



**EDEN HOUSING ASSOCIATION LIMITED**  
**ANTI-SOCIAL BEHAVIOUR PROCEDURE**

<b><u>Date of Implementation:</u></b>	<b>1<sup>st</sup> March 2004</b>
<b><u>Produced by:</u></b>	<b>Carolyn Greenhalgh</b>
<b><u>Consultation:</u></b>	<b>Operations Team Dec. to Feb. 04 EHA Participation Forum 8/12/03 and 9/2/04 Cumbria Constabulary Eden District Council</b>
<b><u>Approved by:</u></b>	<b>Executive Management Team</b>
<b><u>Date:</u></b>	<b>13 February 2004</b>
<b><u>Date of next review:</u></b>	<b>September 2004</b>
<b><u>Distribution:</u></b>	<b>Operations Team CSO Team Intranet</b>

**EDEN HOUSING ASSOCIATION**

**ANTI-SOCIAL BEHAVIOUR PROCEDURE**

**1. DEFINITIONS**

**1.1 Anti-Social Behaviour**

Anti-social behaviour can be defined as anything which interferes with a persons peaceful enjoyment of their home and its surrounding area. It forms a wide continuum of disturbing behaviour from minor problems with dogs, children, untidy gardens and lifestyle clashes through to serious

noise problems, violent and criminal behaviour, racial harassment, intimidation and drug dealing.

### 1.2 **Harassment and Hate Crime**

Harassment can be defined as deliberate interference with the peace, comfort or safety of any person on the grounds of race, colour, religion, sex, sexual preference, disability, ill health or age and it includes incidents of graffiti, damage to property, abuse, threats and physical attacks. It is targeted, is often persistent and about the victim. It involves motive and intent. There is not necessarily any proximity, it can happen anywhere and the perpetrator may be unknown.

Hate crime is taken to mean any crime where the perpetrators prejudice against an identifiable group of people is a factor in determining who is victimised.

### 1.3 **Neighbour Dispute**

Neighbour disputes can be accidental or caused by carelessness and inconsiderateness. They are often about lifestyle clashes or age clashes. They can be one-off and may not escalate. They involve proximity, residence and parties who know who is causing the dispute.

## 2. **ANTI-SOCIAL BEHAVIOUR POLICY**

The Association recognises the detrimental effect that anti-social behaviour (ASB) has on residents and whole communities. We are committed to early intervention in instances of anti-social behavior and will use mediation wherever possible. The Association has a zero tolerance policy where anti-social behaviour involves harassment, racist and other discriminatory behaviour; hate crime and serious criminal activities. In practice this means that we will always take swift, decisive action. Our aim is to achieve a balance between prevention, enforcement and re-integration and we are committed to victim and witness support. In order to achieve this we will work with residents and develop partnerships with other agencies such as the local authority, 'Resolve' mediation service, environmental health, police, health services and social services. We will also respond to complaints from and about people who are not our tenants.

### 2.1 **Related Policies and Procedures**

The Associations response to racial harassment is detailed in a separate procedure. This procedure also has links to policies and procedures on equality and diversity, allocations, tenant participation, asset management, estate management and maintenance.

### **3. PREVENTATIVE MEASURES**

In addition to early intervention in ASB cases, there are other measures we should adopt to prevent ASB happening in the first place.

#### **3.1 Allocation and sign-up of new tenants**

Before making an offer of accommodation, references from former landlords should be sought. If there have been instances of anti-social behaviour, this will affect the applicant's position on the waiting list depending upon how recent and how serious the ASB was (see allocations policy). In some instances it may be necessary to conduct police checks, particularly where violence or threats of violence has been involved.

At the signing of the tenancy agreement, the housing assistant or housing officer should stress the clauses relating to ASB and discuss with the new tenant what constitutes unacceptable behaviour. This should also include a discussion about the action we would take in ASB cases.

#### **3.2 Assessing Tenants' vulnerability**

Households involved in anti-social behaviour often have high levels of vulnerability. These may include mental health problems, experience of physical or sexual abuse, drug or alcohol related problems and out of control children. Where these problems are identified before or at the start of a tenancy, the housing officer should endeavor to make a referral to the appropriate support agency. This may include 'Impact' floating support service, Cumbria Action for Social Support (CASS) floating support, community mental health teams, social services or drug and alcohol support services.

The new tenant visit, which is undertaken within 6 weeks of the start of the tenancy, can be used to identify any problems that were not previously known about.

#### **3.3 Crime prevention and community safety initiatives**

The Association holds a budget for community safety initiatives and environmental improvements. Where the housing officer identifies particular areas as hot spots for crime and anti-social behaviour they should notify the Housing Manager and the Property Manager who will consider ways of designing out crime and ASB. This will also apply to new developments. Community safety initiatives may include:

- Door entry systems
- CCTV
- Play areas
- Improvements to parking areas
- Security lighting

- Caretakers/security patrols/neighbourhood wardens

We will also endeavor to work closely with crime and disorder partnerships in the area.

### 3.4 **Children and young people**

When making allocations, housing officers should look at existing child density on estates and the proximity of older people to young families. Also care should be taken about moving young families into flats with poor sound insulation.

We will endeavor to work with communities and community groups to look at the provision of facilities and services for young people. We will work with other agencies to contribute to youth strategies for estates.

## 4. **PROCEDURE FOR HANDLING COMPLAINTS ABOUT ANTI-SOCIAL BEHAVIOUR**

### 4.1 **Provision of Information**

Anybody who requests it is to be provided with a copy of this procedure but because it is primarily aimed at staff, we also produce a service standard leaflet that explains the procedure simply and clearly. All complainants should be automatically given a copy of the service standard leaflet. Eden Housing Association should continue to adopt new initiatives to inform tenants, residents and members of the wider community about ASB and to provide as many opportunities as possible to report incidents. Examples would include articles in the customer newsletter, tenants conferences, suggestion boxes and presentations to tenants and residents associations.

### 4.2 **Handling Initial Complaints**

When the initial report is made the staff member (usually the housing assistant) should complete an initial assessment form (see appendix 1). The report is likely to be from a tenant or resident but may be from another source, including colleagues.

The staff member taking the complaint should ascertain whether the complaint is a new one (an incident) or whether it is a complaint about an ongoing case. If it is an ongoing case, any relevant notes and letters should be attached to the initial assessment form. The officer should also make an initial assessment as to whether the case is serious (category 1) or general nuisance (category 2). The categories are as follows:

#### 4.2.1 **Category 1 - serious incidents and cases**

These are cases or incidents, which may involve harassment, deliberate intent, continuous action, violence, severe disturbance or threats.

Examples include:

- Harassment
- Serious damage to property
- Violence
- Threats of violence or intimidation
- Verbal abuse
- Alcohol or drugs related incidents
- Racial incidents (see separate procedure)
- Drug dealing
- Criminal behaviour
- Persistent and willful execution of a combination of category 2 incidents

#### 4.2.2 **Category 2 - general nuisance incidents and cases**

These are cases or incidents, which are often about age or lifestyle differences, accidental actions, neglect or six of one and half a dozen of the other. Specific examples include:

- Noise
- Untidy gardens
- Rubbish
- Unhygienic habits
- Nuisance from business use
- Disturbance from children and youths
- Boundary disputes
- Dogs/animals
- Parking and abandoned cars
- Minor vandalism/graffiti

#### 4.3 **Handling category 1 incidents and cases**

The Housing Manager should be notified immediately of all category 1 incidents and cases and agree any proposed action. A housing officer should investigate further and contact the complainant within 48 hours. Alternatively, the complainant may visit the office to meet the housing officer if that is their preferred option. The initial assessment form will have already been completed; the housing officer may wish to add notes as necessary. An action checklist should be worked through and an action plan should be agreed with the complainant and the complainant's

signature obtained (see appendix two). The complainant should be given a copy of the action plan to take away.

Always obtain the complainant's consent to approach the perpetrator. If consent is not forthcoming then reassure them that we would only approach the other party with their permission. Make a judgment about whether intervention will help or whether intervention would aggravate the situation. In complex cases, this decision should be made in conjunction with the Housing Manager. For more serious category 1 incidents see section relating to injunctions and anti-social behaviour orders (ASBO'S)

#### **4.4 Handling category 2 incidents and cases**

The staff member taking the complaint should decide whether the complaint could be handled by telephone or whether a visit/office interview with a housing officer is required. The housing officer should deal with the complaint within 10 working days. The action checklist and action plan should be completed as above. If category 2 ASB is persistent and/or deliberate despite warnings, then it should be treated as category 1 and further action considered.

#### **4.5 Record Keeping**

The initial assessment form should be saved in the central ASB file. The action checklist/ action plan should be saved on the complainants file along with any letters to the complainant. **Do not** place a copy of the initial complaint on the perpetrators house file. The only correspondence that should be placed on the perpetrators house is that relating to any action we may be taking or warning letters.

#### **4.6 Incident Diary sheets**

Incident diary sheets (see appendix 3) may be provided to complainants where they are reporting ongoing ASB. These can be very useful ways of compiling evidence. In order for diary sheets to be used as written evidence they need to be comprehensive and clearly written. Staff should therefore not issue diary sheets without giving guidance on how they should be filled in. However, care should be taken before deciding to issue diary sheets. In some cases they may inflame the situation, since when completing diaries, people tend to be more observant and aware of a nuisance. Therefore for minor nuisance, it is worth considering other options such as a mediation referral before issuing diary sheets. Where diary sheets are issued, their use should be reviewed after a two-week period. Otherwise the situation is liable to drag on.

#### **4.7 Interviewing the alleged perpetrator**

If the consent of the complainant is obtained, the housing officer should interview the alleged perpetrator within 48 hours of the completion of the

action checklist in category 1 cases/incidents. The time-scale is 5 working days in category 2 cases/incidents. In category 2 cases it may not always be necessary to interview the alleged perpetrator. It could either be handled by telephone or a warning letter (see later) may suffice.

At an interview with the alleged perpetrator, the housing officer should protect the source of the complaint; it is not necessary to divulge it at this stage. Complaints should be put clearly but not be accusatory. Allow the person to respond and record the response in detail including any counter-allegations.

#### 4.8 **Possible responses and subsequent action**

**a) Denial with no other corroborating evidence**

Write to both parties. Take no further action. If problems re-occur, re-investigate.

**b) Denial with corroborating evidence**

Write to perpetrator and warn that we will take further action if there is no improvement. Consider what action we may take (see sections 6,7 and 8).

**c) Counter-claim with substance**

Ask both parties to consider mediation. Confirm this in writing.

**d) Counter-claim, which is unsubstantiated**

Write to both parties. Take no further action. If problems re-occur, re-investigate.

**e) Acceptance of allegations**

Warn perpetrator about future conduct, confirm in writing, and write to original complainant.

#### 4.9 **Warning letters**

If following a full investigation the allegations are substantiated, a warning letter should be issued. The warning letter should refer to specific incidents and it should inform the perpetrator what they are expected to do or not to do. It should also inform the perpetrator of the consequences of not complying and contain a time limit after which the situation will be reviewed. A copy of the warning letter should be saved on the perpetrators house file.

#### 4.10 **Serious category 1 incidents**

Some incidents may be so serious that a warning letter is considered insufficient and further action is required immediately (see sections 7 and 8). These decisions should be taken in conjunction with the housing

manager. If violence, threats of violence or criminal activities are involved then the police should be informed unless the complainant has a particular reason for not wanting this to happen.

## 5. **WITNESS SUPPORT**

Witnesses need to be able to trust the Association otherwise they will not engage with us. To build up this trust we need to be seen to be putting effective measures in place to ensure that witnesses are supported. In order to achieve this we will employ one or more of the following:

- a. Large-scale door knocking to make contact with those potentially affected by the anti-social behaviour and arranging to meet groups of neighbours. This can result in more evidence and provides individuals with group support.
- b. Use of 'neighbourhood letters' to encourage other witnesses to come forward.
- c. Maintaining close contact with neighbours and witnesses by use of regular visits in order to build up trust and support.
- d. Being realistic about the process and the possible outcomes in order to enable witnesses to assess the situation realistically.
- e. Complainant confidentiality is key. Ensure that wherever possible individual complainant details are not revealed to the perpetrators.
- f. Using injunctions to ensure that witnesses feel protected from intimidation (see section 8).
- g. Arrange for organisation's solicitor to visit individual witnesses or groups of witnesses, in their homes, to explain the court process and provide continuing support.
- h. Ensuring that partner agencies, such as the police and social services are aware of the situation so they can also provide support.
- i. Arrange for witnesses to be taken on accompanied visits to the court prior to the hearing.
- j. Offer witnesses temporary alternative accommodation during the lead up to the trial.
- k. Providing mobile phones, property and personal alarms and extra physical security measures such as fire safe letterboxes.
- l. Maintaining contact after the court hearing and where appropriate offer counselling.

## **6. FURTHER ACTION**

### **6.1 Referrals to other agencies**

It may be decided that a referral to another agency is the most appropriate course of action. This may be because they have the most appropriate skills and training such as mediation and mental health services for example, or that they have powers that we do not have, for example, the police and environmental health. Referrals should not be made in order to dodge our responsibility; they should be made in the spirit of joint working.

#### **6.1.1 Police**

The community police officers should be notified of any serious ASB incidents and housing staff should seek their advice and involvement. It may be useful to undertake a joint visit to the perpetrators home in these instances. The police are able to disclose information to us under the Crime and Disorder Act 1998, if it is to be used for the prevention or detection of crime or if it relates to matters of public safety. However all information provided by the police should be destroyed afterwards. There is a list of all of the community police officer mobile telephone numbers on the 'housing' computer drive. All housing staff have access to this.

In addition, if we are considering taking legal action against an individual or individuals, in particular ASBO's or injunctions, we should work closely with the police. The police will also input into 'Acceptable Behaviour Contracts' (ABC's). The anti-social behaviour co-ordination officer for Cumbria police is also listed with our police contacts.

We also attend the police/RSL liaison meetings which take place at 4-6 weekly intervals. Information is shared at these meetings relating to issues under S117 of the Crime and Disorder Act.

#### **6.1.2 Mental Health Services**

If it is suspected that a person may have mental health problems, the housing officer should make contact with the community psychiatric team. They will be able to advise on the best course of action.

#### **6.1.3 Environmental Health**

The local authority environmental health department are able to deal with persistent noise, complaints about dogs barking, fouling and running loose (dog wardens), garden bonfires and unhygienic properties. If any noise amounts to a statutory nuisance the local authority can serve an abatement notice.

#### 6.1.4 Mediation

Where possible, mediation should always be considered as the first course of action before any legal action is taken. Mediation is a way of dealing with disputes that aims to enable the people involved to reach an agreement that satisfies everyone. It is impartial, confidential and independent of the Association. The Association supports 'Resolve' Mediation Service whose trained volunteers operate throughout Cumbria. The referral procedure can be found within the 'Resolve' file in the housing office and staff will be fully trained in how to make referrals and when it is or isn't appropriate.

#### 6.2 **Multi-agency working**

If it is apparent that a number of agencies are involved with a perpetrator, the best course of action may be to set up a multi-agency review, with the agreement of all of the other agencies. The purpose of the review would be to look into the most appropriate ways to address the individual's anti-social behaviour. This is particularly important where the person is vulnerable by virtue of their age, ability or state of health. The agencies who should be invited may include; Police, Local Authority, Social Services, Probation, Schools, Connexions and any relevant mental health workers.

#### 6.3 **Provision of alternative accommodation**

Where a tenant is experiencing ASB and requests a permanent transfer to alternative accommodation, they will be placed on the transfer list and awarded points or given priority according to the severity and needs of the case.

### 7. **PRE-LEGAL REMEDIES**

#### 7.1 **Acceptable Behaviour Contracts (ABC's)**

ABC's are individual written agreements made between perpetrators of anti-social behaviour and the landlord. They may help where a perpetrator may not be aware of the problem their behaviour is causing. ABC's are not legally binding but if the perpetrator continues to act in an anti-social manner then the agreement could be used in evidence in subsequent legal action. An example of an Acceptable Behaviour Contract is provided in appendix 4. If the ABC approach fails, or if the behaviour is very disruptive, further action will be required as detailed in section 8.

### 8. **LEGAL REMEDIES**

Where anti-social behaviour is **Persistent, Ongoing and Preventable (P.O.P.)** despite other attempted interventions, legal action should be

considered. Legal enforcement should be only used as a last resort **or** if it is the only appropriate approach to take.

### 8.1 **Taking witness statements**

All cases require that a proper investigation of the nature of the allegations is undertaken. Formal witness statements should be taken in cases where legal action is anticipated which could, if necessary, be used in legal proceedings. Guidance on taking witness statements is provided in appendix 5.

### 8.2 **Anti-Social Behaviour Orders (ASBOS)**

Eden Housing Association will work in partnership with the police and the Local Authority to seek an ASBO where serious anti-social behaviour is P.O.P. and other interventions have failed.

ASBOs were a provision of section 1 of the Crime and Disorder Act 1998; they came in force from 1<sup>st</sup> April 1999. Application is to the magistrates' court on a civil basis and can be made by the police, the Local Authority or a registered social landlord. ASBOs can be sought in relation to any person aged 10 or over. In order to grant an ASBO the court must be satisfied that:

- a) The person has acted in an anti-social manner i.e. *"in a manner that caused or was likely to cause harassment, alarm or distress"*.
- b) The harassment, alarm or distress must be caused to one or more persons who are not members of the same household as the person against whom the order is made.
- c) The order is necessary to protect persons in the authority's area from further anti-social acts or conduct.

The order may prohibit the defendant from doing anything which the court considers necessary, *"for the purpose of protecting persons in the...area from further anti-social acts by the defendant."*

An order lasts for at least two years but can be forever. ASBOs set a clear standard of behaviour which witnesses and the wider community can police. Contrary to the widely held belief, they are now easier to obtain. These are civil proceedings but the standard of proof is the criminal standard of 'beyond reasonable doubt' and not the civil standard of 'balance of probabilities'. Hearsay evidence is admissible. Breach of an ASBO is a criminal matter, prosecuted by the CPS, punishable by a maximum of 5 years imprisonment.

### 8.3 **Interim ASBOs**

Interim ASBOs should be sought when applying for a full order, if it is likely that the perpetrator will intimidate witnesses.

Interim orders are available under section 1D of the Crime and Disorder Act 1998 (as amended by section 65 of the Police Reform Act 2002) in both the magistrates' court and the county court. This is an order made at an initial court hearing held in advance of the full hearing. This temporary order can impose the same prohibitions and has the same penalties for breach as ASBOs. The interim order can, with leave of the justices' clerk, be made *ex parte* (without notice of proceedings being given to the defendant).

The benefit of the interim order is that it enables the courts to order an immediate stop to anti-social behaviour and thereby to protect the public more quickly. It reduces the scope for witness intimidation by making it unlawful for the offender to continue the behaviour whilst the ASBO application is being processed. It also removes any incentive for delaying the proceedings on the part of the perpetrator. The interim order will send a clear message to the community that swift action against ASB is possible.

#### **8.4 Injunctions**

An injunction can be sought against a tenant for breach of the terms of their tenancy. They are civil proceedings heard in the County Court and prohibit someone from doing something. A power of arrest can be attached if violence has been used or threatened. Breaches are criminal matters and the ultimate penalty is imprisonment.

Unlike ASBOs, injunctions are not available against a minor. The benefit of injunctions over ASBOs is that they are quick and cheap.

#### **8.5 Possession Proceedings**

Possession proceedings should be considered to be the last course of action that the Association will consider or only used in very extreme circumstances where it is considered to be the only appropriate action. This decision should be made jointly with the Housing Manager and the Director of Operations. The rationale for this is that evicting someone from a particular property does not necessarily end the anti-social behaviour, at best, it may just move it elsewhere or the worse case scenario is if the perpetrator remains in the vicinity and continues the ASB. Notices of Seeking Possession should not be issued unless the Association is fully prepared to follow it through and enter the case into court if necessary.

Outright possession orders are rarely granted, judges often prefer to make suspended possession orders. The process is costly and time consuming and there is nothing to prevent the ASB in the meantime.

Because of the problems mentioned above, if the Association has decided to commence possession proceedings, then we will give consideration as to whether an ASBO should be sought at the same time.

9. **CLOSURE OF CASES**

It is **essential** that all cases are formally closed. This should take the form of a letter to the complainant. See appendix 6.

10. **STAFF TRAINING**

Staff will receive comprehensive training on this procedure and on pre-legal and legal enforcement measures. The training will be regularly updated in line with changes to the law and current good practice.

11. **MONITORING AND RECORDING**

All reports of ASB are recorded centrally on the ASB log, along with the outcomes. There will be regular reports to the Board and to the EHA Participation Forum on the numbers and types of ASB. These reports will include an analysis of the effectiveness of our responses to ASB.

12. **FEEDBACK AND REVIEW**

The procedure will be reviewed every 6 months to ensure that it is constantly updated in light of feedback and to reflect new laws (such as the Anti-Social Behaviour Act 2003) and best practice. In order to obtain meaningful feedback we will regularly consult with tenants and residents groups and will conduct periodic user satisfaction surveys to establish whether tenants are satisfied with the anti-social behaviour service. Complaints and other feedback will be used to drive up performance.



Who does it affect? \_\_\_\_\_

When does it happen? \_\_\_\_\_

Why does it happen? \_\_\_\_\_

\_\_\_\_\_

Who is causing the problem?

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

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

Telephone number \_\_\_\_\_

Tenure \_\_\_\_\_

Is it their visitors/guests/relatives? \_\_\_\_\_

\_\_\_\_\_

Has complainant approached person complained of? Yes  No

If so, what was response? \_\_\_\_\_

\_\_\_\_\_

If not, why not? \_\_\_\_\_

Have previous complaints been made? Yes  No

If yes, how many and when? \_\_\_\_\_

Are others prepared to substantiate the complaint? Yes  No

If so, who? \_\_\_\_\_

Has there been violence or threats of violence? Yes  No

If yes, have the police been informed? Yes  No

If yes, provide name and number of officer, station and crime or incident number.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What impact has this had on the complainant? \_\_\_\_\_  
\_\_\_\_\_

How does the complainant think the complaint could be tackled? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will complainant consider mediation? Yes  No  If no, why not? \_\_\_\_\_  
\_\_\_\_\_

Are there any other agencies involved? Yes  No

If yes, which? \_\_\_\_\_  
\_\_\_\_\_

Are any repairs required? Yes  No

If yes, describe and report to property section: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Office use only

Is there any previous relevant history on file? \_\_\_\_\_

\_\_\_\_\_

New Complaint  Ongoing Complaint  Category 1  Category 2

Recommended action \_\_\_\_\_

\_\_\_\_\_

Passed to \_\_\_\_\_ Date \_\_\_\_\_

Housing Manager notified Yes  No  (category 1 cases only)

Code:

**Appendix 2**

**Eden Housing Association  
Anti-social Behaviour Procedure**

**Action Plan and Action Checklist**

Copy of this page to be provided to complainant

Category 1  Category 2  (Pink paper for category one, yellow for category two)

**Name** \_\_\_\_\_  
**Address** \_\_\_\_\_  
**Telephone Number** \_\_\_\_\_ **Date** \_\_\_\_\_  
**Housing Officer** \_\_\_\_\_

**What advice has been given?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What will the complainant do next? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What will the Association do next? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Declaration  
**I confirm that the information I have provided is true and accurate. I am prepared to confirm the same by a statement of truth.**  
**I am/am not\* prepared to testify in person in court if necessary.**  
**\*Delete as appropriate**  
**Signature** \_\_\_\_\_

**Checklist - for staff use only**

**Mediation: Yes  No  Comments \_\_\_\_\_**

**Referral to other agency: Yes  No**

**Comments \_\_\_\_\_**

**Visit to perpetrator: Yes  No**

**comments \_\_\_\_\_**

**Warning Letter: Yes  No**

**Comments \_\_\_\_\_**

**Diary sheets issued: Yes  No**

**Comments \_\_\_\_\_**

**Witness statement taken: Yes  No**

**Comments \_\_\_\_\_**

**No action required: Yes  No**

**Comments \_\_\_\_\_**

**Case closed and letter sent: Yes  No**

**Comments \_\_\_\_\_**

**Further action**

**Notify Police: Yes  No**

**Comments \_\_\_\_\_**

**ABC: Yes  No**

**Comments \_\_\_\_\_**

**Injunction: Yes  No**

**Comments \_\_\_\_\_**

**ASBO: Yes  No**

**Comments \_\_\_\_\_**

**NOSP: Yes  No  Comments**

**Additional Notes:**

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

**Countersigned by Housing**

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

**Appendix 3**  
**Eden Housing Association – Incident Diary**  
**Anti-social Behaviour Procedure**

This form is for information about one incident only. If there is a second incident on the same day or night, start a new form.

When did the incident happen?  
Date of incident (if overnight write both dates - e.g. 12/13<sup>th</sup> March 2003)  
Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_  
Time of incident (cross out am or pm)  
Start \_\_\_\_\_ am/pm  
Finish \_\_\_\_\_ am/pm

Where did it happen? **Put the address where the incident happened – not your own address, unless it is the same.**  
House/flat number \_\_\_\_\_ Road \_\_\_\_\_ Outside   
Inside

**Who did it or who was involved?** Put the name and address of the person or people responsible. If you don't know write "don't know".  
\_\_\_\_\_  
\_\_\_\_\_

**What happened?** Write down exactly what you saw and heard. If someone else saw or heard other things, they must fill in their own diary. Put all words in full, including swear words.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Continued overleaf.....

**Any witnesses?** Did anyone else see or hear the incident. Put their name(s) and address(es). Have they filled in their own diary sheet? Yes  No

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**Have you reported it?** Have you told organisations like the police? If so, write down who you spoke to and where and when you made the report (if you have reported it to the police, put the officer's number and crime number if there is one).

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**How has it affected you?** Write down the way the incident has made you feel. Include its affect on people who live with you. For instance has it stopped you sleeping, frightened your children and so on? Are you more affected because of age or ill health?

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**Your signature.** "I believe that the information I have given above is a true description of what I saw and/or heard":

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

### **Advice to tenants using incident diaries**

1. The diary is **your own** personal record of what you see and hear. You can't write down something that other people (including your wife, husband or partner) have witnessed. They must keep their own diary - or witness report.
2. You must fill in the diary **as soon as** possible while the incident is still fresh in your mind. Do it on the same day if you can. If you leave it much longer, a court may not accept it.
3. Fill in **one form for each separate incident**. If there is a second incident on the same day or night, start a new form. Put your signature and the date at the bottom of each form.
4. **Write down everything** you see and hear and in as much detail as possible. A general summary isn't taken as seriously as word for word evidence. So you will have to include swear words. We are sorry if this is upsetting, but you'll have to do this if the case is going to stand up in court.

**Appendix 4**

**Acceptable Behaviour Contract**

**This agreement** is made on (date) **between** Eden Housing Association **and** (insert name and address of defendant) (name of defendant) **agrees the following in respect of future conduct:** (list specific assurances) e.g.

1. I will not write graffiti or damage property (specify where)
2. I will not climb on roof tops or enter lift shafts or other prohibited areas,
3. I will not throw anything at residents or passers-by

**Further** (name of defendant) **enters into a commitment with** Eden Housing Association **not to act in a manner that causes or is likely to cause a nuisance to other people or breach the terms of the tenancy agreement or lease.**

**If** (name of defendant) **does anything which (s)he has agreed not to do under this agreement then** Eden Housing Association **will take legal action, including an application for possession order, an anti social behaviour order or an injunction.**

**Declaration**

**I confirm that I understand the meaning of this agreement and that the consequences of breaking it have been explained to me**

Signed \_\_\_\_\_ Date \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(by parent or guardian if under 18)

**Witnessed**

Signed \_\_\_\_\_ Date \_\_\_\_\_

Designation \_\_\_\_\_

**Other witness**

To be signed if an officer from another agency has been involved in this case, e.g. police, social services etc.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Designation \_\_\_\_\_  
Organisation \_\_\_\_\_

## **Appendix 5      Taking witness statements**

### **What are witness statements?**

These are:

“written statements by the trial witness setting out all the facts concerned in the evidence which they are to give in court.”

They are important because they:

- Allow parties to weigh up the merits of a case
- May facilitate an early settlement
- Clearly define issues
- Prevent surprises
- Reduce the length of trials
- Judge may allow statements to stand as “evidence in chief”

### **Format**

The format for Statements and Affidavits is different but the content can be the same:

#### **Statements**

- Used in possession cases
- Signed and issued as an indication of what The witness will say at the hearing

#### **Affidavits**

- Used in applications for injunctions/specific performance
- Sworn or affirmed, can be used without the defendant being present at the hearing

### **Hearsay evidence**

This is:

“a statement made otherwise than by a person while giving oral evidence in the proceedings which is tendered as evidence on the matters stated.”

i.e what someone else has been heard to say

## **Civil Evidence Act 1995**

- Hearsay permissible subject to notice
- Person who made statements may be called by other party
- Consideration as to weight attribute to hearsay
- Proof of record of business or public body

## **Form of witness statements**

- Dated and signed by the maker
- Statement as to truth and belief
- Tell the story in sequence
- Statements must support what is to be proved
- Avoid subjective/prejudicial statements
- Detail the effect of the anti-social behaviour on the witnesses, the impact on their lives
- Avoid putting words into the witness's mouth
- Include all relevant factors (additional evidence can only be provided with leave of the court)
- Exclude hearsay evidence, but records, e.g. file notes or incident diaries may be introduced as written evidence
- Err on the side of caution: if in doubt about admissibility of evidence include it
- Identify any documents referred to and appended
- Use numbered paragraphs

## **Examples**

Not like this.....

“I had just been to the tea wagon for a bacon butty, Bert was in there and we were chatting about last night's game. I had to dash so I left and got on my bike outside. All the drivers were mad and buses were everywhere ducking and diving Then as if by magic a mini van appeared going like a bat out of hell.”

But like this.....

“On Tuesday 17<sup>th</sup> September 1998, at approximately 8.30am I was riding my bicycle along Smith Street in the direction of the town centre. The traffic seemed heavy and chaotic, and one vehicle, a green mini van, registration number A123BC passed me at speed, which caused me to rock on my bicycle. I did not know the speed the vehicle was travelling but it appeared to me that he had passed me very quickly.”

Dear

**ANTI SOCIAL BEHAVIOUR COMPLAINT**

I am writing to you about your complaint of anti-social behaviour regarding *(name)* who lives at *(address)*.

*\*I am now closing the case because the matter has been investigated and has been resolved to your satisfaction.*

*\*I am now closing the case because the matter has been investigated and has been resolved to our satisfaction.*

*\*I am now closing the case because following our investigation, there have been no further reports from you in the last month.*

If I can be of any further assistance in this matter, or if there are any further instances of anti-social behaviour in the future, please do not hesitate to contact me at the address above.

Yours sincerely,

Housing Officer

*\*Choose most appropriate*