# OPERATIONAL PROCEDURE

## ANTISOCIAL BEHAVIOUR

<table>
<thead>
<tr>
<th>ACTION</th>
<th>RESPONSIBILITY</th>
</tr>
</thead>
</table>

## 1. PURPOSE

1.1. The purpose of this procedure is to provide Neighbourhood Officers and others handling a report of antisocial behaviour with a step-by-step guide to properly investigation, manage and close the case.

1.2. The procedure is to be followed in line with the Association’s Antisocial Behaviour, Harassment and Domestic Violence Policies 2015.

1.3. More detailed advice and guidance notes; customer leaflets; standard letters; and procedure forms are available on Yoho Plus

## 2. KEY PRINCIPLES IN PROCEDURE

2.1. The Neighbourhood Officer (NO) will keep all investigation records in the following locations: Computer database (CAS); ASB Case File; and the Digital Case Folder on G:Drive.

2.2. The NO will contact the complainant at least fortnightly to assess and evaluate the case and to check on any further incidents, updating records accordingly.

2.3. The NO can use a range of evidence gathering tools: Incident Diaries; interviews with victim and ‘perpetrator’; sound recording equipment; property sound tests; professional witnessing; community safety surveys; evidence from other agencies (e.g. police); and hearsay testimony where witnesses are too frightened to sign their own statements.

2.4. Actions and formal interventions can include: warning letter and caution; Good Neighbour Agreement; formal mediation; partner agency interventions; tenancy enforcement legal action.

2.5. Urgent cases are those involving violence or threats of violence; deliberate property damage; hate abuse and crime; domestic abuse and violence. In such cases the complainant will be interviewed and told what further action the Association proposes to take within 24 hours.

2.6. The case is closed when there have been no further incidents for six weeks. The NO will explain to the complainant what actions have been taken in the case and why the case is now being closed.
2.7. All employees will consider whether there are any safeguarding implications for each case, including whether any children or vulnerable adults are at risk of harm or self neglect. If so, Section 1 of the Safeguarding System (SCR1) should be completed within 24 hours, and allocated to the Designated Safeguarding Persons (DSP) to coordinate all necessary actions. (see YH Safeguarding Adults and Children Policies and local procedures on YoHo+ Safeguarding page for more information).

2.8. The NO will also consider contacting social services during a case if there are concerns about the welfare of individual household members or if circumstances change to increase risk of harm or risk to welfare (e.g. if legal action is being considered, or being taken). Whilst permission to contact social services may not always be forthcoming from the customer, the NO may still consider it necessary to do so when safeguarding vulnerable persons.

2.9. NOs must ensure that the information and data they record is accurate, relevant and factual. Information about an individual can not be passed to a third party without their consent unless requested by the police as part of a criminal investigation, or when deemed 'need to know' in safeguarding cases.

3. **STAGE ONE**

3.1. **The Initial Report**

3.2. The initial report can come from the victim or any other third party. The complainant can remain anonymous.

3.3. The report will be recorded on CAS. The NO will contact the complainant and arrange an interview (preferably face to face or by telephone) within 5 working days.

3.4. The NO will check CAS for previous cases involving the same individuals and transfer any relevant data to the new case file.

3.5. The member of staff receiving the report will assess whether it qualifies as urgent. (see below)

3.6. If the report requires a new case to be set up on CAS the customer will be sent an Acknowledgement Letter, an Incident Diary and an ASB Leaflet.

3.7. **Urgent Cases**

3.8. Urgent cases are those involving violence or threats of violence; hate abuse or crime; deliberate damage to property; domestic abuse or domestic violence.

3.9. The CSA receiving the report will speak directly to the NO, their Manager or the ASB Team and personally ensure the details of the case are understood by that person.

3.10. The following tasks will be completed within one working day of the initial report: the complainant interviewed; the facts of the case obtained and written down; the 'perpetrator' will be interviewed (if appropriate) and their response recorded; an assessment of risk

| 2.7. | NO |
| 2.8. | NO |
| 2.9. | NO |
| 3.1. | CSA, NO |
| 3.2. | NO |
| 3.3. | ALL STAFF |
| 3.4. | CSA |
| 3.5. | CSA |
| 3.6. | CSA |
| 3.7. | CSA |
| 3.8. | CSA |
| 3.9. | CSA |
| 3.10. | CSA |
completed for the victim; a decision made on what action to take and communicated to the victim.

3.11. The customer will be provided with Incident Diaries and an ASB Leaflet.

3.12. **Initial Complainant Interview**

3.13. The NO will carry out a complainant interview within 5 working days of the report being received and using the Complainant Interview form. The NO will explain and discuss the investigation process:

- Incident Diaries;
- Mediation;
- Confidentiality;
- Possible legal action;
- Provide contact details
- Agree an Action Plan
- Agree method and frequency of future contact

3.14. **The ‘Perpetrator’ Interview**

3.15. The NO will then carry out an alleged perpetrator interview within a further 5 working days using the ‘Perpetrator’ Interview form. Amongst other matters the NO will explain and discuss:

- The investigation process
- Details of the allegations
- The ‘perpetrator’s’ response to each allegation
- Any support needs within the household
- Any mental health issues influencing their behaviour

3.16. If the ‘perpetrator’ is a Starter Tenant, the NO will explain the possible implications of this during the interview.

3.17. The NO will be mindful at all stages of the complainant’s request for confidentiality and will not divulge identities or sensitive information without their consent.

3.18. **Assess information & decide what action to take**

3.19. The NO will now **assess and evaluate** the information gathered and decide what action to take. Decisions will be made based on evidence gathered in the following ways: Incident Diaries; interviews; sound recordings; property sound tests; professional witnessing; evidence from other agencies (e.g. police).

3.20. Actions can include: mediation; warning letter and caution; Good Neighbour Agreement; partner agency intervention; tenancy enforcement legal action.

3.21. Possible outcomes at Stage One include:

- case closed if no further incidents (6 weeks)
- counter allegation investigated
- successful mediation
- escalation to Stage Three (see below)
- involvement & support from health services for ‘perpetrator’ and/or victim
- warning to perpetrator
• escalation to Stage Four (legal action)

3.22. **Written confirmation of Stage One Outcome**
3.23. The NO will **confirm in writing** to the complainant and to the ‘perpetrator’ the outcome of Stage One within five working days of this decision. Both must know what to do if there are further incidents.

4. **STAGE TWO**

4.1. **Investigating further reports**
4.2. A further report of ASB will move the case to **Stage Two** of the procedure as further investigations and actions are required.
4.3. If the case has already been closed on CAS, the NO will open another case and ensure the investigation continues as Stage Two. (Reference to the previous case will be made using the relevant Event).
4.4. The NO will investigate the report in the same way as in Stage One: interview the complainant within 5 working days to obtain full details of incident; interview ‘perpetrator’ within 5 working days to explain the allegation and to seek their explanation or response; Stage One interview forms are not a requirement in Stage Two; assess information obtained and decide what action to take; confirm outcome in writing to complainant and ‘perpetrator’; the NO will ensure all records are updated on CAS.
4.5. Stage Two actions can include: installation of evidence gathering equipment; professional witnessing; community safety audits; mediation; warning letter and caution; Good Neighbour Agreement; partner agency intervention; tenancy enforcement legal action.
4.6. Possible outcomes at Stage Two include:
  • case closed if no further incidents (6 weeks)
  • counter allegation investigated
  • successful mediation
  • escalation to Stage Three (see below)
  • involvement & support from health services for ‘perpetrator’ and/or victim
  • warning to perpetrator or contentious closure letter to complainant
  • escalation to Stage Four (legal action)

4.7. A maximum of three further reports of ASB will be investigated during Stage Two. If a fourth report is received the NO will move the case to Stage Three and seek the assistance of the ASB Team

5. **STAGE THREE**

5.1. Advice and assistance from the ASB Team
5.2. The NO can seek the advice and assistance of the ASB Team at any stage of the investigation, but must move the case to Stage Three if there have been more than three incidents during Stage Two.

5.3. The NO will update CAS to Stage Three (in Events) and arrange a case review meeting with the ASB Team.

5.4. The ASB Team will:

- Meet with NO and review the case, and ensure the case file and CAS records are in order
- Agree actions with NO
- Update CAS
- Monitor progress of case with NO

5.5. In urgent cases, all above tasks will be completed within 24 hours.

6. **STAGE FOUR**

6.1. **Taking Legal Action**

6.2. The decision to begin legal action will be taken by the NO and their Manager, in discussion with the ASB Team.

6.3. The NO will prepare the Legal Action Referral Form for the Neighbourhood Services Manager/ Team Leader to authorise. This will include issuing of eviction proceedings against Starter Tenancies and a mental health proportionality assessment when required. The ASB Team will assist the NO in drafting this document.

6.4. The ASB Officer will then update CAS (Stage Four Event), and record the case in the team’s Workbook.

6.5. For **urgent cases** all of the above tasks can be done by telephone if needed.

6.6. The Neighbourhood Officer will retain overall responsibility and ‘ownership’ of the case and will retain day to day tasks, which include:

- Drafting a Neighbourhood Officer statement;
- regular contact with complainants/ witnesses;
- logging, investigating and gathering evidence of further incidents;
- updating all records on CAS and Case File;
- Providing witness support such as explaining the court process, ensuring witnesses can get to and from court and;
- Providing updates and information about outcomes to complainants and perpetrators.

6.7. The ASB Officer will be responsible for:

- issuing claims and submitting court applications in ‘in house’ actions;
- making referrals to solicitors and acting at ‘legal assistant’ during actions;
- drafting witness statements and NOSPs during actions
- co-ordinating actions and tasks in relation to court cases; i.e. ensuring actions agreed as directions are completed and submitted by deadlines agreed in court
- informing all witnesses of outcome of court hearings.

7. **POLICE RAIDS & SERIOUS CRIME**

7.1. **Action following police raids**

7.2. If a police raid results in the tenant, a household member or a visitor being arrested, the case will automatically be logged as Stage Three and the ASB Team informed.

7.3. If the information of the raid is received verbally from the police, the NO will request this information in writing by letter or email. The police may require a Section 115 request form before releasing this information.

7.4. The NO will interview the tenant to obtain all details of the raid or police actions and what charges (if any) have been filed. The NO will seek an explanation from the tenant of what has been happening and what their view is about it.

7.5. The NO, their manager and the ASB Team will assess the seriousness of the alleged crime and decide what action (including legal action) is most appropriate.

7.6. **Serious Criminal Charges**

7.7. If the NO becomes aware that the tenant, household member or visitor has been charged with, or convicted of a serious criminal offence a case will be opened on CAS and logged as Stage Three.

7.8. The NO and ASB Officer will then review the case and assess whether neighbours or victims are at risk of further criminal behaviour and whether any additional safety arrangements are necessary.

7.9. If the tenant, a household member or a visitor is convicted of a serious crime in the locality of the property or against a member of housing staff or any housing contractors, the NO and NSM/TL will decided whether to issue legal proceedings (including Mandatory Possession).

8. **SUPPORTING VICTIMS & WITNESSES**

8.1. **Supporting Victims and Witnesses**

8.2. Supporting victims and witnesses of ASB is a continuous process from beginning of the case, during the investigation and beyond any legal action.

8.3. The NO will provide this support by contacting the victims and witnesses regularly (at least fortnightly) during the case.

8.4. The ASB Officer will ensure that witnesses are fully supported on the day of any court hearing; ensure they are able to travel to and from court; provide simple refreshments; ensure they are fully debriefed.
by the solicitor on the outcome of the hearing and what happens next.

8.5. The ASB Officer will send a Court Outcome letter to the witness and perpetrator within 5 working days of the hearing.
**LEAD OFFICER:** Adam Greenwood, Antisocial Behaviour Manager

**SCRUTINY ROUTE:** Who has been consulted with for comment regarding the procedure? – Usually stakeholders, this could be across departments. (state job title, rather than named person, EG: senior neighbourhood service manager, Income service manager, etc.)

- NSMs and Team Leaders
- Neighbourhood Officers
- Income Managers
- Customer Services Team
- ASB Team
- NSMT

**AUTHORITY:** Neighbourhood Services Management Team

**LEGAL AND OR STATUTORY REQUIREMENTS:**
- Police, Crime & Antisocial Behaviour Act 2014
- Antisocial Behaviour Act 2003
- Housing Act 1996

**EFFECTIVE FROM:** January 2018

**REVIEW DATE:** January 2019

**PROCEDURE WILL BE REVIEWED AND UPDATED ANNUALLY**