

# Operational Procedure 22

## Anti Social Behaviour Procedure

Responsible Officer	Service Manager – Housing and Property						
Issue No.	2	Revision No.	1	Revision Date:	27/1/2009	Doc Ref:	OP22 v2.2

Electronic Versions of documents referred to through out the procedure are available for Housing Officers on Housing Services Data Drive in the following directory:

Estate Management\Anti Social Behaviour\Strategic\ASB Manual (Current Versions)\ASB Procedures – IOs\

## Amendment and Authorisation Record

### Anti Social Behaviour Procedure

<b>Date</b>	<b>Author</b>	<b>Paragraph ref:</b>	<b>Nature of change</b>	<b>Authorised by</b>
08/01/03	-	n/a	First dated Revision.	-
06/04/06	DLT	n/a	Revision 1.2 – OP2 Documentation standards upgrade.	DLT
04/04/07	BM	N/a	Revision to procedure	Billy Mycock
27/01/09	MH		Update responsible officer job title	AJ

**SHETLAND ISLANDS COUNCIL**  
**ANTISOCIAL BEHAVIOUR PROCEDURES**

## **INTRODUCTION**

These procedures are for use by all departments of Shetland Islands Council and partner agencies when dealing with antisocial behaviour to ensure that each incident is dealt with effectively and consistently. If anyone is unsure of the application of these procedures then please contact:-

Billy Mycock – Antisocial Behaviour Co-ordinator  
Shetland Islands Council  
Fort Road  
Lerwick  
Shetland ZE1 0LW  
Telephone (01595) 744 374

These procedures have been adopted by Hjalmland Housing Association (HHA) and therefore any reference to an “officer” will include any HHA employee.

## **WHAT IS ANTISOCIAL BEHAVIOUR?**

The legal definition of antisocial behaviour is found in section 143 of the Antisocial Behaviour (Scotland) Act 2004. The legislation says that a person is involved in antisocial behaviour if they:-

- Act in a way that causes or is likely to cause alarm or distress to anyone; or
- Behave in a way that causes or is likely to cause alarm and distress to at least one person not of the same household as them.

If any Council employee or partner agency receives a report from a member of the public or becomes aware of an incident – they should identify if it is antisocial behaviour.

The key question to ask is:-

### **Is the behaviour causing alarm and distress to anyone?**

If the answer to that question is “Yes” – then the behaviour is likely to be antisocial behaviour. But remember, if the person affected is in the same household then it is not antisocial behaviour. Therefore, these procedures do not cover domestic violence and abuse within households.

Some common types of antisocial behaviour reported in Shetland:-

- Excessive noise from stereos and parties – where the noise levels prevent people from sleeping, they cannot hear their own television or stereo, etc.
- Intimidating or threatening behaviour.
- Drunk and disorderly behaviour.
- Fights.
- Drug related incidents.
- Excessive vehicular/pedestrian traffic created by activities at a particular premises or location.

These procedures are not intended to cover criminal behaviour. The definition of antisocial behaviour does not include criminal activity. Any concerns regarding a criminal matter should be reported immediately to the Police.

## **STEP 1**

### **RECEIVING A COMPLAINT OR CONCERN ABOUT ANTISOCIAL BEHAVIOUR**

Any Council service or partner agency could receive a complaint or concern about antisocial behaviour and it should be dealt with effectively and consistently. Any officer<sup>1</sup> receiving an antisocial behaviour complaint or concern should complete the standard antisocial behaviour referral form.

#### ***[Antisocial Behaviour Referral Form – ASB0001]***

This form will help officers obtain the necessary details in order that the matter can be dealt with appropriately, including:-

- Complainer's details
- Subject's details<sup>2</sup>
- Tenure of both
- Details of incident(s)

If the complaint is received via e-mail or letter, a copy should be attached to the referral form.

Officers should send the completed form to the Council's Antisocial Behaviour Co-ordinator(ASBC) on the same working day the complaint is received if possible, or within 2 working days. The referral form should be sent via e-mail, Council Internal Mail or hand delivered. The ASBC's contact details are found in the "Introduction" section.

HHA employees should pass the completed form to HHA's Housing Services Manager in the first instance, who will then liaise with the ASBC.

Northern Constabulary employees should pass the completed form to the Community Safety Officer in the first instance, who will then liaise with the ASBC.

The information contained within the referral form can be shared with the Council by a partner agency in terms of Section 139 of the Antisocial Behaviour (Scotland) Act 2004 where the information is shared for the purpose of reducing crime, disorder and antisocial behaviour. The Complainer's consent does not therefore require to be sought, but an officer should advise the Complainer that the information they provide will be passed to the Council.

The referral form should always be completed by a professional/officer and not passed to a member of the public to complete.

If you are unsure whether the complaint or concern you have received is antisocial behaviour, complete the form anyway and pass to the ASBC. You may also wish to discuss the matter with your line manager or the ASBC.

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<sup>1</sup> "Officer" is the term used throughout these procedures to refer to the person who makes an antisocial behaviour referral or is acting under these procedures. This may be an employee of the Council or any other partner agency.

<sup>2</sup> "Subject" is the term used throughout these procedures to refer to the person alleged to be responsible for the antisocial behaviour.

## **STEP 2**

### **ASSESSMENT BY ANTISOCIAL BEHAVIOUR CO-ORDINATOR**

The Council's Antisocial Behaviour Co-ordinator will carry out an assessment as to whether or not the referral is in fact antisocial behaviour.

#### **Outcome 1**

##### **Further Information Required**

The ASBC may be unable to make an assessment based on the information supplied in the referral form. In these circumstances, the ASBC should seek further information and clarification from the referring agency or complainer.

Once this information has been obtained, the ASBC can proceed to assess whether the complaint is ASB.

#### **Outcome 2**

##### **The complaint is not antisocial behaviour**

If the ASBC decides that the referral is not antisocial behaviour, a standard letter will be issued to the complainer with appropriate advice about other agencies they may wish to contact, e.g. to the Police; Community Mediation; Social Work; etc.

##### **[Letter to Complainer – ASB0002]**

A direct referral to another agency may be made by the ASBC where the matter is serious, for instance there are child protection concerns; vulnerable adult concerns; etc. Similarly, a direct referral may be made by the ASBC where it is clear that it is the responsibility of another Council service to deal with the complaint. The letter should advise the complainer of any direct referrals made by the ASBC.

Where the complaint involves a neighbour dispute, the Complainer should be advised to contact the Community Mediation Team. The Community Mediation Team's telephone number is included in the letter to be issued to the Complainer.

### **Outcome 3**

#### **The complaint is antisocial behaviour**

If the ASBC decides that the complaint is antisocial behaviour, the ASBC will identify an appropriate **Investigating Officer** to deal with the complaint. Generally, the following Investigating Officers will be appointed:-

- Where the subject is a Council tenant – the appropriate Housing Officer will be appointed as Investigating Officer. Where possible, this will not be the Housing Officer for the area. When necessary, the ASBC may also take on this role on behalf of the Council's Housing Service.
- Where the subject is an owner/occupier or in private rented accommodation – the ASBC will be appointed as Investigating Officer.
- Where the subject is a tenant of Hjaltsland Housing Association (HHA) – HHA's Housing Services Manager will be appointed as Investigating Officer. When necessary, the ASBC may also take on this role on behalf of HHA.
- Where the complaint involves noise issues, then the ASBC will liaise with the Council's Environmental Health Service in every instance to identify the appropriate Investigating Officer. It may be that an Environmental Health Officer and one of the other Investigating Officers identified above will take on a joint investigating role. The Environmental Health Officer will advise on any additional information required in the standard letters to conform with any statutory nuisance or RIPSAs requirements.
- Where the antisocial behaviour does not occur at a specific address/residential premises, e.g. the Toll Clock Shopping Centre Car Park, Lerwick Flower Park, etc. – the ASBC will be appointed as Investigating Officer. The ASBC will liaise with other appropriate agencies who have an interest in the area or property affected.

The ASBC retains responsibility for the monitoring of each antisocial behaviour investigation where an Investigating Officer is appointed. Should the ASBC become concerned about the progress of an investigation, he will contact the Investigating Officer's line manager.

In the event that an Investigating Officer is off sick, on annual leave or leaves their employment – their line manager will pass the investigation back to the ASBC for re-allocation.

**STEP 3**

**INITIAL RESPONSE LETTERS**

The Investigating Officer (IO) will issue initial response letters as follows:-

**The Complainer**

The initial letter advises the complainer who the Investigating Officer is and stresses the importance of diary sheets. It will also advise the complainer that if no further complaints are received within 4 weeks, the case will be closed.

The Investigating Officer must keep track of this date, closing the file if appropriate and completing the evaluation forms.

*[Letter to Complainer – ASB0003 & Diary Sheet – ASB0058]*

**The Subject**

The initial letter advises the Subject that allegations have been received and that there will be a formal investigation if further complaints are received. If the Subject has a landlord a copy of the letter should be sent to them (see below).

If the Subject is between 12 and 16 years old, the initial response letter should be sent to the Subject and their guardian(s). If the Subject is under 12 years old, then the Investigating Officer should seek further advice from their line manager and Legal before proceeding under these procedures.

*[Letter to Subject – ASB0004]*

**The Landlord**

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, the initial response letter to the Subject should be copied to the Landlord along with the standard covering letter. Details of a private landlord will be available from Environmental Health under the Landlord Registration Scheme, if that landlord has registered.

Any complaint involving a tenant of a private landlord should be referred to Environmental Health to ensure that the landlord is registered, or for action to be taken if the landlord is not registered. Any requirements for improvement to conditions in the private rented sector, whether structural or tenancy management in nature will be carried out by Environmental Health.

The letter sent to a private landlord should be copied to Vaila Simpson at Housing, this is to be done in relation to the prevention of homelessness and any subsequent homeless application made by the Subject.

It is important that the Investigating Officer maintains a close working relationship with a private landlord or HHA throughout the process.

Where the Subject is a Council Tenant, the Investigating Officer should e-mail a copy of the initial response letter to the Subject to the Area Housing Officer. No standard covering letter is required. This is to ensure that the Area Housing Officer is aware of the allegations and can work with the Investigating Officer as necessary.

*[Letter to Private Landlord – ASB0005]  
[Letter to Hjaltland – ASB0006]*

## **STEP 4**

### **RECEIPT OF DIARY SHEETS/FURTHER ASB COMPLAINTS**

The Complainer will have been advised in the initial response letter about the importance of completing and submitting diary sheets to the Investigating Officer.

On receipt of diary sheets from the Complainer the Investigating Officer should examine carefully the incidents noted on the diary sheets and assess whether or not there have been further incidents of antisocial behaviour.

If the Complainer continues to make complaints, but refuses to fill out the diary sheets, then the Investigating Officer must explain that without this written information the Council cannot take further action. The Investigating Officer should offer to visit the Complainer to assist them completing the diary sheets, it may be that the person is vulnerable and/or unable to complete them (e.g. elderly; mental illness; learning disability; ill health; etc)

#### **Option 1**

##### **No Diary Sheets Received**

If the Investigating Officer receives no diary sheets or further details of antisocial behaviour from the Complainer within 4 weeks of the initial response letter – the case will automatically be closed.

The Investigating Officer must keep track of this date, closing the file if appropriate and completing the evaluation form.

#### **Option 2**

##### **Diary Sheets Received - No Further Incidents of Antisocial Behaviour**

If the Investigating Officer believes that the incidents noted on the diary sheets are not antisocial behaviour, a letter should be sent to the Complainer advising of this. Appropriate referrals can be made and/or advice given as to who the Complainer should contact for help and advice. The Investigating Officer may wish to seek the advice of the ASBC or their line manager in assessing whether or not the incidents are antisocial behaviour and what referrals may be appropriate.

Where the complaint involves a neighbour dispute, the Complainer should be advised to contact the Community Mediation Team. The Community Mediation Team's telephone number is included in the letter to be issued to the Complainer.

Evaluation form to be completed.

*[Letter to Complainer – ASB0007]*

### **Option 3**

#### **Diary Sheets Received - Further Incidents of Antisocial Behaviour**

If the Investigating Officer believes that there have been further incidents of antisocial behaviour, a letter should be sent to the Complainer acknowledging receipt and advising of the progress/next steps. This letter should be sent whenever diary sheets have been received and assessed as containing details of antisocial behaviour.

#### ***[Letter to Complainer – ASB0008]***

Where there are further incidents of antisocial behaviour, the Investigating Officer should move onto the next stage of the investigation as outlined below, but in summary this involves:-

- Ongoing contact with the Complainer to be agreed and maintained
- Formal Statement to be taken from the Complainer
- Initial Enquiries to identify other agencies/services involvement
- Face to face meeting with the Subject to be arranged

### **ONGOING CONTACT WITH COMPLAINER**

In order to ensure that the Investigating Officer is kept up to date with recent incidents of antisocial behaviour and to acknowledge receipt of diary sheets, the Investigating Officer will keep in regular telephone contact with the Complainer. When acknowledging diary sheets – the Investigating Officer will confirm how often telephone contact will be made. This will allow the Investigating Officer to make contact when it is convenient for them. The Investigating Officer must decide an appropriate level of contact, depending on the severity of the complaints and/or the needs of the Complainer. The minimum level of contact should be fortnightly. The Investigating Officer may also need to arrange meetings with the Complainer.

The Investigating Officer should keep a note of any telephone calls/meetings on the investigation file. If the Investigating Officer has discussed anything particularly complicated with the Complainer or feels that the Complainer has not understood, the Investigating Officer may wish to confirm what was discussed in writing.

### **FORMAL STATEMENT TO BE TAKEN**

Once diary sheets have been received and the incidents have been assessed as antisocial behaviour, the Investigating Officer should arrange for a formal statement to be taken from the Complainer. The Investigating Officer should contact the officer who will be taking the statement for a list of suitable dates and times. The Investigating Officer will then contact the Complainer by telephone to arrange a convenient date, time and venue. The Investigating Officer will book a suitable venue if the Complainer can travel to Lerwick. The Investigating Officer will confirm arrangements with the statement taker.

At present, the Council's Legal Service will take formal statements from the Complainer. The Investigating Officer should contact Kristen Johnston for availability and arrangements. (Telephone number (01595) 744 097)

The Statement taker will ascertain whether the Complainer is willing to be a witness in court should matters proceed as far as legal action. The Statement taker will reassure the Complainer that their identity can be protected if the Complainer is frightened of repercussions.

### **INITIAL ENQUIRIES**

It is important that there is not duplication of work within the Council and the Investigating Officer should make initial enquiries to ascertain what other agencies are working with the Subject and to obtain any relevant background information. This information is vital before meeting with the Subject to ensure that the approach taken at the meeting and any agreed informal measures are appropriate. It will also help the Investigating Officer decide who may be appropriate to have at the meeting with the Subject.

In particular, the Investigating Officer should identify if there are existing formal interventions in place – e.g. Single Shared Assessment; Integrated Assessment Framework; Co-ordinated Support Plan; Probation; etc.

The Investigating Officer should follow the standard checklist of initial enquiries to help assist in this process.

Where a service has been offered, but refused by the Subject, this should be noted in the "relevant information" column.

***[Initial Enquiries Checklist – ASB0009]***

**FACE TO FACE MEETING WITH SUBJECT**

Once diary sheets have been received and the incidents have been assessed as antisocial behaviour, the Investigating Officer should issue the standard letter to the Subject advising him/her that further allegations have been received and notify the Subject of a meeting to discuss their version of events.

The date for this meeting should be **after** the formal statement has been taken from the Complainer to ensure the statement is available for discussion at the meeting.

There should always be at least two officers present at the meeting with the Subject. Appropriate officers to attend this meeting may be:-

- Where the Subject is a Council tenant – the appropriate Housing Officer and/or Estate Manager.
- Where the antisocial behaviour involves noise complaints – an Environmental Health Officer.
- Where the antisocial behaviour involves disorderly or threatening/intimidating behaviour – a Police Officer

However, Investigating Officers will have to use their judgement as to appropriate officer attendance by considering the nature of the antisocial behaviour in each case.

***[Letter to Subject – ASB0010]***

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, the letter to the Subject should be copied to the Landlord along with the standard covering letter. This will encourage the landlord to discuss the matter with their tenant and encourage them to attend the meeting.

***[Letter to Private Landlord – ASB0011]***

***[Letter to HHA – ASB0012]***

One officer should chair the meeting and one officer should take notes. A third officer may also be present as an observer if appropriate.

Issues to be discussed:-

- Details of the allegations received.
- Subject's version of events/explanation.
- Subject's feelings of involvement in the community and general quality of life.
- Voluntary informal measures to be considered:-
  - Mediation<sup>3</sup>
  - Outreach support
  - Regular meetings
  - Referrals to any support group (e.g. SASS, GP, Drugs Project, Careers, etc.)
  - Referral to Community Mediation Team to develop a support plan
  - Any other appropriate measure

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<sup>3</sup> Please refer to information regarding the Community Mediation Team at each of the outcomes below and on page 16.

- Automatic referral to CAB's independent Community Mediation Team unless reasonable explanation for behaviour provided.
- Consequences for failure to engage/further incidents.

There are more formal measures that can be put in place – such as an ABC, Parenting Orders, Statutory Notices, etc. However, the Investigating Officer should first try more informal meetings and measures to resolve the problem. More formal measures should be part of an agreed outcome from a multi-agency case conference. However, please note that Environmental Health may issue a statutory notice if they identify a statutory nuisance in line with their own internal procedures and will not wait for a case conference to be held to progress this. In these circumstances, the Investigating Officer will have to liaise very closely with the appropriate Environmental Health staff.

The notes from the meeting should be typed up and held on the Investigating Officers file. The Investigating Officer should consider if the outcome of the meeting should be shared with other appropriate agencies/officers depending on the information gained from his/her initial enquiries. It is important that all agencies working with an individual have a full and clear picture of what is happening in that individual's life so that everyone can work together to provide the appropriate help and support.

Information should only be shared with agencies out with the Council where there are appropriate information sharing protocols in place. If an Investigating Officer is unsure of the position they should consult their line manager or the ASBC.

## **Outcome 1**

### **Subject Fails to Attend**

A letter should be sent to the Subject advising them that legal action will be considered if the antisocial behaviour continues. The letter will also give the Subject another chance to arrange a meeting. This letter should be hand delivered by an appropriate officer who has an existing relationship with the Subject (e.g. a Housing Officer, Housing Outreach Worker, Social Worker, etc.) The Investigating Officer should identify that person after discussion with the other officers present at the meeting. This will allow for a further attempt at engaging with the Subject.

The officer who delivers the letter should attempt to speak to the Subject, explain the content of the letter and try to get the Subject to engage with the Council. The officer who delivers the letter should type up a file note of his discussion with the Subject and pass this to the Investigating Officer. The Investigating Officer must ensure that they receive this information.

If the officer who delivers the letter does not get the Subject at home, they should make one more attempt and then leave the letter at the property of the Subject. Both attempts to deliver the letter and the fact that it was left at the property should be detailed in a file note and passed to the Investigating Officer. The Investigating Officer must ensure that they receive this information.

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, the letter to the Subject should be copied to the Landlord along with the standard covering letter.

A letter should be sent to the Complainer advising of the outcome of the meeting. This letter confirms that if there are no further complaints for 8 weeks then the case will be automatically closed. The Investigating Officer must keep track of this date, closing the file if appropriate and completing evaluation forms.

***[Letter to Subject – ASB0013]***

***[Letter to Complainer – ASB0014]***

***[Letter to HHA – ASB0015]***

***[Letter to Private Landlord – ASB0016]***

The Investigating Officer may have identified an existing framework which is in place that could also be used to engage the Subject, e.g. if the Subject is currently on a Probation Order and meeting regularly with the Criminal Justice Service then the Investigating Officer may wish to use the Probation meetings as a means of attempting to engage the Subject in discussing the allegations of antisocial behaviour.

In every case, a referral to the Community Mediation Team is made at this stage. This is detailed in the letter to both the Subject and Complainer. The Investigating Officer must submit a referral to the Community Mediation Team in all cases. This should be done on the standard referral form and within 2 working days of the meeting date:-

***[Referral to Mediation – ASB0055]***

## **Outcome 2**

### **Subject attends but does not engage**

A letter should be sent to the Subject advising them that legal action will be considered if the antisocial behaviour continues. The letter will also give the Subject another chance to consider engaging with the Council in voluntary measures. This letter should be hand delivered by an appropriate officer who has an existing relationship with the Subject (e.g. a Housing Officer, Housing Outreach Worker, Social Worker, etc.) The Investigating Officer should identify that person after discussion with the other officers present at the meeting. This will allow for a further attempt at engaging with the Subject.

The officer who delivers the letter should attempt to speak to the Subject, explain the content of the letter and try to get the Subject to engage with the Council. The officer who delivers the letter should type up a file note of his discussion with the Subject and pass this to the Investigating Officer. The Investigating Officer must ensure that they receive this information.

If the officer who delivers the letter does not get the Subject at home, they should make one more attempt and then leave the letter at the property of the Subject. Both attempts to deliver the letter and the fact that it was left at the property should be detailed in a file note and passed to the Investigating Officer. The Investigating Officer must ensure that they receive this information.

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, the letter to the Subject should be copied to the Landlord along with the standard covering letter.

A letter should be sent to the Complainer advising of the outcome of the meeting. This letter confirms that if there are no further complaints for 8 weeks then the case will be automatically closed. The Investigating Officer must keep track of this date, closing the file if appropriate and completing evaluation forms.

***[Letter to Subject – ASB0017]***

***[Letter to Complainer – ASB0014]***

***[Letter to HHA – ASB0015]***

***[Letter to Private Landlord – ASB0016]***

The Investigating Officer may have identified an existing framework which is in place that could also be used to engage the Subject, e.g. if the Subject is currently on a Probation Order and meeting regularly with the Criminal Justice Service then the Investigating Officer may wish to use the Probation meetings as a means of attempting to engage the Subject in discussing the allegations of antisocial behaviour.

In every case, a referral to the Community Mediation Team is made at this stage. This is detailed in the letter to both the Subject and Complainer. The Investigating Officer must submit a referral to the Community Mediation Team in all cases. This should be done on the standard referral form and within 2 working days of the meeting date:-

*[Referral to Mediation – ASB0055]*

### **Outcome 3**

#### **Subject attends and agrees to engage**

A letter should be sent to the Subject confirming what was agreed at the meeting and how the voluntary measures will be implemented.

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, a letter should be sent to the landlord advising them of the outcome.

A letter should be sent to the Complainer advising of the outcome of the meeting. This letter confirms that if there are no further complaints for 8 weeks then the case will be automatically closed. The Investigating Officer must keep track of this date, closing the file if appropriate and completing evaluation forms.

*[Letter to Subject – ASB0018]*

*[Letter to Complainer – ASB0014]*

*[Letter to HHA – ASB0015]*

*[Letter to Private Landlord – ASB0016]*

The Investigating Officer should then take the necessary steps to ensure that the agreed measures are put in place and that they are carefully monitored. The Investigating Officer should agree with agencies/officers involved to feedback progress on a regular basis and reminders should be in place to ensure feedback is obtained should it not be produced on time.

In every case, a referral to the Community Mediation Team is made at this stage. This is detailed in the letter to both the Subject and Complainer. The Investigating Officer must submit a referral to the Community Mediation Team in all cases. This should be done on the standard referral form and within 2 working days of the meeting date:-

*[Referral to Mediation – ASB0055]*

## **Outcome 4**

### **Subject attends and provides reasonable explanation**

Where the Subject has provided a reasonable explanation for the allegations and the Investigating Officer is satisfied that there is no need to continue with an antisocial behaviour investigation, the standard letters should be sent to the Complainer and Subject to advise of the outcome.

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, a letter should be sent to the landlord advising them of the outcome.

There should be no automatic referral to Mediation in this instance.

If there is a clear neighbour dispute, then the Investigating Officer can advise the Subject and Complainer to make a referral to the Community Mediation Team.

*[Letter to Subject – ASB0019]*

*[Letter to Complainer – ASB0020]*

*[Letter to HHA – ASB0021]*

*[Letter to Private Landlord – ASB0022]*

### **COMMUNITY MEDIATION TEAM**

Unless a reasonable explanation is provided for the antisocial behaviour, an automatic referral is made to the Community Mediation Team.

The Community Mediation Team is involved in a wide spectrum of issues associated with antisocial behaviour and community disputes. The team members are equipped with skills, training and experience which enables them to negotiate Acceptable Behaviour Contracts, facilitate the Restorative Justice process for both young people and adults and also to Mediate neighbourhood disputes. As such within our team, we are able to use the appropriate skills for the variety of situations presented.

The Complainer and Subject is advised of this referral in the standard letters to be issued following the outcome of the face to face meeting with the Complainer. A leaflet explaining the services provided by the Community Mediation Team will be enclosed.

The letter to the Complainer makes it clear that they should advise the Community Mediation Team if they wish to remain anonymous. The Investigation Officer should reassure the Complainer that their identity can be protected from the Subject.

### **MONITORING & EVALUATION**

For all cases where a referral to the Community Mediation Team is made and/or informal measures are put in place, the Investigating Officer must carefully monitor the effectiveness of these measures and identify if the antisocial behaviour has ceased. This will involve receiving regular reports from those working with the Subject and Complainer. It is the Investigating Officer's responsibility to ask for this information at regular intervals.

If there are no further antisocial behaviour complaints for 8 weeks then the case will be automatically closed and the evaluation form should be completed at that stage. It is the Investigating Officer's responsibility to keep track of this date, close the file if appropriate and complete the evaluation form.

**STEP 5**

**MULTI-AGENCY CASE CONFERENCE**

If the antisocial behaviour continues, a multi-agency case conference should be called to discuss and agree an appropriate action plan to tackle the antisocial behaviour effectively.

The Investigating Officer should prepare a brief summary of the case and pass this to the Antisocial Behaviour Co-ordinator. The ASBC will then call a Case Conference and request that the Investigating Officer complete the case summary forms required by Legal Services in preparation for legal action if necessary. The ASB Referral Form should also be attached to case summary sheets.

***[ASB Investigation Incidents – ASB0023]  
[ASB Investigation Actions – ASB0024]***

The Investigating Officer should write to the Complainer and Subject to advise them that the case conference is taking place. If the Subject wishes to attend the Case Conference, the Investigating Officer should contact the ASBC immediately. The ASBC will then ensure appropriate officer attendance and arrange a pre-meeting.

***[Letter to Complainer – ASB0025]  
[Letter to Subject – ASB0026]***

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, a letter should be sent to the landlord advising them that the case conference is taking place.

***[Letter to HHA – ASB0027]  
[Letter to Private Landlord – ASB0028]***

The ASBC will chair the case conference and arrange for a minute taker to be present, or nominate a senior officer to chair the case conference.

The ASBC must ensure that all relevant agencies are represented at the case conference or that at the very least they submit a written report of their involvement with the Subject prior to the case conference.

Required Attendees:-

- Legal Representative (Contact Kristen Johnston)
- Police Representative (Contact Finlay MacBeath)
- Housing Representative – where either the Subject or Complainer is a Council Tenant. (Contact Area Housing Officer or Vaila Simpson)
- Social Work (Children – Contact Stephen Morgan)
- Social Work (Adults – Contact Ann Williamson)
- Criminal Justice (Contact Denise Morgan)
- Environmental Health – where there is a noise element. (Contact Maggie Dunne)
- Children’s Reporter – where under 16 (Contact Kate Gabb)
- Local Area Network Support Co-ordinator – where under 20

- Education – where the Subject or Complainer is a pupil (Contact Quality Improvement Officer for the relevant school)
- PF – optional attendee at every case conference
- Community Mediation Team Representative (Contact Alyson Keiller/Katie Leask)
- HHA – where either Subject or Complainer is a HHA Tenant. (Contact Fiona Robertson)
- Any other appropriate agency identified at initial enquiry stage.

The case conference will follow a standard format:-

- Introduction by Chair – ensuring all parties present know each other.
- Investigating Officer provides a summary of the case.
- Each agency/department present provides an update of their involvement (if any).
- Interventions considered, including whether legal action is considered appropriate should voluntary measures fail.
- Action Plan agreed with named officers responsible for tasks and clear deadlines.

A Key Worker may need to be identified to carry out a lot of the actions (e.g. someone who already has a good relationship with the Subject – a Social Worker; local area network co-ordinator; a Housing Outreach Worker; etc). The ASBC and Investigating Officer will maintain responsibility for the case – but will work closely with the Key Worker. Please note that the Key Worker may be the Investigating Officer.

The minutes will be prepared using the standard style and circulated only to those named in the Action Plan and to Legal Services. The ASBC will retain the original on the case file.

**N.B. Separate minutes will have to be taken for each Subject. If there is more than one person responsible for the antisocial behaviour, they have to be dealt with individually at the case conference.**

***[Case Conference Minute – ASB0029]***

The Investigating Officer must inform the Complainer that the case conference has been held and stress the importance of diary sheets and maintain regular contact (minimum contact – fortnightly). This letter confirms that if there are no further complaints for 12 weeks then the case will be automatically closed. The Investigating Officer must keep track of this date, closing the file if appropriate and completing evaluation forms.

***[Letter to Complainer – ASB0030]***

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, a letter should be sent to the landlord advising them of the outcome. A private landlord may require support from the Investigating Officer (or ASBC) to carry out any agreed actions. The Investigating Officer (or ASBC) should ensure that they are as helpful as possible towards the private landlord.

***[Letter to HHA – ASB0031]***

***[Letter to Private Landlord – ASB0032]***

Following the case conference, the first action will always be for the Key Worker (or other appropriate officer) to visit the Subject to discuss the agreed action plan and to hand deliver a letter confirming the action plan in writing. This must be done at a face to face meeting.

*[Letter to Subject – ASB0033]*

## **STEP 6**

### **MONITORING OF ACTION PLAN**

The Antisocial Behaviour Co-ordinator will monitor the action plan. The ASBC should be in regular contact with each person responsible for an action to ensure that the action is being progressed.

The ASBC should also be in regular contact with the Investigating Officer to receive updates from the Complainer.

The ASBC will assess whether the action plan is working to effectively tackle the antisocial behaviour.

#### **Outcome 1**

##### **Subject Refuses to Engage - No Further Incidents of Antisocial Behaviour**

The case will be closed if there are no further incidents of antisocial behaviour for 12 weeks after implementation of the action plan. The Investigating Officer must keep track of this date, closing the file if appropriate and completing evaluation forms.

A letter should be issued by the Investigating Officer to the Subject.

*[Letter to Subject – ASB0034]*

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, a letter should be sent by the Investigating Officer to the landlord advising them of the outcome.

*[Letter to HHA – ASB0035]*

*[Letter to Private Landlord – ASB0036]*

## **Outcome 2**

### **Subject has Engaged – No Further Incidents of Antisocial Behaviour**

The case will be closed if there are no further incidents of antisocial behaviour for 12 weeks after implementation of the action plan. The Investigating Officer must keep track of this date, closing the file if appropriate and completing evaluation forms.

The ASBC will continue to work with officers responsible for the agreed actions to ensure that the support continues until it is deemed appropriate to start withdrawing.

Once the ASBC decides that it is appropriate to withdraw the support to the Subject, a standard letter will be sent out to the Subject advising them that the ASBC wishes to meet with them to discuss withdrawal of the support.

#### ***[Letter to Subject – ASB0037]***

The ASBC and another appropriate officer will meet with the Subject to discuss whether the Subject still feels support is required to prevent him/her becoming involved in antisocial behaviour. If necessary, the support will continue as long as necessary with the ASBC reviewing the situation at regular intervals.

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, a letter should be sent to the landlord advising them of the outcome.

#### ***[Letter to HHA – ASB0038]***

#### ***[Letter to Private Landlord – ASB0039]***

### **Outcome 3**

#### **Subject Refuses to Engage/Has Engaged – Antisocial Behaviour Continues**

If the Private Landlord refuses to co-operate in this matter and will not engage with his tenant in trying to resolve the matter, the Investigating Officer should issue a further letter to the Landlord stressing that we will take formal action against them if they do not co-operate.

#### ***[Letter to Private Landlord – ASB0040]***

If the Private Landlord continues to refuse to co-operate then the Investigating Officer should advise the ASBC and contact Legal Services and Environmental Health. Legal Services will then consider if it is appropriate to issue an Antisocial Behaviour Notice in discussion with the Environment Health Service.

The ASBC will also consider one of two options:-

1. Arrange a meeting between ASBC, Investigating Officer, Legal Services and Police.
2. Arrange a further multi-agency case conference if the behaviour is particularly serious or escalates quickly.

The purpose of these meetings is to decide if legal action can be taken – this will usually be eviction or ASBO.

The summary sheets prepared for the initial case conference should be updated and passed to legal

#### ***[ASB Investigation Incidents – ASB0023]***

#### ***[ASB Investigation Actions – ASB0024]***

The Police will give a commitment that they will provide Legal Services with their formal written agreement to an application being made for an ASBO if it is agreed that an application for an ASBO is to be prepared.

The Antisocial Behaviour Co-ordinator and Investigating Officer will continue to monitor the case closely and liaise on a regular basis with Legal Services. Regular contact with the

Complainer will continue and the Investigating Officer should advise the Complainer that the case has now been passed to Legal Services.

***[Letter to Complainer – ASB0041]***

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, the Investigating Officer should issue letters to the landlord advising them that the case has now been passed to Legal Services. Please note that this will only apply to cases where an ASBO is being sought. A copy of the final warning letter should be enclosed. Legal will pass copies of the final warning letter to the Investigating Officer for issue to the landlord.

***[Letter to HHA – ASB0042]***

***[Letter to Private Landlord – ASB0043]***

**STEP 7A**

**ANTISOCIAL BEHAVIOUR ORDER**

Legal Services will issue the standard final warning letter to the Subject by Recorded Delivery. This will ensure that Legal Services know what date the letter was received by the Subject.

*[Letter to Subject – ASB0044]*

Legal Services will issue the standard letter to the Police requesting that they confirm in writing that they have no objections to an application being made for an ASBO.

*[Letter to Police – ASB0045]*

Legal Services will take formal statements from the Investigating Officer, the ASBC, the Police and any other officer who has had involvement with the Subject.

Legal action will not be taken where there is insufficient evidence to progress an application for an Antisocial Behaviour Order. This should have been identified at the case conference stage.

Legal Services will submit their application to Lerwick Sheriff Court seeking an ASBO.

**OUTCOME 1 - ASBO GRANTED**

Legal Services will pass a copy of the ASBO to the Police and the Antisocial Behaviour Co-ordinator.

Legal Services will update the central register of ASBOs granted in Shetland which is held by them.

The ASBC will liaise with the Investigating Officer and any other appropriate Council Services/Agencies to advise of the ASBO. The ASBC will liaise with the Criminal Justice Unit.

The ASBC will put the case on the agenda of the ASB Working Group to discuss how the process went, whether the procedures had worked, were there any failures or where there are any lessons to be learnt or improvements that can be made in the future.

Legal will send a standard letter to the complainer advising them of the terms of the ASBO and that if they are aware of any breaches they should contact the Police as this is a criminal matter. This letter will also advise them of the ASBO reviews that will be held.

*[Letter to Complainer – ASB0046]*

Legal will also send a standard letter to the Subject offering them support and to advise them of the review process.

*[Letter to Subject – ASB0047]*

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, Legal Services will write to the Landlord advising them of the terms of the ASBO.

*[Letter to HHA – ASB0048]*

*[Letter to Private Landlord – ASB0049]*

Where the Subject is a Council tenant – Legal Services will liaise with the Council's Housing Service as to whether or not it is appropriate to convert the tenant's SST to a Short SST.

## **Review Process**

Legal Services will manage and co-ordinate the review process.

A formal review must be held every 6 months to examine the effectiveness of the terms of the ASBO and to determine whether the terms should be varied or the ASBO revoked.

Legal Services will give approximately 4 weeks notice to those required to attend the review. This will give sufficient opportunity to ensure someone from that service/agency attends or provides an update.

Legal Services will instruct an appropriate officer to make contact with the Subject to feed back their views to the review.

Legal Services will write to the solicitor for the Subject, if there is one, to advise of the review.

Legal Services will instruct the Investigating Officer to contact the Complainer to find out if there have been any ongoing problems/antisocial behaviour since the ASBO was granted.

A minute of the review will be taken and held by Legal Services.

Legal Services will write to advise the Subject (and/or their solicitor) of the outcome of the review.

Once the antisocial behaviour has ceased, the Investigating Officer must complete the evaluation forms.

## **OUTCOME 2 - ASBO NOT GRANTED**

Legal Services will call a case conference to discuss the outcome and any recommendations/instructions issued by the Sheriff.

The process will revert to the Case Conference stage of the procedures and another Action Plan will be agreed. Monitoring of the case now passes to Legal Services with close liaison between Legal, the Antisocial Behaviour Co-ordinator and the Investigating Officer. The Investigating Officer should pass their file to Legal.

Legal Services will issue the standard letter to the Complainer advising of the outcome and the need to keep further diary sheets, etc. This will be copied to the Investigating Officer to ensure that they know to keep in touch with the complainer.

*[Letter to Complainer – ASB0050]*

Where there is a private landlord or a Council Officer has taken on the role of Investigating Officer on behalf of HHA, Legal Services will write to the Landlord advising them of the outcome.

*[Letter to HHA – ASB0051]*

*[Letter to Private Landlord – ASB0052]*

The ASBC will put the case on the agenda of the ASB Working Group to discuss how the process went, whether the procedures had worked, were there any failures or where there are any lessons to be learnt or improvements that can be made in the future.

### **EVICTON (Council Tenants Only)**

Where the Subject is a Council Tenant – the decision to evict due to antisocial behaviour may be taken for the following reasons:-

- Persistent breach of ASBO.
- Serious and persistent nature of antisocial behaviour.
- Conviction of a crime involving a serious antisocial behaviour element (e.g. drug dealing).

**NB – the antisocial behaviour must be linked to the property before eviction is considered.**

Legal action will not be taken where there is insufficient evidence to progress an eviction. This should have been identified at the case conference stage.

Legal Services will issue a Notice of Proceedings (NOP) together with a covering letter to the Subject. This must be hand delivered by two appropriate officers of the Council who complete the Execution of Service forms prepared by Legal Services. One copy of the Execution of Service must be returned to Legal Services immediately as it forms part of the court action.

Once the NOP becomes effective (the date is clearly stated on the NOP), Legal will liaise with the ASBC/Investigating Officer to ascertain whether eviction proceedings are still necessary.

If eviction proceedings are still necessary, Legal Services will submit a summary cause application to Lerwick Sheriff Court.

#### **OUTCOME 1 – DECREE GRANTED**

Legal Services would notify the Subject and Housing of Sheriff's decision on day of hearing.

Legal Services receives decision of court approximately 2 weeks after decision by Sheriff.

Legal Services then instructs Sheriff Officers to serve notice on the Subject of the impending eviction. The Sheriff Officers are required to give a minimum of 2 weeks notice of the eviction. The Sheriff Officers will advise Legal Services of date and time of eviction.

Legal Services will notify the Council's Housing Service of the date and time of eviction.

The Council's Housing Service arrange for a locksmith to attend with Sheriff Officers in order to change locks at time of eviction.

The Council's Housing Service then ensure any belongings left in the property are removed and put into storage. The Council's Housing Service will advise the Subject/former tenant how they can retrieve their property.

The ASBC will put the case on the agenda of the ASB Working Group to discuss how the process went, whether the procedures had worked, were there any failures or where there are any lessons to be learnt or improvements that can be made in the future.

## **OUTCOME 2 – DECREE NOT GRANTED**

Legal Services will call a case conference to discuss the outcome and any recommendations/instructions issued by the Sheriff.

The process will revert to the Case Conference stage of the procedures again and another Action Plan will be agreed. Monitoring of the case now passes to Legal Services with close liaison between Legal, the Antisocial Behaviour Co-ordinator and the Investigating Officer. The Investigating Officer will pass the file to Legal.

Legal Services will issue a letter to the Complainer to encourage them to keep further diary sheets, etc. This will be copied to the Investigating Officer to ensure that they know to keep in touch with the complainer. A standard letter cannot be prepared for this because the terms will depend on any instructions/recommendations made by the Sheriff.

The ASBC will put the case on the agenda of the ASB Working Group to discuss how the process went, whether the procedures had worked, were there any failures or where there are any lessons to be learnt or improvements that can be made in the future.

## **STEP 8**

### **EVALUATION & REVIEW**

#### **Evaluation Form by Investigating Officer**

When an antisocial behaviour case is closed – either because the behaviour has ceased or measures have resolved it somehow – the Investigating Officer must complete an evaluation form.

The evaluation form should be passed to the ASBC. The ASBC will collate the responses from the evaluation forms and this will form the basis of the review of these procedures and identify training needs.

The ASBC will ensure that there has been an evaluation form completed for each ASB Referral that is assigned an Investigating Officer.

*[Evaluation Form – ASB0053]*

#### **Evaluation Form by Complainer**

The ASBC will issue a Customer Satisfaction Form and freepost envelope to the Complainer once the case has been closed and an evaluation form has been received from the Investigating Officer.

The Customer Satisfaction Form should be issued with the standard letter which provides contact details for the Complainer should they require further support to cope with the effects of the antisocial behaviour.

*[Letter to Complainer – ASB0057]*

The ASBC will collate the responses from the evaluation forms and this will form the basis of the review of these procedures and identify training needs.

NB – Evaluation Forms will not be sent when a case is closed in the initial stages of an investigation because the behaviour is not antisocial or because it has been a one off problem.

*[Evaluation Form – ASB0054]*

### **Review of Procedures**

These procedures will be reviewed on an annual basis or more regularly if necessary due to changes in legislation; guidance or good practice. The review will be organised by the ASBC and should involve:-

- A representative from Administration and Legal
- The Environmental Health Manager
- Senior Housing Officer(s)

Any changes to the procedures will be put out for consultation within the ASB Working Group.

An annual audit will be carried out by representatives from the ASB Working Group on 5 % of evaluation forms and cases. The annual audit will be co-ordinated by the ASBC.