Anti-Social Behaviour Bill

Consultation Response from the Chartered Institute of Housing in Northern Ireland

March 2014

The Chartered Institute of Housing (CIH) is the professional body for people involved in housing and communities. We are a registered charity and not-for-profit organisation with a diverse and growing membership of over 22,000 people - both in the public and private sectors - living and working in over 20 countries on five continents.

CIH is the only professional organisation representing all those working in housing. Our purpose is to maximise the contribution that housing professionals make to the wellbeing of communities.

General comments

CIH welcomes the opportunity to comment on the Department for Social Development’s proposal for an Anti-Social Behaviour Bill. Anti-social behaviour is an area of intense interest and practice for CIH – following detailed consultation, the new Respect – ASB Charter for Housing was launched in June 2011 as part of the UK government’s commitment to encouraging sector-led improvement. The Charter was developed by and is managed jointly between CIH, the Social Landlords Crime and Nuisance Group (SLCNG) and HouseMark. It focuses on English landlords’ ASB services, and on the importance of partnership working to improve outcomes for residents and communities, providing a framework for continuous improvement. It currently has over 500 signatories.

Short-secure tenancies

CIH NI accepts that proposals on short secure tenancies are aimed at providing social housing providers with a tool to respond to anti-social behaviour (ASB). However, we are not convinced that they would actually achieve their objective of tackling ASB.
HouseMark benchmarking results demonstrate that early intervention by social landlords accounts for 85% of all actions taken in England during 2011/12 to resolve ASB within communities. This and other evidence shows us that taking prompt, proportionate action will often resolve ASB issues at an early stage and prevent behaviour from escalating or spiralling out of control.

The essence of an effective ASB service is to use the right tools at the right time. The current range of powers and tools available to landlords and their partner agencies is extensive and comprehensive. However, this choice can sometimes be bewildering or confusing for non-specialist officers, and can lead to officers using the tools most familiar to them which may not be the most appropriate to the circumstance.

CIH NI is concerned that short secure tenancies could become one such tool and used as a means to deny rather than provide housing and support. We have not seen evidence locally that a threat to security of tenure provides any additional incentive for behavioural change than what a robust ASB strategy otherwise provides. Established practice has shown that intervention can be effective to alleviate behaviour where housing and support are provided, rather than denied or threatened.

Indeed, introductory tenancies as provided by Chapter II of Part II of the Housing (Northern Ireland) Order 2003 currently allows social housing providers to seek possession orders without proving the grounds for it during the first 12 months of a tenancy. CIH has not seen evidence that introductory tenancies are either working or not working locally, so the evidence base is not there to support a de-facto extension of insecurity to other points during a secure tenancy.

CIH recognises that for some landlords, developing a comprehensive ASB strategy and delivering ASB services that are responsive to local needs and demands continues to be a challenge and tenants experience wide variations in the range and quality of ASB services.

Nevertheless, nationally over recent years social landlords have built strong track records in working with communities and partners to tackle and also to prevent anti-social behaviour – landlords are increasingly recognising the costs of failing to take action and for the majority, tackling ASB is a core part of their work.

Essentially officers need to be fully trained and knowledgeable about the range of powers and tools available to them, when it is appropriate to use them and be confident in their choice of response.
Additional proposals for consideration, including non-statutory

CIH NI believes there is scope for the Department to enhance its existing ASB toolkit, thereby encouraging robust ASB strategies to be developed by social housing providers. There is also scope to encourage better partnership working between social housing providers and local councils, the latter holding some relevant powers to take action on ASB.

CIH NI would welcome an opportunity to jointly-host with the Department a preliminary meeting with social housing providers to explore how the Respect – ASB Charter for Housing could be developed or contextualised in a local setting.

A robust ASB strategy is one that is clearly communicated to staff and tenants, and which reinforces at every opportunity that the organisation has a culture that ASB is not tolerated. It is one that outlines a tailored, easily accessible and tenant-led ASB service that is open to scrutiny.

It is also one that mandates appropriate training. As mentioned above, the current range of powers and tools available to landlords and their partner agencies is extensive and comprehensive, and this knowledge can be unlocked with such training in place for staff – including front-line staff and contractors to recognise the signs of ASB and Hate Crime and to report them – as well as training for tenants and members of the organisation’s governance structure.

The Respect – ASB Charter for Housing is a flexible framework that helps to identify the outcomes a good quality ASB service should deliver. It is not intended to be a regulatory tool but can be used as a basis for internal challenge – through tenant scrutiny, peer or independent review for example. It includes a set of commitments which are underpinned by a range of outcomes – together, the commitments and outcomes provide a framework against which organisations can access where they are now and where they aspire to be. The core commitments are to:

Case study

Project Solace is a partnership initiative developed by Gloucester City Homes (GCH), Gloucester City Council and Gloucestershire Constabulary. The team includes a police officer, a PCSO and a civil ASB officer.

The Project works with private landlords to raise the standard of tenancy management with successes including two Section 222 injunctions, one of which was on a home owner. Private landlords have been keen to be involved and to receive advice, training and support to tackle ASB.
• Demonstrate leadership and strategic commitment;
• Provide an accessible and accountable service;
• Take swift action to protect communities;
• Adopt a supportive approach to working with victims and witnesses;
• Encourage individual and community responsibility;
• Have a clear focus on prevention and early intervention; and
• Ensure that a value for money approach is imbedded in the ASB service.

The outcomes under each commitment are many and the full charter can be found at http://www.cih.org/respectcharter.

Case study

Cheshire Peaks and Plains Housing Trust noted a 70% reduction in ASB complaints on its Moss Rose Estate as a result of its street football programme with Macclesfield Town FC.

Case studies

➢ Salix Homes has improved its approach to ASB reporting out of hours following service user feedback. Tenants can call the 1st Response out of hours service to log a concern and receive initial advice. In more serious situations, the service provides professional witnessing and also makes evening and weekend reassurance calls for vulnerable complainants in ongoing cases. Outcomes achieved in the first 12 months include a 50% reduction in noise-related ASB complaints and £96,000 efficiency savings in caretaking services.

➢ Raven Housing Trust has developed a template to assess the cost of managing ASB. Each action, such as preparing a notice, writing a letter or taking a witness statement, has been costed and these have been broken down by case, type, street and patch. For example, a court case involving assault and six witnesses was costed at £5,000. Cost information has been used to shape the service with analysis showing noise nuisance to be the most expensive case type at £9,641. As a result, Raven HT bought its own sound monitoring and recording equipment to allow quicker case handling. The cost data can be used for service planning and resourcing and there are plans to use it to inform community housing action plans.

➢ Stevenage Homes uses a spreadsheet to help it to evaluate the savings delivered by its Family Intervention Project. This has shown, for example, that by supporting one family of six, £82,914 was saved as other agencies did not need to intervene.
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Homelessness duty in cases of anti-social behaviour

CIH NI recognises that there may be ambiguity in the interpretation of Article 7A(5) of the Housing (Northern Ireland) Order 1988. However, CIH NI is strongly of the view that rather than refuse access to accommodation for homeless people with a history of anti-social behaviour, that tenancies should be provided that are linked to housing support services.

We remain unconvinced by the approach of limiting access to accommodation for homeless people. Greater effort is required to reduce the number of homeless households by increasing the number of suitable forms of accommodation available to them. CIH NI notes that the Northern Ireland Housing Executive (NIHE) need not discharge its duty to homeless applicants by housing them in the social rented sector, although this has been their custom and practice. In the context of the housing supply crisis and the numbers of statutorily homeless households remaining un-housed in the social rented sector, there is a case for enabling access to the Private Rented Sector (PRS).

A thinkpiece collaboratively produced by CIH, DSD and SmartMove states “there is a clear strategic and economic case for investing in private rented sector access schemes to help make better use of the sector to meet the housing needs of low-income, vulnerable and homeless individuals and households.” 1 A 2012 report commissioned by the Housing Rights Service concurs “the PRS can be used effectively to meet the needs of even the most vulnerable homeless, and create sustainable, long term tenancies”. Of course, “a significant degree of support is required if the vulnerable homeless are to sustain tenancies” which would be “provided by a multi-disciplinary mobile team”, while affordability remains a key obstacle. 2

Summary and concluding comments

In CIH NI’s view the general thrust of these proposals for an Anti-Social Behaviour Bill is to introduce and reaffirm measures that may be used to deny housing and support. We acknowledge that the measures are tools that may be used as part of a comprehensive ASB strategy, but remain unconvinced that their usage will achieve their stated aim of tackling anti-social behaviour. We have

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1 CIH NI, DSD, SmartMove NI. Making the Most of Northern Ireland’s Private Rented Sector to Meet Housing Need. Belfast : CIH NI, DSD, SmartMove NI, 2011 p. 11.
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not seen evidence locally that options to deny or threaten housing and support provide any additional incentive for behavioural change than what we know robust ASB strategies in operation and access to housing and support services otherwise provide.

For more information please contact

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