



Statement of Policies and Procedures

on

Anti-Social Behaviour

Revised August 2006

Section 1: Introduction

Legislative Requirements

This is a revised *Statement of Policies and Procedures on Anti-Social Behaviour* - published following a review undertaken in August 2006. It relates to Swindon Borough Council's role as a local housing authority (also known as a "social landlord").

The Council also publishes a *Summary* of this document called 'Tackling Anti-Social Behaviour'. This will be distributed to all Council tenants and residents and be freely available at the Council offices.

The *Statement of Policies and Procedures on Anti-Social Behaviour* will be reviewed again in August 2007 and annually thereafter. If changes occur as a result of the review, the Council will publish a further revised *Statement* and *Summary*.

Legislative Context

This document is compatible with all relevant legislation and with Council strategy documents. These are listed below:

Legislation

- Clean Neighbourhoods and Environment Act 2005
- Housing Act 2004
- Anti-Social Behaviour Act 2003
- Homelessness Act 2002
- Local Government Act 2000
- Race Relations (Amendment) Act 2000
- Human Rights Act 1998
- Data Protection Act 1998
- Housing Act 1996
- Disability Discrimination Act 1995
- Environmental Protection Act 1990
- Children's Act 1989
- Race Relations Act 1976

Council Strategies

- 50 Promises in Swindon 2010
- Council Corporate Plan 2006 - 2010
- Swindon Borough Local Area Agreement 2006 - 2009
- Swindon Strategic Partnership – Community Strategy 2004 - 2010
- Swindon Community Safety Partnership Anti-Social Behaviour Protocol 2006
- Housing Strategy 2003 - 2008
- Council Housing Action Plan 2006 - 2010
- Homelessness Strategy 2003 - 2008
- Council Harassment Policy 2003
- Corporate Customer Feedback Policy 2006
- Wiltshire and Swindon Domestic Violence Strategy 2005 - 08
- Crime and Drugs Reduction Strategy 2005 – 2008
- Housing CCTV Strategy 2005

The RESPECT Agenda

In January 2006 the government published the **Respect Action Plan**, setting out a framework of powers and approaches to

- positively promote ‘respect’
- be uncompromising in tackling anti-social behaviour
- tackle the causes of anti-social behaviour
- offer leadership and support to local people and local services

Recognising the crucial role social landlords such as the Council play in tackling anti-social behaviour, the Government has produced a voluntary **Respect Standard for Housing Management**. The Standard includes six core commitments:

1. Accountability, leadership and commitment

Landlords need to make a visible commitment to the community so that everyone is clear they take issues of anti-social behaviour and respect seriously and will deliver what they say they will

2. Empowering and reassuring tenants

Landlords and the community need to work as one by involving residents and giving them input into decision making. Engagement and effective communications act to reassure and empower communities.

3. Prevention and early intervention

Landlords can play a key role in preventing anti-social behaviour from occurring. Where it does, addressing problems quickly often gets the best results.

4. Tailored services for residents and provision of support for victims and witnesses

Success rests on people being prepared to report and then give support to agencies in taking action. Every case and every person deserves a robust, tailored and sensitive response.

5. Protecting communities through swift enforcement

Government has provided landlords with the tools they need to tackle anti-social behaviour. Landlords need to understand how these tools work and be prepared to use them quickly to protect communities.

6. Support to tackle issues that cause anti-social behaviour

Provision of support can put an end to unacceptable behaviour by tackling underlying causes. This leads to sustainable outcomes and gets people's lives back on track

The Council are signing up to the Respect Standard for Housing Management and this document aims to comply with the commitments outlined above.

Section 2: The Council's Priorities and Objectives

The Council's Corporate Priorities

- Plan and successfully manage the growth of Swindon over the next 20 years
- Consult and ensure policies and services are highly responsive to needs
- Deliver excellent services, the 50 Promises in Swindon 2010 and a new strategic partnership with the private sector
- Lead the community and deliver the Local Area Agreement, town centre regeneration and joint arrangements with our partners
- Build neighbourhood capacity
- Transform the performance and effectiveness of the organisation
- Make the best use of resources

The Council's Housing Vision: Great Homes, Great Services, Great Town

- Meeting all kinds of housing need, and working with partners to develop and provide more affordable housing
- Meeting and exceeding the Decent homes Standard
- Developing new ways to involve tenants and others in improving the services provided by the Housing Department
- Improving our management services to maximise income and eliminate waste
- Dealing vigorously with anti-social behaviour, and protecting neighbourhoods
- Listening and responding to our customers and partners
- Supporting and developing a first class workforce
- Promoting good quality, cost effective sustainable supported housing services that give choice and dignity to vulnerable groups within our community
- Demonstrating that all our stakeholders are valued and treated equally

Key Housing Priorities

- Additional Affordable Housing
- Decent Homes for All
- Regeneration
- Improving Services to Council Tenants
- Accessing Affordable and Supported Housing

Section 3: Our Policy Commitments

Tackling Anti-Social Behaviour

Anti-social behaviour blights peoples' lives, destroys families and ruins communities. The Council recognises that in order to provide a high quality housing service for its tenants and residents, it must be effective in tackling the causes of anti-social behaviour and the problems created by it.

Our commitments as a social landlord:

1. **The Council will demonstrate by its actions that it will not tolerate anti-social behaviour.** It will make this absolutely clear to all its tenants and residents, those that live with them, their visitors, and to any person who is seeking a council tenancy.
2. **The Council will ensure that all complaints of anti-social behaviour are responded to seriously, promptly, professionally and confidentially.** Each complaint will be thoroughly investigated and the Council will take the action necessary to resolve the situation.
3. **The Council will provide support tailored to the needs of the people involved in each individual case.** The Council realises that the success of its strategy to tackle anti-social behaviour will depend heavily on the confidence that victims and witnesses have in the Council to support them.

The Council's commitment to tackling anti-social behaviour is based on the following principles:

- Everyone has the right to their chosen lifestyle providing this does not affect the quality of life of others
- This implies a degree of tolerance of and respect for the requirements and needs of others
- Swindon Borough Council has a role as a social landlord in ensuring that such rights and obligations are realised in individual cases

The Council also recognises that it has an important role in tackling the causes of anti-social behaviour and will work positively with perpetrators of ASB and their families who wish to modify their behaviour.

Partnership Working

Under Section 17 of the Crime and Disorder Act 1998, the Council has a duty to consider crime and disorder implications whilst exercising its duties. It will work strategically with its partners in the Swindon Community Safety Partnership to do all that it reasonably can to prevent crime and disorder in Swindon.

The Council will work closely with the police and other agencies and will use information exchange and multi-agency problem-solving protocols to identify ASB trends and 'hotspots', and assist it in the prevention of ASB, the enforcement of legal sanctions, and the rehabilitation of perpetrators.

Section 4: Definitions of Anti-Social Behaviour

Crime and Disorder Act 1998

Anti-social behaviour was defined in the 1998 Act as “acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household”. This definition relates to the criteria for obtaining an Anti-Social Behaviour Order (ASBO).

Housing Act 1996 (as amended by the ASB Act 2003)

Anti-social behaviour is defined as conduct

- which is capable of causing nuisance to any person, and
- which 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

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 (e.g. owner-occupiers, tenants of other landlords) and
- anyone else lawfully in such property or in the locality e.g. working or using local facilities.

The “housing management function of the landlord” covers any activity that the Council undertakes in the day-to-day and strategic management of its housing. 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 Council to operate as an efficient landlord.

What is Anti-Social Behaviour ?

Descriptions of common anti-social activities are listed in Appendix 1 at the back of this document.

Section 5: Our Approach to Tackling ASB

Our General Response

As a landlord, we will take firm action to eliminate anti-social behaviour. Our response will be proportionate depending on the factors in each case. Our intentions are to:

- Deter anti-social behaviour and prevent future occurrences
- Encourage victims and witnesses to come forward
- Deal firmly but fairly with perpetrators

We will also support and assist troublesome families and individuals to modify their behaviour, but will take action against those who continue to cause a nuisance or act in an anti-social manner.

Tenant Obligations

All Council tenants are subject to the terms and conditions in the Council's Tenancy Agreement. All tenants are provided with a copy of this at the start of their tenancy and the most important clauses relating to ASB are explained to them. Clauses 10, 11, 12, 13 and 14 cover all issues relating to nuisance and anti-social behaviour.

The Council takes breaches of the Tenancy Agreement clauses relating to nuisance and ASB very seriously, and will take action to ensure that tenants comply with their tenancy agreement.

Cross-Tenure Issues

The Council recognises that the powers and responsibilities it has as a social landlord extend beyond its own sector and housing stock. The Council will act to protect owner-occupiers or those in other housing tenures from the actions of Council tenants, and equally, may take action against perpetrators of ASB in other tenures to protect its tenants.

Legal Actions and Other Remedies

The Council will use a variety of remedies to tackle anti-social behaviour, these include:

Possession Orders (Housing Act 1985)

The Council can apply to the County Court for an order for possession that will lead to eviction of a Council tenant where nuisance or anti-social behaviour is affecting the locality.

Injunctions

An injunction either compels a person to do something or forbids a person from doing something. Councils can obtain injunctions under Section 222 of the Local Government Act 1972 to prevent public nuisance. A power of arrest can be added in certain circumstances. The breach of an injunction is contempt of court and can lead to a fine or imprisonment.

Anti-Social Behaviour Injunctions

New powers introduced in the Anti-social Behaviour Act 2003 allow the Council to take out an injunction against anybody – not just a tenant – who is causing a nuisance or anti-social behaviour that affects the way that council housing is managed. This also protects

anybody carrying out lawful activities on council estates and members of Council staff carrying out their duties.

Anti-Social Behaviour Orders (ASBO)

ASBOs are similar to injunctions and can be obtained in the Magistrates Court (or in the County Court if associated with a breach of tenancy conditions). They can be made against anyone who is 10 years old or above, who has acted “in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself”. ASBOs are intended to be preventative and can remain in force for two years or longer in certain circumstances. Breach of an ASBO is a criminal offence with up to five years imprisonment or a fine or both. Differing sentences may apply to juveniles.

Interim Anti-Social Behaviour Orders (Police Reform Act 2002)

It is now possible for interim ASBOS to be granted for a fixed period of time to prevent further anti-social behaviour pending a full ASBO being obtained.

Individual Support Orders (ISO)

These can be attached to an ASBO on a young person between 10 and 17. They contain positive obligations that are designed to tackle the underlying causes of a young person’s anti-social behaviour. Failure to comply with the conditions of an ISO is a criminal offence.

Parenting Contracts

Parenting contracts are voluntary agreements between parents of anti-social children and Youth Offending Teams or Schools or Local Education Authorities and are designed to provide support for parents of antisocial children.

Parenting Orders

These are made against the parents or guardians where there has been a problem with a young person’s behaviour. They are also applied when a young person is subject to an ASBO or convicted of an offence. They are used to impose requirements on the parents - such as attending guidance or counselling programmes, or ensuring that their child attends school.

Dispersal Powers

When an area is being used regularly for anti-social behaviour, it can be designated as a ‘dispersal area’. The Police can then direct individuals to leave a locality and exclude them for up to 24 hours.

Termination of Introductory Tenancy

Introductory tenancies enable the Council to gain easier repossession of homes during the first twelve months of a tenancy where there are grounds for eviction (e.g. anti-social behaviour or rent arrears). The Council started using introductory tenancies in 1999.

Tenancy Demotion

The Council can ask a County Court to “demote” a secure tenant to a lesser form of tenancy for 1 year (similar to an introductory tenancy). Repossession becomes easier during that year.

Mediation

The Council can refer disputes to Community Mediation Swindon, an independent local voluntary organisation. Mediation can be used successfully to resolve neighbour disputes

in the early stages. It is successful because the mediator is an impartial independent person who helps the parties develop a solution to their difficulties.

Acceptable Behaviour Contracts (ABCs)

Initially designed for use with 10-18 years olds, but now also used with adults too, ABCs attempt to modify the perpetrator's behaviour before formal legal action is started. Perpetrators are encouraged to agree to the conditions in the contract – for example “I will not throw rubbish in my neighbour's garden”. ABCs are not legally binding contracts, but are effective as warnings for perpetrators whose continued unrestrained activities would lead to the obtaining of ASBOs or possession orders.

Other Useful Remedies

Protection from Harassment Act 1997

This legislation provides a power of arrest and the possibility of a restraining order obtained in the Magistrates Court that could carry a penalty of up to 5 years' imprisonment. The intention is to prevent a perpetrator from entering certain areas and harassing others.

Civil Evidence Act 1995

Hearsay evidence is admissible in civil proceedings in County or Magistrates Courts. This allow Council officers and other professional witnesses to give evidence when a victim or witness is too frightened to give evidence personally

Exclusion from the Housing Register (Housing Act 1996)

This legislation allows the Council to exclude people with a record of serious anti-social behaviour from its Housing Register.

Environmental Protection Act 1990

Environmental Health Officers can issues Noise Abatement Notices, take legal action in the Magistrates Court and seize musical equipment in cases of extreme noise.

High Hedges

The ASB Act 2003 also gives the Council powers to deal with high hedges where they are causing a nuisance between neighbours.

Clean Neighbourhoods and Environment Act 2005

Allows Council officers to issue Fixed Penalty Notices for environmental anti-social behaviour such as graffiti, depositing litter, abandoned vehicles and noise at night.

Crack House Closure Orders

Enable the Police in consultation with the Council to take swift action to close properties that have been taken over by drug users and dealers of Class A drugs

CCTV

The Council has a number of fixed position and mobile CCTV cameras that can be monitored centrally. We will utilise this technology to

- assist in evidence gathering
- provide support to victims and witnesses
- monitor 'hotspots' for anti-social activities

Section 6: Supporting Victims and Witnesses

How We Can Support You

The Council realises that the success of its strategy to tackle anti-social behaviour will depend heavily on the confidence that victims have in the Council to support them.

Also, the Council believes that the role of the witness is crucial in dealing with anti-social behaviour. Having good witness evidence increases the likelihood of a successful outcome in legal cases and improves the success rate in dealing with all types of ASB.

The Council will provide differing levels of support for victims and witnesses - tailored to each individual case. Support could include some or all of the following:

- Regular feedback on progress of the case
- Regular personal contact (by telephone or home visit)
- Temporary provision of equipment to aid security, personal safety and identification of perpetrators – e.g. personal alarms, cameras, and camcorders
- Increased home security – e.g. window locks, front door spy holes
- Assistance with temporary or permanent rehousing in the most serious cases
- Referral to specialist support agencies

Your Council Tenancy

The Council realises that some victims and witnesses may have diverse and special needs and that they may require advice and support to maintain their tenancies. The Housing Department has specialist Tenancy Sustainment Officers who will provide assistance in these instances.

Section 7: Harassment Policy (including Racial Harassment)

Definition

Any incident is harassment if it is perceived to be so by the victim or any other person.

The above follows the common definition of a racist incident in Recommendation 12 of the McPherson Report (1999) already adopted by this Council, which is “a racist incident is any incident which is perceived to be racist by the victim or any other person”.

Our Policy Statement

Any act of harassment can have a devastating effect on the everyday lives of our service users, on any member of our community and on our employees in the council, and is not acceptable. The council will use its wide range of powers to prevent harassment, will take action against harassers, and provide maximum support to victims.

Racism, homophobia, sexism and other forms of harassment will not be tolerated and we want the people we serve in the Borough, and council employees, to have confidence that if they report an incident it will be dealt with effectively.

Employees, councillors and external contractors when receiving a report of harassment, must accept what the person suffering harassment is saying and treat them with dignity and respect.

We need to actively record all incidents of harassment so we can find out the extent of the problem we face and tackle it wherever it occurs.

Our policy is that the council does not condone and has a zero tolerance of harassment.

We will

- have systems that encourage people inside and outside the council to report harassment incidents as we recognise that low reporting of incidents does not mean the absence of harassment.
- investigate incidents quickly, thoroughly and sensitively
- support victims of harassment
- take action against harassers
- provide training and support to managers in tackling harassment in service provision and the workplace
- implement a “whole-council” system, which picks up incidents dealt with under all our policies tackling harassment, and enables them to be reported to the Harassment Reporting Officer
- monitor what harassment is occurring and how we are dealing with it.
- continue to develop a multi-agency approach to tackling harassment.
- fulfil our legal duties under the Race Relations Amendment Act (2000), the Disability Discrimination Act (1995), the Sex Discrimination Acts (1975 & 1986) and under any other regulations covering other groups who can face harassment because of their age, sexual orientation or religious beliefs.

Our aim is to over time reduce the amount of harassment in all its forms, and ideally to eliminate it. We support this policy and will be monitoring its impact

Support for the Victim

Interviews will be confidential and conducted in private in a sympathetic manner and interpreting/translation/signing facilities will be provided where requested.

We will respond to any report of harassment within one working day.

All physical damage to Council property attributable to harassment (including racist and offensive graffiti) will be photographed and removed within 24 hours.

Where the victim wishes to remain in their own home, the Council will provide support and assistance. This could include the provision of security measures such as the installation of spy holes, secure letterboxes and window locks, and/or community alarm, or other measures as deemed appropriate.

Dealing with Perpetrators

The essence of the Council's policy is zero tolerance. Our objectives are to support victims of harassment and take action against the perpetrator of the harassment. However, this will only be done with the victim's agreement.

The Council will work in conjunction with the Police to prosecute perpetrators of racial harassment and may take legal action on behalf of a victim if the victim is a Council tenant or a member of a tenant's household. The Council will give every possible support to the victim and witnesses.

Where the perpetrator of racial harassment is a Council tenant or a member of a tenant's household, the Council will use all legal remedies available to it to address the issue, including taking steps to regain possession of the perpetrator's home.

Section 8: Equality and Diversity

Our Commitment

Swindon Borough Council is committed to creating an environment whereby no one is discriminated against on the basis of

- Age
- Disability
- Gender
- Race
- Religion
- Sexual Orientation

We aim to ensure that as an organisation we promote equality in the way our services are delivered and in our employment practices. In addition, we want to create an environment whereby potential and existing members of staff feel welcomed, developed and able to fulfil their potential.

Responding to the needs of diverse communities means having robust systems, processes, policies and procedures in place which support equality and diversity. It also means having staff with the right mix of skills, knowledge and expertise and with a strong commitment to continuous improvement. There are a number of key actions, which as a Council we need to commit to if we are to realise this aim. There is a need for:

- Strategic direction and leadership on equalities so that it remains at the forefront of the corporate agenda
- Collective ownership of the equalities agenda
- Outward facing consultation and monitoring of our services
- Rigorous monitoring of our workforce diversity profile
- Action where necessary to remedy any identified areas of concern

Finally, there is a need to celebrate and promote equality and diversity.

However, we recognise that there are many forms of discrimination and that there is a need to challenge discrimination wherever it occurs. As a public sector organisation we have a moral and legal duty to ensure that wherever possible we pro-actively challenge and oppose all forms of discrimination.

There is a range of equalities legislation on race, gender and disability, European Directives relating to Religion and Sexual Orientation, and forthcoming legislation relating to Age. The underlying message from this is clear – as a public sector organisation, we need to take pro-active steps to remove institutional barriers that prevent us from recruiting and retaining a diverse workforce. Accordingly, we will ensure that

- equalities is embedded within a performance management framework
- our services respond to the needs of diverse communities rather than expecting service users to fit into what we provide
- staff are made aware of their responsibilities under the law.

Our Objectives

As part of our commitment to eliminate discrimination and mainstream equality and diversity, we have committed ourselves to the following principal objectives:

- Setting appropriate equality and diversity targets to address disparities or areas of concerns within our services and Human Resources functions
- Monitoring those targets through Departmental and Corporate Action Plans to ensure progress is being made
- Providing appropriate training and awareness raising sessions to counter poor practice and discriminatory behaviour
- Rigorous monitoring of our workforce diversity profile, procurement/partnership arrangements and service delivery
- Ensuring that all information provided is available in formats and languages which are accessible and relevant
- Ensuring there is transparency in our consultation processes
- Working with our coalitions to ensure their views are communicated and represented in our policies and strategies
- Consulting with the community and voluntary sectors to promote best practice in the way our services are delivered
- Adopting a zero tolerance approach to any form of harassment and ‘hate’ incidents against our customers, the public and our employees
- Monitoring all complaints, taking action where necessary
- Promoting good relations between people of diverse communities
- Celebrating and promoting equality and diversity through the organisation and participating in events and exhibitions, both internally and externally
- Encouraging collective ownership of our Corporate Equalities Strategy through identifying and maintaining clear lines of responsibility
- Ensuring that in our partnership and outsourcing arrangements, we audit for equalities to ensure suppliers and other partners share our core values and do not discriminate
- Becoming an employer of choice by delivering good equality practice in our services and as employers

Promoting Equality and Diversity

We recognise that there are key challenges ahead for the Council if we are to shift our thinking and approach to the equalities agenda. As a progressive organisation, we want to adopt a ‘way of working’ whereby equality and diversity become part of good management practice and not an afterthought.

Delivering our Equality and Diversity Objectives

We recognise that for equality and diversity to be taken seriously, all staff must appreciate their responsibilities and take ownership of the strategy if it is to have any meaningful relevance.

Clearly, equality and diversity must remain at the heart of our everyday working lives. It is not a foreign concept. It is about good quality assurance and effective performance management – and it is everyone’s responsibility to ensure they apply those principles in the way they carry out their roles.

Section 9: Rehabilitation of Perpetrators of ASB

Positive Impact of Support

The Council's approach aims to ensure that troublesome individuals and families receive support to assist them in modifying their behaviour. The Council is aware of the positive impact that support can have on perpetrators of ASB. Particularly when incidences of ASB are a direct or indirect consequence of the perpetrator's drug and/or alcohol abuse, mental health and disability.

We have a dedicated team of Tenancy Sustainment Officers in the Housing Department who can provide advice and support to perpetrators who have difficulties in coping and managing their tenancies. These officers also work with the various agencies that can provide care and support services to vulnerable people who may be perpetrators of ASB.

Young People

The Housing Department works closely with Youth Offending Teams, Social Services, the Police and schools and other relevant partner agencies to tackle ASB perpetrated by young people. We actively encourage parents and carers to take responsibility for the behaviour of young people in their care, and we will use acceptable behaviour contracts (ABCs) and parenting contracts to assist in this process.

Multi-Agency Partnerships

ASB is a complex phenomenon and the Council realises that it will not be solved solely by the powers available to it as a landlord. The Council works closely with the police, probation services, social services, drug action teams, schools, primary care trusts, and many local voluntary agencies to attempt to tackle ASB effectively.

The Council plays a key role in the Swindon Community Safety Partnership, and believes that a co-ordinated approach, with specialist agencies working together, is the most effective method of rehabilitating perpetrators, preventing ASB and reducing crime and disorder in Swindon.

A co-ordinated approach can provide perpetrators of ASB with the support they need and can assist in their rehabilitation. Effective interventions by specialist agencies can also resolve ASB issues prior to enforcement through legal action.

Section 10: Information Management

Confidentiality and Data Protection

The Council fully supports the objectives of the Data Protection Act 1998 in maintaining the confidentiality of the personal information it holds. The Council will hold the minimum personal information necessary to enable it to perform its functions in relation to ASB, and the information will be destroyed once the need to retain it has passed. Every effort will be made to ensure that information is accurate and up-to-date, and that inaccuracies are corrected without unnecessary delay.

Security of ASB Records

In order to tackle ASB effectively, the Council keeps records and databases containing a great deal of personal information about victims, witnesses and perpetrators.

The Council uses a computer system for case management and monitoring the levels of ASB within the Borough. Access to this system is password-protected and limited to the staff actively involved in tackling ASB.

Through the use of this technology, the Council is able to analyse trends in anti-social behaviour, identify ASB 'hotspots' and target its resources efficiently and effectively.

Information Exchange Protocols

The Council is committed to maintain the best possible security and confidentiality of all the personal information it holds and it will not generally disclose information without the explicit written consent of the "data subject" – i.e. the individual who is the subject of the personal information. There are exceptions to this when tackling ASB:

- We exchange information with the Police for the prevention and detection of crime and disorder and anti-social behaviour
- We exchange information with other local councils and registered social landlords (housing associations) about perpetrators of ASB

These exchanges of information comply with the principles within the Data Protection Act and the Human Rights Act in terms of the processing of personal information and an individual's right to privacy.

Information exchange relating to duties under the Crime and Disorder Act 1998 is strictly controlled and monitored through the use of an established Joint Information Exchange Protocol agreed between Swindon Borough Council and all the other local authorities in Wiltshire, the Police and housing associations active in Swindon and the surrounding area.

Section 11: The Staff Dealing with ASB

Neighbourhood Housing Officers

These officers handle all complaints of anti-social behaviour affecting the tenants and other residents in and around council housing on their 'patch'. The officer will deal with complaints from initial reporting through to legal action and committal or eviction proceedings. They seek advice and assistance from senior officers in more serious cases.

Training and Development

All Neighbourhood Housing Officers are trained in Swindon's internal procedures, the law and best practice relating to anti-social behaviour and crime and disorder. They are trained to work with victims, witnesses, perpetrators, and external partner agencies.

Neighbourhood Housing Officers regularly attend accredited training courses provided by the Chartered Institute of Housing, the Social Landlords Crime and Nuisance Group, and other national training organisations.

All Neighbourhood Housing Officers have Personal Development Plans that are reviewed annually to determine their ongoing training needs. New members of staff undergo a thorough induction programme.

Other Relevant Training

ASB cannot be viewed in isolation from other issues and Neighbourhood Housing Officers also receive training on the following topics:

- General Housing Law
- Mediation and Dispute Resolution
- Equal Opportunities and Diversity
- Racial Harassment
- Race Equality
- Human Rights
- Data Protection, Freedom of Information, and Confidentiality

Anti-Social Behaviour Unit (ASBU)

The Council has a small unit consisting of a co-ordinator and two investigation officers. The ASBU has a wide brief: working with Swindon Community Safety Partnership, coordinating meetings between the agencies that are involved in community safety work and in tackling anti-social behaviour and its causes. The other agencies involved include:

- Police
- Environmental Protection
- Housing – both Council and Registered Social Landlords
- Youth Offending Team
- Social Services
- Education
- Swindon Services
- Voluntary sector
- Connexions
- Youth Service

The ASBU staff work closely with the Housing Department and assist with casework and investigations in certain circumstances – normally when the council issues Acceptable Behaviour Contracts (ABCs) or Anti-social Behaviour Orders (ASBOs).

The ASBU can be contact directly on 01793 466738 between 9am and 5pm Monday to Friday. A voicemail service operates outside of these times.

Council tenants and residents who wish to report incidents of ASB are asked to contact their local Neighbourhood Housing Officer in the first instance.

Neighbourhood Wardens

The Council has a large team of 32 Neighbourhood Wardens who provide a uniformed presence on council estates and streets from 8am to 9pm Monday to Friday and 8am to 4pm on Saturdays. Their role is to make the neighbourhood cleaner and safer, by maintaining and improving the physical environment and reducing crime and anti-social behaviour.

Apart from cleaning duties and inspecting communal areas, the Neighbour Wardens tackle some forms of ASB directly:

- Graffiti removal
- Picking litter and removing fly-tipping
- Arranging removal of abandoned vehicles

Neighbourhood Wardens assist Neighbourhood Housing Officers in tackling ASB by:

- Patrolling known ASB 'hot spots' on Council housing estates
- Identifying and reporting incidents of ASB
- Supporting victims and witnesses through home visits
- Acting as witnesses themselves

Abuse and Attacks on Staff

The Council's Tenancy Agreement (Clause 20) states that: " You must ensure that neither you, nor members of your household or visitors, subject Council employees, appointed contractors, agents, persons or elected Councillors to any physical or verbal abuse, or incite others to do so. This includes any actual or threatened assault, attack, violent act, or aggression directed towards the above".

Council employees involved in ASB work carry out a difficult task professionally and impartially. The Council will take legal action against perpetrators of any physical or verbal abuse towards our staff. To protect our staff, we will use injunctions, ASBOs, and also possession proceedings in appropriate cases.

Section 12: Reporting Acts of Anti-Social Behaviour

Who Deals with Reports of ASB

All reports of ASB are passed to Housing, which is based at Wat Tyler House East in Beckhampton Street

The office is open during the office hours of 9am to 5pm on Mondays to Thursday and 9am to 4.30pm on Fridays.

How to Make a Report

You can make a report of ASB using any of the following methods:

- Telephone your Neighbourhood Housing Officer on 01793 4644811 or ring the Council's main switchboard on 01793 463000
- Write to:
Housing Department
Swindon Borough Council
Civic Offices
Euclid Street
Swindon SN1 2JH
- Send an e-mail to **housing@swindon.gov.uk**
- Fax a complaint to the Housing Department on 01793 464465
- Make a complaint in person at our Civic Offices.
- Contact the Council's Anti Social Behaviour Unit on 01793 466738 (24 hour reporting line). Your complaint will be passed on to the Housing Department.

Anonymous Complaints

We will investigate anonymous complaints as far as we are able to, but obviously we will not be able to advise on progress or check facts with the victim. This may limit the action that we can take to resolve the ASB problem.

Section 13: Processing Your Complaint of ASB

The First Step

All complaints of ASB are logged on our computerised database. This helps us in a number of ways:

- We have a permanent record of all incidents of ASB. This can assist us in identifying trends and potential ASB 'hotspots'.
- We can check if the perpetrator:
 - is currently under investigation
 - is the subject of an injunction or a court order
 - is involved with the police or other agencies
 - has known associates engaged in anti-social activity
 - has caused ASB in the past

We can also check if the ASB is a one-off incident

- part of an on-going campaign against a specific individual
- concentrated in a specific area

Confidentiality and Data Protection

Any information you give us will be treated in the strictest confidence. However, we may share information with:

- The police - for the prevention and detection of crime and disorder and anti-social behaviour
- Other local councils and registered social landlords (housing associations) about perpetrators of ASB

All information exchange is strictly controlled and monitored through the use of an established Joint Information Exchange Protocol.

Our Response Times

We will acknowledge all complaints of ASB in writing or e-mail within one working day.

We will respond to cases involving racial harassment, and threats or actual violence within one working day – or on the same day if resources permit.

Other cases will be responded to within three working days. In most cases, our initial response will be a telephone call – followed up by a home visit or office appointment if required.

Taking the Details

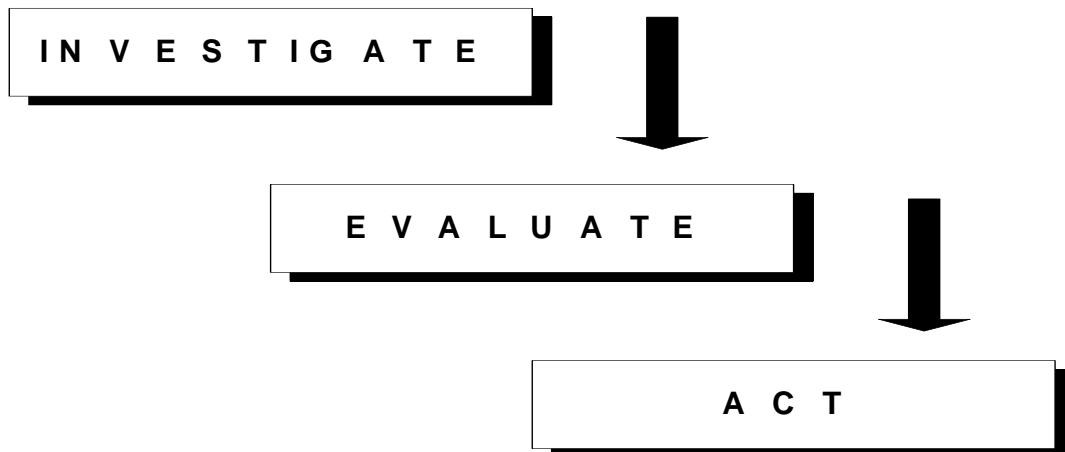
Each ASB complaint is assigned to a specific Neighbourhood Housing Officer. This person will be your main point of contact to discuss the case. If your case is passed to another officer, you will be notified as soon as possible.

Your Neighbourhood Housing Officer will contact you to discuss your complaint in more detail. This will be done over the telephone or during a face-to-face interview – either at your home or in our office.

Investigation

The officer will take full details of your complaint and then carry out an investigation. This will involve taking detailed statements from you and any witnesses you may have and will also involve contact with the alleged perpetrator. This initial investigation should take no more than ten working days. If the officer has to contact the police or other agencies for information, the investigation may take longer. You will be told if the investigation is delayed for any reason.

We use a straightforward approach to tackling ASB: investigate the complaint, evaluate the evidence, and take appropriate action to resolve the matter:



Once the investigation is complete, the officer will evaluate the evidence to determine whether the Council can take action. If it can, the officer will decide how best to deal with your ASB complaint – this is called a Case Management Plan. You will be consulted about the action we intend to take and you may be asked to take part in our on-going investigation.

Case Management Plans

Every complaint of ASB has a Case Management Plan (CMP). Put simply, a CMP is a list of things we will do to resolve your complaint. It may be that a straightforward warning letter to the perpetrator will stop the ASB, or the case may require detailed evidence gathering over a longer period to prepare for legal action. We may also need information and advice from witnesses and other agencies, such as the police or social services.

A senior officer reviews each CMP monthly to make sure that the case is progressing satisfactorily. You will be kept informed about progress after each review.

Section 14: Taking Action

Action to tackle ASB

We always try to resolve ASB issues at an early stage without the need for lengthy and costly legal action. We normally consider eviction to be a last resort, but we will not hesitate to act firmly if a case demands it.

We use many different remedies to resolve ASB problems – depending on the nature and seriousness of the ASB and the willingness of the perpetrator to modify their behaviour. The actions we can take are explained in more detail in the **Section 5** of this document but a brief list is included below:

- Warning letters
- Mediation
- Acceptable Behaviour Contracts
- Anti-social Behaviour Orders and Parenting Orders
- Injunctions - with Powers of Arrest in certain circumstances
- Possession Proceedings / Eviction
- Demotion of Tenancy
- Court Undertakings
- Legal action under the Environmental Protection Act or the Noise Act
- Involvement of other agencies e.g. social services, probation service
- Referral to the Police for investigation of criminal behaviour
- Referral to a multi-agency problem-solving group (if the perpetrator has mental health problems, disabilities, or their anti-social behaviour impacts on the wider community)

The officer working on your case will decide what level and type of action is the most appropriate in the circumstances and will then follow an incremental approach i.e. if one remedy fails to stop the ASB, move to the next level. You will be consulted on any changes to your Case Management Plan.

How You Can Help Us

In many instances, especially those that may involve legal action, we will need your help to build our case against a perpetrator of ASB. You may be asked to:

- Keep a regular diary of events, including photographs and video evidence
- Allow noise monitoring or video equipment to be installed in your home
- Allow professional witnesses, the police and Council staff to use your home for surveillance purposes
- Encourage other witnesses to come forward
- Report incidents to the Police
- Attend meetings with witnesses and with our legal representatives
- Attend Court and give evidence to support the Council's case
- Monitor the behaviour of the perpetrator following court proceedings to ensure that any order of the court is kept to

We are committed to reducing anti-social behaviour in Swindon and your help and assistance is greatly appreciated.

Section 15: Support for Victims and Witnesses

How We Can Help You

We realise that being involved as a victim or acting as a witness to incidents of ASB can be a very stressful, worrying and upsetting experience for you and your family.

We can help you during this time in a number of ways. We can:

- Carry out an inspection of your home and install appropriate support measures such as alarms, extra locks, spy holes in your front door.
- Refer you to counselling, victim support, and witness support services
- Provide regular contact by telephone or email
- Arrange regular home calls by Neighbourhood Wardens and other housing staff
- Arrange translation and interpretation services if English is not your first language
- Provide appropriate support if you are hearing-impaired or visually-impaired
- Provide free transport to and from investigation meetings, court, and other venues
- Assist with childcare costs so that you can attend meetings
- Consider rehousing you on a temporary or permanent basis (in the most serious ASB cases)
- Continue to provide advice and support following court proceedings
- Monitor the behaviour of the perpetrator following court proceedings to ensure that any order of the court is kept to

If a case is going to court, and we are concerned about the safety of victims and witnesses, we may use hearsay evidence and evidence provided by professional witnesses.

Support for Perpetrators

For the Council, eviction is the last resort. Our aim is to encourage troublesome individuals and families to modify their behaviour. We believe that support can have a positive impact on perpetrators of ASB - particularly when incidences of ASB are a direct or indirect consequence of the perpetrator's drug and/or alcohol abuse, mental health and/or disability.

The Council plays a key role within the Swindon Community Safety Partnership, and believes that a co-ordinated approach - with specialist agencies working together - is the most effective method of rehabilitating perpetrators, preventing ASB and reducing crime and disorder in Swindon.

A co-ordinated approach will provide perpetrators of ASB with the support they need and can assist in their rehabilitation. Effective interventions by specialist agencies can also resolve ASB issues prior to enforcement through legal action.

Section 16: Monitoring Our Performance

Why Monitor?

We regularly monitor our performance in tackling ASB to help us:

- Evaluate the effectiveness of specific initiatives
- Identify key priorities and issues of concern
- Understand the nature and locations of areas where ASB is prevalent
- Distinguish between different types of behaviour that could be described as ASB

Performance Indicators

National performance indicators to monitor ASB are still the development stage, but the Council intends to collect de-personalised information relating to the proposed indicators listed below:

- Number of cases – by type of ASB
- Number of cases – by type of action taken
- Percentage of cases responded to within target times
- Percentage of cases where support offered
- Percentage of cases resolved within 3 months
- Tenancies ended as a result of ASB
- Level of resident satisfaction with ASB action
- Level of residents feeling 'safe and secure'
- Cost per property of legal action, staff costs, repairs relating to ASB
- Number of young people involved in 'pro-social' activity

Data Collection

We believe that tackling ASB effectively depends on robust information exchanges between all the agencies involved.

Thus, we collect personal data through interviews with victims, witnesses and perpetrators; and share this through information exchange protocols with the police, statutory agencies and other local councils and registered social landlords.

We do hold personal data about individuals but this is only used to assist:

- the Council in taking action against perpetrators of ASB
- the police in preventing and investigating crime and disorder
- Other Councils and registered social landlords when considering excluding applicants from their housing waiting lists for reasons of ASB

We hold personal data for the minimum amount of time necessary to effectively pursue a case and we regularly destroy out-of-date and irrelevant data.

Section 17: Complaints About Our Service

If you feel that your ASB issue has not been dealt with adequately, you should tell us about your concerns by making a formal complaint using the Council's Customer Feedback Procedure. You can make a complaint in writing, by telephone, in person, or by email. See Page 19 for contact details.

Customer Feedback Policy

The Council is committed to providing a high quality service to all our customers so complaints are welcomed as an opportunity to identify areas to drive continuous service improvement and improve customer satisfaction.

All our complaints are logged onto a database for monitoring purposes. Our response targets are

- 90% of complaints acknowledged within 2 days
- 80% of complaints to receive a full response within 10 working days
- No more than 20% of complaints to receive an interim response

When our investigations are completed, we will take remedial action and we will tell you what we intend to do to put things right. If there is no remedial action that we can take, then we will write to you explaining why an error may have occurred and apologise in full.

Complaints Handling Process

Stage One

An Area Housing Manager will deal with your complaint or oversee its investigation.

Stage Two

If you are dissatisfied with the outcome of Stage One, you can ask for your complaint to be passed up to the Director of Housing.

Stage Three

If you are dissatisfied with the outcome of Stage Two, you have the right of appeal to the Council's Chief Executive.

Stage Four

If you are dissatisfied with the Chief Executive's response to your complaint, you can refer the matter to the Local Government Ombudsman:

Local Government Ombudsman
The Oaks
2 Westwood Way
Westwood Business Park
Coventry CV4 8JB

You have the right to refer your complaint to the Ombudsman at any time – but in most cases the Ombudsman normally expects you to go through the Council's formal complaints process first.

Appendix 1: Examples of Anti-Social Activities

The TOGETHER Classification of Anti-social Behaviour

Run by the Anti-Social Behaviour Unit at the Home Office, the TOGETHER Campaign has provided the following useful list of behaviours that could be described as ASB:

The list is divided into four sections:

- Misuse of public space
- Disregard for community / personal well-being
- Acts directed at people
- Environmental damage

Misuse of public space

Drug / Substance Misuse and Dealing / Drinking

- taking drugs
- sniffing volatile substances
- discarded needles and other drug paraphernalia
- crack houses
- presence of dealers and users in the locality
- street drinking

Prostitution and Kerb Crawling

- soliciting
- cards in phone boxes and newsagent windows
- discarded condoms
- loitering
- pestering residents

Sexual Acts

- inappropriate sexual conduct
- indecent exposure

Vehicle Related Nuisance and Inappropriate Vehicle Use

- abandoned cars
- inconvenient / illegal parking
- car repairs on the street or in gardens
- setting vehicles alight
- joyriding and racing cars on local roads
- off road motorcycling
- cycling and skateboarding in pedestrian areas / footpaths

Begging

- Begging for money

Disregard for community / personal well-being

Noise

- noisy neighbours
- noisy cars / motorbikes
- loud music
- burglar alarms and car alarms (persistently ringing / malfunctioning)
- noise from pubs and clubs
- noise from business / industry

Rowdy Behaviour

- shouting and swearing
- fighting
- drunken behaviour
- hooliganism / loutish behaviour

Nuisance Behaviour

- urinating in public
- setting fires (not directed at specific persons or property)
- inappropriate use of fireworks
- throwing missiles
- climbing on buildings
- impeding access to communal areas
- playing games in restricted / inappropriate areas
- misuse of air guns
- letting down tyres

Acts Directed at People

Intimidation / Harassment

Groups or individuals carrying out the following activities:

- making threats of violence
- actual violence
- verbal abuse
- bullying
- following people
- pestering people
- voyeurism
- sending nasty / offensive letters
- making obscene / offensive telephone calls
- using menacing gestures
- writing offensive graffiti
- criminal damage to personal property or to a person's home

All of the above anti-social acts directed at people can be on the grounds of: race, sexual orientation, gender, religious belief, disability, age, and marital status

Environmental Damage

Criminal Damage / Vandalism

- graffiti
- damage to bus shelters
- damage to telephone kiosks
- damage to street furniture
- damage to buildings
- damage to communal areas and equipment (e.g. door entry systems, lighting on balconies)
- damage to play and sports equipment
- damage to grassed areas / trees /hedges / plants and shrubs

Litter / Rubbish

- dropping litter
- dumping rubbish
- fly-tipping
- fly-posting