



## **STATEMENT OF BOURNVILLE VILLAGE TRUST ANTI SOCIAL BEHAVIOUR PROCEDURES**

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2004**

## INDEX

		<b>Page No</b>
1	Introduction	3
2	Definition	3
3	Procedure – First Stage	4
	Interview Stage	5
	Assessment of the Complaint	5
	Second Stage	6
	Audit Trail	7
	Range of Tools and Remedies	7
4	Remedies for Anti-Social Behaviour	9
13	Mediation	17
14	Acceptable Behaviour Contracts	18
15	Parental Control Agreements	21
16	Anti-Social Behaviour and Breach of Tenancy Injunctions	24
17	Anti-Social Behaviour Orders	28
18	Demotion	31
19	Rent Arrears, Possession Proceedings and Anti-Social Behaviour	33
20	Anti-Social Behaviour Orders in the County Court	35
21	Serious Incidents and Serious Harassment Procedure	37
22	Appendices	40

# STATEMENT OF BOURNVILLE VILLAGE TRUST'S ANTI-SOCIAL BEHAVIOUR PROCEDURES

## 1. INTRODUCTION

- 1.1. The purpose of this procedure is to ensure that all reports of nuisance are investigated, recorded and given proper consideration, and that action is sought against the perpetrator, where appropriate, in accordance with the tenancy rights and obligations.

## 2. DEFINITION

- 2.1 The Anti-Social Behaviour Act 2003 defines anti-social behaviour as conduct which is likely to cause a nuisance or annoyance to those residing in Bournville Village Trust accommodation, to anyone residing in the neighbourhood, to anyone engaged in a lawful activity in the neighbourhood and to staff or agents of Bournville Village Trust.

- 2.2 In classifying anti-social behaviour, the Trust includes all of the definitions of appropriate behaviour given in its tenancy agreements, which include:

- Not to cause a nuisance, annoyance, disturbance which interferes with the peace, comfort or convenience of other people living in the local area. Examples of this include: Using, or threatening to use, violence; storing or handling stolen goods; playing ball games close to properties; being drunk or disorderly in public; writing or spraying graffiti; verbal abuse, arguing; banging and slamming doors; damage to property including cars, bikes etc; criminal activity in property; malicious phone calls; skateboarding; roller-skating and cycling on footpaths or parking areas; prostitution; arson/attempted arson.
- Not to use the property for any criminal, immoral or illegal purpose including selling, storing or using illegal drugs or the abuse/misuse of any prescribed drugs.
- Not to play or allow to be played any radio, television, record or tape recording or musical instrument so loudly that it causes a nuisance or annoyance to neighbours, or can be heard outside the Premises.
- To keep under control any animals kept at the Premises and to obtain the written consent of the Trust before keeping in a flat a dog or any other livestock which might cause a nuisance to neighbours.
- Not to commit or allow members of his/her household or invited visitors to commit any form of harassment on the grounds of race, colour, religion, sex, sexual orientation or disability which may interfere with the peace and comfort of, or cause offence to, any other tenant, member of his/her household, visitors or neighbours.

### 3. **PROCEDURE**

#### **First Stage**

- 3.1. All correspondence, complaints, telephone conversations, and interviews are to be recorded on case files using **APPENDIX A**.
- 3.2. Allegations of nuisance or anti-social behaviour can be received by telephone, by fax, by proxy, from external agencies or witnesses, in person, or following identification by a BVT officer. Additionally, receipt of an application for transfer can also be considered if the reason given for wanting to move is in line with the definitions of nuisance or anti-social behaviour.
- 3.3. If the complaint is made verbally, the complainant should be asked to provide it in writing prior to action being taken.
- 3.4. The complaint should be raised, given a case number and logged onto the database, ensuring there is no duplication of case files and numbers.
- 3.5. Complainants of nuisance or anti-social behaviour should be advised to try 'self help' initially, if appropriate. Self-help could be in the form of the complainant approaching the alleged perpetrator, raising the issue with them and requesting remedial action etc. However, it is not appropriate to request a complainant to approach an alleged perpetrator of nuisance who appears on the Trust's internal 'At Risk Register', or a person who is known to be hostile/violent. Therefore, discretion will have to be observed when advising complainants to try self-help.
- 3.6. On receiving an allegation of nuisance or anti-social behaviour, the complaint will be acknowledged by a Housing Assistant who identifies him/herself to the complainant as the contact name for any further complaints. If necessary, an interview between the Housing Assistant handling the case and the complainant will be arranged within five working days and take place within 10 working days of the complaint being received, subject to the complainant's availability. **APPENDIX B** illustrates a letter that should be sent to the complainant inviting them to the interview. Copies will be held on the relevant tenancy file and a copy is to be sent to the main property file.
- 3.7. If an interview with the complainant is not necessary, a letter acknowledging the complaint will be sent to the complainant within five working days of the complaint being received (see **APPENDIX C**).

#### **Interview stage**

- 3.8. The complaint should be logged with the names and addresses of the complainant and the alleged perpetrator. The nature of the complaint and any details of the incident should also be recorded. Additionally, the names and addresses of any witnesses to the incident should be recorded, as should whether any other agencies have become involved (see **APPENDIX E** for an example of the standard pro-forma for this

information). The tenant's signature should be gained at the end of the interview.

- 3.9. Should the complainant not want any action taken, this decision should be recorded and copies of the complaint placed on the relevant files and a copy sent to the main property file. If details of the complaint are required to be used for any other action against the alleged perpetrator, the complainant will be notified.
- 3.10. If the complaint could be more appropriately dealt with by an external agency, advice should be given and a referral should be made. If this is the case, the information on the files should be updated.
- 3.11. Where further information or evidence is required, the complainant will be advised to keep a diary of events relating to further incidents (see **APPENDIX J** for the guidelines and **APPENDIX K** for the Diary Book). The length of time that the Diary Book is to be used should be agreed with the complainant at the interview stage. Where necessary, a decision should be made as to whether additional information and evidence, such as photographs, third party evidence and witness statements, will be needed or be useful.
- 3.12. Any follow-up visits to an Area Office should be recorded on **APPENDIX Q**, the Follow-up Visits to Area Offices form.

#### **Assessment stage of the complaint**

- 3.13. If no action is required or warranted under the tenancy conditions, the complainant should be informed in writing and copies of the letter held on the relevant tenancy file and sent to the main property file.
- 3.14. Other options may be considered at this stage. For example, estate management in the form of fencing, lighting and signposts may help to address the problem or remove a contributory factor to the problem.
- 3.15. If action is required, a letter (see **APPENDICES F or G**) should be sent to the alleged perpetrator inviting him/her to an interview (if necessary) to discuss the complaint. This must be within five working days after the interview has taken place with, or acknowledgement letter has been sent to, the complainant.
- 3.16. If a counter complaint is made by the alleged perpetrator, it should remain under the same case number, but each complaint should be labelled 'a' and 'b' (i.e. 12a and 12b). This should be logged on the database and all paperwork remain in one file. **Counter complaints to be addressed as 1<sup>st</sup> stage complaint and procedure followed (as 2.3 - 2.19).**
- 3.17. A follow up letter should be sent to both parties following the interview with the alleged perpetrator within five working days. The letter to the alleged perpetrator should confirm the outcome of the interview and reiterate relevant clauses of the tenancy agreement (if appropriate)

(see **APPENDIX I**). The letter to the complainant should inform him/her that the problem has been discussed and resolved (see **APPENDIX L**).

- 3.18. All original paperwork should be placed on main file as it is received or generated. The Housing Assistant dealing with the case should hold photocopies of all paperwork on a separate file. The Housing Assistant should retain the file and update as necessary.
- 3.19. If no further complaints or reports of nuisance are received within three months after the most recent contact, the case should be closed. The complainant and alleged perpetrator should be written to, informing them of the decision to close the case (see **APPENDIX R** for an example of 'case closed' letter, applicable to both the complainant and alleged perpetrator). All paperwork should then be forwarded to Main File.

**IF ANY FURTHER INCIDENT OR COMPLAINT IS RECEIVED WITHIN THREE MONTHS OF THE MOST RECENT COMPLAINT, THE CASE SHOULD BE PASSED TO THE HOUSING OFFICER DEALING WITH NUISANCE CASES AT THIS STAGE. THIS IS NOW A SECOND STAGE NUISANCE CASE**

(See **APPENDIX M** for example of definitions of cases that should be passed over)

**Second Stage**

- 3.20. Further interviews with both the complainant and alleged perpetrator and evidence gathering (Diary Book, witness statements, photographs etc). **Follow points 2.6-2.17 – as detailed above.**
- 3.21. A further letter warning of a breach of the tenancy agreement should be sent to the perpetrator if appropriate (see **APPENDIX I**).
- 3.22. On receipt of further written complaints, an acknowledgement letter should be sent (see **APPENDIX P**), and referral to external agencies should be considered, i.e. a mediation service, the Police, Environmental Health.
- 3.23. Should legal action be deemed appropriate, consultation with the Trust's Solicitor will be necessary to determine what evidence will be required in order to bring the case satisfactorily to the Courts.

**THE CASE SHOULD BE TRANSFERRED TO THE SERIOUS INCIDENTS/ SERIOUS HARASSMENT FILE AT THIS STAGE**

- 3.24. **Please Note:** The nuisance case remains a second stage nuisance case until decision is made to take legal action. It only becomes a serious incident at this stage and should only then be handled as per the Serious Incidents and Serious Harassment procedure.

**Audit Trail**

- 3.25. All paperwork is held on main file. Copies of all letters sent, the enquiry log sheet (**APPENDIX A**), the incident details form (**APPENDIX E**), any written correspondence from tenants and follow-up visit forms

(**APPENDIX Q**) are sent to the main file of all properties involved in the case, as they are generated (letters) and when the case is closed (forms etc).

- 3.26. A spreadsheet has been set up on the computer network to provide a chronological report of nuisance cases received on/after 1<sup>st</sup> November 2002. The Assistant/Officer who deals with the initial complaint should enter the case onto the spread sheet.
- 3.27. The Housing Officer responsible for the second-stage-and-above nuisance cases circulates a monthly report to the Head of Housing Services, Area Managers, Area Housing Managers and Housing Officers.
- 3.28. If the case has gone as far as Court, the paperwork can be found on the Serious Incidents/Serious Harassment case files.
- 3.29. Where there is too much paperwork to be held on main file (if a case is going to Court), a separate folder should be created and kept in the relevant Area Office. A file note should be sent to main file for all properties involved to indicate that the paperwork is on a separate file in the relevant Area Office.

#### **Range of Tools and Remedies**

- 3.30. Bournville Village Trust has a range of non-legal and legal tools available to enable it to combat anti-social behaviour. These tools are as follows:

#### **Non legal tools**

- 3.31. **Mediation** – Bournville Village Trust has its own mediation service and the victim(s) and perpetrator(s) and any other appropriate parties will be asked whether they are prepared to engage in mediation. If so, a mediation meeting will be arranged which will be hosted by an independent person who will encourage both parties to air their views about the conflict and listen to each other's concerns before agreeing on a way forward for the future.
- 3.32. **Acceptable Behaviour Contracts (ABCs)** – this is a non-binding contract which identifies acts of behaviour which are **not** to be carried out by the individual subjected to the ABC. It is often used in respect of juveniles aged 10 and over. An ABC will be valid for 12 months and will be reviewed on a regular basis by those signing it. The aim of this document is to bring the individual's attention to the impact that their anti-social behaviour is having on others.
- 3.33. **Parental Control Agreement (PCAs)** – this is also a non-binding document and identifies acts **not** to be carried out by an individual and is suitable for a child nine years or under. The document is signed by the child's parent or guardian. The PCA is also valid for 12 months and will be reviewed on a regular basis. The aim of the PCA is to bring the parent's/guardian's attention to the impact that their child's behaviour is having on others.

### **Legal Tools**

- 3.34. **Injunctions** – these are orders of the Court which specifically prohibit a person acting in a particular way, although they can also require the person to act in a specific way. They can be obtained against any person over the age of 17. If breached, the person will be considered to be “in contempt of Court” and an application can be made to have the person committed to prison.
- 3.35. **Anti-Social Behaviour Orders (ASBOs)** – these are available against any individual aged 10 years or over who engages in, or threatens to engage in, behaviour which is likely to cause harassment, alarm and distress to one or more persons not of the same household as him/herself. These orders can prohibit the individual from associating with specific people, conducting specific acts or general acts. They can also forbid the individual from being, entering or remaining upon a certain geographical area. ASBOs are effective for a minimum period of two years.
- 3.36. **Demotion of Tenancy** – if the perpetrator of the anti-social behaviour is a tenant of Bournville Village Trust, an application can be made for a Demotion Order which will have the effect of reducing the status of the person’s secure tenancy to a “demoted tenancy” for a period of 12 months. During the 12-month period, it is much easier for Bournville Village Trust to obtain possession of that person’s home for any reason.
- 3.37. **Possession Proceedings** – if all other remedies have failed (or are not appropriate), Bournville Village Trust can instigate possession proceedings which may ultimately result in the tenant losing his/her home.
- 3.38. If Court action is required, Bournville Village Trust will ensure that all witnesses are referred to appropriate witness support agencies, if required.

#### 4. **REMEDIES FOR ANTI-SOCIAL BEHAVIOUR**

##### **OBJECTIVE**

To identify the most appropriate remedial action to be taken by Bournville Village Trust.

##### **Procedure**

4.1. Within 24 hours of deciding that a remedy is appropriate, and immediately in cases involving serious harassment, violence and threats of violence, the Housing Officer/Area Housing Manager will discuss the evidence gathered and objectives required with Solicitors (if appropriate), agree course of action and (if appropriate) forward all documents requested to Solicitors.

4.2. The following remedies are available:

- Acceptable Behaviour Contract (ABC);
- Parental Control Agreement (PCA);
- Anti-Social Behaviour Injunction;
- Breach of Tenancy Injunction;
- Anti-Social Behaviour Order (ASBO);
- Demotion of Tenancy;
- Possession proceedings;
- Introducing anti-social behaviour into rent possession cases;
- Requesting ASBOs within possession proceedings.

4.3. Definitions and broad overview of each remedy:

#### 5. **ACCEPTABLE BEHAVIOUR CONTRACT (ABC)**

5.1. An ABC is a tool to deter and eradicate anti-social behaviour of Bournville Village Trust tenants and their households. An ABC is appropriate for any individual 10 years of age or over. It identifies acts not to be carried out by the individual and will be signed by the persons present (which will include the Housing Officer, perpetrator, perpetrator's parent or guardian (if appropriate) Police, Youth Offending Team and Social Services).

5.2. The ABC will be valid for 12 months and will be reviewed on a quarterly basis by those involved in the signing of the ABC.

- 5.3. The initial aim of the ABC is to bring to the individual's attention the impact that their anti-social behaviour is having on others and that, if the terms of the agreement are breached, the likelihood is that Bournville Village Trust will seek an ASBO, Injunction, Possession Order or other remedy.
- 5.4. An ABC is not a legally binding document but if breached, shows the Court that an attempt has been made to resolve the anti-social behaviour, albeit unsuccessfully. It will, therefore, strengthen any further application.

## 6. **PARENTAL CONTROL AGREEMENTS (PCA)**

- 6.1. A PCA is a tool to deter/eradicate anti-social behaviour of Bournville Village Trust tenants and their households. A PCA is appropriate for the parent/guardian of any child nine years or under. It is a written agreement between the children's parents/guardian and Bournville Village Trust. It identifies specific acts not to be carried out by the individual and will be signed by the parents/guardian and the Housing Officer. It may also be appropriate for a representative from an agency such as Social Services, Youth Offending Team or the Police to be in attendance.
- 6.2. The PCA will be valid for 12 months and will be reviewed on a quarterly basis by those involved in the signing of the PCA.
- 6.3. The initial aim of the PCA is that it will bring to the parent's/guardian's attention the impact that their child's behaviour is having on others and that, if the terms of the PCA are breached, the likelihood is that Bournville Village Trust will seek a Possession Order or other remedy.
- 6.4. A PCA is not a legally binding document but, if breached, shows the Court that an attempt has been made to resolve the anti-social behaviour, albeit unsuccessfully. It will, therefore, strengthen any further application.

## 7. **INJUNCTIONS PURSUANT TO THE ANTI-SOCIAL BEHAVIOUR ACT 2003 AND BREACH OF TENANCY INJUNCTIONS**

- 7.1. Injunctions are a useful measure to combat anti-social behaviour where a person is engaging in, or threatening to engage in, conduct which causes a nuisance or annoyance and it directly or indirectly relates to or affects Bournville Village Trust's housing function.
- 7.2. An injunction will prohibit the person subject to it from doing what is stated in the order.
- 7.3. Injunctions can be obtained where the anti-social behaviour affects the following:

- Someone residing in accommodation owned by Bournville Village Trust by virtue of a tenancy, licence or long leasehold;
  - Those residing in other accommodation in the neighbourhood e.g. owner occupiers and tenants of other landlords (whether they be the Local Authority, other Registered Social Landlords or private landlords);
  - Those engaging in a lawful activity in the locality of the anti-social behaviour. This includes those visiting premises in the locality, using local facilities, passing through the locality or working in the locality;
  - Persons employed in connection with Bournville Village Trust's housing management function, for example:
    - Members of staff;
    - Agents;
    - Contractors.
- 7.4. Injunctions can also be obtained against a tenant who has breached the terms of their tenancy agreement as a result of either the tenant's own behaviour or as a result of the tenant allowing, inciting or encouraging another to breach the Tenancy Agreement.
- 7.5. A Power of Arrest or an Exclusion Order can also be attached to the whole of the Order or to specific terms of the Order.
- 7.6. **Power of Arrest** – this gives authorisation to any Constable to arrest the person who is believed to have breached the terms of the Injunction Order to which the Power of Arrest relates, without Warrant.
- 7.7. **Exclusion Order** – this is a provision prohibiting the person subject to the Injunction Order from entering or being in any premises specified in the Injunction (e.g. their own home) or from any area specified in the Injunction Order.
- 7.8. For someone residing in accommodation owned by Bournville Village Trust by virtue of a tenancy, licence or long leasehold, there are two types of injunction application which are:
- Where there is a use or threat of violence, an application can be made **without notice**, which will mean that the perpetrator will not receive prior notification of the hearing.

This type of application can be made immediately, for example on the same day as the incident or the next day. It can be obtained if the Court considers it just and convenient in such circumstances. The Court will list the matter for a further hearing on a specified date (known as the “return date” hearing).

- Where there is no threat or use of violence, an application can be made to the Court **with** notice, which will mean that the perpetrator of the anti-social behaviour, and/or breach of tenancy will be given notice of the hearing and will have an opportunity to take legal advice and attend the hearing itself.

7.9. Injunctions last for a specific period or until discharge, and can exclude the perpetrator from their normal residence. A Power of Arrest and/or an Exclusion Order can also be attached to the Injunction Order.

7.10. Injunction applications can be resolved by the perpetrator giving an Undertaking. An Undertaking is a solemn promise to the Court. It is not an admission of guilt.

7.11. Injunctions are rarely contested. If they are, a full hearing is necessary.

7.12. Breach of an Injunction or Undertaking is contempt of Court, provable beyond reasonable doubt. If proved, the Court can imprison the perpetrator, pass a suspended sentence, fine or warn the perpetrator.

7.13. There is no limit to the number of applications to commit. The more often the perpetrator breaches the Order, the more serious the Court penalty will be.

## 8. **ANTI-SOCIAL BEHAVIOUR ORDERS (ASBOS)**

8.1. ASBOs are civil orders obtainable from a Magistrates’ Court. They are available against any individual over 10 years of age who engages in, or threatens to engage in, behaviour which is likely to cause harassment, alarm and distress to one or more persons not of the same household as him/herself. In addition, the Court must be satisfied that an Order is necessary to protect persons from further anti-social acts.

8.2. The Order can only prohibit behaviour which can include non-association, specific acts or general acts. It can also forbid a person from being, entering or remaining upon a certain geographical area. Orders are effective for a minimum period of two years.

- 8.3. Bournville Village Trust can apply for an Anti-Social Behaviour Order against any individual over 10 years and who is a Bournville Village Trust tenant, who resides at a Bournville Village Trust property or visits such property.
- 8.4. Consultation is the key to obtaining an ASBO and Bournville Village Trust will have to consult with the Police and Local Authority before applying for an ASBO and should also consult with other bodies including, if appropriate, the Youth Offending Team, Social Services, Education and others.
- 8.5. An application is made to the local Magistrates' Court. The application can be considered without the perpetrator's knowledge or with notice to the perpetrator.
- 8.6. Orders and papers have to be personally served and, if a perpetrator is a juvenile, the papers should be personally served on the juvenile and the juvenile's parents or guardian.
- 8.7. On an ASBO application, harassment, alarm and distress have to be proved to the criminal standard – beyond reasonable doubt. Therefore, witnesses must give oral evidence to confirm their statements. First-hand evidence is essential to obtaining an ASBO. Without it (unless the Defendant has numerous criminal convictions), an ASBO is not achievable.

## 9. **DEMOTION OF TENANCY**

- 9.1. The Anti-Social Behaviour Act 2003 enables Registered Social Landlords to apply to the Court for a Demotion Order.
- 9.2. The effect of a Demotion Order is that the status of a secure and/or assured tenancy will be reduced to a "demoted" tenancy. The demoted tenancy will last for a period of 12 months from the time the Order is made, during which time Bournville Village Trust can take eviction proceedings without having to prove any reason.
- 9.3. If no possession proceedings are instigated during the demotion period, the tenancy will automatically revert to a secure or assured tenancy on the expiry of the 12 months.
- 9.4. In order to apply to the County Court for a Demotion Order, it will be necessary for Bournville Village Trust to serve a notice of demotion. The minimum notice period required is four weeks.
- 9.5. The Court can only make a Demotion Order if the tenant or a person residing in or visiting the dwelling house has engaged in, or threatened to engage in, conduct which is capable of causing a nuisance or annoyance to another person, or has used the premises for unlawful purposes.

- 9.6. The Court must also be satisfied that it is reasonable to make such an Order.
- 9.7. The Anti-Social Behaviour Act 2003 contains a specific procedure for terminating a Demoted Tenancy. The provisions for termination are very similar to the provisions for terminating Introductory Tenancies.

10. **POSSESSION PROCEEDINGS**

10.1. The Housing Act 1985 and 1988 provides that a Court shall not entertain proceedings for possession of a property let on a Secure **or Assured** Tenancy unless the landlord has served a Notice Seeking Possession (NSP) in the prescribed form. The purpose of the NSP is to give the tenant(s) an opportunity to address that of which they have been accused.

10.2. The NSP must comply with the following criteria:

- State at least one or more grounds upon which Bournville Village Trust is seeking possession. The grounds for possession are laid down in Schedule 2 of the Housing Act 1985 or 1988.
- State that the proceedings will be issued earlier than the date specified in the NSP.
- State that proceedings will **not** be issued later than 12 months from the date that the NSP expires.
- On expiry of the NSP, Court proceedings can be issued. The Court will decide the matter on balance of probabilities and make a Possession Order if it is reasonable.
- The Court can make an outright Order, suspend possession or adjourn the application.
- If an outright Order is made and the perpetrator fails to vacate, Solicitors will apply for a Warrant.

11. **INTRODUCING ANTI-SOCIAL BEHAVIOUR IN RENT POSSESSION PROCEEDINGS**

11.1. Where Bournville Village Trust has already obtained a Suspended Possession Order (SPO) in rent possession proceedings, it can ask the Court to take into account a tenant's subsequent anti-social behaviour in the following way:

- An application to Court either to revoke an SPO or to re-suspend it upon terms relating to a tenant's behaviour; or

- Draw the Court's attention to the anti-social behaviour when it is deciding whether or not to suspend a Warrant for eviction.

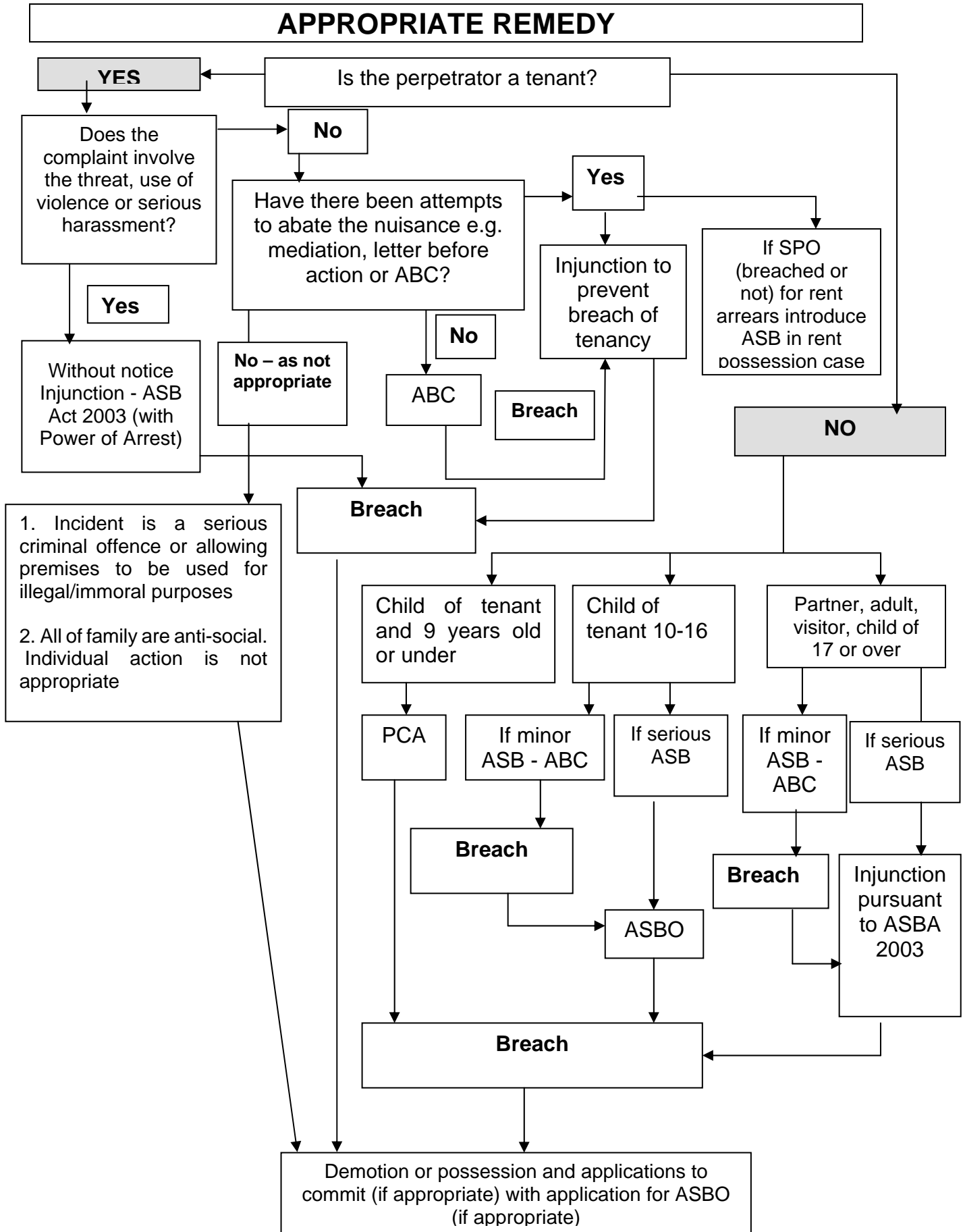
12. **REQUESTING AN ANTI-SOCIAL BEHAVIOUR ORDER IN POSSESSION PROCEEDINGS**

12.1. Upon possession proceedings, ASBOs can be requested in the following circumstances:

- To exclude the tenant from the area in which they live – after an Outright Order is obtained.
- To bind a non-tenant who resides at the property from acting in a specified manner.
- To bind a juvenile (an individual under 18 but over 10) who resides with a Bournville Village Trust tenant, or is a frequent visitor, from acting in a specified manner.
- The ASBO must be proved beyond reasonable doubt; first-hand evidence has to be given. Interim Orders can be obtained.
- The final hearing for the Anti-Social Behaviour Order is likely to occur at the same time as the final hearing for the possession proceedings.

12.2. The breach of an ASBO is a criminal offence and, therefore, any breaches should be reported to the Police. If the breach is proven, all relevant agencies shall be informed and Bournville Village Trust should look to instigate possession proceedings.

12.3. For the appropriate remedy, follow the attached flow chart.



### 13. **MEDIATION PROCEDURE**

#### **OBJECTIVE**

Mediation can be a useful tool for combating anti-social behaviour, it is the way disputes can be resolved without the need for Court proceedings. It helps people to come together to resolve their own dispute, rather than imposing solutions on them. It is a positive alternative to legal action.

#### **Procedure**

- 13.1. Bournville Village Trust has its own mediation service.
- 13.2. The Housing Officer shall contact the victim(s), perpetrator(s) and any other appropriate parties and ask whether they are prepared to engage in mediation.
- 13.3. If they agree, the Housing Officer shall contact a mediation agency with a view to setting up a mediation appointment at a neutral venue. The Housing Officer shall contact the mediation service at (insert address and telephone number).
- 13.4. The mediation service may initially see the parties individually before the mediation meeting takes place.
- 13.5. At the mediation meeting, the parties will be encouraged to air their views about the conflict and listen to each other's concerns before agreeing on a way forward for the future.

## 14. **ACCEPTABLE BEHAVIOUR CONTRACTS**

### **OBJECTIVE**

To identify the process by which anti-social behaviour involving Bournville Village Trust tenants and their households (including younger persons aged 10 to 18 years) is dealt with. This will be in a manner that is sensitive and supportive to the person(s) suffering nuisance/harassment.

### **DEFINITION**

See Legal Remedies Section.

### **OBJECTIVE**

To identify the process by which a remedy is decided upon by Bournville Village Trust.

## **Procedure**

### **Implementing ABC**

- 14.1. If decided that an Acceptable Behaviour Contract (ABC) is the appropriate remedy, Housing Officer to liaise with the Social Services and other relevant bodies to discuss whether they agree that an ABC is the most appropriate way forward.
- 14.2. If it is, the Housing Officer will produce an ABC in liaison with the Police and/or The Youth Offending Service and any other relevant agencies.
- 14.3. The Housing Officer is to send a letter to the perpetrator and/or parent/guardian, Police and relevant local agencies to arrange an interview within seven days. Copy draft ABC to be enclosed with all letters.
- 14.4. At interview, the terms of the ABC will be outlined to those present, advising:
  - Specific acts not to be undertaken.
  - Other anti-social behaviour acts that could be considered as breach of ABC and tenancy conditions.
  - Implications of breach of ABC (ASBO/Injunction proceedings/ Possession proceedings).
  - Frequency of review meetings.
- 14.5. ABC to be signed by all those present and copies distributed.
- 14.6. Housing Officer to send letter to perpetrator and/or guardian and to all

parties confirming terms of ABC and advising of date for quarterly review meetings. A copy of signed ABC to be enclosed. Dates of review meetings to be diarised with a note to write to all relevant parties (not the perpetrator or parent/guardian) two weeks before the review meeting.

### **Monitoring**

- 14.7. The case will be monitored on a monthly basis as well as at quarterly review meetings with updates recorded as part of the monthly reporting process.

### **Failing to sign ABC**

- 14.8. If perpetrator(s) fail to attend the interview, write to perpetrator and parties within seven days, making arrangements for a further interview. Advise in letter that non-attendance could result in an ASBO/Injunction or Possession proceedings being pursued.

### **Further failure to sign ABC**

- 14.9. If perpetrator and/or parent/guardian does not attend second interview, send letter to perpetrator and/or parent/guardian that legal action is being considered.
- 14.10. Housing Officer to meet with Area Housing Manager, within two working days of failure to attend second interview, to determine whether there is enough evidence to apply now for an Injunction, ASBO or other remedy. Liaison with Solicitors will be appropriate. Refer to Remedies Section. If legal action is not to be commenced, review on a monthly basis and consider legal action if there is a further incident.

### **Breach of ABC**

- 14.11. If there is a breach of the ABC, the Housing Officer will consider the nature of the breach. If serious, the Area Housing Manager to discuss legal remedies with Housing Officer. (Refer to Remedies Section).
- 14.12. If a minor breach, a letter will be sent advising of breach and arranging an interview within seven days including Police/relevant agencies.
- 14.13. If interview is not attended by perpetrator and/or parent/guardian, make arrangements for further interview in seven days.
- 14.14. If perpetrator/parent and/or guardian fails to attend second breach interview, the Housing Officer to discuss with Area Housing Manager as to whether to pursue other remedies – refer to Remedies Section. This discussion should take place within two working days of failure to attend second breach interview. Also, if appropriate, liaise with Solicitor.

If a remedy is not considered appropriate, continue to monitor.

### **Subsequent Breaches of ABC**

- 14.15. Housing Officer to discuss with Area Housing Manager as to whether to pursue other legal action. At this point, legal action must be an option. The Housing Officer and Area Housing Manager to refer to Remedy Section to ascertain appropriate remedy, together with discussion with Solicitors.

### **Closure of ABC**

- 14.16. Should no breaches occur within the 12 months of the ABC period, a request shall be made to the Area Housing Manager to formally close and record on file.
- 14.17. A letter shall be sent to the perpetrator and/or parent/guardian advising that the ABC has expired. However, should further incidents occur, a further ABC and/or legal proceedings may be considered. All relevant agencies shall also be advised of the expiry of the ABC.

## 15. **PARENTAL CONTROL AGREEMENTS**

### **OBJECTIVE**

To identify the process by which anti-social behaviour caused by Bournville Village Trust tenants' children or others, 9 years or under, is dealt with. This will be in a manner that is sensitive and supportive to the person(s) suffering nuisance/harassment.

### **DEFINITION**

See Legal Remedies Section.

## **Procedure**

### **Implementing PCA**

- 15.1. If decided that a Parental Control Agreement is the appropriate remedy, Housing Officer to liaise with the Social Services and other relevant bodies to discuss whether they agree that a Parental Control Agreement is the most appropriate way forward.
- 15.2. If consensus is that it is, Housing Officer will produce Parental Control Agreement in liaison with the Police or Solicitors.
- 15.3. Housing Officer to send letter to the perpetrator's parent/guardian, Police and relevant local agencies to arrange interview within seven days. Copy draft Contract to be enclosed with all letters.
- 15.4. At interview, the terms of the Contract will be outlined to those present, advising:
  - Specific acts not to be undertaken;
  - Other anti-social behaviour acts that could be considered as breach of contract and tenancy conditions;
  - Implications of breach of Contract (Injunction proceedings/Possession proceedings);
  - Frequency of review meetings.
- 15.5. Contract to be signed by all those present and copies distributed.
- 15.6. Housing Officer to send letter to perpetrator's parent or guardian and to all parties, confirming terms of Contract and advising of date for quarterly review meetings. A copy of signed Contract to be enclosed. Dates of review meetings to be diarised with a note to write to all relevant parties (not the perpetrator's parent/guardian) two weeks prior to the review meeting.

## Monitoring

- 15.7. The case will be monitored on a monthly basis as well as at quarterly review meetings with updates recorded as part of the monthly reporting process.

## Failing to sign PCA

- 15.8. If perpetrator's parent/guardian fails to attend the interview, letter sent to parent/guardian and to all parties within seven days making arrangements for a further interview. Advise in letter that non-attendance could result in Injunction or Possession proceedings being pursued.

## Further failure to sign PCA

- 15.9. If perpetrator's parent/guardian does not attend second interview, letter sent to perpetrator's parent/guardian stating that legal action is being considered.
- 15.10. Housing Officer to meet with Area Housing Manager, within two working days of failure to attend second interview, to determine whether there is enough evidence to apply now for an Injunction or other remedy. Liaison with Solicitors will be appropriate. Refer to Remedies Section. If legal action is not to be pursued, review on a monthly basis and consider legal action if there is a further incident.

## Breach of PCA

- 15.11. If there is a breach of the PCA, the Housing Officer will consider the type of breach. If serious, the Housing Officer will discuss with Area Housing Manager whether legal remedy is appropriate. Refer to Remedies Section.
- 15.12. If a minor breach, a letter will be sent to the perpetrator's parent/guardian advising of breach and arranging an interview within seven days. The Police/relevant agencies are also invited.
- 15.13. If interview is not attended by perpetrator and/or parent/guardian, make arrangements for further interview in seven days.
- 15.14. If the parent or guardian fails to attend second breach interview, the Housing Officer to discuss with Area Housing Manager as to whether to pursue other remedies – refer to Remedies Section. This discussion should take place within two working days of failure to attend second breach interview. Also, if appropriate, liaise with Solicitor.
- 15.15. If the remedy is not considered appropriate, continue to monitor.

### **Subsequent Breaches of Parental Control Agreement**

- 15.16. Housing Officer to discuss with Area Housing Manager as to whether to pursue other legal action. At this point legal action must be an option. Housing Officer and Area Housing Manager to refer to remedy section to ascertain appropriate remedy, together with discussion with Solicitors.

### **Closure of PCA**

- 15.17. Should no breaches occur within the 12 months of the PCA period, a request shall be made to the Area Housing Manager to formally close and record on file.
- 15.18. A letter shall be sent to the perpetrator's parent/guardian advising that the PCA has expired but that, should further incidents occur, a further PCA and/or legal proceedings may be considered. All relevant agencies shall also be advised of the expiry of the PCA.

## 16. **ANTI-SOCIAL BEHAVIOUR AND BREACH OF TENANCY INJUNCTIONS**

### **OBJECTIVE**

The process by which Bournville Village Trust applies for an Order designed to modify a perpetrator's anti-social behaviour. The perpetrator must be over 17 years of age.

### **Procedure**

#### **Without Notice Injunctions**

- 16.1. If decided that a Without Notice Injunction is the appropriate remedy, the Housing Officer to advise the complainant to report the incident to the Police, if they have not already done so.
- 16.2. If the Police are already involved, the Housing Officer or Area Housing Manager shall telephone the Police to obtain the following information:
  - Whether the Police have visited the perpetrator;
  - If the perpetrator has been arrested and charged and, if not, whether he/she will be;
  - Whether the perpetrator has been released on bail or has been held on remand (if so, details of where he/she is being held). If the perpetrator is held on remand, then the Area Housing Manager should give consideration (with legal advice if necessary) as to whether or not an application should be made for an On Notice Injunction to take effect upon the perpetrator's release;
  - If released on bail, whether conditions have been imposed and, if so, what those are.
- 16.3. The Housing Officer should also request they be kept informed of any developments, such as dates of Court hearings, whether the perpetrator pleads guilty or not guilty and details of any convictions obtained.
- 16.4. The Housing Officer/ Area Housing Manager should telephone Solicitors and be ready to either fax or send them the following documentation:
  - Victim's details and confirmation as to whether or not the victim is prepared to attend Court;
  - A detailed record about the incident or copy Police statements;

- Details of the perpetrator including name, address and age;
  - Details of the Police Officer dealing with the matter, if appropriate, including collar and telephone numbers.
- 16.5. Solicitors will draft the Injunction papers and the Affidavits, if appropriate.
- 16.6. The Solicitor will advise of the arrangements to attend Court.
- 16.7. The Solicitor will arrange for the Injunction Order and Power of Arrest to be personally served upon the perpetrator by a Process Server, unless it is agreed that the Housing Officer/Area Housing Manager will serve the Order themselves.
- 16.8. A Power of Arrest or an Exclusion Order can also be attached to the whole of the Order or to specific terms of the Order.
- 16.9. **Power of Arrest** – this gives authorisation to any Constable to arrest the person who is believed to have breached the terms of the Injunction Order to which the Power of Arrest relates, without Warrant.
- 16.10. **Exclusion Order** – this is a provision prohibiting the person subject to the Injunction Order from entering or being in any premises specified in the Injunction (e.g. his/her own home) or from any area specified in the Injunction Order.
- 16.11. **At all times, consideration should be given to the safety for members of staff.**
- 16.12. An Injunction Order is not effective unless and until it has been personally served upon the perpetrator. This should be explained to the witnesses. If a Power of Arrest is obtained, the Solicitor will ensure that a copy is sent to the relevant Police Station.
- 16.13. The witnesses shall be advised both verbally and in writing of the Injunction Order, Power of Arrest and date of return hearing at which the perpetrator will be able to attend. The witnesses shall be advised that their attendance will also be necessary.
- 16.14. Consideration shall be given to what support Bournville Village Trust can give to witnesses throughout the proceedings and witnesses shall be kept informed of any developments.

### **With Notice Injunctions**

- 16.15. If a With Notice Injunction is decided upon, Housing Officer to send to Solicitors the following documents:
- Victim's/complainant's details and confirmation as to

whether or not he/she is prepared to attend Court.

- Any statements taken from the victim/complainant.
- Details of the perpetrator including name, address and age.
- Details of the Police Officer dealing with the matter, (if appropriate), including collar and telephone numbers.

16.16. Solicitors will draft the Injunction papers and, if appropriate, Affidavits.

16.17. The Solicitor will advise about the arrangements to attend Court. Witness will be required to attend.

16.18. The Housing Officer shall advise witnesses of the injunction and any Power of Arrest in writing.

### **Breach of Injunction Order**

#### **16.19. If there is a Power of Arrest**

- If the perpetrator breaches the clause(s) of the Injunction to which it relates, the witnesses or Bournville Village Trust should contact the Police immediately. The Police will attend and arrest the perpetrator.
- If the perpetrator is arrested, he/she will be brought before the County Court within 24 hours (not including Sundays).
- The witnesses shall be informed of the arrest and that they will be required to attend Court.
- If the matter cannot be decided at that hearing, the perpetrator will either be released on bail or held on remand until the next hearing.
- The Housing Officer shall confirm the outcome of the hearing to all witnesses in writing.

#### **16.20. If there is no Power of Arrest**

- Upon receiving a report of a breach of the Injunction Order, the Housing Officer shall within 24 hours, interview the victims and make a detailed record. The Housing Officer will contact the Solicitor who will advise and draft an application for the perpetrator's committal to prison. It is imperative that such an application is supported by the evidence of at least two independent witnesses (i.e. they should not be of the same household).
- The Solicitor will arrange for the Committal Application to be personally served on the perpetrator by a Process Server. The perpetrator needs to be given at least 14 days' notice of the committal hearing.
- All witnesses must attend. If the perpetrator is not at the hearing, an Order may be made to commit him to prison and the Court will arrange for its bailiff and/or the Police to arrest the perpetrator.

## 17. **FREE-STANDING ANTI-SOCIAL BEHAVIOUR ORDERS**

### **OBJECTIVE**

To identify the process by which Anti-Social Behaviour Orders (ASBOs) may be obtained by Bournville Village Trust. This will be in a manner that is sensitive and supportive to the person(s) suffering nuisance/harassment. Partnership work is key to the successful conclusion in obtaining the ASBO and modifying behaviour.

### **DEFINITION**

See Legal Remedies Section.

### **Procedure**

#### **Case Conference**

- 17.1. If, after considering the Remedies Section, an ASBO is decided upon, a Case Conference must be convened.
- If there is evidence of witness intimidation/threats of violence, discriminatory/racial harassment, a Case Conference must be convened within two working days of the decision to pursue an ASBO.
  - If there are no emergency elements, a Case Conference must be convened within 10 working days.
- 17.2. The Housing Officer will send invitations to the Case Conference to the following bodies (if appropriate):
- Police
  - Social Services
  - Youth Offending Team
  - Education
  - Health Authority
  - Solicitors to chair the Case Conference
- 17.3. At the Case Conference, each agency will be invited to give information regarding the perpetrator, state their views on an ASBO Application and suggest terms of any Order.
- 17.4. If an ASBO is deemed appropriate, a Certificate of Consultation should be produced. Bournville Village Trust should consult with the Police.

17.5. The witnesses will be contacted to confirm the course of action being pursued and additional support discussed with them. Consider the following:

- Protection for themselves and their family – additional security measures, emergency contact equipment, closer Police liaison etc. In serious cases, it may be necessary to consider relocating the family;
- Regular contact from Housing Officer as agreed with witness;
- Support for Court appearance – briefing on Court procedures, transport and secure environment in Court away from perpetrators;
- Support after Court appearance – explanations of Order and regular contact as agreed.

### **Gathering Evidence**

17.6. Within 48 hours of the decision by the Case Conference to pursue an ASBO, the following evidence must be collated and sent to Solicitors:

- Copy of Acceptable Behaviour Contract (if appropriate);
- Witness Statements of Police Officers who have attended incidents;
- Witness Statements/diaries of victims;
- Evidence of complaints recorded by Bournville Village Trust, Police and other agencies;
- Statements from professional witnesses;
- Video CCTV or photographic evidence;
- Supporting statements or reports from other agencies;
- Previous civil procedures which are relevant;
- Previous relevant convictions.

17.7. Area Housing Manager to check Court file before sending to Solicitors.

- 17.8. Housing Officer to write to Social Services to request a core assessment of the perpetrator – assuming the individual is a minor – or a community care/mental health assessment if it is suspected that the perpetrator has mental health problems or other needs.

### **Application**

- 17.9. Solicitors will file all the appropriate documents at Court within three working days of receiving all information – if it appears that an interim without notice Anti-Social Behaviour Order is appropriate.
- 17.10. Solicitors will file all the appropriate documents at Court within 10 working days of receiving all information (if an interim without notice ASBO is not appropriate).
- 17.11. Solicitors will arrange for personal service of the documents upon the perpetrator and/or the perpetrator's parent/guardian.
- 17.12. Solicitors will notify witnesses and Bournville Village Trust staff of the Court hearing date and what is expected of them.
- 17.13. Housing Officer to support witnesses as agreed in procedure to keep in regular contact and be informed should there be any further problems.
- 17.14. The Housing Officer to arrange witnesses' attendance at Court and liaise with Court regarding any support witnesses may need.

### **Order**

- 17.15. On obtaining Order, Solicitors to copy Order to all witnesses and relevant bodies, to arrange for personal service of Order and provide Police with copies.
- 17.16. Housing Officer to keep in regular contact with witnesses to ensure that ASBO is being abided by.
- 17.17. The ASBO to be reviewed monthly and reported to the Head of Operation Services.

## 18. **DEMOTION**

### **OBJECTIVE**

To reduce the level of security of tenure to enable the tenant to be given a final chance to address their anti-social behaviour, failing which Bournville Village Trust can easily apply for a Possession Order.

### **Procedure**

#### **Secure and Assured Tenancies**

- 18.1. Upon deciding possession proceedings are appropriate, the Housing Officer shall draft a Notice of Demotion (NOD) with Solicitor's advice if appropriate.
- 18.2. If there are joint tenants, **each** tenant should be named.
- 18.3. The correct full address of the property should be inserted, together with the postcode.
- 18.4. Bournville Village Trust is required to give a full account of the incidents it is relying upon to demonstrate that the tenant's behaviour, that of members of their family or visitors, has caused a nuisance or annoyance.
- 18.5. Four weeks' notice (two weeks for assured) should be given. The Notice will be valid for 12 months.
- 18.6. Evidence should continue to be gathered.
- 18.7. Once the NOD has expired, the Housing Officer/Area Housing Manager (with advice from Solicitors, if appropriate) will need to decide whether demotion proceedings are to be issued, together with an application for an interim injunction or ASBO.
- 18.8. If they are, Solicitors should be instructed immediately. They will prepare the case for issue in the County Court.
- 18.9. Solicitors will advise of the first hearing date and whether or not the witnesses are to attend and will progress the matter to trial (if appropriate) thereafter.
- 18.10. The County Court will **not** make a Demotion Order unless it is satisfied that:
  - A tenant or a person residing in or visiting the dwelling house is engaged, or has threatened to engage, in conduct which is capable of causing nuisance or annoyance to any person and which directly or indirectly relates to or affects Bournville Village Trust's housing management function; or

- The conduct consists of, or involves using or threatening to use, housing accommodation owned or managed by Bournville Village Trust for an unlawful purpose; **and**
- It is reasonable for a Demotion Order to be made.

### **The Effect of Demoting a Tenancy**

- 18.11. The Secure Tenancy will be demoted to a “Demoted Tenancy” which will exist for a period of 12 months unless during that time Bournville Village Trust serves a Notice. The Assured Tenancy will be demoted to a tenancy akin to an Assured Shorthold Tenancy.
- 18.12. The decision to issue Possession proceedings should be made by the Senior Housing Officer.
- 18.13. The notice period for the NOP is 28 days and it will remain valid for six months from the date of service. If proceedings are not instigated during this time, the tenancy will be promoted back to secure/assured status.

### **Possession Proceedings**

- 18.14. An application should be made to the County Court for a Possession Order. This is procedural only and the making of an Order is mandatory.

### **Promotion of Security**

- 18.15. In cases where an NOP has not been served within the 12-month period, the tenant will regain his/her secure/assured status and all of his/her rights under his/her secure/assured terms and conditions of tenancy.
- 18.16. Tenants who have a protected secure tenancy with Bournville Village Trust, rather than having been granted a new secure tenancy, will not regain their secure status after demotion. Instead, a protected secure tenant would revert to an assured tenancy at this point.

19. **RENT ARREARS, POSSESSION PROCEEDINGS AND ANTI-SOCIAL BEHAVIOUR**

**OBJECTIVE**

To recover possession of a property which is lawfully occupied by a tenant and where Bournville Village Trust already has a suspended possession order in its favour and there is subsequent antisocial behaviour.

**Procedure**

**Un-breached Suspended Possession Order**

- 19.1. Where there is a rent Suspended Possession Order (SPO) and subsequent anti-social behaviour, the Housing Officer will refer the file to Solicitors who will prepare the application to the Court.
- 19.2. The application will be made on an on notice basis; the tenant will be given at least two clear days' notice of the hearing.
- 19.3. The witnesses may need to attend Court; your Solicitors will advise whether this is necessary.
- 19.4. The tenant will be given an opportunity of opposing the application and, at the first hearing, the Court may give directions which are to be followed by the parties prior to a final hearing.
- 19.5. At the final hearing, the Court will consider all of the evidence and will make one of the following Orders:
  - Replace the Suspended Possession Order with an Outright Order;
  - Re-suspend the Possession Order on terms that the tenant should abide by the relevant nuisance and/or harassment clauses of his/her Tenancy Agreement, as well as the original rent clause.

**Application to suspend a warrant**

- 19.6. If the suspension hearing is attended by a Housing Officer, he/she shall inform the Court that there is anti-social behaviour that he/she wishes the Court to take into account, and request an adjournment/directions. A detailed record should be made of the directions given by the Court. The matter should be referred to Solicitors immediately after the hearing.
- 19.7. However, if there is sufficient time, the matter should be referred to Solicitors who will prepare and serve the evidence on the tenant(s) and file it at Court.

- 19.8. The witnesses may need to attend Court; your Solicitors will advise whether this is necessary.
- 19.9. On hearing all the evidence, the Court will either dismiss the tenant's application to suspend the warrant or suspend the warrant on terms relating to both the payment of rent arrears and future behaviour.

## 20. **ANTI-SOCIAL BEHAVIOUR ORDERS IN THE COUNTY COURT**

### **OBJECTIVE**

To identify the process by which Anti-Social Behaviour Orders in the County Court may be obtained by the organisation. This will be in a manner that is sensitive and supportive to the person(s) suffering nuisance/harassment. Partnership work is key to the successful conclusion in obtaining the Order and modifying behaviour.

### **DEFINITION**

See Legal Remedies Section.

### **Procedure**

#### **ASBOs Within Possession Proceedings**

- 20.1. Upon the Housing Officer and Area Housing Manager deciding that Possession proceedings should be issued, the Area Housing Manager and Housing Officer will also consider whether an ASBO in County Court proceedings should be pursued.
- 20.2. If an ASBO is decided upon to exclude the tenant from the area should an outright Order for Possession be obtained, a Certificate of Consultation should be produced. Bournville Village Trust should consult with the Police. The Housing Officer will produce a witness statement stating the reasons for the exclusion. This should be sent to Solicitors with the paperwork, requesting Possession proceedings.
- 20.3. If an ASBO is to be pursued against an adult or child residing with a Bournville Village Trust tenant within the Possession proceedings, paragraphs 1 and 2 should be followed from the Free-Standing Anti-Social Behaviour Order Procedure.

#### **Application**

- 20.4. Solicitors will file the appropriate documents at the County Court, including the Application for Possession, within three working days of receiving all information (if it appears that an interim without notice Anti-Social Behaviour Order is appropriate).
- 20.5. If an interim without notice ASBO is not appropriate, Solicitors will, within 30 working days of receiving all information, file all the appropriate documents at the County Court, including the Claim for Possession.
- 20.6. Solicitors will arrange for personal service of the documents upon the perpetrator and/or the perpetrator's parent/guardian.
- 20.7. Solicitors will notify witnesses and Bournville Village Trust of the

Court hearing date and what is expected of them.

- 20.8. Housing Officers to support witnesses as agreed in procedure and ask to be informed should there be any further problems.
- 20.9. On obtaining ASBO, Solicitors to copy Order to all witnesses and relevant bodies, arrange for personal service of Order and provide Police with copies.
- 20.10. Housing Officers to keep in regular contact with witnesses to ensure that ASBO is being abided by.
- 20.11. The ASBO to be reviewed monthly and reported to the Area Housing Manager.
- 20.12. The breach of an ASBO is a criminal offence and, therefore, any breaches should be reported to the Police.

## 21. **SERIOUS INCIDENTS AND SERIOUS HARASSMENT PROCEDURE**

### **OBJECTIVE**

The purpose of this procedure is to establish the action that should be taken when dealing with serious incidents and cases of serious harassment. **(There is a separate procedure to follow for cases of racial harassment).**

All reports of serious incidents and/or serious harassment should be referred immediately to the Housing Officer responsible for these cases.

### **PROCEDURE**

21.1. Incidents of serious incident/harassment should be identified from:

- A report from a tenant
- A report involving a tenant
- An escalation of a routine nuisance complaint where an NSP has been served. Up until the point where an NSP is served, the nuisance procedure should be followed.

### **(REFER TO APPENDIX N FOR EXAMPLES/DEFINITIONS OF SERIOUS INCIDENTS)**

21.2. The individual reporting the incident is requested to put all the details of the incident in writing. The original copy of the paperwork is sent to the main property file.

21.3. If the information for and evidence of the serious incident or harassment are considered insufficient for any decisive action to be taken, then the Head of Housing Services will decide whether or not to support the claim. If the complaint is not supported, the complainant is to be informed in writing, stating the reason and highlighting his/her right to appeal against the decision. If the complaint is supported, a further action plan should be agreed.

21.4. For examples of the paperwork to be used see:

- APPENDICES **A, D, E, J, K and G** for **serious incidents**;
- APPENDICES coded **S1 – S3 and K** for **harassment**;
- APPENDICES **A and N** are applicable to both.

21.5. On receipt of a letter, a serious incident file should be set up, or in the case of an escalating nuisance complaint, the nuisance file is updated.

21.6. A copy of the letter is held on the relevant file and the original is sent to the main property file. All correspondence or contact regarding the case should be recorded on case files using **APPENDIX A**.

21.7. An interview should be arranged with the complainant (if necessary) within 48 hours of the complaint being received (see **APPENDIX D**).

The interview should take place within working five days (see **APPENDICES E and S1** for examples of the proformas to be used.

- 21.8. If the complainant alleges that another Trust tenant is the perpetrator of the incident or harassment, a letter must be sent out within five working days of the complaint being received, and an interview conducted in 10 days (if necessary). See **APPENDIX S2** for an example of the proforma to be used.
- 21.9. In appropriate cases, other agencies should be involved.
- 21.10. Any action plan for dealing with serious incidents and serious harassment must be discussed with and agreed by the Head of Housing Services, or equivalent in an emergency situation.
- 21.11. It is the responsibility of the Housing Officer handling the case to carry out the agreed action plan and keep the Head of Housing Services informed.
- 21.12. If it becomes necessary, and it is agreed by the Head of Housing Services and the complainant, an application for a priority transfer is to be made to the Lettings Department. Copies of the paperwork will be held on the relevant serious incidents or nuisance file, and the original copy sent to the main property file.
- 21.13. Depending on the severity of the initial issue, legal action should be considered and the most appropriate legal or non-legal remedy should be decided upon.
- 21.14. The complainant should be asked to record any further incidents in conjunction with the guidelines (see **APPENDIX J**) on the Diary Book (see **APPENDIX K**) for an agreed time scale.
- 21.15. Should no further incidents be reported during the NSP validity period, no further action should be taken.
- 21.16. Where further incidents are reported during the NSP validity period, the Trust's Solicitor will be consulted on what evidence will be required in order to gain outright possession of premises or a Suspended Possession Order (SPO).
- 21.17. Any further face-to-face interviews with the complainant should be recorded on the follow-up visits to Area Offices form (**APPENDIX N**).
- 21.18. In the event of outright possession being deemed necessary, the approval of the Head of Housing Services should be sought.
- 21.19. The Trust's Solicitor should be instructed to prepare the case for Court with all relevant information and assistance to be supplied to them by the Housing Officer.
- 21.20. Further incidents reported whilst waiting for the hearing date should be

logged and investigated.

- 21.21. Progression of cases at this stage is based on Solicitor's advice and in discussion with the Head of Housing Services. (Refer to procedure for Keeping the Serious Incidents File).

### **AUDIT TRAIL**

- 21.22. Database contains details of all cases.
- 21.23. Copies of all paperwork can be found in the individual case files.
- 21.24. All paperwork is held on main file. Copies of all letters sent, the enquiry log sheet (**APPENDIX A**), the incident details form (**APPENDIX E**), any written correspondence from tenants and follow-up visit forms (**APPENDIX N**) are sent to the main file of all properties files involved in the case as they are generated (letters), and when the case is closed (forms etc).
- 21.25. Where a case goes to Court and there is too much paperwork to be held on main file, a separate folder should be created and kept in the relevant Area Office. A file note should be sent to main file for all properties involved to indicate that the paperwork is on a separate file, and it should also be stated where this is kept.

<b>Author:</b>	Winston White
<b>Section:</b>	Housing
<b>Amendments:</b>	12/04, 02/03/05, 22/02/06, 10/04/06, 14/06/06, 24/01/07, 28/02/07, 12/03/07, 21/03/07
<b>Reviewed:</b>	01/12/05, 22/02/06

# **22. APPENDICES**

**(TO BE USED IN CONJUNCTION WITH THE  
NUISANCE AND SERIOUS INCIDENT AND  
HARASSMENT PROCEDURES AS INCLUDED IN  
THIS DOCUMENT)**

REF NO. _____	CONFIDENTIAL  <u>ENQUIRY LOG SHEET</u>	AGREED AS 2 <sup>ND</sup> STAGE BY .....HOUSING OFFICER			
<u>DATE</u>	<u>SOURCE OF ENQUIRY</u> Personal call/letter/ telephone call	<u>DETAILS OF ENQUIRY</u>	<u>ACTION TAKEN</u>	<u>PERSON WHO DEALT WITH ENQUIRY</u>	

Reference

(Date)

Name

Address

Address

Address

Address

Address

Dear

**REPORT OF NUISANCE**

I would like to confirm that your complaint dated (date) regarding (incident and address) has been received by our office and recorded as an anti-social behaviour incident.

I will now be your contact Housing Assistant for any further complaints regarding this matter and can be contacted on (insert telephone number) if required. I would like to meet you and discuss this incident in greater detail.

Please call into our offices (insert address) on (date and time).

If this appointment is inconvenient, I would be grateful if you could contact me immediately to arrange an alternative time and date.

Yours sincerely,

**HOUSING ASSISTANT**

Reference

(Date)

Name

Address

Address

Address

Address

Address

Dear

**COMPLAINT REGARDING NUISANCE**

I acknowledge receipt of your letter dated (date), regarding (incident and address).

I shall be investigating this matter and will contact you again when I have spoken with the alleged perpetrators.

If you have any further concerns relating to this matter, please contact me on (insert telephone number).

Yours sincerely,

**HOUSING ASSISTANT**

Ref:

Dear

**REPORT OF SERIOUS INCIDENT**

Further to receiving your complaint regarding (incident and address), I would like to meet you and discuss this incident in greater detail.

Please call into our offices on (date and time).

If this appointment is inconvenient, please contact me to arrange an alternative time and date.

Yours sincerely

**Winston White (Mr),  
HOUSING OFFICER.**

**REF. NO.** \_\_\_\_\_

**CONFIDENTIAL**

**INCIDENT DETAILS FORM**

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**DETAILS OF INCIDENTS (including date, who was involved and any witnesses)**

**DETAILS OF INCIDENTS (continued)**

**Are any other agencies involved? YES/NO**

If YES, please state: \_\_\_\_\_  
\_\_\_\_\_

**ACTION REQUIRED (referral, further evidence required, or visit to perpetrator etc.)**

**TENANT'S SIGNATURE:** \_\_\_\_\_

**OFFICER & TITLE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

Reference

(Date)

Name

Address

Address

Address

Address

Address

Dear

**COMPLAINT REGARDING NUISANCE**

I would like to speak to you to discuss a complaint of nuisance I have received regarding (insert general details of complaint).

Please call into our office on (date and time).

If this appointment is inconvenient, please contact me to arrange an alternative time and date.

Yours sincerely,

**HOUSING ASSISTANT**

Reference

(Date)

Name

Address

Address

Address

Address

Address

Dear

**COMPLAINT REGARDING NUISANCE**

The Trust is in receipt of a complaint/complaints about yourself/member of your family.

The incident/s that have been reported to us relate to (incident).

We have also been informed that you have made no effort to (rectify actions) when requested to by your neighbours.

Of course no-one objects to your (example of incident) but it is unacceptable to disturb your neighbours.

I refer you to clause (number and clause) of your tenancy agreement.

If you continue to act in such a way that shows no regard for your neighbours or tenancy agreement, the Trust may have no option but to take action against you or your tenancy.

It is clearly in everybody's best interest for you to ensure that there are no further disturbances of this nature.

We thank you in expectation of your co-operation.

Please contact me at the office before (five working days) if you wish to discuss this matter.

Yours sincerely,

**HOUSING ASSISTANT**

Reference

(Date)

Name

Address

Address

Address

Address

Address

Dear

**ALLEGED BREACH OF TENANCY CONDITIONS**

Further to our discussion on (date), regarding (incident), as you are aware this is a breach of your Tenancy Agreement with Bournville Village Trust and I would reiterate the following:

**The Tenant's Obligations:**

(State relevant clauses here)

The nuisance must be stopped immediately to avoid action being taken against you or your tenancy.

Yours sincerely,

**HOUSING ASSISTANT**

Ref:

Dear

**BREACH OF TENANCY CONDITIONS**

Further to my letter dated (date), and our meeting on (date), this is the second time you have been warned against (incident).

Your tenancy agreement states:

(State relevant clauses here)

Should an incident of this nature be committed by you/member of family/visitor to property again, Bournville Village Trust may have no option but to take further action against your tenancy.

This action may be in the form of serving you with a Notice of Intention to Seek Possession.

Yours sincerely,

**Winston White (Mr),  
HOUSING OFFICER**

REF. NO. \_\_\_\_\_

**CONFIDENTIAL**

**GUIDELINES FOR NUISANCE INCIDENT RECORD SHEET**

**Date and Time** – It is important that the exact time at which the nuisance started is noted down. Any breaks in the nuisance should be noted and the time at which it stopped completely.

**Nature of Nuisance** – It is important that you describe exactly what the nature of the nuisance is.

For example: Loud stereo noise  
Car repairs, banging, hammering, etc.

**Perpetrator of Nuisance** – You must state who caused the nuisance. If you do not know the person's name and address, please try to describe him/her as best you can.

**Location of the Nuisance** – Note down where the nuisance took place.

For example: NOISE – all rooms where loud music could be heard  
THREATS/HARASSMENT – in the street or elsewhere

**Extent of Nuisance** – Describe how the nuisance affected you.

For example: Were you unable to sleep? Were you frightened?

You should be aware that any information you provide in your record might form the basis of legal action carried out by the organisation against the perpetrator. Therefore, you and any other witnesses quoted in your record should be prepared to testify in Court as to the accuracy of the information.

You should also contact any other appropriate agencies to report the incidence of nuisance, for example: Police, Environmental Health Department, etc.

Evidence from other agencies will assist the organisation in providing evidence if legal action is considered appropriate.

Please be mindful that the organisation will seek to resolve any differences or nuisance cases without resorting to legal action. This may include a mediation session carried out either by a member of the organisation's staff or an independent service provider.

**DIARY BOOK**

This Diary Book must be kept from \_\_\_\_\_ to \_\_\_\_\_

(This must be no more than eight weeks)

**The complaint is about:**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

**Diary Book completed by:**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

**Contact Number:** \_\_\_\_\_

**Form to be returned to:**

**Officers Name** \_\_\_\_\_

**Office** \_\_\_\_\_

Notes

**For Office Use Only**

**Complaint Ref No.** \_\_\_\_\_

**Date Issued** \_\_\_\_\_

**Issued by** \_\_\_\_\_

**Date received completed form** \_\_\_\_\_

When completing the Diary Book you must record only the incidents you personally witness. If

several persons of the same household see the **same incident**, remember to write their name, address and relationship to you in the section: "Details of anyone who also witnessed the incident".

If several people of the same household are witnesses, one person should be the main diary keeper. All witnesses should each keep their own Diary Book to record incidents the main diary keeper did not see.

If there is more than one source of anti-social behaviour a separate Diary Book for each one is to be completed. (In the event of large groups of people causing anti-social behaviour, you may use one Diary Book to record the activities of the group providing all known details of the perpetrators are given).

It is important that you complete the Diary Book and return it to the Officer managing this case.

### Without evidence the Trust cannot take action

#### Examples of how to complete your Diary Book:

##### Incident 1:

Date: 13 / 02 / 06 Time started: 08.30 pm Time finished: 09.30 pm

##### Brief description of what happened:

Smith played music so loud that it drowned out our TV

(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

##### Details of anyone who also witnessed the incident

Mrs. Jones from flat 6

##### How did this incident affect you or make you feel?

##### Incident 2:

Date: 13 / 02 / 06 Time started: 09.36 pm Time finished: 09.38 pm

##### Brief description of what happened:

I was walking from my flat to my car which was parked in the street. Mr Smith came out of his flat, walked up to me and called me a "fat bitch" and shouted at me for parking outside his flat. I drove off with out responding to Mr Smith.

(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

##### Details of anyone who also witnessed the incident

Mrs. Jones from flat 6

##### How did this incident affect you or make you feel?

Upset

**Incident 1:**

**Date:** \_\_\_\_\_ **Time started:** \_\_\_\_\_ **Time finished:** \_\_\_\_\_

**Brief description of what happened:**

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(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

**Details of anyone who also witnessed the incident** \_\_\_\_\_

**How did this incident affect you or make you feel?** \_\_\_\_\_

**Incident 2:**

**Date:** \_\_\_\_\_ **Time started:** \_\_\_\_\_ **Time finished:** \_\_\_\_\_

**Brief description of what happened:**

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(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

**Details of anyone who also witnessed the incident** \_\_\_\_\_

**How did this incident affect you or make you feel?** \_\_\_\_\_

**Incident 3:**

**Date:** \_\_\_\_\_ **Time started:** \_\_\_\_\_ **Time finished:** \_\_\_\_\_

**Brief description of what happened:**

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(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

**Details of anyone who also witnessed the incident** \_\_\_\_\_

**How did this incident affect you or make you feel?** \_\_\_\_\_

**Incident 4:**

**Date:** \_\_\_\_\_ **Time started:** \_\_\_\_\_ **Time finished:** \_\_\_\_\_

**Brief description of what happened:**

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(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

**Details of anyone who also witnessed the incident** \_\_\_\_\_

**How did this incident affect you or make you feel?** \_\_\_\_\_

**Incident 5:**

**Date:** \_\_\_\_\_ **Time started:** \_\_\_\_\_ **Time finished:** \_\_\_\_\_

**Brief description of what happened:**

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(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

**Details of anyone who also witnessed the incident** \_\_\_\_\_

**How did this incident affect you or make you feel?** \_\_\_\_\_

**Incident 6:**

**Date:** \_\_\_\_\_ **Time started:** \_\_\_\_\_ **Time finished:** \_\_\_\_\_

**Brief description of what happened:**

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(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

**Details of anyone who also witnessed the incident** \_\_\_\_\_

**How did this incident affect you or make you feel?** \_\_\_\_\_

**Incident 7:**

**Date:** \_\_\_\_\_ **Time started:** \_\_\_\_\_ **Time finished:** \_\_\_\_\_

**Brief description of what happened:**

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(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

**Details of anyone who also witnessed the incident** \_\_\_\_\_

**How did this incident affect you or make you feel?** \_\_\_\_\_

**Incident 8:**

**Date:** \_\_\_\_\_ **Time started:** \_\_\_\_\_ **Time finished:** \_\_\_\_\_

**Brief description of what happened:**

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(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

**Details of anyone who also witnessed the incident** \_\_\_\_\_

**How did this incident affect you or make you feel?** \_\_\_\_\_

**Incident 9:**

**Date:** \_\_\_\_\_ **Time started:** \_\_\_\_\_ **Time finished:** \_\_\_\_\_

**Brief description of what happened:**

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(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

**Details of anyone who also witnessed the incident** \_\_\_\_\_

**How did this incident affect you or make you feel?** \_\_\_\_\_

**Incident 10:**

**Date:** \_\_\_\_\_ **Time started:** \_\_\_\_\_ **Time finished:** \_\_\_\_\_

**Brief description of what happened:**

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(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

**Details of anyone who also witnessed the incident** \_\_\_\_\_

**How did this incident affect you or make you feel?** \_\_\_\_\_

**Incident 11:**

**Date:** \_\_\_\_\_ **Time started:** \_\_\_\_\_ **Time finished:** \_\_\_\_\_

**Brief description of what happened:**

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(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

**Details of anyone who also witnessed the incident** \_\_\_\_\_

**How did this incident affect you or make you feel?** \_\_\_\_\_

**Incident 12:**

**Date:** \_\_\_\_\_ **Time started:** \_\_\_\_\_ **Time finished:** \_\_\_\_\_

**Brief description of what happened:**

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(Write down what you saw and heard. Write any swear words used in full. Remember to include the location of the incident)

**Details of anyone who also witnessed the incident** \_\_\_\_\_

**How did this incident affect you or make you feel?** \_\_\_\_\_

**Other information**

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**Would you be prepared to attend court to act as a witness?**

**Yes**

**No**

Please circle

If not why not

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**Declaration**

The information I have recorded in this Diary is truthful and accurate to the best of my knowledge.

I give consent to Bournville Village Trust to use the information in this Diary in any legal action taken at a later date.

I give consent to Bournville Village Trust to share information in this Diary with other relevant agencies, i.e. the Police, Environmental Health and Social Services with any legal proceedings or prospective proceedings.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Witnessed by: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Reference

(Date)

Name

Address

Address

Address

Address

Address

Dear

**COMPLAINT REGARDING NUISANCE**

Further to your complaint regarding (incident), I have now investigated this matter and have spoken with the alleged perpetrator.

(Name of person) has been advised against (incident).

I hope this matter has now been resolved.

However, should (perpetrator) continue to cause nuisance to you (or other residents), we would be obliged if you could complete the enclosed 'Diary of Incident' sheets. This will enable us to monitor the situation more closely.

These sheets should then be returned to me for my attention.

Yours sincerely,

**HOUSING ASSISTANT**

**NUISANCE ISSUES RESPONSIBILITY BREAKDOWN:**

Progression of cases that are to remain with Housing Assistants or Area Housing Officers (through legal action stage and beyond) should be through discussion and agreement with their supervisor.

**Examples of cases to be passed to specialist Housing Officer (upon reoccurrence within a three-month timescale) after 1<sup>st</sup> Stage of complaint procedure is completed:**

- Noise nuisance perpetrated by tenants (i.e. loud amplified noise, noise causing annoyance/disturbance to neighbouring tenants, at unreasonable hours etc.)
- Convictions/charges of criminal behaviour affecting other tenants or property
- Allegations of criminal behaviour affecting other tenants or property
- Neighbour disputes (other than those issues stated in Housing Officer/Assistant section)
- Groups of children/youths congregating and causing nuisance to neighbouring properties
- Threats made by tenant/s towards other tenant/s
- Harassment (i.e. targeted verbal/physical abuse, vandalism to property, noise nuisance)
- Nuisance caused by pets gaining access to neighbouring properties, fouling communal areas etc.
- Noise nuisance caused by visitors to a tenanted property
- Drunken behaviour of tenants/visitors and associated nuisance

**Examples of cases to be retained by Area Housing Officers/Assistants:**

- Dumping of or accumulation of rubbish (including rubbish/litter thrown from windows)
- Incorrect parking of vehicles
- Erection of fences, external structures (incorrect/required etc.)
- Incorrect keeping of animals (dogs in flats etc.)
- Unpleasant/dirty smells from tenanted properties
- Prevention of access to premises (i.e. locking communal door)
- Subletting of property
- Abandonment of property
- Satellite dishes
- Overgrown gardens

## SERIOUS INCIDENTS – DEFINITION & BREAKDOWN OF ISSUES:

All serious incidents, whether they have progressed from a nuisance case or have been reported directly as a serious incident/harassment case, should be dealt with by the specialist housing officer for nuisance. Any action taken should be a result of discussion with the Head of Housing Services or an Area Manager/supervisor.

## ESCALATING NUISANCE CASES:

Any second stage nuisance case that has escalated and resulted in an NSP or Court action will become a serious incident. Examples could, therefore, include any of the following:

- Noise nuisance perpetrated by tenants (i.e. loud amplified noise, noise causing annoyance/disturbance to neighbouring tenants, at unreasonable hours etc.)
- Neighbour disputes
- Nuisance caused by pets gaining access to neighbouring properties, fouling communal areas etc.
- Noise nuisance caused by visitors to a tenanted property
- Drunken behaviour of tenants/visitors and associated nuisance
- Groups of children/youths congregating on the streets and causing nuisance to neighbouring properties

### 1. SERIOUS INCIDENT AND HARASSMENT CASES:

The following incidents that are reported by a tenant, or involving a tenant, should be identified as a serious incident or harassment case from the outset:

- Incidents involving violence (assault/behaviour)
- Serious threats of violence
- Verbal or physical harassment (**PLEASE NOTE: There is a separate procedure to follow for any incidents of Racial Harassment**)
- Drug dealing
- Convictions/charges of criminal behaviour affecting other tenants or property (robbery, burglary, car theft on the estate or against tenants/residents etc.)
- Allegations of criminal behaviour affecting other tenants or property (robbery, burglary, car theft on the estate or against tenants/residents etc.)
- Harassment caused by vandalism to a tenant's property
- Sexual assault/exposure/intimidation

The above list is not exhaustive and the Housing Officer should, in discussion with their supervisor, use their own judgement when deciding how to treat cases that do not fall into the above list.

**APPENDIX 0**

Reference

(Date)

Name

Address

Address

Address

Address

Address

Dear

**ALLEGED BREACH OF TENANCY CONDITIONS**

Further to my letter dated (date), and our meeting on (date), this is the second time you have been warned against (incident).

Your tenancy agreement states:

(State relevant clauses here)

Should an incident of this nature be committed by you/member of family/visitor to property again, Bournville Village Trust may have no option but to take legal action against you or your tenancy.

Yours sincerely,

**HOUSING OFFICER**

Reference

(Date)

Name

Address

Address

Address

Address

Address

Dear

**COMPLAINT REGARDING NUISANCE**

I write to acknowledge receipt of your letter/Diary Book, received by our offices on (date), regarding the above.

I will contact you again in due course.

Yours sincerely,

(Insert Housing Officer's name and role)

**REF NO.** \_\_\_\_\_

**CONFIDENTIAL**

**FOLLOW-UP VISITS TO AREA OFFICE**

The purpose of this form is to act as a record of any follow-up visits to a victim of harassment. (Please note: This form is for follow-up visits only. The first time a victim reports harassment, the H1 form should be completed or, in the case of serious incidents, APPENDIX B). It should be filled in by the Officer investigating the report of harassment. If that person is not available, the form should be completed by another Officer and passed onto the investigating Officer as soon as possible.

Name of victim \_\_\_\_\_

Address \_\_\_\_\_

---

Report of visit
Action agreed

**Name of Victim (or member of Victim's household)**

\_\_\_\_\_

**Name**

**Signature**

\_\_\_\_\_

**Title**

**Date** \_\_\_\_\_

**Name & title of Officer completing the form**

\_\_\_\_\_

\_\_\_\_\_

Reference

(Date)

Name

Address

Address

Address

Address

Address

Dear (Name),

**COMPLAINT REGARDING (NATURE OF COMPLAINT)**

Further to the above, brought to the attention of the Trust (month and year), I write to inform you that, as no further complaints have been received within the last three months, this case has now been closed.

All paperwork and information has now been forwarded to your main file.

Yours sincerely

**(Name)**

**HOUSING OFFICER/ASSISTANT**

Ref. No. \_\_\_\_\_

**CONFIDENTIAL**

**HARASSMENT – REPORT OF INCIDENT**

This form should be completed when an incident of harassment is first reported.

The purpose of completing the form is to obtain further details about harassment, to search for evidence of harassment, to obtain names of any witnesses, and to plan further action needed.

It should be filled in by a Housing Officer using information supplied by the person reporting the harassment.

**1. NAME & ADDRESS OF VICTIM**

i) Name of victim \_\_\_\_\_

ii) Address \_\_\_\_\_

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iii) Tel: \_\_\_\_\_

iv) If someone other than the victim has reported the case, please record his or her name and address.

Name of the person reporting the incident \_\_\_\_\_

Address \_\_\_\_\_

**2. FAMILY DETAILS OF VICTIM'S HOUSEHOLD**

i) Please state the ages of all members of your household and their relationship to you.

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- |                       |                          |                   |                          |
|-----------------------|--------------------------|-------------------|--------------------------|
| One parent family     | <input type="checkbox"/> | Two parent family | <input type="checkbox"/> |
| Single person         | <input type="checkbox"/> | Childless couple  | <input type="checkbox"/> |
| Person/couple over 60 | <input type="checkbox"/> | Other             | <input type="checkbox"/> |

**3. DETAILS OF VICTIM'S PROPERTY**

i) What type of property do you live in? \* Delete as appropriate

House/Flat/Maisonette/Bungalow \*

If Flat or Maisonette, please state floor level \_\_\_\_\_

**4. DETAILS OF HARASSMENT**

i) Has the harassment consisted of any of the following?

Racist graffiti



**5. DETAILS OF WITNESSES**

Are there any witnesses to the recent incident of harassment described?

YES  NO

If YES, please give us their names and addresses.

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Tel: \_\_\_\_\_

Names \_\_\_\_\_

\_\_\_\_\_ Tel: \_\_\_\_\_

Are these witnesses related to you/the victim YES  NO

If YES, please state \_\_\_\_\_

**6. DETAILS OF PERPETRATOR**

i) Do you know who is causing the harassment?

YES  NO

ii) If YES, Name of alleged perpetrator \_\_\_\_\_

Address \_\_\_\_\_

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iii) If no, can you describe the perpetrator?

Do you know the area where they live?

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iv) Ethnic origin of alleged perpetrator, if known;

v) Alleged perpetrator's household type, if known.

**BLACK**

1 Afro Caribbean

One parent family

2 Asian (inc. African Asian)

Two parent family

3 Chinese

Childless couple

- under 60
- 4 Other (including mixed race)  Single person
- Children/Youths

**WHITE**

- 5 European (including United Kingdom & Eire)  Person/couple over 60
- 6 Other (including mixed race)  Other
- 7 Not known

**TO BE COMPLETED BY THE HOUSING OFFICER**

Are the perpetrators Trust tenants/children of tenants ?

Yes  No

**7. INVOLVEMENT OF OUTSIDE AGENCIES**

- i) Have you reported this incident to the Police ? YES  NO

If yes, name of Officer \_\_\_\_\_

Station reported to \_\_\_\_\_ Crime No: \_\_\_\_\_

What was the Police response? \_\_\_\_\_

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ii) If not, do you agree to the Police being contacted?

YES  NO

If NO, why do you not want the Police contacted?

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Do you agree to/or want the Trust to approach the perpetrator?

YES  NO

If NO, why do you not want the Trust to approach the perpetrator?

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Do you agree to the Trust taking Legal action against the perpetrator, if necessary ? YES  NO

Do you agree to appear as a witness in Court if necessary ? YES  NO

iii) Do you wish any of the following agencies to be informed of your complaint?

Social Services

Birmingham Racial Attacks Monitoring Unit

Birmingham Community Relations Council

Education Department

Other Organisation (please specify)

---

iv) Are any other agencies already involved? YES  NO

If YES, please give details of the agencies involved and the people you have spoken to:

<u>Organisation</u>	<u>Contact Person</u>	<u>Telephone No.</u>
Social Services	_____	_____
Birmingham Racial Attacks Monitoring Unit	_____	_____
Community Relations Council	_____	_____
Ward Councillor/MP	_____	_____
School	_____	_____
Other organisation	_____	_____
(Please specify)	_____	

(If the victim does not have details of contact persons and phone numbers, the Housing Officer should make further investigation to obtain these details).

## 8. CURRENT PROPERTY

Do you feel it is necessary to transfer to a different property because of the harassment you have reported? YES

NO

If YES, the victim should be informed that if the Trust agrees to a transfer it will be on a “like-for-like” basis, and only when a property of this type becomes available.

**9. OTHER RELEVANT INFORMATION**

Please include any other details that may be important. For example, language difficulties, health problems, support from relatives:

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**10. RACIAL ORIGIN OF VICTIM**

Which racial group do you think you/the victim of harassment belongs to?

	<b>BLACK</b>	<b>YOU</b>	<b>YOUR PARTNER</b>
1 Afro Caribbean		<input type="checkbox"/>	<input type="checkbox"/>
2 Asian (Including African Asian)		<input type="checkbox"/>	<input type="checkbox"/>
3 Chinese		<input type="checkbox"/>	<input type="checkbox"/>
4 Other (including mixed race)		<input type="checkbox"/>	<input type="checkbox"/>

**WHITE**

5 European

6 Other (including  
mixed race)

Signature of person reporting  
the racial harassment

Name of Housing Officer

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

**OFFICER'S ACTION PLAN**

Please give details of the action to be taken following this interview. The action to be taken should be explained carefully to the victim either at the end of the interview or as soon as possible after the interview.

**Details:** This could include e.g. date, repairs ordered, name of Police station to be contacted.

Repairs/graffiti removal

\_\_\_\_\_

Police to be contacted

\_\_\_\_\_

Outside agencies to be

*File Name: Anti-social behaviour procedure*

contacted	<input type="checkbox"/>	_____
Transfer to be considered	<input type="checkbox"/>	_____
Contact perpetrator	<input type="checkbox"/>	_____
Legal action	<input type="checkbox"/>	_____
Other action	<input type="checkbox"/>	_____

Name & title of Officer completing the form:

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

This form should be kept on the 'SERIOUS COMPLAINTS FILE' and a copy sent to the main file.

**TO BE COMPLETED BY THE HEAD OF HOUSING SERVICES**

Is the action to be taken appropriate      **YES**       **NO**

If NO, what action is recommended? \_\_\_\_\_

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**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Name of Officer Dealing with Case** \_\_\_\_\_

**Title of Officer** \_\_\_\_\_

**APPENDIX S2**

**DETAILS OF INTERVIEW WITH ALLEGED PERPETRATORS OF NUISANCE/HARASSMENT**






**Tick as necessary:**

**Allegations denied**

**Counter complaint received**

**Mediation to be arranged**

**Date of Interview:**

\_\_\_\_\_

**Signature of Officer:**

\_\_\_\_\_

**Signature of all alleged Perpetrator(s):**

\_\_\_\_\_

**Action now required:**

\_\_\_\_\_

**REF NO.** \_\_\_\_\_

**HARASSMENT – SUMMARY RECORD OF ACTION TAKEN**

This form is to act as a summary record of the action taken in a harassment case. It should be completed by the Officer who has investigated the case. It should not be completed until the case is closed.

**IMPORTANT:** The harassment case cannot be declared closed without the agreement of the victim and the Director of Housing Services and Development/Head of Housing Services.

**1. Name and Address of Victim**

i) Name of victim \_\_\_\_\_

ii) Address \_\_\_\_\_

\_\_\_\_\_

**2. Action taken against the perpetrator**

i) Was the perpetrator identified ?      YES     NO

If NO, what action was taken to identify the perpetrator ?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If YES,

- a) Please give the name and address. If the perpetrator was forced to move owing to action taken in connection with the racial harassment, please state his/her current address.

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

b) Was the perpetrator a Trust tenant?      YES     NO

c) What action was taken against the perpetrator?

Please tick appropriate box(es)

Visit to perpetrator

Verbal warning

Written warning

NSP served

Eviction obtained

Legal action

Other action (Please specify) \_\_\_\_\_

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d) Were the Police involved in the case?      YES     NO

If YES, Name of Police Offer \_\_\_\_\_

Name of Police Station \_\_\_\_\_

What action was taken by the Police? \_\_\_\_\_

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**3. Action to support the victim?**

Please tick the appropriate box(es) of any action taken to support the victim.

Victim visited

Repairs/graffiti removed

Transfer arranged

Police contacted

Other outside agency contacted

Physical security measures provided

Other action (Please specify)

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Name and title of Officer completing the form:

**NAME** \_\_\_\_\_

**TITLE** \_\_\_\_\_

**DATE** \_\_\_\_\_

This form should be kept on the SERIOUS COMPLAINTS FILE. A copy of the form should be sent to the Main File.

FLOWCHART OF PROCEDURE FOR INVESTIGATION OF COMPLAINT

