



Office of the  
Deputy Prime Minister  

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Creating sustainable communities

# Anti-social Behaviour: Policy and Procedure

Code of guidance for  
local housing authorities  
and housing action trusts

August 2004

# housing



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August 2004

Office of the Deputy Prime Minister: London

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## Ministerial Foreword

No one should underestimate the sheer misery and disruption that the abusive and destructive behaviour of a small minority can wreak on individuals and the wider community. Tackling anti-social behaviour is a key part of delivering the Sustainable Communities Plan, which seeks to improve the quality of life of people by providing better places to live, with the right homes, jobs and services. Renewing our housing and improving services will not be enough if some people continue to feel threatened in those homes or intimidated on the streets.

We all have to be prepared to adopt new approaches and learn from each other and the communities we serve if we are to strengthen neighbourhoods and help people living within them feel more secure. Local housing authorities and Housing Action trusts, working in partnership with tenants and other agencies, play a vital role in creating and sustaining communities in which everyone can be proud.

The Government has worked to ensure that social landlords and the agencies with which they work have the necessary powers and tools to deal swiftly and effectively with anti-social behaviour. Landlords and agencies have a key role in identifying the nature of problems their tenants face and must use the tools they have been provided with to counter those problems effectively.

Across the country, a wide range of innovative approaches are being deployed to tackle a diverse and complex range of problems, involving a mixture of prevention, enforcement and support. The challenge is to build on this and ensure that the benefits that multi-agency partnerships bring are maximised and that tenants and the wider community understand what you as social landlords can do to help them.

The preparation and publishing of your policies and procedures should provide an opportunity to explore those new approaches, review old ones and to demonstrate how you are working to tackle anti-social behaviour, so that people feel increasingly empowered to 'take a stand' with you to improve their own quality of life and that of their community.

A handwritten signature in black ink, appearing to read 'Keith Hill'.

Rt. Hon. Keith Hill MP  
Minister of State for Housing and Planning

# CHAPTER 1

## Introduction

### Purpose of the Code

1.1 The First Secretary of State is issuing this Code of Guidance to local housing authorities and Housing Action Trusts (HATs) in England for the purposes of Section 218A(7) of the Housing Act 1996 ('the 1996 Act').

1.2 Section 218A of the 1996 Act was inserted by Section 12 of the Anti-Social Behaviour Act 2003 ('the 2003 Act'). It requires landlords that are local housing authorities, HATs and registered social landlords (collectively referred to as 'social landlords') to prepare and publish policies and procedures in relation to anti-social behaviour ('ASB').

1.3 Each social landlord must publish a Statement of their policies and procedures, and an associated Summary not later than 6 months after the commencement of Section 12 of the 2003 Act – this means by 30 December 2004.

1.4 Guidance under s.218A(7)(a) may be issued to local housing authorities in Wales by the National Assembly for Wales.

1.5 S218A(7)(b) requires registered social landlords to have regard to guidance issued to them in England by the Housing Corporation and in Wales by the National Assembly for Wales.

1.6 This Code gives guidance on how local housing authorities and HATs ('landlords') in England should prepare and review their policies and procedures in relation to anti-social behaviour. Landlords must have regard to this guidance in accordance with s218A(7) of the 1996 Act. In so far as it comments on the law it can only reflect the Department's understanding at the time of issue.

### Who is the code for?

1.7 The Code is issued specifically for local housing authorities, HATs and their staff. It will also be relevant to any person or organisation such as an Arms Length Management Organisation (ALMO) or Tenant Management Organisation (TMO) managing housing stock on behalf of a local housing authority.

1.8 The Housing Corporation issues separate guidance on the publication of Anti-social behaviour policies and procedures for Registered Social Landlords in England. The National Assembly for Wales issues guidance for social landlords in Wales.

## The legislation in context

1.9 The Anti-social Behaviour Act 2003 was designed to extend powers to tackle ASB in local communities. Part 2 deals specifically with social housing. It includes measures developing the use of injunctions, and introduces demoted tenancies.

1.10 In addition to Part 2 of the Anti-social Behaviour Act 2003 local housing authorities and HATs should also ensure that their policies and procedures are compatible with obligations imposed on them by other existing legislation, including, but not limited to:

- Children Act 1989 (in particular S.27)
- Crime and Disorder Act 1998
- Disability Discrimination Act 1995 (in particular S.2)
- Homelessness Act 2002
- Race Relations Act 1976 (in particular s71)
- Human Rights Act 1998.

1.11 The policies and procedures which local housing authorities and HATs produce should be seen in the context of their overall responsibilities.

1.12 The Statement of Policy and Procedures should be compatible with the local housing authority's homelessness strategy (see Section 1 of the Homelessness Act 2002). It should also be compatible with the local housing authority's housing strategy, produced under s87 of the Local Government Act 2003.

1.13 Local authorities, and other responsible authorities, have a duty to publish a strategy for addressing crime and disorder. They also have a duty to combat the misuse of drugs in the locality. These duties are detailed under section 6 of the Crime and Disorder Act 1998. The landlord's Statement of Policy and Procedures on ASB should acknowledge and complement the priorities of the local strategy.

1.14 Section 71 of the Race Relations Act 1976 requires local authorities and housing action trusts to have due regard to the need to eliminate unlawful racial discrimination, promote equality of opportunity and promote good relations between people of different racial groups. The aim of this provision is to make the promotion of racial equality central to the way relevant services are designed and delivered. Local authorities and housing action trusts are also required to publish a race equality scheme every three years. Any policy and procedure on ASB should have regard both to the wider duties imposed on public bodies in terms of race relations, and to the landlord's own race equality schemes.

# CHAPTER 2

## Landlord's obligations under s.218A Housing Act 1996, as introduced by s.12 Anti-social Behaviour Act 2003

### Introduction

2.1 This chapter sets out the statutory obligations which are laid on local housing authorities and HATs under s.218A Housing Act 1996, as introduced by s.12 Anti-social Behaviour Act 2003. It provides information on the way in which those obligations should be discharged.

### What kind of behaviour is covered?

2.2 For the purposes of the duties imposed by section 218A of the Housing Act 1996, anti-social behaviour is any conduct to which sections 153A(1) and 153B(2) of the 1996 Act apply. These sections apply to conduct which:

- is capable of causing nuisance or annoyance to any person; and
- directly or indirectly relates to or affects the housing management functions of a relevant landlord; or
- consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.

2.3 This definition is contained in section 218A(8) of the Housing Act 1996 inserted by the Anti-social behaviour Act 2003. It is wide enough to encompass most landlords' own understanding of anti-social behaviour.

2.4 Those persons to whom the conduct may cause annoyance or nuisance include anyone who has a right to live in property owned or managed by the landlord, those living in any other property in the neighbourhood (for example owner occupiers, tenants of other landlords) and anyone else lawfully in such property or in the locality, for example working or using local facilities.

2.5 The housing management function of the landlord covers any activity that the landlord would undertake in the day to day and strategic management of the stock. Examples include tenant and community participation, maintenance and repairs, rent and rent arrears collection, neighbourhood management and dispute resolution. Matters which 'indirectly affect' the housing management function could be said to include social care and housing support, environmental health and refuse collection and other services provided that enable the efficient operation of the landlord function.



## Statement and Summary of Policies and Procedures on ASB

2.6 S218A of the 1996 Act requires local housing authorities and HATs ('the landlord') to prepare a policy and procedure on ASB and publish the following documents:

- Statement of Policy and Procedures on ASB ('the statement'); and
- Summary of current policy and procedures on ASB ('the summary').

(a) The Statement of Policies should outline the landlord's general approach to ASB and also include specific policies. For example, these could relate to the landlord's commitment to eradicating ASB, the obligations of tenants, support for witnesses of ASB, racial harassment, domestic violence, multi-agency partnerships and the use of available legal remedies.

(b) The Statement of Procedures should outline the landlord's procedures when dealing with occurrences of ASB. For example, it could include information on how and to whom a complaint of ASB should be made, how contact will be maintained with the complainant, and how the progress of the case will be monitored. It should contain sufficient information to enable a tenant to understand how the landlord will deal with a complaint of ASB and what is expected of the tenant.

## Publishing and reviewing the Statement and Summary

2.7 Landlords are required to publish the Statement and the Summary within 6 months of the commencement of section 12 of the 2003 Act, that is, 30 December 2004. Further details on the requirements to publish the Statement and Summary are outlined in paragraphs 5.2 to 5.3 below.

2.8 Publication may be in a variety of formats, including publication on a website, at the landlord's discretion. However, the Statement must also be available in printed hard copy form and should also be available in translation and alternative formats (for example in Braille and large print).

2.9 The landlord is required to review the Statement and when it thinks appropriate, revise the Statement. It is up to the Landlord when the Statement is reviewed, however annual reviews are suggested. The Statement and the Summary should be re-published whenever they become outdated.

2.10 Revisions to the statement may be by way of supplements, updates or corrections to the published version. However, landlords must ensure that the Statement is at all times comprehensive, clear and accessible to readers.

## Consultation

2.11 Section 218A does not specifically refer to consultation in connection with landlords' policies and procedures on ASB. However under s.105 of the Housing Act 1985 (the 1985 Act), landlords are required to consult their secure and demoted tenants about matters of housing management, and changes in the practice or policy of the authority. This will include the management of anti-social behaviour which directly or indirectly affects the landlord's management of its stock, and therefore the production of policies and procedures under s.218A of the 1996 Act. Similar provisions apply to introductory tenants by virtue of s.137 of the 1996 Act.

2.12 If a review of the Statement under 218A(4) results in proposed changes to the policies and procedures, these will also be subject to consultation under 105(3)(b) of the 1985 Act and s.137 of the 1996 Act. There is no requirement to consult on changes to the Summary resulting from changes to the Statement, however it is good practice to involve the community in any changes that might be made.

2.13 A collaborative approach to the preparation of the policies and procedures on anti-social behaviour is encouraged and this can be achieved through consultation. Local housing authorities should consult tenants in line with arrangements established by Tenant Participation Compacts. It is suggested that, in addition to their tenants, landlords may like to consult the following:

- Tenants' groups or other participation structures
- Tenant Management Organisations (TMOs)
- Their staff and other housing management organisations
- The wider local community, including the business community
- Stakeholder groups, including organisations representing young people, the elderly, Black and ethnic minority communities, lesbians and gay men, people with disabilities and any other significant local communities
- Other agencies or services, including social services, education services, youth offending teams, health services and the police
- Local housing advice centres and the Citizens Advice Bureau
- Local leisure facilities, e.g. sports centres, parks, open spaces.

# CHAPTER 3

## Content of Statement of Policies

### Definition of anti-social behaviour

3.1 The Statement should include a description of the type of conduct that can amount to anti-social behaviour (ASB). It is suggested that examples of behaviour that would fall within the definition of ASB (see paragraph 2.2 above) are included.

3.2 A non-exhaustive list of examples could include:

- noise nuisance (for example, loud parties, shouting, noise from TVs, radios, Hi-fi's and burglar alarms);
- intimidation and harassment;
- local environmental quality issues (for example, litter, dog fouling, graffiti, fly tipping and nuisance vehicles);
- aggressive and threatening language and behaviour;
- actual violence against people and property;
- hate behaviour that targets members of identified groups because of their perceived differences (for example, race and ethnicity, gender, age, religion, sexual orientation, mental health or disability); and
- using housing accommodation to sell drugs, or for other unlawful purposes.

3.3 Anti-social behaviour may or may not constitute criminal activity. The key determinant in deciding whether particular behaviour is anti-social or not should be the impact of the behaviour on others.

3.4 The landlord may wish to give further examples of the types of behaviour that could constitute ASB and to include the classification of incidents it uses in monitoring ASB. This will help to establish for the reader what types of behaviour the landlord considers to be anti-social. The Statement should assist readers in establishing whether the behaviour they are complaining of, or are engaging in, is likely to constitute ASB.

### General policy statement of approach to anti-social behaviour

3.5 This should set out the landlord's aims, attitude and general approach to anti-social behaviour, for example to communicate clearly what standards of behaviour are acceptable. It could also identify what specific commitments the landlord is making to its tenants or the wider community in terms of dealing with ASB, and what service standards can be expected.

3.6 Landlords should describe the range of services that they offer on ASB, and how these will deliver a proportionate and flexible response to challenges that ASB presents. They should also explain how these services fit within the landlord's organisational structure.

## **The strategic context**

3.7 The Statement should set out the strategic context of the landlord's policies and procedures on ASB, and how they relate to existing statutory obligations (see paragraphs 1.9 to 1.14). This should include the relationship between the landlord's policies and procedures in relation to ASB and the strategic priorities established by the relevant Crime and Disorder Partnership.

## **Obligations of tenants**

3.8 Landlords should set out the standards of behaviour that are expected of tenants, those who live with them, and their visitors. The tenant's responsibility for the behaviour of people who live with them and visit them should be made clear. Reference should be made to any tenancy clauses relating to ASB or nuisance.

## **Specific policies to be included in the Statement of Policy**

3.9 Specific policies that have been adopted by the landlord to deal with ASB should be outlined in detail in the Statement of Policy. Examples of the types of policy landlords should consider including are set out below.

### *Support of complainants and witnesses*

3.10 In the First Secretary of State's view landlords should support complainants by dealing with their complaint promptly, keeping them informed of any developments relating to their complaint and referring them to appropriate support services, where necessary. The Landlords' policies to support complainants should be included in their Statement of Policies.

3.11 Effective witness support is about setting up systems and adopting approaches that seek to improve success rates in tackling cases of anti-social behaviour, whilst boosting the morale and confidence of the witness, the agencies involved and the wider community. In doing so, the safety and well being of victims and witnesses must come first.

3.12 The Statement of Policy should set out the landlord's policy on the provision of support to complainants and witnesses throughout all stages of the process from report, to court, remedy and beyond; for example, this might include:

- Being clear about how incidents of anti-social behaviour can be reported
- Making reporting channels as simple as possible
- Discussing and planning every stage of any legal action with witnesses

- Providing details of an emergency out of hours contact
- Informing relevant officers, (caretakers, wardens etc) so they can keep a 'look out'
- Risk assessment of the witnesses home environment and provision of protection measures (installation of new locks, panic buttons etc)
- Facilitation of transport and accompaniment/escort to court
- Provision of support at court
- Provision of ongoing support following resolution of legal action or other measures.

### *Professional witness schemes*

3.13 These are innovative schemes involving the use of trained volunteers from staff and partnership contacts to gather evidence of ASB that they have witnessed and to support witnesses. The schemes allow greater flexibility in the gathering of evidence in court cases, especially when witnesses of ASB are reluctant to provide evidence in court proceedings. If a landlord has a professional witness scheme, then policies relating to the scheme should be included in the Statement of Policy.

### *Racial and other harassment policies*

3.14 Incidents of harassment could fall within the description of ASB (see paragraph 2.2) and should be addressed by landlords in the policy statement.

3.15 Local housing authorities are required to publish Race Equality Schemes. Policies on ASB and should have regard to the duty to promote race equality (see paragraph 1.14).

3.16 The First Secretary of State would anticipate that housing authorities reflect in their Statement of Policies and Procedures their policies for dealing with reported incidents of racial harassment, and have policy and procedural commitments to:

- Eliminate unlawful discrimination and harassment;
- Promote good relations between people of different racial groups;
- Maximise the reporting of incidents that are racially motivated;
- Support complainant's and their families; and
- Take action against perpetrators.

### *Domestic violence policy*

3.17 Domestic violence committed by a tenant, family member or visitor in social housing could fall within the description of ASB outlined in paragraph 2.2. Landlords should reflect in their Statement of Policies and Procedures their policies for dealing with complaints of domestic violence. In doing so, landlords should be mindful of the need to ensure that the victim is supported in accessing remedies specifically designed to deal with domestic violence (for example, non-molestation orders). The use of measures designed to tackle ASB (for example ASBOs), should normally only be used where the relevant Police Domestic Violence Unit has been consulted and there is no other option available in order to provide protection and prevent the impact on the wider community.

3.18 When including in their statement their policies on complaints of domestic violence, landlords may wish to make reference to separate policy documents on domestic violence.

### *Prevention of ASB*

3.19 Prevention should be an essential part of the landlord's approach to ASB. Many landlords are already involved in initiatives that focus on prevention of ASB. Where these exist, the Statement of Policies should set out the range of initiatives and the general purpose of those initiatives.

3.20 Examples of such measures include the following:

- Mediation services provided directly by the landlord or in conjunction with another agency;
- Uniformed warden patrols;
- Diversionary projects for youths such as football clubs or IT drop-in centres;
- Reward schemes for tenants with a record of a well conducted tenancy;
- Structured interviewing of juveniles to establish ways forward in tackling their behaviour;
- Use of Acceptable Behaviour Contracts;
- Multi-agency partnerships (see paragraphs 3.28 to 3.32 below); and
- Floating support/tenancy support schemes.
- Designing out Crime.

3.21 Further information on preventative measures as well as a collection of best practice in tackling anti-social behaviour can be found at [www.together.gov.uk](http://www.together.gov.uk). Practitioners may also wish to contact the Together Actionline (0870 220 2000), which can provide advice across the range of anti-social behaviour issues.

### *Rehabilitation of perpetrators and support for vulnerable groups*

3.22 In considering the most effective options for the protection of tenants and the wider community from ASB landlords should consider the positive impact that support might have on perpetrators. The provision of support will be particularly relevant when considering issues of ASB that are a consequence directly or indirectly of one or more of the following factors:

- Drug use
- Alcohol use
- Mental health
- Disability.

3.23 It is important to note that the majority of people who fall within these vulnerable groups are not perpetrators of ASB and may also be victims of ASB.

3.24 Tenants whose anti-social conduct is a consequence of one or more of the issues listed above may sometimes require support in maintaining their tenancies. Adopting effective interventions by specialist agencies can help ensure that key professionals are involved at the earliest possible stage to prevent or manage issues as they arise. Specialist agencies may include, but are not limited to, the local community health team, drug action teams and community-based organisations such as drug and alcohol support and mental health services. The Statement of Policy should set out the landlord's policy on the provision of support to perpetrators. This might include:

- The role of multi-agency partnerships [See paragraphs 3.28–3.32]
- Delineation of key roles and responsibilities
- Protocols and planning

3.25 Landlords should consider what actions they can take to achieve long-term changes in the behaviour of perpetrators, and to prevent displacement of anti-social behaviour.

3.26 Some landlords and other agencies have developed rehabilitation projects that attempt to engage tenants whose behaviour has not been successfully changed by preventative work and enforcement action.

3.27 Juvenile perpetrators often experience problems with their family and school. The landlord should try to ascertain the causes of the juvenile's ASB and consider involving their parents/guardians, if appropriate, and possibly obtaining information from their school or other appropriate agencies, for example, Youth Offending Teams. Landlords should ensure that the local social services department carry out an assessment pursuant to s17 of the Children Act 1989 to identify whether a child is a 'child in need' necessitating the provision of services to that child and/or his/her family to meet those needs. This assessment should normally be carried out before any specific enforcement action is taken against the young person (e.g. an application for an ASBO). Landlords are encouraged to use acceptable behaviour contracts with juvenile perpetrators, as they can be particularly effective. The landlord's policy to support juvenile perpetrators should be included in the Statement of Policy.

### ***Multi-agency partnerships***

3.28 Landlords do not operate in isolation. They are part of a wider community, and will share the problems and challenges of that wider community. ASB is a complex phenomenon, and it is unlikely that the causes or solutions to it will lie solely within the remit of a single organisation.

3.29 Multi-agency partnerships involve landlords working with residents and local agencies such as the police, neighbourhood wardens, youth offending teams, schools, health services, drug action teams, social services and probation services. The development of multi-agency partnerships can be an effective way to prevent and combat ASB. Landlords may also wish to include coverage of any partnership arrangements with private landlords in order to tackle ASB across tenures.

3.30 A co-ordinated approach by specialist agencies to provide perpetrators of ASB with the support that they may need can assist in their rehabilitation. Effective interventions by specialist agencies can prevent landlords from having to take legal action in relation to ASB.

3.31 The First Secretary of State encourages the development of multi agency partnerships by landlords as they have proven to be an effective tool against ASB.

3.32 A summary of the landlord's policies on multi-agency working and the extent of the landlord's work with other agencies in relation to ASB should be set out in their statement of policy, along with details of any relevant organisations of which the landlord is a member.

### ***Working with other organisations managing local authority housing***

3.33 ALMOs, TMOs or housing management contractors (including PFI contractors) may be managing some or all of the landlord's housing. They should be involved in the preparation of the authority's policies and procedures as these may have implications for the housing management responsibilities they carry out under their management agreement with the authority.



3.34 It is important that housing management service providers are clear about their roles and responsibilities under the authority's Statement of Policies and Procedures, and there are robust working arrangements in place covering procedures for information sharing, handling and monitoring complaints and dealing with perpetrators.

### *Data protection and information exchange*

3.35 Tackling ASB depends upon robust information exchange between all agencies (both statutory and non-statutory) involved. Whilst landlords should be mindful of their responsibilities under Data Protection Act 1998 it should not be seen as a complete barrier to sharing any information. If landlords are unclear about their obligations and responsibilities under the Act they should contact the Information Commissioner, [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk).

3.36 The Statement of Policy should outline what protocols the landlord has in place for sharing information with other agencies. It should make clear what type of information might be shared, with whom, and for what purposes.

### *Sharing information with tenants and the wider community*

3.37 Publicity may take the form of local media coverage or targeted leafleting. Publicity can assist landlords and the agencies with which they work in reassuring their tenants and the wider community that action is being taken to tackle ASB, through, for example, the publicising of successful resolution of cases. This may also act as a deterrent to others whose nuisance behaviour impinges on the quality of life of others. It can also provide tenants with the information they require to enable them to report any breaches of injunctive measures which may have been served upon perpetrators (where the court has not imposed reporting restrictions). The Statement of Policy should set out the landlord's policy on publicity where relevant.

### *Confidentiality*

3.38 Complainants may well be concerned that their complaint could lead to retaliation by the perpetrator and may provide information to the landlord on the basis that it is confidential. The Statement of Policy should set out the landlord's policy on confidentiality, particularly in relation to the identity of complainants and whether their permission will be sought prior to the disclosure of information to the perpetrator, legal representatives or other interested parties.

3.39 Information relating to complainants and perpetrators may be shared with other agencies for the purpose of the preventing ASB or crime. Where protocols on information sharing exist, the implications on confidentiality of information should be clearly explained in the Statement of Policy.

### ***Cross-tenure issues***

3.40 The powers and responsibilities that landlords have to tackle ASB extend beyond their own sector and housing stock. Landlords may act to protect owner-occupiers or those in other tenures from the actions of tenants, and equally, may take action against people in other tenures to protect their tenants.

3.41 Landlords can contribute to cross-tenure approaches at a strategic level, for example through their involvement in Crime and Disorder Reduction partnerships (CDRPs), multi-agency partnerships and sharing information with other agencies or landlords. The Statement of Policy should reflect their strategic and operational involvement in such cross tenure approaches.

### ***Protection of staff***

3.42 Unfortunately employees of the landlord or others not directly employed but who may be employed in connection with the exercise of the relevant landlord's housing management functions, may from time to time be threatened, abused or harmed in the course of their normal duties or when specifically tackling ASB. The Statement of Policy should provide details of the landlord's policy on the protection of staff and the legal remedies which the landlord may use to protect them.

### ***Training of staff in dealing with ASB***

3.43 In tackling anti-social behaviour it is important that practitioners have the confidence and knowledge to identify and investigate incidents and reports of anti-social behaviour and are equipped to take appropriate action. The Statement of Policy should provide details of landlord's training programmes in respect of ASB, this might also include broader 'awareness raising' work with tenants.

### ***Information on other relevant policies***

3.44 The Statement of Policy should include reference to any other relevant landlord policies, including:

- related policies, such as how the authority proposes to take into account 'unacceptable behaviour' in allocating its property, or
- other policies, which do not specifically relate to ASB, for example, equal opportunities policies, tenant participation and consultation strategies.

# CHAPTER 4

## Content of Statement of Procedures

### Information to be contained in the Statement of Procedures

4.1 The Statement of Procedures should include the operational procedures introduced by the landlord to implement their policies on ASB. The level of detail in the Statement of Procedures is a matter for the landlord, however it is expected that relevant procedures will be broadly outlined so that tenants know how the landlord is likely to deal with a complaint of ASB.

4.2 The Statement of Procedures will vary according to the policies that have been adopted by the landlord. The Statement of Procedures should, regardless of the policies adopted, address the making of a complaint, the processing of a complaint, the provision of support to complainants, the use of enforcement action, support in respect of the perpetrator and monitoring complaints of ASB. Additionally, any relevant procedures relating to multi-agency partnerships and professional witness schemes should also be included.

4.3 Where ALMOs, TMOs or other housing management contractors (including PFI contractors) are managing some or all of the landlord's housing, the Statement of Procedures should make clear to residents the respective responsibilities of the local housing authority and housing management service providers in tackling ASB.

### Making a complaint of ASB

4.4 Information on how and to whom the initial complaint of ASB should be made should be included in the Statement of Procedures with contact details. It would also be helpful if some guidance were provided on when it might be appropriate for a complainant to contact other agencies, such as the police.

### Processing a complaint of ASB

4.5 Early responses to complaints and action plans agreed between the landlord and the complainant, where appropriate, can be vital to effectively deal with ASB, helping to build trust and confidence. Effectively processing a complaint of ASB gives credibility to the landlord's ASB service and assists the relationship between the complainant and the landlord.

4.6 Landlords are encouraged to develop clear lines of communication between the complainant and the landlord. These should be established at the earliest opportunity. The contact point or points for complaints of ASB should be set out in the procedures. Ideally each complainant would have access to a named officer to discuss their case, and any changes in personnel should be communicated to the complainant as soon as possible. It is important that landlords keep a complainant informed, as far as permissible, about the progress of their case.

4.7 The landlord should encourage the involvement of the complainant in the progress of the complaint. The Statement of Procedures could include the following:

- the information and advice that will be provided to the complainant when they make a complaint;
- how clear lines of communication between the landlord and the complainant will be established;
- how the complainant will be kept informed of the progress of the case; and
- the role of the complainant in the determination of an action plan;
- what the complainant can do if they are unhappy with the service they have received. Reference should be made to internal and external complaint procedures;
- escort to Court; and
- support beyond any court proceedings.

## Supporting complainants

4.8 Landlords should consider the support needs of complainants, including how best to assess and meet their needs. The methods of, and triggers for, referring complainants to external sources of support, may also be included in the Statement of Procedures with a list of the available support services. The support mechanisms provided by the landlord to the complainant may include:

- risk assessment of home environment, installation of appropriate witness protection measures, alarms, new locks, panic buttons etc;
- access to counselling services;
- allocations and lettings policies that are both sympathetic to complainants and effective, where it is appropriate to do so, providing temporary and/or permanent rehousing;
- witness support;
- access to telephone and/or face-to-face interpreters; and
- regular visits or patrols by housing officers, community support workers or neighbourhood wardens.

4.9 Other departments and agencies will be able to provide varying degrees of additional practical, specialist or emotional support and advice to complainants. This support may be as diverse as target hardening schemes, translation services or 'buddy schemes'.

## Options available to landlords

4.10 The Statement of Procedures should include the types of legal and non-legal actions a landlord could take and explain the circumstances in which each might be appropriate. These could include, but are not limited to:

- Mediation
- Acceptable Behaviour Contracts
- Anti-Social Behaviour Orders
- Injunctions and exclusions orders under sections 153A, 153B, 153C or 153D of the 1996 Act
- Injunctions under section 222 of the Local Government Act 1972
- In connection with any of the injunctions above, applications for powers of arrest
- Possession proceedings
- Demoted tenancies
- Any other legal action which could be taken with the support of the police or local authority, for example, Environmental Protection Act (1990) action or criminal prosecution.

4.11 Further information on these actions as well as a collection of best practice in tackling anti-social behaviour can be found at [www.together.gov.uk](http://www.together.gov.uk). Practitioners may also wish to contact the Together Actionline (0870 220 2000), which can provide advice across the range of anti-social behaviour issues.

## Monitoring ASB and the service

4.12 Landlords are encouraged to monitor ASB and the service they provide to tackle it. This will assist the landlord to:

- evaluate the effectiveness of specific ASB initiatives;
- identify key priorities and issues;
- understand the nature and location of areas where ASB is prevalent; and
- distinguish between different types of behaviour, which could be categorised as ASB.

4.13 The Statement of Procedures should identify what internal and external monitoring of the service is carried out, if any, and the performance indicators that are used to assess the service.

4.14 Landlords may wish to consider the following when developing monitoring mechanisms:

- The current best value indicator for compliance with the Commission for Racial Equality guidance on dealing with racial harassment
- Appropriate local indicators as outlined in the Audit Commission's library of indicators
- Local Indicators developed by the landlord to measure the performance and effectiveness of the service(s) provided by them and other providers
- Local indicators agreed by the landlord to assist in the delivery of other strategies, for example the local Crime and Disorder Strategy.

## Data collection

4.15 The ODPM publication '*Tackling Anti-Social Behaviour in Mixed Tenure Areas*' (March 2003) identified a number of areas where effective data collection is used, some of which are of direct relevance to a landlord:

- evaluating the effectiveness or otherwise of particular initiatives;
- identifying key priorities and issues of concern;
- helping understand the nature and location of problems and hot spots; and
- distinguishing between different types of behaviour.

4.16 The landlord's Statement should identify:

- how incidents are categorised;
- what data will be collected;
- how it will be collected; and
- to what uses it will be put.

# CHAPTER 5

## Content of summary and publication of Statement and Summary

### Availability of the Statement and charges

5.1 Landlords must have available for inspection the Statement of Policy and procedures and provide copies (for which a reasonable fee may be charged) at their principal office (see s.218A (5)(a) and (b) of the 1996 Act).

5.2 Landlords must be able to produce the Statement if requested without undue delay, and in a clear and up-to-date form. When requested, a copy should similarly be made available without undue delay. Any fee charged should not be higher than necessary to cover the costs of producing the copy.

### Preparation and provision of Summary

5.3 Local housing authorities and HATs must prepare a summary of their current policy and procedure, and provide a copy to any person who requests it. It would be good practice to distribute this widely (for example distribution to tenants groups or coverage in newsletters). No charge may be made for this (see s.218A (6)(a) and (b) of the 1996 Act). It would also be good practice to explain the principles of the policy and procedure with new tenants at the time of their signing up for a new tenancy.

5.4 The purpose of the summary is to provide information to tenants, residents and other interested parties on the landlord's anti-social behaviour policies and procedures in a clear and accessible format.

5.5 The summary should cover the policies and procedures outlined in the Statement. It should be published to the same timetable as the Statement.

5.6 As the summary must reflect current policies and procedures, it will be necessary to review the summary every time the Statement is revised.

5.7 Publication may be in a variety of formats, including to a website, at the landlord's discretion. However, the summary must be available in printed hard copy form and should be available in translation and other alternative formats (Braille, large print, and audiotape).

5.8 It is open to landlords to supplement both the Statement and Summary with a range of information leaflets.