

**SEDGEFIELD BOROUGH COUNCIL**  
**HOUSING DEPARTMENT**

**SUMMARY OF POLICY AND PROCEDURES**  
**ANTI SOCIAL BEHAVIOUR**

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## **FOREWORD**

The Anti-social Behaviour Act received royal assent on the 20<sup>th</sup> November 2003. We believe that the measures contained in the Act provide positive contribution to assist the Council, and other agencies, in dealing with incidents of anti-social behaviour.

In recent years the Council has established and maintained a good reputation for dealing with various cases of anti social behaviour, however we are not, and cannot be, complacent in relation to this issue. We recognise the damage that anti social behaviour can cause to individuals and the community.

Dealing effectively with crime and anti social behaviour is a key priority for the government, elected members, tenants and residents of Sedgefield Borough. A variety of powers are now available to local authorities in order to help us effectively tackle the problem. This summary has been prepared and will be kept under review to clearly set out our policy and procedures that govern the Council's approach to dealing with anti-social behaviour. We hope that you find the summary of interest.

Colin Steel  
Director of Housing

Councillor W Waters  
Cabinet Member for Housing

## **OUR POLICY**

We believe that all residents have the right to enjoy their own lifestyle as long as this does not have unreasonable effects on the lives of people living around them. Anti social behaviour has broad consequences that impact on other priorities such as allocating properties and customer satisfaction.

We work in partnership with the people of the borough and other agencies to provide a service that identifies and deals with anti social behaviour in order to promote a borough with strong communities and safer neighbourhoods.

We recognise that anti social behaviour can have a severe effect on people's lives and where possible we will assist residents to discuss and try to resolve their differences together. We work actively with tenants, residents, our partners and other agencies to provide a comprehensive joined up approach to tackling serious and persistent anti social behaviour.

We recognise that tackling anti social behaviour has an impact on both our own tenants and residents of the surrounding area/community and could ultimately result in the loss of tenants homes. We are committed to taking prompt and appropriate action to deal with nuisance tenants and other residents who cause neighbourhood nuisance and harassment.

## **POLICY OUTCOMES**

Our policy aims to achieve the following outcomes:

- To work effectively with our partners in order to deal with anti social behaviour. These partners include, police, social services, local voluntary agencies, youth engagement service, education welfare and registered social landlords through the Sedgefield Borough Local Strategic Partnership.
- Provide an effective timely response to the complaints received and deal with these complaints in a consistent manner.
- To take prompt and effective action against perpetrators.
- Provide support to complainants and residents within our housing stock when dealing with anti social behaviour.
- Provide mediation where appropriate and encourage conciliation rather than confrontation.

## **DEFINITION OF ANTI SOCIAL BEHAVIOUR**

Under section 218A of the Housing Act 1996, anti social behaviour is described as conduct which:-

- A. Is capable of causing nuisance or annoyance to any person and**
- B. directly or indirectly relates to or affects the housing management functions of a relevant landlord or**
- C. consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose**

### **A. Nuisance or annoyance**

Persons to whom the conduct may cause annoyance or nuisance include anyone who has a right to live in property which is owned or managed by Sedgefield Borough Council. This includes those living in any other property in the neighbourhood for example owner occupiers, and tenants of other landlords and anyone else who lawfully lives in such a property or in the local area. This could also include people working (or using local facilities) in the Borough.

### **B. Housing Management Function**

The housing management function of Sedgefield Borough Council covers activities that we would carry out in the day to day management of our properties. These activities would include:-

- Maintenance and Repairs
- Rent Collection and Debt Recovery
- General Estate Management
- Tenant and Resident Participation
- Tenancy Enforcement

Services that relate to the housing management function and therefore could be indirectly affected include, refuse collection, environmental health, environmental services, grass cutting and other services that enable the efficient running of the Housing Management Service.

### **C. Relevant Landlord**

A "relevant landlord" could be a local authority, registered social landlord or housing action trust.

## **What is Anti Social Behaviour ?**

Anti Social Behaviour could also include:-

- Noise nuisance
- Intimidation and harassment
- Damage to the environmental quality which could include, litter, dog fouling, graffiti, fly tipping, abandoned vehicles
- Aggressive and threatening language and behaviour
- Violence against people and property
- Crimes based on discrimination/hate crimes that target members of identified groups because of their perceived differences for example, race, ethnicity, gender, age, religion, sexual orientation, mental health or disability
- Using housing accommodation to sell drugs, or for other illegal purposes

When investigating and assessing complaints of anti social behaviour we will consider the frequency and severity of incidents and the effect on the victim. It is also important to consider other contributory factors such as possible construction of a building in relation to noise nuisance. The intentions of the person carrying out the behaviour will also be taken into account as well as any disability they may have.

It is important to note that anti social behaviour could be caused by either:-

- A tenant of a relevant landlord, affecting other tenants, owners, residents or other occupiers lawfully using a property or facilities in the local area
- An owner of a property, resident or tenant of another landlord in the local area affecting tenants of a relevant landlord.

The owner or tenant is also responsible for the behaviour and conduct of other people who may live with them or who might be visitors to their property.

## **CATEGORIES OF ANTI SOCIAL BEHAVIOUR**

We will not tolerate anti social behaviour and consider it unacceptable. In order to help us deal with and investigate complaints we have developed a process and a series of categories by which we define anti social behaviour:-

### **Racial Incidents**

A racist incident is any incident which is perceived to be racist by the victim or any other person.

This can include:

- Verbal Abuse
- Damage to property
- Graffiti
- Threats of attack or physical attack

Any Sedgefield Borough Council tenant who is found responsible of racial harassment would be in breach of their tenancy agreement and could lose their home.

If you or a member of your family are subject to racial harassment we will with your help investigate the case thoroughly and do everything possible to stop it.

### **Extreme Anti Social Behaviour**

Extreme anti social behaviour can include:-

- Drug Dealing
- Threats of or acts of actual violence
- Intimidation or harassment on the grounds of race, nationality, sexuality, sex, religious belief or disability
- Extreme criminal behaviour or criminal offences
- Domestic violence and abuse
- Major damage to property

### **Serious Anti Social Behaviour**

Serious anti social behaviour can include:-

- Serious disturbances including regular and loud noise from music, shouting, swearing, noise from TV's and radios
- Vandalism and graffiti
- Substance Abuse leading to anti social behaviour
- Persistent breaches by tenants of Sedgefield Borough Councils Tenancy Agreement



## **General Nuisance**

General nuisance can include:-

- Vehicle nuisance which can include noise from revving engines late at night or early in the morning
- Occasional minor disturbances caused by one off parties
- Investigating poor condition of properties and gardens of Sedgefield Borough Council tenants
- Disturbances by pets and animals of Sedgefield Borough Council Tenants

**The above categories are not intended to be a complete comprehensive list of all possible anti social behaviour activities but are to assist as a guide.**

## **OUR APPROACH TO DEALING WITH ANTI SOCIAL BEHAVIOUR**

Sedgefield Borough Council as a social landlord will not tolerate anti social behaviour and will take firm but fair action in order to tackle it effectively.

We believe that all residents have the right to enjoy their own lifestyle as long as this does not have unreasonable effects on the lives of people who live around them.

We provide support to complainants and residents within the local community through regular contact and updates on progress of the complaint. In order to effectively tackle anti social behaviour we encourage residents to come forward and report nuisance and anti social behaviour.

We are committed to taking prompt and appropriate action to deal fairly, firmly and effectively with nuisance tenants and other residents who cause neighbourhood nuisance and harassment. In order to modify and deter a continuation of anti social behaviour the actual prevention measures used will vary case by case but could include mediation, use of Acceptable Behaviour Contracts and other support packages with the assistance of other agencies. Where prevention measures have been agreed but failed, rehabilitation and support has had no effect and anti social behaviour is still occurring ultimately we will take enforcement action which could if you are a Sedgefield Borough Council tenant, result in the loss of your home.

Under the Homeless Act 2002, the prevention of homelessness is especially significant. Landlords including the Council are expected to make every effort to resolve problems with anti social and unlawful behaviour and to explore all options before taking action and steps to evict a tenant.

The Act also places a duty on us to provide rehousing assistance in exceptional cases where it is not reasonable for a person to continue to occupy accommodation because it is likely to result in violence. We will consider requests for rehousing from victims or witnesses of anti social or criminal behaviour.

In accordance with our Housing Allocations Policy there are certain circumstances where applications will be made ineligible for housing, we will follow clear steps, set out within our Allocations Policy and will ensure we are satisfied that:-

- The applicant or a member of the household has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.
- That the behaviour of a Council tenant or member of the household concerned, entitles the Council to a Possession order.

An application may be made ineligible (excluded) if the applicant or anyone to be rehoused with them have in the previous 2 years been convicted of or had legal action taken against them in connection with:-

- Violence/Domestic Violence
- Harassment/Racial Harassment
- Threatening behaviour or other forms of anti social behaviour
- Physical or verbal abuse towards officers of the Council

It is however not appropriate to take into account previous unacceptable behaviour if the behaviour can be shown to have improved.

**The above is not an exhaustive list and each case will be considered on its individual merits, for further advice please contact your Local Housing Office**

## TENANTS OBLIGATIONS

We have two main types of Tenancy Agreement:-

Secure and Introductory Tenancies, both agreements are subject to tenancy conditions. All tenants are advised of their obligations as a tenant when signing the Tenancy Agreement and are provided with a full copy of the agreement.

**Section 6** of the Tenancy Agreement specifically relates to anti social behaviour and the most important clauses relating to anti social behaviour are explained below:

**a) You, your friends and relatives, and any person living in or visiting the property (including children) must not do the following.**

- (i) Do anything which causes or is likely to cause a nuisance to anyone in the local area.**
- (ii) Do anything which interferes with the peace, comfort of convenience of other people living in the local area.**
- (iii) Harass anyone in the local area because of their race, nationality, sexuality, sex, religion or disability.**
- (iv) Use the property for any criminal, immoral or illegal purpose, including selling, intending to sell, using, manufacturing or cultivating any illegal drugs, or storing or handling stolen goods.**
- (v) Keep illegal or unlicensed firearms or weapons in the property.**
- (vi) Harass or threaten to harass anyone, or use or threaten violence towards anyone, in the local area.**
- (vii) Harass or threaten to harass, or use or threaten violence towards, our employees, contractors or councillors.**
- (viii) Use or threaten to use violence towards anyone living in the property.**
- (ix) Be convicted of any serious criminal offence in the local area.**

**b) We may take legal action to evict you if you behave antisocially.**

**c) We will not find you a new home if you are evicted because of anti social behaviour**

We want our tenants to enjoy living in their home and we recognise tenants have a right to enjoy living life as they choose, as long as this does not adversely affect other tenants and residents within the area. We ask that all tenants, friends, relatives and any person living in or visiting the property including children are considerate towards their neighbours and help to create caring and happy communities.

**Tenants and joint tenants are responsible for the behaviour of their children and anyone else living in or visiting their home.**

The home (if living in a communal block of flats, maisonette or bedsit) can include shared areas such as landings, stairways, foyers, lifts, courtyards, gardens, parking areas and rented garage areas. If anti social behaviour from tenants is occurring in the local area this could include play areas, streets, shopping areas, community buildings and facilities and other estates within Sedgefield Borough.

We will do all we can to promote harmony in neighbourhoods and where we can will deal with problems effectively. We will act promptly against tenants who ignore the tenancy agreement which ultimately could result in the loss of home.

## **SUPPORT FOR COMPLAINANTS**

Sedgefield Borough Council encourage tenants and residents to report and take a stand on anti social behaviour either as individuals, as part of the community or through resident associations. We understand that people often do not want to come forward for a variety of reasons but we are here to help and to give support.

Effective support requires adopting an approach that seeks to improve the confidence of complainants, officers involved and the community.

We will support complainants by:-

- Having clear mechanisms for reporting incidents of anti social behaviour.
- Dealing with the complaint and making contact promptly.
- The Case Officer will maintain regular contact with the complainant informing on how the investigation is progressing discussing an action plan and what proposed action may be taken.
- Providing access to telephone or face to face interpreters service for residents who's first language may not be English or who only speak limited English.
- Providing an allocations policy that allows a degree of priority for applicants who may wish to be rehoused where they are subject to persistent anti social behaviour and where support from other agencies and the Tenancy Enforcement Team has been provided.
- Informing relevant officers of the case (this can include Local Estates Officers, Tenancy Enforcement Team, Neighbourhood Wardens, Police Community Support Officers) so they are aware of and can assist in monitoring complaints.
- Providing support if the complainant is required to attend court.
- Providing ongoing support to the complainant after legal action or other measures have been taken.

In some cases it may be appropriate for referrals to be made to external agencies who can provide further expertise with support.

## **REHABILITATION AND SUPPORT FOR PERPETRATORS OF ANTI SOCIAL BEHAVIOUR**

Our aim is also to prevent anti social behaviour from re-occurring and to consider the most effective options for the protection of tenants and residents.

Each case will be investigated in order to establish what support and assistance may be required to help to prevent further anti social behaviour from occurring. In many cases there may be underlying issues which are the cause of the problem. These can include:-

- Mental Illness
- Learning Difficulties
- Drug or alcohol dependency
- Disability
- Family or relationship breakdown
- Exclusion from school
- Longstanding disputes between families
- Clash of lifestyles

We work closely with tenants and their family in order to ensure that they receive the necessary advice and support required to deal with their difficulties. This can involve communication and joint working with Durham County Council social services department, mental health team, drug and substance misuse team, education welfare.

Unfortunately in some cases where support is being provided and the tenant is not engaging or co-operating, it may be necessary to take further action.

We will always try to resolve the problems first and will look at preventative measures which can include:-

- Agreements to end the nuisance
- Acceptable Behaviour Contracts
- Parental Control Agreements
- Joint working and agreements negotiated with other agencies which could include the Mental Health Team, Social Services, Drug and Substance Misuse Team
- Mediation

If anti social behaviour persists further enforcement action will be taken which can include:-

- Injunctions to stop an activity
- Serving a Notice of Intent to Seek Possession of the property where Council tenants
- Possession Proceedings
- Anti Social Behaviour Order

It is important for us to consider and respond to cases in an appropriate manner where there may be underlying factors. This may include consultation with relevant agencies such as Police, Social Services, Education Welfare, Mental Health Team, Drug and Substance Misuse, Domestic Violence Co-ordinator.

## **PREVENTING ANTI SOCIAL BEHAVIOUR**

Prevention is an essential part of our approach in order to tackle anti social behaviour and we aim to do this by:-

### **Mediation**

Very often people just need to talk and air their views and we encourage and help residents to solve their differences together wherever possible. Often it can be the easiest way to resolve a problem as occasionally people don't realise they are causing a nuisance until it is pointed out to them. We will get involved and work actively with residents and other agencies in order to provide mediation.

The Tenancy Enforcement Team have a number of officers who are trained in mediation.

Mediation will be used when both parties agree that talking could help to resolve their dispute, they agree to meet to discuss the issue, it is appropriate for both parties to discuss the issue and in some cases where a legal remedy may be inappropriate.

We will not consider or encourage mediation if an incident involves serious harassment due to race, nationality, sexuality, sex, religion or disability, or where both parties do not agree.

### **Acceptable Behaviour Contracts**

An Acceptable Behaviour Contract (ABC) is an agreement drawn up between an individual which could include a parent/guardian and Sedgefield Borough Council or the Police. The ABC outlines specific behaviour that should not be carried out and that is unacceptable.

The Tenancy Enforcement Team along with the Police will administer and monitor these agreements. Breaches of the agreements can also lead to further enforcement action being considered and taken.



## **Introductory Tenancies**

In 1998 as part of its approach to deal with anti social behaviour in Sedgefield Borough the Council adopted the use of Introductory Tenancies for all new Council tenants. New tenants are signed up to an Introductory Tenancy which is a probationary tenancy for a period of one year and will be monitored by Housing Officers after which the tenancy will become secure.

By law Introductory Tenants do not have the same rights as Secure Tenants and are unable to apply for the right to buy the property.

## **Floating Support/Tenancy Support Schemes**

There are two floating support schemes which currently operate within the Sedgefield Borough area.

Sedgefield Borough Council, Tees Valley Housing Group, Wear Valley District Council and Teesdale District Council have collectively engaged in a joint initiative to provide a young parents floating support scheme. The scheme can provide support for up to 8 young parents who are aged between 16-25 years old.

The scheme is managed by a floating support worker from Tees Valley who will set up a support agreement which identifies areas of support that are required. The main aims are to:-

- Minimise difficulties that could be experienced regarding the tenancy
- To promote positive parenting skills
- To promote independence
- Increase awareness of education, training and employment opportunities

Referrals can be made by all professional or voluntary agencies or direct to Tees Valley Housing Group. The referrals will be considered by Tees Valley Housing Group and an interview with the applicant will take place, if appropriate.

A joint protocol also existing between Sedgefield Borough Council, Durham County Council and Disc Accommodation Resources Team (DART) to provide a floating support scheme to help young people aged between 16 to 25. The scheme will provide assistance in order to secure Council, Registered Social Landlord or private accommodation. Support includes assistance with budgeting skills, setting up utilities, furniture, decoration, education, training and advice on tenant responsibilities and terms of tenancy agreements.

DART workers can also refer to other agencies for specialist help.

## **Neighbourhood Warden Service**

The development of a Neighbourhood Warden Service within Sedgefield Borough has assisted us in providing a highly visible community based service within designated areas in order to improve the quality of life for our residents and to promote Neighbourhood Renewal.

The Neighbourhood Warden Service consists of 13 dedicated wardens who's duties include engaging with residents in tackling neighbourhood issues including littering, dog fouling, graffiti and anti social behaviour. Wardens will be working effectively within areas where there is recorded crime and anti social behaviour and will be assisting to tackle the problem.

## **CONFIDENTIALITY**

We recognise the importance of maintaining privacy and confidentiality of tenants and residents who provide information to us and we will treat this in confidence. The information will not be passed to the person causing the nuisance or to others without the permission of the person who gave the information.

Sedgefield Borough Council and Durham Constabulary under the Community Safety Partnership contribute to a Joint Protocol on Information Exchange set up in May 2001. Each of the signatories to the joint protocol have designated officers to process and initiate requests for personal information.

Under the joint protocol on information exchange we may share information with our partners of the protocol who will adhere to the terms of the agreement.

On occasion people do provide information anonymously. We will investigate information we receive as far as possible however we will be unable to provide support and advise of the outcome of our investigation. Where possible we will encourage people to provide further detail to help us to resolve the problem.

## HOW DO I MAKE A COMPLAINT ABOUT ANTI SOCIAL BEHAVIOUR ?

You can contact us in a variety of ways, complaints can be made over the telephone, face to face, in writing or through e-mail.

If you would like to contact us please find our e-mail and office addresses listed below:-

<b>AREA</b>	<b>OFFICE BASE</b>	<b>TEL NUMBER</b>
<b>Tenancy Enforcement Team</b> Covering all Sedgefield Borough Council areas	Council Offices Spennymoor DL16 6JQ	01388 816166
tenancy_enforcement@sedgefield.gov.uk		
housingservices@sedgefield.gov.uk		
<b>Spennymoor Local Housing Office</b> Spennymoor, Byers Green, Tudhoe, Middlestone Moor, Kirk Merrington	Council Offices Spennymoor DL16 6JQ	01388 816166
<b>Ferryhill Local Housing Office</b> Ferryhill, Chilton, East Howle, Bishop Middleham, West Cornforth	1A North Street Ferryhill DL17 8HX	01388 816166
<b>Trimdon Local Housing Office</b> Trimdon Village,/Grange/Colliery Fishburn, Sedgefield, Mordon	15A Church Street Trimdon Village TS29 6PY	01388 816166
<b>Shildon Housing &amp; Community Resource Centre</b> Shildon, Middridge	51 Church Street Shildon DL4 1DT	01388 816166
<b>Newton Aycliffe Local Housing Office</b> Newton Aycliffe, Aycliffe Village	N/Ayc. Leisure Centre Newton Aycliffe DL5 4EH	01388 816166

## **Complaints concerning our tenants and property**

Complaints can be made to our Local Housing Offices or to the Tenancy Enforcement Team who are based at the above offices.

## **Complaints from our tenants concerning Owner Occupiers and Private Tenants of other landlords**

Complaints can again be made to your Local Estates Officer or Tenancy Enforcement Officer. It may be necessary depending on the nature of the complaint for a referral to be made to our Environmental Health Section or to the Police as we have limited powers to deal with owner occupiers and private tenants of other landlords. We will however work in partnership, with all other agencies (where we can) to try and resolve the problem.

## **Complaints concerning Registered Social Landlord tenants**

If a property is rented and the landlord is a Registered Social Landlord (this includes most Housing Associations) the landlord should be the first point of contact.

Again we will where appropriate work in partnership to try and resolve the problem.

If you would like a list of the registered social landlords who provide accommodation within the Borough please contact any of the above offices.

## **Complaint concerning noise and nuisance caused by owner occupiers and other tenants**

Complaints about noise nuisance caused by owner occupiers and other tenants of privately owned property are dealt with by our Environmental Health Section who are based at the main Council Offices within Spennymoor and can be contacted on 01388 816166.

The Environmental Protection Act 1990 places a duty on us to take steps to investigate certain types of anti social behaviour complaints.

Complaints regarding noise nuisance which involve barking dogs, stereo music and noise from residential properties or business premises can be referred to our Environmental Health Section.

## Anonymous Complaints

We will investigate anonymous complaints as far as we are able to but we will not be able to advise you of progress or check facts with you. This may also limit any non legal or legal action that we are able to take in order to deal with the problem.

Any information given to us will be treated in confidence. It will not be passed to the person causing the nuisance without the permission of the person who provided the information.

However it may on occasion depending on the nature of the complaint be necessary to share information under the Joint Protocol on Information Exchange which Sedgefield Borough Council the Community Safety Partnership and Durham Constabulary are signed to and who adhere to this agreement.

## Who do I contact to make a complaint?

The table below provides general guidance as to who is the most relevant contact point to make your initial complaint to.

<b>Cause of Complaint/ Complaining About</b>	<b>Housing Department Tenancy Enforcement Team/Local Estates Officers</b>	<b>Durham Constabulary</b>	<b>Environmental Health Department</b>	<b>Registered Social Landlords (Housing Associations)</b>
SBC Tenant, Property or Land	✓			
Owner Occupiers/Private Tenants		✓	✓	
Housing Association Tenants				✓

## **HOW WILL MY COMPLAINT ABOUT ANTI SOCIAL BEHAVIOUR BE DEALT WITH ?**

We recognise that in order to tackle anti social behaviour it is important to provide an early response to the complaint that has been received. To help us deal with these complaints effectively we have categorised certain types of complaints. The details below will assist you and advise you of the process.

### **1. Complaints concerning our tenants and property**

#### **Step One**

We will acknowledge all complaints.

#### **Step Two**

If the complaint involves certain types of behaviour we will suggest that the complaint should also be reported to the Police.

If it is a less serious matter we may suggest that you talk to the person causing the problem.

#### **Step Three**

Once details of the complaint have been received we will determine which category the behaviour described falls into and respond within the agreed timescale:-

- Racial Incidents - same day response
- Extreme Anti Social Behaviour – 1 working day
- Serious Anti Social Behaviour – 3 working days
- General Nuisance – 10 working days

#### **Step Four**

We will visit the complainant if appropriate within the agreed timescale depending on the category of complaint. We will discuss the complaint and try to obtain further information regarding the incidents that have occurred. We will where appropriate issue incident diaries to record any further incidents. We will agree a course of action with you and develop an action plan and confirm the discussion of our visit in writing.

We will explain what priority and category the complaint has been determined as and the steps to be taken within the action plan which can include:-

## **Racial Incidents**

We will follow the Equality in Housing Racial Harassment Guide Action Plan, if you would like a copy please contact the main Council offices or your Local Housing Office.

## **Extreme and Serious Anti Social Behaviour**

The safety of the complainant will be deemed as a priority.

We will:-

- Provide support.
- Make safe and carry out repairs as required where the Council property has been the subject of attack.
- Where it is appropriate arrange to install an alarm with the assistance and advice of the Police.
- Consider an application for an injunction.
- Where a criminal offence has also been committed with the permission of the complainant also contact the Police.
- Where appropriate and if required make referrals to other agencies for further support, this could include Victim Support.
- Monitor the case effectively and provide regular contact and updates on progress.

## **General Nuisance**

We will:-

- Discuss possible mediation with both parties to resolve the dispute.
- Provide support.
- Monitor the case effectively and provide regular contact and updates on progress.

## **Step Five**

We will take into account:

- The nature and severity of the behaviour
- The frequency of the incidents



- The impact of the behaviour on the complainant and other witnesses
- The intentions of the perpetrator whether the action was deliberate
- The circumstances of the perpetrator whether there are vulnerability issues
- Other contributory factors such as the construction of a building where noise may be an issue

## **Step Six**

The action we take will depend on the seriousness and nature of the anti social behaviour. In some cases action may include one or more of the following:-

**Interviewing and writing to the person causing the nuisance**

**Mediation**

**Use of Abatement Notices**

**Acceptable Behaviour Contracts (ABC)**

**Anti Social Behaviour Orders (ASBO)**

**Injunctions**

**Demoted Tenancies**

**Possession Proceedings**

**Eviction**

## OUR COMPLAINTS PROCEDURE

Our aim is to provide quality services for the people of Sedgefield Borough, but sometimes things can go wrong. If they do, we need to know so we can put them right and learn from them. We welcome complaints because this feedback helps us improve our services and ensures our customers are treated fairly.

Our complaints procedure aims to :

Provide a **straightforward means** for customers or those acting on their behalf to make a complaint to the Council.

Resolve complaints **swiftly** and as **close to the source** of the problem as possible

Ensure we keep the complainant **informed** about progress as well as the eventual outcome.

Put things **right** where complaints are found to be justified.

Ensure that action is taken to **prevent a recurrence** of identified problems.

Identify opportunities for **improving services**

Provide **feedback** to departments and Councillors so that trends in complaints are **taken into account** when policy decisions are made.

### THE COUNCIL'S DEFINITION OF A COMPLAINT

'An expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Council or its Staff'.

### The Complaints Procedure does not cover:

- Requests for a service (e.g. reporting housing repairs)
- Requests for information or explanation of Council policy or practice
- Matters for which there is already a mechanism for appeal or a legal remedy e.g. Planning Appeal
- A complaint where legal proceedings have already started
- Complaints that have already been finally determined by a court or tribunal
- Complaints about a Councillor which should be addressed to the Council's Monitoring Officer

## **Who can complain?**

Anyone receiving or seeking a service from the Council including, where appropriate, anyone acting for those unable to complain personally.

We aim to ensure that no-one, including a child, is excluded from the complaints procedure because of any difficulties they may have in representing themselves. Wherever possible we point people in the direction of suitable assistance. This may include a translation service and/or the Advice and Information Service.

## **The Complaints Procedure**

### **STAGE 1**

The Council will aim to resolve complaints quickly and satisfactorily by dealing with the complaint informally. Complaints will firstly be referred to the appropriate 'front line' officer within the service department concerned. At this stage complaints can be accepted in any form and do not have to be in writing.

Every effort will be made to respond to the complaint **immediately**. If this is not possible as further investigation is required, the complainant will be notified of the date when they can expect a response (every effort will be made to ensure this response is made within 10 working days).

If the complaint cannot be resolved at this stage, complainants will be advised that the complaint may be referred to Stage 2 and that the complaint should, if possible, be set out in writing (letter, e-mail, fax, or on a complaint form).

### **STAGE 2**

At the second stage a more senior member of staff from the service department will consider the complaint and inform the complainant of the outcome.

Every effort will be made to respond to Stage 2 complaints (in writing if requested) within 10 working days.

If the complaint is complex and requires a detailed investigation an explanation and an expected completion date will be given to the complainant within 10 working days. Progress reports will be given at 10 working day intervals until the complaint has been dealt with.

If the complaint cannot be resolved at Stage 2, complainants will be advised that the complaint may be referred to Stage 3.

### **STAGE 3**

At Stage 3 the complaint is considered by an Officer from the Customer Relations Section who is independent of the service department and acts on behalf of the Chief Executive Officer.

The way in which a complaint is handled at Stage 3 can vary considerably. In some cases, it may be possible to conclude quickly that there is nothing to add beyond the Stage 2 decision. In other cases an extensive investigation may be needed.

Every effort will be made to respond to Stage 3 complaints (in writing if requested) within 10 working days.

If the complaint is complex and requires a detailed investigation, an explanation and an expected completion date will be given to the complainant within 10 working days. Progress reports will be given at 10 working day intervals until the complaint has been dealt with.

At all stages every effort will be made to give a response as quickly as possible.

Complainants will be advised of their right to refer the complaint to the Local Government Ombudsman should they remain dissatisfied after Stage 3.

#### **How to make a complaint**

The Council aims to ensure the complaints procedure is accessible to all and will accept complaints:

- by telephone to (01388) 816166 ( a minicom system is also available)
- by e-mail to either the appropriate department or to [complaints@sedgefield.gov.uk](mailto:complaints@sedgefield.gov.uk)
- via the Council's web-site @ [www.sedgefield.gov.uk](http://www.sedgefield.gov.uk)
- by completing and posting the tear off slip in the Feedback Form located in the main Council office and Local Housing Offices
- in writing to either the department or to Customer Complaints at Sedgefield Borough, Council Offices, Spennymoor, DL16 6JQ
- in person to a member of staff from the appropriate department or to a Customer Complaints Officer
- through a Borough Councillor
- through a representative

## **MONITORING**

Within the Housing Services Department, the Tenancy Enforcement Team categorise and record the number of anti social behaviour complaints received from and about our tenants. The categories and numbers are recorded on a monthly basis with all cases being reviewed and monitored by the Senior Tenancy Enforcement Officer.

Our Tenancy Enforcement Team local performance indicators are published annually on our web site if you would like further information please do not hesitate to contact us or access our website on:-

([www.sedgefield.gov.uk/tenancyenforcement](http://www.sedgefield.gov.uk/tenancyenforcement))

Each Area Housing Team is issued with an anti social behaviour area case report on the 1<sup>st</sup> of every month so they are aware of the nuisance cases being investigated. Regular contact is maintained between the Tenancy Enforcement Team and Local Estate Officers in order to effectively monitor the cases.

As part of our approach to effectively tackle anti social behaviour and to continually improve our service to customers, where cases have been closed we will forward the complainant a customer satisfaction questionnaire which asks a series of key questions in order to establish what they thought of the service they received. The returned questionnaire will be monitored and data responses collated on a monthly basis. The result will also be published annually on our website and where required help us to improve our service.

Data collected through the Community Safety Partnership regarding anti social behaviour is provided from a range of sources including the Tenancy Enforcement Team and is used to develop action plans which target specific areas and problems regarding, crime, disorder and anti social behaviour. Data collection is very important and assists us with the future development, targets and objectives of our services.

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