



# **Anti-Social Behaviour Procedure**

**Published pursuant to Section 218A Housing Act 1996**

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## 1. Introduction

This Anti-Social Behaviour Procedure [“The Procedure”] is intended to be comprehensive, clear and accessible whilst recognising that flexibility is necessary when framing a procedure for addressing complaints of anti-social behaviour. The Procedure is intended to operate in line with Wigan Council’s Anti-Social Behaviour Policy and its responsibilities as the local authority for the Wigan local government area.

The Procedure:

- should be read in conjunction with the Wigan Council Anti-Social Behaviour Policy since the Procedure is designed to be the vehicle for delivery of the policy
- outlines Wigan Council’s and Wigan and Leigh Housing Company Limited’s general approach to investigating and dealing with complaints of alleged anti-social behaviour
- has been prepared by Wigan Council in conjunction with Wigan & Leigh Housing Company Limited who manage Wigan Council’s housing stock under a management agreement with Wigan Council
- references examples of specific policies which are relevant to the Procedure
- will be subject to annual review by Wigan Council and Wigan and Leigh Housing Company Limited (revisions to the Procedure may be by way of supplements, updates and/or corrections to the published version)

When applying the Procedure our overriding consideration is to consider each situation on its particular facts and to provide a consistent service irrespective of tenure. The need to consider each situation on its own facts is a feature that is repeated throughout the Procedure to emphasise that the Procedure should be regarded as a framework for guidance rather than a prescriptive ‘one size fits all’ approach. Our aim is to enable the reader to understand how a complaint of anti-social behaviour is likely to be addressed whilst emphasising that each case of anti-social behaviour is unique on its facts.

The Procedure is published on the Wigan Council website ([www.wigan.gov.uk](http://www.wigan.gov.uk)) and the Wigan and Leigh Housing Company Limited website ([www.walh.co.uk](http://www.walh.co.uk)). It is also available on request in printed hard copy form as well as translation and alternative formats including Braille and large print.

We always welcome feedback on any of our policies, procedures or services. If you have any comments, compliments or complaints about the Procedure please let us know. You can provide feedback by visiting our website at [www.wigan.gov.uk](http://www.wigan.gov.uk) or by writing to us at Wigan Town Hall, Library Street, Wigan, WN1 1YN.

## 2. Responsibilities

Wigan Council delegate certain of its functions to Wigan and Leigh Housing Company Limited who are contracted to manage Wigan Council's housing stock.

Generally Wigan Council will take the day to day lead on issues of Anti-Social Behaviour which occur within and/or effect residents within the Wigan Council local government area. However where such behaviour is perpetrated by and/or effects tenants of Wigan Council's housing stock and/or their families or visitors to their properties Wigan and Leigh Housing Company Limited will generally take the day to day lead on such issues.

Because many cases of anti-social behaviour are complex and will often not fall neatly within the general guidance set out above a decision may need to be made in an individual case as to whether Wigan Council or Wigan and Leigh Housing Company Limited should take the day to day lead on investigating a complaint. Such decisions will be taken in consultation with managers from each organisation and the lead organisation may change during a case if this is considered appropriate to the facts and circumstances of the particular case.

There will be liaison between Wigan Council and Wigan and Leigh Housing Company Limited where appropriate so as to enable all relevant options to be considered during the lifetime of a complaint. However any legal proceedings in cases of anti-social behaviour will be taken in the name of Wigan Council, whether in its capacity as a local authority and/or landlord, save where a contrary approach is permitted and deemed appropriate.

## 3. Making a Complaint about Anti-Social Behaviour – STAGE 1

It is important to recognise that whilst most complaints about Anti-Social Behaviour come to Wigan Council and/or Wigan and Leigh Housing Company Limited directly from members of the public, in some situations information comes directly from other sources including our partner agencies e.g. the police or fire service etc. In circumstances where information comes to us directly from partner agencies this anti-social behaviour procedure will be utilised so far as is appropriate to the nature of the information and overall circumstances.

What follows is predominantly aimed to assist members of the public who may be considering making a complaint about anti-social behaviour.

### ***Who do I complain to about anti-social behaviour? How and where do I make a complaint concerning anti-social behaviour?***

A complaint regarding anti-social behaviour can be made by an individual or someone acting on their behalf (examples might be a friend, local councillor, support worker, doctor or solicitor) in a variety of ways:

- By telephone to 01942 489000
- In person at the Wigan Council Life Centres:

Wigan Life Centre The Wiend Wigan WN1 1NH	Leigh Life Centre Leigh Town Hall Market Street Leigh WN7 1DY
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- In writing to Town Hall, Library Street, Wigan, WN1 1YN
- By email to [asb@wigan.gov.uk](mailto:asb@wigan.gov.uk)
- By Webform [online form available on the Wigan Council website ([www.wigan.gov.uk](http://www.wigan.gov.uk)) and the Wigan and Leigh Housing Limited website ([www.walh.co.uk](http://www.walh.co.uk))]
- By Wigan & Leigh Housing Smartphone App (available from the App Store and Google Play Store)

A complaint does not have to be put in writing. All complaints are formally recorded and investigated wherever possible. Sometimes investigation is not possible, for example where a complaint is made anonymously and insufficient details are provided to enable an investigation to take place. Whilst we recognise that there are some cases where complainants might genuinely be frightened to reveal their identities to us we do encourage complainants to come forward in person where this is possible so that they may provide us with as much detail as possible in order for us to be best placed to discuss and investigate their concerns.

### ***What will happen when I first make a complaint of anti-social behaviour?***

Upon receipt of a complaint the matter will be passed to an officer/advisor who will carry out some basic checks to see if an open anti-social behaviour case already exists. If an open case does exist then the complaint will be passed to an investigating officer and a mutually convenient date and time will be fixed for the investigating officer to contact the complainant to discuss the issues arising (assuming that the complainant agrees to provide contact details). Wigan Council aims to arrange for this contact to occur straightaway where possible and where convenient to the complainant, or otherwise within 2 working days of the initial complaint unless the matter is urgent or an emergency in which case the complaint will be escalated and addressed for immediate or swifter assistance as necessary.

If the complaint relates to a new matter or one where there is no open anti-social behaviour case (i.e. a matter where there is no existing investigation) then upon receipt of the complaint the matter will be passed to an officer/advisor who will triage the complaint to assess whether the complaint might be regarded as anti-social behaviour and, if so, the urgency of the situation. In non-emergency cases the complaint will be assigned to an investigating officer and a mutually convenient date and time will be fixed for the investigating officer to contact the complainant to discuss the issues arising (assuming that the complainant agrees to provide contact details). Wigan Council aims to arrange for this contact to occur straightaway where possible and where convenient to the complainant, or otherwise within 2 working days of the initial complaint unless the matter is urgent or an emergency in which case the complaint will be escalated and addressed for immediate or swifter assistance as necessary.

Where the complaint relates to a new matter or one where there is no open anti-social behaviour case, and where the complaint clearly does not constitute anti-social behaviour then the complainant will be advised of this fact. In that event the complainant will be supplied with the methods by which they may seek to challenge this outcome if they are unhappy. The complainant may also be referred to a different service if this step is considered appropriate (for example a referral may be made to the tenancy management team or waste services department).

### ***What if the complaint of anti-social behaviour is an emergency or otherwise urgent?***

If any complaint received includes what might fairly be characterised as an emergency or is otherwise urgent then:

- the officer/adviser will, if appropriate, advise the complainant to contact the appropriate emergency service (police, ambulance and/or fire service) by dialling 999 and may also offer to make a report on the complainant's behalf. The complainant may also be advised to contact other agencies where appropriate – for example social services – and the officer/adviser may also be able to make a report on the complainant's behalf. It may not be appropriate to give such advice in all cases, for example if the complainant states that the emergency services have been informed and/or are already taking action in consequence; and
- the matter will be passed to an investigating officer for immediate consideration (within working hours) and follow up where necessary.

In the most serious cases a complainant may be provided with an emergency out of hours contact if deemed necessary in the circumstances. However an emergency should always be reported to the appropriate emergency service (police, ambulance and/or fire service) by dialling 999 whether or not it is also reported to and/or actioned by Wigan Council.

### ***Do Wigan Council and/or Wigan and Leigh Housing Company Limited routinely refer all anti-social behaviour complaints to the police and/or other emergency services or agencies?***

Wigan Council and Wigan and Leigh Housing Company Limited do not routinely refer all anti-social behaviour complaints to the police, other emergency services and/or other agencies. However each case is considered on its merits and we will refer a complaint to the police or other emergency service and/or other agency if deemed necessary for the protection of an individual or class of individuals or their property. For example if the complaint involves a race/hate crime element then this should ordinarily be referred to the police using the race/hate crime referral reporting system.

### ***Will Wigan Council tell the alleged perpetrator that I have made a complaint about anti-social behaviour?***

Wigan Council will not tell the alleged perpetrator that you have made a complaint of anti-social behaviour about them (or their family / visitors as appropriate) without your permission to do so.

## **4. Processing a Complaint of Anti-Social Behaviour – STAGE 2**

After the initial complaint and referral to an investigating officer the initial contact will take place at a mutually convenient time between the complainant and officer. We aim to make contact as soon as practicable subject to the availability of the complainant. We aim to arrange contact either straight away or within 2 working days wherever possible in non-emergency cases and as soon as practically possible in emergency cases.

At the initial contact the named officer should:

- introduce themselves
- explain their role
- provide appropriate contact details

- take details of the complaint(s) of anti-social behaviour
- ask a series of questions which will enable the investigating officer to make an initial assessment of the risk and vulnerability of the complainant and/or members of his or her household and/or others alleged to be affected by the anti-social behaviour. Where deemed appropriate a risk assessment of the home environment will be arranged and carried out with a view to the installation of witness protection measures where required e.g. alarm, new locks, letterbox cover etc.
- ascertain whether a referral to any support agencies may assist – for example victim support, witness support, interpreters, social services or any other departments or agencies which offer relevant physical, emotional or other support

### ***What happens next?***

Where appropriate the investigating officer may then take further steps including, but not limited to, speaking to other witnesses and/or contacting support agencies or other agencies who may already have been involved and/or who may need to be involved to assist the complainant and/or someone identified as vulnerable and/or in need to assistance by the process and/or transferring the complaint for investigation by another officer. The investigating officer will also consider any other information which Wigan Council and/or Wigan and Leigh Housing Company Limited are aware of in relation to the matters under complaint or in relation to any person who is or may be affected by them. Each case turns on its own facts.

In some cases the initial contact will reveal an urgent need for informal or formal action. This may include a case involving the use or threat of violence, arson or attempted arson, hate related incidents or serious drug dealing .Each case must always be considered on its own facts. Where urgent action is being considered by the investigating officer the case may also be escalated for consideration of urgent legal action. In the most serious cases urgent legal action may be commenced on the same day if necessary to protect a person or persons and/or to prevent further anti-social behaviour.

In most cases the initial contact will not reveal a need for emergency action in which case there are a range of possible outcomes and each case will be considered on its own facts. However by way of guidance for complainants our experience demonstrates that the two most likely outcomes following a non-emergency complaint are:

1. No further action on the complaint. This may be the outcome where, for example, the complaint does not amount to anti-social behaviour or where advice by the investigating officer satisfactorily concludes the matter for the complainant or where the complainant refuses consent for their complaint to be further investigated. Systems should be updated to record this outcome. The complainant should be written to with confirmation as to the outcome of the initial discussion and reasons why no further action is to be taken at that stage. The complainant should be supplied with the methods by which they may seek to challenge this outcome if they are unhappy.
2. The case moves to a more formal evidence collection stage [“STAGE 3”]. Often it may be necessary for further steps to be taken and/or evidence to be obtained before a case can be properly assessed. Again each case turns on its own facts however where a decision is made to progress to a more formal evidence collection stage a named officer will be appointed to the case and the investigation should commence within two working days.

## 5. Processing a Complaint of Anti-Social Behaviour – STAGE 3

At this stage various actions may occur but again the overriding principle is that each case will turn on its own facts.

A case may be escalated at any time for more immediate action where this is deemed appropriate.

The investigating officer may be the same person who has dealt with the matter at Stage 2 but this may not always be the case for operational or other reasons. Should there be a change of investigating officer the complainant will be informed and given contact details for the new investigating officer. A new investigating officer will review the file and available information obtained prior to their involvement.

At Stage 3 key examples of actions will typically include:

- The investigating officer ought to ensure that there are clear lines of communication between the officer and the complainant and the officer ought to keep the complainant informed as to the progress of the investigation insofar as may be permissible. This may be done by way of an action plan which sets out a clear role for the investigating officer and a clear role for the complainant. The action plan may contain agreed methods of communication between the investigating officer and complainant and timescales for proposed actions
- The complainant or a witness may be interviewed. A detailed witness statement may be taken at this stage if necessary (see below)

When carrying out an interview the investigating officer is aiming to collect as much relevant information as possible in the witnesses own words. In so doing the investigating officer should:

- Treat the complaint seriously and reassure the complainant that their allegations will be properly investigated
- Reassure the complainant as to the availability of help, assess the complainant's needs (if any) and support and signpost the complainant accordingly
- Advise the complainant of the Wigan Council policy and procedure for dealing with anti-social behaviour and offer to provide the complainant with copies of these documents in an appropriate format
- Record the relevant details of the incident or incidents complained of.

Issues which may typically be canvassed during an interview include:

**What is the nature of the anti-social behaviour?** This may not immediately receive an obvious answer and may require careful listening and checking with the complainant before it is fully established. Establishing issues such as the exact nature of the problem, the frequency of the problem, where it occurs, the time at which the problem occurs and the effect of the problem will enable the investigating officer to assess the seriousness of the situation and the effect of the anti-social behaviour as well as assisting the officer with any decision as to the best course of initial action.

**Who or what is causing the anti-social behaviour?** Ideally a description should be obtained which would identify a person or persons. However, the complainant may not be able to accurately identify the perpetrator or perpetrators or may be frightened to do so. Generally speaking the investigating officer must be provided with sufficient information to enable them to progress an investigation.

**Has any action been taken already and, if so, by whom?** The question as to whether any action has been taken by any other agency or by the complainant is a matter which the investigating officer will often want to explore. There may be information from some other agency such as the police or 'contact cards' from community officers which have been prepared to document the existence of a problem or concern. However the absence of any previous action is no bar to action being taken by the investigating officer.

Wherever appropriate complainants should be encouraged to approach the perpetrator to have an informal chat with them and to ask them to modify their behaviour and to explain how their behaviour makes them feel. This keeps ownership of the problem with the complainant and sometimes perpetrators will react more positively to this rather than a figure of authority telling them what to do. However in some cases it may be extremely unwise or impossible for a complainant to seek to approach a perpetrator. Each case turns on its own facts. The investigating officer can provide advice and guidance on this issue.

**Who is affected?** The answer to this question informs the risk assessment process and may provide information about additional witnesses and other forms of supporting evidence. It may also identify other vulnerable members of the community that require support.

**Why does it happen?** The motive or cause of anti-social behaviour may be unknown but often complainants are able to provide useful information as to why anti-social behaviour is occurring or why it may be occurring. Such information may reveal that the complaint is more in the nature of a low level neighbourly dispute rather than anti-social behaviour. Alternatively the evidence may point to harassment or criminal behaviour (in which case the incident is more likely to be treated as urgent and may be communicated to the Police). Sometimes information will point to the perpetrator having a drug or alcohol addiction which may be the cause, or a contributing factor, to the anti-social behaviour and which may be capable of being addressed via supportive intervention. Again each case turns on its own facts.

The complainant or a witness may be asked to fill in incident record forms to evidence the nature, frequency, timing and effect of the conduct complained of

Where incident record forms are used the following principles are applicable:

- The investigating officer should give the complainant a clear explanation as to how to complete incident record forms and how to record relevant information in a timely manner
- Each complaint should have their own forms to fill in their own words
- If a complainant is unable to complete Incident Record Forms (e.g. because of a disability or by reason of language or literacy difficulties) alternative arrangements should be made. These may include:
  - Provision of a tape recorder/Dictaphone/Electronic Recording Equipment
  - If a complainant's first language is not English arrangements can be made to have the forms translated or to use an interpreter.
  - Having another named person complete the Incident Record Form on their behalf (in which case it must be made clear who has filled in the forms and whether they have used the complainant's own words in doing so)



- Each form must be signed and dated by the person who witnessed the incident, even if they wish to remain anonymous in any action taken.
- The complainant should be informed that the forms might, with their permission, be used as evidence in the investigation and/or in subsequent court action if matters progress to that stage. If the complainant wishes to remain anonymous it may be possible to include the information as an anonymous statement or as hearsay evidence. However, it should be stressed to the complainant that this may weaken the case and in some situations it may preclude certain action from being taken.
- Arrangements must be made for the forms to be returned or collected regularly. Wigan Council aims for up to 10 working days between contacts unless a different period has been agreed with the complainant. It should be stressed to complainants that they should not wait until they have filled in all the forms before returning them as there may be incidents that should or can be dealt with urgently.
- Details of any other witnesses to incidents should be noted and followed up, using this procedure.

Agency checks (both internal to Wigan Council and Wigan and Leigh Housing Limited and external agency checks) will be carried out. This may involve liaison with agencies such as Greater Manchester Police, Gateway Services, Restorative Solutions and/or Mental Health Services

The initial risk assessments will be reviewed and if deemed appropriate revised following any material change in circumstances

The officer and complainant may wish to agree an action plan. This should contain a clear role for the investigating officer and a clear role for the complainant. The action plan should also contain agreed methods of communication between the investigating officer and complainant and proposed timescales for action. An action plan should be reviewed at an agreed frequency in an effort to build trust and confidence and ensure meaningful communication at a time which may be very difficult for the complainant

Consideration should be given for the need for a referral or referrals to partner agencies for support/help. Such considerations apply to a complainant, witness or some other person who is or may be affected by the issues complained of. However such considerations also apply to the alleged perpetrator. Partner agencies include, but are not limited to, Victim Support, The Drug and Alcohol Team, the Central Duty Team, Mental Health Services and the Integrated Safeguarding and Public Protection Team. In the case of a young person under the age of 18, a referral may be made to the Restorative Solutions team for them to attempt to engage the young person in some positive diversionary activities or specific, targeted work in order to change the anti-social behaviour.

All details collated during the initial interview and any subsequent more formal evidence collection process should be logged using detailed, clear, signed and dated file notes. Copies of letters, emails and other documents must also be retained. Systems should be updated to give a 'live' position for every case wherever possible

In the majority of cases the alleged perpetrator will be contacted during this part of the process so that the allegations may be put to him or her. Often this will be done very early in the investigation process because making the alleged perpetrator aware of the problems they are causing will often be enough to resolve the problems. However the timing of notification of a complaint or complaints to an alleged perpetrator will differ in each case and will be the subject of discussion between the investigating officer, the complainant and where appropriate any other agencies who may be involved in the investigation (e.g. the police). In very serious cases the investigating officer and Wigan Council may seek a

protective order from the court using legal action such as an injunction without notifying the alleged perpetrator at all before the event.

Where perpetrators are to be interviewed the following general principles are applicable:

- Before interviewing the alleged perpetrator contact should be made where possible with relevant partner agencies to ascertain if there is any additional information that may be relevant to the case. The alleged perpetrators need for support at interview should be considered e.g. the use of an interpreter.
- Any risk to staff must be assessed before the interview stage in order to determine the most appropriate venue to interview the alleged perpetrator and who should conduct the interview. All necessary steps should be taken to ensure the safety and well-being of any officer carrying out any interview with alleged perpetrators
- Where deemed appropriate by reason of risk or otherwise the police may be invited to attend any interview
- A letter should be sent to the alleged perpetrator informing them that complaints have been received and providing them with information as to the nature of the complaints. The letter ought to invite the alleged perpetrator to an interview or inform them of a visit in order that they may have the opportunity to hear, consider and respond to any complaints and where appropriate to agree an action plan with the investigating officer with the aim of resolving the complaints. The letter ought to inform the alleged perpetrator that they may choose to have someone with them for support should they wish to do so.
- Where the alleged perpetrator is under 18 a copy of the letter should be sent to the parent/guardian who should be asked to attend the interview or to arrange for the attendance of a responsible adult.
- At the interview the needs of the alleged perpetrator must be considered – this may include a need for additional support at the interview
- Allegations should be clearly stated to the alleged perpetrator, without disclosing the identity of the complainant save where the investigating officer has consent to do so and/or where the identity of the complaint is obvious and the complainant's consent has been obtained to discuss these matters.
- The alleged perpetrator must be given the opportunity to respond to the allegations. It is important that officers remain impartial throughout the interview and capture the alleged perpetrator's version of events. The interview should be conducted in a searching manner to ascertain if there are any discrepancies in the details
- Where the interview reveals counter allegations made by the alleged perpetrator these will be assessed and, if deemed necessary, investigated applying the principles set out in this procedure insofar as applicable to the facts of the case
- At the interview the interviewing officer will seek to identify any support needs which the alleged perpetrator may have and will endeavour to signpost the alleged perpetrator to any relevant support which they may wish to access
- Where appropriate the interviewing officer will attempt to agree with the alleged perpetrator any steps or actions which might remove or reduce the incidents of complaints
- The key outcomes of any interview will be agreed with the alleged perpetrator at the conclusion of the interview (often by way of an action plan). The action plan should be signed and dated by the interviewing officer and by the alleged perpetrator. If the alleged perpetrator refuses to sign or does not agree with the action plan then this should be recorded by the interviewing officer
- To the extent that a perpetrator accepts the accuracy of complaints of anti-social behaviour at interview the interviewing officer may decide in their discretion to take some further step at that stage which may include, but is not limited to, issuing a warning to the perpetrator which may include, but is not limited to, a warning that

legal action may be taken to protect and individual or individuals and/or to prevent anti-social behaviour.

- A letter summarising the outcome of the interview and any action plan should be sent to the alleged perpetrator within 3 working days of the interview
- Signed and dated file notes of interviews should be added to the case file
- If the alleged perpetrator is under 18 copies of any subsequent correspondence should also be sent to the parent/guardian.

It is important that consideration is given to the individual circumstances of the alleged perpetrator (and/or their parent/guardian as appropriate) when arranging and conducting an interview and when investigating a case and any options under consideration.

### ***What happens next?***

Once sufficient evidence and information is available the investigating officer will consider whether the case ought to be closed or progressed further (whether by way of monitoring for a period or by way of a more pro-active approach – see Section 6 below). As noted earlier in this Procedure a case may be escalated for more immediate action at any time where this is deemed appropriate. Each case turns on its own facts.

A decision may be made to take no further action and close a case. This may be for a range of reasons, for example because the complainant does not support further action, because there is insufficient evidence to identify a perpetrator and/or if the evidence provided in support of a complaint of anti-social behaviour is found to be unreliable. Again each case turns on its own facts. However in all cases where a decision to take no further action is being considered the officer will take reasonable steps to contact the complainant(s) to indicate his or her provisional conclusions and to give the complainant(s) an opportunity to comment upon any proposal. At that stage the officer will make a decision to either progress the case (whether by monitoring or a more pro-active approach – see Section 6 below) or to take no further action and close the case. The systems should be updated to record the outcome.

In the event of a decision to take no further action and close a case the complainant(s) should be written to within three working days of the decision with confirmation of the decision, the reasons why no further action is to be taken at that stage and the methods by which the complainant may seek to challenge the decision if they are unhappy.

Any decision to monitor or progress the case will move matters to STAGE 4.

## **6. Further Steps / Action – STAGE 4**

If further action is considered appropriate at this stage then there are a number of courses of action available subject, as always, to consideration of the particular facts of the case. Cases will remain under regular review so that any material changes in facts / circumstances can be taken into account. A case may be escalated at any time for more immediate action where this is deemed appropriate.

Available steps / actions may include some or all of the following:

- Monitoring of the case

Monitoring is for a defined period with a review at the end of that period (each period of monitoring will not exceed 20 working days). Events during the monitoring period may lead to more pro-active action being taken at any stage where this is required.

- Innovative Prevention & Intervention techniques

There are no set rules or tools for effective prevention and intervention. What works in one area may not work in another. Effective prevention and intervention relies on the innovation and creativity of the officer. Officers should share their successes with colleagues on a regular basis since prevention contributes to a more buoyant community where used successfully and enables the council to concentrate resources on those cases which require them most)

- Warning letter

This should set out clearly the matters complained of, the reason for the warning and the likely consequences should the conduct complained of not abate.

- Mediation

If it has been agreed with the complainant that Mediation is appropriate this must be discussed with the alleged perpetrator and their agreement obtained before a referral is made. If mediation is refused it should be explained to the alleged perpetrator that further action may be taken if the problems continue. This offer and refusal should be noted in the case records.

- Acceptable behaviour agreement [“ABC”]

These are voluntary agreements signed by the perpetrator in which they agree not to do those things which are prohibited by the agreement (for example enter a particular area or make noise which can be heard outside of their property between certain hours of the day or night). They are often used in lower level cases where the main perpetrators are children or young people. They can however, be used for adults if thought appropriate. If an individual is offered an agreement and refuses to sign it the refusal and reasons (if known) should be documented in the case file.

- Parental Control Agreements [“PCA”]

Parental responsibility and engagement is often critical to the successful resolution of complaints concerning children. If a person to be subject to an ABC is under 18 their parents/guardians may be asked to sign a PCA. This is a voluntary agreement aimed at reinforcing the message that the behaviour complained of will not be tolerated. The PCA requires the parent/guardian to agree to take steps to ensure that the problem behaviour is addressed. The consequences of failing to change the behaviour will be stressed. If a parent or guardian is offered such an agreement and refuses to sign it then the refusal and reasons (if known) should be documented in the case file.

- Referral to another agency

There are a variety of agencies which may become involved in an anti-social behaviour case with reference to an alleged perpetrator (consideration of such referrals will be equally applicable in the case of some complainants, witnesses or other affected persons depending on the circumstances of the case). Examples of linked agencies include:

- **Children and Young People Services and Adult Services** - may be able to help with vulnerable individuals such as those who are ill, elderly, have a

disability or if children and/or young people are at risk especially where the problems are related to or affected by the ASB.

- **Substance Misuse Centre** – may be able to assist in cases where individuals have drug or alcohol dependency issues
- **Youth Offending Team (YOT) and Restorative Solutions** - can assist when there are concerns that a young person may be at risk of or involved in offending behaviour
- **Community Mental Health Team** - may be able to help in cases where there are concerns over mental health problems
- **Schools** - may become involved in cases that are connected to educational issues (e.g. If there is truancing or where there are special educational needs)
- **Waste Services** - deal with environmental issues such as dog fouling, graffiti or fly tipping
- **Wigan and Leigh Homes Tenancy Sustainment Team** – support vulnerable tenants to maintain their tenancies
- **Police** - may be informed and assist where there has been criminal activity or to highlight an area as a 'hot spot'.
- **Greater Manchester Fire and Rescue Service** - facilitate Firesmart programmes for young people engaged in fire related anti-social behaviour
- **Youth Mediation** - attend locations to mediate between residents and young people involved in ASB
- **Victim Support** - offer support and advice to residents who have been a victim of crime and ASB

Referral criteria and methods of referral may differ from agency to agency. Investigating officers should offer advice on available options once they have had an opportunity to ascertain which agencies, if any, may be open to a referral or referrals.

When investigating cases of anti-social behaviour Wigan Council will endeavour to make appropriate referrals to relevant support agencies in the hope of being able to provide relevant support and resolve issues swiftly without the need for more formal intervention. However all cases will be assessed on their facts and sometimes it may be necessary for more formal action to sit alongside referrals / support and/or to be commenced or progressed in the absence of any referrals / support.

- Legal action

This may include use of any of the powers lawfully available to Wigan Council (including, but not limited to, injunctions with or without a power of arrest, demotion, possession, closure of premises, public spaces protection order, community protection notice) or support for remedies pursued by other agencies - for example criminal behaviour orders, dispersal powers and/or the community remedy in the case of the police. There are a number of potential options for legal action but not all options will be suitable in all situations. Each case turns on its own facts and circumstances. A detailed consideration of each of the options available is beyond the scope of the Procedure. However where an investigating officer considers that legal action ought to be considered the case will be reviewed and where appropriate legal advice will be obtained before any legal action is taken. If legal action is taken further legal advice will be obtained during the course of the legal action where it is considered appropriate to do so.

Before a decision is taken to issue legal proceedings the investigating officer should make internal checks to ascertain whether there are any other current relevant legal proceedings which need to be borne in mind. Thus, by way of example, before taking possession proceedings in respect of allegations of anti-social behaviour the

investigating officer should ascertain whether there are any existing relevant legal proceedings for possession by reason of some other factor (e.g. rent arrears or other breach of tenancy) in which case the investigating officer should seek legal advice to enable the officer to determine the appropriate way of progressing the matters concerning anti-social behaviour.

Where legal action is taken the complainant will be supported through the process by, for example, discussions with the investigating officer and where appropriate with the legal representatives for Wigan Council, court familiarisation visits and by the provision of transport to and from court if a complainant is giving evidence as well as discussion around ongoing support and/or support referrals at the conclusion of enforcement action where appropriate.

As is emphasised throughout the Procedure the decision as to which option or options to pursue will be made based on the facts of the case within the framework and guidance provided by the Procedure.

At any stage a decision may be reviewed and/or reversed and an alternative decision substituted if the circumstances merit it. A decision may be taken to take no further action and/or close a case. This may be for a range of reasons, for example because the complainant does not support further action or because a problem has been resolved to the satisfaction of the complainant and Wigan Council. Again each case turns on its own facts. However in all cases where a decision to take no further action or close a case is being considered the officer will take reasonable steps to contact the complainant(s) to indicate his or her provisional conclusions and to give the complainant(s) an opportunity to comment upon any proposal. At that stage the officer will make a decision as to whether further action will be taken and/or the case closed. The systems should be updated to record the outcome.

In the event of a decision to take no further action and/or close a case the complainant(s) should be written to within three working days of the decision with confirmation of the decision (with reasons) and the methods by which the complainant may seek to challenge the decision if they are unhappy. Sometimes, whether on legal advice or for some other reason, it may not be possible for all matters to be communicated to a complainant or alleged perpetrator.

## **7. Other Matters**

The Wigan Council Anti-Social Behaviour Policy sets out a number of related supporting policies, procedures and processes which are directly relevant to anti-social behaviour case. These matters form part of the Procedure and include issues relating to:

- Supporting complainants and witnesses
- Professional witnesses and covert surveillance
- Racial and other Harassment
- Domestic violence
- Prevention of Anti-Social Behaviour
- Specialist support
- Multi-agency partnerships
- Confidentiality, Data Protection and information exchange
- Transparency and publicity (with reference to the Wigan Council Policy and Procedure for addressing Issues of Publicity in Anti-social Behaviour cases)
- Cross-tenure working
- Protection of Staff
- Training of staff dealing with anti-social behaviour

The Wigan Council Anti-Social Behaviour Policy sets out further information relating to the above matters which form part and parcel of the considerations of investigating officers in cases of alleged anti-social behaviour. The extent to which different considerations will apply and the relative importance of such considerations will vary from case to case since each case turns on its own facts.

## **8. Complaints Procedures and ASB Case Reviews**

If at any stage a complainant or witness is unhappy with the service they receive they may bring their concern to the attention of Wigan Council and/or Wigan and Leigh Housing Company Limited.

### ***Complaints Procedures***

Wigan Council operate a complaints procedure, details of which are published on the Wigan Council website

<http://www.wigan.gov.uk/Docs/PDF/Council/Comments-and-Complaints/CorporateComplaintsProcedure.pdf>

Wigan and Leigh Housing Company Limited operate a complaints procedure, details of which are published on the Wigan and Leigh Housing Company website

<http://www.walh.co.uk/Resources/SitePages/YourViewsCount.pdf>

Copies of the complaints procedures for Wigan Council and Wigan and Leigh Housing Company Limited are available on request in printed hard copy form as well as translation and alternative formats including Braille and large print.

### ***ASB case reviews***

A complainant may also be able to request an external case review. The circumstances in which a review may be requested and the ways by which a review may be requested are contained in the document titled *Wigan ASB Case Review Procedure* which is available on the above websites and on request in printed hard copy form as well as translation and alternative formats including Braille and large print.

The threshold for carrying out an ASB Case Review is defined in the *Wigan ASB Case Review Procedure* as “*three complaints made to any agency relating to the same or similar issue of ASB within the last six months*”. In order for a complaint to be classed as a ‘qualifying complaint’ for the purpose of the threshold the complaint must be made within one month of the alleged behaviour taking place and the application to use the ASB case review must be made within six months of the report of ASB.

When deciding whether the threshold for a case review has been met there will be other considerations too. These include the persistence of the ASB, the harm or potential harm caused by the ASB and the adequacy of the response by agencies to the ASB.

The *Wigan ASB Case Review Procedure* contains details of what happens once a request for an ASB case review is made, how the review panel is constituted, what the review panel will do, what outcomes are open to the review panel and available appeal mechanisms in the event of a complainant being dissatisfied with the outcome of an ASB case review.

The Wigan Borough Community Safety Partnership will publish data relating to ASB case reviews on an annual basis. This data will include the number of applications for an ASB case review, the number of times the threshold for a review was not met, the number of ASB case reviews held and the number of ASB case reviews that resulted in recommendations.

## **9. Monitoring complaints of anti-social behaviour**

It is important that we carry out effective monitoring of complaints of anti-social behaviour and the services we provide in an effort to protect people and prevent anti-social behaviour. Effective monitoring will enable us to:

- Distinguish between different types of ASB in the Borough
- Identify the areas where ASB is prevalent and gain an understanding of the nature and location of these areas
- Identify and develop action plans to tackle key priorities and issues
- Evaluate the effectiveness of initiatives intended to tackle ASB.

Effective monitoring will be carried out by ensuring that:

- All reports of ASB are recorded and all relevant documents are completed as promptly and fully as possible and are retained
- All reported incidents are categorised appropriately
- Actions are carried out within the timescales specified within this procedure
- All incidents, actions, interviews etc. are recorded and inputted onto computer systems, providing detail to enable retrospective analysis of cases
- Investigating officers complete monthly progress reviews on their referred cases and review their caseload regularly with their line manager
- ASB Teams monitor all reported incidents via initial ASB complaints and chase progress, offer advice etc. as required
- Complainants and witnesses will be surveyed with regards to customer satisfaction at the end of a case and results are reviewed and analysed
- Complaints, compliments and comments about the service are recorded onto the computer system, responded to and used to inform future policy, procedure and service delivery

The data we collect will be used to:

- Analyse the type and nature of ASB across particular locations and measure this against the local and national picture
- Identify areas of concern and 'hot spots' of ASB and develop strategies and initiatives to tackle these
- Measure the success of these by measuring the impact on the levels and types of reported incidents.
- Measure our performance against timescales and against local and national Performance Indicators
- Measure our performance against the strategic objectives of the Organisation (e.g. the Crime and Disorder Reduction Strategy, the Respect Action Plan etc.)
- Measure our performance against best practice regionally and nationally
- Report on the above matters to the Area Forums, The Partnership Business Group and Multi-Agency Group.

**For further advice or assistance on this procedure please contact:**

Wigan Council Safer Environment Team  
Wigan Life Centre (South Site)

Wigan and Leigh Homes Tenancy  
Enforcement Team



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