



**Including**

**The Safer Thurrock Partnership**

**STATEMENT**

**OF**

**PROCEDURES**

**ON**

**ANTI-SOCIAL BEHAVIOUR**

**(ASB)**

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## **Section 11 – Making a Complaint of ASB**

11.01 All complaints in the first instance should be made to the Local Area Office, Contact Centre or ASB Team.

11.02 The complaint can be made by in person, telephone, e-mail, on-line via [unwelcome.co.uk](http://unwelcome.co.uk) or letter. In any case we will encourage a complainant or witness to confirm a verbal report in writing as this may assist in any future proceedings.

11.03 Complaints will be accepted from a range of sources and can include; local residents, Councillors, visitors to the borough, partner agencies and other departments.

11.04 We aim to ensure our services are accessible to all and to this end our offices are fully accessible buildings and we will on request provide specific literature in alternative formats.

11.05 Anonymous information will be accepted and if sufficient evidence is available, investigated; particularly when information refers to 'High Level' incidents.

11.06 It should be noted that a satisfactory conclusion is more likely to be reached if the complainant or witness is willing to be identified and that in cases where the complainant or witness is unwilling to be identified, we may be unable to progress a complaint.

11.07 If the behaviour being complained about is of a criminal nature, then complainants or witnesses should first report the matter to Essex Police.

### **Initial Action**

11.08 On receipt of a complaint the facts will be established and a record made. All details will be recorded on WARRIOR the Anti-Social Behaviour Case Management System.

11.09 The complainant should be asked if details of the complaint may be disclosed to the alleged perpetrator. The complainant should also be asked if they may be identified as the complainant in any future discussions with the alleged perpetrator.

11.10 When a complaint is received the complainant should be asked whether or not a direct approach has been made to the other party. If this will present a problem then the complainant must be interviewed to establish the facts.

11.11 Staff will be open and honest and dampen expectations if they are not realistic. If it is clear from the interview that there is no significant anti-social behaviour present then the complainant must be advised accordingly.

11.12 It may be necessary to arrange some form of mediation as a first option. If mediation is not an option and there is clear evidence of anti-social behaviour, then a visit must be made to the perpetrator requesting that the offending behaviour is remedied.

11.13 The permission of the complainant must be obtained before doing so. If permission is withheld then a discussion should take place with the complainant as to where he/she wants the complaint to go.

11.14 At all times the identity of the complainant must not be disclosed unless permission has been given. Failure of permission being obtained should not prevent an investigation of any allegation, but it is necessary at all times to be aware of the implications on the complainant of actions that might be taken. The complainant should also be advised of the risk.

11.15 When interviewing the alleged perpetrator Thurrock Councils approach to ASB should be clearly explained. The perpetrator should be given the opportunity to give his/her side; impartiality should be maintained until fault is established. If fault is established then a written warning may be appropriate.

11.16 The warning should include:

- The nature of the inappropriate behaviour
- What future behaviour is expected
- The fact that if the inappropriate behaviour ceases then no further action will be taken but if it persists what the implication would be.

11.17 A note should be made of this conversation and this should be signed and dated for evidential purposes. In serious cases the note should be shown to the perpetrator and he/she should be invited to sign it.

11.18 After contact with the alleged perpetrator, the complainant should be visited to discuss what action could realistically be taken at that stage.

11.19 This meeting should be followed up by a letter confirming the agreed course of action and that if the problem persists, or recurs; the onus is on the complainant to inform the council.

11.20 The importance of accurate and comprehensive notes and records cannot be overstressed. Records should be kept of all contacts with all parties. This information may form the basis of a statement or affidavit to be used in any subsequent court proceedings.

11.21 An up-to-date detailed record of the investigation should be maintained on a Master Incident contained on WARRIOR.

11.22 If the complaint is High Level then for good case management, early approaches should be made to potential witnesses e.g. neighbours, local shopkeepers, police, Council staff etc.

11.23 An early liaison with the Police should be made; joint interviews should be considered especially if the complaint involves allegations of criminal activity such as vandalism, harassment, drugs, violence etc.

11.24 Early contact also needs to be made with the council's legal section regarding options such as Injunctions and ASBO's

11.25 In some cases it is important to take swift action as any delay could adversely affect any subsequent legal proceedings.

11.26 All complaints will be dealt with in a sensitive, confidential and complainant/ witness orientated manner. Cases will only be discussed with third parties and other agencies (e.g. police and social services) using agreed protocols.

11.27 If a complainant, witness or alleged perpetrator has communication problems, then the services of an interpreter or appropriate adult should be utilised. Communication problems could include where the person's first language is not English or where they have communication or learning difficulties.

### **Gathering Evidence**

11.28 Specially designed Incident Report Books are to be issued to complainants and witnesses to allow them to contemporaneously record evidence of anti-social behaviour.

11.29 Incident Report Books are only available through the ASB Team.

11.30 If a case is going to court then a statement or an affidavit may need to be taken from the complainant or witness.

11.31 Other means of collecting evidence such as surveillance, photographs, video, CCTV can also prove effective. Surveillance evidence is subject to strict legal guidelines and procedures.

11.32 Police Incident Reports may be used as evidence in Court. When police officers attend an incident it is logged and given an incident number. Complainants and witnesses should request this reference for future reference.

11.33 It is also important to remember that any document created during an enquiry may be liable for 'disclosure' in any subsequent legal proceedings.

### **Legal Proceedings**

11.35 Some cases require legal action and in these cases evidence is submitted to the Councils legal department where dedicated solicitors deal with anti-social behaviour cases.

11.36 Where necessary, some cases can be 'fast-tracked' through the system.

### **Service Standards**

11.37 Complainant and witnesses are our **Number 1 Priority** and we will do all we can to make sure the reported behaviour stops.

On receipt of a complaint we will aim to meet these Service Standards;

- Be polite and courteous, open and honest and give realistic advice of what can and cannot be done
- Acknowledge a complaint in writing within 3 working days and at that time, provide contact details of a named officer and our reference number
- Try and see a complainant or witness in person, or at least make contact by other means, within 24 hours if they are at risk of physical harm or their property at real risk
- In all cases speak with the complainant or witness and where necessary take a statement
- Keep personal details in the strictest confidence and not disclose them to an alleged perpetrator during the course of our investigation (if we need to disclose details we will ask first).
- Keep in regular touch and update on progress
- Agree appropriate support packages and make an automatic referral made to Victim Support
- If a Hate Crime is suspected, we will refer the case to the Essex Police Hate Crime Unit within 5 working days (or sooner if urgent)

## **Section 12 – Confidentiality and Witness Support**

12.01 Many people are afraid to come forward to tell us about problems they are having because they are worried that the person causing the problems will know they have complained.

12.02 However, when Thurrock Council receives a complaint about anti-social behaviour, we **never** tell the person where the complaint has come from without the complainant's permission.

12.03 There may, however, be some cases where those responsible for the behaviour can guess who has made the complaint, especially if they live next door to each other. There also may be occasions where a court directs that complainant or witness's details be revealed. We have no control over this situation.

12.04 Another reason people are scared is that they think they will have to go to court as a witness. However, the law allows for 'hearsay' evidence to be accepted in court in these types of cases.

12.05 This means that a complainant or witness can tell somebody else (e.g. an ASB Caseworker) what has happened and he or she can give evidence on that person's behalf – the person's name need not be mentioned in court.

12.06 We will support the complainant/witness throughout the legal process by:

- Discussing and planning every stage
- Keeping them informed of the progress of the case
- Keeping close control of the evidence with regular retrieval and checking of incident report book
- Remain alert to any potential risks to witnesses
- Let other relevant officer, such as caretakers, wardens, know of the witnesses' potential vulnerability, so they can keep a 'look-out'
- Put the witness in touch with other residents who might be available to offer support.

12.07 If Thurrock Council has to give the complainant or witness's details to other agencies (e.g. the police), these will be treated in confidence and will go no further. This will be done through agreed data sharing protocols.

12.08 Witnesses are crucial to tackling anti-social behaviour, whether they are complainants themselves or residents who witness anti-social behaviour against the community. We need witnesses to report incidents, to provide evidence and to assist enforcement action taken against perpetrators.

12.09 Gaining the **trust** and **confidence** of complainants and witnesses is key to keeping them on board. No more so than at the crucial first stage when a report is made. This is the point at where expectations are set.

12.10 Complainants and witnesses need to and will be supported the whole length of the witness pathway; from report, to trial, remedy and beyond.

## **Section 13 – Options Available**

13.02 Our emphasis is on addressing and modifying the behaviour of the individuals concerned. Our policy is that in dealing with complaints we will consider various options and in most circumstances use an incremental approach as detailed below, although this is not always possible:

- Warning
- Mediation
- Acceptable Behaviour Contracts (ABC)
- Good Neighbour Contracts (GNC)
- Interim Anti-Social Behaviour Order (ASBO)
- Anti-Social Behaviour Orders (ASBO)
- Anti-Social Behaviour Injunctions (ASBI)
- Parental Control Order (PCO)

## **Section 14 – Monitoring ASB and Our Service**

14.01 We constantly monitor and evaluate the service we provide in respect of ASB in order to;

- Check the effectiveness or otherwise of a particular initiative or action;
- Identify key priorities and issues of concern;
- Help understand the nature of problems and hotspots;
- Distinguish between different types of behaviour.

### **Information and Data Recording**

14.02 All complaints received will be recorded electronically using our borough wide Anti-Social Behaviour Case Management System, which is a linked system accessible to Housing Staff, Environmental Health and members of Essex Police Community Safety Department.

14.03 Information and Data collected is used in the prevention and detection of Crime & Disorder. It is also used to identify repeat complainants/witnesses and track perpetrators.

14.04 Information collected and stored includes;

- Personal information on complainants/witnesses and alleged perpetrator(s). This will include age, disability, ethnicity, gender and gender identity, religion, faith or belief and sexual orientation
- Categories of incidents (e.g. criminal damage);
- Locations of incidents (e.g. where it happened);
- Disposal of investigations (e.g. the outcome).

14.05 The collection of data on ASB has a series of benefits it enables practitioners to:

- Identify geographical and temporal hotspots of ASB and specific behaviours that are a particular problem in their locality;
- Target resources to tackle ASB appropriately; and
- Evaluate the success of initiatives aimed at addressing ASB;

14.06 The three key types of data that can be collected are:

- Reports of ASB from members of the public that are received by service providers;
- Incidents of ASB witnessed through audits of ASB activity;
- Public perceptions of ASB collected via surveys;

14.07 There are a range of sources and approaches to collecting ASB data. The main methods are:

- A count of reports of ASB
- Analysis of local service provider's records of ASB incidents;
- Analysis of police recorded crime figures as a proxy measure of ASB;
- Analysis of ASB incidents recorded by CCTV cameras
- Street activity audits;
- Visual audits;
- Community consultation; and
- Surveys of public perceptions of ASB.

14.08 Each of these methods has both advantages and limitations depending on the purpose of the data collection exercise. Practitioners need to consider these before deciding which method(s) to employ and before using and interpreting the data collected.

### **Complaints about Our Service**

14.09 We acknowledge there may be occasions where complainants or witnesses and perpetrators may not be happy with the action we have or have not taken in a particular case.

14.10 In these situations we encourage them to firstly discuss the matter with the ASB Team Manager.

14.11 If as a result of this contact they are still not satisfied, then a formal complaint may be made using the Council complaints procedure.

## **Section 15 – Review**

15.01 This document is under constant informal review, but will be reviewed on a formal basis once every 12 months.

**First review: December 2006.**