



Starley Housing Co-operative

# **ANTISOCIAL BEHAVIOUR POLICY & PROCEDURES**

## **Starley Housing Co-operative's Statement on Antisocial Behaviour**

The Antisocial Behaviour Act 2003 (section 12), amending the Housing Act 1996, requires us to publish a statement of our policies and procedures in dealing with antisocial behaviour. This document outlines our approach to antisocial behaviour, recognising that measures taken to address problems of crime and antisocial behaviour are continually changing. This statement will be regularly reviewed and updated, taking on board the views of our residents and partner organisations.

### **Definition of Antisocial Behaviour**

Antisocial behaviour occurs when behaviour by a household(s) or individual(s) causes alarm, distress or threatens the physical or mental health, safety or security of another household(s) or individuals.

The 1998 Crime & Disorder Act defines antisocial behaviour as an act that 'causes or is likely to cause, harassment, alarm or distress to one or more persons not in the same household'.

Our strategy takes a wider view as antisocial behaviour creates an environment where more serious behaviour can take hold. We believe it can occur anywhere including in the home.

### **Policy**

Our common aim is:

- To ensure the effective management of antisocial behaviour and harassment within the areas where we manage housing and the environment.
- To recognise the importance in taking effective and early action to reduce the likelihood of legal action being needed and to increase the chances of antisocial behaviour issues being resolved successfully.
- To have procedures that reflect Policy guidelines which have clear lines of responsibility, are easy to follow, understand and are accessible to all Co-operative members and others.
- To ensure proper guidance is given to Co-operative members on their rights to live in a peaceful environment and the options open to them if they feel their peace is being affected.

### **Examples of Antisocial Behaviour**

Examples of antisocial behaviour include, but are not limited to:

- Racial, homophobic or transphobic harassment
- Stalking or unwanted attention
- Actual violence
- Domestic violence and abuse
- Aggressive and threatening behaviour including youths/gangs congregating in an intimidating way
- Intimidation and / or harassment by others
- Verbal abuse (intentional or unintentional)
- Alcohol and solvent abuse
- Using accommodation to sell drugs, for prostitution or for other unlawful purposes
- Inconsiderate disposal of household rubbish and/or Fly-tipping (illegal dumping of rubbish)
- Inconsiderate parking of vehicles and abandoned vehicles
- Overgrown gardens
- Noise nuisance
- Nuisance caused by children
- Nuisance caused by pets including dogs barking or fouling communal/public areas
- Ill treatment, neglect or cruelty to animals
- Graffiti, vandalism or damage to property
- Obstructing communal areas

- Cycling and use of skateboards on footpaths or balconies or other public places
- Nuisance from motorbikes, mopeds or joyriding
- Squatting
- Businesses such as car repairs on Co-op property

### **Categorisation of Antisocial Behaviour Cases**

It is recognised that prevailing attitudes to the various kinds of antisocial behaviour may vary from time to time and that inflexible categorisation of these behaviours is not always the best way forward. The management committee may from time to time draw up guidelines detailing which complaints are considered to be minor, serious or very serious and these will be published and used as guidance when dealing with complaints under the Antisocial Behaviour Policy and Procedures.

Examples of categories of antisocial behaviour are:

#### **Minor**

- Accumulation of rubbish
- Barking dogs
- Climbing out of balcony windows
- General graffiti (not racist, homophobic or transphobic)
- Incorrect parking of vehicles
- One off noise nuisance
- Unkempt gardens
- Untaxed vehicles
- Using premises as a business

#### **Serious**

- Criminal activity, including the misuse of substances and alcohol related incidents
- Criminal damage
- Habitual nuisance, including noise nuisance of any kind
- Harassment that does not involve threats

#### **Very Serious**

- Racial, homophobic or transphobic harassment, including graffiti
- Severe harassment
- Threats of violence
- Violence

Please note that these are guidelines and are not hard and fast categories. They may change from time to time and types of antisocial behaviour may be moved from one category to another. Repetitive acts of antisocial behaviour are likely to be treated more seriously and may be moved up a category.

## **Antisocial Behaviour Procedures**

### **Scope**

This policy and these procedures are made subsequent to rule 18a of the Fully Model Mutual Rules 2001 and, as such, define the manner in which antisocial behaviour complaints and their adjudication will be dealt with by the Co-operative.

With the exception of the following:

- those cases where the expulsion of a member is being considered under rule 10 of the Fully Model Mutual Rules 2001;
- those cases where arbitration by the National Housing Federation or referral to the County Court is being considered under Rule 40 of the Fully Model Mutual Rules 2001;

all cases of antisocial behaviour referred to the Co-operative as a complaint will be dealt with under these procedures alone. Complaints about antisocial behaviour that have been taken through the formal complaints procedure shall not otherwise fall for determination by the General Meeting or by any other body within the Co-operative.

### **General**

As a Co-operative, Starley Housing expects all members to be neighbourly and considerate towards one another and that, in the event of a dispute, the vast majority of cases will be easily resolved by the members themselves.

It is expected that in almost every case members will approach their neighbours before raising a complaint with the co-operative, which should be seen as a last resort.

However, the Co-operative also recognises that on occasion there may be problems with neighbours that cannot be so easily resolved. This antisocial behaviour complaint policy and set of procedures has been adopted to ensure that those who have a complaint to make will be taken seriously and their complaints acted on, where appropriate.

In cases where the person(s) responsible for antisocial behaviour are not resident(s) of Starley Housing Co-operative or visitor(s) to a member's household, it is expected that their activities will be reported to the appropriate authorities, such as the police, Crimestoppers or the Council's antisocial behaviour hotline.

### **How complaints will be handled**

The co-operative will advise those who wish to make a complaint about antisocial behaviour that the complaints procedure will not only help them but may also help other residents in the future, as well as helping to improve services.

The co-operative will deal with all complaints fairly, openly and without prejudice or bias and guarantees that those who have legitimate antisocial behaviour complaints to make will not be treated any less favourably in the future.

Complaints can be made in any format, including verbally, over the telephone, by email or in writing. No distinction will be made between so-called "formal" or "informal" complaints and all complaints will be treated in the same way. However, if a complaint is to be taken through the formal stages of the complaints procedure, it will be necessary to record it and obtain a signature from the complainant to verify that the complaint is stated correctly.

### **Mediation – an alternative means of settling neighbour disputes**

Starley Housing Co-operative actively promotes mediation, both as part of the complaints process, to be considered at every stage, and as an alternative to it. Any member with a neighbour problem, who feels he or she may benefit from it, can apply for consideration. Mediation is impartial, voluntary, mutually agreed, confidential and structured. It is a process in which neighbours with a problem appoint a neutral third party – the mediator - to assist them in attempting to settle their dispute. The mediator used internally by the co-operative will normally be the housing services officer, though in exceptional cases outside agencies may be used. The mediator does not make any decisions and the parties may terminate the process at any time. The whole process is confidential and without prejudice to either party's rights. When a voluntary settlement is achieved, the mediated agreement is not binding, unless both parties wish to make it so.

### **Confidentiality**

All complaints will be handled with confidentiality, with sensitivity and with due regard to the Data Protection Act 1998. Whilst the complaint is being investigated and thereafter, the complainant's name will not be disclosed to anyone within the co-operative who is not part of the complaints procedure. When a complaint is dealt with by the Co-operative's management committee no names or addresses will be used and all disclosed details will remain confidential within that body. Where it found that an antisocial behaviour complaint involves an officer of the management committee that officer will not be allowed to be present at any discussion of the complaint.

### **Clarifying and Recording a Complaint**

All complaints will be acknowledged within 24 hours. It is recognised that it is often necessary to clarify the details of the complaint before it can be considered properly. Clarification may also assist the co-operative in deciding how best to deal with the complaint and to this end, all complainants will be contacted within five working days of receipt of the complaint to arrange a face-to-face meeting, or a telephone conversation, with the Co-operative's housing services officer, which will be as early as possible within the next five working days, most usually at the next available drop-in session held weekly by the housing services officer. This will give all complainants the opportunity to discuss their complaints in person at the outset. At the meeting, or during a telephone conversation, the housing services officer will attempt to clarify the complaint, find out what outcome is sought, check whether the complainant needs support of any kind and explain the investigation procedure. If it has not already been completed, the housing services officer will also complete the complaint form, giving full details of the complaint as agreed with the complainant, and this will be signed and dated by the complainant and the Housing services officer as soon as possible thereafter.

### **External Agencies and Special Contractual Arrangements**

The co-operative recognises that sometimes, in exceptional cases it will be necessary to refer antisocial behaviour complaints to an external agency for investigation. It also recognises that such cases are likely to be out of the ordinary and may require special considerations. Where such referrals are necessary or advisable an individual contract will be drawn up, tailored to each individual case and specifying what the relationship between both parties is and exactly who has responsibility for what. This contract will make it clear that the co-operative is ultimately responsible for dealing with the handling of the complaint and will lay down time scales to be adhered to by the external agency, together with a schedule to specify when reports on progress should be made and when the final report is to be presented.

As far as possible, the co-operative will seek to draw up each individual contract so that the time scales and schedules contained therein will fall within the time scales laid down in the formal antisocial behaviour complaint procedure. Ultimately, where a complaint has been referred to an external agency, that agency will be responsible for its handling of the complaint to the co-operative's management committee and will be expected to report regularly on progress to the chairperson or to a specified member of the management committee or to the housing services officer.

## **Monitoring**

The housing services officer will monitor all antisocial behaviour complaints to ensure:

- The process is working within the terms of this policy;
- Information gathered is used to improve services;
- information gathered will be used to review all policies and procedures.

## **Outside Advice or Assistance**

If the complainant remains unhappy with the results of the investigation or with any action taken, or not taken, the co-operative will direct the complainant to an appropriate outside advice agency or to the Housing Ombudsman or regulatory body. This will not happen whilst a complaint is still being investigated.

## **Before the formal complaints procedure begins**

The complaint is received and acknowledged within three working days. The housing services officer is informed at the same time if the complaint has not been made to him or her. He or she will contact the complainant within five working days to set up a face-to-face meeting to take full details of the complaint. This meeting will normally take place at the next drop-in session, which is held once every week within the co-operative. In exceptional circumstances and to avoid delay this meeting may take place over the telephone. Where appropriate, the housing services officer will attempt to resolve the situation informally to the satisfaction of the complainant. Mediation will be offered as a possible solution and the mediation process will be explained, if appropriate. In urgent cases the co-operative chairperson will be consulted about taking immediate action and may decide to convene a special management committee meeting. Where the complaint is resolved informally, or where it is decided that the complaint has no merit, a record of the complaint will be established and no further action will be taken. All complaints will be reported to the management committee at the next available meeting.

## **The Formal Complaints Procedure**

The Co-operative recognises that it is best practice for a complaints procedure to have three stages and in cases of minor complaints has striven to achieve this in full, with an automatic review by the management committee at stage two, and the right to ask for a final review by the ASB review panel in stage three. However, following advice from the Office of the Housing Ombudsman, it has been recognised that it is not possible to allow a full three stage procedure, with a right of review after each stage, for complaints that are not considered to be minor. These complaints are referred directly to stage two, where a decision is taken by the management committee and not the housing services officer, after which there is a right of review in stage three only. The right of review in stage three is a final review in all cases.

### **Stage one**

- 1) At the face-to-face meeting, or over the telephone, the housing services officer will explain how the antisocial behaviour complaints procedure works and will listen carefully to what the complainant has to say.
- 2) A complaint file will be established and all details of the complaint will be recorded. A diary sheet to record further instances of antisocial behaviour will be provided, where appropriate. Further complaints and existing diary evidence will be logged.
- 3) The housing services officer will then assess how serious the complaint is and what action to take, if any, based on the seriousness of the complaint.
- 4) If appropriate, mediation will be offered as a possible solution and the mediation process will be explained.

- 5) If the complaint is about criminal behaviour the complainant will be advised to report the matter to the police immediately and the case will be referred to the management committee. Complainants will be advised that failure to report criminal matters may impact on the co-operative's ability to deal with his or her complaint.
- 6) Following this meeting, the person being complained about (the alleged perpetrator) will be contacted within five working days to set up a face-to-face meeting so that he or she can respond to the complaint. The housing services officer will explain how the antisocial behaviour complaints procedure works and will listen carefully to what the alleged perpetrator has to say. This will be recorded on the case file.
- 7) In the case of minor complaints, where it is decided that the complaint is justified, the perpetrator will be given a written warning by the housing services officer about his or her behaviour within five working days, with an explanation as to how this has breached the Conditions of Tenancy and/or the Antisocial Behaviour Policy. Where appropriate, this warning will advise the perpetrator that further instances of antisocial behaviour may ultimately result in various measures being taken, which could result in the loss of tenancy. There is an automatic right of review to any decisions taken at stage one and all cases will be referred to the management committee for a review.
- 8) If, however, the complaint is a more serious breach, or a repeat of past antisocial behaviour, he or she will be notified in writing that the complaint will be taken to the next management committee for a decision on what action is to be taken (if any), which may include a variety of measures (as listed below).
- 9) If the complaint is very serious the chairperson will be informed and, where it is appropriate, a special management committee meeting may be held as a matter of urgency to deal with the complaint.
- 10) If it is decided that there is no evidence to back up the complaint and the alleged perpetrator denies the allegations made, he or she will be informed that the complaint will be reported to the management committee and advised, where appropriate, to take sensible precautions to avoid neighbour conflict. If appropriate, mediation will be offered as a possible solution and the mediation process will be explained.
- 11) In all cases the complainant will be informed of the alleged perpetrators response within five working days and the case will be kept open to be monitored for a period of up to one year. The complainant will be asked to record any further instances of antisocial behaviour on a diary sheet and to state whether or not they are satisfied with the outcome of the complaint investigation.

#### **Stage two**

- 1) All complaints will be reported to the co-operative management committee at the next available meeting.
- 2) The management committee will consider each complaint and, after listening to full details of the original complaint and the alleged perpetrator's response, will take a decision on what action to take, if any. Where appropriate, the management committee may decide to review the decision taken by the housing services officer on minor complaints. Options open to the committee include:
  - A finding that the case is not substantiated and is, therefore, dismissed.

- A Written Warning, which will state that continued antisocial behaviour may lead to a various actions being taken, which may ultimately lead to a Notice to Quit.
  - A Final Written Warning, which will state that continued antisocial behaviour may lead to a Notice to Quit. In very serious cases the letter may state that the complaint will be referred to the Co-operative's solicitor or to an outside agency for possession.
  - An Acceptable Behaviour Contract, which the perpetrator will be asked to sign, giving a guarantee of future good behaviour and a commitment to avoid the behaviour being complained about. This contract may also include certain conditions that are to be imposed on the perpetrator(s), which are designed to minimise the risk of further complaints or disputes arising
  - A Good Neighbour Agreement, which both parties to the complaint will be asked to sign indicating their agreement to abide by certain conditions imposed on them as tenants and members of the Co-operative. These conditions will be designed to minimise the risk of further complaints or disputes arising. They may include a 'no interaction' clause, where both parties agree to do their best to avoid contact with each other in future and where contact is unavoidable will agree to be civil to each other.
  - Antisocial Behaviour Injunctions: legislation now gives registered Social Landlords the power to injunct anyone – not just tenants – who is causing a nuisance which affects the way the Co-operative is managed.
  - Referral to a solicitor or outside agency for further action to be taken against the complainant – to be agreed at a meeting between the solicitor or agency and the co-operative chairperson. This may be delegated to the housing services officer.
  - A Notice to Quit (NTQ) may be issued and in all cases will subsist for a period of one year. Where an NTQ is issued the perpetrator will be informed whether or not the co-operative intends to seek possession of the home after the 28 day term has ended. In appropriate cases the perpetrator will be informed that this is an opportunity to show good will and provided that the perpetrator does not engage in further acts of antisocial behaviour and demonstrates that he or she has improved his or her behaviour the Co-operative may decide at the end of the 28 day period not to seek possession of the home. In such cases further incidents of antisocial behaviour will immediately trigger the NTQ and the co-operative will indicate its intention to seek possession.
  - In cases where expulsion under Rule 10 of the Fully Mutual Model Rules 2001 is being considered the matter will be referred to the next General Meeting for a decision.
  - In cases where arbitration by the National Housing Federation or referral to the County Court is being considered under Rule 40 of the Fully Model Mutual Rules 2001 the matter will be referred to the next General Meeting for a decision.
- 3) In all cases the perpetrator will be notified of the management committee's decision within five working days and will be informed of their right to ask for a review by the ASB complaints review panel. All requests for a review must be made in writing within fourteen days of receipt of the decision. Simply disagreeing with the decision is not sufficient grounds for a review. The request should state why it is felt the decision is in error or unjust and if there is new evidence that has the potential to overturn a decision this must be clearly stated. If necessary, help will be given in formulating the written request. Requests for review that do not give adequate grounds will be dismissed and the applicant will be informed within five working days, with the reason for the dismissal.

### **Stage three**

- 1) Where a member who disagrees with a decision that he or she has committed an act of antisocial behaviour or disagrees with the sanction imposed for the act(s) of antisocial behaviour and has asked for a final review of the decision taken by the management committee within fourteen working days this will be acknowledged in writing within five working days and, where possible,



passed to the ASB complaints review panel within fourteen days for consideration. This is the final stage of the complaints procedure and there is no further right to a review.

- 2) The ASB complaints review panel will consist of three Starley Housing Co-operative members, holding share certificates, selected from the list of general members by the management committee, who will appoint only those members who appear to be reasonable, fair minded impartial and co-operative. It will not include any members of the management committee or anyone who has already dealt with the complaint or who may be implicated in it in any way.
- 3) Where it is deemed advisable the co-operative management committee may co-opt no more than two persons to the ASB complaints review panel from external agencies or other appropriate persons, who are able to offer independent advice and assistance. This will happen where it is felt that advice is needed for legal reasons or because it is felt that specialist knowledge or experience is required.
- 4) Each member of the ASB complaints review panel will sign a confidentiality and non-disclosure agreement in a form approved by the co-operative's management committee.
- 5) The ASB complaints review panel will hold a review hearing at a time and place suitable to all parties, within twenty-one days of receipt of the complainant's request for a review, and will elect a chairperson from their number.
- 6) The ASB complaints review panel may, at the discretion of the panel chairperson, invite the person requesting the review and/or an accompanying person to give evidence or make a statement at the review hearing, though this is not a right. The housing services officer and the co-operative chairperson (or another management committee member who was party to the original or reviewed decision, where the co-operative chairperson is not available) may also at the discretion of the panel chairperson be asked to give evidence or make a statement at the review hearing. The original complainant and witnesses to the original complaint may also be called to give evidence or make a statement at the discretion of the panel chairperson.
- 7) Where the ASB complaints review panel find that the original complaint may have missed a stage of the formal complaints procedure for whatever reason, or, where new evidence is presented, they may chose to refer the complaint back to either stage one or stage two of the complaints process. Alternatively, the panel may chose to substitute its own decision, under clauses 9 to 11 below, for the original decision of the management committee.
- 8) In some cases, where the original complaint is very complicated or where further information is required before reaching a decision, the findings of the ASB complaints review panel may need to be postponed until the panel is satisfied that it has all the information needed to reach a decision. If this is the case, the person requesting the review and the original complainant will be informed in writing about the delay as soon as possible.
- 9) After thorough and careful consideration of all the facts, the ASB complaints review panel will reach a decision by a simple majority vote in a closed session, arrived at by a show of hands, with the panel chairperson having a casting vote. Persons from external agencies and/or other appropriate persons who have been co-opted to the ASB complaints review panel to offer

independent advice and assistance, will not have voting rights, though they may wish to have their dissent recorded.

- 10) If the reasons for a request for a review are upheld, the management committee's decision on the original complaint will be overturned and replaced by the decision of the ASB Complaints review panel, which will include what should be done to resolve the original complaint and what action needs to be taken to avoid such problems in the future. The person requesting the review and the original complainant will be informed in writing of the decision and the reasons for it within five working days.
- 11) If the reasons for the request for a review are not upheld the person requesting the review and the original complainant will be informed of the decision in writing and the reasons for it within five working days and will be advised that the decision is final and that no further requests for review will be considered. In particular, decisions made by the review panel shall not be considered to be matters of dispute that can be determined under rule 40 of the Fully Mutual Model Rules, except where the conduct of any review panel member, or the panel as a whole, is brought into question and there is legitimate concern that they may have engaged in conduct detrimental to the interests of the co-operative.
- 12) Finally, those who remain dissatisfied with the decision of the review panel will be advised of the contact details of the external agencies referred to in the section below. There is no right to a further review by the General Meeting or by any other body within the Co-operative.

#### **After the complaint has been dealt with**

The co-operative will use any issues identified during the complaint process to help improve service standards. Those who remain unhappy with the decision should be told about outside organisations that may be able to help them. These may include:

#### **The Housing Ombudsman Service**

The co-operative will advise complainants who wish to take their complaints further that they may contact the Housing Ombudsman Service and will be given the following contact details:

Housing Ombudsman Service  
81 Aldwych  
London  
WC2B4HN  
Telephone: 0300 111 3000  
Fax:02078311942  
Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Members should be advised to contact their local MP or councillor for help in taking a complaint to the Housing Ombudsman. Those who wish to complain will be informed that the Ombudsman will normally expect them to have already exhausted the co-operative's internal procedure before investigating their complaint. They will also be advised that the Ombudsman has discretion to take

on a complaint if there is reason to believe the cooperative is causing unnecessary delay in handling it or where it is believed the complaint is being mishandled in some other way.

### **Independent Advice Agencies**

All complainants who wish to pursue their complaints further, shall be given the details of local independent advice agencies, such as the Citizens Advice Bureau and Coventry Law Centre.

Coventry Citizens Advice Bureau  
Kirby House  
Little Park Street  
Coventry  
CV12JZ

The bureau advice drop-in service is available every day (Monday - Friday) starting at 9.15am (excluding Public Holidays). There is no telephone advice line.

Coventry Law Centre  
Oakwood House,  
St Patricks Road Entrance,  
Coventry,  
CV12HI

Telephone: 02476223053  
Email: [enquiries@covlaw.org.uk](mailto:enquiries@covlaw.org.uk)

The law Centre Reception is open:

Monday - Thursday: 9.00am - 12.30pm and 1.30pm to 5.00pm  
Friday: 9.00am - 12.30pm and 1.30pm to 4.00 pm

### **The independent Regulation Committee**

The independent Regulation Committee was established by the Homes and Communities Agency under the provisions of the Localism Act 2011. The HCA is the regulator of social housing in England but it may only exercise its functions through the Regulation Committee.

If you have a regulation enquiry please contact the Homes and Communities Agency's Referrals & Regulatory Enquiries Team on 0300 1234 500 or email [complaints@hca.gsx.gov.uk](mailto:complaints@hca.gsx.gov.uk)

Complaints against the service received by the co-operative should be directed to the co-operative in the first instance and subsequently to a local councillor or MP for help in bringing the matter to the independent Housing Ombudsman.