

# Consultation Response

## Shelter's response to the ODPM consultation on Code of Guidance for Local Housing Authorities and Housing Action Trusts on Anti-Social Behaviour: Policy and Procedures

June 2004

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# Shelter

Shelter is a national campaigning charity that provides practical advice, support and innovative services to over 100,000 homeless or badly housed people every year. Our services include:

- A national network of over 50 housing aid centres. In 02/03 our housing aid centres dealt with nearly 4,000 cases of neighbour disputes, harassment and violence outside the home where our clients were either victims or perpetrators. In addition we dealt with over 3,500 cases involving domestic violence. We see clients from all housing sectors and from every part of the country.
- Shelterline - our free, national, 24-hour housing advice service.
- Shelnernet - our free, online, housing advice website.
- The government-funded National Homelessness Advice Service, which provides specialist housing advice, training, consultancy, referral and information to other voluntary agencies, such as Citizens Advice Bureaux and members of Advice UK, which are approached by people seeking housing advice.
- A number of specialist projects promoting innovative solutions to particular homelessness and housing problems. These include four 'Homeless to Home' schemes, which work with formerly homeless families and the Shelter Inclusion Project which works with families, couples and single people who have had difficulty complying with their tenancy agreements because of alleged anti-social behaviour. The aim of these particular projects are to sustain tenancies and ensure people live successfully in the community.

With regard to tackling anti-social behaviour we agree that appropriate measures must be available to protect the individual and the community but that a balanced approach is required which includes prevention, support and resettlement as well as enforcement. In terms of enforcement we support the use of injunctions and, where necessary, anti-social behaviour orders (ASBOs) as effective tools in tackling behaviour as they are targeted at the specific behaviour of individuals. We also understand that there are circumstances where possession is the right course of action, but only as a last resort. It may be effective in dealing with the immediate problem but, as well as causing homelessness; eviction often simply displaces households with problematic behaviour to a new area and a new set of neighbours.

### **Introduction**

We fully support the requirement introduced in the Anti-social Behaviour Act that all social landlords must prepare policies and procedures regarding how they deal with incidents of anti-social behaviour.

In response to the ODPM draft consultation on the Code of Guidance for local housing authorities and Housing Action Trusts (HATs) in England on this requirement, we welcome the guidance that local housing authorities must ensure that their policies and procedures on anti-social behaviour are compatible with relevant legislation and strategies (outlined at paragraphs 1.9 to 1.13). The emphasis on the need for compatibility with Local Authority Homelessness Strategies is particularly welcome and we suggest that this should include a specific focus on the prevention of homelessness and tenancy sustainment. However, we would like to seek assurances that guidance issued to RSLs by the Housing Corporation also includes a similar expectation that RSLs ensure compatibility of their policies and procedures with relevant legislation and in particular the Local Authority Homelessness Strategies in the areas in which they operate.

We welcome that the draft consultation highlights the need for a co-ordinated response from local agencies and specialist agencies, and the clear guidance that landlords should not operate in isolation. In particular that 'effective interventions by specialist agencies can prevent landlords from having to take legal action in relation to anti-social behaviour'<sup>1</sup>.

However we believe additional guidance is required to ensure that vulnerable tenants, both victims and alleged perpetrators are provided the appropriate support. This should also include additional protocols to deal with incidents where anti-social behaviour overlaps with incidents of domestic violence.

In general the draft guidance does promote a balanced approach but there is limited detail on good practice or the use of examples to ensure the appropriate use of the measures available. Shelter notes that practice in this area is at a relatively early stage and many authorities and landlords may have limited knowledge of the options available to them that can help to address anti-social behaviour beyond the new legal sanctions.

### **Summary of our response**

We believe the Code of Guidance should include:

- A specific requirement for statements to include a commitment to sustain tenancies wherever possible when tackling anti-social behaviour.
- A separate protocol within policies and procedures for dealing with cases that involve both victims and alleged perpetrators who are vulnerable. This should include specific guidance on dealing with incidents that relate to domestic violence.
- The promotion of support provision to rehabilitate perpetrators should include general support and tenancy sustainment schemes and not just those targeting particular issues outlined at paragraph 3.16 such as drug abuse, alcohol abuse etc.
- Good practice examples of effective interventions that provide alternatives to eviction.
- Examples of the appropriate use of the particular measures available to social landlords in order to ensure that social landlords provide a consistent approach in tackling anti-social behaviour.

We also seek assurances that the guidance provided by the Housing Corporation as far as possible mirrors the Code of Guidance for local housing authorities.

### Sustaining tenancies

Policy statements should include a commitment to sustain tenancies wherever possible in tackling anti-social behaviour and evictions should only be used as a last resort. In our experience, eviction does not solve problems, but moves them elsewhere, creating a spiral of additional difficulties, including homelessness both for perpetrators and subsequent victims and destabilising communities. There is an urgent need to address the chronic lack of resettlement services where eviction has occurred and better preventative services to avert the kind of symptoms of breakdown that manifest themselves as anti-social behaviour, including crucial support services for vulnerable tenants.

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<sup>1</sup> ODPM Draft Code of Guidance for Local Housing Authorities and Housing Action Trusts on Anti-social Behaviour: Policies and Procedures, June 2004

### Vulnerable tenant protocol

Anti-social behaviour is often rooted in complex problems and many perpetrators have high levels of vulnerability. This should not be used as an excuse for not taking action when appropriate. However, if it is to be effective, responses must recognise the reality that many of those who commit anti-social behaviour need support to challenge and resolve their problems. Responses therefore need to consider what measures are necessary to address these issues, alongside any enforcement action.

Research based on ASBO case files found that two-thirds of defendants had special needs or other specific problems.<sup>2</sup> Interviews with clients from the Dundee Families Project found that half the children had experienced abuse or neglect and more than 50 per cent of the female adults had suffered domestic violence.<sup>3</sup> Drug and alcohol problems are also common among perpetrators.

In our experience the vulnerability of the perpetrator is not taken into account in deciding what action is appropriate to take. This can not only perpetuate anti-social behaviour but also lead to social exclusion and exacerbate the underlying causes of a household's disruptive behaviour.

#### **Shelter case study**

A single mother with a large family had escaped a very violent background. One of her children had very severe Attention Deficit Behaviour Disorder. The mother was working with education and health services to support him - he was due to be prescribed Ritalin and obtain a place at a special school. At this point, the landlord sought possession for anti-social behaviour. The police served an ASBO and invited the press to witness this. The resulting publicity caused the school place to be withdrawn and the Ritalin prescription to be reviewed. Shelter became involved and prevented the eviction from taking place. We sought a transfer for the family but they were offered a series of unsuitable places. Eventually, the family moved out of the area of their own accord and the son ended up in a secure unit.

Policies and procedures should ensure that where someone's anti-social behaviour is related to their physical or mental health, learning difficulties, drug or alcohol misuse or other underlying factors such as domestic violence, then the remedy that is sought addresses the cause rather than the symptom. This can be a complex task and requires negotiation with other agencies: however it should also be core to the mission statement and purpose of any social landlord organisation. Local housing authorities must have protocols in place when dealing with vulnerable tenants, including those who are alleged perpetrators of anti-social behaviour.

### Domestic violence policies

The domestic violence policy outlined at par.3.13 requires more clarity. Where incidents of domestic violence are implicated in neighbour nuisance, the victims should be protected from any action being taken on anti-social behaviour grounds. Through our advice work we are aware of incidents where this has not been the case and possession action proceedings have been started in order to evict victims of domestic violence because incidents of anti-social behaviour have been reported which relate directly to actual incidents of domestic violence. Domestic violence can have an adverse impact on

<sup>2</sup> *Neighbour nuisance, social landlords and the law*, JRF/CIH, 2000

<sup>3</sup> The Dundee Families Project, which is run by NCH in partnership with Dundee City Council, provides intensive residential support to families with anti-social behaviour problems

neighbours, however, it is wholly inappropriate for victims of domestic violence to be punished by their landlords for their violent partner's behaviour. Shelter's experience is that some landlords take possession actions for anti-social behaviour when in fact they should be assisting victims to deal with the abuse they are suffering.

**Shelter case study**

A female client was undergoing possession action for nuisance. When we got copies of the evidence, it emerged that almost all the incidents involved her partner threatening, beating and, in one instance, raping her (this was witnessed by neighbours). She obtained an injunction with a power of arrest against her partner. We offered to help her fight the possession action. However, she declined this and decided to leave and find alternative accommodation instead.

**Shelter case study**

A domestic violence social worker referred a woman to us who had been re-housed on the grounds of domestic violence but was facing homelessness due to rent arrears. Her ex-partner had found her and the violence started again. Neighbours complained about her husband banging on the door and noise nuisance and alleged that he was living there. As a result, her housing benefit was stopped. Eviction proceedings were instigated on the grounds of nuisance but were put on hold as the social worker provided reports from the police stating that she was in danger of being killed by her husband. The council then issued proceedings on the basis of rent arrears caused by the loss of housing benefit. Shelter intervened and managed to get her housing benefit reinstated and backdated in full so there were no further arrears. The council then activated possession on nuisance grounds. At this point the council's legal department said they would not pursue possession unless housing and social services departments could agree on the right way forward. Following negotiations, our client was re-housed in a different area and there have been no problems since.

Promotion of general support rehabilitation schemes

Although we support the promotion of rehabilitation services to tackle particular issues such as drug abuse, alcohol abuse or mental health etc, as outlined at par.3.16, we would recommend that the provision of services which offer general support should also be included in this section. In our experience of running the Inclusion Project, it is often not until the project has been working with a household for a period of time that the full range of underlying factors emerge.

Examples of the appropriate use of measures

Guidance should include examples of what measures to use for particular incidents of anti-social behaviour. Whilst we accept that local authorities require the flexibility to use a range of measures to tackle the very different levels of anti-social behaviour that may occur, we believe that in order to provide a consistent response, local authorities may require additional guidance on what measures are appropriate to use for different incidents and differing degrees of anti-social behaviour.

## Our response to specific questions outlined in the consultation

1. Does the guidance cover all the topics required to help your organisation design policies and procedures on anti-social behaviour?

In addition to our main concerns outlined above, policies and procedures should also include:

- protocols for working with the private rented sector and home owners;
- how local housing authorities will investigate reported incidents of anti-social behaviour and feedback information to the complainant; and
- how they link to 'supporting people' strategies.

2. Do you think the guidance should cover the monitoring and evaluation of the effectiveness of policy and procedures in more detail?

It is essential that local housing authorities are able to monitor the outcomes of different interventions and more detail should be provided to enable them to do this. Authorities and landlords should be expected to review the effectiveness of their policies. This process should look at outcomes, including tenants satisfaction surveys as well as output measures such as the number of possession actions.

3. Whether you know of or can provide any examples of good practice that could be included in the final document.

**Please see details of the Shelter Inclusion Project at Annex A and our Homeless to Home projects at Annex B. Please let us know if you would like more information about the projects.**

Other examples of good practice regarding prevention, support, rehabilitation and enforcement practices should be included to ensure a balanced approach to tackling anti-social behaviour.

### General comments

1. The statement and summary outlined on page 11, paragraph 2.6 (a) should be amended to:

'The Statement of Policies should outline the landlord's general approach to anti-social behaviour and also include specific policies. For example, these could relate to the landlord's commitment to eradicating anti-social behaviour *through a balanced approach which include measures based on prevention, support, rehabilitation and enforcement*, the obligations of tenants, support for witnesses of anti-social behaviour, racial harassment, domestic violence, multi-agency partnerships and the use of available legal remedies.'

2. Homelessness Strategies

The guidance from the Housing Corporation for housing associations should include an expectation that associations will take into account relevant local strategies, including homelessness strategies, that are in place for the areas that they cover in developing their policies and procedures.

3. Consultation

As outlined at para.2.14, a collaborative approach is required to produce policies and procedures on anti-social behaviour and this can be encouraged through consultation. We would recommend that local housing advice services and Citizens Advice Bureaux should be added to the list of suggested consultees due to their experience in this area.

4. Links to other appropriate strategies

We would recommend that compatibility to supporting people strategies should be included in the section on *the legislation in context* outlined at paragraphs 1.8 to 1.13. Support and resettlement are equally important components in avoiding higher levels of tenancy failure, repeat homelessness and tackling social exclusion. Supporting people strategies represent an important element in delivering positive outcomes, particularly for vulnerable people.

**Shelter Policy Unit  
June 2004**

## Annex A – Shelter Inclusion Project

The *Shelter Inclusion Project* has been developed in partnership with Rochdale Metropolitan Borough Council as an innovative way of tackling anti-social behaviour. It provides support to people who are homeless, or at risk of homelessness, due to alleged anti-social behaviour, and works with them to tackle their behaviour and enable them to sustain their tenancies.

The project went live in September 2002. To date it has worked with 56 households and has the capacity to work with 31 households at a time. So far the project has been successful in preventing evictions. The majority of clients are families with children although the project also works with single person households and couples.

Following an initial assessment with the household to identify the issues that need to be resolved and the support required to achieve this, a comprehensive support plan is developed to which they sign up. Behavioural issues are raised with the household and support is then provided for a period of up to 12 months and is reviewed at regular intervals.

It is very early days, but the evidence so far is that the Project is already showing success. All the households involved have engaged positively and remain committed to tackling their issues. The number of complaints from neighbours has been significantly reduced and in many cases anti-social behaviour has ceased entirely.

The Project has a steering group of key local stakeholders. Shelter has also commissioned a full external evaluation which is being supervised by an advisory group. An initial early findings report was published this year. The evaluation will assess:

- The Project's effectiveness in tackling behaviour
- Its success in helping households to maintain their tenancies and in preventing homelessness
- Its effectiveness in resettling households that have experienced homelessness due to their anti-social behaviour
- The Project's overall impact on service users, agencies and the wider community
- It's cost effectiveness and value for money

The main output will be a full report in September 2005, with two interim reports published before then and a separate good practice guide.

Examples of work carried out by the project, illustrated by case studies

### Case 1

A family are involved with the project as a result of one of the children setting fire to things in the local area where they lived, resulting in the LA issuing a notice seeking possession. The mother actively sought help as she felt she was not coping with her child's behaviour. The child concerned has medical problems which can cause problem behaviour, particularly at school where the child gets picked on and then lashes out. Work with the project has included a meeting with the school, involving two workers from the project, the mother, the child's teacher, the headmaster and an educational psychologist. The meeting identified problems and made plans to address bullying and the child's behaviour. The project workers have discussed plans of action around discipline with the mother, resulting

in the children only playing out at certain times with her accompanying them whenever possible and attempts to stop them playing with certain children that she feels lead them astray. The children's worker from the project has managed to get the children involved in local youth activities. So far, there have been no further incidents of concern and the mother feels more confident and in control of the situation as a result of being involved with the project.

#### Case 2

Miss B was referred to the project by her housing officer. She was living in a housing association property and had an assured shorthold tenancy. A notice had been served as a result of arguments being heard by neighbours which related to a previous violent relationship.

Miss B worked with an adult support worker. The work was around finding alternative housing and dealing with housing benefit issues from a previous tenancy which were preventing Miss B from being re-housed by the local authority. The project worked with Miss B to improve her skills and confidence around dealing with unwelcome visitors. This included providing support relating to an injunction and education on her responsibilities under her tenancy agreement. Although no further complaints of anti-social behaviour were made her landlord was still not prepared to renew the tenancy and she has recently made a planned move into a local authority property and has started working part-time.

## Annex B - Homeless to Home

*Homeless to Home* provides a comprehensive package of assistance for families making the transition from homelessness to a permanent home, supporting them as they establish a stable and secure future in their new communities. The projects help families to access benefits, help enrol and settle children into school and find a GP. They offer housing advice, advocacy on a range of issues, practical assistance including help with decorating and gardening and organise support groups and day trips to help families develop their own support networks.

The *Homeless to Home* approach was developed from Shelter's practical experience of working with homeless families. Those coming to us for help have often become homeless in difficult and traumatic circumstances, for example following relationship breakdown or domestic violence. Their complex needs are frequently not addressed by the agencies charged with supporting them. As a result, the incidence of repeat homelessness is high as families are often unable to cope and fail to sustain their tenancies.

Shelter asked the Centre for Housing Policy to carry out an independent evaluation of the projects to see what lessons could be learnt from their approach. As well as a survey and face to face interviews with families who have used the projects, the evaluation also involved focus groups, case work analysis and interviews with staff and partner agencies. There was strong evidence of success across all the projects: 83 per cent of families rated *Homeless to Home* a 'really good service'. The results also reveal that nine out of ten families who had ceased to use the service were still in permanent housing.

Shelter currently runs *Homeless to Home* projects in Birmingham, Bristol, Nottingham and Sheffield.