITNESSES

We will support complainants by dealing with their complaint promptly, keeping them informed of any developments relating to their complaint, and referring them to appropriate support services where necessary.

The safety of our staff, victims and witnesses must come first. We will set up systems and adopt approaches that seek to improve our success rate in dealing with perpetrators while boosting the morale and confidence of witnesses, the agencies involved and the wider community.

We will aim to provide adequate support to victims and witnesses by working in partnership with other agencies and using witness support groups as appropriate. We will arrange access to translation and/or interpreting services as required and we welcome the use of advocates for victims of anti-social behaviour.

If repairs or security measures are needed to victim's homes we will undertake these as a high priority. For example, making secure damaged doors and frames, boarding up windows and changing locks will be treated as emergency repairs. We will remove

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racist and other offensive graffiti within 24 hours.

The association is committed to effective witness support, including:

- discussing and planning every stage of any legal action with witnesses;
- ensuring local staff are aware and can keep a “watching brief” on the situation;
- risk assessment of the witnesses home and providing protection measures where appropriate ; and
- escort to and support at court.

11. DOMESTIC VIOLENCE POLICY

The association has a separate policy on domestic violence which covers incidents of harassment, including violence or threat of violence where the perpetrator is associated with the victim. We aim to support the victim in accessing remedies specifically designed to deal with domestic violence (for example, non-molestation orders).

12. REHABILITATION OF PERPETRATORS

The association will signpost to and provide support to perpetrators where this is an effective option for the protection of tenants and the wider community from antisocial behaviour. The perpetrator may also be a victim themselves.

The association will work with other agencies on early intervention and to support alleged perpetrators to sustain their tenancies, for example, if anti-social behaviour issues result directly or indirectly from disability, mental health, and drug or alcohol abuse. Habinteg’s “community assistant” service will be a key part of the solution in these circumstances.

13. MANAGING AGENTS

Habinteg will ensure that its managing agents receive a copy of this statement and the summary, are clear about their roles and responsibilities and have in place, as appropriate, their own procedures for information sharing, handling and monitoring complaints, and dealing with perpetrators.

14. PROFESSIONAL WITNESS SCHEMES

In circumstances where the identity of a perpetrator(s) is not known or is/are known

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but evidence needs to be gathered to enable enforcement action to be taken against those responsible for crime or anti-social behaviour, CCTV evidence and the use of professional witnesses may be considered. That is, to carry out planned surveillance.

15. CONFIDENTIALITY, PRIVACY, ACCESS TO INFORMATION AND INFORMATION SHARING

During the course of everyday working Habinteg handles a great deal of information. Tenants and applicants have a right to privacy and to expect that all personal information held about them will be handled sensitively and confidentially. The association's confidentiality policy and procedure covers any personal information held by the association about the family, friends or other visitors of our tenants.

We aim to strike a balance between ensuring that individual privacy is respected and being sufficiently open in our use of information to enable us to carry out our work for the benefit of tenants and applicants.

The confidentiality policy, procedure and guidelines sets out the framework within which personal and potentially sensitive information about tenants or applicants is collected, stored, handled and disclosed by Habinteg. It has been formulated in accordance with the requirements of the Data Protection Act 1998.

The Data Protection Act 1998 provides a framework for privacy, confidentiality and information sharing. It is set within the wider framework of the Human Rights Act 1998, and in particular Article 8 of the Act, which covers the right to respect an individual's private and family life.

The association will ensure that its staff, Board and Committee members, contractors, consultants and agents (including managing agents):

- treat all personal and sensitive personal information as confidential;
- comply with the law regarding the processing of information;
- do not disclose personal information without the prior informed consent of the individual concerned, except in the circumstances outlined below relating to disclosure;
- do not gain or attempt to gain access to information they are not authorised to have or do not need to carry out their work.

All sensitive information will be kept and handled confidentially, whether the information has been received formally, informally or discovered by accident.

Staff, Board and Committee members, contractors, consultants and agents (including

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managing agents) will only have access to information that they genuinely need to know to carry out their work.

All staff, Board and Committee members, contractors, consultants and agents (including managing agents) are under a duty to respect the confidentiality of all personal information held by the association.

We will normally seek explicit consent to process sensitive personal information, unless we can demonstrate that one of the other conditions set out in the Data Protection Act, which allow us to process sensitive personal information without gaining explicit consent, applies. These conditions are fairly limited. The implication is that the tenant or applicant must absolutely understand why he or she has given consent.

Staff will respect an individual's decision not to allow the processing of his or her sensitive personal data. If consent is refused, staff may offer special arrangements for processing the information that might allay the individual's concerns.

Habinteg will, from time to time, enter into information sharing protocols with local authorities, the police and other statutory authorities, for example, in order to help combat nuisance and anti-social behaviour. These protocols deal with the sharing of information between relevant local agencies in relation to incidents and perpetrators.

We reserve the right to suspend the principle of informed consent in these circumstances. We will endeavour to share only that information which is relevant to the circumstances of a particular case and will comply with the exemptions outlined in the Data Protection Act which states that registered social landlords may disclose personal data without consent to third parties:

- to protect the vital interests of a tenant, i.e., in a life or death situation;
- to comply with the law;
- to assist in the prevention or detection of crime; or
- in connection with legal proceedings.

Staff must take care that any disclosure of information is lawful and that they have Area Manager / Regional Operations Managers authorisation.

16. CROSS-TENURE ISSUES

The association recognises that our responsibilities extend beyond our own sector and stock, that neighbourhoods are complex and that we therefore have a broader

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community safety role. We will, where appropriate, contribute to cross-tenure approaches at a strategic or operational level through our involvement in Crime and Disorder Reduction Partnerships, multi-agency partnerships and by sharing information with other agencies or associations.

17. TRAINING FOR STAFF IN DEALING WITH ANTI-SOCIAL BEHAVIOUR

Staff training is critical to the effectiveness of our anti-social behaviour policy and procedure. In particular, staff must have the confidence and knowledge to identify and investigate incidents and reports of anti-social behaviour and are equipped to take appropriate action.

New operations staff as part of their induction training will receive introductory training on our anti-social behaviour policy and procedure. All staff receive ongoing refresher training and specific topic training as appropriate.

18. INFORMATION ON OTHER RELEVANT POLICIES

- The following policies and procedures complement this statement and provide additional guidance and support on various relevant aspects:
- Allocations & lettings (including transfers)
- Domestic violence
- Complaints & compliments
- Confidentiality
- Health & Safety (including Lone Working & Risk Assessments)
- Support plans & assessments

19. STATEMENT OF PROCEDURES

Our primary objective is to ensure that we respond to nuisance and harassment quickly and effectively and resolve such situations at the earliest opportunity.

If we receive a report that nuisance or harassment has taken place we will:-

- Make sure that all such complaints are taken seriously.

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- Encourage those who are experiencing the nuisance or harassment to play a full part in action taken to deal with it. Their views will be taken into account in reaching decisions on courses of action and they will be kept informed of progress and supported during any legal proceedings that may take place.
- Take firm and prompt action against perpetrators, wherever possible, and make every effort to support victims in their homes.
- Work with other agencies wherever possible, with the victim's consent.

20. MAKING A COMPLAINT OF ANTI-SOCIAL BEHAVIOUR

- Initially the problem should be reported to the local scheme office or the customer services team in Bradford. They will then advise the complainant of the next steps to take:
- All cases will be assessed to establish the severity of the problem
- Non-severe cases may be resolved immediately e.g. abandoned cars
- More severe cases will be referred to a community housing officer or area manager for investigation and if urgent this will happen immediately

21. PROCESSING A COMPLAINT OF ANTI-SOCIAL BEHAVIOUR

When a problem is reported an interview will be arranged with the complainant, if appropriate, to:

- Find out more about the anti-social behaviour
- Discuss what the complainant can do
- Explain what we and other agencies can do to assist e.g. talking to the alleged perpetrator

If the complainant is at serious risk we will contact them within 24 hours to discuss the complaint and interview them within a further 24 hours. If the complainant is at risk, we will also encourage them to contact other services as a matter of urgency, such as the Police.

For other lower level incidents we will ensure we arrange to interview the complainant within 5 working days.

Following the interview we will

- Agree an action plan with the complainant
- Talk to the perpetrator if appropriate
- Look at what repairs and security measures can be provided
- Keep the complainant regularly informed of any action we are taking
- Work in partnerships with other agencies such as the police to deal with antisocial behaviour problems

We will contact the complainant regularly during the time we are investigating the case.

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22. TAKING ACTION

Depending on the circumstances and severity of the incident we will consider any of the following options in terms of action. Wherever possible, we will try to resolve disputes informally and help the people involved to resolve their differences

- We can arrange mediation between the people involved if this is an appropriate way to resolve the problem
- In some cases, we may set up a contract or agreement with the perpetrator, called an acceptable behaviour contract. The contract will list what the perpetrator will do to end the nuisance/harassment. We will monitor any contract we set up
- Where there is clear proof of anti-social behaviour, legal action can be taken. The action the association takes will depend on a number of factors such as the tenancy status of the perpetrator but could include injunctions, Anti-Social Behaviour Orders or possession proceedings against other tenants of the association. Action can also be taken by other agencies we work with to resolve the problem e.g. criminal proceedings by the police.
- Injunctions can be taken out by the association against a tenant or any other adult causing harassment/nuisance on a housing estate. An injunction is a ban or restriction that is ordered by the County Court.
- Anti-Social Behaviour Orders (ASBOs) can be used against anybody over the age of 10 who has acted in an anti-social way which causes harassment, alarm or distress to the local community.
- Demoting the tenancy of the perpetrator(s).
- If a tenant has breached their tenancy as a result of harassment or nuisance, the association can go to court to ask for possession of the property (i.e. to evict the person responsible for the problem).

23. VICTIM SUPPORT

All reports of harassment are taken seriously and the safety of residents and their households is always most important.

- Individuals reporting sexual harassment or domestic violence will be offered an interview with a same sex member of staff whenever possible
- We will arrange for an interpreter or sign language interpreter to be present if required
- Any reports of harassment will be treated as strictly confidential
- No action will be taken against a person harassing a victim without the victim's consent
- We can arrange for any letters or other written material sent to be translated into the complainant's preferred language

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- Any urgent repairs to properties as a result of harassment will be carried out on the same day where possible and any offensive graffiti will be attended to within 24 hours of it being reported. Less offensive graffiti will be removed within seven days
- In serious cases of harassment where perpetrator action is being taken and the complainant is at severe risk, temporary accommodation for the victim can be arranged. In the most severe cases emergency re-housing will be considered if there are no other options.

24. CONSULTATION ON THE STRATEGY

Habinteg will consult tenants and other stakeholders on this statement and its implementation. In particular, tenants will be involved in the development of new initiatives.

Habinteg will use customer satisfaction surveys to establish whether tenants are satisfied with the service. This will also help Habinteg monitor whether it is achieving its performance targets.

Habinteg will also consult local community groups and liaise with local Crime and Disorder Partnerships, the Police and all other relevant groups and agencies on the development and implementation of this strategy.

25. MONITORING ANTI-SOCIAL BEHAVIOUR AND THE SERVICE

Habinteg will set up effective systems for recording and monitoring harassment and anti-social behaviour, with regular reports to the Board, Operations Management Team, Operations Senior Management Team and Performance Managers' Meetings and to tenant representative forums. These reports will show incidents of racial and other harassment separately.

Habinteg will use the results of its monitoring to share information relating to harassment and anti-social behaviour with relevant agencies.

The targets for improving performance will include both qualitative materials such as the views of tenants and other stakeholders, including partners in community safety work where appropriate and quantitative data such as the numbers of cases reported and closed.

Monitoring and reporting is based on the categories and timescales in the procedure. Cases are prioritised based on an assessment of risk dependent on the severity on the incident or behaviour. In addition, cases are managed through clear stages up to and

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including closure in agreement with the Area Manager and the victim.

Anti-social behaviour and nuisance cases are prioritised as follows:

Priority A – Most Serious

These are the most serious cases and are often criminal in nature e.g. drug dealing, violence and intimidating behaviour, incidents including life and limb.

Priority B – Consistent or Escalating

Behaviour that includes regular noise nuisance and or ASB, letting the condition of the property deteriorate, malicious damage and damage to communal areas, intimidation or harassment of an individual.

Priority C – Initial and low level

Low level nuisance such as initial complaints regarding neighbour disputes e.g. loud music or television, animals / pets and car repairs.

The following stages and timescales apply.

Stage 1: Initial investigation and interviews

Priority A: Immediately within 24 hours
Priority B: Five working days
Priority C: Ten working days

Stage 2: Tenancy enforcement (up to and including service of notice)

An Action Plan must be produced in accordance with the following timescales:

Priority A: 24 hours
Priority B: Five working days
Priority C: Ten working days

Stage 3: Monitoring individual cases

All “live” cases must be monitored at least monthly during one to ones.

Stage 4: Legal action

Stage 5: Closing the case

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Cases should be closed when:

- both the complainant and the alleged perpetrator are satisfied as far as reasonably possible, with the agreed solution or
- the nuisance has stopped or there have been no further incidents of anti-social behaviour or
- it is believe that no further action can be taken and the complainant agrees to close the case

All complainants will be asked to complete a Victim Satisfaction Survey.

26. REVIEWING THE EFECTIVENESS OF THE STRATEGY AND POLICIES

Habinteg recognises that the strategy and policies need constant review to ensure our approach remains effective and we are achieving our aims. There will be a review of this statement in accordance with Habinteg's Best Value Review programme. The review will include seeking comments from all stakeholders and partners, particularly from tenants, as well as reviewing the strategy against current good practice and regulatory and legal requirements.

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