



Caerphilly Homes

Statement of Policy and Procedure for Anti-Social Behaviour

STATEMENT OF POLICY & PROCEDURE FOR ANTI-SOCIAL BEHAVIOUR

PART 1 - STATEMENT OF POLICY	Page
1. Introduction	3
2. Statement of policy	4
3. Definition of anti-social behaviour	5
4. Categories of anti-social behaviour	5
5. General policy statement	7
5.1 Contract Holder's responsibilities/ expectations	7
6. Prevention	8
6.1 Mediation	8
6.2 Community Safety Wardens	9
6.3 Closed Circuit Television CCTV	9
6.4 Secure by Design	9
6.5 Acceptable Behaviour Contracts	9
6.6 Diversionary projects/ Support	9
7. Support	10
7.1 Supporting the reporting person	10
7.2 Witness Support Scheme	11
7.3 Support for the subject(s) of anti-social behaviour reports	11
8. Enforcement	12
8.1 Writing to/ interviewing the alleged subject	13
8.2 Use of noise monitoring equipment	13
8.3 Acceptable Behaviour Contract	13
8.4 Landlord Contracts	14
8.5 Written Warning	14
8.6 Final Written Warning	14
8.7 Anti-Social Behaviour Injunction	14
8.8 Criminal Behaviour Order (CBO)	15
8.9 Community Protection Warnings and Notices (CPW/CPN)	15
8.10 Closure of Premises Order	15
8.11 Civil Injunctions	15
8.12 Prohibited Conduct Orders	16
8.13 Termination of a joint contract holders interest	16
8.14 Possession Proceedings	16
8.15 Eviction	16
8.16 Court orders for Possession and reasonableness	17
9. Multi-agency partnership working	17
10. Domestic abuse policies	18
10.1 Definitions	18
10.2 Impact of domestic abuse and violence	19
10.3 Agencies	19
10.4 Joint secure contract holders and domestic abuse	20
11. Hate Related Incidents	21
12. Information sharing	21
13. Confidentiality	22
14. Telephone call recording	22
15. Anti-social behaviour staff training	22
16. Monitoring anti-social behaviour	22
16.1 Performance Indicators	23
17. Review	23

PART 2 - STATEMENT OF PROCEDURES	
1. Operational aims and objectives	24
2. Confidentiality	24
3. Making a report of anti-social behaviour	25
4. Grading and assessing a report	26
5. Investigating a report of anti-social behaviour	27
5.1 Interviewing the reporter of anti-social behaviour	27
5.2 Wider Investigations	28
5.3 Interviewing the alleged subject of a report	28
5.4 Evidence	28
6. Supporting the reporting person	29
7. Monitoring reports of anti-social behaviour	30
8. Case Closures	30
9. Contact details	31
10. Availability of the anti-social behaviour policy and procedure	32
 Appendix 1- Impact Assessment	 33-34

PART 1 - STATEMENT OF POLICY

1. Introduction

The Housing Act 1996, as amended by the Anti-Social Behaviour Act 2003, places a duty upon Caerphilly Homes as a social landlord to prepare, publish and keep under review policies and procedures on anti-social/ nuisance behaviour. In addition, a summary document must also be produced and made available to the public on request. For the purposes of this document when the term Caerphilly Homes is used, it describes the role of a social landlord. Caerphilly County Borough Council (CCBC) is used to describe the whole of the Council.

This specific document consists of two parts, Part One being the Statement of Policy and Part Two the Statement of Procedures. This document aims to give a clear picture of what Caerphilly Homes responsibilities are as a social landlord, what its approach is and how it intends to work in partnership to tackle anti-social/nuisance behaviour effectively. The Policy and Procedure have been updated to reflect the legislative changes introduced by the Renting Homes (Wales) Act 2016 (RHWA 2016). This legislation creates Contract Holders (replacing the term tenant) and Secure Contracts (replacing tenancy agreements). Section 55 of the RHWA 2016 introduces Prohibited Conduct which is a fundamental term that specifically relates to nuisance and anti-social behaviour. The Renting Homes (Wales) Act 2016 also introduces in a responsibility for landlords to provide appropriate advice to secure contract holders in relation to complaints of nuisance and anti-social behaviour that fall within the remit of Section 55 – Prohibited Conduct. This fundamental term is embodied into the secure, standard and prohibited conduct contracts provided by Caerphilly Homes.

Caerphilly Homes has a duty to enforce its secure contract, leasehold agreement or restrictive covenants, but it also has a duty to protect its secure contract holders, leaseholders and, in some instances, private residents. Therefore, this policy applies to all Caerphilly Homes secure contract holders, prohibited conduct contract holders and leaseholders; residents of the County Borough whose behaviour affects Caerphilly Homes role as landlord, and it can be used to protect staff and agents that carry out the functions of Caerphilly Homes. This will also apply to any Standard Contract and Standard Contract Holders Caerphilly Homes may have in the future. For the purpose of this document, it is assumed that the Policy and Procedure apply to all these persons unless specifically stated otherwise.

In formulating this document Caerphilly Homes has consulted with a number of its stakeholders, to ensure the views and the agreed approach to be taken is consistent with and supports the Corporate Plan 2018 – 2023 – particularly Objective 3, Caerphilly Public Service Boards Wellbeing Plan 2018 – 2023 and the Gwent Anti-social Behaviour Policy 2019.

Caerphilly Homes has adopted a harm centred approach when dealing with reports of anti-social/nuisance behaviour and will act quickly and decisively where possible and will be professional and objective in its investigations.

This document will be made available to members of the public and any other interested party on request, via the CCBC web site - www.caerphilly.gov.uk and at all of the Caerphilly Homes Housing Offices.

This Policy and Procedure is bilingual and will be provided in any other language or format on request.

If you have any queries regarding this document, or wish to make comments or suggestions for future reviews of the document you can do so by contacting the Tenancy Enforcement Manager on telephone number (01443) 811440; via email at: tenancyenforcement@caerphilly.gov.uk or by writing to the Caerphilly County Borough Council, Public Sector Housing, PO Box 129, Hengoed CF82 9BQ.

2 Statement of policy

Whilst the Anti-Social Behaviour, Crime and Policing Act 2014 gives extended powers to tackle anti-social behaviour, there are several other, wider obligations placed on CCBC by other existing legislation:

- Social Services and Well-being (Wales) Act 2014, Children Acts 1989 and 2004
- Crime and Disorder Act 1998
- Data Protection Act 1998, Data Protection Regulation 2016, Data Protection Act 2018
- Equality Act 2010
- Freedom of Information Act 2000
- Housing (Wales) Act 2014 & Renting Homes (Wales) Act 2016
- Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000/Protection of Freedoms Act 2012
- Serious Crime Act 2015
- Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015
- Well-being of Future Generations Act (Wales) 2015.

CCBC therefore needs to ensure that any policy or procedure it has in place is consistent and compatible with the obligations and requirements placed on it by this legislation. The above list is by no means exhaustive and is intended only to give an indication of the range of legislation governing the way that CCBC carries out its duties.

There are also a number of local strategies and policies that link with this document, which this policy needs to be compatible with. These include:

- Safer Caerphilly Community Safety Well Being Action Plan
- Strategic Equality Plan 2020 - 2024
- Caerphilly Homes Business Plan 2021 - 2022
- All Wales Child Protection Procedures
- Public Sector Housing Policies and Procedures
- Public Protection Enforcement Policies
- Gwent Regional Violence against Women, Domestic Abuse and Sexual Violence Strategy 2018 - 2023

The over-riding aim of Caerphilly Homes' Anti-social Behaviour Policy and Procedure is to provide a framework to ensure that it responds to incidents of anti-social/nuisance behaviour in a way, which is consistent, appropriate and proportionate. The policy and procedure seeks to support the wider aims and objectives of these related strategies and plans for contract holders/residents to

have quiet enjoyment of their homes, create safe and cohesive communities and improve the quality of life for contract holders, leaseholders and residents within the County Borough. The policy endeavours to complement and support the efforts of the Safer Caerphilly Community Safety Partnership and other local agencies through effective partnership working to provide a collaborative response to anti-social/nuisance behaviour.

Reports of anti-social/nuisance behaviour can be made directly to the Tenancy Enforcement Section (TES). TES will refer reports about estate management aspects of a tenancy or low risk anti-social/nuisance behaviour to the relevant Housing Office for investigation. See examples within Section 4 below. Reports that are incorrectly directed to the TES will be redirected accordingly.

Caerphilly Homes, in producing this document, has considered its responsibilities under the Equality Act 2010, to eliminate all forms of discrimination by promoting good relations and mutual respect within and between our communities, residents, elected members, job applicants and workforce. We will also work to ensure equal access for everyone to our services, irrespective of ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL and other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified. This aspect of the policy and procedure document has clear links with and will complement the guidance offered in the CCBC's Strategic Equality Plan 2020 - 2024.

3 Definition of anti-social/nuisance behaviour

Two definitions will be used to define anti-social/nuisance behaviour. Both are contained within the Anti-Social Behaviour, Crime & Policing Act 2014 – Part 1. This is to ensure that we encompass anti-social/nuisance behaviour in a housing and non-housing context.

- 'Where conduct is capable of causing nuisance or annoyance to a person in relation to that persons occupation of residential premises or the conduct is capable of causing housing related nuisance or annoyance to any person'
Housing related means directly or indirectly relating to CCBC's housing management function
- 'Conduct that has caused or is likely to cause harassment, alarm, or distress to any person where the anti-social behaviour has occurred in a public place'

4. Categories of anti-social/nuisance behaviour

The following are categories and definitions of anti-social and nuisance behaviour. Whilst the list is not exhaustive it can be used for guidance.

Noise

Can include frequent and/ or persistent noise from loud music/tv's, regular parties, cars revving, shouting, arguing, doors slamming, dogs barking etc.

This does not include normal and reasonable household noise such as toilets flushing, babies crying, occasional door slamming, talking, children playing, footsteps or one off incidents.

Harassment & intimidation

Can include making threats, threatening and intimidating behaviour, threatening gestures, bullying behaviour and pestering people – can include when language or behaviour is deliberately used to intimidate a person.

Abuse

This can be verbal or written including the use of foul and abusive language.

Substance misuse - drugs and alcohol - supply, cultivation, use or misuse

Can include taking substances, selling/supplying illegal drugs/prescription drugs, presence of users or dealers, cultivation, drug paraphernalia etc.

Vandalism/ property damage

Can include criminal damage, vandalism, arson, damage to buildings etc.

Physical Violence (other than domestic abuse)

Physical abuse, grievous bodily harm, assault etc.

Domestic Abuse

Can include reports made by the person directly affected, a member of the household or a neighbour caused distress or disturbance by incidents.

Hate related incidents

Based on colour, ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, language or nationality.

Hate Crime - a criminal offence, which is perceived, by the victim or any other person to be motivated by a hostility or prejudice based on a person's actual or perceived disability, race, religion and belief, sexual orientation and gender.

Hate Incident – incidents based upon prejudice, but non-crime related.

Nuisance

This can include disturbance, annoyance caused by groups/gangs of people being in an area.

Examples of issues that will **not** be investigated by Tenancy Enforcement are:

- Nuisance caused running a business e.g., buying/ selling cars
- Litter/rubbish/fly tipping
- Pets or animal nuisance (apart from noise related nuisance) e.g., breeding, smells and animal fouling
- Gardens e.g., untidy gardens, rubbish, bonfires
- Misuse of communal areas or public spaces e.g., children's games/playing games, unauthorised parking on grass verges
- Boundary disputes e.g., dispute over height or position of boundary
- Parking disputes

The above type of reports will be referred to the relevant Housing office as they are estate management issues or low risk anti-social/nuisance behaviour. These

issues will be investigated in accordance with housing management policies and procedures. This list is not exhaustive.

For Caerphilly Homes to determine whether actions constitute anti-social/nuisance behaviour it will take into consideration several factors, including the frequency and severity of the incidents, the length of time the incidents have been occurring, the effect of the incidents on the reporting person and the intentions of the subject of the report.

There is an expectation that Contract Holders are able to resolve in a responsible and mature way, or ignore and also not participate in behaviour such as name calling, staring/smirking, hand gestures, making inappropriate comments on social media or any other behaviour of this type. There is a reasonable expectation to tolerate some behaviour of others within our community, both adult and children, that may be viewed as a nuisance, irritating, unsocial or childish. It is also expected that similar types of issues/disputes involving children are resolved by the parents of those children in an appropriate manner. Housing are unlikely to investigate allegations of this type of behaviour as it does not amount to a breach of the Occupation Contract that could be legally enforced. Responsibility for resolving these types of issues lies with the parties involved.

Caerphilly Homes, when looking at the behaviour of individuals in relation to anti-social/nuisance behaviour, will also look at the impact on other family members within the household where the parents of children are the cause of anti-social behaviour.

Anti-social/nuisance behaviour, whilst well documented, can and does have a devastating effect on the community in general. However, Caerphilly Homes is mindful that children of anti-social parents may also be the victims of anti-social behaviour, directly or indirectly and potentially at risk of abuse and/or neglect.

5 General policy statement

Caerphilly Homes takes all reports, complaints and allegations of anti-social/nuisance behaviour seriously and is fully committed to tackling both the causes and the effects in an effective and structured manner. This links to the following aims and objectives of the service area:-

“Our purpose is to ensure the provision of affordable, well managed, good quality, energy efficient homes in communities where people want to live, in safety and security, and which meet present and future needs.” Caerphilly Homes Business Plan 2021 - 2022

Wellbeing Objective 3 - Address the availability, condition, and sustainability of homes throughout the county borough and provide advice, assistance, or support to help improve people’s well-being – Corporate Plan 2018 - 2023

5.1 Contract Holders responsibilities/ expectations

Existing secure contract holders, leaseholders and former tenants with restrictive covenants have a responsibility to make sure that they show consideration to their neighbours and abide by the terms of their secure contract, in particular Section 55 RHW 2016, leasehold agreement or covenants.

Section 55 – RHA 2016 – Prohibited Conduct

This section of the RHA states what is expected from a contract holder in relation to anti-social/ nuisance behaviour. It states that a contract holder must not 'engage or threaten to engage in conduct capable of causing a nuisance or annoyance' and that they 'may not threaten to use or use the dwelling, for criminal purposes'.

In relation to other people that live at the dwelling or visit the dwelling, Section 55 states: 'The contract holder must not: allow, incite or encourage any person living in or visiting the dwelling' to act in a manner as described in the paragraph above'.

Certain types of behaviour may be perceived by some elements of society to be anti-social/nuisance, while others may consider it to be normal or acceptable, like the playing of football by young children in the street. In these circumstances the most appropriate approach may well be to find some form of compromise that satisfies all parties. In this type of case, residents will be encouraged to resolve any disputes themselves or to make use of support services such as mediation.

All responses to incidents of anti-social/ nuisance behaviour will be proportionate, measured and reasonable.

Caerphilly Homes will seek to provide a harm centred approach and will endeavour to provide a consistent, reactive and responsive service. All reports of anti-social/nuisance behaviour will be treated seriously and will be dealt with fairly and without prejudice or preference. However, without the full cooperation of the reporting person it is very difficult for any action to be taken. Reporting persons should be assessed using an impact assessment matrix. *See Appendix 1.* The assessment will help to ascertain what support and protection may be required in any given situation. We will work in conjunction with other agencies to provide the necessary support and protection.

Officers are aware of and respect cultural requirements and when necessary and with prior notice, will arrange suitable meeting times and venues, and appropriate translation or interpretation services.

When dealing with juveniles or persons who are vulnerable, whether due to learning difficulties, mental illness or in some other way, due regard will be taken of their vulnerability, to ensure these persons are treated fairly.

In all cases Caerphilly Homes will adopt a strategy involving a combination of prevention, support and enforcement.

6 Prevention

Preventative measures are seen by Caerphilly Homes as an important aspect of reducing anti-social/nuisance behaviour and are a proactive approach to dealing with these issues. Caerphilly Homes will investigate fully any reports made and use various investigative methods to substantiate and resolve issues. In addition to the normal investigative process the following paragraphs outline some of the initiatives which are currently in operation throughout the County Borough.

6.1 Mediation

Caerphilly Homes will consider the use of independent mediators when dealing with neighbour reports/ issues of anti-social/nuisance behaviour. Minor disputes and misunderstandings can often be resolved through simple debate and discussion rather than allowing the situation or misunderstanding to escalate. This service would be offered if Caerphilly Homes felt it was appropriate.

6.2 Community Safety Wardens

CCBC employ several Community Safety Wardens who work throughout the County Borough offering a visible, uniformed presence and assistance aimed at reducing and deterring anti-social/nuisance behaviour. Wardens will patrol and visit areas of concern, as identified, reporting and monitoring issues for further attention and action.

6.3 Closed Circuit Television (CCTV)

CCBC, in its attempt to improve community safety, has located more than 140 CCTV cameras throughout the County Borough. These camera units, which are complemented with a mobile camera van, relay information directly to the control centre where trained and experienced staff can and will, when required, call on the assistance of other agencies to deal with issues of concern. The use of CCTV and other methods of monitoring will always comply with RIPA regulations and take full account of the guidance contained within the Data Protection Act 1998 and the Human Rights Act 1998.

Tenancy Enforcement also manages the use of 3 mobile CCTV cameras which can be sited in areas where there is anti-social/nuisance behaviour. The CCTV cameras will usually only be in place for a maximum of 12 months and will then be moved to another area of concern. The cameras are linked to the CCTV control room. The guidance issued by the Information Commissioner must be complied with in relation to the siting of any of these cameras.

6.4 Secure by design

Caerphilly Homes, in striving to improve community safety, is seeking more innovative and complementary designs when looking at defensible space and environmental changes. We will endeavour to continue to make changes to the design of our existing estates to reduce anti-social/nuisance behaviour and improve the quality of life of our contract holders.

6.5 Acceptable Behaviour Contracts – see also 8.3

CCBC sees the use of acceptable behaviour contracts as a more collaborative approach when dealing with anti-social/nuisance behaviour. Caerphilly Homes officers and representatives from other agencies will negotiate and agree set terms and conditions with alleged offenders and, where appropriate, their legal representatives and guardians, to reduce anti-social/nuisance behaviour. An acceptable behaviour contract is a voluntary agreement between the offender, CCBC and the Police.

Acceptable behaviour contracts are not only seen as a preventative mechanism for reducing anti-social/nuisance behaviour but also an informative process and a way of offering support and assistance to the subject of a report of anti-social/nuisance behaviour and their family when the need is identified.

Individuals identified as having support needs will be offered support packages based on the circumstances and their perceived needs. This can include the use of Mentors and support networks.

6.6 Diversionary projects/support

CCBC is fully committed to offering young people activities, diversions and educational platforms to help them feel part of their community. As part of the lifelong learning policy, we will endeavour to tackle anti-social/nuisance behaviour and street crime by offering alternative activities that promote community ownership, education and a sense of belonging.

A range of projects are offered within the County Borough, with the focus on youth engagement and family engagement.

7 Support

Caerphilly Homes, as part of its housing management procedure, provides support to new contract holders by operating a structured post-allocation home visit scheme. These visits will be carried out after one month and are intended to assist new contract holders with administrative and occupation issues.

In addition, Caerphilly Homes, through its Housing Offices offers an accessible support network for its contract holders to assist them in maintaining and sustaining their occupation contracts. This support will be offered initially by Caerphilly Homes' staff but can be extended to more specialised staff from within CCBC and its partner agencies should the situation merit it.

7.1 Supporting persons reporting anti-social behaviour

Reports of incidents of anti-social/nuisance behaviour can be reported directly to Tenancy Enforcement. Other referrals come via many different avenues including the Police, Community Safety Section, Environmental Health and other CCBC departments.

All officers should be aware of the following agencies that can support the reporting person and/or investigate a complaint of nuisance and/or anti-social behaviour:

- Heddlu Gwent Police
- Connect Gwent
- Equality and Human Rights Commission
- Social Services
- Supporting People
- Education Welfare
- Safer Caerphilly Community Safety Partnership
- Gwent Police Witness Support Unit
- The Witness Service
- Other voluntary agencies including Citizens Advice, Llamau Women's Services Caerphilly, the Law Society, the Lesbian Gay Bisexual and Transgender Excellence Centre Wales, Caerphilly Access Group, Stonewall Cymru, Mencap Cymru, BAWSO.

All reports of anti-social/nuisance behaviour are treated confidentially. Caerphilly Homes provides support for all persons reporting nuisance and anti-social behaviour in cases that it is investigating. It will make referrals to appropriate

support agencies on a case by case basis. All support offered is subject to the availability of the resource/service being offered.

A reporting person impact assessment matrix will be completed for most reporting persons to help us to assess their support needs. Caerphilly Homes can and will make referrals to other agencies to help support the reporting person. It can provide target hardening items such as door and window alarms, personal attack alarms, sensor alarms etc. to help a reporting person feel safe in their home. For those persons who agree to be witnesses and provide formal statements and attend court on behalf of Caerphilly Homes, Tenancy Enforcement has a comprehensive package of support as detailed below.

7.2 Witness Support Scheme

Caerphilly Homes understands how difficult it can be to agree to attend court and give evidence as a person who has experienced and witnessed anti-social behaviour. There are many different things that need to be considered before agreeing to become a witness. To assist residents through this process Caerphilly Homes has set up a witness support scheme through the Tenancy Enforcement Section.

If a person agrees to provide a formal statement, attend court and give evidence as a witness in a case that Caerphilly Homes is bringing against another person, Caerphilly Homes can:

- Provide target hardening items;
- Arrange a visit to the court before the hearing to familiarise witnesses with the court setting;
- Provide a dispersed alarm unit in a witnesses home so that they can summon help quickly in an emergency (a landline is required for this);
- Reimburse witnesses any costs incurred (up to a set value) by attending court – e.g., loss of earnings, travel expenses, food and drink etc.
- Arrange to collect witnesses from home and take them to court;
- Have a Tenancy Enforcement Officer/Victim Support representative at Court with witnesses to provide information, support and encouragement during the court hearing.

Caerphilly Homes is continually trying to improve the service it offers to reporting persons and witnesses. It seeks to enhance the existing service and provide best practice recommendations whenever possible to provide a structured process of support for persons reporting anti-social/ nuisance behaviour.

7.3 Support for the subjects of anti-social/nuisance behaviour reports

Caerphilly Homes recognises that it has a community responsibility not only to prevent and reduce anti-social/nuisance behaviour but also to offer support and assistance to those individuals involved in the committing of such behaviour. The provision of appropriate support can address unacceptable behaviour by tackling the underlying causes and unmet support needs. Eviction of anti-social/nuisance contract holders often results in the displacement rather than the cessation of the behaviour. Caerphilly Homes is mindful of the need to adequately assess all the factors surrounding the report and to ensure that support or assistance is identified and offered where necessary.

All support offered is subject to the availability of the resource/service being offered and is assessed on a case by case basis. The consent of the subject of the report is required before a support referral can be made.

The support for subjects of reports of anti-social behaviour is provided by external agencies and at the time of publication is as follows:

REACH Panel

REACH is part of the Youth Offending Service. It offers support to young people aged 8-15 years who have been referred because of their anti-social/nuisance behaviour. The main focus is on children aged between 8–13 years, however, if a child has a criminal conviction, they are excluded from receiving support. REACH provides a support worker who works with the family as a whole and the young person. However, there are other support mechanisms that REACH provides to offer the young person an alternative incentive to improve their behaviour in the long term. REACH can support a family for up to 6 months.

Social Services

Adult Services provide a wide range of specialist services to members of the community aged eighteen years and over who experience difficulties on a day-to-day basis due to problems ranging from physical or sensory disability to drug and alcohol addiction.

Children's Services provides a range of services for children, young people, and their families. The goal is to help children and young people grow up safely and securely, to enable them to lead happy and fulfilled lives, and to help them to achieve their full potential.

Supporting People

If someone is over 16 years of age and struggling to keep their home, at risk of losing their job, need to move or need help with finances or any type of debt, the Supporting People Team could offer them support.

Caerphilly Homes is mindful of the need to adequately assess the factors surrounding reports of anti-social/nuisance behaviour and to ensure that support and/or assistance is offered. Where the alleged offender or their dependants appears to be vulnerable or in need of support, housing staff should ensure the relevant departments or agencies are notified and support offered subject to availability. When a referral is made to Supporting people, they will assess the need and refer to a service most suited to support those needs.

Providing support for the subject of a report of nuisance or anti-social behaviour does not prevent enforcement action being taken for breach of the occupation contract. The purpose of the support is to remedy the long term issues causing the anti-social/ nuisance behaviour. Sometimes support and enforcement need to go hand in hand to be most effective. However, if a person fails to agree to, work with, or stops engaging with the support agency to improve their behaviour, then this can be used as evidence of their unwillingness to improve their behaviour in any future enforcement action. There may also be cases where enforcement action is taken before support is offered.

8 Enforcement

In addition to supporting new contract holders Caerphilly Homes has given a clear message to its existing contract holders and leaseholders, through its occupation contact and leasehold agreements, that it will not tolerate any behaviour which is deemed to be anti-social or likely to cause a nuisance or annoyance to other contract holders, residents, their lawful visitors or staff carrying out their duties. This also applies to residents who behave in an unacceptable manner towards contract holders, leaseholders or staff carrying out the duties of Caerphilly Homes as a landlord. This is designed to signal that Caerphilly Homes takes anti-social/nuisance behaviour seriously and to make provision for Caerphilly Homes to act should the anti-social/ nuisance behaviour be perpetrated by its contract holders or leaseholders.

Where evidence is obtained regarding incidents of anti-social/nuisance behaviour, then Caerphilly Homes has a number of options with regards to possible actions it may take. Any action taken will be proportionate to the nature and seriousness of the behaviour, however, we have a duty to ensure that contract holders and leaseholders, do not breach any of the terms or conditions of their occupation contact or leasehold agreement by behaving in a manner, which is likely to cause a nuisance to an individual or the wider community. Caerphilly Homes can also protect the interests of contract holders and leaseholders should they become victims of anti-social behaviour. Some private residents can be subject to enforcement action if they commit anti-social/nuisance behaviour towards contract holders or leaseholders. Unacceptable behaviour towards Caerphilly Homes staff, which can be linked to Caerphilly Homes role as a social landlord can also be addressed via enforcement action. With regards to continuing incidents of anti-social behaviour Caerphilly Homes will take action based on the circumstances of each case and it will be proportionate to the behaviour exhibited.

Actions can include one or more of the following:

- Contract holders support
- Interviewing, visiting and/or writing to the known subject of a report
- Written warnings
- Installing noise monitoring equipment/access to the Noise App/ dictaphone
- Mediation
- Acceptable Behaviour Contracts/Landlord Contracts
- Notice before making a Possession Claim /Notice of Intention to apply for a Prohibited Conduct Order
- Civil injunctions/Anti-Social Behaviour Injunctions
- Closure Orders – Full and partial
- Prohibited Conduct Order
- Possession Proceedings
- Eviction

8.1 Writing to/interviewing the subject(s) of a report of anti-social behaviour

Either the Tenancy Enforcement Section or an appropriate officer will normally write to and/or visit the alleged subject, after consultation with the reporting person. They will advise them of the report made, explain the effect that their behaviour is having and ask them to modify their behaviour if appropriate. It is often the case that counter allegations are made and the officer dealing with the report will be required to carry out further enquiries to ascertain the facts.

8.2 Use of Noise Monitoring Equipment

Upon receipt of reports of noise, noise nuisance letters will be sent at the earliest opportunity. The use of the noise monitoring equipment will help to establish the authenticity of a report and can lead to the service of a Noise Abatement Notice by CCBC Environmental Health Officers.

8.3 Acceptable Behaviour Contracts – see also 6.5

Acceptable Behaviour Contracts (ABC's) are a useful tool when the subject of a report of anti-social behaviour is aged 10 years and above and are used following the service of three initial referrals for anti-social behaviour. They are arranged by the Safer Caerphilly Community Safety Partnership via Strike 3 meetings, which are attended by all relevant agencies. ABC's are voluntary.

If the child/person agrees to the contract, then all relevant parties that attend the signing sign the contract. The signed contract can cover items such as:

- Areas, streets or property that the individual should not visit
- Specific behaviour that they should not engage in, such as verbal abuse, climbing on roofs etc.
- Offer of support through mentoring, if applicable

The contract will last for 6 months. An ABC is a mechanism of support and enforcement. Breach of an ABC can be used as evidence in an application for an Anti-Social Behaviour Injunction.

8.4 Landlord Contracts

A Landlord contract is offered to a contract holder and/or associated parties to the complaint to help assist in the prevention of further incidents of anti-social/nuisance behaviour. It will contain a list of behaviour that is agreed is not permitted. It is voluntary and will need to be signed by the contract holder. Failure to sign a landlord contract may be viewed as unwillingness to want to remedy the issues.

8.5 Written Warning

A written warning may be given at any time during the course of an investigation. It will be a warning issued to the relevant party advising them of the breach(s) of their Occupation Contract or other relevant behaviour and detailing what they need to do to prevent further breaches.

8.6 Final Written Warning

A final written warning may be issued to the relevant party where adjustments or improvements are not made and the nuisance/anti-social behaviour is continuing despite advice and/ or support being offered to reduce/remedy the behaviour. The final written warning is usually the action taken before legal action will be considered and/or commenced. If the incident is serious enough this may be the first action taken.

8.7 Anti-Social Behaviour Injunction

An Anti-Social Behaviour Injunction (ASBI) would normally only be used in cases of persistent and/or high level ASB and after being considered by the multi-agency Safer Caerphilly Strike 4 meeting. The order is issued by the civil courts or Youth court and, like the ABC; it will normally contain a list of prescribed behaviours for the individual, including areas that they may not be allowed to visit. It may also contain 'positive requirements' which will try to get the individual to address the cause of their anti-social behaviour. Where there is a breach of the ASBI the court

may consider several options ranging from a fine to imprisonment. An ASBI can be applied for against anyone over 10 years of age.

8.8 Criminal Behaviour Order

A Criminal Behaviour Order (CBO) is issued by the criminal court against a person who has been convicted of a criminal offence. In most cases the application will be made by the Crown Prosecution Service either on its own initiative or at the request of the Police or CCBC. In nature the CBO is very similar to an ASBI (see above). It can contain both prescriptive behaviours and positive requirements. If a CBO is breached the court can consider several options ranging from a fine to imprisonment.

8.9 Community Protection Warnings and Notices

A Community Protection Notice (CPN) is intended to deal with on-going problems or nuisance which negatively affects a community's quality of life by targeting those responsible. A written warning is issued, this is a Community Protection Warning informing the person/business what the problem is and requesting them to stop/rectify the issue. If they fail to stop/rectify the problem then a CPN will be issued listing prohibitions, positive requirements or specifications necessary to remedy the problem which must be completed within a specified time. Failure to comply with the CPN is a criminal offence.

8.10 Closure of Premises Orders

A Closure Order (CO) is a fast, flexible power that can be used to protect communities by quickly closing premises that are causing nuisance or disorder. This can be both business premises and residential premises. The CO is granted by the Magistrates Court and can be for up to 3 months. The Magistrates Court can also grant a Partial Closure Order where the resident(s) are allowed to remain in the property but no-one else is allowed to be in the property, this would mean that no visitors are allowed in the property.

8.11 Civil Injunctions

Civil Injunctions can be obtained through the County Court or Youth Court and can be used either against a Caerphilly Homes contract holder or any other person over 10 years of age to prevent conduct which:

- Is capable of causing nuisance or annoyance to any person in relation to that persons occupation of residential premises;
- Directly or indirectly relates to or affects the housing management functions of CCBC

Caerphilly Homes will consider the use of a Civil Injunction to prevent the unlawful/nuisance use of its properties and ensure its housing management functions may be carried out effectively.

Where there has been or there is likely to be a threat of violence or a threat of serious harm, Caerphilly Homes may seek a Civil Injunction without notice to the subject of the report if they believe that such a measure is reasonably necessary to protect the safety and welfare of victims or potential victims.

Caerphilly Homes may consider seeking an injunction restricting access to specific properties and locations. In exceptional circumstances Caerphilly Homes may seek that the Civil Injunction excludes an adult from their home.

The Court can, where appropriate, attach a power of arrest to a Civil Injunction and should the terms be broken then a fine or a term of imprisonment may be considered.

If Caerphilly Homes believe that a term of a Civil Injunction has been breached, then it may seek to take alternative enforcement actions, for example commencing or furthering possession proceedings.

CCBC Housing will work with Safer Caerphilly Community Safety Partnership on any Civil Injunctions against anyone aged 10 – 16 years. CCBC Housing reserves the right to use this power in relation to persons older than 16 years to resolve issues that are relevant to CCBC Housing.

8.12 Prohibited Conduct Order

Where a Contract Holder persistently acts in a manner which is deemed anti-social, Caerphilly Homes can apply to the County Court for a Prohibited Conduct Order, which will have the effect of ending the Secure Contract and replacing it with a Prohibited Conduct Standard Contract. A Prohibited Conduct Order is in force for a period of twelve months from date of issue. If no further acts of anti-social behaviour are perpetrated, after 12 months it will revert to a secure occupation contract. Should anti-social behaviour continue during the twelve-month period then Caerphilly Homes can seek to evict the subject of the anti-social behaviour. It should be noted that where a Prohibited Conduct Order is in place the occupant will lose the benefit of the terms of the Renting Homes (Wales) Act 2016 that apply to a Secure Contract for the duration of the Order.

8.13 Termination of a Joint Contract Holders Interest

The RHWA 2016 gives Caerphilly Homes the right to make an application to the County Court to terminate a joint contract holder's interest in a secure contract. This would have the effect of ending their rights as a contract holder. The types of instances where this may be applicable are in domestic abuse cases or where one joint contract holder has breached Section 55 RHWA 2016 – Prohibited Conduct clause of the occupation contract. This could be appropriate where the other joint contract holder was unaware or not involved in the incident.

8.14 Possession Proceedings

Caerphilly Homes can apply to the County Court for a Possession Order if they believe the seriousness and or persistence of the anti-social/nuisance behaviour warrants such a course of action. Possession Orders can either be outright, suspended or postponed and this will be the decision of the County Court. Caerphilly Homes sees the use of possession proceedings as serious and will endeavour to resolve issues by other means before this course of action is taken, however action will be decided on the circumstances of each individual case and will be proportionate to the behaviour exhibited.

8.15 Eviction

If a Possession Order is granted, Caerphilly Homes may apply for a Warrant of Eviction that will be executed by the County Court Bailiff. Contract holders who are evicted on the grounds of anti-social behaviour will not, in normal circumstances, be considered by Caerphilly Homes for rehousing, and they should be mindful that other Social Landlords might not actively consider any request for housing assistance. Caerphilly Homes recognises that possession proceedings and subsequent evictions are very serious, and any action will be

decided on the circumstances of each individual case and will be proportionate to the behaviour exhibited.

8.16 Court Orders for Possession – reasonableness

Below is a list of the considerations the County Court must take into account when considering an application for a possession claim. These considerations are set out in full in Schedule 10 of the RHWVA 2016.

- The probable effect of the order or decision on the contract holder.
- If a suspended order is given, the likelihood that the contract holder will comply with the terms of the order.
- The probable effect of not making the order, or of the decision, on the landlords interests.
- The probable effect of not making the order on the landlords ability to fulfil its housing function.
- The probable effect of the order on contract holders and other permitted occupiers of other dwellings of the landlord.
- The probable effect of the order on persons living, visiting, or otherwise engaging in lawful activity in the locality.
- Whether the landlord has offered or undertakes to offer a new occupation contract to one or more persons occupying or living in the dwelling.
- The general public interest in restraining the conduct prohibited by Section 55 RHWVA 2016.
- If a possession claim is made for breach of contract
 - The nature, frequency or duration of the breach(s),
 - The degree to which the contract holder, or a permitted occupier of the dwelling is responsible for the breach(s),
 - How likely it is that the breach will recur, and
 - Any action to end, or prevent a recurrence of the breach that was taken by the landlord before making a possession claim.

9 Multi-agency partnership working

It is recognised that the problems of anti-social/nuisance behaviour are complex and wide reaching and that CCBC is unable to work in isolation in tackling this issue. CCBC is committed to taking a multi-agency approach to anti-social/nuisance behaviour in order to seek the most appropriate solution.

The Safer Caerphilly Community Safety Partnership is made up of six main organisations: CCBC, Heddlu Gwent Police, Gwent Police Authority, South Wales Fire and Rescue Service, Wales Probation Trust and Aneurin Bevan University Health Board. These organisations work together with other agencies, including voluntary and community groups, to reduce crime and the fear of crime within the County Borough.

CCBC is also mindful that whilst it must provide support and reassurance for the victims of anti-social/nuisance behaviour, it is also committed to working with partners to investigate possible support interventions and rehabilitation options for the subjects of this behaviour. To this end there is close joint working with community workers, Social Services staff, Youth Offending Service, community drug agencies and a number of other support groups. See also Section 7.3.

Social Services

It is recognised that the majority of people who may be vulnerable due to their circumstances are not the cause of anti-social/nuisance behaviour and may be more likely to be the victims of such behaviour. Examples are young children and vulnerable adults whose safety and welfare may be affected by the behaviour of their parents, carers or visitors. CCBC, in adopting a multi-agency approach to anti-social/nuisance behaviour, will ensure that in such instances the necessary referrals are made to both Adult and Children's Services in accordance with the established processes. It is also recognised that some vulnerable persons can be both perpetrators and victims of anti-social behaviour.

In relation to referrals for children, the All Wales Child Protection Procedure and the protocols and procedures determined by the South East Wales Safeguarding Children Board will be followed, and all necessary steps taken to safeguard and protect children from abuse, neglect and exploitation, whether they have caused the anti-social/nuisance behaviour or are the victims of such behaviour.

Similarly for older vulnerable adults, the protocols and procedures determined by the Gwent-wide Adult Safeguarding Board will be followed and relevant referrals made for support for those persons requiring care and/or support and/or are at risk of harm from abuse or neglect and cannot protect themselves.

Tenancy Enforcement is willing to work with any other recognised agency to help resolve complaints of anti-social/nuisance behaviour.

10 Domestic abuse policies

CCBC will not tolerate any form of domestic abuse and has embraced the aims of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

10.1 Definitions

CCBC, in order to build a shared understanding of different types of domestic abuse and for the purposes of this policy, recognises the Home Office definition of **domestic abuse**:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

Psychological

Physical

Sexual

Financial

Emotional

Within this definition **controlling behaviour** is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. **Coercive behaviour** is an act or a pattern of acts of assault,

threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.'

CCBC recognises that domestic abuse is rarely confined to a single incident and typically forms a pattern of coercive or controlling behaviour.

Gender-based violence is directed against a person on the basis of gender. It is defined in the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 as:

- 'Violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation.'
- Female genital mutilation;
- Forcing a person (whether by physical force or coercion by threats or other psychological means) to enter into a religious or civil ceremony or marriage (whether or not legally binding)'

The Equality and Human Rights Commission defines **sexual violence** as:

'Any behaviour perceived to be of a sexual nature which is unwanted and takes place without consent or understanding. Sexual assault covers any other sort of sexual contact and behaviour that is unwanted, ranging from touching to any other activity if it is sexual'.

For the purposes of this Policy the term abuse is used to cover all the forms of abuse defined above.

10.2 Impact of Domestic Abuse and Violence

Some of the effects of domestic abuse and sexual violence that individuals may experience include physical injury, homelessness, low self-esteem, post-traumatic stress disorder, anxiety and other psychological disorders, social exclusion and depression.

CCBC has a Domestic Abuse, Gender-based Violence and Sexual Violence Policy for employees of CCBC.

10.3 Agencies

CCBC is a member of the Gwent Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) Partnership Board. This is a multi-agency collaboration working together across Gwent to prevent VAWDASV and to improve the outcomes for individuals and their families affected by domestic abuse

Caerphilly Homes provides support and advice for those who are victims of domestic abuse with assistance from its partners Llamau Womens Services Caerphilly, the Police, Victim Support and other dedicated services. Caerphilly Homes will also make referrals to the Safer Caerphilly Centre managed by Llamau, where front line agencies provide a vital service to victims of domestic abuse. The centre is based on the principle of a One Stop Shop and aims to provide a swift and safe response for victims and their children.

Caerphilly Homes are active partners in the Multi-Agency Risk Assessment Conference (MARAC). The purpose of MARAC is to reduce the risk of serious harm or homicide for a domestic abuse victim and to increase the safety, health and well being of other victims, both adults and children. In a MARAC local agencies will meet to discuss the highest risk victims of domestic abuse in their area. Information about the risks faced by those victims, the actions needed to ensure safety, and the resources available locally are shared and used to create a risk management plan involving all agencies. The MARAC will seek to protect those who disclose domestic abuse and are at high risk of being seriously injured or killed, through a coordinated response from all agencies. The MARAC is part of a multi-agency strategy to tackle domestic abuse in partnership with other agencies.

When appropriate Housing staff will conduct welfare checks on their contract holders and provide target hardening equipment to reduce their risk of further harm. It should be noted that it is very difficult for any service to work with or offer support to a victim when the subject still lives in the same property or frequents the family home. This can often put the victim and other family members, such as children, at more risk of harm and every care must be taken to prevent this. Sometimes support can be arranged through a third party such as a doctor, friend or family member, but this is often difficult.

Any individual who approaches the Housing Service and requests rehousing for reasons of domestic violence and/or abuse will be signposted to the Housing Solutions Service. The Housing Solutions Service will consider the individual circumstances of each case and may provide appropriate advice and/or assistance under the Housing (Wales) Act 2014 or the Common Allocations Policy for Caerphilly County Borough Council.

In some exceptional cases where it is not safe for a contract holder to remain at their home due to a high risk of imminent harm and this is supported by appropriate professionals, it may be necessary for an emergency temporary placement to be provided and consideration given to an emergency transfer. Requests of this nature will be thoroughly investigated and considered on a case by case basis, in accordance with the Caerphilly Homes Management Cases Discretionary Report Procedure.

All other cases of domestic violence and/or abuse where rehousing is not requested will be looked at sympathetically and any appropriate action or support deemed necessary taken and/or offered. This could include referral and signposting to appropriate agencies, changing the locks, providing target hardening, waiving charges for damage to the property etc.

If there are children whose safety and welfare may be compromised because of domestic abuse, CCBC will adhere to the All Wales Child Protection Procedures and the All Wales Protocol: Safeguarding Children and Young People who are affected by Domestic Abuse.

10.4 Joint secure contract holders termination of interest and domestic abuse See Section 8.11 for details on this.

11 Hate related incidents

Hate related incidents are considered to be any activity which has the intention or effect of depriving any person or group of persons of the peaceful enjoyment of their homes, or access to local facilities/ services by virtue of their ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religion or belief, use of Welsh language, BSL and other languages, nationality, responsibility for dependants or any other reason which cannot be shown to be justified.

Caerphilly Homes will not tolerate any form of hate incident and will take action against any contract holders, leaseholder or owner occupier causing distress to a person because of any of the protected characteristics listed above. Caerphilly Homes will work closely with the police and other recognised groups to combat such behaviour.

In addition, Caerphilly Homes will, when it receives reports of any hate incidents, with the consent of the reporting person, make a referral via www.reporthate.victimsupport.org.uk, and/or contact the Hate Crime Team or any other agency which can provide specialist services for consideration and advice.

Hate related incidents can take many forms and include but are not limited to:

- Abusive, threatening or insulting behaviour
- Threats of violence
- Physical assault
- Discriminatory graffiti
- Abusive telephone calls
- Arson and attempted arson
- Vandalism
- Repeated and unfounded complaints against a contract holder or group of contract holders
- Actions or activities intended to deter a person from occupying a particular property
- Placing rubbish, excrement or offensive materials near or in the reporting persons home

The above policy demonstrates Caerphilly Homes commitment and approach to all aspects of Equalities and complements the Strategic Equality Plan that is driven by the Equality Act 2010 and other preceding Equalities legislation.

12 Information sharing

Caerphilly Homes is mindful that for any anti-social behaviour policy to be successful there must be an effective information sharing protocol between all partner agencies. Caerphilly Homes and its officers are aware of the statutory provisions as covered by Section 115 of the Crime & Disorder Act 1998, the Data Protection Act 1998 and Data Protection Act 2018.

Section 115 provides that any person (whether a private individual or member of a public body) can lawfully disclose information, where necessary, or expedient, for the purposes of any provision of the Act, to a relevant Authority or person acting on behalf of such an Authority, even if he or she would not otherwise have this power. Under the Act 'relevant Authority' means the Chief Officers of the Police area, the Local Authority, the Probation Service and the Local Health Board.

CCBC has a formal information sharing protocol with Heddli Gwent Police and uses this to obtain personal or conviction information. Information is requested from Heddli Gwent Police where contract holders, resident or leaseholder's anti-social/nuisance actions can be linked to the Housing Management function of Caerphilly Homes.

TES will only share information with another agency if we have permission to do so; if we are legally required to do so; it is necessary to prevent harm to another or prevent crime and disorder.

13 Confidentiality

Reports of anti-social behaviour should be treated in the strictest confidence. However, there may be occasions when cases cannot be progressed without compromising the identity of the reporting person. In cases such as this, permission from the reporting person should normally be sought before action is taken.

To protect the confidentiality of a reporting person TES use a secure database to record and store information about this person. The CCBC Records Retention Policy stipulates that TES files are to be kept for a period of 6 years.

14 Telephone Call Recording

It is the intention of CCBC to introduce a call recording facility for those services that use the Corporate MICCs phone system. Tenancy Enforcement use this phone system. The specific details of the service have not been finalised but all callers will be notified that the call is being recorded.

15 Anti-social behaviour staff training

Caerphilly Homes is committed to the training and continual development of its staff. Tenancy Enforcement Officers will receive updates on the latest legal developments from case law and new legislation. They will also receive update training from the in-house Solicitor as and when necessary. TES staff will also attend any training that is appropriate to their role e.g., changes to support mechanisms, legislative changes to support services, awareness of new services available, awareness raising of incapacities affecting lifestyles etc.

16 Monitoring anti-social behaviour

All reported complaints of anti-social behaviour or neighbour nuisance will be logged, issued a unique reference number and dealt with in accordance with Caerphilly Homes Anti-Social Behaviour Policy and Procedure. Each report will be acknowledged, graded, allocated to the appropriate service area and investigated. Where the person making the report is unhappy or dissatisfied with the action that is taken, then they may make a complaint to the Senior Housing Officer (Customer Services) or use the Caerphilly County Borough Council Corporate Complaints Procedure or make a referral to the Local Government Ombudsman.

Tenancy Enforcement Officers will have regular case reviews with their manager to review their work and manage their caseload.

Satisfaction Surveys are sent out to most persons who have made a report (excluding agency referrals) and responses are analysed on a quarterly and annual basis. The analysis helps to identify trends, learning outcomes and associated review of practices for continuous improvement.

16.1 Performance Indicators

The Tenancy Enforcement section is currently monitored on the following indicators:

- Legal action taken that has resulted in a Court Order. This will be reasonable and proportionate to the number of referrals received and will not exceed 2% of all referrals.
- Satisfaction with the way complaints are handled by the Tenancy Enforcement Section will be maintained to a high standard and will exceed 90%.

Other factors also monitored are the number and type of reports received each year and acknowledging reports and making contact within the timeframes stated in the procedure.

Performance indicators may be altered to reflect the changing nature of the service.

17 Review

This document will be reviewed where changes in legislation, guidance and good practice dictate.

PART 2 - STATEMENT OF PROCEDURES

1 Operational aims and objectives

Caerphilly Homes objectives in relation to these procedures are:

- Caerphilly Homes has a responsibility to provide appropriate advice to contract holders reporting anti-social/nuisance behaviour.
- To ensure that the reporting person and subject of a report have a complete understanding of the processes to be followed in relation to reports of anti-social behaviour.
- To ensure the reporting person, whether a contract holder, leaseholder or otherwise, understands that Caerphilly Homes as landlord will take all reports of anti-social/nuisance behaviour seriously.
- To ensure that the reporting person is fully advised of the assistance Caerphilly Homes can provide to protect and support them and their family during the process.
- To ensure that the reporting person, if a contract holder, understands their Occupation Contract obligations and the role of Caerphilly Homes as landlord.
- To ensure that the reporting person and subject of the report are provided with details of the named officer or point of contact dealing with the report.
- To ensure that the subject of the report is given appropriate support to address unacceptable behaviour by tackling underlying causes and unmet support needs.
- To ensure that the subject of a report understands the consequences of their behaviour and the action that the Caerphilly Homes can take to remedy the problem.

2 Confidentiality

Reports of anti-social/nuisance behaviour should be treated in the strictest confidence. However, there will be occasions when cases cannot be progressed without compromising the identity of the reporting person. In cases such as this, permission from the reporting person should normally be sought before action is taken.

Reporting persons will be advised that any information which is received by Caerphilly Homes in relation to anti-social/nuisance behaviour and a third party subject of a report might be subject to disclosure under the Freedom of Information Act 2000. However, where a request for disclosure is made CCBC as lawful holder of that information will consider each case on its merit and in compliance with the Data Protection Act 1998 and/or Data Protection Act 2018 will ensure that the interests of the reporting person are foremost.

In circumstances where Caerphilly Homes has dealt with cases of anti-social/nuisance behaviour via the legal process then a decision will be made as to whether the matters involved will be disclosed to the media for public interest. In such instances each case will be decided on its merit taking all factors into consideration.

3 Making a report of anti-social behaviour

Reports of anti-social behaviour may be made either in writing or verbally by either the reporting person directly, their representative or family member depending on their circumstances.

Reports of anti-social behaviour involving existing Caerphilly Homes contract holders, leaseholders, former tenants with restrictive covenants and private renters/owners can be reported directly to the Tenancy Enforcement Section or at any of Caerphilly Homes Housing Office. Reports can be made in person, in writing, by telephone or via the CCBC web site www.caerphilly.gov.uk A full list of contact details can be found in Part 2 - Section 9.

All reports of anti-social/nuisance behaviour will be logged by TES for Performance Monitoring/Information purposes. Reports of a general nature or and anti-social behaviour not within the remit of TES (see Section 4 – Policy) will be referred to the Area Housing Office for investigation. These issues will be investigated in accordance with the housing management policies and procedures. See page 6 for examples. The TES will investigate reports of more serious incidents of anti-social behaviour. Reports that are incorrectly directed to the TES will be redirected accordingly.

Reports between owner-occupiers should be reported to CCBC's Community Safety Officer who will arrange, where appropriate, to coordinate a response on behalf of CCBC.

Reporting persons, when reporting acts and issues relating to alleged anti-social/nuisance behaviour, are likely to be asked to provide a number of details to assist the investigating officer in dealing with their case. The following are examples of some of the questions asked:

- What has happened?
- Where it happened?
- When it happened?
- Who was involved?

Whilst it is not essential for reporting persons to have all the above information at hand it will help Tenancy Enforcement deal with reports of anti-social nuisance behaviour more effectively. Diary sheets or photographs that record incidents should be kept for information and could be used as evidence in any legal action.

Reports that are submitted anonymously to Caerphilly Homes are referred to the Internal Audit Section for recording and then passed on to the relevant departments. If such cases allege anti-social behaviour involving **contract holders**, leaseholders and private renters/owners whose behaviour can be linked to Caerphilly Homes role as a social landlord, they will be passed to the Tenancy Enforcement Section (TES) who will investigate where it is practical to do so. This may include speaking to other agencies to see if they have any details of incidents.

4 Grading and assessing a report of anti-social/nuisance behaviour

Upon receipt of an anti-social/nuisance report in the Tenancy Enforcement Section, it will be assessed and graded using the information provided, considering the circumstances and severity of the situation. This process should take place within 5 working days of receipt of the initial report.

The following is a guide of how reports of anti-social/nuisance behaviour may be graded. Each report will initially be graded on the information provided.

GRADE 1 REPORT

- Physical violence
- Hate related incidents
- Domestic violence

GRADE 2 REPORT

- Verbal and written abuse
- Harassment, intimidation and threatening behaviour
- Vandalism and damage to property
- Substance misuse – drugs and alcohol

GRADE 3 REPORT

- Noise
- Nuisance

GRADE 4 REPORT

Acts that are not considered to represent a serious breach of the tenancy agreement or where legal action is likely to be inappropriate. These include:

- Pets and animal nuisance (apart from noise related nuisance) e.g., breeding, smells and animal fouling
- Litter, rubbish and fly tipping
- Gardens e.g., untidy gardens, rubbish, bonfires
- Misuse of communal areas or public spaces e.g., children's games/playing games, unauthorised parking on grass verges
- Nuisance caused by running a business e.g., buying/selling/repairing cars
- Boundary disputes
- Parking disputes

These issues will not be investigated by The Tenancy Enforcement Section – see Statement of Policy – section 4.0. These issues will be investigated in accordance with the housing management policies and procedures.

GRADE 5 REPORT

Issues of anti-social behaviour which are not directly related to housing management, but which require the involvement of other departments or agencies. This could relate to cross tenure reports.

- Criminal behaviour

Whilst initially each report will be graded on the information provided, circumstances of the case and the severity of the anti-social behaviour, all cases can and will be subject to ongoing review and where necessary regraded to reflect the current situation, the severity of the problem (if applicable) and the changing needs of the complainant.

Cases that are graded higher will be given priority and responded to more quickly if cases have to be prioritised.

5 Investigating a report of anti-social behaviour

All responses to incidents of anti-social/nuisance behaviour will be proportionate, measured and reasonable. TES use an incremental approach, where appropriate, to resolve situations by offering advice, support and, if necessary, referrals to the appropriate support agencies with the aim of reducing the nuisance behaviour. However, if this is not appropriate then legal remedies may/will be used.

5.1 Interviewing the Reporting Person

On acceptance of the initial report of anti-social behaviour by TES, an Officer will contact the reporting person within five working days to arrange to carry out an assessment interview. Cases that are graded higher will be given priority and contacted more quickly. Contact can be made by telephone, home visit, e-mail or SMS.

This initial interview will allow the Officer to:

- Explain the procedure to the reporting person
- Confirm the grade of the report, according to its severity
- Identify appropriate means of communication
- Identify support packages, if appropriate
- Agree an action plan
- Set realistic timescales and targets to complete the process
- Complete an impact assessment - see Appendix 1

During the initial interview, the reporting person will be requested to provide information on the facts of the case and provide any supporting evidence that is available. The initial contact can take place at the reporting persons home, elsewhere if preferred, on the telephone or by e-mail. No actions will be taken until the reporting person has been spoken to unless the seriousness of the situation overrides this. All reports are confidential and in the majority of cases the identity of the reporting person will not be disclosed to the subject of the report unless the reporting person has agreed. There are situations where it is very difficult to keep the reporting persons details confidential due to the nature of the incident and this will be explained to the reporting person. If legal proceedings are commenced, it is very difficult to keep the reporting person's identity confidential.

The reporting person will also be asked to keep a record of any further incidents. The Officer will provide the reporting person with nuisance diary sheets on which to record new incidents. The nuisance diary sheets are very important in assessing changes in the alleged subject's behaviour and provide essential information in the event of a court case. If a person is unable to complete nuisance diary sheets, arrangements can be made for them to contact TES who will record the information on their behalf, or other arrangements can be agreed such as a family member recording the information for them. It is important that while investigating a report TES have the full cooperation of reporting persons and work together to resolve the case. It is often impossible to resolve a report of anti-social/nuisance behaviour without the cooperation of a reporting person, who is vital in resolving the issues they have reported. The Officer will always ensure that the reporting person and any witnesses are made to feel part of the process and offered any support or assistance they require to help them through what can be a

very stressful time. Contact will be maintained as agreed between the investigating officer and those involved in the process.

If the reporting person wishes for no further action to be taken, the alleged subject of anti-social/nuisance behaviour, in most circumstances, will be advised of the report. The details of who has made a report of anti-social/nuisance behaviour will be withheld.

5.2 Wider Investigations

Checks will be made of Housing records to determine if either party is previously known to TES. This can also provide information on actions by other sections within Housing, previous contacts, support/vulnerability of either party, potential to combine actions etc. Information on both the reporting person and the subject can be useful in developing a course of action to help resolve the situation. Current or former actions by other Housing sections can assist in speeding up the process and actions may be combined.

The TES may make wider investigations depending upon the nature of the report. This may include contacting other agencies such as the Police, Social Services, Safer Caerphilly etc. for information that is or may be relevant to the investigation. This would assist in helping to understand the needs/ vulnerabilities, previous behaviour (criminal or otherwise) of either party, to help develop a course of action, which may involve multi-agency working to reduce/ resolve the situation being experienced.

5.3 Interviewing the subject of a report of anti-social/nuisance behaviour

The Officer will contact the subject to discuss the report of anti-social/nuisance behaviour. How and when contact takes place will be determined by the nature of the report. The subject of the report will be given the opportunity to provide their account of the incident that has led to a report and any factors that they think are relevant to the investigation.

The approach followed to resolve the reported issue will vary but may include:

- regular contact with and/or visits to the alleged subject
- letters
- mediation
- referral to support agencies
- landlord contract
- multi agency work
- final warning/final written warning
- if the issues cannot be resolved satisfactorily, legal action will be considered.
- case closure

See Part 1 Statement of Policy - Sections 6, 7 and 8 for a list of actions that may be available.

5.4 Evidence

Any action taken must be deemed reasonable, proportionate and in keeping with the severity of the issues reported. There must be evidence of the behaviour reported for any action to be taken. Reporting persons need to co-operate with the investigation and help to gather evidence by keeping records of incidents etc.

To take legal action, the evidence must meet the threshold of the civil burden of proof – balance of probability. This is not the only factor to be considered. Reasonableness, proportionality, severity of the incident(s) and likelihood of recurrence also need to be considered before legal action is commenced. See Section 8.16 – Court Order for Possession – Reasonableness for more detailed information. These issues will be discussed in full with Legal Services, the investigating officer and the Tenancy Enforcement Manager. In some instances, legal action may be the first course of action taken due to the seriousness of the incident reported.

Reasons why action might not be taken include:

- Establishing that the incident did not happen
- Not enough evidence to meet the civil standard of proof
- The issues reported are not anti-social behaviour
- The non-cooperation of the reporting person and/or witnesses has prevented a thorough investigation

In cases where the possible neglect or abuse of children is identified, the Officer will, in accordance with the All Wales Child Protection Procedures, make a referral to the Information, Advice and Assistance Section of Social Services where the referral will be assessed. In relation to adult safeguarding a referral will be made to the Information, Advice and Assistance Section where the referral will be assessed and referred to the appropriate service such as POVA, Older Persons, Drug and Alcohol etc.

6 Supporting Reporting Persons

Throughout the investigation process the Officer will support the reporting person in various ways, from making referrals to support agencies to keeping in regular contact to provide reassurance.

Sometimes it becomes necessary to take legal action against a person, as other interventions have not remedied the problem, or the situation warrants this approach. If court action is necessary, reporting persons will be offered help and support during what can be a very stressful time. For any action to be successful we would normally require statements from independent witnesses and for persons to be willing to go to court, if necessary, to confirm what they have seen or heard or what has happened. Caerphilly Homes will offer support and assistance at every point of the process. In extreme circumstances, and if the situation merits it, Caerphilly Homes will consider re-housing the reporting person. All reporting persons are offered support and assistance by the investigating officer and those who agree to provide formal statements and attend county court as witnesses will be offered the services of the Witness Support Scheme as described in Part One – Statement of Policy - Section 7.2.

Tenancy Enforcement Officers will work towards gathering independent evidence and will act as professional witnesses to support hearsay evidence in cases where persons feel threatened or intimidated by the investigation process. This is designed to prevent undue pressure or stress being brought to bear on the reporting person. However, it is recognised that hearsay evidence is given much less weight by a District Judge than that of a direct witness and the significance of this will be fully explained to those involved in the court process.

7 Monitoring reports of anti-social behaviour

An electronic case file will be created to record and administer each report of anti-social behaviour. Each case file is allocated a unique reference number and is used to maintain a detailed record of all visits, telephone conversations, letters, e-mails and interview notes etc.

For each report of anti-social behaviour there will be:

- A chronological record of all actions taken by the investigating officer. This may be required for court.
- Notes of all visits, phone calls, interviews, copies of e-mails etc. This will ensure that in the absence of the Officer dealing with the case, another officer can progress the case.
- All relevant forms and diary sheets completed.

A case will remain open until the investigating officer determines that the file can be closed. This may or may not be with the agreement of the reporting person. A case will not be closed immediately after action has been taken but will be monitored for a period of time (minimum of 4 weeks) to ensure that the problem has sufficiently reduced or been resolved. The length of time a file is monitored will vary from case to case depending on factors such as the seriousness of the incident, vulnerability of the reporting person, action taken, ongoing investigations etc.

If there are further incidents during this period, the reporting person will need to record those incidents and a review of the case will be undertaken with the investigating officer to determine the next course of action. The method of contact during the monitoring period will vary from case to case but will always be agreed between the officer and the reporting person. The action to be taken will continue to follow the incremental process (if that is still appropriate) and further action taken as deemed suitable by the investigating officer in consultation with the reporting person. Sometimes the officer may have to take action that the reporting person does not agree with or will not take action that the reporting person wants. At all times the officer will manage the expectations of the reporting person against the reasonableness and proportionality of the action to be taken.

8. Case Closure

All cases will be closed using the following reasons:

- Resolved
- Resolved – no contact from reporting person
- Unresolved
- Unresolved – no contact from reporting person
- Closed at reporting persons request
- Closed – Referred to another service area
- Duplicate
- Wrong details of reporting person or subject provided
- Not housing complaint
- Created in error

'No contact' refers to the reporting person not responding to calling cards, visits, e-mail, SMS or a letter advising them if they do not contact the investigating officer within 7 days the file will be closed.

The investigating officer will determine what category a case will be closed under. A case will be closed in consultation with the reporting person (if possible), but it may be closed without their full agreement. This type of case will be closed as **unresolved**. An example of this is when there is nothing further that CCBC as an organisation can do but the reporting person wants to keep the file open or is requesting action be taken that is not appropriate or proportionate.

Letters may be sent to either party at the close of a case advising them that their file is now closed, and no further action will be taken. This is at the discretion of the investigating officer. Reasons for not sending letters can include that the report and closure have been fully discussed with the reporting person at a final contact and there is no need to send a letter, or that the situation is now resolved, and a letter is likely to reignite issues. Reasons for not sending a case closure letter will be recorded on the file by the investigating officer.

Satisfaction Surveys are sent out to the majority of reporting persons (excluding agency referrals) and responses are analysed on a quarterly and annual basis. The questionnaires are anonymous and are printed on the back of pre-paid postage cards so only need to be completed and posted.

The CCBC Records Retention Policy stipulates that TES files are to be kept for a period of 6 years.

9 Contact Details

Tenancy Enforcement Section

Public Sector Housing

PO Box 129

Hengoed

CF82 7FN

Tel: 01441 811440

E-mail: tenancyenforcement@caerphilly.gov.uk

The Area Housing Offices are:

Upper Rhymney Valley Area Housing Office

Gilfach House

William Street

Gilfach

Bargoed

CF81 8ND

Tel: 01443 873535

E-mail: urvaho@caerphilly.gov.uk

Eastern Valleys Area Housing Office

E-mail: eastvalleyaho@caerphilly.gov.uk

Lansbury Park Neighbourhood Housing Office

45 Attlee Court

Lansbury Park

Caerphilly

CF83 1QU

Tel: 02920 860917

E-mail: lansburyparknho@caerphilly.gov.uk

Graig-y-Rhacca Neighbourhood Housing Office

Grays Garden

Graig-y-Rhacca

Machen

CF83 8TW

Tel: 02920 853050

E-mail: graiyrhaccanho@caerphilly.gov.uk

10. Availability of the policy and procedure

Copies of the Caerphilly Homes Statement of Policy and Procedure and Summary for Anti-Social Behaviour are available on request or can be viewed on the Caerphilly Homes website www.caerphilly.gov.uk at the office of the TES or at a local Housing Office

This publication is available in Welsh and in other languages and formats on request.

Mae'r cyhoeddiad hwn ar gael yn Gymraeg, ac mewn ieithoedd a fformatau eraill ar gais.

Appendix 1 – Impact Assessment

Impact Assessment

Name:	Address:
Case No:	Officer carrying out assessment:

This scorecard is designed to help you identify vulnerable reporting persons (RP), witnesses and complainants. It should be completed on first contact. It should be used as a guide, and in combination with your own judgement to help ascertain what support and protection is required in any given situation. All action taken as a result of your assessment should be discussed with the person.

History

Vulnerability

1. Other than this occasion – how often do you have problems?	5 4 3 2 1	Daily Most Days Most Weeks Most Months Only Occasionally
2. Is there a history between you and the subject/s of the report (SP)?	2 0	Yes No
3. Do you think that incidents are happening more often and/or are getting worse?	2 0	Yes No
4. Do you know the subject of the report?	2 1 0	They know each other well They are 'known' to each other They don't know each other
5. Does the subject of the report (or their associates) have a history of or reputation for Intimidation or harassment ?	6 4 2 0	SP or their associates are currently harassing the complainant SP or their associates have harassed the complainant in the past SP or their associates have not harassed the complainant, but have a history or reputation for harassment or violent behaviour SP or their associates have no history or reputation for harassment or intimidation
6. Have you informed any other agencies about what has happened? If yes, are you happy for us to discuss this problem with them? Details:	0 1	Yes No
7. Which of the following do you think that this incident deliberately targeted specify?	4 3 1 0	You Your family Your community None
8. Do you feel that this incident is associated with your faith, nationality, ethnicity, sexuality, gender or disability?	3 0	Yes No
9. Are there any personal circumstances that might increase the effect of the ASB on you/your family (e.g. past personal experiences, health problems)	3 0	Yes No
10. How affected do you feel by what has happened?	0 1 2 3 5	Not at all Affected a little Moderately affected Affected a lot Extremely affected

Support

11. Has yours or anyone's health been affected as a result of this and any previous incidents? Details:	3 3	Physical health Mental health
DISCRETIONARY QUESTION BASED ON YOUR OWN JUDGEMENT ON WHETHER APPROPRIATE 12. Do you have a social worker, health visitor or any other type of professional support? Can we speak to them about it? Details:	0 1	No Yes
DISCRETIONARY QUESTION BASED ON YOUR OWN JUDGEMENT ON WHETHER APPROPRIATE 13. Do you have any friends and family to support you?	3 3 1 0	RP lives alone and is isolated RP is isolated from people who can offer support RP has a few people to draw on for support RP has a close network of people to draw on for support
14. Apart from any effect on you, do you think anyone else has been affected by that has happened? Details:	1 3 0	Your family Your local community Other
TOTAL SCORE		

Based on these factors and your own judgement, adjust the scoring accordingly

Low 0 4 8 12 16 20 22 24 26 28 30 High
Medium

Recommended Actions

LOW:	0 -16	Offer Target Hardening
MEDIUM:	16 – 24	Offer Target Hardening Consider referrals for support: Supporting People Victim Support via Connect Gwent
HIGH:	24 -30	Offer Target Hardening Offer Door Chain Consider large external CCTV via TEM & Community Safety Consider referral to Community Safety Wardens If appropriate contact Police Consider referrals for support: Supporting People Victim Support via Connect Gwent Is emergency accommodation required?

This is not an exhaustive list of actions and other actions/referrals can be made as required

