

Partnerships & Housing Directorate:

Statement of Policy on Anti-Social Behaviour

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Glossary of Terms

ASB – Anti-Social Behaviour

ASBA - Anti-Social Behaviour Act 2003

ASBTG – Anti-Social Behaviour Task Group

ABC - Acceptable Behaviour Contract

ASBT - Anti-Social Behaviour Team

BME – Black and Minority Ethnic

CRE – Commission for Racial Equality

DAAT – Drug and Alcohol Action Team

DV – Domestic Violence

DVP – Domestic Violence Partnership

ICT – Information Communication Technology

PPA – Policing Priority Area

SMBC – Sandwell Metropolitan Borough Council

SSP – Safer Sandwell Partnership

Definitions

Complainant: For the purposes of this policy, the Complainant is defined as:

the individual(s) who reports to the Council the behaviour that has caused or was likely to cause harassment, alarm or distress

Perpetrator: For the purposes of this policy, the Perpetrator is defined as:

the individual(s) who it is either alleged or proven, is responsible for the behaviour that has caused or was likely to cause harassment, alarm or distress

Equality Statement

Sandwell MBC is a multi-racial, multi-cultured and multi-religious borough that recognises the positive contributions made by all its citizens. It values cultural diversity and recognises the importance of challenging discriminatory behaviour. The Council is committed to ensure that all its amenities are accessible to all its citizens and that its services are delivered without prejudice and in an anti-discriminatory manner.

The Council will strive to meet all its legal duties including those under the Race Relations (amendment) Act 2000, Sex Discrimination Act 1975, Disability Discrimination Acts 1995 and 2005, and the European Union Directive and Codes of Practice.

The Race Relations (Amendment) Act 2000 places a general duty on the public authority to promote race equality. The duty means that public authorities must have due regard for the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good relations between people of different racial groups

The Sex Discrimination Act 1975 (SDA) prohibits sexual discrimination, direct or indirect, against individuals, in the following areas:

- employment
- education
- provision of Goods and Services
- disposal or Management of Premises

The Disability Discrimination Act 1995 makes discrimination against disabled people unlawful in relation to:

- employment
- access to goods, facilities and services
- the management, buying or venting of land or property
- education

The Disability Discrimination Act 2005 places a general duty on the public authority to promote equality of opportunity for disabled people and to eliminate unlawful discrimination.

1. Introduction

Section 12 of the Anti-Social Behaviour Act 2003 requires local authorities to prepare a policy and procedure on Anti-Social Behaviour (ASB) and to publish the following documents:

- Statement of Policy and Statement of Procedures on ASB
- Summary of both current policy and procedures on ASB

The 'Statement of Policy' will outline the Council's (in this case SMBC) *general approach* to ASB. The 'Statement of Procedures' will outline the Council's (in this case SMBC) *procedure* in actually dealing with ASB.

Following its Housing Options debate in 2002, Sandwell split its housing management (landlord) function from its strategic role to enhance its performance and concentrate its efforts in planning for its current and future housing needs. The Housing Management function for Council stock is presently being delivered through an Arms length Management Organization (ALMO) named 'Sandwell Homes' and a PFI pathfinder to deliver Decent Homes in Wednesbury South. The responsibility for the content of this Policy will at all times remain with Sandwell MBC, whilst through their management function, the Officers of Sandwell Homes will carry out many of the functions contained within it.

This policy is effective from 1st August 2006 until further notice.

2. Scope and Purpose

This document is **the Statement of Policy** on ASB. Its scope and purpose is to inform all interested parties of the *approach* and associated policies adopted by the Council, **in its role as a local housing authority landlord**, in preventing and tackling incidents of ASB. The accompanying document, the 'Statement of Procedure', complements this document by outlining the actual *procedures* taken by the Council, in its role as a local housing authority landlord, in dealing with reports of ASB.

3. Policy Statement

SMBC recognises that to provide a quality housing service, it must be effective in tackling the problems created by anti-social behaviour. In response to this it is committed to the effective enforcement of this policy and will publicize its existence with the aim of giving a clear and consistent message that anti-social behaviour will not be tolerated and that the consequences of such behaviour will be extremely serious for perpetrators.

SMBC acknowledges that every citizen of the borough has the right to the quiet enjoyment of his/her home. As a landlord, SMBC also acknowledges that it has a duty to ensure that its tenants and their family members (and their visiting family and friends) adhere to the explicit conditions set out in their Tenancy Agreement.

Where a Tenancy Agreement is breached through behaviour that causes harassment, alarm and distress, SMBC will utilize all the tools available to it in a prompt and proportionate manner based on the circumstances of the case. The emphasis will be on tackling ASB and modifying behaviour through support, persuasion and legal sanction rather than moving or displacing ASB through eviction or re-housing.

SMBC will undertake to regularly inform complainants on the progress of investigations and subsequent actions. SMBC will also ensure that it is consistent in the way it deals with ASB and that residents know what action and support they can expect.

4. Defining ASB

Nationally, there is no overriding definition of what constitutes ASB. However, the key factor in deciding whether any specific behaviour is anti-social or not is the impact of the said behaviour on others. The Crime and Disorder Act 1998 defines anti-social behaviour as acting:

....in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household [as the perpetrator]

This definition refers more to the consequences of the anti-social behaviour as opposed to an actual description of the behaviour itself. For clarity, though not exhaustive, the following list gives specific **types of behaviour** that will always constitute ASB: -

- **noise nuisance** (for example loud music, shouting, noise from televisions and hi-fi systems, playing ball games close to people's homes, owners failing to control the behaviour of their dog leading to excessive barking);
- **intimidation and harassment** (for example malicious phone calls, putting offensive materials through letter boxes, any form of behaviour that contravenes the SMBC Equal Opportunities Policy) (See also Sandwell Homes Harassment Policy);
- **local environment quality issues** (for example litter, dog fouling, graffiti, fly tipping, abandoning of vehicles, dumping of rubbish in communal areas, failing to control pets, storing vehicles in shared or undesignated areas);
- **aggressive and threatening language and behaviour** (for example using verbal and physical abuse including threatening and offensive gestures);
- **actual violence against people and property** (for example vandalism, domestic violence, arson or attempted arson, criminal damage)
- **hate behaviour that targets members of identified groups because of their perceived differences** (for example their race and ethnicity, gender, age, religion, sexual orientation, mental health or disability);
- **using housing accommodation to sell and/or consume drugs, or for other unlawful purposes**

SMBC recognizes that a key factor in any incident of ASB is the impact of the said behaviour on the recipient, and that this impact is likely to vary from one individual to another. In light of this, SMBC does not generally add any specific weighting to specific types of ASB nor in it's subsequent response and will treat the majority of reported incidents in a like manner. This approach however does not apply to the

behaviour outlined overleaf, which by its nature requires an immediate response and can be classified as 'Serious ASB':

- Harassment, that is actions deliberately aimed at annoying or disrupting a persons peace and comfort
- Violence or the threat of violence
- Damage to property or the threat of damage
- Drug taking or dealing
- Persistent threats or persistent verbal abuse

See also Appendix One

5. Legislative Context

The Anti-Social Behaviour Act (ASBA) 2003 was designed to extend powers to tackle ASB in local communities. Part 2 deals specifically with social housing landlords and includes measures that develop the use of Injunctions and the introduction of Demoted Tenancies.

As well as complying with the ASBA 2003, the procedures outlined in this policy will also comply with other associated legislation, primarily contained within:

- Children Act 1989 (in particular s27)
- Crime and Disorder Act 1998
- Disability Discrimination Act 1995 (in particular s2)
- Environmental Protection Act 1990
- Highways Act 1980 (in particular s161 (3))
- Homelessness Act 2002
- Housing Act 1985 (as amended by the Housing Act 1996)
- Human Rights Act 1998
- Noise Nuisance Act 1996
- Noise and Statutory Nuisance Act 1993
- Police Reform Act 2002
- Race Relations Act 1976 (in particular s71)

6. Links with other Strategies and Frameworks

SMBC recognizes that in order to deliver on its key strategic goals it is essential that associated strategies and policies both complement and comply with one another. Though by no means an exhaustive list, outlined below are details of a number of strategies that this policy will both complement and support.

6.1 Housing Strategy 2003-08

The Council's Housing Strategy is guided by the community objectives expressed in the Local Strategic Partnership's Community Strategy, known as the Sandwell Plan. To fulfil the vision contained within the plan, the Sandwell Partnership is committed to bring about change in five key thematic priority areas. The five thematic areas are:

- Promoting a Lifelong Learning Society
- Improving Health and Achieving the Pre-requisites for Health
- Creating Wealth through Revitalising the Sandwell Economy
- Restructuring Sandwell's Urban Form
- Creating a Safer Sandwell

Within the umbrella of the Sandwell Plan, the Council's Housing Strategy sets out to contribute to each of the five priority areas in the following ways:

1. To improve the quality of residential environments within the borough
2. To improve the range, quality and choice of housing available
3. To bring all social housing up to a decent standard by 2010
4. To ensure no one is deprived by virtue of where they live
5. To achieve a step change in the quality and performance of housing services

This ASB policy covers a wide range of issues from prevention through to conflict resolution to more formal and legal remedies for dealing with incidents of ASB. It gives clear options for staff to use when dealing with a complaint about ASB and it aims to empower staff and residents with the necessary tools for managing the processes effectively. As such it is intended that this policy will serve to deliver the Sandwell Plan Thematic Priority Area of **Creating a Safer Sandwell** by contributing to the delivery of the Housing Strategy priority areas numbered 1, 2, 4 and 5 above.

6.2 Crime and Anti-Social Behaviour Strategy

The Crime and Disorder Act 1998 placed various statutory duties on Local Authorities to work in partnership with key players to tackle crime and disorder across the borough. Sandwell MBC has played a lead role in the Safer Sandwell Partnership (SSP) which is the leading partnership body set up to tackle crime and disorder (including ASB) across the borough.

The SMBC Crime and Anti-Social Behaviour Strategy outlines the Council's specific contribution to the strategies and action plans adopted by the Safer Sandwell Partnership. This policy feeds into three of the strategy's key objectives; namely to:

- Take positive action to produce a sustainable reduction in all crime and incidents of anti-social behaviour
- Work with individuals, local communities and businesses to resist and reduce crime and anti-social behaviour
- Promote an evidence-led approach to the prevention and reduction of crime and anti-social behaviour

6.3 Homelessness Strategy

A five year Homelessness Strategy for Sandwell was completed in July 2003. The strategy incorporates the obligations and commitments on the part of SMBC to improve the sustainability of tenancies and communities and to re-house (where necessary) the victims of ASB. In reverse cycle, it is also recognized that the strategic goals of this ASB Policy in both reducing and preventing ASB will have an important contribution in reducing homelessness (on the part of both perpetrators and victims) and will therefore contribute to the objectives of the Homelessness Strategy.

6.4 Every Child Matters/Children Act 2004

Every Child Matters (ECM) and the Children Act 2004 identify five key outcomes for children and young people:

- Being Healthy
- Staying Safe
- Enjoying and Achieving
- Making a Positive Contribution
- Achieving Economic Well-being

As part of the ECM, Joint Area Reviews (JAR) will be conducted which aim to judge the contribution that services, including public sector services *collectively*, make to the above key outcomes. Of particular significance to this policy are the key outcomes of Staying Safe and Making a Positive Contribution. With regard to the Staying Safe outcome, the JAR will determine the degree to which '*Children and Young People are safe from Crime and Anti-Social Behaviour*'. With regard to the

Making a Positive Contribution outcome, the JAR will determine the degree to which 'Action is taken to reduce Anti-Social Behaviour'.

More information can be obtained from: www.everychildmatters.gov.uk

6.5 Race Equality Scheme 2002-2005

The Race Equality Scheme outlines the actions SMBC will take to tackle racial discrimination, to ensure equality of opportunity, and to promote good race relations as per the Race Relations (Amendment) Act 2000. Within this scheme, SMBC recognizes the importance of tackling and eliminating racial harassment both within the council and within the community. The scheme encompasses an on-going review of the SMBC Racial Harassment procedure (see also Section 9). It is also developing a new Tenancy Participation Compact specifically for BME tenants and residents as well as an improved ethnic monitoring system for the core housing management functions undertaken by the Council's managing agent (namely Sandwell Homes).

6.6 Supporting People Strategy

Sandwell has been successful in obtaining a grant of £11.2 million for Supporting People services. A new five year Supporting People Strategy will be published in April 2005, which will complement various 'vulnerable people strategies' in the Borough. Research has shown that vulnerable people are often disproportionately represented as both the perpetrators and victims of ASB.

7. Tenant Contractual Obligations

All tenants of the SMBC Housing Service have signed up to the tenancy conditions outlined in their Tenancy Agreement. These conditions are referred to in detail at the point that the new tenant 'signs up' to their tenancy. Except where prior written permission has been received from the Council, the Tenancy Agreement prohibits tenants from using their dwelling house, or permitting it to be used, other than as a private dwelling. It also requires tenants to act in a reasonable manner and not to do anything that causes harassment, nuisance or annoyance to other people.

As well as a general prohibition on causing harassment, nuisance or annoyance, the Tenancy Agreement draws particular attention to the following:

- that tenants are responsible for the conduct of all people living in the premises and visiting the premises (if invited).
- that tenants must not do or allow anything to be done on the premises, or any part of the estate, which involves or constitutes anti-social behaviour.
- that a breach of the Tenancy Agreement can lead to eviction and that the tenant may not subsequently be eligible for re-housing

8. Support of Complainants and Witnesses

SMBC is fully committed to take all the measures it can to support and protect complainants and witnesses associated with incidents of ASB. It is essential that any person who wishes to report an incident of ASB have the confidence to do so. Complainants need to participate fully, by keeping diaries, collecting evidence and providing witnesses etc. In response to this need SMBC recognizes that gaining the trust and confidence of complainants and witnesses is vital, and that support should be provided for the entire length of the case, from reporting the incident(s) of ASB, to remedy, and beyond.

When either reporting an incident of ASB or at any other time, complainants and witnesses will be offered the opportunity;

- to have a private interview
- to have an interpreter
- wherever possible, to be dealt with by an officer whose gender and ethnic background will be at the choice of the said complainant/witness

Specific measures on the protection of Complainants and Witnesses will include:

- **where possible maintain confidentiality of complainant's identity**
- **referring persons to appropriate support services**, such as Victim Support or Social Services
- **carrying out risk assessments of the person's home environment and employing protection measures.** This could include the temporary installation of CCTV and/or upgrading the security of properties (e.g. replacing locks, sealing letter boxes, fitting alarms etc). In extreme cases, complainants and/or witnesses may be offered alternative temporary or permanent accommodation.
- **maintaining regular contact.** This will be maintained via letter and/or telephone and within this process complainants and witnesses will be informed of any developments relating to their complaint
- **informing relevant officers.** This can include caretakers, schools, wardens, the Police, and Out of Hours Officers to develop a multi-agency approach to provide complementary help and support
- **providing support at court.** This can include the collection and return of witnesses to and from court, securing the provision of a secure waiting area, arranging pre court visits to familiarize witnesses with the court layout and procedures, and making arrangements to cover expenses

- **providing on-going support following resolution of the ASB issue.** Where necessary and where appropriate, following the resolution of the case, on-going support will be provided to complainants, witnesses and perpetrators.

9. Racial Harassment

SMBC and Sandwell Homes have acknowledged and adopted the new statutory definition of racial harassment defined by the Race Regulations, which make harassment on grounds of race or ethnic or national origin a separate unlawful act. This will occur when a person (A) subjects another person (B) to unwanted conduct on grounds of race or ethnic or national origin that has the purpose or effect of:

- Violating B's dignity; or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

SMBC aims to provide support and guidance for any victim of racial harassment and where possible to take action against the perpetrators. This ASB Policy encompasses The Race Relations (Amendment) Act 2000, which places a *general duty* on the Public Authority to promote race equality. This duty means that public authorities must have due regard for the need to:

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good relations between people of different racial groups

See also Sandwell Homes Harassment Policy

10. Domestic Violence

Domestic Violence (DV) committed by a family member can fall within the description of ASB. Under the Domestic Violence Strategy, DV in Sandwell is addressed via the Domestic Violence Partnership (DVP). The DVP is accountable to the Safer Sandwell Partnership, and encompasses a coordinated multi-agency policy response to DV. It is committed to creating Sandwell into a place where DV is not tolerated, where the needs of victims (including children) are met, where access points for reporting incidents are easily accessible, and where perpetrators can, where they wish to, address their behaviour.

11. Prevention of ASB

Whilst SMBC is willing and prepared to take action where ASB has been proven, it is equally committed to working in partnership with key players to prevent instances of ASB taking place or resolving the issue at its early stages. In this context SMBC will continue to monitor best practice and will encourage and support initiatives that are designed to have an impact on the prevention and reduction of ASB.

Though not exhaustive, SMBC will aim to achieve the above by developing, maintaining and assisting in the following: -

11.1 Mediation

SMBC offers a mediation service as an option for resolving conflicts and disputes. Sandwell Mediation is an independent service offering professional mediation services. Their Mediators are trained not to take sides. Choosing to take part in mediation does not affect a person's right to take legal action in the future if they want to. It is, however, looked upon favourably by the courts who like to be sure that other methods have been tried to resolve a particular issue.

11.2 Introductory Tenancies

All new tenants are given an Introductory Tenancy that lasts for twelve months from the start of the tenancy. This period can be extended to eighteen months where there are doubts about the conduct of the tenancy. The Introductory Tenancy operates as a trial period for the tenant to demonstrate to their landlord that they can look after their property and maintain their Tenancy Agreement. If they fail to do so, a court has only limited powers to *prevent* possession.

Introductory tenants have most of the rights of a secure tenant, but they cannot:

- apply for the right to buy,
- sublet any part of their property,
- take in a lodger without written consent from the landlord
- exchange the property (i.e. mutual exchange),
- make any structural improvements or alterations

11.3 Exclusion from the Housing Register

Under the Choice Based Allocations scheme, persons will be *deferred* from bidding for any property in circumstances where the applicant or a member of their household has behaved or is behaving in an unacceptable way that would result in the loss of their home (if he were a secure tenant of the authority) by entitling the authority to seek a possession order under section 84 of the Housing Act 1985 Part One of Schedule 2 (excluding Ground Eight).

Such behaviour would include:

- the use of violence, or threat of violence
- causing wilful damage to property
- a history of drug related offences
- harassment
- arson
- a history of ASB

11.4 Uniformed Warden Patrols

SMBC currently provides a Street Warden service in areas of Cradeley Heath, Oldbury and West Bromwich. Their primary role is to deter crime and ASB by providing uniformed patrols and to observe and report incidents of ASB to the relevant agency. They also work to foster good working relationships with the police, residents and other local agencies.

11.5 Use of Acceptable Behaviour Contracts (ABCs)

In certain circumstances SMBC will consider the use of ABCs. An ABC is designed to identify aspects of behaviour that are not acceptable, and requires the contractual commitment of the offender not to re-offend. It gives the perpetrator a warning that is more official in impact than a letter, and requires the attendance at a formal interview for the signing of documents.

The use of an ABC is most effective against young people. At the interview, which may be attended by other agencies, the signing of the ABC with the young persons parents or guardians will describe in simple terms the behaviour that is unacceptable. An ABC can act as an evidential document in any subsequent legal proceedings.

11.6 Designing out ASB and Environmental Improvements

The Supplementary Planning Guidance on Community Safety ensures that SMBC will undertake various measures which can help to 'design out' ASB. Environments that are well designed and well maintained are less prone to crime and ASB. In this context, SMBC will take into consideration:

- the use of appropriate lighting in both business and residential areas
- the use of Closed Circuit Television
- the maintenance of open spaces (such as planting or removal of shrubbery, maintaining walkways, installing fencing, installing appropriate signing)

Where appropriate, any measures referred to above will be undertaken subject to consultation via the tenant compacts and other neighbourhood groups. This can include the Housing Service Panels. Due regard will also be given to ASB by Sandwell Homes where it undertakes a programme of improvement works.

11.7 Floating Support/Tenancy Support Schemes

Sandwell Homes have introduced twenty-four Tenancy Support Officers who will actively engage in providing tenancy support as and where appropriate.

11.8 Multi-agency Partnerships – see Section 14

11.9 Neighbourhood Watch Schemes

There are currently around 250 Neighbourhood Watch schemes operating in the borough. Many of these schemes allow for non-urgent matters to be reported, which in turn contribute to reducing ASB.

11.10 Policing Priority Areas (PPA)

Sandwell is currently taking part in a national initiative that targets specific areas with additional police resources to target ASB. Within the PPA's exist the legislative authority to activate Dispersal Orders that provides the police with the authority to prevent individuals from congregating in specific places. Sandwell currently has a number of PPA's operating in Cape Hill, Galton Village, West Bromwich Town Centre, Greets Green, Summerhill (Tipton) and Churchill (Wednesbury).

11.11 Diversionary Projects

In relation to youth issues and other issues, the best solution to ASB can often be to invest in activities that deflect young people into activities that are positive, rather than negative. SMBC has recently developed a multi-agency diversionary project on the Tibbington Estate in Tipton, where a Community Base has been established offering a play area and Homework Clubs, as well as other activities designed to engage young people. SMBC will consider other areas within the borough that might benefit from like projects.

11.12 Together Action Areas

Sandwell has been awarded 'Together Action Areas' status by the Government. This status recognizes Sandwell's existing approach to tackling ASB, which involves the Police, Council departments, fire service and other organizations with enforcement roles working together under the Safer Sandwell Partnership. Under the Together Action Areas Programme, a ASB Advice Line (0845 359 7500) was launched in February 2005. The key aims of this telephone line are to provide a central point of contact for people to seek advice on anti-social behaviour issues in general, and to help the Council, Police and other partner organizations develop a more co-ordinated system of responding to reports of problems.

12. Support for Vulnerable Groups

ASB can be a traumatic experience for anyone involved and staff should take care to treat people fairly and appropriately. Everyone employed by SMBC must comply with the SMBC Equal Opportunities Policy when dealing with people involved with ASB, and where appropriate the necessary training should be provided¹. In particular staff should: -

- be alert to identify vulnerable people, whether victim or perpetrator, and try to ensure that any referral is appropriate for their need
- give victims the space, time and means to have their say and state their case when an incident is reported
- seek to quickly identify cases of harassment / victimization and carry out considered assessments of the support that the victim(s) might need
- work in partnership with other agencies to achieve a sustainable solution to ASB

13. Rehabilitation of Perpetrators

¹ for example Diversity Training (offered by Sandwell Homes) and Drugs Awareness Training (offered by the DAAT)

In considering the most effective options for the protection of tenants and the wider community from ASB, SMBC will consider the positive impact that specific supportive interventions might have on the rehabilitation of perpetrators of ASB. Though not exhaustive, the provision of support will be particularly relevant when considering acts of ASB that are a consequence of one or more of the following factors:

- Drug use
- Alcohol use
- Mental health
- Disability

Where individuals make a commitment to re-habilitation programmes, and where appropriate, SMBC will undertake to identify and/or provide settled accommodation to vulnerable persons involved in re-habilitation.

14. Multi-agency Partnerships, Information Exchange, and working with Other Organizations

As a landlord, SMBC does not operate in isolation, and sees itself as part of the wider community that it serves, sharing both its problems and its challenges. In response to this, SMBC is fully committed to playing a key partnership role in its quest to deliver the best and most comprehensive solutions to incidents of ASB. Working under the Leadership of the Safer Sandwell Partnership, the Anti-Social Behaviour Task Group (ASBTG) is the focal group in Sandwell for carrying forward the agenda of tackling ASB. Its membership, which is reviewed continuously, consists of agencies (including Sandwell Homes) whose role it is to tackle ASB either directly or indirectly. Its two core functions are:

1. to decide upon the most appropriate strategic and tactical approaches to tackle ASB
2. to ensure that robust mechanisms are in place to co-ordinate interventions designed to reduce ASB

The ASBTG sends regular reports to the Safer Sandwell Partnership and also operates under the Safer Estates Agreement which is the guiding mechanism for joint working between the Police and Social Landlords across the borough.

In addition to the above, and where appropriate, SMBC will liaise with other departments and agencies who can help to resolve specific cases of nuisance and ASB, and will instigate multi-agency case conferences to share information and to decided on the most appropriate action to be taken. Agencies involved with these case conferences could include any or all of the following:

- ASB Team
- Sandwell Homes

- Police
- Social Services
- Social Inclusion and Health
- Community Safety Team
- Urban and Park Rangers
- Probation Service
- Housing Action
- Legal Services
- Housing Associations
- Community Street Wardens
- Litter Enforcement Teams
- Youth Offending Teams

Within the context of sharing information, SMBC is aware of its responsibilities under the Data Protection Act (1998), the Human Rights Act (1998), the Freedom of Information Act (2000) and Section 115 of the Crime and Disorder Act 1998.

15. Sharing Information with Tenants and the Wider Community

In conjunction with Sandwell Homes, SMBC will undertake to attend tenant and residents meetings wherever possible to consult, give information and discuss problems and the range of potential solutions associated with incidents of ASB.

16. Confidentiality and Data Protection

It is important that complainants are aware that in the process of dealing with an incident of ASB, it may be necessary to disclose associated information to other official departments or agencies. This should be explained when the Complainant provides their written consent to the implementation of the Investigation Plan. In instances where consent to disclose information to third parties is not given, and where reported instances of behaviour amount to *serious* criminal conduct, or the likelihood of such conduct, the Housing Officer concerned will be duty bound to inform the local Police. At all times, the anonymity of the complainant, whenever legally possible, will be maintained by the Council.

In circumstances where the complaint is specific to the complainant, it may not be possible to talk to the perpetrator in general, non-specific terms. In such circumstances, the complainant will be informed that for the investigation to proceed, the Council will need to make specific reference to the complaint, thus in all probability revealing the identity of the complainant to the alleged perpetrator.

The Access to Files Regulation 1987 allows a tenant to inspect information about them held in SMBC records, free of charge. However, where files contain sensitive information relating to a claim of ASB, the said information will be removed prior to any tenant inspecting their file to ensure the protection of both complainants and witnesses.

To alleviate any allegation of mal-practice, when an officer is dealing with a case where the complainant, alleged perpetrator or witness(s) is a relative or close friend of either the Officer or an Elected Member, the following should apply: -

- when a Member is involved the case will be processed by the Manager of the Neighbourhood Office

- when a Council employee is involved the Manager of the Neighbourhood Office should immediately take control and process the case. At no time should the involved employee process the application or complaint, make a decision, or give advice on the case

17. Cross-Tenure Issues

SMBC acknowledges that a problem can occur in any neighbourhood regardless of tenure type. In mixed tenure areas, SMBC will undertake preventative work where appropriate and work with other agencies to address underlying causes of ASB. This will be undertaken regardless of tenure type. Where enforcement action is considered appropriate, an identified perpetrator's tenure-type would be a necessary piece of information in order to determine what type of intervention is most appropriate.

18 Protection of Staff

Where ASB is of the nature of aggression to an Officer or Member, SMBC will use its powers to invoke its Violence and Aggression Procedure.

19. Training of Staff in dealing with ASB

In order to provide an efficient and consistent service throughout the Borough, both Council and Sandwell Homes staff will constantly update their knowledge and skills associated with ASB. This will be achieved by both the attendance at appropriate training courses and the regular review of the training provided. Appropriate training for all 'frontline' staff would include the following areas:

- Drug and Alcohol Awareness
- Racial Harassment and Intimidation
- Domestic Abuse
- Witness Intimidation/Support
- Homelessness and Vulnerable Persons

Training will also be provided for Tenant and Resident Groups and for other groups such as the Landlords Forum, Magistrates and the Police where it would be considered beneficial to the community.

20. Monitoring and Evaluation

Any guidance reviewing ASB Policy and Procedure issued by the Secretary of State or other government departments will be considered when reviewing SMBC's current policy on ASB. In addition, SMBC will also undertake to continuously monitor ASB Best Practice guidelines.

In order to achieve a consistent borough-wide approach to tackling ASB, all associated data will be collated and monitored from a central ICT database. The data collected must be sufficient to:

- monitor trends
- monitor satisfaction on the part of service users (i.e. Complainants)
- make estate-by-estate comparisons
- monitor performance against targets
- to identify ASB 'hotspots'
- allow for the dissemination of Good Practice

The data recorded will include:

- A record of all new reported cases of ASB by age, ethnicity, gender and disability of the principal complainant and perpetrator(s)
- A record of the type of ASB/nuisance committed
- A record of all new reported cases of ASB by location
- A record of all of the time-scales involved from initial report to conclusion
- A record of the type of investigation/action taken

As part of SMBC's commitment to service delivery, cases will be reviewed within each neighbourhood office on a monthly basis. Borough-wide monitoring reports will also be produced on a six monthly basis and the ASB policy will be reviewed based on these findings. The reports will be broken down by ethnicity, age, gender and disability and will focus specifically on location, the type of ASB/nuisance committed, the time scales involved from initial report to conclusion, and the action taken.

Qualitative analysis may also be undertaken involving persons who have been involved with ASB.

Appendix One:

Fast-Tracking 'serious' Incidents of ASB

An initial investigation should be carried out immediately in instances where the Neighbourhood Office Manager, in conjunction with the Investigating Officer, has genuine reason to believe that a risk of harm exists. Where appropriate, a referral should then be made either to the Police and/or the ASBT within 48 hours of the incident being reported. The type of behaviour that might attract this response would include:

- Violence or the threat of violence
- Damage to property or the threat of damage
- Serious offences committed in the locality which carry the power of arrest