

RHA



Railway Housing Association



ANTI SOCIAL BEHAVIOUR & NEIGHBOUR DISPUTES

www.railwayha.co.uk

1 COMMITMENT

The Association is committed to ensuring that all residents enjoy their right to peace, quiet and security in their homes. The Association recognises the varied and diverse nature of the communities in which it works and respects the differences of individuals. Anyone has the right to their chosen lifestyle providing that this doesn't spoil the quality of life of others.

2 DEFINITION

Complaints can range from minor disagreements between neighbours to anti social behaviour that can drastically affect the quality of people's lives.

The Association aims to resolve these complaints without having to take legal action. However, a firm approach will be taken against the perpetrators of anti social behaviour and legal action will be taken where necessary.

Anti social behaviour is conduct that is capable of causing nuisance or annoyance. It is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery. It can be of a serious and criminal nature including racial and other harassment, physical violence and drug dealing. It can also include loud music (often late at night), barking dogs, verbal abuse and vandalism, some of which may not be criminal in nature can be equally detrimental to the quality of life in the community.

Harassment is deliberate or intentional behaviour targeted at individuals or distinct groups because of their ethnic origin, race, religion, age, gender, disability or sexual orientation.

Hate crime is any criminal offence that is perceived to be motivated by hostility or prejudice based on the victim's disability, gender identity, race, religion or faith, or sexual orientation. Harassment and hate crime can include name calling, physical or verbal abuse, intimidation, attacks on or damage to property including graffiti.

3 RESIDENT'S RESPONSIBILITIES

The tenancy agreement clearly places responsibility on each resident for the behaviour of every person living in or visiting their home. This includes behaviour in the resident's home and within the locality and states that persons should not cause a nuisance or annoyance, racial or other harassment, or noise nuisance.

4 MAKING A COMPLAINT

A complaint may be made verbally or in writing by the complainant or someone acting on their behalf. A complaint can also be made anonymously but this may limit the action that the Association can take in dealing with it.

Every complaint will be recorded, acknowledged in writing and investigated. Anonymous complaints will be investigated initially to determine whether the complaint is justified and should be pursued further. Investigations will seek to identify and interview all affected parties.

When a petition is received a letter of acknowledgement will be sent to the lead petitioner. Each petitioner will then be invited to arrange an individual appointment to discuss the complaint.

If the Association thinks that the complainant may be at serious risk then immediate action will be taken. This may include make safe repairs to the property, and contacting the Police and any other agencies that may offer additional support (e.g. Social Services, Victim Support, Witness Support, Environmental Health, and the Local Council's Anti Social Behaviour Officer/Team).

5 CONFIDENTIALITY

All complaints and information will be treated as confidential and in accordance with data protection legislation. This will not be shared with other parties, or a complainant's identity made known to another party, without their consent. However, information may be shared with a statutory agency such as the Police if this may help to prevent or detect a crime or serious incident or if there is a child protection issue.

6 INVESTIGATING A COMPLAINT

The Association will remain impartial when investigating anti-social behaviour and neighbour disputes and will encourage people to initially try and sort the problem out for themselves in an amicable way, where feasible.

The complainant will be interviewed within 1 working day of the complaint being made if the complainant may be at serious risk; within 5 working days if no one is considered to be at immediate risk but serious and/or criminal anti-social behaviour may be involved, for example, drug dealing, regular loud noise, public disorder or threatening behaviour; or within 10 working days of the complaint being made if a nuisance may be being caused but it does not present any, or a low, risk for example, one off incidents of noise such as a party, minor disputes between neighbours, garden nuisance, car repairs and parking disputes. The purpose of the interview is to obtain more information and to discuss the actions that could be taken.

An appropriate course of action will be agreed with the complainant and this may include -

- Complainant to discuss issue with their neighbour
- Mediation
- No action, see below
- No immediate action, monitor the situation
- Collect more details, contact witnesses and other agencies

- Visit the alleged perpetrator and try to stop the problem
- Liaise with the Police and other agencies
- Legal action against the perpetrator
- Provide practical support, such as repairs or extra security

The alleged perpetrator will be informed of the complaint and asked for their comments.

If the alleged perpetrator does not live in one of the Association's properties then action will be taken by contacting their landlord and/or other relevant agencies such as the Police, Environmental Health, Planning, RSPCA, and Social Services.

7 NO ACTION

The Association will not take action in certain cases, that is, if the alleged perpetrator is not in breach of their tenancy conditions, for example, neighbours or their children not talking to each other; children riding bikes on the pavement; family disagreements; cars parked on the road in a space outside the complainants home; personal differences or arguments.

However, the Association will talk through the problem with the complainant and encourage them to talk to their neighbour or consider mediation to resolve the problem.

8 INTERVIEWING THE ALLEGED PERPETRATOR

If the complainant agrees, and the alleged perpetrator lives in one of the Association's properties, the Association will arrange to interview the resident of that property.

The purpose of the interview is not to accuse the alleged perpetrator but to try and establish the facts.

9 COLLECTING EVIDENCE

The Association will collect as much evidence as possible of the alleged nuisance. This may include diary sheets kept by the complainant, interviewing other witnesses, photographing any visible evidence, and information from other agencies.

Ideally a witness should be an independent third party i.e. not a friend or relative of the complainant. If a witness does not want to become involved then their wishes will be respected.

The Association will contact complainants and witnesses on a weekly basis if the complaint is of a serious nature, or monthly if it is of a more routine nature, to check if there have been any further problems. This will be done by telephone or visits.

10 ACTION FOLLOWING INVESTIGATION 11 RE-HOUSING

The action taken by the Association will depend on the response of the alleged perpetrator, the evidence that has been gathered, and the wishes of the complainant. It may include -

- No further action
- Mediation
- Liaising with the Local Council's Anti Social Behaviour Officer/Team
- Liaising with the Police and/or other agencies including drug and alcohol abuse, mental health and disability agencies
- Tenancy enforcement action
- Legal proceedings
- Recharging the perpetrator for the cost of repairing damage
- Transfer to alternative accommodation

The Association will aim to resolve problems speedily and without recourse to legal action wherever possible. However, a firm approach will be taken against the perpetrators of anti-social behaviour and if other means have failed to resolve the problem then legal action may be taken. This may include injunctions, demotion orders, parenting contracts and orders, community harm statements and enforcement of the tenancy conditions that may ultimately lead to repossession of the perpetrator's (or their family's) home.

A transfer to alternative accommodation may be considered but usually as a last resort. The Association prefers to resolve the complaint without re-housing either party. It will usually be considered if there is no clear breach of tenancy but there is a serious clash of lifestyle and/or personalities; or if the complainant is at risk. If there are not any suitable properties available then the Association will liaise with the Local Council and other Housing Associations.

12 CLOSING CASES

If no further incidences are reported from the complainant in the six weeks following the latest action taken, then both parties will be contacted and advised that the case will be closed.

13 APPEAL

There is a right of appeal against any decision made by the Association in relation to dealing with anti social behaviour or neighbour disputes. An appeal can be made through the Association's complaints procedure.

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Registered Social Landlord: A1855 Registered Charity: 216825
MEMBER OF THE HOUSING OMBUDSMAN SERVICE

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