

GOOD PRACTICE IN HOUSING MANAGEMENT

GUIDELINES FOR LOCAL AUTHORITIES

PREVENTING AND COMBATING ANTI-SOCIAL BEHAVIOUR

Produced in conjunction with



The Department of the Environment, Heritage and Local Government

and

The City and County Managers Association

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CONTENTS

	Foreword	6		BEST PRACTICE SUGGESTIONS	
SUMMARY	Key Issues to consider in achieving Good Practice	8		Multi-Agency Forum	27
	Other publications from the Housing Unit	10		Current Expenditure	28
SECTION ONE	Introduction	11		Staffing the Anti-Social Behaviour Service	29
SECTION TWO	Strategic Management and Monitoring of Anti-Social Behaviour	23	SECTION THREE	Multi-Disciplinary Staff Teams	29
	GOOD PRACTICE RECOMMENDATIONS			Receiving Complaints Regarding Anti-Social Behaviour	30
	Developing a Statement of Policy Consultation Regarding Statements of Policy	24		Preventing Anti-Social Behaviour	37
	Sharing Information with Outside Agencies	26		GOOD PRACTICE RECOMMENDATIONS	
	Communicating Policy to Tenants and Staff	27		Selecting Priority Actions and Targets	37
	Managing the Anti-Social Behaviour Service	27		Security and Anti-Crime Design Features	38
	Capital Expenditure	28		Information on Applicants for Accommodation	40
	Personnel Management and Development	29		Assessing Applicants Known to Have a History of Involvement in Anti-Social Behaviour	41
	Receiving Complaints Regarding Anti-Social Behaviour	30		Information for Applicants for Accommodation	41
	Anonymous Complaints Regarding Anti-Social Behaviour	30		Tenancy Agreements	43
	Recording Complaints Regarding Anti-Social Behaviour	31		Anti-Social Behaviour – Guides for Tenants	43
	Recording and Monitoring Anti-Social Behaviour	32		Informing New Tenants About Anti-Social Behaviour Issues	46
	Recording Action Taken to Combat Anti-Social Behaviour	33		Tenant Participation in Preventing Anti-Social Behaviour	48
	Additional Records Required	34		Estate-Focused Management	49
	Protecting the Privacy of Tenant Households	34		Estate-Based Management	50
	Performance Indicators	35		The Role of Estate-Based Staff	50
				Social, Community and Youth Services	53
				Performance Indicators	53
				BEST PRACTICE SUGGESTIONS	
				Security and Anti-Crime Design Features	40
				Sensitive Lettings	42
				Communicating Information to Tenants	46
				Tenant Participation in Preventing Anti-Social Behaviour	48
				Estate-Based Strategies	51
				Actions Appropriate for Inclusion in an Estate-Based Strategy	52

SECTION FOUR	Combating Anti-Social Behaviour	55		
	GOOD PRACTICE RECOMMENDATIONS			
	Protocols for Assessing Anti-Social Behaviour			
	Assessing Anti-Social Behaviour	55		
	Case Conferences for Assessing Anti-Social Behaviour	56		
	Illegal Occupiers of Local Authority Rented Accommodation	57		
	Seeking Additional Information from Relevant Statutory Agencies	58		
	Seeking Additional Information from Complainants	59		
	Initial Correspondence with Alleged Perpetrators of Anti-Social Behaviour	60		
	Addressing Failure to Reply to Correspondence	61		
	Further Correspondence	61		
	Interviewing Alleged Perpetrators of Anti-Social Behaviour	62		
	Liaising with Tenants and Tenants Associations	64		
	Written Agreements with Alleged Perpetrators of Anti-Social Behaviour	64		
	Supporting Alleged Perpetrators of Anti-Social Behaviour	65		
	Use of Transfers	66		
	Monitoring Compliance with Written Agreements	67		
	Protocols for Initiating Legal Action	68		
	Case Conferences for Initiating Legal Action	69		
	Refusal to Sell a Dwelling	70		
	Preparing Evidence to Support Legal Action	70		
	Use of Exclusion Orders	72		
	Termination of Tenancies	74		
	Service of Notices to Quit	75		
	Court Action for the Termination of Tenancies	76		
	Readmission of Households whose Tenancies have been Terminated to the Waiting List	76		
	Performance Indicators	77		
			SECTION FIVE	
			Customer Care and Personnel Management and Development	79
			GOOD PRACTICE RECOMMENDATIONS	
			Developing a Customer Care Code	79
			Customer Care of Complainants	80
			Customer Care of Alleged Perpetrators of Anti-Social Behaviour	80
			Protecting the Welfare of Victims of Anti-Social Behaviour	82
			Protecting the Welfare of Alleged Perpetrators of Anti-Social Behaviour	83
			Personnel Management and Development Policy	84
			Health and Safety of Staff	86
			Resource Packs for Staff	87
			Staff Training Programmes	87
			Training for Staff Involved in Investigating and Taking Action Against Anti-Social Activities	88
			Developing Partnership Arrangements with Staff	89
			BEST PRACTICE SUGGESTIONS	
			Protecting the Welfare of Victims of Anti-Social Behaviour	82
			Protecting the Welfare of Alleged Perpetrators of Anti-Social Behaviour	83
			Interdisciplinary and Interdepartmental Staff Training	88
			Quality Control	89
			Performance Indicators	90
			APPENDIX	
			Legislation, Publications and Useful Addresses	91

FOREWORD

Over the past two decades the task of managing local authority housing and accommodation has become more challenging from a range of perspectives. Although living standards in Ireland have generally improved over this period, the level of dependence on social welfare benefits among residents of public housing has remained stubbornly high. In addition, on some estates anti-social behaviour problems have developed. Residents of local authority estates have also begun to demand a greater say in the management of the areas in which they live and like most modern consumers have developed higher expectations about the standards of service which they should receive from their local authority. At the same time, management practices within the public sector have changed dramatically, and Department of the Environment, Heritage and Local Government statements of policy on housing have repeatedly exhorted local authorities to reform their traditional practices so that they can meet the new challenges of public housing management and keep in step with this wider reform process.

The establishment of the Housing Management Group in 1996 and the publication of its two reports in 1996 and 1998 marked a watershed in the development of local authority housing management practice in Ireland. These reports sketch out the broad framework which this reform process should follow. In the First Report, the Housing Management Group made a series of recommendations in relation to housing management systems, tenancy matters, repairs and maintenance, lettings, rents and tenant involvement – all of which are intended to help local authorities achieve good practice in housing management. On the basis of the recommendations of its Second Report, the Housing Unit was established in order to continue and develop the work commenced by the Housing Management Group in identifying good practice in housing management.

The development of good practice guidelines on a range of aspects of housing management is a central step in this process. These guidelines build on the reform framework which is outlined in the Housing Management Group reports by providing more in-depth guidance on the steps local authorities should implement in order to achieve good practice in the various aspects of their housing management function. Furthermore, the guidelines also suggest a wide range of actions which, depending on their individual circumstances and

resources, local authorities may strive to implement in order to achieve best practice in housing management.

These guidelines are intended to be a practical working tool for local authority housing managers and, with this in mind, the guidelines have been laid out in a user-friendly style, drawing on practical examples of reforms that have been put in place in different authorities around the country, and they provide checklists of the different stages that should be followed in implementing good practice. In the development of these guidelines, every effort has also been made to strike a balance between being overly general and overly prescriptive. Each local authority must decide on its own approach, having regard to the size and type of its stock of accommodation, the level of housing policy development, and the changing nature of the local housing environment. Some aspects of the guidelines will only apply to the larger housing authorities, with complex staffing structures; other parts are more relevant to rural authorities with a more dispersed stock of accommodation. However, it is hoped that all local authority housing staff will find in them some relevant suggestions, which they can utilise in their own local authority area.

These guidelines draw on an extensive process of consultation with local authority housing practitioners across the country. This consultation was carried out by the Housing Unit staff and through the medium of the five Regional Housing Practitioner Networks which were established in 1998 in order to facilitate the exchange of ideas on good practice among local authority housing staff. The compilation of the good practice manuals was directed by a sub-committee of the Housing Unit Consultative Committee which is made up of representatives of the key stakeholders in social housing in Ireland. The details of the process of compiling these guidelines are included in the acknowledgements to this document.

Michelle Norris
Director
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SUMMARY: PREVENTING AND COMBATING ANTI-SOCIAL BEHAVIOUR – KEY ISSUES TO CONSIDER IN ACHIEVING GOOD PRACTICE

General Approach

Like all other aspects of local authority housing management, achieving good practice in preventing and combating anti-social behaviour involves four key steps.

These are:

- | | |
|---|--------------------------------|
| (a) Review the available information and research on anti-social behaviour nationally and locally, examine relevant legislation and policy statements, consult with relevant individuals and agencies | ◆ Sections 1.1, 1.2 & 1.3 |
| (b) On this basis, devise a strategic plan to achieve good practice in preventing and combating anti-social behaviour | ◆ Section 2.1 |
| (c) Introduce any reforms to staffing, management and funding arrangements required to implement this plan | ◆ Sections 2.2, 2.3 & 2.4 |
| (d) Review the achievements of the plan on a regular basis and amend or comprehensively revise it as required | ◆ Sections 2.7, 3.8, 4.8 & 5.7 |

Key Issues

In developing and implementing strategic plans on combating and preventing anti-social behaviour the following issues should be taken into account in order to achieve good practice.

- The most efficient way of combating anti-social behaviour is to prevent it from arising in the first place. This can be achieved by:
 - ensuring that the design of dwellings, estates and halting sites does not facilitate vandalism and crime ◆ Section 3.2
 - ensuring the strategic allocation of tenancies; this involves, for instance, avoiding allocating households that are likely to be victims of anti-social behaviour tenancies in areas where such problems are prevalent, and vetting applications for housing and accommodation to ensure that they are not involved in anti-social behaviour and refusing or deferring a letting on this basis ◆ Section 3.3
 - including a clause prohibiting anti-social behaviour in tenancy agreements and ensuring the meaning of this clause is clearly explained to tenants ◆ Section 3.4
 - establishing effective tenant participation and estate management structures and working with other agencies to provide appropriate community development and social services. ◆ Sections 3.5, 3.6 & 3.7

- As well as preventing anti-social behaviour, local authorities should also put in place a strategy to deal with these activities should they occur. This strategy should address both the very serious and less serious forms of anti-social behaviour and should take account of all types of accommodation provided by local authorities including: standard houses, flats and apartments, sheltered accommodation, group housing schemes and halting sites. ◆ Sections 2.1 & Section 4
- Many of the causes of and solutions to anti-social behaviour on local authority estates cannot be addressed by local authorities on their own, therefore other statutory agencies, community groups, voluntary and co-operative housing bodies and tenants associations should be involved in preventing and combating anti-social behaviour. ◆ Sections 2.1, 3.5, & 3.6
- The importance of preventing and combating anti-social behaviour should be taken into account in decisions regarding current and capital expenditure on the housing service. If appropriate, designating staff with particular responsibility for combating anti-social behaviour will aid effective implementation of strategies to improve practice in this area of work. ◆ Sections 2.3 & 2.4
- Effective management of staff resources is the key to improving practice in preventing and combating anti-social behaviour. The expertise of the staff involved in this area of work should be taken into account in policy development. Furthermore, adequate procedures should also be put in place to protect the personal safety of these staff and to facilitate their professional development ◆ Sections 5.2, 5.3, 5.4, 5.5 & 5.6
- Accurate and standardised record keeping is vital for assessing the seriousness of anti-social incidents and devising appropriate responses. In addition, detailed records of all incidents of this type should always be kept. ◆ Sections 2.6
- Fair procedure requires that, as far as possible, all incidents and cases of anti-social behaviour are assessed in a systematic and standardised fashion. In order to achieve this, protocols should be devised to guide staff in this area of work. Decisions to take legal action in cases of anti-social behaviour should be approved by a case conference of relevant local authority staff and representatives of other relevant statutory agencies. ◆ Sections 4.1 & 4.5
- Traditionally local authorities in this country have not been proactive in dealing with complaints regarding anti-social behaviour on estates. Incidents of this type should be investigated quickly and action to deal with them should be undertaken within a specified timeframe. ◆ Section 4.2
- The full range of appropriate responses to anti-social behaviour should be utilised. In the first instance, non-legal solutions to this behaviour such as mediation should be used if appropriate. Where non-legal solutions have failed or are deemed inappropriate, the option of excluding the perpetrator of the activity from the household should be explored. ◆ Sections 4.4 & 4.6
- When the termination of a tenancy is the only viable solution to anti-social behaviour every possible effort should be made to protect the welfare of vulnerable members of the household affected, by referring them to appropriate agencies for accommodation and other necessary supports. ◆ Section 4.7
- A customer care code should be devised in order to ensure that the rights and welfare of all tenants who come into contact with the anti-social behaviour service are protected. ◆ Section 5.1

OTHER PUBLICATIONS FROM THE HOUSING UNIT

Good Practice Guidelines

Brennan, B. (2000)
Good Practice in Housing Management: Guidelines for Local Authorities – Repair and Maintenance of Dwellings
Dublin, Housing Unit

Clarke, J. and Norris M. (2001)
Good Practice in Housing Management: Guidelines for Local Authorities – Rent Assessment, Collection, Accounting and Arrears Control
Dublin, Housing Unit

Norris, M. (2001)
Good Practice in Housing Management:
Guidelines for Local Authorities – Managing Voids: Co-ordinating the Monitoring, Repair and Allocation of Vacant Dwellings
Dublin, Housing Unit

Norris, M. (ed) (2001)
Good Practice in Housing Management: Guidelines for Local Authorities – Managing in Partnership: Enabling Tenant Participation in Housing Management
Dublin, Housing Unit

Moran, J. (2003)

Good Practice in Housing Management: Guidelines for Local Authorities – Housing Refugees
Dublin, Housing Unit

Housing Research Series

Brooke, S. and Norris, M. (2002)
The Housing Management Initiatives Grants Scheme: An Evaluation
Dublin, Housing Unit

Murray, K. and Norris, M. (2002)
Profile of Households Accommodated by Dublin City Council: Analysis of Socio-Demographic, Income and Spatial Patterns
Dublin, Housing Unit

SECTION ONE

Anti-social behaviour occurs only on a small minority of local authority estates. However, when it does occur it has an adverse impact on the quality of life of local authority tenants and on occasions can have very negative consequences for the victims of this behaviour and can destabilise the local community. In addition, these activities can generate significant costs for local authorities, as a result of vandalism to property and difficulties in letting accommodation in areas prone to problems of this type. Therefore, adopting a proactive approach to combating anti-social behaviour is a key element of effective housing management.

However, dealing with these problems is not an easy task. Activities of this type are difficult to define because they are subjective – normal standards of behaviour for one household or individual may be unacceptable to another. Identifying appropriate responses to allegations of anti-social behaviour requires challenging, thorough and time-consuming investigation by local authority staff. Furthermore, anti-social behaviour is often symptomatic of social problems such as drug or alcohol abuse or family breakdown which local authorities cannot address on their own.

Section One of these Good Practice Guidelines defines anti-social behaviour, highlights the reasons why combating these activities is such an important housing management task, and outlines the challenges that local authorities must overcome, and the issues and policies that they should consider if they are to make progress in this area. On the basis of this discussion, objectives are identified and priorities for action are outlined in order to achieve good practice in combating anti-social behaviour in local authority rented accommodation.

INTRODUCTION

1.1 FOCUS OF THE GUIDELINES

The Housing (Miscellaneous Provisions) Act 1997 includes a number of provisions relating to anti-social behaviour in local authority rented dwellings and estates, and the Housing (Traveller Accommodation) Act 1998 applies these provisions to halting sites provided by local authorities. The 1997 Act defines anti-social behaviour as either or both of the following:

- (a) the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts 1977 and 1984)
- (b) any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority, or a housing estate in which the house is situated and includes violence, threats, intimidation, coercion, harassment or serious obstruction of any person.

All discussion of anti-social behaviour in these guidelines is based on this legal definition and further details of the Housing (Miscellaneous Provisions) Act 1997 and the Housing (Traveller Accommodation) Act 1998 are included in the appendix.

There is also a large body of legislation relating to neighbour nuisance, including for instance problems

related to noise caused by neighbours. This legislation applies to all housing tenures, not only local authority rented accommodation, and for reasons of space it was not possible to examine it in these guidelines. However, readers with a particular interest in this area should note that several of the measures to combat anti-social behaviour that are suggested here could also be employed in cases of neighbour nuisance.

The recommendations and suggestions in these guidelines refer to all types of accommodation provided by local authorities including standard houses, flats and apartments, group housing schemes and halting sites. Where separate arrangements are considered appropriate for a particular accommodation type this is specified in the text.

These guidelines are aimed primarily at local authority housing staff, and their content reflects the organisational and legislative context within which local authority housing is provided and managed. However, the guidelines may also be of interest to staff working in other social housing providers, including voluntary housing organisations and housing co-operatives, bearing in mind that this sector operates within a distinct organisational and legislative context.

1.2 **THE IMPORTANCE OF PREVENTING AND COMBATING ANTI-SOCIAL BEHAVIOUR**

To date no comprehensive research has been carried out on the extent of anti-social behaviour in local authority rented accommodation in this country. However, the information that is available indicates that where incidents of this type commonly occur, they have negative implications for the quality of life of individual tenants, the stability of the community as a whole and the popularity of the area among applicants for housing. Research by Fahey (ed) (1999) found that anti-social behaviour is the single biggest problem on troubled local authority estates, while popular estates were almost universally characterised by the absence of activity of this type.

Nixon and Hunter's (2001) research in the United Kingdom found that perpetrators of anti-social activity are predominantly vulnerable individuals and households who have problems such as: experience of physical or sexual abuse, mental disability, children with challenging behaviour or drug or alcohol problems. Combating anti-social activity can therefore provide an opportunity to help perpetrators access support services that will enable them to address the root causes of their behaviour.

As well as adversely affecting individual tenants and communities, anti-social behaviour

can also result in significant additional expenses for local authorities. Vandalism to dwellings and communal areas of estates can be costly for the maintenance and repairs budget, for instance, while high levels of anti-social activity in particular estates or areas may lead to problems in letting accommodation which will in turn reduce the local authority's rental income.

In recent years, local authorities have been repeatedly advised by the Department of the Environment, Heritage and Local Government (DoEHLG) to address anti-social behaviour in their stock of housing and accommodation. The 1992 Housing (Miscellaneous Provisions) Act requires local authorities to develop a statement of policy on housing management and the accompanying Memorandum on the Preparation of a Statement of Policy on Housing Management which was issued by the DoEHLG, specified that the measures to reduce crime and vandalism and increase security in dwellings and estates should be afforded particular attention in these statements. The need for policy development in this area was underlined by the Department's Housing Management Group, the First Report of which recommended that each local authority should have a written policy for dealing with the various aspects of anti-social behaviour.

1.3 **PREVENTING AND COMBATING ANTI-SOCIAL BEHAVIOUR: ISSUES FOR CONSIDERATION**

Combating anti-social behaviour is a challenging task and many issues and policies need to be considered in the development of a programme to achieve good practice in this area. Some of these issues and policies are relevant only to the task of dealing with anti-social behaviour; others apply to the wider local authority housing service and indeed to the entire public service.

In common with all public service management reform programmes, plans to improve practice in combating anti-social behaviour should take account of the following issues:

- ◆ The Strategic Management Initiative (SMI) identifies the issues of maximising the contribution of public bodies to social and economic development, providing an excellent service to the public and ensuring the efficient use of resources, as the key aims of public sector reform in this country. Furthermore, under the terms of the SMI a range of priority actions to achieve these aims are identified. These include: delivering quality services to customers and clients; reducing 'red tape'; delegating authority and accountability; improving financial management and

ensuring value for money; enhancing the use of new technology and improving co-ordination between public agencies.

- ◆ The SMI also identifies the establishment of systems of performance monitoring as the key to achieving good practice in public sector management and the DoEHLG circular LG 9/00 instructs local authorities to monitor their performance in a range of services. Therefore, the identification of a set of performance indicators as the basis for assessing the quality of the service and to inform strategic management decisions should be a central element of any proposed strategy to achieve good practice in relation to resident involvement in housing estate management. These indicators should reflect DoEHLG standards on performance monitoring, be related to the specific local needs and requirements of each local authority, include provision for assessing customer satisfaction and addressing customer complaints and be regularly reviewed, updated and monitored to meet changing conditions and circumstances.
- ◆ Management information systems should be established in order to collate all of the information necessary for performance measurement. This management information should relate directly to the chosen performance indicators; be easily collected, readily collated, clearly presented, and regularly reviewed; aid problem solving and decision-making and assist in policy formation. Anti-social behaviour management information systems should, ideally, be linked to the information systems relating to the other main elements of the housing service, e.g. tenancy updates, rents, lettings, finance, and maintenance.
- ◆ A number of recent legislative developments have implications for the management information systems of public bodies, including local authorities. The Freedom of Information Act 1997, as amended, affords members of the public the right to obtain information held by government departments and public bodies, the right to obtain reasons for decisions affecting oneself, and the right to have official information relating to oneself amended where it is incorrect, incomplete or misleading. The Data Protection Act 1998 grants the members of the public additional rights in relation to personal information stored on computer and creates new obligations for those keeping personal information on computer.

A range of recent developments which have impacted on the entire local authority housing service also have implications for the management of anti-social behaviour. These include the following:

- ◆ The programme for the reform of the management of local authorities, particularly the establishment of Strategic Policy Committees (SPCs), to develop policy on each of the main functional areas within all local authorities. In most cases this process has included the establishment of a Strategic Policy Committee that focuses on the housing area and is supported by a Director of Housing Services.
- ◆ Initiatives to localise housing management structures and to include tenants in management decisions. The widespread development of these initiatives has seen the transformation of traditional housing management practices in many local authorities. Tenant participation and estate management projects are some examples of developments of this type, which demand a new range of expertise from local authority staff and make them directly accountable to the customer.
- ◆ The recent expansion of the remit of the National Anti-Poverty Strategy (NAPS) to include local authorities has obvious implications for housing management, since local authority tenants are more likely to be living in poverty than any other section of the population. Under the terms of the NAPS, public agencies are required to 'poverty proof' their services, i.e. ensure that they do not create or perpetuate existing inequalities and that they contribute to achieving a fairer distribution of resources and opportunities.
- ◆ The provisions of the Housing (Traveller Accommodation) Act 1998. This legislation requires local authorities to prepare and adopt five-year Traveller accommodation programmes that provide for the supply of adequate accommodation for Traveller families living within their functional areas. These programmes should plan to meet the full range of Traveller accommodation needs, including standard housing, group housing schemes and halting sites, and should make provision for the management of these different accommodation types. To advise on the preparation of each programme, the 1998 Act also requires local authorities to set up Local Traveller Accommodation Consultative Committees consisting of Traveller representatives and local authority elected members and officials.

- ◆ The provisions of the Equal Status Act 2000, which outlaw discrimination in a range of areas including employment and the provision of goods and services and other opportunities to which the public generally have access including housing services. Discrimination is described in the Act as the treatment of a person in a less favourable way than another person is, has been or would be treated. Nine distinct grounds for discrimination are identified: gender, marital status, family status, age, disability, race, sexual orientation, religious belief and membership of the Traveller Community.
- ◆ Part V of the Planning and Development Act 2000, under the terms of which local authorities can require that up to 20 per cent of new residential developments are employed to meet social and affordable housing needs. As a result of this measure, in the future increasing amounts of local authority housing will be situated in multi-tenure estates which could incorporate a mix of the following housing tenures: social housing provided by local authorities and/or by voluntary and co-operative housing providers, private rented housing and owner occupied housing.

Finally, in developing programmes of good practice, local authorities should also take account of the following issues which are particularly relevant to the task of combating anti-social behaviour:

- ◆ The most efficient way of combating anti-social behaviour is to prevent it from arising in the first place. This can be achieved by ensuring that the design of new dwellings and estates does not facilitate vandalism and crime and by using the opportunity of the refurbishment or planned maintenance of the stock of housing and accommodation to incorporate appropriate security and anti-crime design features.
- ◆ Strategic allocation of tenancies can also reduce the potential for anti-social behaviour. For instance, those who are likely to be victims of anti-social behaviour should not be allocated tenancies in areas where such problems are prevalent. In addition, the Housing (Miscellaneous Provisions) Act 1997 and the Housing (Traveller Accommodation) Act 1998 empower local authorities to refuse to let a dwelling or defer a letting to a person it considers to be involved in anti-social behaviour.

- ◆ Tenancy agreements should also contain a clear definition of anti-social behaviour, together with an explicit statement that such behaviour will not be tolerated by the local authority. This clause should be clearly explained to all new tenants on the allocation of a new tenancy and in pre-tenancy induction meetings, and to existing tenants by means of tenants handbooks or other information supplied to them by the local authority.
- ◆ Effective estate management and tenant participation structures such as estate-based housing officers who liaise with local tenants and residents associations are also a deterrent to anti-social behaviour as well as a useful means of collecting evidence on such activities when they do occur. The establishment of appropriate community development, youth, addiction, ex-offender and family support projects can help avert anti-social behaviour caused by social problems or lack of facilities for young people.
- ◆ As well as preventing anti-social behaviour, local authorities should also put in place a strategy to deal with these activities should they occur. The first step in the development of such a strategy is the compilation of a written statement of policy which clearly defines anti-social behaviour, commits the local authority to combating behaviour of this type and specifies how this will be done.
- ◆ This strategy should address both the very serious and less serious forms of anti-social behaviour. MacKay, Moody and Walker's (1994) research in Scotland found that when a pattern of minor incidents of anti-social behaviour in particular areas or estates is left unchecked it often escalates into serious anti-social behaviour.
- ◆ However, as mentioned earlier, many of the causes of and solutions to anti-social behaviour in public rented housing and accommodation cannot be addressed by local authorities on their own. The DoEHLG circular H5/97 on the implementation of the Housing (Miscellaneous Provisions) Act 1997 emphasises that local authorities need to adopt a co-ordinated approach to combating anti-social behaviour 'involving, as appropriate, other statutory agencies, voluntary housing bodies, tenants and representative tenants groups'.

- ◆ Strategies to prevent and combat anti-social behaviour should take account of all types of accommodation provided by local authorities including standard housing, flats and apartments, sheltered accommodation, group housing schemes and halting sites.
- ◆ Because the anti-social behaviour service does not generate revenue and the costs of these activities on estates are difficult to quantify, there is a danger that sufficient resources may not be provided to fund this service. Providing an earmarked budget and designating staff with particular responsibility for preventing and combating anti-social behaviour will aid effective implementation of strategies to improve practice in this area.
- ◆ Like all other aspects of local authority housing management, effective management of staff resources is the key to improving practice in preventing and combating anti-social behaviour. Staff involved in this area of work have built up considerable knowledge of trends in anti-social incidents and their expertise in this regard should be utilised to inform policy development. Furthermore, adequate procedures should also be put in place to protect the personal safety of these staff and to provide them with the training and information necessary to carry out their work effectively and to facilitate their professional development.
- ◆ Accurate and standardised record keeping is vital for assessing the seriousness of anti-social incidents and devising appropriate responses. In addition, detailed records of all incidents of this type should always be kept in case they are required for legal action.
- ◆ Traditionally local authorities in this country have not been proactive in dealing with complaints regarding anti-social behaviour on estates. The *First Report* of the Housing Management Group emphasised that all incidents of this type should be dealt with in an expeditious fashion, they should be investigated quickly and action to deal with them should be undertaken within a specified timeframe.
- ◆ The full range of appropriate responses to anti-social behaviour should be utilised. As well as the above mentioned measures for preventing incidents of

this type, all options for the management of anti-social behaviour should be explored. The *First Report* of the Housing Management Group identified mediation as a useful method of managing some types of anti-social behaviour. It recommended that local authority staff should have appropriate training in mediation skills and that professional mediators should be involved where appropriate.

- ◆ Where all efforts to manage serious cases of anti-social behaviour have failed, the option of excluding the perpetrator of the activity from the accommodation should be explored. The Housing (Miscellaneous Provisions) Act 1997 enables both tenants and local authorities to apply to the district court for exclusion orders.
- ◆ When the termination of a tenancy is the only viable solution to anti-social behaviour every possible effort should be made to protect the welfare of vulnerable members of the household affected, by referring them to appropriate agencies for accommodation and other necessary supports.

1.4 AIMS AND OBJECTIVES OF GUIDELINES

The primary purpose of these guidelines is to help local authorities to prevent problems of anti-social behaviour from arising in their rented accommodation and to deal proactively, efficiently, effectively and equitably with incidents of this type where they do arise.

These guidelines are also intended to help local authorities to develop strategies to combat anti-social behaviour, which will achieve the following objectives:

- ◆ Achieve value for money for all expenditure on the service
- ◆ Identify performance indicators that will help to assess the quality of the service on an ongoing basis
- ◆ Establish management information systems in order to collate the information necessary for performance measurement and service development
- ◆ Protect the welfare of tenants and their families, including both the victims and perpetrators of anti-social behaviour

- ◆ Facilitate and encourage tenant participation in preventing and combating anti-social behaviour
- ◆ Ensure that court action is used only when all other options for combating anti-social behaviour have failed or are deemed inappropriate
- ◆ Maximise the efficiency and effectiveness of the staff working in this area, protect their health and safety, provide appropriate opportunities for staff training and development, and facilitate and encourage staff participation in decision making regarding the management of the service
- ◆ Co-ordinate the local authority's response to anti-social behaviour and with those of other relevant agencies that could play a role in preventing and combating problems of this type in order to provide a comprehensive service to tenants.

1.5 **PREVENTING AND COMBATING ANTI- SOCIAL BEHAVIOUR: PRIORITIES FOR ACTION**

This document is not intended to be an all-embracing guide to preventing and combating anti-social behaviour. Each local authority must decide on the details of its own approach, having regard to the size and type of its stock of accommodation, the level of housing policy development and the requirements of the local housing environment. However, several key aspects of preventing and combating anti-social behaviour can be singled out as particular priorities for reform in the majority of local authorities, and it is these priorities for action which are the focus of the guidelines.

These guidelines are set out in five sections:

- ◆ Section One introduces the issue.
- ◆ Section Two examines good practice in the strategic management and monitoring of anti-social behaviour.
- ◆ Section Three examines the strategies that can be put in place to prevent the occurrence of anti-social behaviour
- ◆ Section Four sets out the options for combating anti-social behaviour when it does occur
- ◆ Section Five looks at the issues of customer care and personnel management and development.

In the case of each of these priority areas the guidelines suggest a range of reforms that each local authority should endeavour to implement in order to achieve good practice in preventing and combating anti-social behaviour. These 'Good Practice Recommendations' identify a base-line level of service that all local authorities should strive to achieve in order to provide a satisfactory level of service to the customer. Furthermore, the guidelines also include a number of 'Best Practice Suggestions', intended to provide ideas on reforms that local authorities may wish to consider implementing in order to achieve excellence in this aspect of housing management.

The appendix includes details of legislation relevant to anti-social behaviour in local authority rented accommodation and addresses of the organisations that work in this area. In addition, details of the publications consulted in the compilation of these guidelines are also provided. These publications would be a useful starting point for readers who wish to research the issue of anti-social behaviour in more depth.

SECTION TWO

The *First Report* of the Housing Management Group suggested that local authorities have not always been proactive in dealing with anti-social behaviour in the past and recommended that activities of this type should be dealt with in an expeditious fashion. However, the Introduction to these guidelines pointed out that preventing and combating anti-social behaviour is not an easy task because these activities are difficult to define, identifying appropriate responses requires challenging, thorough and time-consuming investigation by local authority staff and many of the solutions to these problems are within the remit of agencies other than local authorities.

In order to meet these challenges, local authorities need to adopt a more strategic approach to dealing with anti-social behaviour which will help prevent such problems from arising in the first place and ensure that when they do arise they are dealt with proactively, efficiently, effectively and fairly. This approach should be based on the development of a strategic policy on preventing and combating anti-social behaviour and the instigation of a range of measures to aid the efficient implementation of this policy. Depending on local needs and resources the latter could include improved management, funding and staffing arrangements and the establishment of effective procedures for the receipt and recording of complaints regarding anti-social activity. In addition, systems should be established to monitor trends in anti-social activity and to assess the performance of the service on an ongoing basis.

2.1 **DEVELOPING A STRATEGIC POLICY ON PREVENTING AND COMBATING ANTI-SOCIAL BEHAVIOUR**

STRATEGIC MANAGEMENT AND MONITORING OF ANTI-SOCIAL BEHAVIOUR

The Housing (Miscellaneous Provisions) Act 1992 requires local authorities to develop statements of policy on housing management and the DoEHLG's *Memorandum on the Preparation of a Statement of Policy on Housing Management* specifies that measures to reduce crime and vandalism and increase security in their rented accommodation should be afforded particular attention in these statements.

However, Redmond and Walker's (1995) review of the housing management policy statements produced by local authorities argued that they did not all meet the aims and objectives demanded of them by this memorandum. Some statements were mainly concerned with describing the service, the aims which they set out for improving the service were largely aspirational, they did not specify how these aims were to be achieved, or how the authority's performance in meeting these aims was to be measured, and they exhibited a lack of appreciation of the need for high standards of customer care. Consequently, they provided an inadequate basis for the strategic management of the housing service.

Good Practice Recommendation No. 1:

Developing a Statement of Policy

- ◆ Local authorities should revise the aspects of their statements of policy on housing management which address anti-social behaviour, with a view to developing statements that will provide a strategic framework for preventing and combating this activity.

- ◆ These revised statements should address the following issues:
 - Clear definition of anti-social behaviour
 - Statement that all incidents of this type will be investigated and appropriate and early action taken to deal with them
 - Procedures for preventing anti-social behaviour in local authority rented accommodation
 - Procedures for making a complaint about anti-social activity on local authority estates
 - Arrangements for receiving, recording and investigating these complaints
 - Details of potential responses to anti-social behaviour
 - Procedures for appealing or requesting a review of any action taken by the local authority in relation to anti-social behaviour
 - Procedures for managing, staffing and funding this aspect of housing management
 - Procedures for assessing customer satisfaction with the service
 - Procedures for addressing customer complaints
 - Procedures for monitoring the performance of the service.

- ◆ The details of the statement of policy on preventing and combating anti-social behaviour should be determined by each local authority on the basis of a consideration of the strategic needs of the organisation and of consultation with elected members, tenants, staff and other relevant agencies. However, in order to aid the development of their policy, local authorities may wish to consult the checklist of suggested items for inclusion in this statement, provided on the opposite page.

Statement of Policy on Preventing and Combating Anti-Social Behaviour – Checklist of Contents

POLICY ON ANTI-SOCIAL BEHAVIOUR

- ◆ Clear definition of anti-social behaviour ✓
- ◆ Examples of anti-social activities ✓
- ◆ Clear statement that activities of this type will be investigated and appropriate action speedily taken to deal with them ✓
- ◆ Policy on sharing information on anti-social behaviour with outside agencies ✓
- ◆ Procedures for protecting the confidentiality of all information relating to anti-social behaviour ✓

PREVENTING ANTI-SOCIAL BEHAVIOUR

- ◆ Incorporating security and anti-crime features into the design of accommodation ✓
- ◆ Protocols for seeking information on the involvement of applicants for housing in anti-social behaviour and refusing to let accommodation or deferring of lettings on this basis ✓
- ◆ Strategic allocation of accommodation to prevent anti-social behaviour ✓
- ◆ Role of estate management and tenant participation projects in preventing anti-social behaviour ✓
- ◆ Role of community development, family support, youth and social service projects in preventing anti-social behaviour ✓

MANAGEMENT, STAFFING AND FUNDING OF ANTI-SOCIAL BEHAVIOUR SERVICE

- ◆ Management structure of the anti-social behaviour service ✓
- ◆ Staffing of the anti-social behaviour service ✓
- ◆ Funding of the anti-social behaviour service ✓

COLLECTING, RECORDING AND INVESTIGATING COMPLAINTS

- ◆ Procedures for accepting complaints regarding anti-social behaviour ✓
- ◆ Procedures for recording complaints and target response times ✓
- ◆ Procedures for investigating complaints ✓
- ◆ Detail of management information that can be generated by the anti-social behaviour recording system ✓

COMBATING ANTI-SOCIAL BEHAVIOUR

- ◆ Protocols for assessing anti-social behaviour ✓
- ◆ Details of potential responses to anti-social behaviour and criteria for selection of appropriate responses ✓
- ◆ Protocols for refusing to sell dwellings in cases of anti-social behaviour ✓
- ◆ Protocols for instigating legal action in cases of anti-social behaviour ✓
- ◆ Procedures for periodic review of trends in anti-social incidents and initiating action to address persistent trends of this type ✓

CUSTOMER CARE AND PERFORMANCE MONITORING

- ◆ Procedures for protecting the welfare of both victims and perpetrators of anti-social behaviour ✓
- ◆ Procedures for appeal and review of all actions taken by the local authority to combat anti-social behaviour ✓
- ◆ Procedures for assessing customer satisfaction with the anti-social behaviour service ✓
- ◆ Procedures for making a complaint about this service ✓
- ◆ Procedures for addressing customer complaints, including target response times ✓
- ◆ Procedures for monitoring the performance of the service ✓

Good Practice Recommendation No. 2:

Consultation Regarding Statements of Policy

- ◆ Local authority statements of policy on anti-social behaviour should be developed in co-operation with other agencies which could play a role in preventing, investigating and combating these problems. As a minimum this should include the Gardai, Health Boards and the Local Traveller Accommodation Consultative Committee. In addition, other relevant statutory organisations such as neighbouring local authorities and community agencies such as the Local Drug Task Forces, tenants associations, ex-offender and family support centres should also be consulted as appropriate.

Good Practice Recommendation No. 3:

Sharing Information with Outside Agencies

- ◆ Local authorities should use the opportunity of consulting with the relevant agencies regarding their statement of policy on these activities, to devise written protocols for the sharing of information on anti-social behaviour with the Gardai and local health board and other relevant statutory agencies and the referral of cases to these agencies when appropriate.
- ◆ The details of these protocols should reflect local considerations such as the level of anti-social activity. However, the DoEHLG Circular H5/97 on the implementation of the Housing (Miscellaneous Provisions) Act 1997 stipulates that they should include the following as a minimum:
 - A particular officer or officers of the local authority should be designated with responsibility for liaison with outside agencies regarding the exchange of information
 - Named contacts in the agencies who are responsible for providing the information should also be identified
 - As far as possible information should be sought and provided in writing and appropriate records should be kept of all information exchanged
 - The bona fides of any person seeking information should be established
 - Where information is in the nature of opinion received from external sources it should not be passed on to other agencies. Instead the agency in question should be referred to the original source of the opinion

- Information of this type about tenants and applicants for housing should be circulated to the minimum possible number of people in the local authority
- Information obtained under the Housing (Miscellaneous Provisions) Act 1997 should only be used for local authority functions under the Housing Acts.

Best Practice Suggestion No. 1:
Multi-Agency Forum

- ◆ In areas where levels of anti-social behaviour are particularly high, local authorities may wish to consider establishing a multi-agency forum, consisting of representatives of all agencies working in this area locally, in order to co-ordinate and develop joint policies and services.

Good Practice Recommendation No. 4:

Communicating Policy on Preventing and Combating Anti-Social Behaviour to Tenants and Staff

- ◆ Each local authority should ensure that its policy on preventing and combating anti-social behaviour is effectively communicated to tenants and staff, using the procedures outlined in Sections Three and Five of these guidelines respectively.

**2.2 MANAGING THE
ANTI-SOCIAL
BEHAVIOUR SERVICE**

Preventing and combating anti-social behaviour is a key element in achieving good practice in housing management. Consequently this issue should be recognised as a key responsibility of local authority housing managers. In addition a range of local authority staff are involved in this area of work and systems should be put in place to ensure that these staff are managed effectively.

Good Practice Recommendation No. 5:

Managing the Anti-Social Behaviour Service

- ◆ As far as is practicable, all staff who work in this area should be based in the housing department, and should be accountable to the head of that department, and preventing and combating anti-social behaviour should be recognised as a key housing management responsibility.
- ◆ Where the location of all staff who work in the area of anti-social behaviour in the housing department is impractical, local authorities should ensure that systems are put in place to ensure effective co-ordination between the housing department and other relevant departments such as the legal or social work departments.

2.3 **FUNDING THE ANTI-SOCIAL BEHAVIOUR SERVICE**

The potential for preventing or combating anti-social behaviour through the design of new accommodation units and the redesign of the existing stock should be a key consideration in decisions on capital expenditure. In addition, in some cases it may also be appropriate to consider providing a dedicated budget for current expenditure on preventing and combating anti-social behaviour.

Good Practice Recommendation No. 6:

Capital Expenditure on Preventing and Combating Anti-Social Behaviour Service

- ◆ The need to prevent and combat anti-social behaviour should be a key consideration in decisions regarding the allocation of capital funding for the construction of new dwellings, estates and halting sites, the planned maintenance of the existing housing stock or its large-scale refurbishment.

Best Practice Suggestion No. 2:

Current Expenditure on Preventing and Combating Anti-Social Behaviour

- ◆ Where anti-social behaviour is particularly prevalent local authorities may wish to consider providing a dedicated budget for current expenditure on preventing and combating anti-social behaviour, such as grant aid to community organisations which work to prevent anti-social behaviour and the employment of professional mediators. This eliminates the risk that these interventions will not be carried out due to lack of funding and also enables more effective planning of this area of work.

2.4 **STAFFING THE ANTI-SOCIAL BEHAVIOUR SERVICE**

Dealing with anti-social activities is one of the most challenging areas of local authority housing management. It requires a wide range of skills, including: the interpersonal skills necessary for effective interviewing of complainants and alleged perpetrators and liaison with outside agencies involved in this area of work; the administrative skills necessary for effective recording and monitoring of anti-social incidents and specialist knowledge such as familiarity with the relevant legal provisions. In addition, this area of work can be emotionally demanding and stressful.

If resources allow, the most effective way to meet these challenges is to designate staff members with specific responsibility for this area of work. This will help to ensure that investigation of complaints regarding anti-social behaviour is undertaken in a consistent manner, and will enable staff to accumulate the experience necessary for effective performance in this demanding area. It also facilitates the development of stronger interpersonal relationships and therefore more effective lines of communication with

Best Practice Suggestion No. 3:
Staffing the Anti-Social
Behaviour Service

- ◆ Local authorities may wish to consider designating an official or officials with specific responsibility for combating anti-social behaviour. These officials should also have responsibility for exchanging information with relevant agencies on anti-social behaviour among tenants and applicants for accommodation.
- ◆ Decisions regarding the number of officials designated should be based on local considerations such as the availability of finance, the size of the stock of accommodation and the number and seriousness of anti-social incidents.

Best Practice Suggestion No. 4:
Multi-Disciplinary Staff Teams

- ◆ Where anti-social incidents on estates are particularly prevalent local authorities may wish to consider designating one or more specialist, multi-disciplinary teams with responsibility for this area of work. This team could include housing management staff, housing welfare and/or social work staff, personnel with appropriate legal qualifications and administrative support staff.

staff of the other agencies with which local authorities liaise regarding anti-social behaviour.

Good Practice Recommendation No. 7:
Personnel Management and Development

- ◆ Local authorities should put in place adequate systems for the management and development of staff with responsibility for anti-social behaviour. Recommendations on good practice in this area can be found in Section Five of these guidelines.

2.5 RECEIVING COMPLAINTS REGARDING ANTI-SOCIAL BEHAVIOUR

In designing systems for receiving complaints regarding anti-social behaviour it is important to strike a balance between enabling tenants to report legitimate concerns to the local authority on the one hand, and discouraging frivolous or vexatious complaints on the other.

Good Practice Recommendation No. 8:

Receiving Complaints Regarding Anti-Social Behaviour

- ◆ Local authorities should establish simple, easy-to-use and accessible methods for reporting anti-social incidents in their rented accommodation.
- ◆ Complaints should be accepted at central and local offices, by post and over the telephone.
- ◆ Appropriate systems should be put in place to ensure that all complaints regarding anti-social behaviour are treated as confidential. This issue is discussed in more detail in Section 2.6 below.

Best Practice Suggestion No. 5: Receiving Complaints Regarding Anti-Social Behaviour

- ◆ Where anti-social behaviour is particularly prevalent local authorities may wish to consider establishing a dedicated telephone service, staffed by experienced and appropriately trained personnel, to receive complaints regarding these incidents.

Good Practice Recommendation No. 9:

Anonymous Complaints Regarding Anti-Social Behaviour

- ◆ Anonymous complaints regarding anti-social incidents should not normally be accepted by local authorities.
- ◆ Instead complainants should be encouraged to supply their contact details to the authority and assured that all information provided will be treated in the strictest confidence.
- ◆ Section 26 of the Freedom of Information Act 1997, as amended, requires public bodies to refuse to disclose information that was given to them in confidence. Further details of this Act can be found in the appendix to these guidelines.
- ◆ Where complainants are unwilling to supply contact details or the source of a complaint cannot be identified, the complaint should be recorded, but should not normally be acted upon by local authorities.

2.6 RECORDING AND MONITORING ANTI-SOCIAL BEHAVIOUR

It is difficult to assess the seriousness of, and investigate, complaints that are expressed in vague terms or are inaccurately recorded. Therefore procedures should be put in place to ensure that complaints are recorded in a standardised fashion and all necessary details of the incident in question are collected from the complainant.

The establishment of an efficient system for the monitoring of complaints regarding behaviour is also a vital aid to selecting appropriate responses to these incidents. In addition, all action taken to combat anti-social behaviour should be recorded in detail. An anti-social behaviour recording and monitoring system should also be able to provide the management information necessary for ongoing assessment of the performance of the service.

Good Practice Recommendation No. 10:

Recording Complaints Regarding Anti-Social Behaviour

- ◆ Local authorities should design standardised forms for recording all complaints regarding anti-social behaviour.
- ◆ These forms should require the following information as a minimum:
 - Name and contact details of complainant
 - Any other relevant personal information about complainant that is relevant such as age, gender, ethnicity, whether living alone, etc
 - The nature of the complaint
 - Name and contact details of the alleged perpetrator(s) if possible and if relevant
 - Where the alleged incident(s) took place
 - When the alleged incident(s) took place
 - Whether the alleged incident(s) were reported to the Gardaí and if so, when and to whom.

Good Practice Recommendation No. 11:

Recording and Monitoring Anti-Social Behaviour

- ◆ Local authorities should utilise a computerised system for storing and analysing all records of complaints regarding anti-social behaviour and of measures taken to combat these activities. This system should be capable of the following:
 - Differentiating between the complainant and alleged perpetrators of anti-social behaviour
 - Differentiating between individuals and households
 - Differentiating between current and former tenants
 - Differentiating anti-social incidents (for instance one fracas which generated a number of complaints) and cases (a number of incidents and complaints associated with a particular individual or household)
 - Categorising the type of behaviour involved
 - Recording details of investigations of, and action taken to combat, anti-social behaviour
 - Identifying the current status of each anti-social case
 - Producing a complete history of the complaints regarding anti-social behaviour made by and against individuals and households
 - Identifying trends in anti-social incidents, for instance according to the personal and household characteristics of alleged perpetrators, time of year or location
 - Producing regular reports on anti-social complaints and incidents for the purposes of monitoring by the local authority
 - Interfacing with computer systems for the management of other housing functions such as allocation of tenancies, rents, etc, if appropriate.

Good Practice Recommendation No. 12:

Recording Action Taken to Combat Anti-Social Behaviour

- ◆ As mentioned above, housing management computer systems should be capable of categorising the current status of anti-social cases and identifying all previous action taken in regard to the case. The UK Social Landlords Crime and Nuisance Group suggests that the following categories can be used for this purpose:
 - Case is under investigation because further information is required before a decision can be reached regarding appropriate action
 - No action is required because the complaint is not substantiated or is very minor
 - Tenants living in the area where the activity took place have been informed of the local authority's commitment to taking action against this behaviour
 - Case has been referred to a mediator
 - Case has been referred to an internal support service such as the social work or housing welfare service
 - Case has been referred to an external support service such as the health board social work department, family support, ex-offender or drug and alcohol support service
 - Case has been referred to the Gardaí
 - Alleged perpetrator has received written correspondence from the local authority giving warning that he/she is contravening the clause of the tenancy agreement which prohibits anti-social behaviour
 - Alleged perpetrator has negotiated a written agreement with the local authority to cease his/her involvement in anti-social behaviour
 - Tenant has served an exclusion order against the alleged perpetrator
 - Local authority has served an exclusion order against the alleged perpetrator
 - Local authority has refused to sell a dwelling to the alleged perpetrator
 - Local authority has served a notice to quit the dwelling and a demand for possession
 - Court has granted a warrant for repossession of the dwelling
 - Court has failed to grant a warrant for repossession of the dwelling
 - Dwelling has been repossessed
 - Accommodation has been abandoned.

Good Practice Recommendation No. 13:

Additional Records Required

- ◆ In addition, the following records should be kept of investigations and action taken to combat anti-social behaviour:
 - Transcripts of complaints regarding anti-social behaviour
 - Minutes of all case conferences held regarding anti-social behaviour, both internally within the local authority and with external agencies
 - Copies of all written correspondence with alleged perpetrators of anti-social behaviour, including letters sent and written agreements negotiated with them concerning their activities and legal notices
 - Minutes of all interviews with alleged perpetrators of anti-social behaviour and with witnesses to these activities, together with attendance records at these interviews
 - Details of any additional evidence gathered such as incident diaries kept by witnesses to the alleged behaviour and information supplied by the Gardaí or other relevant agencies.

Good Practice Recommendation No. 14:

Protecting the Privacy of Tenant Households

- ◆ In order to protect the privacy of tenant households, systems should be devised to ensure that access to anti-social behaviour records should be granted to the minimum possible number of local authority staff.
- ◆ These systems could involve the following:
 - Access to the modules of the authority's housing management computer system relevant to anti-social behaviour should be controlled by password, or another appropriate method
 - Documents and files regarding anti-social behaviour should be clearly marked 'confidential'
 - These documents and files should be stored in a secure location such as a locked filing cabinet.

2.7 **PERFORMANCE INDICATORS**

In common with all other aspects of local authority housing management the establishment of a system of performance indicators is a vital step to achieving good practice in combating anti-social behaviour. The exact indicators chosen are a matter for each authority. However, in order to aid the development of their policy on performance monitoring, local authorities may wish to consult the recommendations and suggestions outlined below.

Good Practice Recommendation No. 15:

Performance Indicators

- ◆ In order to achieve good practice in combating anti-social behaviour, local authorities should count the number of complaints regarding this behaviour they receive each year, on this basis calculate the number of anti-social cases reported to them and compare this number with that of the previous year.

SECTION THREE

The introduction to these guidelines made the point that the most efficient way of dealing with anti-social behaviour is to prevent it from arising in the first place. In order to achieve this objective a number of measures can be employed. These include: incorporating security and anti-crime design features when building new units of accommodation or refurbishing existing accommodation; inserting clauses prohibiting this behaviour into tenancy agreements; strategic allocation of tenancies; consulting with and providing information and training for tenants and establishing appropriate estate management, social, community and youth services.

3.1 **SELECTING PRIORITY ACTIONS AND TARGETS FOR THE PREVENTION OF ANTI-SOCIAL BEHAVIOUR**

PREVENTING ANTI-SOCIAL BEHAVIOUR

As mentioned above, a wide variety of measures can be employed to prevent anti-social behaviour from arising. Decisions regarding the selection of these measures and the estates they target should be based on the strategic monitoring of information regarding anti-social incidents and cases.

Good Practice Recommendation No. 16:

Selecting Priority Actions and Targets

- ◆ In order to inform the selection of actions and targets to prevent anti-social behaviour, local authorities should collate and review the following trends in anti-social incidents and cases on an annual basis:
 - Geographical trends in incidents and cases – is anti-social behaviour concentrated in specific areas or estates?
 - Seasonal trends in incidents and cases – is this activity more common at specific times of the year?
 - Demographic trends in incidents and cases – are specific genders or age groups more commonly accused of behaviour of this type?
 - Social trends in incidents and cases – are any social problems or family characteristics common among alleged perpetrators of anti-social behaviour?
 - Characteristics of complainants and victims – are there any characteristics that are common to individuals who make complaints about anti-social incidents and those who are victims of these activities?

3.2 SECURITY AND ANTI-CRIME DESIGN FEATURES

Two aspects of the design of accommodation and estates are particularly useful in the prevention of anti-social behaviour. These are: natural surveillance and defensible space. The latter concept refers to space over which residents feel a sense of ownership and consequently take responsibility for ensuring that it is well maintained and safe. Private space such as the interior of a dwelling and semi-private space such as a walled-in garden is relatively more 'defensible'; semi-public space such as the grounds of an apartment complex is less easily defensible while public space such as an open roadway is the least defensible of all. Therefore maximising the amount of private and semi-private space in estates will help to prevent anti-social behaviour. Maximising the potential for natural surveillance over the semi-public and public areas of estates can also thwart these activities. For instance, ensuring that car-parking spaces are over-looked by apartments will deter car crime, while closing up alleyways at the rear of houses will increase the likelihood that everyone who enters will be observed by neighbours.

Staff of the anti-social behaviour service, estate-based housing officers, tenants groups and local Gardaí have often built up considerable knowledge of the role that design plays in facilitating these activities. Therefore they should be consulted regarding proposals for the construction of new, or the refurbishment of existing accommodation.

Good Practice Recommendation No. 17:

Security and Anti-Crime Design Features

- ◆ Local authorities should ensure that the design of housing and accommodation units helps to prevent anti-social behaviour by maximising the amount of defensible space and the potential for natural surveillance. The exact design features selected to achieve this will depend on local factors such as: the exact nature of the accommodation in question; the physical constraints of the site in question; whether it is a new build or a refurbishment project; the results of strategic monitoring of trends in anti-social incidents and cases and consultation with tenants, staff and representatives of other relevant agencies such as the Gardaí. However, in order to aid the development of their policy in this regard, local authorities may wish to consult the checklist of security and anti-crime design features provided on the opposite page, which incorporates DoEHLG (1999a, 1999b) guidance on the design and refurbishment of local authority housing estates.

Design of Dwellings and Estates

- Checklist of Security and Anti-Crime Design Features

DESIGN OF DWELLINGS

- ◆ Provide a range of sizes of dwellings to ensure that the estate includes a variety of household types ✓
- ◆ Ensure that entrance points to dwellings are adequately lit ✓
- ◆ Where possible provide all dwellings including flats and maisonettes with individual access from outside ✓
- ◆ Where common entrances are necessary ensure that as few households as possible share each entrance ✓
- ◆ Where four or more dwellings share a common entrance, control access by lock and key, swipe-card or key code access systems or by other appropriate methods ✓
- ◆ Locate service meters within the private gardens of houses and in the shared common areas of apartments so that they can be subject to surveillance and read without entering the dwelling ✓
- ◆ Avoid blind gables next to public areas and gables not open to surveillance ✓
- ◆ Ensure that external features do not facilitate access to upper floor entry points; for instance drainpipes should not be sited adjacent to windows ✓
- ◆ Fix external doors and window frames securely to the dwelling ✓
- ◆ Ensure that external doors are of robust construction and are designed to reduce risk of break-in, for instance with minimum use of glass panels and fitted with adequate locks and bolts, a door chain and a door viewer ✓
- ◆ Ensure that letter boxes and door locks are a minimum of 400mm apart so that locks cannot be reached by hand or wire. ✓

DESIGN OF ESTATES

- ◆ Ensure that entrance points to dwellings are overlooked by other dwellings or by well trafficked areas ✓
- ◆ Clearly define front and rear gardens ✓
- ◆ Ensure that back gardens back onto other gardens or secure public areas and not onto roadways or other public areas ✓
- ◆ Avoid separate access to the rear of dwellings as far as possible ✓
- ◆ If separate rear access is essential, ensure that access to a number of dwellings is not linked to provide through routes ✓
- ◆ Fit access ways to rear gardens with a full-height gate or door, lockable from inside ✓
- ◆ Close off existing back lanes which serve no useful function and incorporate the space into adjoining gardens ✓
- ◆ Where possible ensure that car parking spaces are overlooked by dwellings or provide off-street, in-curtilage car parking ✓
- ◆ Provide a clearly defined, convenient, properly lit and safe circulation network for pedestrians and cyclists. Where possible this should be overlooked by other dwellings or run beside roads ✓
- ◆ Where this is not possible include short, direct footpaths with intervisible ends ✓
- ◆ Ensure that all public and semi-public areas are overlooked by dwellings ✓
- ◆ Ensure that each element of public space has a clearly defined function and demarcation relative to other public and private spaces ✓
- ◆ Ensure that materials used in public areas and in the boundaries between public and private areas are sufficiently robust to discourage vandalism ✓
- ◆ Minimise the number of access routes to the estate ✓
- ◆ Pay particular attention to security where an estate adjoins open spaces or areas that are difficult to secure such as industrial estates or railway lines ✓

Best Practice Suggestion No. 6:
Security and Anti-Crime
Design Features

- ◆ In areas where levels of anti-social behaviour are exceptionally high, local authorities may wish to consider installing a closed circuit television (CCTV) system to monitor activity in public spaces. This system will help to deter anti-social behaviour and can provide video evidence of these activities when they do occur which can aid both investigation and prosecution.

3.3 ALLOCATING TENANCIES

Strategic allocation of tenancies can also play a role in preventing anti-social behaviour. This can be achieved by means of a 'sensitive' allocations policy involving, for instance, not placing individuals who are likely to be victims of anti-social behaviour in areas where such problems are prevalent. In addition, the Housing (Miscellaneous Provisions) Act 1997 enables local authorities to request information on applicants for housing from other local authorities or other specified bodies and to refuse to let or defer the letting of a dwelling to applicants whom it believes are currently or were engaged in anti-social behaviour, where such a letting would not be in the interests of good estate management, or where applicants have not provided the information necessary to assess their application. The Housing (Traveller Accommodation) Act 1988 grants local authorities similar powers to refuse or defer authorisation to occupy a caravan on a local authority halting site.

Good Practice Recommendation No. 18:

Information on Applicants for Accommodation

- ◆ Local authorities should put in place written procedures for requesting information on the involvement of applicants for accommodation in anti-social behaviour from other local authorities, the Gardaí, health boards, the Criminal Assets Bureau, the Minister for Social and Family Affairs and approved voluntary and co-operative housing providers.
- ◆ When seeking this information local authority staff should adhere to the local authority's protocols for sharing information on anti-social behaviour with outside agencies. Recommendations regarding the content of these protocols can be found in section 2.1 of these guidelines.
- ◆ Local considerations, such as extent of anti-social activity in particular areas or concerns relating to specific applicants for accommodation, should determine whether such information is sought in practice.

Good Practice Recommendation No. 19:

Assessing Applicants Known to Have a History of Involvement in Anti-Social Behaviour

- ◆ Local authorities should devise protocols on assessing applications for accommodation from individuals or households known to be or to have been involved in anti-social behaviour. This policy statement should outline procedures for refusing or deferring the letting of accommodation to applicants involved in anti-social behaviour, where a letting would not be in the interests of good estate management, and where applicants have not provided the information necessary to assess their application. The statement should make specific reference to assessing applications from households and individuals who have previously been excluded or evicted from local authority rented accommodation on the grounds of anti-social behaviour.
- ◆ These protocols should allow applicants for accommodation to appeal decisions to refuse or defer lettings and to request that the local authority reviews these decisions after a standard minimum period of time has elapsed or the circumstances of the applicant have changed.
- ◆ The DoEHLG circular H5/97 on the implementation of the Housing (Miscellaneous Provisions) Act 1997 stipulates that applications should be reconsidered in the normal way once the local authority is satisfied that the anti-social behaviour has ceased and is not likely to recur.

Good Practice Recommendation No. 20:

Information for Applicants for Housing and Accommodation

- ◆ Application forms for local authority rented accommodation should notify applicants that the local authority can request information regarding their involvement in anti-social behaviour from specified agencies.
- ◆ Application forms should also explain that failure to provide information that the local authority considers necessary to assess applications for accommodation may result in the refusal or deferral of a letting.

- ◆ The meaning of these provisions should also be clearly explained to all applicants for housing or accommodation by relevant local authority staff, in order to ensure that applicants with literacy difficulties understand them.

Best Practice Suggestion No. 7
Sensitive Lettings

- ◆ Where anti-social behaviour is particularly common, local authorities may wish to consider stipulating that the need to prevent these activities is a key consideration in every letting of a unit of accommodation.
- ◆ In practice, a strategy of this type could involve the following:
 - Households and individuals to whom tenancies are being offered should be assessed to check whether they are potential victims of anti-social behaviour. As far as possible, applicants who fall into this category should not be placed in areas in which anti-social activity is prevalent
 - As was mentioned in the Introduction to these guidelines, anti-social behaviour is often symptomatic of social problems. Therefore households and individuals to whom tenancies are being offered should be assessed to check for problems of this type and if necessary referred to appropriate agencies for support
 - Accommodation available for letting and the areas where it is located should also be examined from the perspective of preventing anti-social behaviour. Page's (1994) research in the United Kingdom indicates that estates that contain a high proportion of children and teenagers, compared to adults, tend to have greater levels of anti-social activity. When dwellings become vacant on estates in this category, housing practitioners may wish to consider letting them to childless households to reduce the young population. Building a mix of sizes of dwellings on new estates will also help to achieve a similar outcome.

3.4 TENANCY AGREEMENTS AND INFORMATION FOR TENANTS

Effective prevention of anti-social behaviour requires that activities of this type are explicitly prohibited in tenancy agreements for local authority rented accommodation, and that all tenants are made aware of the details of this clause, the reasons for its inclusion and the consequences of contravening it. Inserting a clause prohibiting anti-social behaviour into tenancy agreements will also assist in court action to deal with these activities.

Good Practice Recommendation No. 21:

Tenancy Agreements

- ◆ Tenancy agreements for local authority accommodation should contain a clause prohibiting anti-social behaviour. This clause should be written in plain language so that it can be easily understood by tenants and staff.
- ◆ The exact wording of this clause will depend on local factors such as the profile of the problem in the area and the details of the local authority's policy on preventing and combating these activities. However, in order to aid the design of their tenancy agreements local authorities may wish to refer to the examples of the clauses of this type most commonly used by local authorities in this country, provided on pages 44 and 45.

Good Practice Recommendation No. 22:

Anti-Social Behaviour – Guides for Tenants

- ◆ New and existing tenants should be issued with guides to the authority's policy on combating anti-social behaviour either as part of a tenant's handbook or as part of a separate booklet or leaflet.
- ◆ This information should be published in a clear, attractive, easily understood and updateable format.
- ◆ The suggested content of anti-social behaviour service guides for tenants is outlined on page 47.

Tenancy Agreements for Local Authority Rented Accommodation – *Clauses Prohibiting Anti-Social Behaviour*

EXAMPLE ONE

- (a) Neither the tenant nor any member of his or her household, or sub-tenant or visitor, shall cause any nuisance or be guilty of or permit any conduct likely to cause nuisance, annoyance or disturbance to any neighbours, their children or visitors or local authority staff.
- (b) In this agreement the term 'neighbours' means any persons living or working in the vicinity of the tenant's dwelling.
- (c) For the purposes of this agreement the phrase 'nuisance, annoyance or disturbance' shall include the use by the tenant of the dwelling for the commission of a criminal offence and without prejudice to the generality of this expression shall include all or any of the following:
- harassment
 - violence or threats of violence against the person or property
 - threats, abuse or harassment of any kind or any act or omission causing disturbance, discomfort or inconvenience
 - obstructions of any of the common areas, doorways or other exits and entrances in the block and in that estate
 - making an unreasonably loud noise by shouting, screaming, playing any musical instruments or sound reproduction equipment (including television, radio and hi-fi) or using other machinery
 - any act or omission that creates a danger to the well-being of any neighbour or to his or her belongings
 - inviting or allowing to remain on any part of the dwelling or garden, any persons in respect of whom the local authority has notified the tenant that they should not enter or remain on the property
 - the unlawful possession, cultivation, use or supply of a controlled substance within the meaning of the Misuse of Drugs Act 1977 as amended.
- (d) A tenant evicted for a breach of this condition or part of it will be deemed for the purposes of rehousing to have deliberately rendered him or herself homeless within the meaning of Section 11(2)(b) of the Housing Act 1988 and may not be provided with another home from the local authority until such time as the local authority is satisfied that the evicted tenant and his or her family are capable of living and are agreeable to live in the community without causing a further breach of this condition or other condition of this agreement.

EXAMPLE TWO

The tenant should not engage in or allow anti-social behaviour within the curtilage of the dwelling. 'Anti-social behaviour' includes either or both of the following: (a) the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs

Acts, 1977 and 1984), (b) any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority, or a housing estate in which the house is situated and includes violence, threats, intimidation, coercion, harassment or serious obstruction of any person.

EXAMPLE THREE

- (a)** The tenant or any member of his/her household, guest or visitor shall not engage in anti-social behaviour or disturbance to any other tenant neighbour or visitor; such activity includes use of substances proscribed by the Misuse of Drugs Act, any criminal activity, violence or threats or acts causing destruction.
- (b)** The tenant shall be responsible for the conduct of guests or visitors.
- (c)** The tenant or any member of his/her household, guest or visitor shall not suffer or permit to be done by any act, matter or thing or engage in any conduct which in the opinion of the local authority is likely to bring the property or the estate into disrepute or give scandal or cause noise or nuisance to adjoining owners or occupiers, or the public generally.
- (d)** The tenant shall not commit or allow any member of his/her household, guest or visitor to harass any person by virtue of race, colour, ethnic origin, national origin or religion, sex, age, sexual preference, physical or mental disability, HIV status, ill health, appearance, marital status, family circumstances or otherwise which may interfere with peace and comfort or cause offence to other tenants, members of his or her household, visitors, neighbours, employees, agents or contractors of the local authority or any person engaging in lawful activity in the locality of the premises. Acts of harassment include but are not limited to verbal abuse or deeds or acts of violence.

EXAMPLE FOUR

- (a)** The tenant shall not cause any nuisance or be guilty of any conduct likely to cause annoyance or disturbance or harassment to neighbours, persons visiting his/her neighbours, local authority staff, health board staff or members of the Gardai. Acts of violence or threats of such action, abuse or harassment of any kind, or any action or inaction likely to cause annoyance, disturbance or discomfort to any person will be deemed to be a breach of this condition. In this regard the tenant is responsible for the actions of his/her family or any other person permitted by the local authority to stay at the property. The tenant is also responsible for the actions of any person calling to the property whether socially or on business.
- (b)** Convictions in relation to criminal behaviour including public order offences on behalf of the tenant, the tenant's family or any other person permitted to stay at the property by the local authority may result in the service of a notice to quit as provided for under the Housing Act 1966, or the commencement of proceedings seeking an exclusion order as provided for under the Housing (Miscellaneous Provisions) Act 1997 and the Housing (Traveller Accommodation) Act 1998.

Good Practice Recommendation No. 23:

Informing New Tenants about Anti-Social Behaviour Issues

- ◆ Details of the tenancy agreement clause which prohibits anti-social behaviour, the reasons for its inclusion and the consequences of contravening it should be explained to all new tenants on the letting of accommodation.
- ◆ New tenants should also be made aware of the content of the authority's anti-social behaviour service guide and given an opportunity to ask any questions they wish.
- ◆ This can be done in meetings with individual tenants or with groups of new tenants during tenant induction meetings.

Best Practice Suggestion No. 8:
Communicating Information
to Tenants

- ◆ In order to achieve best practice in preventing anti-social behaviour, local authorities may wish to consider posting a copy of the anti-social behaviour service guide on the authority's website. This service is particularly useful in those areas where tenants can access the internet through the public library service.

Anti-Social Behaviour Service Guides for Tenants

– Checklist of Contents

WHAT IS ANTI-SOCIAL BEHAVIOUR?

- ◆ Clear definitions of anti-social behaviour ✓
- ◆ Examples of anti-social activities ✓

THE LOCAL AUTHORITY'S POLICY ON ANTI-SOCIAL BEHAVIOUR

- ◆ Clear statement that it is the policy of the local authority to investigate anti-social activities and to take appropriate action to deal with them ✓
- ◆ Details of the measures employed by the local authority to prevent anti-social activities from arising ✓

MAKING A COMPLAINT ABOUT ANTI-SOCIAL BEHAVIOUR

- ◆ How to make a complaint about anti-social behaviour ✓
- ◆ Details of the location, telephone numbers and opening hours of local authority offices where such complaints can be made ✓
- ◆ Explanation that anonymous complaints cannot be accepted ✓
- ◆ Explanation that all complaints regarding anti-social behaviour will be treated in the strictest confidence ✓
- ◆ Contact details of other relevant local services such as the Gardaí and the victim support organisation ✓

INVESTIGATING COMPLAINTS

- ◆ Policy on the instigation of investigations into anti-social activities ✓

COMBATING ANTI-SOCIAL BEHAVIOUR

- ◆ Criteria for instigating action to combat anti-social behaviour ✓
- ◆ Details of potential responses to anti-social behaviour ✓
- ◆ Criteria for selection of appropriate responses ✓

CUSTOMER CARE

- ◆ Procedures for protecting the welfare of victims and perpetrators of anti-social behaviour ✓
- ◆ Procedures for appeal and review of all actions taken by the local authority to combat anti-social behaviour ✓
- ◆ Procedures for assessing customer satisfaction with the anti-social behaviour service ✓
- ◆ Procedures for making a complaint about this service ✓
- ◆ Procedures for addressing customer complaints, including target response times ✓

3.5 TENANT PARTICIPATION IN PREVENTING ANTI-SOCIAL BEHAVIOUR

The establishment of tenants associations and the involvement of tenants in housing management encourages a sense of community and pride in estates and halting sites which discourages anti-social activity. Tenants associations can also play an active role in preventing anti-social behaviour on estates by helping to ensure that activities of this type are reported to the local authority and the Gardaí, establishing initiatives to prevent these activities from occurring in their area. Therefore, encouraging the development of and liaising with tenants groups should be central to strategies to prevent anti-social behaviour.

Good Practice Recommendation No. 24:

Tenant Participation in Preventing Anti-Social Behaviour

- ◆ Local authorities should develop links with existing tenants associations, or with other representative groups for tenants such as Traveller support groups, and encourage and support the development of new associations in areas where tenants do not have a representative body, with a view to involving them in preventing anti-social behaviour.
- ◆ Local authorities should meet with tenants associations and seek their input into the design of the local authority's policy on preventing and combating anti-social behaviour, discuss their opinions on the policy, and encourage them to report anti-social incidents to the local authority and the Gardaí and to stress the importance of doing so to the other residents of the estate.
- ◆ Tenants associations and individual tenants should also be consulted regarding the refurbishment and redesign of accommodation to incorporate security and anti-crime features.

Best Practice Suggestion No. 9:

Tenant Participation in Preventing Anti-Social Behaviour

- ◆ In order to achieve best practice in preventing anti-social behaviour, local authorities may wish to consider encouraging tenants living in areas where these activities are particularly common to liaise with the local community Gardaí on a regular basis and to establish neighbourhood watch and community alert projects.

3.6 HOUSING ESTATE MANAGEMENT AND ESTATE REGENERATION

If monitoring trends in anti-social behaviour reveals that it is concentrated in specific areas or estates, establishing local estate management projects and appointing locally based housing staff can help to deter these activities by increasing the profile of the local authority in the area. Locally based staff can also liaise with tenants associations and the Gardaí in order to prevent anti-social behaviour and tenants may feel more comfortable approaching officials whom they know personally with complaints regarding these activities.

In estates where anti-social problems are particularly serious and intractable and monitoring of complaints about these activities indicates they are caused by the interaction of a range of factors, local authorities should consider extending estate management projects to establish a multifaceted programme to regenerate the target area by drawing on the resources of a range of statutory and community agencies. The *First Report* of the Housing Management Group recommends that this should be done by developing an estate-based strategy and explains how programmes of this type can be designed and implemented, while its Second Report includes suggestions regarding the actions that might be carried out under the auspices of an estate-based strategy.

Good Practice Recommendation No. 25:

Estate-focused Management

- ◆ Local authorities should establish estate-focused management systems in estates where levels of anti-social behaviour are high. This involves the following steps:
 - Designate individual officials with responsibility for a specific estate or groups of estates
 - These 'estate officers' would perform generalist duties such as responding to tenants' queries on all housing management matters and facilitate and promote the formation of estate committees, which would include tenants representatives
 - Estate officers should have the appropriate level of authority to make certain decisions locally.

- ◆ This model of management could also be adapted for use in halting sites and group housing schemes for Travellers.

Good Practice Recommendation No. 26:

Estate-Based Management

- ◆ In larger estates or groups of estates that have high levels of anti-social activity, or in estates that are remote from headquarters, local authorities should consider establishing an estate-based management system which would involve having a local housing management presence 'on the ground' by way of a local office or sub-office. This service could initially be provided on a part-time basis to gauge demand.
- ◆ The local office should be the base for all staff working in the area to which it relates and should have responsibility for providing and co-ordinating the widest possible range of housing management and related services for the estate.

Good Practice Recommendation No. 27:

The Role of Estate-Based Staff

- ◆ Estate-based staff provide a useful first port of call for tenants who wish to make complaints about anti-social behaviour on estates, and can also liaise with local community Gardaí and if relevant with the local authority staff who have responsibility for anti-social behaviour, to make them aware of any local problems and work with tenants associations to establish neighbourhood watch schemes and other initiatives to combat anti-social activity.
- ◆ However, the ongoing involvement of estate-based staff in anti-social cases may conflict with their primary function of building good relations with local communities and facilitating community development. Furthermore, on occasions, the in-depth involvement of estate-based staff in this area of work may not be appropriate for reasons of personal safety.

Best Practice Suggestion No. 10:
Estate-Based Strategies

- ◆ The first step in developing an estate-based strategy is assigning a member of staff to work with tenants of the target estate and to encourage the formation of a tenants association if one does not already exist.
- ◆ After this, the local authority should establish an estate management task force comprising representatives of the authority and tenants and of all agencies that are involved in providing services to the estate. This could include: representatives of the relevant Partnership Company, the Gardaí, FÁS, Health Board, Department of Community, Gaeltacht and Rural Affairs (in relation to the Community Development Programme), the Combat Poverty Agency, the Vocational Education Committee (VEC) and community groups. In mixed tenure estates representatives of the voluntary and co-operative housing providers and tenants, representatives of home owners and representatives of private renting tenants should also be involved in the estate strategy as appropriate.
- ◆ The task force should have responsibility for developing a strategy for improving conditions in the estate or area. This task would normally include the following:
 - Determine the social, recreational, environmental, employment and community needs of the estate through widespread consultation with tenants and surveys of their views
 - Analyse the research findings and prepare an estate-based strategy that would provide a holistic response to the needs identified
 - Identify the resources, plans and programmes that each statutory agency can deliver in response to the identified needs
 - Implement the strategy plan
 - Seek feedback from tenants and evaluate responses.

Best Practice Suggestion No. 11:
Actions Appropriate for
Inclusion in an Estate-Based
Strategy

- ◆ An estate-based strategy will include actions that can be undertaken quickly and others that will be longer term projects. The strategy might include the following actions:
 - Working with the Gardai to set up a neighbourhood watch or community alert scheme
 - Providing a community hall or a flat, house or prefab as appropriate for community activities
 - Ensuring that at least one shop is opened, re-opened or refurbished
 - Involving local second-level schools in joint projects linked to improving the estate and working with primary and secondary schools to increase awareness among pupils about the estate and about the repercussions of anti-social behaviour for victims
 - Providing improved recreational facilities for teenagers and children where anti-social behaviour and vandalism is caused mainly by them
 - Identifying the potential for adult education in the area and arranging for the VEC and adult literacy groups to meet this need
 - Drawing on the resources of partnership companies to provide training for tenants relevant to the estate-based strategy
 - Organising community clean-up days and providing practical assistance such as equipment and skips
 - Involving partnership companies and FÁS in the establishment of co-operatives of local people to undertake minor works on the estate on a contract basis
 - Employing a community development worker.

3.7 SOCIAL, COMMUNITY AND YOUTH SERVICES

In many cases anti-social activity is related to social and community problems such as drug or alcohol abuse, family breakdown and young people with challenging behaviour. Many of these problems are difficult to solve and most are within the remit of agencies other than local authorities. However, if monitoring of management information reveals that these problems are contributing to anti-social activity, local authorities should try to ensure that appropriate services are put in place to address them.

Good Practice Recommendation No. 28:

Social, Community and Youth Services

- ◆ If monitoring of trends in anti-social incidents and cases reveals that social and community problems are contributing to this activity, local authorities should endeavour to ensure that appropriate community, social and youth services are put in place, by informing relevant service providers, providing accommodation for relevant community projects in estates, helping community projects to make applications for funding and providing grant aid if resources allow.

3.8 PERFORMANCE INDICATORS

In common with all other aspects of local authority housing management the establishment of a system of performance indicators is a vital step to achieving good practice in preventing anti-social behaviour. The exact indicators chosen are a matter for each local authority. However, in order to aid the development of their policy on performance monitoring, local authorities may wish to consult the recommendation outlined below.

Good Practice Recommendation No. 29:

Performance Indicators

- ◆ In order to achieve good practice in the management of the anti-social behaviour service, local authorities should monitor trends in the types of anti-social cases and incidents that have been the subject of preventative measures on an annual basis. This will provide an indication of the success of these measures.

SECTION FOUR

Even the most sophisticated systems for preventing anti-social behaviour are unlikely to completely eradicate incidents of this type. Therefore it is important that a strategy is put in place for addressing these activities when they do occur. In devising such a strategy local authorities should endeavour to strike a balance between dealing promptly with complaints regarding anti-social behaviour, on the one hand and ensuring that cases are investigated thoroughly and fairly, on the other. They should also take account of the necessity for measures to protect the welfare and ensure adequate customer care of both complainants and alleged perpetrators of anti-social behaviour. These issues are examined in Section Five of these guidelines.

Local authorities should employ a range of responses to anti-social behaviour, as appropriate. The option of excluding alleged perpetrators of these activities from their accommodation or terminating the tenancy should be used only as a last resort when all other available solutions have been exhausted or deemed inappropriate.

COMBATING ANTI-SOCIAL BEHAVIOUR

4.1 ASSESSING ANTI-SOCIAL BEHAVIOUR

Assessing the seriousness of anti-social cases and incidents is the first step in the process of combating these activities. Although this task necessarily involves some amount of discretion on the part of the relevant local authority staff, fair procedure requires that, as far as possible, it is carried out in a systematic and standardised fashion. This can be achieved by putting in place protocols to guide staff in this area of work.

Good Practice Recommendation No. 30: Protocols for Assessing Anti-Social Behaviour

- ◆ Local authorities should draw up protocols governing the assessment of anti-social behaviour. The details of these protocols should reflect local considerations such as the extent and character of anti-social behaviour locally and the number of staff available to deal with it. However, as a minimum they should address the following issues:
 - Minimum number of complaints or anti-social incidents associated with a particular individual or household that are required before action will be initiated by the local authority
 - Methods of assessing anti-social cases
 - Target response times according to the type of anti-social behaviour and the level of seriousness.

Good Practice Recommendation No. 31:

Assessing Anti-Social Behaviour

- ◆ Assessing whether action to combat anti-social behaviour is required and selecting the type of response appropriate to each case, is a three-stage process.
- ◆ Firstly the incident should be categorised on the basis of the type of activity involved. Local authorities may decide that action should be taken in all cases of criminal behaviour and drug dealing, for instance, but that complaints regarding other types of anti-social behaviour will only be dealt with if deemed appropriate. The following list of categories of anti-social activities is based on recommendations from the UK Social Landlords Crime and Nuisance Group:
 - Criminal behaviour
 - Damage to property
 - Violence
 - Drugs
 - Harassment, intimidation or verbal abuse
 - Other
 - Multiple causes.
- ◆ Secondly, the types of activities that do not automatically warrant action should be examined according to the seriousness of the incident in question. For example, action may not be appropriate in every case of verbal abuse, but local authorities may decide that verbal abuse that involves threats of violence warrants immediate attention.
- ◆ Thirdly, the number of anti-social incidents associated with each case (individual or household) should be examined. In some cases it may be appropriate to take action if an incident is the latest in a long list or wide variety of problems associated with a household or individual.

Good Practice Recommendation No. 32:

Case Conferences for Assessing Anti-Social Behaviour

- ◆ Decisions to further investigate or initiate non-legal action in cases of anti-social behaviour should be approved by a case conference of staff with responsibility for anti-social behaviour and senior housing department staff. The estate-based staff responsible for the area where the alleged perpetrator lives and social work or housing welfare staff should also be included in these meetings.

Good Practice Recommendation No. 33:

Illegal Occupiers of Local Authority Rented Accommodation

- ◆ If a complaint is received regarding anti-social behaviour committed by an illegal occupier of local authority rented accommodation immediate action should be taken to evict the perpetrator as a matter of course.
- ◆ The Housing (Miscellaneous Provisions) Act 1997 makes specific provision for dealing with cases where a local authority dwelling, or any part of it, is occupied by a person other than the tenant or by a person who has failed to vacate the dwelling following the service of a notice to quit and that person is committing anti-social behaviour. The Housing (Traveller Accommodation) Act 1998 applies these provisions to local authority halting sites. Under the terms of these Acts, in these situations the local authority can notify the Gardaí that the occupant of the dwelling or halting site is an illegal occupier and has been engaged in anti-social behaviour, and that in the interests of good estate management it is necessary that this person is required to vacate the dwelling. On the basis of such a notification the Gardaí are empowered to direct the occupant to leave the dwelling or site immediately in a peaceable and orderly manner.

4.2

**PRELIMINARY
INVESTIGATION
OF ANTI-SOCIAL
BEHAVIOUR**

The vast majority of complaints regarding anti-social behaviour will warrant further investigation before they can be properly assessed. A number of techniques can be employed to do this and in some cases more than one method of investigation will be required to accurately assess complaints.

Good Practice Recommendation No. 34:

Seeking Additional Information from Relevant Statutory Agencies

- ◆ The Housing (Miscellaneous Provisions) Act 1997 and the Housing Traveller Accommodation Act 1998 enable local authorities to request information on persons it believes are or have been engaged in anti-social behaviour from other local authorities or from specified bodies including the Gardaí, health boards and the Criminal Assets Bureau.
- ◆ When seeking this information local authorities should adhere to the protocols for sharing information on anti-social behaviour with outside agencies. Recommendations regarding the content of these protocols can be found in Section 2.1 of these guidelines.
- ◆ Whether information is sought from all of these bodies will depend on the nature of the case in question. However, in all cases concerning anti-social behaviour local authorities should request the following information from local Gardaí:
 - whether complaints have been made to them in relation to the individual, household or unit of accommodation concerned
 - whether a criminal prosecution is pending for any offence connected to the complaint received
 - whether the Gardaí have carried out any searches of the accommodation in question in relation to anti-social behaviour
 - whether the person who is the subject of the complaint has any conviction for activities connected with behaviour described in the complaint.

Good Practice Recommendation No. 35:

Seeking Additional Information from Complainants

- ◆ In some cases it may be necessary to seek additional information from complainants regarding allegations of anti-social behaviour. This can be done by interviewing the complainant or asking them to keep records of any related incidents of anti-social behaviour.
- ◆ If the former method is used local authority staff should broadly adhere to the guidelines for interviewing alleged perpetrators of anti-social behaviour set out in Section 4.3 below.
- ◆ The effectiveness of the latter method of investigation can be improved by providing complainants with standardised forms for recording each separate anti-social incident. These forms should be similar in format to those used by local authority staff to record complaints regarding anti-social behaviour, discussed in Section 2.6 of these guidelines.

Best Practice Suggestion No. 12:
Seeking Additional
Information from Tenants and
Residents Associations

- ◆ In order to achieve best practice in investigating anti-social behaviour local authorities may wish to consider seeking additional information from tenants and residents associations based in the areas in which the activities in question allegedly took place. The members of these groups have in-depth local knowledge which means that they can often provide detailed information on anti-social behaviour that could not be easily accessed by other methods of investigation.
- ◆ However, fair procedure requires that this method of investigation should be used judiciously. Tenants and residents associations that are not fully representative of the community as a whole should not be included in consultations of this type. In addition, in order to protect the anonymity of alleged perpetrators of anti-social behaviour and the personal safety of members of residents and tenants associations, all such consultation should be conducted in general terms, and specific details of anti-social incidents or alleged perpetrators should not be supplied.

4.3 INTERVIEWING ALLEGED PERPETRATORS OF ANTI-SOCIAL BEHAVIOUR

Once local authorities are satisfied that a complaint regarding anti-social behaviour has some basis and that the alleged activity is sufficiently serious to warrant action, they should make contact with the alleged perpetrator and invite him/her to a meeting to discuss the incident in question. Fair procedure requires that all communication and meetings with alleged perpetrators of anti-social behaviour are objective and impartial. The purpose of this stage of the investigative process is to provide the alleged perpetrators with an opportunity to present their side of the story.

Good Practice Recommendation No. 36:

Initial Correspondence with Alleged Perpetrators of Anti-Social Behaviour

- ◆ Alleged perpetrators of anti-social behaviour should be written to by the local authority and informed that a complaint has been made alleging that they have been involved in anti-social behaviour.
- ◆ Letters to alleged perpetrators of anti-social behaviour should be clear and easy to follow.
- ◆ The letter should specify the general nature of the allegation(s), the section of the tenancy agreement and/or section of the Housing (Miscellaneous Provisions) Act 1997 which they allegedly breach. Details of the location at which the alleged anti-social behaviour was carried out should also normally be supplied, unless including this information would have implications for the welfare of the complainant.
- ◆ The letter should invite them to contact a named official of the local authority, within a specified timescale, for the purposes of arranging a mutually convenient time and place to meet and discuss the allegations. The full contact details of the official in question should be supplied.
- ◆ The letter should stress that the complaint is purely an allegation and that the purpose of this meeting is to offer the alleged perpetrator an opportunity to present his/her side of the story. In addition the confidential nature of all meetings of this nature should be emphasised.

- ◆ It the alleged perpetrator of the anti-social behaviour is not the tenant of the accommodation where he/she resides, it may be appropriate to inform the tenant that an investigation is being conducted into allegations that anti-social behaviour was committed by a member of his/her household.

Good Practice Recommendation No. 37:

Addressing Failure to Reply to Correspondence

- ◆ Local authorities should make every effort to contact alleged perpetrators of anti-social behaviour who have ignored previous correspondence on this issue, by letter and if necessary by calling to their home.
- ◆ Subsequent letters to these individuals should emphasise that the authority is anxious to hear their point of view concerning the allegations of anti-social behaviour, but that failure to make contact within a specified timeframe will mean that the authority is forced to take action on the basis of the limited information available to it, which could potentially result in the exclusion of a member of the tenant household or the termination of the tenancy.
- ◆ Where a number of letters are sent, these should be progressively stronger in tone in order to send a clear and unambiguous message to the individual(s) in question.

Good Practice Recommendation No. 38:

Further Correspondence

- ◆ If additional complaints regarding anti-social behaviour are made against individuals or households against whom previous allegations in this regard have already been made, local authorities should ensure that they are informed of these complaints in writing and afforded every opportunity to present their side of the story to the local authority.

Good Practice Recommendation No. 39:

Interviewing Alleged Perpetrators of Anti-Social Behaviour

- ◆ Interviews with alleged perpetrators of anti-social behaviour are an exploratory, information-gathering exercise. Therefore, when conducting these interviews the interviewers should never convey the impression that they have already reached a decision on the validity of the complaints under discussion.
- ◆ Conducting interviews of this type can be challenging on a number of fronts. They can be emotionally challenging as the interviewee may be distressed or on occasions threatening to the interviewers. In addition, eliciting the required information from interviewees necessitates good interpersonal and interviewing skills which can only be acquired by experience and appropriate training. Therefore good practice requires that these interviews should be conducted by properly trained and experienced officials. Recommendations regarding the appropriate training for officials involved in preventing and combating anti-social behaviour can be found in Section Five of these guidelines.
- ◆ Care and discretion should be used when selecting an appropriate venue for interviews with alleged perpetrators of anti-social behaviour. They should always be conducted in an appropriate and private venue such as in the interviewee's home or in an interview room in the local authority's office.
- ◆ In addition, when preparing for and conducting interviews of this type, appropriate procedures should also be adhered to in order to protect the personal safety of the interviewers, ensure fair procedure and elicit all necessary information from interviewees. A checklist of these procedures is set out on the opposite page.

Interviewing Alleged Perpetrators of Anti-Social Behaviour – Good Practice Checklist

LOCATION

- ◆ If the interview is conducted in a local authority office then a private room should be made available for this purpose – interviews should never be conducted at a public counter ✓
- ◆ If the interview takes place in the interviewee's home it should be conducted in an appropriate public part of the dwelling such as a living room ✓

INTERVIEW PREPARATION

- ◆ Prepare for the interview by reviewing all of the evidence on the case ✓
- ◆ On this basis compile a list of issues to be addressed at the interview ✓

INTERVIEW PROCEDURE

- ◆ Interviews should never be conducted by a lone official; he/she should always be accompanied by a colleague ✓
- ◆ One of these officials should take responsibility for conducting the interview ✓
- ◆ The other should keep a record of the interview and ensure that necessary issues are addressed ✓
- ◆ Always allow sufficient time for an interview – it should be conducted in a thorough manner and the interviewee should be allowed sufficient time to make relevant points ✓
- ◆ Ensure that all those in attendance sign an attendance record ✓
- ◆ Interviewees should be free to have an advisor accompany them to the interview if they so wish ✓

INTERVIEW PROCESS

- ◆ Make every effort to put the interviewee at ease by for instance using first names and using informal language when conducting the interview ✓
- ◆ Explain to the interviewee that the meeting is being held to hear his/her response to complaints that have been received and that there is no presumption on the part of the local authority that the complaints are valid ✓
- ◆ Clearly state that the interview is just exploratory and part of a process of investigation ✓
- ◆ Explain in detail the allegation(s) received ✓
- ◆ Invite the interviewee to respond to each allegation and repeat his/her responses back to the interviewee ✓
- ◆ Ensure that all the points you planned to raise have been addressed ✓
- ◆ Summarise the content of the interview and ask the interviewee whether he/she agrees with this summary or has anything to add ✓
- ◆ Confirm to interviewee that what he/she has said will be fully investigated and that he/she will be informed of the outcome as quickly as possible. ✓

4.4 NON-LEGAL SOLUTIONS TO ANTI-SOCIAL BEHAVIOUR

Where possible, non-legal solutions should be employed in the first instance in cases of anti-social behaviour. A range of non-legal solutions to anti-social behaviour are outlined in the good practice suggestions below. However, measures of this type may be inappropriate in cases that involve criminal behaviour or intimidation and threats of violence against staff or tenants.

Good Practice Recommendation No. 40:

Liaising with Tenants and Tenants Associations

- ◆ In cases where anti-social behaviour is widespread in a particular area and/or the specific perpetrators of these activities are difficult to identify, informing all tenants in the area about the activities may help to combat such behaviour.
- ◆ This could be achieved by means of a letter informing all tenants that the local authority has received complaints regarding anti-social behaviour, reminding them of their obligations under the tenancy agreements, stating that it is the policy of the authority not to tolerate these activities, and reminding them that engaging in activities of this type could potentially result in the exclusion of perpetrators from their accommodation, or the repossession of the dwelling, or their eviction from the halting site, as appropriate.
- ◆ A letter of this type may have a greater impact if the local tenants and residents associations are consulted regarding its contents.

Good Practice Recommendation No. 41:

Written Agreements with Alleged Perpetrators of Anti-Social Behaviour

- ◆ In cases where alleged perpetrators of anti-social behaviour have been positively identified by an investigation process and have admitted their involvement in these activities in an interview with local authority officials, local authorities should endeavour to negotiate a written agreement with them, in which they undertake to terminate the activities in question.
- ◆ This agreement should be signed by the alleged perpetrator of the anti-social behaviour and by a representative of the local authority. The alleged perpetrator

should be provided with a copy of the agreement, together with a cover letter which clearly sets out the implications of breaching the agreement. A second copy should be retained by the local authority. It may also be appropriate to provide a copy to the tenant of the accommodation where the alleged perpetrator of the anti-social behaviour resides.

- ◆ If appropriate, when negotiating this agreement local authorities should endeavour to identify any personal problems that may be causing the alleged perpetrator's behaviour, and make arrangements for appropriate supports to address these problems. The obligation to avail of these supports should be built into the agreement with the individual in question.

Good Practice Recommendation No. 42:

Supporting Alleged Perpetrators of Anti-Social Behaviour

- ◆ Where possible and appropriate, local authorities should provide support necessary to help perpetrators of anti-social behaviour address the root causes of their behaviour. For instance, the alleged perpetrator could be visited regularly by the housing welfare officer or social worker.
- ◆ Most solutions to the types of personal problems that affect anti-social behaviour, such as drug or alcohol abuse or family breakdown, lie outside of the remit and expertise of local authorities. In such cases local authorities should ensure that perpetrators of anti-social behaviour are referred to appropriate agencies to receive the support to help them address the root causes of their behaviour.

Good Practice Recommendation No. 43:

Use of Transfers

- ◆ Some cases of anti-social behaviour can be resolved by transferring either the victim or the alleged perpetrator of these activities to alternative accommodation, perhaps located in another area.
- ◆ However, this option should be used with care because moving victims from their homes can convey the impression that they are being punished while, conversely, transferring alleged perpetrators to better accommodation may convey the impression they are being rewarded for their anti-social activity.
- ◆ The wishes of victims of anti-social behaviour should be the overriding consideration in decisions to transfer them to alternative accommodation.

Best Practice Suggestion No. 13:

Use of Mediation

- ◆ Mediation is an approach to conflict resolution that involves a trained mediator meeting with the parties to a dispute, individually at first, and then together in order to try and reach a solution that is agreeable to both.
- ◆ Research on local authorities in the UK found that mediation is not appropriate in cases involving serious criminal activity, violence or intimidation but that it is a useful and cost-effective way of dealing with less serious activities, particularly disputes between neighbours (Scott ed. 2001). Therefore local authorities may wish to consider using mediation in cases such as these.
- ◆ Mediators operate on the principles of being independent, impartial and non-judgemental. Therefore mediation would not normally be carried out by local authority officials themselves but by a professional mediator. However, relevant officials should be trained in the use of mediation. This will enable them to identify anti-social behaviour that could be resolved by involving a professional mediator and to carry out mediation themselves, when appropriate.

Good Practice Recommendation No. 44:

Monitoring Compliance with Written Agreements

- ◆ Local authorities should establish systems to monitor compliance with written agreements regarding anti-social behaviour. This could involve for instance alerting relevant officials if a complaint is received which indicates that an individual or household subject to an agreement of this type has been involved in additional anti-social incidents. Written records should also be kept of the results of this monitoring.

- ◆ If alleged perpetrators fail to adhere to the terms of a written agreement to terminate their involvement in anti-social behaviour, local authorities should endeavour to meet with them and re-negotiate the terms of the agreement. This re-negotiation could involve putting in place appropriate supports for the alleged perpetrator if this was not provided for in the original agreement or alternatively accessing alternative supports to those provided for in the original agreement.

- ◆ The implications of breaking the terms of the renegotiated agreement, such as termination of the tenancy or exclusion of the alleged perpetrator from the accommodation, should also be explained at this stage.

4.5 INITIATING LEGAL ACTION IN CASES OF ANTI-SOCIAL BEHAVIOUR

In some cases, legal action to exclude individuals from local authority rented accommodation or to terminate the tenancy, is the only viable method of combating anti-social behaviour, as defined in the Housing (Miscellaneous Provisions) Act 1997. A number of considerations are relevant to achieving good practice in the use of legal action to combat anti-social behaviour. For instance, fair procedures should be adhered to at all times when investigating and taking action against alleged perpetrators of anti-social behaviour. Fair procedure requires that decisions to initiate legal action should be reached on a consistent rather than a random basis. This can be achieved by devising standard protocols to guide staff in relation to decisions of this type. In addition, efficient use of public resources requires that effective preparations are made for legal actions, and all legislative requirements in relation to the serving of legal notices are adhered to, in order to ensure a successful outcome. Furthermore, in order to protect the welfare of all members of the household that is the subject of the legal action, relevant statutory agencies should be notified of the decision to initiate action of this type at an early stage.

Good Practice Recommendation No. 45:

Protocols for Initiating Legal Action

- ◆ Local authorities should devise protocols governing the initiation of legal action in cases of anti-social behaviour. The details of these protocols should reflect relevant local considerations. However, as a minimum they should address the following issues:
 - Types of activities that should be considered for legal action as a matter of course, on the grounds that they cannot be appropriately addressed by non-legal mechanisms
 - Minimum number of occasions on which non-legal solutions to anti-social behaviour should be attempted before the case is considered for legal action
 - Criteria for selection of different types of legal actions such as exclusion orders or termination of the tenancy
 - The use of legal action against households that include vulnerable members such as children, elderly people or disabled people, for instance.

- ◆ It is likely that at any one time, local authorities will be dealing with a number of anti-social cases that could potentially be the subject of legal action. In scenarios such as this the seriousness of the activities involved and the prospects that the court action will be successful should be the overriding consideration in selecting cases appropriate for legal action. Local authorities should initiate action in cases that fall into these two categories, first of all, in the expectation a successful outcome may encourage other perpetrators of anti-social behaviour to reform their behaviour.

Good Practice Recommendation No. 46:

Case Conferences for Initiating Legal Action

- ◆ Decisions to initiate legal action against alleged perpetrators of anti-social behaviour should be approved by a case conference of staff responsible for preventing and combating anti-social behaviour and senior housing department staff. In addition, the estate-based staff responsible for the area where the alleged perpetrator lives and social work or housing welfare staff should also be included in these meetings.
- ◆ The Housing (Miscellaneous Provisions) Act 1997 and Housing (Traveller Accommodation) Act 1998 stipulates that excluding order proceedings can only be taken after consultation with the local health board. In addition, health boards should always be notified when legal action on the grounds of anti-social behaviour is initiated against households with vulnerable members or members under eighteen years of age.
- ◆ In addition, the DoEHLG circular H5/95 which deals with the implementation of the Housing (Miscellaneous Provisions) Act 1997 recommends that the Gardaí should be consulted before any legal action is initiated under the auspices of this Act.
- ◆ The easiest way to consult with the Gardaí and health board is to invite representatives of these organisations to case conferences on the initiation of legal action in cases of anti-social behaviour. Their attendance at the case conference should also be used as an opportunity to explore the possibility that these organisations could intervene to help combat the anti-social behaviour.

Good Practice Recommendation No. 47:

Refusal to Sell a Dwelling

- ◆ In all cases where a decision has been reached to initiate legal action against an alleged perpetrator of anti-social behaviour, local authorities should ensure that any application from the household in question to buy their dwelling under the tenant purchase scheme is also refused.
- ◆ Section 14 of the Housing (Miscellaneous Provisions) Act 1997 empowers local authorities, on the grounds of anti-social behaviour or good estate management, to refuse to sell a dwelling under the tenant purchase scheme. Local authorities may also refuse consent to the resale of a tenant-purchased dwelling on these grounds, or under the other circumstances set out in legislation. This measure is an overriding provision. It is not necessary to amend the terms of the tenant purchase scheme in order to avail of it.
- ◆ In order to ensure that this measure is applied in a standardised fashion to all applications for tenant purchase, local authorities should devise procedures to guide staff in its use. These procedures should allow applicants for tenant purchase to appeal decisions to refuse to sell a dwelling and to request that the local authority review the decision after a standard minimum period of time has elapsed or the circumstances of the applicant have changed.

Good Practice Recommendation No. 48:

Preparing Evidence to Support Legal Action

- ◆ In order to ensure a successful outcome to legal action in cases of anti-social behaviour, local authorities should ensure that all necessary evidence is available.
- ◆ In legal cases of this type local authorities may be required to prove the following:
 - The subject of the legal action (i.e. the respondent) has engaged in anti-social behaviour
 - When investigating and taking action in this case the local authority followed fair procedures, acted reasonably and did not abuse its powers or act in bad faith.

- ◆ In order to meet these requirements, local authorities should ensure that documentary evidence along the following lines is available for presentation to the Court:
 - Written confirmation that a complaint alleging anti-social behaviour, as defined in the Housing (Miscellaneous Provisions) Act 1997, or another breach of the tenancy agreement, was received
 - An investigation/enquiry was conducted into that complaint to ascertain facts
 - The respondent was notified in writing of the making of the complaint, informed of the nature of that complaint and afforded an opportunity to answer same
 - The respondent was advised that consideration was being given to his/her exclusion from the accommodation or to the termination of his/her tenancy by reason of the complaint
 - All necessary further investigations or enquiries were carried out as warranted, following submissions or representations by or on behalf of the respondent
 - Where additional complaints were made to the local authority in the course of its investigation or enquiries, these were notified to the respondent and he/she was afforded an opportunity to answer those additional complaints
 - The respondent was advised that the local authority intended to exclude him/her from the accommodation or to terminate his/her tenancy as a result of its enquiries.

- ◆ In addition, when applying to the District Court for the repossession of an dwelling, local authorities will be required to furnish proof that all relevant legal notices have been served correctly. Details of correct procedures in this regard can be found in Sections 4.6 and 4.7 below.

4.6 EXCLUSION ORDERS

As mentioned in the introduction to these guidelines, the Housing (Miscellaneous Provisions) Act 1997 provides for the exclusion of perpetrators of anti-social behaviour from their dwellings, and the Housing (Traveller Accommodation) Act 1998 applies these provisions to local authority halting sites. Under the terms of the Act these 'exclusion orders' can be sought by either the tenant or the local authority. The DoEHLG circular H5/97 on the implementation of the 1997 Act points out this that option is preferable to terminating the tenancy because it targets the specific perpetrator of the anti-social behaviour rather than the entire household. Therefore in cases where legal action against alleged perpetrators of anti-social behaviour is considered appropriate, the option of obtaining an exclusion order should be explored in the first instance.

Good Practice Recommendation No. 49:

Use of Exclusion Orders in Cases of Anti-Social Behaviour

- ◆ The Housing (Miscellaneous Provisions) Act 1997 and the Housing (Traveller Accommodation) Act 1998 require that an exclusion order can only be sought after consultation with the relevant tenant and relevant health board. In addition the DoEHLG circular H5/97 on the implementation of the 1997 Act recommends that the Gardai and any other relevant authorities should also be consulted before action of this type is initiated.
- ◆ The first step in utilising this procedure is to consult with the relevant tenant regarding the possibility that he/she should apply to the District Court for an exclusion order against another member of the household or against a joint tenant.
- ◆ If on the basis of this consultation local authorities reach the conclusion that the tenant is not in a position to apply for an exclusion order, for instance because of intimidation, the legislation enables local authorities to make an application instead.
- ◆ The 1997 and 1998 Acts do not require local authorities to obtain the express agreement of the tenant to seek an exclusion order. However, good practice

requires that the written agreement of the tenant should be obtained if possible. If not, local authorities should be able to provide proof that they have consulted with the tenant. This could be achieved by compiling a written statement of the time, date, location and content of meetings held with the tenant regarding this issue.

- ◆ The 1997 and 1998 Acts empower the court to make an interim exclusion order where there is immediate risk of significant harm to a tenant or other occupant pending determination of an application for an excluding order. When initiating exclusion order proceedings local authorities should ensure that the need for an interim order is assessed and such orders are sought when necessary.
- ◆ Local authorities are also required to serve a respondent with notice of a proposed application for an exclusion order.
- ◆ In making an exclusion order the District Court has the power to prohibit the respondent from entering or being in the vicinity of a particular house or estate or halting site and to prohibit intimidation or other interference with a tenant or occupant of the accommodation. Local authorities should consider requesting the Court to do this if necessary.
- ◆ Under the terms of the 1998 Act, exclusion orders in relation to halting sites may require respondents to remove any caravan they own or occupy from that halting site.
- ◆ The term of an exclusion order can be varied by the District Court, subject to a maximum of three years. However, a further order can be made with effect from the date of expiration of the first order. Alternatively, any of the parties to the order, including the local authority, can apply to the Court to have it discharged when circumstances no longer require that the order remain in force. Local authorities should establish procedures for the periodic review of exclusion orders and should ensure that arrangements are made to apply for the discharge or extension of these orders as necessary.

4.7 TERMINATION OF TENANCIES ON THE GROUNDS OF ANTI-SOCIAL BEHAVIOUR

As mentioned above, the option of terminating a tenancy on the grounds of anti-social behaviour should only be used when all other appropriate solutions have failed or are deemed inappropriate. However, when action of this type is initiated it is important to ensure that correct procedures are followed in all cases so that a successful outcome is achieved.

This section describes the legal procedure normally followed when terminating tenancies in and recovering possession of local authority rented dwellings, i.e. houses, flats or apartments. The legal procedure appropriate for the recovery of possession of a halting site bay depends on the type of tenancy agreement that has been employed to let the accommodation in question. Therefore, it may differ from the legal procedure described below.

Good Practice Recommendation No. 50:

Termination of Tenancies

- ◆ Before initiating legal action for the termination of a tenancy on the grounds of anti-social behaviour, local authorities should check whether any previous notices to quit that may have been issued against the tenant are still standing. If this is the case, or if there is any uncertainty in this regard, local authorities should send a letter to the tenant rescinding all previous notices to quit.
- ◆ Once this has been done the first step in the legal process for the repossession of the dwelling is the service of a notice to quit the dwelling, which terminates the tenancy.
- ◆ A notice to quit must be in writing and must be served on the tenant not less than four weeks before it is due to take effect or, in other words, before the date on which the tenant is required to deliver up possession of the dwelling to the authority. However, in order to allow for difficulties in contacting the respondent, local authorities should allow a lengthier period for the service of the notice to quit.

- ◆ A notice to quit normally incorporates a written demand that possession of the dwelling should be delivered up to the local authority on the date of expiry of the notice to quit and a statement that if possession is not delivered up, the local authority will apply to the District Court for a warrant for possession.
- ◆ The notice to quit should be accompanied by a covering letter setting out the reasons for serving the notice and clearly explaining its meaning, together with details of sources of advice and assistance available from independent agencies.

Good Practice Recommendation No. 51:

Service of Notices to Quit

- ◆ Notices to quit local authority rented dwellings should be served on the basis of an order from the City or County Manager or a local authority official delegated to act on his/her behalf.
- ◆ In addition, the following procedure should be adhered to when serving notices:
 - Whenever possible legal notices should be served by delivering them to the respondent in person. If the server is threatened or intimidated, no further attempts at personal service should be made. If the server fails to make contact with the respondent up to three attempts should be made to serve the notice by this method and full records should be maintained of these attempts
 - Where personal service of legal notices is not possible, service should be effected by means of prepaid registered post
 - If registered envelope is returned the notice should then be served by ordinary post. However, in such circumstances local authorities should obtain an order sanctioning this substituted service from the District Court
 - Although the Housing Act 1966 provides for the service of notices by means of leaving them at the address at which the respondent normally resides or delivering them to any other person at these premises who is over the age of 16 years, these methods of serving notices should only be used in exceptional circumstances.

Good Practice Recommendation No. 52:

Court Action for the Termination of Tenancies

- ◆ If, following the service of a notice to quit and a demand for possession, the respondent fails to vacate the dwelling, the next step is the service of a court summons requiring the tenant to attend a District Court hearing for repossession of the dwelling.

- ◆ At this hearing the local authority is required to prove the following:
 - The dwelling was provided by a housing authority under the terms of the Housing Acts
 - There is no tenancy in the dwelling because the respondent has broken the terms of the tenancy agreement by engaging in anti-social behaviour or has engaged in anti-social behaviour as defined in the Housing (Miscellaneous Provisions) Act 1997 and a notice to quit the dwelling was served as a result
 - Possession of the dwelling was duly demanded
 - The occupier duly failed to give up possession of the dwelling
 - The demand for possession included a statement of the intention of the housing authority, if the demand was not complied with, to apply for the issue of a warrant for the possession of the dwelling.

- ◆ The Housing Act 1966 requires District Justices to issue a warrant for repossession of the dwelling once they are satisfied that the technical requirements of the legislation have been met.

Good Practice Recommendation No. 53:

Readmission of Households whose Tenancies have been Terminated to the Waiting List

- ◆ Local authorities should devise protocols governing applications for housing by households whose tenancies have been terminated on the grounds of anti-social behaviour. These protocols should enable such households to reapply for accommodation after a standard minimum period of time has elapsed and/or the local authority is satisfied that the anti-social behaviour will not recur.

4.8 COMBATING ANTI-SOCIAL BEHAVIOUR PERFORMANCE INDICATORS

The establishment of a system of performance indicators is a vital element of achieving good practice in combating anti-social behaviour. The precise indicators chosen will depend on local conditions and as such are a matter for each local authority. However, in order to assist the development of their policy on the monitoring of their performance in combating anti-social behaviour, local authorities may wish to consider the recommendations and suggestions outlined below.

Good Practice Recommendation No. 54:

Performance Indicators

- ◆ In order to achieve good practice in the management of the anti-social behaviour service, local authorities should monitor trends in the types of anti-social cases and incidents that they have endeavoured to combat using legal and non-legal measures, on an annual basis. This will provide an indication of the success of these measures.

Best Practice Suggestion No. 14: Performance Indicators

- ◆ In order to achieve best practice in combating anti-social behaviour, local authorities should consider developing a comprehensive system of performance indicators. These performance indicators could include the following:
 - Percentage of anti-social behaviour cases in which the authority took action
 - Percentage of cases in which non-legal measures to combat the activities were successful
 - Percentage of cases in which the alleged perpetrator failed to make contact with the authority regarding allegations of involvement in anti-social behaviour
 - Percentage of cases in which the alleged perpetrator failed to adhere to a written agreement to terminate his/her involvement in anti-social behaviour
 - Percentage of cases in which legal action for the exclusion of an alleged perpetrator of anti-social behaviour was initiated
 - Percentage of cases in which legal action for the repossession of a dwelling on the grounds of anti-social behaviour was initiated
 - Percentage of court actions for the exclusion of alleged perpetrators of anti-social behaviour and for repossession of the dwelling on these grounds that were successful.

SECTION FIVE

Section Three of these guidelines highlighted the benefits of consulting with and providing information for tenants, in ensuring that they refrain from anti-social behaviour and report such activities to the local authority if they do occur. However, as well as responsibilities, tenants who come into contact with the anti-social behaviour service also have rights. They have the right to make a complaint if they are unhappy with the standard of service they receive and to have that complaint investigated within a reasonable timeframe. In addition, measures should also be put in place to protect the welfare of victims of anti-social behaviour, who may suffer negative personal repercussions from these activities and to protect the welfare of alleged perpetrators and their families – particularly if legal action is instigated against them. This section examines the procedures that can be put in place to protect the rights and the welfare of these tenants.

The staff who work in the anti-social behaviour service are the main determinants of the quality of the service that is delivered by local authorities to tenants and this section also considers how the management of staff resources can be improved, where necessary. In order to achieve good practice in the management of the anti-social behaviour service, local authorities need to adopt a strategic approach to personnel management and development. This approach should be based on the development of a policy which ensures that the service is managed in an integrated fashion, that suitable staff are recruited to the service and that they are provided with the training and support necessary to do their job. The staff of this service have accumulated considerable expertise on the causes of anti-social behaviour and therefore should be involved in policy decisions regarding potential solutions to these activities.

CUSTOMER CARE AND PERSONNEL MANAGEMENT AND DEVELOPMENT

5.1 **DEVELOPING A CUSTOMER CARE CODE**

The development of a written code is the first step in improving the standard of customer care in the anti-social behaviour service. This code should clearly set out the standard of service tenants can expect to receive from a local authority and enable them to make a complaint about the service if necessary. In addition, local authorities should establish mechanisms for surveying individual tenants and members of tenants associations on the quality of the anti-social behaviour service and regarding proposed major management reforms, if relevant.

Good Practice Recommendation No. 55:

Developing a Customer Care Code

- ◆ Local authorities should devise a customer care code for their anti-social behaviour service.
- ◆ The starting point for the formulation of this code is the establishment of procedures for surveying the satisfaction of tenants regarding the authority's effectiveness in preventing and combating anti-social behaviour.

- ◆ The code should set out the responsibilities of both the local authority and tenants in relation to anti-social behaviour.
- ◆ In addition it should allow tenants to make a complaint about any aspect of this service and provide for the investigation of these complaints.
- ◆ In order to aid the formulation of their customer care code, local authorities may wish to consult the checklist of suggested items for inclusion in this code, provided on the opposite page.

Good Practice Recommendation No. 56:

Customer Care of Complainants

- ◆ All complaints regarding anti-social behaviour incidents should be acknowledged in writing and complainants should be informed that the local authority will be in touch again once a decision has been reached regarding the appropriate response.
- ◆ The local authority should write to update the complainant if any progress has been made with regard to the investigation of the complaint, any action has been taken in relation to it or the complaint has been found to be without foundation.

Good Practice Recommendation No. 57:

Customer Care of Alleged Perpetrators of Anti-Social Behaviour

- ◆ When a local authority takes any action in relation to anti-social behaviour, such as refusing or deferring a letting of accommodation, refusing to sell a dwelling, excluding occupants from their accommodation or terminating a tenancy, the individual or household concerned should be written to and informed of the grounds on which the decision was reached and of arrangements for appealing the decision or requesting that it be reviewed after a period of time has elapsed.

Customer Care Code – Checklist of Contents

RIGHTS OF TENANTS

- ◆ To enjoy peaceful use of their home without disruption from anti-social behaviour ✓
- ◆ To expect the local authority to take reasonable action to prevent anti-social behaviour and to combat these activities should they occur ✓
- ◆ To make a complaint to the local authority regarding anti-social behaviour in their area ✓
- ◆ To have all complaints about anti-social behaviour investigated swiftly and fairly ✓
- ◆ To have all complaints regarding anti-social behaviour acknowledged in writing and to be kept informed of the progress of any subsequent investigation of or action taken in relation to the complaint ✓

RESPONSIBILITIES OF TENANTS

- ◆ Not to engage in anti-social behaviour ✓
- ◆ To treat all anti-social behaviour staff with due courtesy and respect ✓
- ◆ To report anti-social behaviour to the local authority and co-operate with investigations of these incidents ✓

TENANT SATISFACTION WITH THE ANTI-SOCIAL BEHAVIOUR SERVICE

- ◆ Details of a formal complaints procedure for tenants who are dissatisfied with any aspect of the anti-social behaviour service ✓
- ◆ Prompt investigation of all complaints and details of expected response times to complaints ✓
- ◆ Details of procedures for obtaining feedback from individual tenants and members of tenants associations on the performance of all aspects of the anti-social behaviour service ✓

5.2 WELFARE CONSIDERATIONS

Compared to some other areas of housing management the issues of anti-social behaviour may have significant implications for the welfare of both the victims and alleged perpetrators of these activities. As far as possible, local authorities should endeavour to protect the welfare of both of these groups.

Good Practice Recommendation No. 58:

Protecting the Welfare of Victims of Anti-Social Behaviour

- ◆ When a complaint is made about anti-social behaviour the views of complainants regarding the most appropriate course of action on the matter should be sought and recorded.
- ◆ In addition, where the nature of a complaint is so specific that it would give an indication of the complainant's identity, for instance where the complaint refers to a confrontation between two individuals, this issue should be discussed with the complainant.
- ◆ In cases where anti-social behaviour may have implications for the personal safety of complainants or has caused them significant distress they should be referred to the Gardaí or an appropriate support agency such as Victim Support.

Best Practice Suggestion No. 15:

Protecting the Welfare
of Victims of Anti-Social
Behaviour

- ◆ In particularly serious cases of anti-social behaviour, and/or where complainants are vulnerable, because they are living alone for instance, local authorities may wish to consider designating an official who would liaise with them on a regular basis in order to keep them informed of progress in the case and monitor their welfare.

Good Practice Recommendation No. 59:

Protecting the Welfare of Alleged Perpetrators of Anti-Social Behaviour

- ◆ Local authorities should ensure that the relevant section of the local health board is informed of the initiation of legal action in cases of anti-social behaviour and is contacted again if the legal action is successful.
- ◆ Liaison of this type is particularly important when legal action is executed against households that contain vulnerable members such as: persons under eighteen years of age or elderly or disabled people.
- ◆ As mentioned in Section Four of these guidelines, the most effective way to conduct this liaison is to invite representatives of health boards to case conferences on the initiation of legal action in cases of anti-social behaviour.

Best Practice Suggestion No. 16:Protecting the Welfare of
Alleged Perpetrators of
Anti-Social Behaviour

- ◆ In areas where anti-social behaviour is particularly serious and widespread local authorities may wish to consider enabling the development of appropriate accommodation for households and individuals who have been excluded from local authority rented accommodation or had their tenancy terminated on the grounds of anti-social behaviour.
- ◆ A scheme of this type could be provided by a voluntary or co-operative housing provider with relevant experience and expertise. In addition to accommodation, residents could be offered support and training to help them address the root causes of their anti-social behaviour and enable them to re-enter mainstream social or private housing.

5.3 PERSONNEL MANAGEMENT AND DEVELOPMENT POLICY

The *First Report* of the Housing Management Group identified the introduction of effective arrangements for the training and development of local authority housing staff as vital for achieving good practice in housing management. It recommended that such training should address both housing management policy and the skills necessary to provide a better service, including the development of the interpersonal skills necessary for good customer care.

Good Practice Recommendation No. 60:

Personnel Management and Development Policy

- ◆ In order to achieve good practice in management of the anti-social behaviour service, local authorities should devise and implement a policy on the management and development of the staff who work in this area.
- ◆ As a minimum, this policy statement should contain the following information:
 - The skills and competencies that are expected from the different staff of the service
 - Details of training plans necessary to update and develop the skills of all grades of staff
 - Details of the authority's arrangements for staff participation in anti-social behaviour policy development
 - The authority's disciplinary policy
 - Details of available staff welfare or support services.
- ◆ In the interests of providing a comprehensive housing management service to tenants, the personnel management and development policy should seek to promote an integrated multi-disciplinary approach to the delivery of all aspects of the anti-social behaviour service and encourage and facilitate staff interaction and co-ordination with the other sections of the authority's housing service.
- ◆ The details of the personnel management and development policy should be determined by each local authority on the basis of consultation with staff and a consideration of the strategic requirements of its anti-social behaviour service. However, in order to aid the formulation of their policy, local authorities may wish to consider the checklist of items for inclusion in this statement that is provided on the opposite page.

Personnel Management and Development Policy –

Checklist of Contents

STAFF SKILLS AND COMPETENCIES

- ◆ Details of the skills and competencies that are expected from the different grades of staff assigned to work in the area of anti-social behaviour ✓

STAFF TRAINING AND DEVELOPMENT PLAN

- ◆ Procedures for surveying staff regarding their training needs ✓
- ◆ Information programmes on developments in housing policy and legislation ✓
- ◆ Skills up-dating programmes ✓
- ◆ Inter-disciplinary workshops and seminars, including joint training with staff of other sections of the housing service ✓

STAFF MANAGEMENT AND SUPERVISION

- ◆ Details of the procedures for the management and supervision of staff, including the 'line of command' in the anti-social behaviour section ✓
- ◆ Procedures for quality control of the anti-social behaviour service ✓
- ◆ Details of the authority's procedures for dealing with staff grievances and complaints ✓
- ◆ Disciplinary procedures covering the following areas:
 - absenteeism ✓
 - poor performance ✓
 - breaches of the customer care code ✓
 - breaches of health and safety policy ✓

STAFF PARTNERSHIP

- ◆ Procedures for consulting staff on the development and reform of anti-social behaviour services and procedures ✓

STAFF WELFARE

- ◆ Staff welfare policy and services ✓

Good Practice Recommendation No. 61:

Health and Safety of Staff

- ◆ The staff involved in investigating complaints about anti-social behaviour and instigating action against alleged perpetrators may be the targets of verbal or physical aggression and assaults. Measures should be put in place to reduce the possibility of this taking place and to provide appropriate support for staff who have been victims of such activities.

- ◆ Measures to reduce the possibility of verbal or physical assaults on anti-social behaviour staff could include the following:
 - Staff could be trained to recognise potentially aggressive and violent situations and to de-escalate and/or remove themselves from the situation
 - Staff could be provided with appropriate equipment to enable them to call for help if necessary, e.g. mobile telephones and personal alarms
 - Interview rooms and offices used by anti-social behaviour service staff could be fitted with appropriate security devices such as panic buttons
 - Staff could maintain a written record of the date, time and location of and planned visits to locations outside of the authority's offices for the purposes of investigating anti-social behaviour. This 'duty log' should be accessible by other members of staff who may need to check their location for security purposes.

- ◆ Stress management training should be provided to help anti-social behaviour staff and other relevant staff deal with the stresses associated with this working environment.

- ◆ In addition, local authorities should ensure that appropriate medical and counselling facilities are available to anti-social behaviour staff who have been victims of verbal or physical aggression or assault in the course of their work.

5.4 INFORMATION FOR ANTI-SOCIAL BEHAVIOUR STAFF

Section Three of these guidelines discussed the need to provide information to tenants on the issue of anti-social behaviour in order to ensure that they fulfil their obligations in this regard. However, in order to achieve good practice it is also necessary to institute procedures to ensure that the details of the local authority's policy on preventing and combating anti-social behaviour are clearly communicated to the staff who deliver the service on a day-to-day basis.

Good Practice Recommendation No. 62:

Resource Packs for Staff

- ◆ Local authorities should provide resource packs for all staff of the anti-social behaviour service.
- ◆ The exact content of these resource packs is a matter for individual authorities. However, as a minimum, they should contain the following information:
 - The authority's statements of policy on preventing and combating anti-social behaviour
 - The content of the anti-social behaviour service guides that the authority issues to tenants
 - The authority's customer care code
 - The authority's personnel management and development policy
 - Details of procedures for monitoring the performance of all aspects of the anti-social behaviour service.

5.5 STAFF SKILLS DEVELOPMENT

The *First Report* of the Housing Management Group identified the provision of training for staff as a vital prerequisite to achieving good practice in local authority housing management.

Good Practice Recommendation No. 63:

Staff Training Programmes

- ◆ In order to achieve good practice in the management of the anti-social behaviour service, local authorities should develop and implement a training programme for the staff of the service. Although the details of this programme will depend on local circumstances, as a minimum it should address the following issues:

- All aspects of the authority's policy on preventing and combating anti-social behaviour
- Customer care
- Interpersonal communication
- Health and safety procedures including personal health issues such as stress management skills
- Skills up-dating and enhancement courses.

Good Practice Recommendation No. 64:

Training for Staff Involved in Investigating and Taking Action
Against Anti-Social Activities

- ◆ Local authorities should ensure that staff designated with specific responsibility for investigating and taking action against alleged perpetrators of anti-social behaviour are adequately trained to carry out their work effectively. Training should be provided for these staff in the following areas:
 - Understanding the reasons why people engage in anti-social activities
 - Recognising when alleged perpetrators of these activities should be referred to other agencies for support
 - Interviewing techniques and negotiation skills
 - Dealing with difficult, aggressive or violent situations
 - The legal framework for combating anti-social behaviour
 - Presenting cases in court.

Best Practice Suggestion No. 17:
Interdisciplinary and
Interdepartmental Staff
Training

- ◆ In order to facilitate the development of an integrated team approach to the staffing of the anti-social behaviour service, local authorities should ensure that appropriate training courses include a range of disciplines and grades of staff.
- ◆ In order to encourage interaction between the anti-social behaviour service staff and the staff of the other elements of the housing service, local authorities should consider including staff from a range of sections within the same training programme, where relevant. Suitable topics for training of this type would include the following:
 - Freedom of information and data protection legislation
 - Equal opportunities legislation
 - Housing policy developments
 - Managing stress.

Best Practice Suggestion No. 18:
Quality Control

- ◆ In order to achieve best practice in preventing and combating anti-social behaviour, local authorities may wish to consider utilising the ‘dip sampling’ technique to control the quality of responses to cases and incidents. This would involve an appropriate senior staff member randomly selecting a small number of cases or incidents and scrutinising them to assess whether correct and fair procedures were adhered to at all times in the investigation of cases and the initiation of action by the local authority. This ‘dip sampling’ could be carried out every year or more often if necessary.

**5.6 STAFF PARTICIPATION
IN THE MANAGEMENT
OF THE ANTI-SOCIAL
BEHAVIOUR SERVICE**

Achieving good practice in the management of the anti-social behaviour service requires that staff are consulted about any proposed reforms and are afforded an opportunity to influence these reforms and play a role in the development of the service.

Good Practice Recommendation No. 65:

Developing Partnership Arrangements with Staff

- ◆ Staff of all grades should be afforded a full opportunity to influence policy formation and operational strategy and should be consulted, as necessary, regarding all changes in policy or operational matters.
- ◆ Staff can make a particular contribution to the following areas: the development of policy on preventing and combating anti-social behaviour; the formulation of customer care codes; the development of training programmes; the identification of performance indicators.
- ◆ Staff should be kept informed of the results of performance monitoring and be given an opportunity to participate in planning to address any inefficiencies identified by performance monitoring.
- ◆ Procedures to survey staff satisfaction with the anti-social behaviour service on a regular basis should also be established.

5.6 CUSTOMER CARE AND PERSONNEL MANAGEMENT AND DEVELOPMENT PERFORMANCE INDICATORS

In order to achieve best practice in preventing and combating anti-social behaviour, local authorities may wish to implement a programme to measure the performance of their personnel management and development programme for this service. Suggestions regarding the specific indicators which could be employed to do this are outlined below.

Best Practice Suggestion No. 19: Performance Indicators

- ◆ In order to achieve high standards of customer care in the anti-social behaviour service local authorities should establish procedures to survey individual tenants and members of tenants and residents associations on their satisfaction with all aspects of the service and monitor the results of these surveys on an ongoing basis.
- ◆ Indicators of the authority's performance in the area of personnel management and development could include the following issues:
 - Percentage of anti-social behaviour service staff involved in health and safety, skills upgrading, knowledge updating and personal development training
 - Percentage of staff from all sections of the housing department involved in integrated training
 - Number and percentage of hours lost among anti-social behaviour staff in the following categories:
 - (a) casual sick leave
 - (b) certified sick leave
 - (c) work-related injury
 - (d) special leave
 - Number of staff satisfaction surveys carried out on policy, operation, service delivery
 - Number and percentage of staff expressing
 - (a) satisfaction with service
 - (b) need to change aspects of service
 - (c) need to overhaul entire service.

APPENDIX

This section summarises the main provisions of the legislation on anti-social behaviour in local authority estates and of other legislation that is relevant to good practice in the management of this service. It also lists some further reading and contact details of organisations that can provide useful advice to local authorities on preventing and combating anti-social behaviour.

LEGISLATION, PUBLICATIONS, USEFUL ADDRESSES

6.1 **ANTI-SOCIAL BEHAVIOUR** *Housing Act 1966 as amended*

LEGISLATION AND GUIDELINES

- ◆ *Section 62* – sets out the procedures for the repossession of local authority rented dwellings. These procedures involve the service of a written notice to quit the dwelling.

Housing (Miscellaneous Provisions Act) 1992

The Housing (Miscellaneous Provisions) Act 1992 also contains a number of provisions relevant to preventing and combating anti-social behaviour. These include the following:

- ◆ *Section 9(1)* – requires local authorities to develop a statement of policy on housing management and the DoEHLG (1992) *Memorandum on the Preparation of a Statement of Policy on Housing Management* specifies that the measures to reduce crime and vandalism and increase security in local authority rented accommodation should be afforded particular attention in these statements.
- ◆ *Section 16(1)* – requires that a Notice to Quit served by a local authority must be in writing and must be served on the tenant not less than four weeks before the date on which the notice is to take effect.

Housing (Miscellaneous Provisions) Act 1997

The Housing (Miscellaneous Provisions) Act 1997 provides for several measures that can be utilised by local authorities to address anti-social behaviour in local authority rented dwellings or in the interests of good estate management.

- ◆ The Act defines anti-social behaviour as either or both of the following: (a) the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts 1977 and 1984), (b) any behaviour that causes or is likely to cause any significant or persistent danger, injury, damage, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority, or a housing estate in which the house is situated, and includes violence, threats, intimidation, coercion, harassment or serious obstruction of any person.
- ◆ The Act defines estate management as: (a) the securing or promotion of the interests of tenants, lessees, owners or occupiers whether individually or generally, in the enjoyment of any house, building or land provided by a housing authority under the Housing Acts 1966 to 1997; (b) the avoidance, prevention or abatement of anti-social behaviour in any housing estate in which is situate a house provided by a housing authority under the Housing Acts 1966 to 1997.
- ◆ *Section 3* – enables local authority tenants to apply for an excluding order against any other occupant of their dwelling, where the tenant believes that the other occupant is engaging in anti-social behaviour. Local authorities can also apply for similar excluding orders in specific circumstances.
- ◆ *Sections 5 to 12* – provide for the taking effect, discharge, appeal of these exclusion orders and set out penalties for their contravention.
- ◆ *Section 14(1)* – provides that a local authority can refuse to let or can defer the letting of a dwelling to an applicant whom it believes is engaged in anti-social behaviour, where such a letting would not be in the interests of good estate management, or where the applicant has not provided the information the local authority deems necessary to assess his or her application for housing.

- ◆ *Section 14(2)* – provides that a local authority can refuse to sell a dwelling to a tenant whom it believes is or has been engaged in anti-social behaviour or where such a sale would not be in the interests of good estate management.
- ◆ *Section 15* – enables local authorities to request information on applicants for accommodation and on persons it believes are or have been engaged in anti-social behaviour, from other local authorities or from specified bodies including the Gardaí, health boards and the Criminal Assets Bureau.
- ◆ *Section 16* – provides that a health board can refuse to pay rent or mortgage supplement under the Supplementary Welfare Allowances scheme to a person who has been refused accommodation, excluded or evicted from a local authority rented dwelling on the grounds of anti-social behaviour or in the interests of good estate management.
- ◆ *Section 20* – makes provision for dealing with cases of illegal occupation of local authority dwellings. Specifically where a local authority dwelling or any part of it is occupied, continuously or intermittently, by a person other than the tenant, or by a person who has failed to vacate the dwelling on foot of a notice to quit. In these situations local authorities can request the Gardaí to direct the person in question to vacate the dwelling. Anyone who refuses to comply with such a direction from the Gardaí is deemed to have committed an offence under the terms of the Act.
- ◆ *Section 21* – provides that in proceedings under Section 62 of the Housing Act 1966, or section 3, 4 or 9 of the 1997 Act, if a member of the Garda Síochána or an officer of a housing authority or a health board states that he/she believes that a person is or has been engaged in anti-social behaviour, and if the Court is satisfied that there are reasonable grounds for such belief and that another person would be deterred or prevented by violence, threat or fear from providing evidence in that regard, the statement shall be evidence of such anti-social behaviour.

Freedom of Information Act 1997, as amended

The Freedom of Information Act 1997 enables members of the public to access information held by public bodies including local authorities. However, the Act stipulates that this right to receive information is subject to some exceptions. From the perspective of combating anti-social behaviour the most significant exception is as follows:

- ◆ *Section 26* – requires that the head of a public body shall refuse to grant a request for information if the records in question contain information that was given to the body in confidence and on the understanding that it would be treated as confidential, and, in the opinion of the head, the disclosure of the records would be likely to prejudice the provision of further similar information from the same person or from other persons and it is of importance to the body that further similar information should continue to be supplied to it.

Housing (Traveller Accommodation) Act 1998

The Housing (Traveller Accommodation) Act 1998 applies the provisions of the Housing (Miscellaneous Provisions) Act 1997 to halting sites for caravans provided by local authorities. In addition, the 1998 Act provides that exclusion orders against occupants of halting sites can require the individual(s) in question to remove any caravan they own or occupy from that halting site.

Department of the Environment, Heritage and Local Government Circulars and Memoranda.

Circular LG 9/00 – instructs local authorities to establish procedures to monitor their performance in a range of service areas including vacant dwellings, rents and maintenance.

Circular H5/97 – explains the main provisions of the Housing (Miscellaneous Provisions) Act 1997 and specifies how these provisions should be implemented in practice by local authorities.

6.2

PUBLICATIONS

Irish Research

Fahey, T. (ed.) (1999)
Social Housing in Ireland: A Study of Success, Failure and Lessons Learned
Dublin: Oak Tree Press

Memery, C. and Kerrins, L. (2000)
Estate Management and Anti-Social Behaviour: The Implementation of the 1997 Housing (Miscellaneous Provisions) Act in the Dublin Area
Dublin: Threshold

Redmond, D. and Walker, R. (1995)
Housing Management in Ireland: Transition and Change. Regional Studies
29(3): 312-316

Department of the Environment, Heritage and Local Government Publications

Department of the Environment and Local Government (1999a)
Guidelines: Remedial Works Scheme for Local Authority Housing
Dublin, Department of the Environment and Local Government

Department of the Environment and Local Government (1999b)
Social Housing Guidelines: Design Guidelines
Dublin, Stationery Office

Housing Management Group (1996)
First Report
Dublin, Department of the Environment and Local Government

Housing Management Group (1998)
Second Report
Dublin, Department of the Environment and Local Government

United Kingdom Publications

Hunter, C. Nixon, J. and Shayer, S. (2000)
Neighbourhood Nuisance, Social Landlords and the Law
 Coventry, Chartered Institute of Housing

MacKay, R. Moody, S. and Walker, F. (1994)
Neighbour Disputes in the Criminal Justice System
 Edinburgh, Scottish Office Central Research Unit

Nixon, J. and Hunter, C. (2001)
Tacking Anti-Social Behaviour
 Coventry, Chartered Institute of Housing

Page, D. (1994)
Developing Communities
 Middlesex, Sutton Hastoe Housing Association

Scott, S. (ed)(2001)
Good Practice in Housing Management: A review of the literature
 Edinburgh, Scottish Executive

6.3 USEFUL ADDRESSES**DEPARTMENT OF THE ENVIRONMENT,
HERITAGE AND LOCAL GOVERNMENT**

Custom House, Dublin 1
 Tel: 01-8882000
 Fax: 01-8882888
 Website www.environ.ie

VICTIM SUPPORT

Haliday House
 32 Arran Quay, Dublin 7
 Tel: 1850-6612-771 (helpline)
 Fax: 01-8780944
 Website: www.victimsupport.ie

**SOCIAL LANDLORDS CRIME
AND NUISANCE GROUP**

c/o Whitefriars South
 42b New Union Street
 Coventry CV1 2HN
 United Kingdom
 Tel: 0044-24-7683 2699
 Fax: 0044-24-7683 3705
 Website:
www.crimereduction.gov.uk/antisocialbehaviour3.htm