



Mansfield
District Council

Mansfield District Council

ANTI-SOCIAL BEHAVIOUR & HATE CRIME PROCEDURE

CURRENT DOCUMENT STATUS			
Author	Tenancy Services Manager		
Location	Intranet		
Date of next review	November 2025		
VERSION HISTORY			
Date	Version	Author / Editor	Comment
November 2024	V1	Tenancy Services Team	First Version
January 2024	V1.1	Tenancy Services Team	Procedure Guidance table included Pre-eviction procedure included

1. Introduction

The Tenancy Services Team (TST) has the responsibility for dealing with incidents of anti-social behaviour (ASB) and Hate Crime to all Mansfield District Council (the council) properties as part of its Housing Management function. Giving due regard to relevant legislation and in conjunction with other related policies and procedures.

2. Purpose and scope

All social landlords are required to prepare and publish clear information in relation to their approach when dealing with ASB and Hate Crime. This procedure is to be applied in conjunction with the ASB/Hate Crime Policy.

The procedure is intended to provide clarity of the council's approach in addressing ASB/Hate Crime and helping to ensure our neighbourhoods are safe and welcoming places to live and visit. Ensuring legislation is applied correctly and all legal requirements are met by utilising the range of tools and powers available. Delivering good practice to ensure consistency when dealing with ASB/Hate Crime to ensure a victim centred, early intervention and prevention approach.

Our aim is to resolve incidents of ASB/Hate Crime before they escalate, intervene appropriately where we can, and enforce the tenancy conditions relating to ASB/Hate Crime when required. We will put into place, where possible, appropriate support mechanisms for both the victims and perpetrators of ASB/Hate Crime, particularly where they are deemed to be vulnerable.

This procedure clearly defines our approach and application when dealing with ASB/Hate Crime in an operational context to ensure all are clear of their roles and responsibilities.

3. Objectives

The following highlights the objective of this procedure to support the application of both our tenant commitments and related policies to respond to, manage, detect and prevent allegations of ASB/Hate Crime effectively.

Taking a balanced approach focusing on prevention, intervention and enforcement. Engaging with third parties and not being over reliant on police action to reach outcomes but taking a partnership approach, to fulfil the council's management responsibilities.

Constantly reviewing what actions should be taken as outlined in the relevant policies and procedures and through regular case audits, as well as taking on a range of expert opinions to inform the decision-making process.

4. What is Hate Crime and Incidents

The Crime and Disorder Act 1998, section 66 defines Hate Crime/Incidents as:

- There are five types of hate crimes based on race, religion, disability, sexual orientation and transgender identity. Any crime can be prosecuted as a hate crime if the offender has either demonstrated hostility or motivated by hostility based on the 5 identified types.
- A hate incident is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, disability, sexual orientation or transgender identity. Hate crimes are criminal offences, whilst hate incidents refer to incidences that are motivated by specific characteristics, but do not constitute a criminal offence.

When the council receives reports of hate crime and/or incidents, they must treat these with seriousness and sensitivity. Ensuring specific recording of incidents, monitoring incidents across its homes to identify any persistent perpetrators, sharing this information with partners and using the information to improve services offered.

5. What is ASB

The Anti-Social Behaviour Crime and Policing Act 2014 defines ASB as:

- "Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person."

And

- "Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or conduct capable of causing housing related nuisance or annoyance to any person."

6. Types of ASB

The term ASB covers a wide range of unacceptable behaviours with three main categories.

Personal ASB that targets a particular individual or specific group or is aimed at having an impact on a particular individual or incident rather than a community at large.

Nuisance ASB that cause trouble, annoyance, inconvenience, offence or suffering to people in the local community in general rather than targeted at an individual.

Environmental ASB that are inconsiderate actions which impact upon the natural, built and social environment.

ASB covers a broad scope of unacceptable behaviours, ranging from noise nuisance and lack of consideration for others, through to malicious intent and serious criminal activity.

The table below outlines what we do and do not consider to be ASB/Hate Crime, although there may be exceptions to this list.

ASB	Not ASB
Animal nuisance including dangerous dogs	Boundary disputes
Arson	Children playing
Assault and threats of violence	Cooking smells
Behaviour linked to substance misuse	DIY noise which is taking place at reasonable hours
Brothels	Disputes with family and friends
Criminal damage or threats to damage including vandalism	General living noise – doors banging, footsteps, babies crying, occasional dog barking, etc
Drug distribution and use	Inconsiderate parking
Fly tipping/littering	Lifestyle clashes
Hoarding items in the property or garden where there is a serious risk of fire or infestation	One-off parties or celebrations such as BBQ's, birthday or special occasions
Misuse of communal or public spaces	Personal disputes and minor personal differences such as dirty looks or fall outs between children
Noise (deemed to be a statutory noise nuisance)	
Nuisance from vehicles	
Other criminal behaviour, including hate crime/incidents and domestic abuse	
Sex working	
Sexual offences	
Verbal abuse/harassment/intimidation	
Weapons	

We will not raise complainants' expectations and investigate a potential incident when it is not ASB/Hate Crime or a tenancy breach with a reasonable level of tolerance expected between neighbours.

There are other estate and tenancy management issues not dealt with under this procedure but dealt with under separate procedures. Some issues may fall into one or more categories and guidance should be sought from the line manager if unsure.

7. Tools and Powers

There are several tools and powers available to help deal with ASB/Hate Crime with the focus on early intervention and prevention to reach a successful resolution for all parties involved as listed below and by.

- Offering a variety of methods to make it easy to report ASB/Hate Crime
- Responding quickly to reports of ASB/Hate Crime
- Offering specialist tenancy management support
- Adopting a multi-agency approach to tackling ASB/Hate Crime and continually reviewing actions plans
- Identifying vulnerabilities of both complainants and perpetrators
- Undertaking safety and security measures
- Designing out ASB to both existing and new developments
- Using sensitive lets where appropriate

Mediation is a flexible and confidential process used to settle a dispute between two or more people. Mediations can involve appointing a mediator who is an independent and impartial third party, to help the parties talk through the issues, negotiate, and come to a mutually agreeable solution. Mediation provides a safe and supportive environment; the mediator will listen to all views and help guide all parties involved through the process to hopefully reach an agreed resolution.

Enforcement action would be taken where all reasonable steps have been taken to prevent or resolve ASB/Hate Crime, or in serious cases, careful consideration will be given to the use of enforcement powers to deal with the problem, eviction however would always be a last resort. There are a range of enforcement measures available to the council which include:

- Verbal Warnings
- Tenancy Breach Warning Letters
- Civil Injunctions
- Community Protection Warnings (CPW)
- Community Protection Notices (CPN)
- Fixed Penalty Notices (FPN)
- Criminal Behaviour Orders (CBO)
- Notice of Seeking Possession (NoSP)
- Notice of Demotion (NOD)
- Notice of Extension for introductory tenants (NOE)
- Notice of Possession Proceedings for introductory tenants (NOPP)

- Mandatory (Absolute) Grounds for Possession
- Suspended Possession Order (SPO)
- Possession Order
- Eviction

Verbal and/or written warnings must be raised as alleged if there is no evidence to confirm the issues raised.

Pre-eviction Panel – eviction would be used as a last resort when all other methods to resolve the issue have failed. Should a case have to be considered for application to the courts for possession this will be following a case audit and referral to the pre-eviction panel. These further steps ensure through a check list, all actions to avoid the application have been exhausted or if there are any other actions which could be taken to avoid possible eviction with the panel made up of senior managers working across several services.

Proportionality Assessment – will be completed for all cases prior to court application and will be presented to the Pre-eviction Panel as part of the referral process. In some cases, a proportionality assessment will be completed as part of the NoSP, NOD, NOPP and NOE procedure, if there are vulnerabilities which need to be considered at an earlier legal stage. The proportionality assessment ensures the council has captured all the information about the perpetrator including any disabilities or vulnerabilities and the action taken is proportionate against the issues the perpetrator is causing.

In addition to the powers the council can utilise to tackle ASB/Hate Crime the following powers would be considered when taking a partnership approach.

Putting the victim first - The legal tests that govern the use of ASB powers are focused on the impact the behaviour is having, or is likely to have, on victims, communities and businesses.

Risk Assessments - form part of the statutory guidance which accompanies the ASB Crime and Policing Act 2014. Landlords should assess the risk of harm to the victim, along with any potential vulnerabilities, at the time it receives the ASB/Hate Crime report. Failure to identify an individual's circumstances which are relevant to the case could result in delays in assisting those vulnerable and accessing additional services. The risk assessment should take into consideration all circumstances which would then guide the actions taken. This includes whether any support or signposting is required and if safeguarding measures should be implemented. The risk assessment should be kept up to date during the length of the ASB/Hate Crime case to capture any change in circumstances and to monitor if interactions such as support referrals are effective. A tenant's circumstances may mean they are more affected by the councils' actions or inactions than others. When considering action, any

aggravating factors, such as a tenants physical and mental conditions, should be reflected in the level of redress for the specific impact on the tenant.

Action Plans - Agreeing an action plan with the complainant helps the council manage the complainants' expectations and keeps them informed on the progress of the case. It is important to note the action plan is a two-way agreement with the officer leading on the case taking overall responsibility for implementing and explaining what actions it would take and by when to address the issues. It will include steps the complainant needs to take over a period for example, keeping diary sheets for a period of x months, to help evidence gathering. It will summarise when the complainant can next expect contact from the lead officer and will be reviewed at each contact with the complainant as it is a working document with the actions changing over time and as the situation escalate or deescalates.

Community Impact Survey – A useful tool which enables agencies to try and gather information within a particular area following a ASB complaint to try and obtain more information and evidence. This is particularly helpful if the ASB could be impacting on the community as a whole or if the complainant is fearful when providing information due to fear of reprisals.

ASB Case Review (formerly known as the Community Trigger) - Gives victims of persistent ASB/Hate Crime the ability to demand a formal case review where the locally defined threshold is met, to determine whether there is further action that can be taken.

Community Remedy - Gives victims a say in the out-of-court punishment of perpetrators of ASB/Hate Crime when a community resolution, conditional caution or youth conditional caution is chosen as the most appropriate response.

Restorative Justice - Process which brings those harmed, and those responsible for the harm, into communication. It enables everyone affected by the harm to play a part in repairing it which can be valuable in finding a positive way forward.

Acceptable Behaviour Contract - Is a written agreement between a perpetrator of ASB/Hate Crime and the agency acting locally to prevent that behaviour, particularly for young people and to stop the problem before it escalates.

Parenting Contract - Where informed interventions are used for young people under 18, where the parent or guardian is part of the issue either because they are a bad influence or failing to provide suitable supervision.

Dispersal Power - Is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to the community.

Public Spaces Protection Order - Are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the community's quality of life, by imposing conditions on the use of the area which apply to everyone.

Closure Power - Is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder for a specified period. The power comes in two stages, the Closure Notice and Closure Order which are intrinsically linked. The Closure Notice can be used by the council or police out of court. Following the issue of a Closure Notice, an application must be made to the magistrates' court for a Closure Order, unless the Closure Notice has been cancelled.

A partial closure order can be considered and prohibits anyone except for those named on the order from remaining in, returning to, or entering the premises, for a specified period.

Further information on the range of tools and powers available can be found on the Governments website.

8. Vulnerable Persons

When dealing with incidents of ASB/Hate Crime vulnerabilities must be identified and appropriate actions and support put in place to reach an effective outcome in line with the councils Vulnerable Persons Policy.

A good understanding of needs and assets within the local area is important to identify what support could be provided.

MDC defines "vulnerable" in relation to the provision of our Housing services as:

Customers who have a particular characteristic and/or experience an exceptional life event and are currently unable to cope with managing their tenancy without additional support.

Childhood Vulnerability - There is no commonly used definition of childhood vulnerability. A child can be vulnerable to risks and poor outcomes due to individual characteristics, the impact of action or inaction by other people and their physical and social environment.

Vulnerable Adults - This is any adult over the age of 18 unable to take care of themselves or protect themselves from exploitation. Many factors can influence adult vulnerability, experiences of vulnerability in childhood may negatively impact adults in later life – particularly if someone has fewer protective factors in place, such as a supportive family or stable household income.

Vulnerable background - Children and young people's physical, emotional and mental wellbeing are significantly shaped by the social determinants of health into which they are born, live and grow. Traumatic events and adverse circumstances occurring in childhood are associated with long-term impact on outcomes at population level. This does not mean that every child experiencing trauma and adversity will experience poorer outcomes. Multiple factors influence outcomes – the presence of protective factors such as a supportive family will also be key influences.

Addressing vulnerabilities - Vulnerability, traumatic experiences, and wider inequalities can impact on people's health and wellbeing from childhood and across the life course. Having an awareness that this impact is not always visible and understanding how best to support individuals accessing services who may be vulnerable, will enable accessible, appropriate and effective care to be provided.

9. Domestic Abuse

Domestic abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse, or have been, intimate partners or family members regardless of gender or sexuality (for example, between children and parents, or partners). The abuse can be, but not limited to psychological, sexual, financial and emotional.

When dealing with incidents of ASB/Hate Crime appropriate actions and support must be identified to protect the victim(s) in line with the councils Domestic Abuse Policy.

In all cases of domestic abuse and when the abuse is related to a council tenancy, a case must be opened on the case management system by the Housing Management Officer/Tenancy and Enforcement Officer in addition to making the appropriate referrals to capture all actions taken and to monitor progress.

10. Safeguarding

Everyone has the right to feel safe and protected whilst using the council's services and the council has an obligation to ensure the safety of Children and Adults at risk. Council employees are not responsible for making decisions regarding abuse. Their primary role is to record and report any concerns or suspicions and it is the duty of all employees to alert the relevant officers and report all suspicions or concerns as soon as possible.

When dealing with incidents of Safeguarding appropriate actions and support must be identified to safeguard the person in line with the councils Safeguarding Children and Adults Policy.

In all cases of safeguarding and when the safeguarding concern is related to a council tenancy, a case must be opened on the case management system by the Housing Management Officer/Tenancy and Enforcement Officer in addition to making the appropriate referrals to capture all actions taken and to monitor progress.

11. Reporting ASB/Hate Crime

ASB/Hate Crime can be reported in the following ways:

- Via Mansfield District Council's website
- Via Mansfield District Council's social media platforms
- In writing/email to any of the Housing Management team
- Visiting the Civic Centre, Chesterfield Road South, Mansfield, NG17 7BH
- Phoning Mansfield District Council on 01623 463463 within normal office hours
- Via the Police or other partners

The following information defines the types of reports the council can receive, who by and who against.

Complaints – it is important for reports of ASB/Hate Crime not to be confused with complaints, a complaint is:

- "Dissatisfaction, however, this is expressed by the customer, which they wish to be treated as a complaint. This can be dissatisfaction about the standard of service, actions, lack of action by the organisation, its staff, or those acting on the council's behalf, affecting an individual or group.

A request for service is not a complaint and is defined as "a request that the organisation provides or improves a service, fixes problems or reconsiders a decision".

Complainant - is the person reporting the ASB/Hate Crime and is affected by it.

Witness - is a person who has witnessed the ASB/Hate Crime.

Alleged perpetrator - is the person who is reported to be causing the ASB/Hate Crime before any evidence has been obtained.

Perpetrator - is the person who is reported to be causing the ASB/Hate Crime and evidence has been obtained.

To note the alleged perpetrator/perpetrator will be referred to as perpetrator throughout this procedure.

12. ASB/Hate Crime procedure

It is important that the council show empathy with complainants and keep them updated from the initial report and throughout the case.

The ASB/Hate Crime category and risk level this applies to along with the response times in line with service standards to complainants and officer responsible are listed in the table below.

Risk Level	Category	Response Times	Officer Responsible
Medium	<ul style="list-style-type: none"> • Animal Nuisance • Behaviour linked to substance misuse • Brothels • Criminal damage of threat to damage including vandalism • Drug use and distribution • Fly tipping/littering • Misuse of communal or public spaces • Noise (deemed to be a statutory noise nuisance) • Nuisance from Vehicles • Low level criminal behaviour • Sex working • Verbal abuse/threats/intimidation 	5 working days	Housing Management Officer (HMO)
High	<ul style="list-style-type: none"> • Arson • Assaults and threats of violence • Hoarding items in the property or garden where there is a serious risk of fire or infestation • Serious criminal behaviour including hate crime/incidents, where is activity linked to county lines/gang related, cuckooing, domestic abuse or safeguarding concerns • Sexual offences • Weapons 	1 working day	ASB and Tenancy Enforcement Officer (ATO)

If the officer initially dealing with the complaint believes that based on the complainant's report an immediate response is required, they will action this and update the officer who will be managing the case.

This could be when there may be an immediate risk of harm/damage to person or property when appropriate services would be contacted to the issues such as alerting the emergency services.

In some circumstances, for example in cases of domestic abuse the victim may wish to be dealt with by a member of staff of the same sex. This will be arranged wherever possible.

The ATO would deal with all cases categorised as high and manage cases categorised as medium when the case is complex or if it needs to be progressed for legal action. Who manages a case will be determined through the category of the case, the complexity of the case and via the regular case audits.

In some cases, there may be multiple issues open against one address, in these circumstances the ATO will deal with all issues/categories but may ask the HMO to pick up certain actions, such as to complete a garden inspection. This is to ensure resources are utilised effectively to progress actions in line with procedure and to meet performance targets.

Petitions and Councillor/MP/Mayoral enquiries - Where a petition or Councillor/MP/Mayoral enquiry is received, it will be dealt with through the housing management system and submitted to Communication and Customer Experience. The ASB/Hate Crime will be managed in line with this procedure.

Effective contact – Various methods should be considered when contacting both the complainant and perpetrator, officers need to consider the most effective method of contact agreed with all parties to resolve the issues efficiently and effectively.

Speaking directly with both the complainant and perpetrator over the phone or in person is usually the most effective form of contact and this method should always be considered in the first instance unless the complainant or perpetrator have requested contact to be made via other methods and the officer feels the method has been effective.

Multiple categories – Where there are multiple categories open against a perpetrator; a case will be opened on the housing management system for each separate category. The cases will then be linked and updates placed on one case only with reference to this on all other cases. This is to ensure all incidents of ASB/Hate Crime are captured against the relevant categories to ensure accurate performance monitoring/reporting and to avoid duplication.

Multiple complainants – Where there is more than one complainant against a perpetrator, a case will be opened on the housing management system for each separate complainant. A risk assessment and action plan should be completed for each complainant, and these should be placed on the relevant complainant's

case. On-going updates should be placed on one case only with reference to this on all other cases to avoid the officer having to duplicate information.

Case audits – case audits will be completed on a regular basis by the relevant line manager. This would usually be monthly with ad hoc case audits completed as and when required in addition to this.

The audits will ensure that all actions have been completed in line with service standards, key performance indicators and ASB policy and procedure. Concentrating on an early intervention/prevention approach, identifying vulnerabilities, safeguarding concerns and support needs through a risk assessment and action plan.

Utilising the range of tools and powers available including maximising the council's specialist support services to provide support as early as possible, preventing escalation. Adopting a victim centred, partnership approach when dealing with cases to reach a positive outcome for all involved, keeping the complainant updated on a mutually agreed timeframe throughout the duration of the case.

Information sharing - The council works collaboratively with other organisations to address ASB/Hate Crime. Where appropriate the council will share information with the police and other key agencies under the appropriate sharing agreements to enable agencies to carry out their functions and duties in accordance with the Crime and Disorder 1998. All data sharing will comply with the General Data Protection Regulation (GDPR) 2016 and with the Data Protection Act 2018.

Performance monitoring - Key Performance Indicators (KPI's) and any outcome measures relating to this procedure, and any related policies, will be monitored and reported to the Housing Management and Support Services Operational group monthly and included in the suite of KPI's reported to the Housing Executive/ CLT and Cabinet on a quarterly basis

The following KPI's will be reported:

- Number of ASB cases reported per 1000 properties.
- Number of Hate crimes reported per 1000 properties
- % of ASB cases responded to within timescale (medium level)
- % of ASB cases responded to within timescale (High level)
- Levels of satisfaction with how the ASB case was handled

Procedure Guidance

ACTION	BY WHO
Stage 1 – Receipt on an ASB Complaint Opening a case	
<p>On receipt of a complaint the officer will decide if the complaint is housing related and is ASB/Hate Crime by considering the following:</p> <ul style="list-style-type: none"> • Is the report housing related? • Does it meet the definition of ASB/Hate Crime? • Is it unreasonable? <p>The officer will check the housing management system to see if there is a current case open, if not a new case will be opened. It is important for the officer to check for any cases which may have been closed within the last 12 months and if there is any relevant information which needs to be considered such as an active CPW, CPN or NoSP.</p> <p>Anonymous reports - When an anonymous report (this is where the identity of who has made the report is unknown) is received the officer will complete an investigation to gather further information to identify if there are potentially vulnerable victims/witnesses.</p> <p>If the investigation identifies there is a probability an incident has occurred, tenancy action will be taken due to the impact this may have on others in the community.</p> <p>In some cases, no action will be taken where ASB/Hate Crime is reported anonymously if there is insufficient information to progress an investigation.</p> <p>Anonymous reports must not be misunderstood with when a complainant, who has provided their details to us, wishes to remain anonymous. This means that they want to remain anonymous and do not want their identity disclosed to the perpetrator. In these circumstances the complainants' details will be added to the case so they can be kept updated and an action plan/risk assessment completed but their identity will not be disclosed, the complainant will be made aware of this.</p>	HMO/ATO
Stage 2 – Contact with Complainant (Acknowledgement Letter)	
<p>The officer will contact the complainant within 1 working day if the category is high and 5 working days if the category is medium. This would initially be by phone unless the complainant has specified a different contact method to obtain as much information as possible to progress a thorough investigation.</p>	HMO/ATO

Action plan - Will be agreed with the complainant, and this will be reviewed throughout the management of the case. The action plan will include how the complainant wishes to be contacted, the frequency of contact required to monitor the situation and provide updates and any other actions such as the completion of a risk assessment or requirement to add the issue to the multi-agency meeting template if a partnership approach is required.

Risk Assessment/Support – This should be considered to identify any potential harm, along with vulnerabilities or any other circumstances which are relevant to the case to guide what action needs to be taken to reduce any risks. This includes whether any support or signposting is required and if safeguarding measures should be implemented. The risk assessment should be kept up to date during the length of the case to capture any change in circumstances and to monitor if interactions such as support referrals are effective. When considering action, any aggravating factors, such as a tenant's physical and mental conditions, should be reflected in the level of redress for the specific impact on the tenant.

Support can include referrals to MDC's Specialist Support Service through the relevant referral process or to external support providers. If unsure on what support would be most appropriate/effective to seek guidance from MDC's Specialist Support Officers.

The housing management case should be updated in detail to capture the conversation with the complainant and referrals made and any relevant information updated on the main housing management system, for example to capture a disability we had not previously been made aware of.

Acknowledgement letter – Will be sent to the complainant, confirming the conversation and to include the action plan within 24 hours of contact with the complainant.

If the officer is unable to contact the complainant within the required response time or send the acknowledgement letter/action plan the line manager will allocate the task to another team member to progress.

Mediation - Should be offered in all relevant cases at the initial contact with the complainant and throughout the case.

<p>Where complainant is too afraid to report due to fear of reprisals - In some cases, complainants are too afraid to report incidents due to fear of reprisals.</p> <p>In these cases, a partnership approach is likely to be required where information is shared between the partners and a joint approach taken to tackle the issues. These may include (but not limited to) the following:</p> <ul style="list-style-type: none"> • Completing a Community Impact Survey (CIS) • Contacting local businesses/organisations • Attending or arranging community events or meetings 	
<p align="center">Stage 3 – Contact with Perpetrator (ASB1 Warning Letter)</p>	
<p>The officer will interview the perpetrator within 7 working days from the contact with the complainant (unless a different course of action is agreed with the complainant, such as calling out to see the perpetrator earlier if the situation requires this). This contact will be by phone or an in person visit.</p> <p>The officer will consider who should be involved in the interview, for example, if the ASB/Hate Crime reported involves children it may be advisable for them to be present at the interview when the appointment time should reflect this i.e. after school finish time.</p> <p>At the interview, details of the report will be given to the perpetrator, and they will be given the opportunity to respond. Information that may put complainants and/or witnesses at risk will not be given to perpetrators and identities will only be given where this has been agreed.</p> <p>Risk Assessment/Support - During the interview with the perpetrator a discussion will take place to identify any vulnerabilities they may have, such as mental health issues and any support required. Referrals and/or signposting will be discussed with the perpetrator and where agreement has been given referrals will be made to appropriate services.</p> <p>Tools and Powers - Consideration will be made to the tools and powers available to resolve the issues at the earliest opportunity. In some cases, we may decide to serve NoSP immediately for instance if the ASB is of a serious nature and we have evidence to support this, in these cases the officer would discuss this with the line manager and the discussion/outcome would be captured on the housing management system.</p>	<p>HMO/ATO</p>

In some cases, the officer may wish to visit the perpetrator at their home following the initial phone call to discuss the issues if they have concerns which only a face-to-face visit would help identify or if they need to check the condition of the property or occupancy for instances.

We acknowledge that some perpetrators of ASB/Hate Crime may themselves be vulnerable and will try and work with vulnerable tenants to ensure they have access to appropriate services. We will work with perpetrators to understand the reason behind their behaviour, giving them an opportunity to modify this with guidance and support, helping them to recognise the effect their behaviour is having on others and completing a risk assessment when relevant.

The housing management case should be updated in detail to capture the conversation with the perpetrator, actions agreed and taken within 24 hours along with any referrals for support.

ASB1 Warning Letter – An alleged/breach letter must be sent to the perpetrator to confirm the interview, agreed actions to resolve the situation and to include the relevant tenancy terms. In addition, a CPW/CPN, etc may be considered for instance in addition to the alleged/breach letter and guidance should be sought from the ATO or line manager if unsure.

Joint Tenants – If a joint tenancy, contact should be made with each tenant to ensure they are aware of the complaint, to identify any vulnerabilities or support through a risk assessment and all correspondence must include all joint tenants.

Mediation - should be offered in all relevant cases at the initial contact with the complainant and throughout the case.

Perpetrator is not connected to a council tenancy - if the perpetrator is not connected to a council tenancy and the ASB/Hate Crime is affecting council tenants, action can still be taken.

The officer will signpost the tenant to the relevant agency, record the contact on the housing management system and where relevant discuss at the partnership meeting.

In some cases, the council would progress action despite the perpetrator not residing in a council tenancy, this

<p>would be discussed and agreed by the line manager in addition to any discussions at the partnership meeting.</p> <p>This could be obtaining an injunction to exclude an individual from a particular address or area for instance as their behaviour is having a detrimental impact on the lives of council tenants and it is agreed by partners this was the best approach.</p> <p>Counter allegations - where the perpetrator makes counter allegations and wants these investigating a separate case will be opened on the housing management system and action taken as outlined in this procedure.</p> <p>TO NOTE: It is important for the complaint to be discussed with the perpetrator before making referrals to other agencies to confirm the accuracy of the information. For example, if a complainant suggests an adult/child could be at risk of harm, the officer will confirm this through their investigation and then make appropriate referrals. If the perpetrator has not responded to contact made, the officer will discuss the complaint with the line manager when a decision will be made whether to progress with a referral, this will be based on risk and documented on the housing management system. This is to avoid unnecessary distress should the complaint be of a malicious nature for instance.</p>	
Stage 4 – Perpetrator – No Contact	
<p>If all attempts to contact the perpetrator have failed the warning letter will be issued detailing the complaint and relevant tenancy breaches, asking the perpetrator to get in contact with the officer as soon as possible to discuss the complaint in more detail and solutions to resolve the issues.</p>	HMO/ATO
Stage 5 – On-going contact with complainant	
<p>As per action plan contact should be made with the complainant as agreed in the action plan. If the ASB/Hate Crime continues following the initial warning the officer will continue to investigate the case, this may involve:</p> <ul style="list-style-type: none"> • Contacting other residents who may be affected either directly or by completing a Community Impact Survey • Continue to gather evidence through diary sheets and surveillance equipment such as cameras, The Noise App or noise monitoring equipment <p>Another member of the team can contact the complainant for updates on the case if required to ensure the contact</p>	HMO/ATO

agreement within the action plan is adhered to should the officer dealing with the case be unable to.	
Stage 6 – Complaints Continue (ASB2 Warning Letter)	
<p>If complaints continue the officer should complete all actions listed in Stage 3 and send the ASB2 Warning Letter along with issuing a CPW, CPN, etc if appropriate to do so.</p> <p>All attempts must be made to discuss the on-going complaints with the perpetrator prior to sending the warning letter.</p>	HMO/ATO
Stage 7 – Complaints Continue (ASB3 Warning Letter)	
<p>If complaints continue the officer should complete all actions listed in Stage 3 and send the ASB3 Warning Letter along with issuing a CPW, CPN, etc if appropriate to do so. The letter will advise the perpetrator legal action will be considered should the complaints continue, giving them a final opportunity to rectify the issues.</p> <p>All attempts must be made to discuss the on-going complaints with the perpetrator prior to sending the warning letter.</p>	HMO/ATO
Stage 8 – Notice of Seeking Possession (ASB4 NoSP Letter)	
<p>If complaints continue following the ASB3 Warning Letter legal action will have to be considered, the officer will discuss this with the line manager and the discussion/outcome will be captured on the housing management system. All tools and powers available would be considered, usually a NoSP would be served at this stage. A proportionality assessment may also be required as part of the NoSP process if the perpetrator has vulnerabilities/disabilities which MDC need to carefully consider when starting an application for possession. The ASB4 NoSP Letter will be sent to the perpetrator to advise the NoSP will be served.</p> <p>All attempts must be made to discuss the on-going complaints with the perpetrator prior to sending the warning letter.</p>	HMO/ATO
Stage 9 – court action and pre-eviction panel (ASB5 Pre-eviction Panel Letter)	
<p>If complaints continue after the NoSP has been served, the officer will discuss this with the line manager and agree appropriate action considering all tools and powers available. An application for possession would be progressed should all other methods of resolving the complaints have been exhausted.</p> <p>Pre-eviction Panel - Prior to preparing the information for the application for possession, a referral to the Pre-eviction Panel must be completed. This is to ensure all necessary actions have been progressed and identify any</p>	ATO

<p>other actions which could be considered to resolve the issues and prevent possession proceedings.</p> <p>The ASB5 Pre-eviction Panel Letter should be sent to the perpetrator to advise due to on-going complaints a request has been made to the Pre-eviction Panel to authorise possession proceedings based on the on-going complaints and to ask the perpetrator to consider actions they could take to try and resolve the issues.</p> <p>All attempts must be made to discuss the on-going complaints with the perpetrator prior to sending the warning letter.</p> <p>To note: Introductory tenancies will not be referred to Pre-eviction Panel as there is a separate review process in place following the NOPP. Cases progressed under mandatory grounds will also not be progressed to the Pre-eviction Panel as the conditions to progress possession under mandatory grounds for possession have been met due to the seriousness of the offence.</p>	
<p align="center">Stage 10 – Outcome of Pre-eviction Panel Possession Proceedings (ASB6 Court Action Letter)</p>	
<p>Following approval from the Pre-eviction Panel to progress with possession for the officer to prepare the court file bundle for legal to make an application for possession with the courts.</p> <p>As part of the Pre-eviction Panel process information will be supplied to HomeFinder about the possibility of homelessness.</p> <p>The ASB6 Court Action Letter should be sent to the perpetrator advising of the outcome of pre-eviction panel and that the case has been referred to Legal Services to make an application to the courts for possession. Advising the perpetrator to consider actions to prevent on-going complaints.</p> <p>Should Pre-eviction Panel advise further actions need to be taken before approval to progress possession can be considered. The officer will review the case and actions required with the line manager once completed and the line manager can authorise the application for possession, the case does not need to be referred back to Pre-eviction Panel for approval.</p> <p>At this stage an application should be considered as to whether we need to suspend the tenant from being able to</p>	<p>ATO</p>

<p>apply to the housing register based on their current tenancy conduct.</p> <p>Should Pre-eviction Panel decline the request to progress with possession, the officer should discuss this with the line manager and agree how to progress this case.</p> <p>All attempts must be made to discuss the on-going complaints with the perpetrator prior to sending the warning letter.</p>	
Stage 11 – Outcome of Court	ATO
<p>Following the outcome of the court application the officer should ensure the perpetrator understands the outcome and what this means to them.</p> <p>The conversation should be clearly documented on the housing management system to ensure we can demonstrate the correct advice has been given to the perpetrator at this stage and throughout the case.</p>	
Stage 12 – Eviction & Section 41 Notice	
<p>On receipt of the eviction date the officer must ensure the perpetrator has received all the information and understands they must give vacant possession of the property; all belongings must be removed and the property/garden left in good condition.</p> <p>The Section 41 Notice must be served at this stage to ensure we are able to progress the removal, storage and disposal of any belongings left by the perpetrator.</p> <p>Advice and support to be provided again and appropriate referrals made with regards homelessness and any other support needs.</p>	ATO
Stage 13 – Case Closure	
<p>Where we have exhausted all possible and/or reasonable options to resolve a case or the issues have been resolved following the officers' interactions, the decision will be made to close the case.</p> <p>This will only be done following a case audit with the line manager and/or agreement with the complainant. This will be confirmed in writing to the complainant giving the reason why the case has been closed. (Case Closure Letter – resolved)</p> <p>Cases can be re-opened should further information or evidence become available to the council within a reasonable timescale.</p>	HMO/ATO/Team Leader/Tenancy Services Manager

<p>Cases would be closed if the complainant has failed to keep the council updated with information about the case or failed to respond to contact, this would be following a letter to the complainant giving them an opportunity to contact the council prior to the case being closed. (Case Closure Letter – no contact)</p>	
<p align="center">Stage 14 – ASB Case Closure survey</p>	
<p>A customer satisfaction survey should be completed with the complainant following the closure of each case.</p> <p>A range of methods should be used to maximise returns which include completing the survey on-line, a hard copy sent to the complainant along with a pre-paid envelope or by phoning the complainant to complete the survey. To note if the survey is completed by phone with the complainant, this must not be by the officer who has been managing the case but another member of the team who has been not had any involved in the complaint to ensure partiality.</p> <p>The satisfaction survey will capture how the complainant feels we have managed the case in relation to response times, actions taken to resolve the situation, how quickly the actions have been taken, and the standard of service the officer has provided.</p> <p>Feedback from satisfaction surveys will be analysed as they are completed/returned to identify any immediate actions required, with a review of the levels of satisfaction and any trends taking place on a monthly basis and reported to the Housing Management and Operational Group and included in the Highlight report submitted to the Housing Executive / CLT and Cabinet on a quarterly basis along with any outcomes made as a result of the feedback provided.</p>	<p>HMO/ATO/Team Leader/Tenancy Services Manager</p>