

Connect's response to anti-social behaviour and harassment

Last Updated: 23 May 2018



Statement of intent

We recognise that all residents have the right to the peaceful enjoyment of their home. Equally, every resident has a responsibility not to interfere with their neighbour's right to the peaceful enjoyment of their home. We recognise that if not addressed, anti-social behaviour (ASB) can significantly reduce the quality of life for our residents and communities.

We will put victims at the centre of our response and we will be clear about expectations. We will provide support to help residents avoid causing ASB and where appropriate we will investigate and deal with all allegations of ASB in line with this commitment.

We also recognise that our staff, partners and contractors are entitled to carry out their duties in safety and free from harassment and intimidation. We have a zero tolerance approach towards abuse of staff, contractors, board and volunteers delivering our services.

We are clear about expectations of residents' conduct in the tenancy agreement and we will indicate what behaviour is acceptable and challenge unacceptable behaviour wherever possible. Mindful of Connect's aim to prevent homelessness, we will prioritise legal remedies such as injunctions to tackle breaches of tenancies before seeking possession.

We will also choose our response in line with our Neighbourly Places Strategy, Equality, Diversity and Inclusion Strategy, Safeguarding Policy and the Starter Tenancy Policy.

We welcome and recognise the rich diversity of the communities in which we operate and the differing lifestyles and cultures. We acknowledge these differences and aim to create an environment that supports diversity. We are committed to combating ASB in the interests of community cohesion.

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1. Introduction

We are committed to tackling anti-social behaviour (ASB). This document is a toolkit and sets out how we can provide an effective response to ASB.

As a member of the local authority Community Safety Partnerships, Connect is committed to supporting the aims of these partnerships by dealing effectively with ASB.

This document sets out the way in which we will aim to deliver this commitment, with our partners, through the use of various tools, powers and working practices.

2. Strategic context

This toolkit has been prepared with regard to legislative, regulatory and good practice in relation to ASB. Our approach considers the strategic context in which it operates - the most relevant here being the Neighbourly Places Strategy (NPS), the Equality, Diversity and Inclusion Strategy (EDIS) the Safeguarding Policy (SP) and the Starter Tenancy Toolkit (STT).

3. Definition of anti-social behaviour

Connect will use the following legal definition of anti-social behaviour:

“... conduct capable of causing nuisance or annoyance to any person...”
ASB Crime and Policing Act 2014

This defines ASB by reference to the impact of the behaviour on the victim.

4. Summary of our approach

We will take a balanced approach to ASB, combining support and assistance to tackle the causes. We will do this with swift and proportionate enforcement where necessary and where behaviour does not improve.

We will also endorse the aim of the Neighbourly Places Strategy, which is to encourage safe, neighbourly places to live by building relationships and supporting people so that they can create for themselves the lives and neighbourhoods that they want. We will do this by focussing on tenancy management, the environment and asset-based community development (ABCD). This is a recognised approach to community work that demonstrates that local assets, people and physicality, are key to ensure sustainable communities.

The following are the key components of our approach:

- **Support and prevention:** We will ensure that a range of support provision is available whether directly with us or through our close links with partners. We will seek to support and assist individuals who have a history of unacceptable behaviour, to enable them to sustain conflict-free tenancies and break the cycle of tenancy failure.
- **Enforcement tools:** We will use the full range of enforcement tools available to social landlords, taking swift enforcement action where circumstances require. We will adopt a proportionate, staged response aligning the action taken with the seriousness of the behaviour.
- **Support for victims and witnesses:** We will always keep the victim the focus of our response, we recognise the essential role that victims and witnesses play, we will ensure that they are supported with information, advice, reassurance, legal and practical protection measures. We will employ any resources available to us, to support and protect victims of ASB.
- **Stakeholder engagement:** We will inform, engage and involve customers and residents in our response to ASB. We will publicise our actions and use regular updates and feedback sessions (consistent with Data Protection and GDPR obligations). This way we will empower our customers to set our priorities and build confidence in our capacity to address ASB.
- **Partnership working:** Connect recognises the value of partnership working in this area. We will work closely with our partner agencies in the areas where we operate at both a strategic and operational level.

5. Support and Prevention

We will seek to prevent unacceptable behaviour by tackling the underlying causes. In this way, we will seek sustainable outcomes to create positive results.

Our lettings policy provides for a sustainability assessment to be carried out prior to allocation. As part of this assessment previous ASB issues will be identified and an application may be rejected where it has been demonstrated that the unacceptable behaviour is serious enough to make them unsuitable to be a tenant of Connect.

When enforcement action is taken against vulnerable individuals we will endeavour that there is access to support programmes to ensure that all alternatives are explored and that the individual has access to appropriate services.

The Neighbourly Places Team (NPT), take an ABCD approach to support communities to build healthier, safer, happier and more inclusive communities from the ground up, with residents in the driving seat. It is an effective way to sustain viable neighbourhoods, which in turn can lower incidents of ASB. The team ask questions in different ways to establish what is it that communities can do best, what they require help with through coaching and what can partner agencies to do for them?

We will seek to resolve problems at an early stage before conflict develops by the provision of a mediation service, with professionally qualified mediators, who will provide a means of conflict resolution by mediated agreement. We will identify situations, which are suitable for mediation as soon as they come to our attention and we will offer access to this service in such cases. The aim will be to solve disputes at an early stage and prevent minor problems becoming serious and difficult to address.

6. Enforcement Tools

There is a range of tools both formal and informal, which are available to combat ASB. We will adopt the measure that is appropriate and proportionate to the seriousness of the behaviour. Where circumstances allow, we will use these tools in an incremental way to deliver an effective response to ASB. Our emphasis will be on bringing about real changes and improvements in behaviour of those who commit ASB.

The informal tools that we will use and the order in which they escalate are as follows:

- **Early and informal interventions:** informal approaches are successful in resolving the vast majority of cases, and intervene in a situation before it escalates. We will encourage tolerance and consideration in localities and neighbours to have 'garden fence' conversations to resolve their issues without recourse to a third party initially.
- **Mediation:** an effective tool in resolving neighbour disputes, noise problems and similar issues. Skilled mediators facilitate a dialogue between the parties to enable them to reach their own solution. We will provide a professional mediation service for individuals who are willing to participate in a mediation process.
- **Warnings:** we may respond by warning an individual about their conduct. Warnings may be verbal, written or final. We will interview the victim and perpetrator (if possible) before issuing a warning and must be satisfied that there is evidence of unreasonable behaviour. Warnings will be specific about what behaviour has caused concern and the consequences of non-compliance.
- **Acceptable Behaviour Contracts (ABC's):** a written form of agreement between a perpetrator of ASB and Connect which sets out the standard of behaviour we expect. Ideally they are negotiated agreements as this encourages compliance. Although there's no formal sanction for breach individuals will be made aware that non-compliance will lead to formal action.

There are also legal tools that we will seek to make good use of:

- **Civil Injunctions:** We will seek injunction orders to restrain conduct causing nuisance, or annoyance, which affects the occupation or the management of our homes. We will use these orders to provide a fast and effective protection for victims and witnesses.

We will impose positive requirements as part of an injunction order. Where appropriate we will seek Orders requiring perpetrators to address the underlying causes of their ASB.

We will ask the Court to make exclusion orders, make interim orders, make without notice orders and to order Powers of Arrest where these are reasonable and proportionate requests to stop ASB and protect victims.

- **Community Protection Notices (CPN):** working with local authority partners a CPN can be issued to stop a person committing persistent conduct, which has a detrimental effect on persons in the locality. If the notice is breached a fixed penalty notice may be issued. CPN's may only be issued by an authorised person.
- **Possession proceedings:** we will use possession proceedings where appropriate.
- **Discretionary grounds**
Discretionary grounds for possession are grounds, which are subject to a "reasonableness test". That means that even though the ground is proved the Court has discretion whether or not to make (or to suspend) an order if it thinks that it is reasonable to do so.

We will use the discretionary Ground 12 (breach of tenancy other than rent) and Ground 14 (nuisance and annoyance) to tackle ASB. We will use Ground 14 A (domestic violence) where that is appropriate.

Where serious or persistent ASB occurs during a starter tenancy we will use the Section 21 Notice and Possession procedure to terminate starter tenancies in accordance with our Starter Tenancy Policy and Procedure.

We will use the new discretionary Ground 14 (nuisance to the Landlord or Landlord's employees) and Ground 14 ZA (conviction of an offence at a riot) in suitable cases.

- **Mandatory grounds**
Mandatory grounds for possession are grounds where the court has no discretion, if the ground is proved the landlord is entitled to a possession order.

The Anti-Social Behaviour, Crime and Policing Act 2014 has introduced a new mandatory ground for possession Ground 7A. See appendix 1. This ground is made out if there has been either:

- a serious criminal offence committed in the locality
- a breach of an injunction order
- a breach of a Criminal Behaviour Order
- a breach of a Closure Order

- a breach of an Abatement Notice

We will use this ground in suitable cases.

In conjunction with our partners, who have access to other tools, we will participate in the delivery of the following interventions:

- **Closure of Premises Orders:** Closure Orders can be issued by the police or local authority to close premises where serious nuisance or disorder has taken place. We will work with these partners to provide them with information and support to pursue closure orders in suitable cases.
- **Environment Act:** action for statutory nuisance (e.g. noise abatement notices). We will work with our local authorities to provide information and evidence to serve abatement notices and prosecute breaches in suitable cases.
- **Public Spaces Protection Orders (PSPO's):** PSPO's may be made by the local authority if activities are being carried out in a public place which are detrimental to the quality of life of those in the locality and which are both persistent and unreasonable. We will work with the local authority to identify issues which may be addressed by a PSPO and to provide evidence to support an order where this is justified to protect our communities from nuisance.

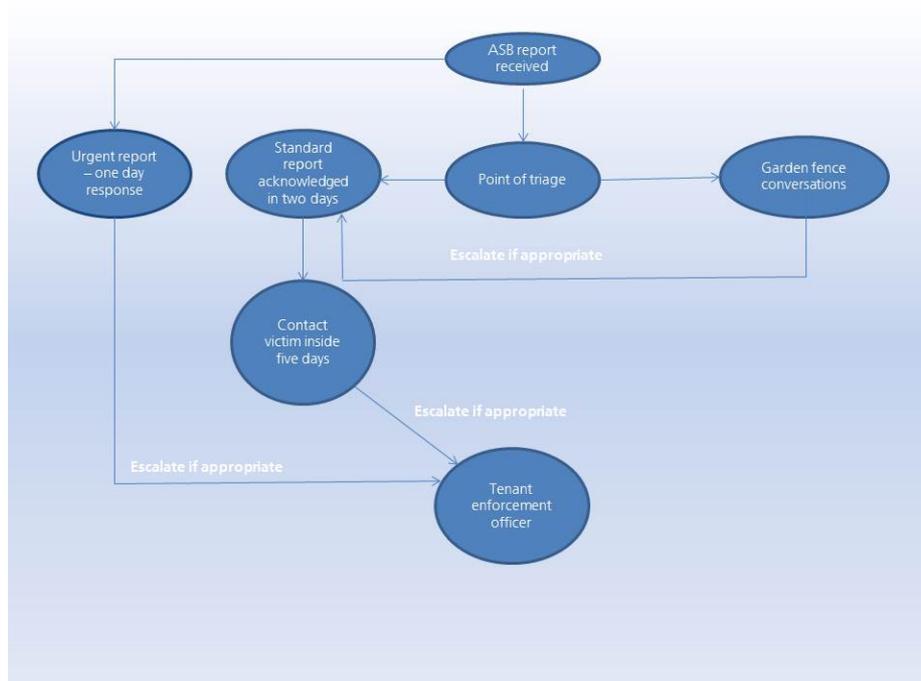
Each new report of ASB received by Connect will receive an assessment to determine if it is actually an ASB issue. A triage system will be used to do this. For example with any reports of everyday living noise or minor differences in lifestyle, such incidents as mowing a lawn or vacuuming at reasonable times of the day will not be investigated or treated as ASB. However, such reports will be recorded for reporting purposes.

When an ASB complaint is received by Connect it will be passed to the relevant CHO who will determine if it should be resolved by the complainant themselves and they will be supported in doing this, or if it is of such a serious nature that that Connect will investigate further on their behalf and lead on resolving the issue.

Cases will be processed as follows:

- All reports will be quickly and formally acknowledged within two working days of the report being made.

- We will contact the victim to take details of the report within five working days.
- We will carry out an investigation if appropriate.
- We will take action if appropriate.
- In more serious cases, involving the threat of violence and in hate crime cases, an officer will respond to the victim within one working day of receipt of the report.
- We will monitor and manage all ASB reports through regular supervision and will monitor and report on ASB performance indicators.



7. Supporting victims and witnesses

We recognise that victims and witnesses reporting incidents need to be confident that any report of ASB will be taken seriously and that the incident will be fully investigated. We will provide consistent support and encouragement to enable them to participate in the legal process and feel secure doing so. We will seek to ensure by legal and practical measures that witnesses and victims are supported and that the risk of enduring further incidents is minimised.

We will ensure there are no barriers to accessing the service for our diverse client group with diverse needs. We will provide information in alternative formats and languages as requested by our customers and will ensure access to interpreters and signers as appropriate.

We will assess the risk to all ASB complainants, and we will identify any support needs using the Home Office Vulnerability Matrix.

Connect has adopted a detailed statement of the measures, which it will take to support victims and witnesses. (Appendix 4). Connect will provide support as appropriate in each case in accordance with that statement. Key elements of our approach are:

- **Communication:** we will ensure that witnesses are kept up to date with the progress of the case. We will brief and prepare witnesses as to what to expect in Court.
- **Minimising the burden:** we will only ask witnesses to record evidence for us where it is necessary and where it is safe for them to do so. We will use technology to gather evidence where it is reasonable to support the victim.
- **Practical measures:** we can undertake a number of target hardening and other steps to provide practical and physical support to witnesses who have a well-founded fear that they may be subject to reprisals and intimidation. These include: priority repairs, home security measures, the loan of noise recorders and the services of other agencies.
- **Legal protection:** we will apply for court orders to protect witnesses from intimidation before during and after court proceedings, we will use interim and “without notice” applications where necessary.
- **Partners:** we will liaise with the police to provide heightened reassurance and protection where there is a risk to witnesses.
- **Re-location:** In extreme cases we will consider re-housing a tenant who is a victim or witness where we believe that this is necessary and justified for their protection.

8. Stakeholder engagement

We will publicise our successes in tackling ASB to encourage reporting. We will provide customers with regular updates of the actions we have taken to tackle ASB. We will use the Connect website and the Connected newsletter to raise awareness of the positive activities, which are being undertaken to respond to ASB and how customers might be involved in delivering solutions.

Involvement through the Board:

We will provide reports on ASB to our Board through regular performance reports and an annual update on the NPS.

Engaging Residents:

We will hold on-going discussions through Connect's tenant structures, including the Neighbourly Places Group, and obtain customer feedback at the conclusion of every report of ASB to obtain feedback on the service that we have provided.

9. Partnership working

We recognise that we cannot deal with ASB on our own. The problem of ASB exists throughout the whole community and no one agency holds all of the answers or potential solutions.

We will therefore work with a number of other agencies to enable us to respond in the most effective and appropriate way to ASB problems. We will co-ordinate our action with our partners to formulate a package of measures to tackle complex problems.

We will work with our partners at all levels to achieve the best response, this will include:

- **Leeds, Calderdale, Kirklees and Wakefield Community Safety Partnerships:** Connect will participate in the local authority (LA) Community Safety Partnerships. We will contribute to the development and delivery of a wider strategy for the delivery of a response to crime (including ASB) in these areas.
- **Leeds, Calderdale, Kirklees and Wakefield Environment teams :** Connect works collaboratively with the local authority Environmental teams in relation to complaints of noise nuisance. We will continue to work closely with the Environmental Health Officers in such cases and we will agree a protocol with the Environment team to ensure there is no duplication of work and that we each support the action taken by the other.
- **Police:** We will liaise closely where criminal activity has taken place and share information and evidence to support the most appropriate action. We will work together on serious criminal offences for the purpose of possession proceedings.

- **Court service:** We will participate in the court user groups in order to ensure that the interests of victims and witnesses are represented in the way in which the courts organise their business.
- **Specialist support providers:** we will engage with specialist support providers to ensure that support is available to tenants with complex support needs which exceed Connects' own capacity. Our officers will identify the appropriate support provider and make the necessary referrals.
- **Information sharing:** We will, where appropriate, share information with our partners, for the purposes of prevention and detection of crime and disorder, under the provisions of Crime & Disorder Act.
- All information will only be shared in line with the Leeds, Calderdale, Wakefield and Kirklees Community Safety Partnership's agreed information sharing protocol.
- We recognise that confidentiality is fundamental to developing a relationship of trust with victims. We will ensure that all data and information handled and used for the purposes of combating ASB, will be done with due regard to the provisions of the General Data Protection Regulations (GDPR). This will guarantee the identity of persons who supply information will remain confidential, unless we have their permission to reveal it to any other agency.
- In the case of non-statutory organisations, we will develop specific information sharing protocols to enable information to be shared lawfully.

We will pursue opportunities to enhance our partnership working whenever they arise and we will actively initiate closer co-operation with our principal partners.

Community trigger: The Anti-Social Behaviour Crime and Policing Act 2014 requires us to provide a mechanism to enable the victims of ASB to hold us and our partners to account for the way we have responded to their complaints – the community trigger. As part of the LA Community Safety Partnerships, Connect has agreed a process to implement the community trigger. The full process is at appendix three. The key elements are:

- The threshold for accessing the community trigger process is three reports of ASB over the preceding six months.
- If the threshold is met the partnership members will meet and review the response which has been made.
- The outcome of the review will be to make any necessary recommendations to the lead agency.
- The victim will be informed of the outcome.

By embracing the community trigger concept, we hope to give an additional voice to victims of ASB.

10. Inclusion and Cohesion

Connect recognises the particular damage caused to communities by ASB motivated by race, religion, gender, sexuality, disability or other protected characteristics. We also recognise that an effective approach to tackling ASB and hate crime can have a positive effect on community cohesion. We will deal with reports of race or other hate based ASB sensitively and take prompt and effective action to support the victim and tackle the perpetrator.

Connect will have regard to diversity in relation to reporting ASB. We will provide straightforward reporting methods which are accessible to all. We will ensure sensitivity in relation to reporting hate crime. We will ensure that when taking action we will consider the needs of vulnerable or disadvantaged groups.

11. Categories of ASB

Certain types of ASB regularly confront us or present particularly difficult problems to resolve. In this section, we will set out our approach to some topical issues.

Cannabis cultivation and production

The use of a Connect property for the cultivation of cannabis is an issue which we face with increasing regularity. It is a serious criminal offence and it is a breach of our tenancy agreement. Remedies will be identified on a case-by-case basis to resolve the tenancy breach.

Electricity theft

The theft of electricity by bypassing a domestic meter within the tenancy or communal areas or in some other way interfering with the electricity supply is a

serious criminal offence, a breach of our tenancy agreement and it presents a serious risk of harm or death to the perpetrator our operatives and to other tenants or residents. Appropriate remedies will be identified to resolve such cases.

Hoarding

Hoarding is a generic term for a range of behaviours, the common feature of which is the acquisition and retention of apparently valueless material to the extent that it affects the hoarder's ability to manage their home.

Hoarding is frequently accompanied by extreme self-neglect and domestic squalor. It is highly likely to impact on neighbours through, smells, flies, unsightly property, risk of fires and - in extreme cases - damage to the fabric of a building.

Each case will be dealt with accordingly and in collaboration with relevant support agencies.

12. Monitoring

Monitoring reports will be collated on a monthly basis by the senior manager for neighbourhoods. These reports will include performance information that will monitor performance against targets.

We will report our benchmarked performance against comparable organisation. We will monitor the progress of individual cases by regular case review meetings, where appropriate between line managers and the individual officers responsible for case management.

13. Best practice and review

There will be an automatic review of this toolkit whenever there is a change of statutory or regulatory provisions, or when other best practice information becomes available that will impact on the policy. There will also be a formal review of this toolkit every five years.

Appendix 1

Using Ground 7A

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1. Introduction

Our approach to Anti-Social Behaviour (ASB) is set out in our ASB Statement of Intent.

- Connect makes a public commitment to tackling ASB. This document is a toolkit and sets out how we can provide an effective response to ASB.
- As a member of the Leeds, Calderdale and Kirklees Community Safety Partnerships, Connect is committed to supporting the aims of the partnerships by dealing effectively ASB.
- This document sets out the way in which we will aim to deliver this commitment, with our partners, through the adoption of the available tools and powers and working practices.

2. About this guidance

This ASB toolkit is a broad statement to our approach to ASB and will provide guidance to staff on how to manage ASB and neighbour nuisance cases in practice. This toolkit sets the arrangements for use of the Mandatory Ground for possession and the circumstances in which it will be applied.

Connect will consider a proportionate response to extreme ASB cases. Each circumstance will be looked at in its entirety and the impact on the individual and the broader community will be considered while taking into account the Association's duty of care to victims of ASB.

3. Record keeping

The effective use of our IT systems and manual files is an important element in managing tenancies. It is a requirement that all actions and contacts with customers are recorded.

4. Roles and responsibilities

Community Housing Officers (CHO's) are generally responsible for:

- Conducting low level interviews with tenants.

- Working with other agencies on a local level.
- Gathering intelligence from a variety of sources including West Yorkshire Police.

The Tenancy Enforcement Office (TEO) is generally responsible for:

- Conducting higher level interviews with residents.
- Gathering evidence to support enforcement action.
- Completing Request for 7A Decision form.
- Serving notices.
- Advising, supporting and providing training to staff.
- Taking lead on providing the review hearing pack.

The Service Manager – Neighbourhoods (SMN) is generally responsible for:

- Managing and monitoring the use of Ground 7A.
- Monitoring the implementation of these procedures.
- Instructing external legal advisers where necessary to recover possession.
- Reporting on performance.

The Senior Manager Neighbourhood Services (SMNS) is generally responsible for:

- Approving the use of Ground 7A

The Director of Neighbourly Places (DoNP) is generally responsible for:

- Conducting use of Ground 7A review meetings and informing the tenant of the decision

5. What is an absolute ground for Possession?

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced additional grounds for a landlord to recover possession of a secure or assured tenancy where ASB is alleged. The most significant amendment to the previous legislation is a new mandatory ground for possession (Ground 7A for Assured tenancies and s84A for secure tenancies), for certain cases where there is a link

to serious criminal activity such as murder, kidnaping, explosives, offensive weapons and drug related offences (see attached appendices for full list).

The measure was introduced to expedite legal proceedings to provide swifter resolution for victims, witnesses and the community for serious crimes.

6. How will we use the absolute ground?

Connect will take a balanced approach and adopt the measure that is appropriate and proportionate to the seriousness of the behaviour and impact on the community. Where the circumstances permit, we will use the variety of tools available in an incremental way to deliver an effective response to ASB, our emphasis will be on bringing about real changes and improvements in behaviour of those who commit ASB. In this way we will use eviction only when no other solution is appropriate.

7. Conditions

In order to secure an absolute ground for possession the landlord will need to have fulfilled certain notice requirements and, where relevant, the review procedure must be followed and meet at least one of the following five conditions:

Condition one: the tenant, a member of the tenant's household, or a person visiting the property has been convicted of a serious offence; or

Condition two: the tenant, a member of the tenant's household or a person visiting had been found by a court to have breached an injunction to prevent nuisance and annoyance obtained under s1 of the Act; or

Condition three: the tenant, a member of the tenant's household or a person visiting the property has been convicted of breach of a criminal behaviour order obtained under s30 of the Act; or

Condition four: the tenant's property has been closed for more than 48 hours by way of a Closure Order pursuant s80 of the Act; or

Condition four: the tenant, a member of the tenant's household or a person visiting the property has been convicted of a breach of an abatement notice served pursuant to the Environmental Protection Act 1990. (The nuisance

concerned brings noise emitted from the dwelling, rather than some other environmental issue).

It is important to note:

- Conditions one, two, three or five – the notice must be served on the tenant within 12 months of the relevant conviction or finding of the Court.
- Condition four – the notice must be served within three months following the making of such an order.
- Conditions one to three may also require an element of locality.
- Conditions one, two or three can be committed elsewhere if the breach involves a person who lives or has a right to live in the locality or it involves the landlord or the landlord's employees or a person performing a housing management function on behalf of the landlord.
- Condition one namely the serious offence, this does not need to be committed wholly in the locality of the property. The Act provides for it to have been committed 'wholly or partly'.

It is important to appreciate that this review may result in a decision to end the tenancy and seek possession of the property. As a result, the review must be thorough and fully documented.

8. Authorising use of Ground 7A

The Tenancy Enforcement Officer will complete a 'Request for 7A Decision Form' to request management approval before using Ground 7A.

Where a decision is made by the SMNS to include Ground 7A the SMN/TEO should take the following action:

- Write to the tenant with Notice Seeking Possession within **10 working days** of the decision
- The notice itself is valid for 12 months. The notice must include the following information:
 - That it is the landlord's intention to request the court makes an order under s84a (secure tenant) or Ground 7A (if an assured tenant) for possession of the property. The notice must specify we are relying on a mandatory ground.

- The reasons for the landlord's decision to apply for the order.
- Which of the five conditions of the absolute grounds the landlord proposes to rely upon.
- Which conviction, court finding or closure order the landlord proposes to rely on.
- Inform the tenant of their right to request a review of the landlords decision and the timescale within such a request must be made.
- Where and how a tenant may seek advice on the notice.
- The date after which proceedings may be begun.

If Connect wishes to seek possession on one of more of the existing discretionary grounds in addition to the absolute grounds, then we must specify and give details of the discretionary ground(s) in the notice.

- In the covering letter explain:
 - The reason for the use of Ground 7A.
 - That a Notice Seeking Possession notice is enclosed with the letter.
 - The implications of Ground 7A.
 - That the tenant may request a review of the decision to use Ground 7A.
 - That the tenant should tell Connect in writing within **5 working days** of any personal circumstances or other matters that they would like us to take into account at the review using **Review Request Form**.

9. Review Request

Residents who are served with NSP containing Ground 7A can request a review hearing. **The review hearing must take place before the end of the notice period.**

Note – the review meeting is an evaluation of the decision to use Ground 7A. It is not a review of the decision to serve Notice Seeking Possession.

The review can be based either on written submissions or take the form of a meeting with the tenant.

The tenant must submit a written review request within **five working days** of the Notice Seeking Possession.

Note – in cases where there is no response from a tenant, once the NSP notice period has expired the TEO will write to the tenant and confirm that no representations have been received and Connect will apply to Court for possession of the property.

9.1 Review Request Declined

If key information is not provided by the tenant, some review requests can be denied. These include:

- A statement on the grounds on which the review is sought
- Statements to the effect that the tenant does, or does not, require the review to be conducted by way of an oral hearing
- The tenant's request can be rejected unless it is made before the date specified in the Notice Seeking Possession (NSP). In the event that a deadline date for submitting a request for review is not specified in the NSP, it will be seven calendar days after the NSP has been served on the tenant

If any of the above is not included in the request for a review, Connect can refuse to consider the review.

9.2 Review without a verbal hearing

Where the tenant has requested a review without a verbal hearing the TEO must send a letter to the tenant stating that they may make a written representation in support of their application before a time specified in that notice. The time specified in the written notice must not be earlier than **five working days** after the day on which the notice is received by the applicant.

9.3 Review with a verbal hearing

If the tenant has requested a meeting to review the decision to end the tenancy they can present information in person to the DoNP and be accompanied by a representative.

9.4 Key performance requirements – review meeting

Where a tenant requests a review meeting the following action should be taken:

Tenancy Enforcement Officer:

- Arrange with the DoNP a suitable date and time for the meeting

- Prepare a bundle of documents which were relevant to the decision to end the tenancy – liaising with the SMN

Director of Neighbourly Places:

- Send the tenant an appointment letter for the meeting within **10 working days** of receiving the request for a review meeting which will:
 - Provide the tenant with at least **10 working days** notice of the meeting
 - Provide the tenant with copies of all documents which were relevant to the decision to end the tenancy
 - Advise the tenant that any written submissions that the tenant wishes to rely on and details of all persons who will be attending the review meeting will need to be provided at least **five working days** before the meeting
- During the meeting:
 - Ask the tenant to explain why they disagree with the decision to include Ground 7A.
 - Ask the tenant to tell them if there are any personal circumstances or other matters that Connect should take into account before deciding on the outcome of the review
- Determine the outcome of the review

9.5 Absence of a tenant at a review meeting

If the tenant does not turn up for the hearing review meeting, the Director of Neighbourhoods can proceed with the review in the tenant's absence. If a tenant asks for the postponement of a meeting the DoNP may grant or refuse the request as they see fit.

10. Decision of the review

10.1 Overturned decision

Where the tenant(s) is successful in their request to overturn the original decision to include Ground 7A on the NSP, the decision must be communicated by the TEO to the tenant within **five working days** of the conclusion of the hearing.

The NSP will not be re-served and Connect may still commence legal proceedings on any other Grounds listed in the NSP.

10.2 Upheld decision

If the request for a review has been dealt with and the decision to include Ground 7A has been upheld, the TEO will arrange a claim for possession and a letter will be sent to the tenant to confirm this.

11 - Vulnerable people and the review process

Vulnerable tenants should be provided with information about how to request a review in a format that they can easily understand. This information should contain details of any independent advice agency that can assist them to submit a review request. This information should also be communicated to any support agencies Connect is aware of that is working with the tenant.

Appendix 2

Request form Ground 7A

Connect Housing

Request to use Ground 7A/S84a

Reviewing Officers Decision

Tenants name:

Address:

Review request form received on:	
Tenancy commencement date:	
Starter tenancy:	Yes / No
Reasons for any extension:	

Reasons for including Ground 7A:

Comments on reasons for including Ground 7A

Has the tenant/family been offered support/advice/assistance?

Have the personal circumstances of the tenant/family been considered?

Has Connect attempted to resolve the problems associated with this tenancy?

What effect is the tenant's behaviour having on the community?

What effect is the tenant's behaviour/breach of tenancy having on Connect?

--

Reviewing Officers decision: Serve Notice Seeking Possession with Ground 7A	
Reason for Reviewing Officers decision:	
Reviewing Officers name:	Date:
Reviewing Managers decision:	
Reviewing Managers name:	Date:
Authorising Manager decision:	
Authorising Managers name:	Date:

Appendix 3

Review hearing request form Ground 7A

Use of Ground 7A

Form Requesting a Review

A decision has been made to use Ground 7A with the Notice Seeking Possession you have been served. The reasons for making this decision are set out in the Notice Seeking Possession.

Please complete and return this form to us **within 10 days** of the date of the attached letter if you wish to request a review of the decision to proceed to Court for possession of your tenancy using Ground 7A.

Before completing this form please read the guidance notes attached.

Your name:

Address:

Telephone Number:

1. Please give details of all the people who live at your address:

Name	Date of birth	Relationship to you

2. List here the reasons why you disagree with the decision to use Ground 7A. Include details of any personal circumstances that you think are relevant to our decision: *(Use an additional sheet of paper if you do not have enough space on the form)*

3. What type of review are you requesting? *Please tick a box*

Verbal meeting (**Complete parts four and five**)

Written representation

- An **verbal hearing** means you can put your case in person
- A **written representation** means you can put your case in writing, and it will be considered by the Director of Neighbourhoods and Communications

4. Please identify any person who will be attending the meeting with you.

Name	Address	Status (Friend/Family)

5. Are you going to be represented at the review meeting? If yes please provide details of your representative

Name	
Position	
Organisation	
Address	

6. Do you wish to add anything else?

Dated:

Signed:

Print Name:

**Please return this form to: The Director of Neighbourly Places,
Connect Housing Limited, 205 Roundhay Road, Leeds, LS8 4HS**

CONNECT HOUSING

What can you do if we decide to use Ground 7A in your Notice Seeking Possession?

If we send you a letter telling you that we have used Ground 7A in your Notice Seeking Possession, this will be the first step towards requiring you to leave your home.

You should read the letter and enclosed Notice carefully and if you do not agree with our decision to use Ground 7A and you want to request a review, you must do so in writing on this form **within 10 days** of receiving our letter.

This form must be returned to: The Director of Neighbourly Places, Connect Housing Limited, 205 Roundhay Road, Leeds, LS8 4HS.

When completing this form please consider the following points:

- Connect Housing must receive your written request for a review within 10 days from the date of our letter telling you about our decision to use Ground 7A.
- It is important that you tell us anything about you and your families' circumstances that you think may be relevant to the decision to proceed to Court using Ground 7A.
- Once you submit your form requesting a review Connect Housing will send you an acknowledgement.
- If you have asked for a meeting we will give you at least 14 days' notice of the date and time of the meeting and where it will be held. You can bring a friend or family member to accompany you or be represented by whoever you want.
- Before the meeting we will send you copies of all the documents that are relevant to the decision to end your tenancy. Documents pertaining to third party information (such as Police reports or complaints/allegations from other tenants) are submitted to the Review Hearing separately and are confidential.

- The Director of Neighbourly Places will review the decision, unless they have been involved in the original decision. If the Director of Neighbourly Places is unable to review the decision, it will be reviewed by another senior manager who has not been involved in your case.
- The reviewing officer will take account of all the comments that you have made in this form and at the meeting if you chose this option. By attending a review meeting, you will have the chance to tell the Director of Neighbourly Places why you disagree with the decision to use Ground 7A and to clarify anything you are unsure of.
- In addition to completing the review form, if you have any other evidence or documents that you would like to present at the review meeting you will need to send these to us no later than five days before the meeting.
- The Director of Neighbourly Places will then consider whether the decision to terminate your Starter Tenancy was appropriate or not.
- You will be notified of the reviewing officer's decision in writing within 10 working days of submitting your request for a review or within five working days of any review meeting. If the reviewing officer confirms the original decision to end your tenancy you will also be given reasons for the decision. Whatever decision is made we will also tell you what will happen next.
- If you want advice on your rights or any housing matter then please contact us immediately. Alternatively you can contact the Citizens Advice Bureau, a Housing Aid Centre, or a Solicitor.

Appendix 4

Policy Statement on Witness Support

Statement of Connect witness support measures – putting the victim first

1. Introduction

Residents within our properties who suffer or witness anti-social behaviour or breaches of the tenancy agreement are often reluctant to appear as witnesses in Court.

The reason for this may simply be that the potential witness is intimidated by the thought of going to Court and giving evidence, or that the potential witness has a real fear of reprisals from person(s) action is being taken against.

Success in legal cases for both the victim and Connect rests on people being prepared to report incidents and then give support to Connect in taking action.

Victims and witnesses need consistent support and encouragement to be able to participate in the legal process and feel secure doing so. Caseworkers must remember that these individuals have suffered harassment and nuisance, and that in some cases incidents of harassment can escalate when perpetrators realise action is to be taken.

Engaging in legal action can heighten the level of risk to victims and witnesses. Therefore everything possible should be done to make sure those witnesses and victims are supported and that the risk of enduring further incidents is minimised.

Victims and witnesses reporting incidents need to be confident that their report will be taken seriously and that the incident will be fully investigated. Connects' ASB policy contains a commitment to supporting victims and witnesses throughout the enforcement process. This statement is intended to set out in more detail how we will deliver that commitment.

2. Our promise

Connect will take all reasonable steps to protect and support victims and witnesses in ASB cases, and will work in partnership with other agencies to provide co-ordinated protection and support.

3. Key elements in the delivery of witness support

3.1 Confidentiality

It is central to our role as an organisation taking enforcement action against ASB that any information given to us is kept confidential and will not be disclosed or used without the agreement of the source. This means:

- We will not disclose the names and addresses of any victim or witness to any other organisation or individual without their informed consent.
- We will guarantee to witnesses and complainants that the information they give to us will only be used by us when, and in ways to which, they have expressly agreed.
- We will make use of the Hearsay evidence rules to prepare hearsay statements for vulnerable and intimidated witnesses in appropriate cases.

3.2 Communication

We will ensure that victims and witnesses are kept up to date with the progress of the case on a regular and timely basis.

We will explain what action has been taken and why, and if no action is possible the reasons why must be clearly explained.

We will brief and prepare witnesses as to what to expect at Court appearances.

We will provide witnesses with copies of any Orders which have been secured and we will explain to them the terms of the Order and what action to take if they believe that the Order has been breached.

We will provide interpreters and translation services as necessary.

3.3 Minimising the burden on complainants

Connect provides victims and witnesses with a log book to allow incidents to be continually recorded.

We may use covert surveillance cameras if this is the only way of securing evidence of serious ASB issues. Covert cameras will be deployed in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA).

We will use an out of hours service to support victims and to reduce the onus placed on them and will offer regular reassurance calls to victims.

3.4 Obtaining legal protection for our witnesses

We will consider the use of Court Orders to protect witnesses before, during and after Court proceedings.

In suitable cases where we are considering an Injunction application, we will apply for the witness protection provisions of the Order to be implemented without notice to the Defendant. This is to ensure that the Defendant is subject to restraints on his/her behaviour toward our witnesses from the moment that he/she becomes aware of the action that is being taken against him/her. We will ensure that the witness protection measures continue in any full Injunction Order for a suitable period.

3.5 Practical measures to secure witness safety and confidence

We can undertake a number of target hardening and other steps to provide practical and physical support to witnesses who have a well-founded fear that they may be subject to reprisals and intimidation:

- In cases where the witness is a tenant who fears that damage may be caused to his/her property, the Neighbourly Places Team will liaise with colleagues to offer an undertaking that Connect will carry out any repairs promptly.
- Where necessary we will provide increased security to the homes of witnesses and victims.

3.6 Working with our partners to support and protect witnesses

Witness support can be provided more effectively in conjunction with other agencies and Connect will work in close partnership with a number of agencies to provide this.

3.7 Out of hours victim support procedure

Connect will provide an out of office hours ASB support service to provide reassurance to victims and witnesses suffering incidents.

Witnesses and complainants often feel that they are left unsupported outside of normal office hours. To counteract this we will contact witnesses who want it to reassure them of our support.

The Neighbourly Places Team will maintain a spreadsheet of all live injunctions and powers of arrest and will keep this up to date; they will share the spreadsheet and will lodge copies of all Injunction orders with powers of arrest with the out of hours ASB monitoring service.

Operatives from the out of hours ASB service will record reports of ASB incidents and will pass these reports to the Housing Liaison and Neighbourly Places teams.

4. Conclusion

At the conclusion of each case we will feed back to the witnesses and victims what has actually been achieved and thank the witnesses and victims for their contribution to the case.

Appendix 5

Community Trigger

Community Trigger Process

In the local authority areas that we operate in, if a member of the public has made three separate linked reports of ASB (known as qualifying complaints) within the last 6 months, to a member of the community safety partnership in those areas, they can request a review of their case under the Community Trigger process.

It should be noted that the Community Trigger process is not a complaints process. If any member of the public wants to make a complaint about service to these authorities then local complaints procedures should be followed.

Mandatory Community Trigger Threshold

If a member of the public has made at least three 'qualifying complaints' of ASB then the Mandatory Community Trigger 'threshold' will have been met.

A complaint about ASB is a 'qualifying complaint' if:

- The complaint is made within the period of one month beginning with the date on which the behaviour is alleged to have occurred; and
- The application for an ASB case review is made within six months from the date on which the first complaint is made.

Discretionary Community Trigger Threshold

In addition, the 'relevant bodies' may decide the Discretionary threshold has been met, if any of the following factors exist:

- Concerns regarding the persistence of the ASB about which the original complaint was made.
- Concerns regarding the harm being caused, or the potential for harm to be caused by that behaviour.

- Concerns regarding the adequacy of the response to that behaviour.

If the Community Trigger has not been met the lead agency will:

- Send a written report detailing the findings of the 'relevant bodies' to the complainant within 10 working days of the initial ASB Meeting.
- Initiate any follow-up actions that are required to restore the confidence of the complainant and deal with any outstanding issues.

If the Community Trigger has been met the lead agency will:

- Prepare a detailed case and refer it to a subsequent Case Review Meeting involving 'relevant bodies' for further discussion. All cases will be referred to the Case Review Meeting within 15 working days of the receipt of all relevant information from Partners Agencies, so a full review can take place.
- The lead agency will provide a response to the complainant regarding the result of the Case Review Meeting and any recommendations made by the relevant bodies within 10 working days of the date of the meeting.