

Anti-social behaviour myths busted

Why is my complaint not anti-social behaviour?

- Not all incidents reported to the Group are regarded as anti-social behaviour (ASB). For a guide to what is and isn't considered ASB refer to our leaflet and website.
- Even if the incident cannot be raised as an ASB investigation, we may still be able to help and resolve the problem.

You are not doing enough

- The Group cannot take a course of action which is disproportionate or unjustified.
- We will let you know what we are doing and why.
- We will agree an initial action plan with you which should include our next steps and anticipated timescales. You can request a copy of the action plan and expect to have regular contact with the case handler who will give you an update on actions taken and ask if you have experienced further problems. We should let you know if there is a delay on an action agreed and why.
- In many ASB investigations we may need to involve other agencies and there are some actions that only the police or local authority can take.
- If you want more information on how we tackle ASB, download the leaflet or ask for a copy of our procedure summary.

Why can't I just be transferred?

- If you cannot return home because it's not safe, you should contact the police and also contact your local council to seek temporary accommodation. We do not have temporary homes to use in an emergency.
- Unless the situation is extremely serious, we try to resolve the problem so that you can stay in your home.
- We will consider a transfer if the police have confirmed in writing that your home is no longer safe for you or your household.

Why do I need to complete diary sheets?

- Diary sheets offer a structured way of recording important information about an incident and provide a very strong record of the incidents which can be used as evidence.
- We can offer other methods of reporting ASB that suit you. This could include reporting via email, social media, dictaphone or in the future a smartphone app.
- You are the person witnessing the incident and we need to know what is happening to decide how best to deal with the problem.
- Your report will help us decide whether there has been a breach of tenancy by a neighbour.
- We need to know what impact the behaviour is having on you so the appropriate support can be offered.

Why should I consider mediation?

- It is free, confidential and it is independent from the Group.
- Mediation gives you the opportunity to have your say and give ideas about how to resolve the issue.
- If all parties agree, you would have an opportunity to talk to neighbour about the impact of their behaviour and also gain an understanding of their circumstances. Face to face meetings are held in safe environments with trained mediators present.
- If you don't want to meet with your neighbour you can still agree to mediation but only discuss the issues with a mediator.
- The County Court will expect mediation to have been considered and if appropriate used before a case goes to court.

Why can't you tell me about what is going on with my neighbour?

- We have to comply with the Data Protection Act (1998). We hold information about customers and are only able to share this information with third parties in certain circumstances.
- We can give you some basic information about the action towards a neighbour. This may include:
 - The type of action,
 - When the action is taking place
 - The terms of any Acceptable Behaviour Agreement, Injunction or Suspended Possession Order.

Why is the ASB case taking so long to resolve?

- We have a responsibility to respond to allegations of ASB and act as quickly as we can.
- Gathering information about the problem may take longer if we need to talk to several witnesses and involve other agencies.
- The aim is to find out the underlying reasons for behaviour. For example it may be triggered or made worse by mental health issues or substances misuse issues. It may take some time if we need to involve support agencies to help stop the behaviour.
- We need to give the perpetrator an opportunity to change the behaviour and may have to work closely with that person for a while to achieve a long lasting change in behaviour.
- If we decide to take legal action, this can be a very lengthy process – see below.

Why can't you just evict my neighbour and why can the legal process take so long?

- In most cases we try to resolve the problem so that a neighbour can stay in their home.
- If we've worked with a perpetrator but the behaviour continues, and there is enough evidence of serious, persistent anti-social behaviour, we will consider legal action. We may apply for an injunction before we consider applying for possession of the property.
- Most of our customers have assured tenancies. To end this we have to apply for possession in the County Court. If we have applied for possession and the case is accepted then the court controls the timescales and how many hearings take place.
- If the perpetrator wishes to contest the evidence they have a right to a full trial where the court will hear the evidence on both sides and decide whether to make an order. If the case goes to a trial the court may not set a date for the trial for over 12 months.
- The court has discretion about what type of order to make. If the judge believes there is a prospect of the neighbour's behaviour changing they may give them another chance to stay in their home and make a Suspended Possession Order.
- If the court gives an outright Possession Order, the judge may still give the perpetrator up to 28 days in the home before allowing the Group to apply for a bailiff's warrant. After applying for a warrant, it is likely we could wait a further several weeks or even longer before the court gives an eviction date.
- The neighbour can still apply for a 'stay hearing' up to the time of the eviction, to try and stop it going ahead.