

STATEMENT OF POLICY AND PROCEDURES ON

anti-social behaviour

Introduction to Anti-Social Behaviour Policies and Procedures Report

Anti-Social Behaviour is an issue that concerns everyone in the community. If such incidents go unchecked they can have a detrimental impact on the quality of life of both young and old alike. This report seeks to respond to such community concerns by establishing a comprehensive and rigorous set of policies and procedures designed to address anti-social behaviour as and when it occurs on our estates. We have detailed in this report the services available and the procedures we will use to investigate and remedy reported incidents of anti-social behaviour. We will respond in a speedy and efficient manner to instances of anti-social behaviour, whether the complainant is a Housing Executive tenant, owner occupier, private tenant or any other individual visiting or engaging in lawful activity within the locality of our property.



In addition to tackling anti-social behaviour head on, the Housing Executive acknowledges that such behaviour is often the result of a range of complex issues which require an inter agency response. To this end, we have put in place a number of key partnerships designed not only to tackle the underlying problems associated with such behaviour but also to consider ways of preventing such behaviour taking a hold in our estates. These solutions include the introduction of diversionary and support services for those involved in low level anti-social behaviour, as well as introducing measures to help both victims and witnesses.

In conclusion I would add that for the Housing Executive to be effective in tackling anti-social behaviour, we need the support of communities and individuals to come forward and report incidents to our District Offices. Only by working together in partnership can we build safer, stronger and more confident neighbourhoods.

A handwritten signature in black ink, appearing to read 'Stuart Cuddy'. The signature is stylized with large loops and a cursive 'y'.

Stuart Cuddy
Chief Executive (A)

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PART 1
policy

1.0 Policy

1.0 INTRODUCTION

On 27 September 2004 the Department of Social Development issued a direction under Article 10 of the Housing (Northern Ireland) Order 1981 requiring the Northern Ireland Housing Executive to publish:

- A statement of policies and procedures on anti-social behaviour and
- A summary of policies and procedures on anti-social behaviour.

The September 2004 Departmental Directive has now been superseded by Article 27a of the Housing (NI) Order 2003 as inserted by Section 10 of the Housing (Amendment) Act (Northern Ireland) 2010, placing a statutory duty on the Housing Executive to publish a statement of:

- Its policy in relation to anti-social behaviour, and
- Its procedures for dealing with occurrences of anti-social behaviour.

This document fulfils that requirement and will demonstrate the Housing Executive's approach and commitment to tackling anti-social behaviour. The statement of policies and procedures will be available upon request from the Community Safety Team, The Housing Centre, 2 Adelaide Street, Belfast, BT2 8PB. The document can be made available in large print, Braille, Audio, or other languages if required. The statement and summary will be reviewed as necessary.

Electronic copies of the statement can be found on the Housing Executive's website at www.nihe.gov.uk

1.1 THE STATEMENT

The Northern Ireland Housing Executive acknowledges that every individual is entitled to live in peace within their neighbourhood and that to provide a quality service, anti-social behaviour must be addressed effectively. The Executive's policy is implemented with due regard to the principles set out in the United Nations Convention on the Rights of the Child and in particular, those set out in Articles 2, 3 & 12. Article 2 provides that children shall not be discriminated against and shall have equal access to protection. Article 3 provides that all decisions taken which effect children's lives should be taken in the child's best interest. Article 12 provides that children are to have a right to have their voices heard in matters concerning them. We are committed to tackling anti-social behaviour wherever it occurs on our estates and in whatever form it presents itself. We will seek to respond to instances of anti-social behaviour whether the complainant is a Housing Executive tenant, private tenant, owner occupier or any other person visiting or engaging in a lawful activity within the locality of our property. Such behaviour can range from excessive noise or illegal dumping right through to aggressive or violent behaviour. The Northern Ireland Housing Executive is also committed to preventing anti-social behaviour through a range of early intervention support and diversionary measures.

If you are experiencing anti-social behaviour within the locality of a Housing Executive estate, irrespective of whether you live within the estate you should report it to the local district office.

1.2 DEFINITION - WHAT IS ANTI-SOCIAL BEHAVIOUR AND WHAT KIND OF BEHAVIOUR IS COVERED?

The statutory definition (Housing (Northern Ireland) Order 2003) of anti-social behaviour is:

- Engaging in or threatening to engage in conduct causing or likely to cause
 - a nuisance or annoyance to a person residing in, visiting or otherwise engaging in lawful activity in the locality of a dwelling house

In addition, an individual may be deemed to have acted in an anti-social manner if he/she has:

- Been convicted of using the dwelling-house or allowing it to be used for illegal or immoral purposes
- Been convicted of an indictable offence committed in, or in the locality of the dwelling house directly or indirectly affected the Housing Executive's housing management functions or matters relating to those functions.

Anti-social behaviour might include, amongst other things:

- Violence or the threat of violence
- Hate behaviour that targets members of identified groups because of their perceived differences (e.g. race, religion, political affiliation, disabilities or sexual orientation)
- Noise nuisance (rowdy parties, loud music/TVs, dog barking etc.)
- Arguing and door slamming
- Environmental quality issues (e.g. litter, dog fouling, graffiti, fly tipping, nuisance vehicles)
- Offensive drunkenness
- Using housing accommodation for selling drugs or drug abuse or other unlawful purposes
- Intimidation and harassment

The above list includes typical types of behaviour which trigger consideration for action by the Housing Executive. The list is not exhaustive and the policy statement is not an undertaking to act in every instance. Judgement will be exercised by Northern Ireland Housing Executive officers when considering and responding to a particular report of anti-social behaviour. The statement of policies and procedures is illustrative rather than prescriptive.

1.3 STRATEGIC CONTEXT

Tackling anti-social behaviour must be seen within the context of existing statutory obligations, which include, but are not limited to:

- The Housing (Northern Ireland) Order 1988 (Part II), Article 7A and The Housing (Northern Ireland) Order 198, Article 22A
- The Children (Northern Ireland) Order 1995 (in particular Article 46)
- The Disability Discrimination Act 1995 (in particular 22(3) (c));
- The Race Relations (Northern Ireland) Order 1997 (in particular articles 21 and 22)
- The Human Rights Act 1998, and
- The Northern Ireland Act 1998 (section 75 Equality of Opportunity)

The Housing (Northern Ireland) Order 1983 and 2003 afford the Housing Executive with specific powers to tackle anti-social behaviour in local communities by the introduction of introductory tenancies, possession and injunctions proceedings plus the ability to determine an individual's eligibility for housing and homelessness assistance in respect of their past behaviour. The anti-social behaviour (Northern Ireland) Order 2004 enables the Housing Executive to apply to the courts for Anti-Social Behaviour Orders having consulted with the PSNI and relevant District Councils.

The Housing Executive's approach to anti-social behaviour is incorporated within a wider strategic context which includes:

- Homelessness Strategy
- Supporting People Strategy
- Equality Strategy
- Community Cohesion Strategy
- NI Community Safety Strategy
- Community Safety Partnerships

1.4 OUR APPROACH TO ANTI-SOCIAL BEHAVIOUR

The Housing Executive acknowledges that every individual is entitled to live in peace within their neighbourhood and that to provide a quality housing service we must effectively address the problem of anti-social behaviour.

We will:

- Do more than is legally required under the conditions of tenancy.
- Quickly and formally acknowledge all reports of unacceptable behaviour.
- Seek to investigate all reported instances of anti-social behaviour at District Office level in a timely manner.
- Provide advice and support for an individual's own legal action.
- Identify and interview all interested parties.
- Establish inter-agency working where appropriate.
- Use legal action when all efforts at conciliation are deemed inappropriate. Legal action can include possession, injunction and anti-social behaviour Order applications.
- Endeavour to take action on behalf of Housing Executive tenants who are victims of anti-social behaviour caused by non Housing Executive tenants
- Seek to respond to instances of anti-social behaviour on Housing Executive estates, whether the complainant is a tenant, private tenant or owner occupier.
- In the context of re-housing, take full account of any anti-social behaviour carried out by the housing applicant or their household, to the extent that this is legally permissible.
- We will seek to address proportionately the needs of vulnerable victims and perpetrators.
- Provide witness support where needed.

Organisational structure

The Housing Executive has put in place an organisational structure that sets out clear responsibilities for tackling problems of anti-social behaviour.

Community Safety Team

The Community Safety Team (CST) was established in 2000 to develop the organisation's strategic and operational response to the emerging community safety agenda in Northern Ireland. Particular focus was given to putting in place robust policies and procedures designed to tackle anti-social behaviour and the fear of crime within Housing Executive estates. The CST also develops and delivers competency based training programmes to all staff dealing with reports of anti-social activity. The team also works with a wide range of partners, including the Police Service of Northern Ireland and District Councils to target and provide early intervention and support.

The CST also comprises of a centralised Mediation Unit which provides a mediation service to all tenants in circumstances where it has been deemed that mediation is the most appropriate form of intervention. The Mediation Unit also manages all community based restorative justice partnerships.

Area Community Safety Officers

The work of the CST is further supplemented by the role of an Area Community Safety Officer (ACSO) located in each of the five Area Offices. The role of the ACSO is primarily that of offering advice, assistance and support to district offices, particularly in relation to complex cases and those where legal action is considered necessary.

District Offices

Our 35 District Offices are the first point of contact in reporting incidents of anti-social behaviour. Housing Executive Investigating Officers are located in District Offices and are charged with investigating all reports and gathering all relevant evidence in relation to the alleged anti-social activity. The decision on the most appropriate form of action to resolve the problem is taken by the District Manager or Assistant District Manager.

Housing Executive Legal Team

The organisation's legal team are instrumental in applying on behalf of the District Offices the Housing Executive's powers to tackle anti-social behaviour. These powers include application for possession, injunctions, applying the introductory tenancy regime and the test of eligibility for housing and housing assistance. These powers are contained in various statutes to include The Housing (NI) Order 1981, the Housing (NI) Order 1983, the Housing (NI) Order 1988, the Housing (NI) Order 2003 and the anti-social behaviour (NI) Order 2004.

1.5 OBLIGATIONS OF TENANTS

Tenants are issued with the General Conditions of Tenancy. In addition they are provided with details of the statutory obligations imposed by the anti-social behaviour provisions contained in the Housing (Northern Ireland) Order 1983.

The tenant may be held responsible for the behaviour of every person (including children) living in or visiting the tenant's home, including responsibility for their behaviour in the home, on surrounding land, in communal areas (stairs, lifts, landing, entrance halls, paving shared gardens, parking areas) and in the locality of the dwelling house.

Whether the tenancy is secure or introductory, breaching any of the General Conditions of Tenancy or statutory obligations may result in the Housing Executive issuing possession, injunction proceedings or applying for an anti-social behaviour Order.

Furthermore, anyone who has been involved in anti-social behaviour may find they are ineligible for housing and homelessness assistance in the future.

In addition to their statutory obligations, the Housing Executive also asks that all new tenants voluntarily sign up to a Good Neighbour Agreement which establishes a standard of acceptable behaviour for all tenants residing in Housing Executive properties. The agreement acts as a commitment from each tenant that they will not engage in anti-social behaviour and will work in partnership with the Housing Executive to ensure that all such incidents are promptly reported. While the agreement has no basis in law, it can be used as evidence in court to prove that a tenant has failed to meet their responsibilities and obligations.

1.6 SUPPORT OF COMPLAINANTS AND WITNESSES

All witnesses have a crucial role to play in tackling anti-social behaviour and will require support throughout the process. Complaints of anti-social behaviour can be forwarded to the Housing Executive through the local District Office.

Complaints may be made in person, in writing, via phone, e-mail or by contacting their Neighbourhood Officer. All reports of anti-social behaviour will be quickly and formally acknowledged and all reported instances will be investigated. If appropriate, the complainant and the Housing Executive Investigating Officer will agree a plan of action which will establish what actions will be taken by each party as a means of resolving the problem. If the problem persists, it may be appropriate to consider taking legal action and in such circumstances the complainant may be asked to complete an incident diary, the purpose of which will be explained by the Investigating Officer. We will endeavour to have all witnesses contacted by a dedicated officer and will seek to maintain contact with the complainant throughout the process.

If legal action is deemed appropriate the witness will be advised of all developments in the case and will be kept fully informed of all stages in the legal process. If appropriate their agreement will be sought before proceeding.

The Housing Executive will:

- Maintain contact - initiate and maintain regular contact with witness.
- Explain the process - explain how the case is developed and the possible legal options available.
- Provide information - keep witness informed of the progress of the case and provide a timetable of the various stages, advise them of any new developments, explain the procedures of the court and if appropriate seek their agreement to proceed with their evidence.
- Advise them of other agencies - there are a number of other agencies which may be able to offer additional advice and assistance.
- Make any necessary arrangements to ensure witness attendance at the court hearing.
- Reimburse costs incurred as a result of attending the court, i.e. loss of earnings, child minding costs, subsistence and travel.
- Provide support during the court procedures and investigate the availability of separate waiting room for the witness in court.
- After legal action - provide ongoing witness support if necessary and monitor the situation Endeavour to ensure all witness contact is dealt with via a nominated officer.

1.7 PROFESSIONAL AND EXPERT WITNESSES

The Housing Executive will give careful consideration to the safety of complainants. Where they are not willing to provide direct evidence to the court, the Housing Executive will endeavour to use professional and expert witnesses and hearsay evidence. Professional and expert witnesses may be Housing Executive staff, Police Officers, Council Officers, community representatives, political representatives and/or officers from other statutory agencies.

1.8 HATE CRIME POLICIES

The Housing Executive will treat any racial, sectarian harassment or harassment on the grounds of sexual orientation or disability as a form of Hate Crime. Section 75 of the Northern Ireland Act (1998) requires the Housing Executive, in carrying out all its functions, powers and duties, to have due regard to the need to promote equality of opportunity:

- Between persons of different religious belief, political opinion, racial group, age, marital status, and sexual orientation.
- Between men and women generally.
- Between persons with a disability and persons without.
- Between persons with dependants and persons without.

In addition, without prejudice to its obligations set out above, the Act requires the Housing Executive in carrying out its functions to have regard to the desirability of promoting good relations between those persons of different religious belief, political opinion or racial group.

1.9 DOMESTIC VIOLENCE

The Housing Executive is committed to working in partnership with a range of statutory and voluntary agencies to address all aspects of domestic violence.

The Housing (Northern Ireland) Order 2003, extended the grounds for possession to include domestic violence. The Housing Executive is empowered to respond where a partner has vacated the dwelling house as a result of violence/threats of violence by the other partner. The violence/threat of violence could be directed at the partner or at other family members living with the partner. As in any case of anti-social behaviour the Housing Executive recognises the need to ensure the safety of the individual experiencing the anti-social behaviour. It is not anticipated that the Housing Executive will seek possession of a property contrary to the wishes of the affected individual.

1.10 PREVENTION OF ANTI-SOCIAL BEHAVIOUR

The Housing Executive is committed to working with communities to intervene at the earliest possible stage to avoid escalation of anti-social behaviour. Preventative measures are as follows:

General Conditions of Tenancy

All tenants are advised at the time of signing/accepting the tenancy of their home of the Northern Ireland Housing Executive's General Conditions of Tenancy incorporating Nuisance Clause 5: "Not to do or permit or suffer to be done in the dwelling or within the curtilage or neighbourhood of the dwelling any act or thing which is or may be an annoyance or nuisance to the occupiers of any neighbouring or adjoining premises".

Refusal of house sale due to anti-social behaviour

A secure tenant will be ineligible to buy if, due to anti-social behaviour, the Housing Executive has taken legal action for possession of his/her dwelling. There are four possible stages to that action:

- i) The Housing Executive is actively considering whether it would be appropriate to serve – at some time within the next three months - a relevant statutory notice seeking possession.
- ii) The Housing Executive has served a relevant statutory notice seeking possession at any time within the previous 3 months.
- iii) Proceedings for possession of the dwelling pursuant to a relevant statutory notice are pending.
- iv) The tenant is obliged to give up possession of the dwelling in pursuance of an Order of the Court which has been granted pursuant to a relevant statutory notice or will be so obliged at a date specified in the Order.

Refusal to transfer due to anti-social behaviour

A secure tenant will not be eligible to transfer to another property if, due to anti-social behaviour:

- i) The Housing Executive is actively considering whether it would be appropriate to serve on the tenant, at some time within the next six months, a relevant statutory notice seeking possession.
- ii) The Housing Executive has served on the tenant a relevant statutory notice seeking possession within the previous 3 months.

iii) Proceedings for possession of the tenant's dwelling pursuant to a relevant statutory notice are pending.

Introductory tenancies

The Housing Executive's implementation of introductory tenancies commenced in April 2004. Introductory tenancies are intended to address the specific problem of anti-social behaviour and allow the Housing Executive to assess the suitability of an individual to hold a secure tenancy. All tenants are advised at the outset of the consequences of any anti-social behaviour which may occur.

Housing & Homelessness Policy

Housing Policy and Homelessness Policy sections are instrumental in advising and assisting District Offices in the application of the eligibility test for the allocation of housing accommodation/homelessness assistance.

The Housing Executive shall not allocate housing accommodation to any applicant if he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the Housing Executive.

Neighbourhood Officer service

A Neighbourhood Warden service was introduced in 2001/2002 to provide a range of housing management duties at estate level to ensure that they remain safe and popular places to live. In 2010/2011 the warden service was reviewed and in January 2011 it was rebranded as a Neighbourhood Officer service. Neighbourhood Officers deal with tenant support services, physical and environmental issues, community involvement and tenancy conditions. A breach of the tenancy agreement, neighbourhood nuisance or anti-social behaviour can be reported to the Neighbourhood Officer on site.

Multi-agency partnerships

The Housing Executive places emphasis on the need for inter-agency working to address anti-social behaviour. As detailed in the Housing Executive's Corporate Plan, "the problems some communities face are complex and whilst no single solution can tackle these effectively equally no single agency can meet these challenges on its own." This approach is expanded further in the Housing Executive's Community Safety Strategy 2008-2011 which highlights partnership working as one of its key principles in underpinning effective and sustainable responses to anti-social behaviour.

Partnership provides a co-ordinated and joint working approach between statutory agencies, and the voluntary/community sectors. In the case of anti-social behaviour it facilitates discussion between the relevant authorities such as Probation, Health and Social Services, PSNI, Youth Justice and Education Welfare and aims to provide a comprehensive assessment of an individual's problem behaviour. This also provides the opportunity to refer the individual to an appropriate agency for support, diversion or another early intervention.

Anti-Social Behaviour Fora

In 2007/2008 the Housing Executive established in Belfast the first Anti-Social Behaviour Forum in partnership with Belfast City Council and the PSNI. The work of the forum brought together the key operational players in North, South, East and West Belfast to consider local, joined up approaches to anti-social behaviour. The work of the forum was underpinned by an information sharing protocol agreed between the three agencies. In 2008 the Youth Justice Agency became the fourth signatory to the protocol and now attends all Anti-Social Behaviour Forum meetings. Since 2008, 25 out of the 26 district councils in Northern Ireland have signed up to the protocol arrangements and have established their local fora. Focus is given within forum meetings to problem solving local issues and supporting greater use of cross-agency early interventions.

Acceptable Behaviour Contracts

A voluntary written agreement between a person who has been involved in anti-social behaviour and one (or more) of the partner bodies whose role it is to prevent such behaviour. A model for the delivery of Acceptable Behaviour Contracts (ABCs) is now in place and is operational across all Districts Offices.

Warning letters

Use of warning letter to the individual committing the anti-social behaviour is considered at an early stage. Should the use of a warning letter fail to stop the reported anti-social behaviour, then the District Manager may consider a more incremental approach to resolution.

Floating support/tenancy support schemes

The Supporting People Programme was introduced in Northern Ireland on 1st April 2003. The Northern Ireland Housing Executive administers the Supporting People Programme and the grant in Northern Ireland. The Housing Executive, in partnership with other agencies, provides floating support to vulnerable tenants and housing applicants to assist them in living independently and sustaining their tenancy, thus preventing a cycle of eviction because of anti-social behaviour.

Diversions/intervention schemes

Diversions/intervention schemes aim to tackle and reduce youth crime, with the central aim to prevent young people from offending and reoffending. Examples include the Housing Executive's Social Education Programme, based in the West Area. This project forges links between the Housing Executive and local schools and enhances existing links with community groups, other statutory bodies and the voluntary sector. It is hoped the benefits of the programme encourage social responsibility within the local community. The project is delivered by the Social Education Officer and has now been in operation for 4 years.

The Housing Executive is also working with a range of other agencies, i.e. the Probation Board for Northern Ireland and the Youth Justice Agency, to access a range of programmes which aim to divert young people away from crime. One such programme is NIACRO's Assisting People and Communities (APAC) Programme. Individuals are voluntarily referred to APAC in circumstances when:

- i) An individual who is at risk of offending and is subject to an Acceptable Behaviour Contract.
- ii) An individual who has participated in the mediation process and has been identified as having underlying problems which require a long term intervention.

The APAC programme consists of one on one mentoring and creating and delivering a tailored action plan designed to address the needs of the individual.

Secured by design

The Housing Executive's estate repair and improvement schemes aim to reduce the opportunities for crime and anti-social behaviour in our estates by various target hardening methods, i.e. alley gating, privatising gable ends, improved home security measure, environmental redesign and traffic calming measures in liaison with the Roads Service.

1.11 MEDIATION

All cases of anti-social behaviour will be treated seriously and will be thoroughly investigated. It is the policy of the Housing Executive to respond to all reports of anti-social behaviour in a proportionate and reasonable manner. The Housing Executive aims to approach and resolve problems in a conciliatory manner as opposed to taking an adversarial approach. In such circumstances, based on the evidence available, a District Manager will consider whether mediation is the most appropriate means of resolving the problem.

In such circumstances the case is referred from the District Office to the Mediation Unit within the Community Safety Team in the Housing Centre. The Mediation Unit will then arrange for both parties to be contacted by a mediator. The Housing Executive uses a panel of independent, professional mediators in order to ensure an impartial and confidential service.

Mediation can go ahead with all the parties to the dispute in the same room, or with the mediators meeting people separately. Mediation permits individuals to discuss their grievances and resolve their own disagreements. It can offer a more positive alternative to legal action.

Mediation and Community Support (MACS) Programmes

Since 2007/2008 the Housing Executive has sought to develop a community based partnership approach to tackling anti-social behaviour. In Belfast and North Down the Housing Executive now partners Northern Ireland Alternatives (NIA) and Community Restorative Justice Ireland (CRJI) in the delivery of a mediation and community support programme. Both NIA and CRJI are community based restorative justice schemes operating mainly in Greater North and West Belfast. In partnership with the Housing Executive they deliver mediation in anti-social behaviour cases identified and agreed with the Housing Executive. In addition, NIA and CRJI offer further support to families and individuals in an effort to address many of the underlying issues which are often manifested in unacceptable behaviour.

1.12 SUPPORT FOR PERPETRATORS

When dealing with alleged perpetrators the Housing Executive response will depend on the nature of the offending behaviour. In many cases of anti-social behaviour there may be underlying causes such as:

- Drug addiction
- Alcohol addiction
- Mental health issues
- Learning difficulties
- Family or relationship breakdown

Individuals whose anti-social behaviour is a consequence of one or more of the issues listed above may sometimes require support in maintaining their tenancies and addressing their behaviour. When dealing with vulnerable individuals the Housing Executive will consider the factors which may be contributing to neighbour nuisance before deciding on an appropriate course of action. The Housing Executive will liaise with the individuals and other service providers to identify the availability of appropriate support packages.

Juvenile perpetrators

When dealing with young people the Housing Executive will attempt to ascertain the causes of the anti-social behaviour and involve parents/guardians in seeking to resolve the matter. Consultations with appropriate agencies will be undertaken, i.e. Probation, Youth Justice, Health & Social Services, PSNI and Education Welfare. In particular Social Services will be advised of the Housing Executive's involvement with any young person participating in anti-social behaviour given the former's duty under Article 18 of the Children (Northern Ireland) Order 1995.

1.13 MULTI-AGENCY WORKING

The Housing Executive believes that anti-social behaviour can only be tackled effectively by all service providers working in partnership. A fully integrated approach is essential to tackle anti-social behaviour and in particular to deal with persistent offenders. Early intervention by specialist organisations can avoid the need to initiate legal action.

The Housing Executive in developing its approach to multi-agency working has introduced a wide range of partnership initiatives designed to address local issues of crime and the fear of crime and anti-social behaviour initiatives including:

- Partnership funding arrangements in place with six district councils for the provision of night time warden services.
- Multi-agency protocols with the Probation Board for Northern Ireland and the Prison Service on reducing re-offending and homelessness amongst offenders by early identification of the underlying causes that contribute to their re-offending behaviour. Through the early identification of causes, appropriate support and accommodation packages can be developed to meet individual needs.

- Partnering with the PSNI, the Probation Board of Northern Ireland, Belfast City Council, NIACRO and the Department of Justice to act as lead agent in the development and delivery of programme to reduce re-offending amongst young men. The programme entitled Reintegration of Offenders (RIO) is a European funded 2 year project targeting young ex-offenders between the ages of 17-25 years of age.
- Representation on all 26 Community Safety Partnerships in Northern Ireland. The aim of such partnerships is to strategically identify the main community safety issues impacting on the council area and devise a strategy to address those issues.

1.14 DATA PROTECTION AND INFORMATION EXCHANGE

Data Protection Act 1998

The Data Protection Act 1998 regulates the processing and handling of personal data that has been lawfully obtained. The Northern Ireland Housing Executive is obliged to comply with the Act and therefore must ensure that handling all personal information is effected in accordance with the Data Protection principles (see below).

The Data Protection principles

Personal data held about you must be:

- 1) Fairly and lawfully processed.
- 2) Processed for limited purposes and not in any way incompatible with those purposes.
- 3) Adequate, relevant and not excessive.
- 4) Accurate and kept up to date.
- 5) Not kept for longer than is necessary.
- 6) Processed in line with your rights.
- 7) Secure.

Purposes of processing

The Housing Executive currently processes personal information for the purposes of its statutory functions which include our role:

- As Landlord.
- As Grants Authority.
- Under the Statutory House Sales Scheme.
- As Homelessness Authority.
- As Housing Benefit Authority.
- As HMO Regulator.

In addition the Housing Executive processes personal information for the following general purposes:

- Staff administration
- Advertising
- Marketing
- Public relations
- Accounts and records
- Grant and loan administration
- Consultancy and advisory services
- Crime prevention and prosecution of offenders
- Legal services
- Property management
- Research

1.15 INFORMATION SHARING PROTOCOL

A formal agreement for the sharing of personal information between the PSNI, Housing Executive and District Councils was signed in 2007/2008 and is now operational. In 2008 the Youth Justice Agency became the fourth signatory to the information sharing protocol.

The information sharing protocol is used by designated officers within each organisation to ensure confidentiality. The purpose of this agreement is to facilitate the sharing/disclosure of personal data and/or sensitive personal data, pertaining to legal action and eligibility decisions, where appropriate, between the Police Service and the Northern Ireland Housing Executive. This agreement does not impose a duty to disclose information in any particular case nor does it provide the power to demand disclosure.

The purpose of sharing the relevant information is to assist the Housing Executive in gathering evidence with a view to taking legal action i.e. possession, ASBOs and or injunction proceedings against a tenant/tenants, and any other individual.

The type of information which may be requested by the Housing Executive includes:

- Details of relevant convictions for an indictable offence
- Details of relevant contact between the police and any individual

It would be the intention of the Housing Executive in 2011/2012 to further expand the use of the protocol by increasing the number of participating agencies involved in addressing anti-social behaviour.

1.16 SHARING INFORMATION WITH TENANTS AND THE WIDER COMMUNITY

In 2010 the Housing Executive published its Community Safety Communication Plan which established a two year action plan to improve communication across a number of key target audiences (tenants/ communities, staff/ public representatives and the media). It is not only important that the Housing Executive takes prompt action to stop anti-social behaviour, but it is of equal importance that the results of the organisations actions are relayed back out to the general public. In doing so, the fear of crime can be addressed and positive feedback on actions can also encourage more people to come forward and report anti-social behaviour.

The Housing Executive may use various forms of publicity to promote its services to address anti-social behaviour including:

- Housing Community Network
- Leaflets
- Posters
- Roadshows
- Website
- Local newspapers
- Housing News

In specific circumstances where an ASBO has been served on an individual, a decision on whether or not to publicise the personal information will be dependent on the circumstances of the case. Consideration will be given to the balance between the human rights of individuals subject to an ASBO against those of the community as a whole when considering publicising anti-social behaviour Orders.

Publicity will be determined on a case by case basis and in liaison with the Housing Executive's Information Department. The Housing Executive will also consider the non-disclosure rules of the Data Protection Act.

At a general level, information on Anti-Social Behaviour services will be made available in a range of formats upon request.

1.17 CONFIDENTIALITY

Subject to any legal requirements, any information received by the Housing Executive will be treated with the utmost of confidence. In any particular case of anti-social behaviour, disclosure of information by the Housing Executive to any other party (subject to any legal requirements) will not occur without the permission of the person who provided the information unless required to do so by law.

As detailed in the Data Protection section above, information may be shared with other agencies for the purpose of crime prevention, prosecution of offenders and legal proceedings.

In ASBO applications, hearsay evidence and professional witnesses may be used to protect the identity of complainants.

1.18 FREEDOM OF INFORMATION ACT

From the 1st January 2005 the Housing Executive must comply with requests for the information that it holds unless an exemption from disclosure applies.

What is the Freedom of Information Act?

The Freedom of Information Act (the Act) was passed on 30th November 2000. The Act seeks to promote a culture of openness within public administration and aims to balance three rights:

- The right to information.
- The right to confidentiality.
- The right to effective public administration.

The underlying principle of the Act is that all information held by a public authority should be freely available, apart from a number of tightly defined exempt items.

Rights afforded under Freedom of Information Act

The Freedom of Information Act gives everyone two specific separate rights:

- The right to know whether information exists.
- The right to ask for access to information.

1.19 CROSS TENURE ISSUES

The Housing (Northern Ireland) Order 1983, Housing (Northern Ireland) Order 2003 and anti-social behaviour (Northern Ireland) Order 2004 afford the Housing Executive the ability to seek injunctions, possessions and Anti-Social Behaviour Orders as a result of anti-social behaviour. Injunctions and ASBO proceedings are not restricted to Housing Executive tenants but can be initiated in respect of any individual involved in anti-social behaviour in the locality/vicinity of Housing Executive owned/managed stock.

1.20 PROTECTION OF STAFF

In keeping with its overall objectives and in accordance with the requirements of the Health and Safety at Work (Northern Ireland) Order 1978 and associated legislation, the Housing Executive recognises and accepts its responsibility as an employer for providing a safe and healthy workplace and as far as is reasonably practicable, a risk free working environment for all its employees.

The Housing Executive will also conduct its activities so as to minimise, and where possible, eliminate the risk to which others may be exposed as far as is reasonably practicable. The Housing Executive will take all reasonably practicable steps within its power to meet these responsibilities. Where employees are required to work outdoors or at locations away from their normal base, the Housing Executive will ensure that, so far as is reasonably practicable, all steps are taken to ensure their safety and health.

When interviewing alleged perpetrators/complainants in anti-social behaviour cases, interviews will be carried out with two Housing Executive Officers present if it is considered appropriate. All Housing Executive Officers are provided with appropriate competency based training and personal safety awareness. They are also trained on how to deal with difficult situations. Training needs are kept under review.

Legal remedies used to protect staff

The extension of powers through the Housing (Northern Ireland) Order 2003 covers nuisance or annoyance caused to persons visiting or having lawful activity in the locality. This permits the Housing Executive to take action i.e. injunction/possession or, under the anti-social behaviour (Northern Ireland) Order 2004, Anti-Social Behaviour Orders against individuals who are behaving in an unreasonable manner towards Housing Executive staff.

1.21 TRAINING OF STAFF IN DEALING WITH ANTI-SOCIAL BEHAVIOUR

In response to the implementation of the Housing (Northern Ireland) Order 2003 the Housing Executive completed an extensive training programme for all staff members dealing with complaints of anti-social behaviour. This was supplemented in 2005 with the interagency training following the introduction of the anti-social behaviour (Northern Ireland) Order 2004.

Modules pertaining to anti-social behaviour are included in the Housing Executive's yearly Learning and Development Programme. In addition to this, in July 2004 five area based Community Safety Officers were appointed. They are available to provide supplementary training to District Office staff when required.

The above training programmes were further supplemented in 2008/2009 by a rolling programme of competency based training targeted on all grades of staff involved in the reporting, investigations and decision making processes involved in anti-social behaviour casework. This training programme continues to be rolled out along with awareness training in mediation casework.

1.22 INFORMATION ON OTHER RELEVANT POLICIES

The Housing Executive will take into account clause 22(A) of the Housing (Northern Ireland) Order 1981 and Article 7A of the Housing (Northern Ireland) Act 1988 when determining an individual's eligibility for accommodation. In this respect individuals who have been guilty of unacceptable behaviour may not be eligible for accommodation.

The Housing Executive, in response to Section 75 of the Northern Ireland Act 1998, has established a Community Cohesion Unit whose main objectives are to:

- Identify areas ready for positive intervention.
- Consult and support local communities regarding the removal of sectional symbols.
- Use Community Cohesion/Community Safety as vehicles for addressing sectional symbols.
- Focus on more acceptable expressions of cultural identity.

- Propagate models of good practice.
- Analyse and assist in the sustainability of mixed estates.
- Facilitate and encourage mixed housing schemes in the social and affordable sector as far as this is practicable, desirable and safe.
- Work with the Department for Social Development, Housing Associations and others to bring proposals forward for projects of mixed housing schemes in the medium term.

Tenant participation

The Housing Executive has always been keen to involve tenants and their local community associations in discussing and developing the local services, and addressing housing issues generally. By being more involved, communities will be more confident and better informed, contribute to better decision-making leading to improved services and standards locally, as well as developing their own skills and opportunities.

To this end, the Housing Community Network (HCN) acts as an important sounding board to secure feedback on the standard of services provided to address anti-social behaviour. The Housing Executive, together with the Department for Social Development, funds Sustaining Communities Northern Ireland, an independent voluntary organisation to work with community groups and housing providers to achieve meaningful community participation. The Housing Community Network comprises of over 400 community associations and operates at four levels: Community, District, Area and Centre.

In 2010 the Housing Community Network carried out an independent tenant-led inspection of anti-social behaviour services. The recommendations of that survey have now been incorporated into a plan for further improvements to service delivery.

Equal Opportunities

The Housing Executive is committed to equality of opportunity for all its tenants, customers and staff. Our commitment to equality is rooted in the principles upon which the Housing Executive was founded in 1971. Fairness and equity continues to be the first of our six "core values". The first of the Housing Executive's corporate objectives is: "To ensure that all social housing programmes and services are delivered in a manner which is demonstrably fair and equitable on the basis of objective assessment of need."



PART 2
procedures

2.0 Procedures

2.0 PROCEDURES

The Housing (Northern Ireland) Order 1981, the Housing (NI) Order 1983, the Housing (NI) Order 1988, the Housing (Northern Ireland) Order 2003, the Anti-Social Behaviour (Northern Ireland) Order 2004 and the Housing (Amendment) Act (Northern Ireland) 2010 provide the Housing Executive with a range of legal powers to address anti-social behaviour, including the use of injunctions, introductory tenancies, assessing eligibility for housing assistance, powers of repossession and Anti-Social Behaviour Orders (ASBOs). All complaints of anti-social behaviour are dealt with in accordance with the Housing Executive's procedures. This section of the statement provides information on the procedures followed in dealing with anti-social behaviour.

2.1 MAKING A COMPLAINT OF ANTI-SOCIAL BEHAVIOUR

A complaint of anti-social behaviour can be made in writing or verbally (in person or by telephone) to any of the Housing Executive's District Offices. Complaints may also be logged via email, details can also be found on the Housing Executive's website at www.nihe.gov.uk

A complaint does not have to come from the individual experiencing the anti-social behaviour. A political representative, police, council officer, social worker, family, friend, neighbour etc. may report the complaint initially.

Anonymous complaints will not be ignored. Many such complaints can be acted on; however in the absence of direct evidence from a complainant it may prove difficult to fully investigate such cases.

2.2 PROCESSING A COMPLAINT OF ANTI-SOCIAL BEHAVIOUR

In order to facilitate the adoption of a consistent approach in dealing with all reported incidents of anti-social behaviour, the Housing Executive utilises standard documentation including the following:

- Case file.
- Incident diary.
- Incident report form.

STAGE 1 - INITIAL COMPLAINT, ACKNOWLEDGEMENT AND REGISTRATION

When a report of anti-social behaviour is made to a District Office, the office will:

- Acknowledge receipt of the complaint by post and include an anti-social behaviour information leaflet
- Log the complaint on the Housing Executive's Anti-Social Behaviour Register and allocate the case to a Housing Executive Investigating Officer who will:
 - Consider if the complaint represents a new case of anti-social behaviour
 - Consider in advance of interview any particular needs of complainant, e.g. vulnerability, member of a minority community etc.
 - Make initial contact with the complainant and/or arrange an interview.

STAGE 2 - INTERVIEWING THE COMPLAINANT

The Housing Executive Investigating Officer will seek clarification from complainant in respect of:

- Characteristics of the occupants of the complainant's property.
- Details pertaining to the complainant's property i.e. property type, tenure, proximity to the alleged perpetrator's home.
- Details in respect of the alleged perpetrator, i.e. name, address, household composition and property type.
- The type of anti-social behaviour, location of the incidents, time periods involved.
- How the anti-social behaviour is affecting their quality of life and that of their family members
- The existence of other witnesses affected by the behaviour.
- Any action they may have taken to resolve the problem i.e. contact with the alleged perpetrator.
- Has the behaviour been reported to any other agency e.g. the PSNI or local council?
- Their willingness, in appropriate cases, to participate in a mediation process.
- Their agreement for the Housing Executive to contact the alleged perpetrator.

Depending upon the circumstances of the case the complainant and the Housing Executive Investigating Officer will, if appropriate, agree an action plan on the way forward. The complainant will be provided with a copy of the agreed action plan. As part of the action plan the Housing Executive may contact the alleged perpetrator, liaise with appropriate agencies and seek to substantiate the reports of anti-social behaviour with other witnesses, neighbours or agencies.

The complainant will be advised of the need to report the incidents of anti-social behaviour to the relevant statutory agency i.e. Police Service of Northern Ireland or District Council. They may also be requested to complete an incident diary, so that future incidents of anti-social behaviour can be easily recorded.

Ongoing contact with the complainant will be sustained and a review date will be set to discuss progress of the case.

STAGE 3 - PRELIMINARY INFORMATION GATHERING

Following the interview with the complainant and agreement of an action plan, the Housing Executive Investigating Officer will complete the following checks:

- Confirm tenure of alleged perpetrator as this may determine the course of action to be taken.
- Check on any previous history of anti-social behaviour i.e. previous history of the complainant and alleged perpetrator or the family's anti-social behaviour.
- Investigate the vulnerability/particular needs of the individuals involved in the anti-social behaviour and endeavour to engage with the individual and the relevant support agencies
- Seek to substantiate the reports of anti-social behaviour i.e. seek ways of independently corroborating or refuting the allegations. This may necessitate the Housing Executive Investigating Officer interviewing other witnesses and seeking information from other agencies.
- Check for any House Sale application submitted in respect of the property occupied by the alleged perpetrator (See Item 1.11).
- Check for Housing Selection Scheme application/transfer application in respect of the alleged perpetrator and or family member (See Item 1.11).

STAGE 4 - INTERVIEWING/CONTACT WITH THE ALLEGED PERPETRATOR

The Housing Executive Investigating Officer will:

- Attempt to contact the alleged perpetrator, arrange an interview and advise of the nature of the complaint, subject to the agreement of the complainant.
- Explain the potential seriousness of the situation, the investigation process and the possible consequences should the allegations be substantiated and the anti-social behaviour continue.
- Seek to identify any vulnerability or risk associated with the perpetrator and if they are receiving any current treatment or support.
- Take comprehensive notes of all interviews and the response to the allegations.

NB. Should the alleged perpetrator make counter allegations, in respect of behaviour directed towards them, they will be investigated and a new case opened as detailed in Stage 1.

STAGE 5 - CHOOSING THE MOST APPROPRIATE FORM OF ACTION

Following the interview with the alleged perpetrator or in circumstances where contact has been attempted but failed, the Housing Executive Investigating Officer will discuss the case with their line manager who will identify the way forward.

Each case of anti-social behaviour is unique and the way forward will be determined by the particular circumstances of the case. As part of that process the Housing Executive will take into consideration the age, vulnerability, and/or particular needs of both the complainant and the perpetrator. In all cases of anti-social behaviour the Housing Executive's main objective is to resolve the matter preferably without recourse to any form of legal action namely possession, injunction or ASBO proceedings. In this respect, and dependent upon the circumstances of the case, the Housing Executive may decide to:

- Initiate inter-agency working with relevant service providers and evaluate the impact of any support package made available to the complainant and the alleged perpetrator.
- Issue a warning letter to the perpetrator.
- Seek an Acceptable Behaviour Contract with the perpetrator.
- Refer the case for mediation/ community based restorative justice partnerships.
- Monitor case.
- Gather additional evidence.
- Initiate legal action.
- Close the case and advise the complainant and perpetrator of the reason for closure.

STAGE 6 - AVAILABLE ACTIONS

A) Commencing legal action

If all attempts at earlier interventions fail or should the alleged perpetrator fail to respond to any support package offered to address their anti-social behaviour, legal action may be necessary. In the majority of cases this will only commence when all other methods of resolving the anti-social behaviour i.e. interviews/warning letters, inter agency interventions, mediation, Acceptable Behaviour Contracts etc. have been exhausted. In certain circumstances however, the Housing Executive reserve the right to proceed to immediate legal action.

Notwithstanding the Housing Executive's approach to seeking to resolve anti-social behaviour through early intervention, support and diversion, there may be circumstances where court action will be deemed as the only realistic option to deal with serious cases of anti-social behaviour. At this stage the Housing Executive Investigating Officer will:

- Seek approval from the District Manager to proceed with legal action.
- Refer the case file to the Community Safety Team for legal processing and liaison with the Housing Executive's Legal Department.
- Ensure that the complainant/s are kept fully informed of all the stages in the legal process and that their agreement if appropriate is obtained prior to the Housing Executive using their evidence in any legal proceedings i.e. the service of a notice seeking possession or a summons in respect of an injunction or an ASBO application.
- Continue to liaise with complainant/s throughout the legal process and monitor the case up to the court hearing.
- Identify any need for witness support services to be provided.

B) Court hearing

Prior to the court hearing the Housing Executive officer will:

- Maintain regular contact with witness/es and advise on case development
- Explain the court process to the witness/es
- Ensure all witnesses are advised of time, date and location of hearing
- Make any necessary arrangements to ensure the witness/es attendance at the court hearing

Post court

After the court hearing the Housing Executive Investigating Officer will:

- Advise all witnesses of the outcome of the court hearing
- If necessary advise local police of result of the court hearing
- Continue to liaise with all witness/es and monitor the situation subsequent to the decision of the court.
- Contact Community Safety Team if the individual fails to comply with the court order
- Advise the Area Manager of any proposed eviction, committal proceeding in respect of any breach of an injunction or ASBO
- Where an Order for Possession has been granted the Housing Executive will initiate appropriate action on the case being referred to the Enforcement of Judgments Office.

NB. Should there be any breach of an injunction the Housing Executive will investigate the alleged breach and in appropriate circumstances enforce the court order. The same procedures will apply as detailed in Stage 6 Item B; Court hearing. The breach of an ASBO is a criminal offence and would normally be a matter for the police to investigate and take to prosecution. If an ASBO isn't enforced it has no value.

STAGE 7 - CASE CLOSURE

The Housing Executive will ensure that:

- All cases will be progressed to conclusion and closed at the appropriate time.
- All closed files are retained for a period of 7 years in line with the Housing Executive's Retention Policy.

2.3 COMPLAINTS PROCEDURE

The Housing Executive provides help and advice to its tenants and members of the public on housing matters. We aim to provide good quality services. The Tenant's Charter sets out the standards of service the public can expect from each of our offices.

If you are not satisfied with the service you have received - we want to hear from you. All complaints received are investigated and where a problem occurs we try to remedy the situation and take action to improve our service.

The Housing Executive's complaints procedure has two stages:

- STAGE 1 - A complaint is made to the appropriate Area Manager depending upon its nature. Following investigation a reply will be sent from the Area Manager, usually within 15 working days. If the case is particularly complex, it may take longer and the complainant will be advised in writing of any delay.
- STAGE 2 - If the complainant is dissatisfied with the outcome of the Stage 1 investigation, they may then proceed to Stage 2 and appeal to the Chief Executive. He will investigate the case and seek to reply within the same timescale as the previous stage.

The Chief Executive is located at the Housing Centre, 2 Adelaide Street, Belfast BT2 8PB.

Complaints should be made in writing, either by letter or on the tear-off slip from the 'How to make a Complaint Leaflet' which is available from the Housing Executive's website www.nihe.gov.uk. In circumstances where the complainant has poor writing skills it is suggested that the complaint be made at the District Office.

Taking your complaint further

If the complainant is not happy with the final response received from the Housing Executive, they can ask the Northern Ireland Ombudsman to investigate the complaint. The Ombudsman's address is:

The Ombudsman, Freepost Belfast BT1 6BR or Freephone 0800 343424

2.4 SUPPORT FOR COMPLAINANTS/WITNESSES OF ANTI-SOCIAL BEHAVIOUR

The Housing Executive will:

- Maintain regular contact with the complainants/witnesses throughout the duration of the case.
- Ensure that the complainants/witnesses are kept informed of all developments in the case and fully understand the importance of their role.
- Provide advice as to the existence of other agencies which may be able to offer advice and assistance.
- Provide a witness support service to those giving evidence in court cases.
- Provide access to a telephone interpreting service (Language Line) 24 hours a day and/or face to face interpreters, depending upon the area. The Housing Executive also offers a loop system for people with a hearing related disability.

Where legal action is taken to address anti-social behaviour, the Housing Executive will:

- Consider the use of civil remedies to protect complainants/witnesses i.e injunctions, Anti-Social Behaviour Orders.
- Review the use of hearsay evidence if the complainant is fearful of the repercussions of providing direct evidence to the court.
- In appropriate circumstances advise the Police of the Housing Executives intention to initiate legal proceedings.
- Consider any rehousing request the witness should make under the Housing (Northern Ireland) Order 1988 or the Housing (Northern Ireland) Order 1981.
- Consider assisting with the provision of transport to court.
- Reimburse costs incurred as a result of attending the court i.e. loss of earnings, child minding costs, subsistence and travel.
- Ascertain the availability of a separate waiting room for the witness/es in the court.

After the court hearing the Housing Executive will:

- Inform complainants/witnesses of the outcome of the court hearing and thank them for their support and participation
- Provide ongoing witness support if necessary and monitor the situation
- Consider publicity on a case by case basis in liaison with the Housing Executive's Information Department. The interests of the complainants/witnesses will always be taken into account.

2.5 LIAISON WITH ALLEGED PERPETRATOR

- Ensure that the alleged perpetrator is kept informed of all developments in the case.
- Provide advice as to the existence of other agencies which may be able to offer advice and assistance should a vulnerability be identified.
- Provide access to a telephone interpreting service (Language Line) 24 hours a day and/or face to face interpreters, depending upon the area. The Housing Executive also offers a loop system for people with a hearing related disability.

- Advise alleged perpetrator of the outcome of court hearing and the legal requirements imposed by the court.
- Monitor the behaviour of the perpetrator to ensure compliance with decision of the court.

2.6 OPTIONS AVAILABLE TO THE HOUSING EXECUTIVE TO TACKLE ANTI-SOCIAL BEHAVIOUR

In cases where a report of anti-social behaviour or nuisance is received, an interview and/or a warning letter from a Housing Executive Officer may often be enough to stop the behaviour. However there are situations where these initial warnings are ignored. Legal proceedings are ordinarily only considered as a last resort.

The various options used by the Housing Executive to tackle anti-social behaviour are detailed under separate headings below:

Mediation

The Housing Executive offers a mediation service which aims to help people involved in a dispute reach an agreement which satisfies everyone. Mediation services would typically be used for noise, verbal abuse, children's behaviour, pets, boundary issues, car parking and many other sources of dispute. The District Office may refer a case for mediation if both parties are willing to participate.

The advantages of mediation are:

- It provides an alternative to going to court (although if the mediation is not successful and the anti-social behaviour continues, this would not stop legal action)
- It can stop disputes escalating and can often nip the problem in the bud
- It can help neighbours understand each other
It can provide a speedy solution to disputes
- It is provided at no cost to the parties in the dispute

Where there is a case that could possibly be resolved through mediation, the Housing Executive Investigating Officer in the District Office will speak to both parties to get their agreement. Tenants can also ask to be referred to the mediation service. A mediation information leaflet is available in all District Offices and this information can also be accessed on the website at www.nihe.gov.uk

Acceptable Behaviour Contracts

An Acceptable Behaviour Contract is a written agreement between an individual who has been involved in anti-social behaviour and one or more local agencies whose role is to prevent such behaviour.

The contract is agreed and signed at a meeting with the individual and the lead agency/agencies. In circumstance where the person is 17 years of age or younger their parents/guardians will be asked to attend. If the parent or guardian refuses to attend the meeting then the ABC will not proceed.

The contract was initially designed for 10-18 year olds. In the case of children under 10 the parent/guardian would sign a parental control agreement and would take full responsibility for their child's behaviour. ABCs can also apply to adults.

The agreement is not legally binding but should the individual continue to act in an anti-social manner then the agreement may be used as evidence in subsequent legal action. The contract should reflect the behaviour of the individual which is to be addressed and written in basic terms which the individual understands. The contract specifies a list of anti-social acts in which the person has been involved and which they agree not to continue and may also include positive requirements.

The contract would normally last for six months although it can be renewed. The behaviour will continue to be monitored for the duration of the ABC.

Assisting People and Communities (APAC) Programme

While ABCs are a useful tool in stopping anti-social behaviour, the Housing Executive has sought to combine the prohibitions contained in the ABC with a voluntary referral to the APAC programme. This programme is delivered through NIACRO and provides a mentoring service which seeks to address many of the underlying issues associated with the individual's anti-social behaviour. The APAC worker will action plan and agree with the individual, access to a range of support and diversionary services including, alcohol and drug rehab services, education and employment opportunities, parenting skills, budgeting and housekeeping skills etc.

Mediation and Community Support (MACS) programmes

In North and West Belfast, Rathcoole and North Down, the Housing Executive has established partnerships working arrangements with two community based restorative justice schemes. They are Northern Ireland Alternatives (North Belfast, Rathcoole and North Down) and Community Restorative Justice Ireland (Greater West Belfast). Both schemes undertake mediation work on behalf of the Housing Executive where both parties to the process agree to use a community based local service (If refused by either party, then the Housing Executive undertake the mediation). In addition to providing mediation as a means of resolving the anti-social behaviour, the community restorative justice groups also provide community support services by working, longer term with both parties, and often their families, to resolve many of the factors which have led to the anti-social behaviour.

Anti-Social Behaviour Orders (The Anti-Social Behaviour (Northern Ireland) Order 2004)

Anti-Social Behaviour Orders (ASBOs) are civil orders made by the Magistrate's Court acting in its civil capacity. The court makes an order which prohibits the defendant from doing anything described in the order. They are intended to protect people from further acts or conduct that would cause harassment, alarm or distress to one or more persons not of the same household as the individual. They represent an additional power afforded to the Housing Executive to address anti-social behaviour.

An ASBO is designed to stop the behaviour which has caused harassment, alarm or distress to others. It is focused on protecting the victims rather than on the offender.

Although Anti-Social Behaviour Orders are civil orders, a breach of an Anti-Social Behaviour Order is a criminal offence which carries a maximum penalty of 5 years imprisonment on indictment and/or an unlimited fine. Anti-Social Behaviour Orders can be obtained in respect of any person aged 10 years old and upward. If there is an immediate need to call a halt to particular behaviour to protect the community then an Interim ASBO can be sought.

In order to ensure that ASBOs are applied in a consistent and appropriate manner all cases will be processed centrally through the Community Safety Team in conjunction with the Housing Executive's Legal Services Department. A media strategy will be considered on a case by case basis, taking into account any legal restrictions upon publicising of individual's names, addresses or other details.

Types of Anti-Social Behaviour Orders available to the Housing Executive

Interim Anti-Social Behaviour Orders

This type of order would normally be applied for in respect of urgent situations pending an application for a full ASBO and granted in the Magistrate's Court.

Anti-Social Behaviour Orders on application

This is a stand alone order unrelated to other legal proceedings. Application is made to the Magistrate's Court.

Injunctions

The Housing (Northern Ireland) Order 2003 affords the Housing Executive the ability to seek an injunction in respect of anti-social behaviour. An injunction can be sought in the County or High Court. These proceedings are not restricted to Housing Executive tenants but can be initiated in respect of any individual who engages or threatens to engage in conduct causing or likely to cause a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in residential premises (Article 26, Housing (NI) Order 2003) or locality of the premises.

This is an order made by the court, ordering an individual to stop their anti-social behaviour and may exclude them from a specific geographical area. If the injunction is granted and the anti-social behaviour continues, the individual will face further legal action and possibly a prison sentence.

Possession Proceedings

Secure tenants

Possession proceedings are usually utilised by the Housing Executive as an action of last resort, when other appropriate methods of trying to stop the anti-social behaviour have either failed or been exhausted.

The Housing Executive may consider possession proceedings in respect of a secure tenancy if there has been a breach of the General Conditions of Tenancy (Section 5) and the statute detailed:

Ground 1 of the Housing (Northern Ireland) Order 1983

Any rent lawfully due from the tenant has not been paid or any obligation of the tenancy has been broken or not performed.

Ground 2 of the Housing (Northern Ireland) Order 1983

The tenant or person residing in or visiting the dwelling house:

- 1) has been guilty of conduct causing or likely to cause nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
- 2) or has been convicted of
 - a) using the dwelling-house or allowing it to be used for immoral or illegal purposes or
 - b) an indictable offence committed in, or in the locality of, the dwelling house

Ground 2A of the Housing (Northern Ireland) Order 1983

The dwelling-house was occupied (whether alone or with others) by a married couple or a couple living together as husband and wife and:

- 1) one or both of the partners is a tenant of the dwelling-house,
- 2) one partner has left because of violence or threats of violence by the other towards:
 - a) that partner, or
 - b) a member of the family of that partner who was residing with that partner immediately before the partner left, and
- 3) The court is satisfied that the partner who has left is unlikely to return while the other continues to occupy the dwelling-house

Ground 3 of the Housing (Northern Ireland) Order 1983

The condition of the dwelling-house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing in the dwelling-house and, in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this paragraph the "common parts" means any part of a building comprising the dwelling-house, and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling-houses let by the landlord.

Introductory tenants

The reason for seeking an Order for Possession for an introductory tenancy must relate to the behaviour which would, if the tenant was a secure tenant, fall within either Ground 2 or Ground 3 of Schedule 3 of the Housing (Northern Ireland) Order 1983.

Eviction

In the event of the Housing Executive obtaining an Order for Possession on grounds of anti-social behaviour and the tenant does not vacate the property on a voluntary basis, the case will be referred to the Enforcement of Judgements Office. In circumstances where a tenant has children

the Housing Executive will seek to ensure that Social Services are advised in advance of the eviction process, thus ensuring that necessary safeguards are put in place to protect the needs of the children.

Refusal of house sale for anti-social behaviour

A secure tenant will be ineligible to buy if, due to anti-social behaviour, the Housing Executive has taken legal action for possession of his/her dwelling. There are four possible stages to that action.

- i) The Housing Executive is actively considering whether it would be appropriate to serve – at some time within the next three months - a relevant statutory notice seeking possession.
- ii) The Housing Executive has served a relevant statutory notice seeking possession at any time within the previous 3 months.
- iii) Proceedings for possession of the dwelling pursuant to a relevant statutory notice are pending.
- iv) The tenant is obliged to give up possession of the dwelling in pursuance of an Order of the Court which has been granted pursuant to a relevant statutory notice or will be so obliged at a date specified in the Order.

2.7 DATA COLLECTION

Nuisance statistics collected by District Offices

All cases of nuisance/anti-social behaviour reported to the local District Offices are logged and recorded in the Housing Executive's Anti-Social Behaviour Register in one of the categories listed below on a street and estate basis.

The categories are currently being reviewed in association with the Housing Executive's Equality Unit.

Ageism	Intimidation
Noise	Nuisance from vehicles
Gardens	Drugs
Criminal behaviour	Alcohol/substance abuse
Disability discrimination	Boundary disputes
Verbal abuse	Domestic violence/abuse
Harassment	Nuisance from business use
Homophobic abuse	Nuisance in a public space
Damage to property	Rubbish dumping
Pets and animals	Sectarianism
Racial abuse	Multiple

Statistics on action taken in response to anti-social behaviour

Statistics are collected by the Community Safety Team on a quarterly basis in respect of the following:

Activity levels

- Cases referred to the Community Safety Team during quarter
- Total live cases for the quarter

Actions during quarter

The number of:

- Notice of Intent to Seek Possession served (secure tenancy)
- Notice of Proceedings Served (introductory tenancy)
- Introductory review hearings
- Orders for Possession obtained (secure tenancy)
- Orders for Possession obtained (introductory tenancy)
- Injunction Proceedings initiated
- Injunctions obtained
- Undertakings agreed
- ASBO applications made
- Anti-Social Behaviour Orders granted
- Breach Proceedings initiated
- ABCs agreed
- Ineligibility cases

Repossessions during quarter

- The number of repossessions achieved

Case closure

- Total cases closed (secure)
- Total cases closed (introductory)

Data collection of anti-social behaviour through site inspections

Neighbourhood Officers, Housing Officers and Maintenance Officers may report incidents of criminal damage and graffiti that they identify during their site inspections.

Community Safety Partnerships

There are 26 local Community Safety Partnerships in Northern Ireland. Community Safety Partnerships are responsible for the development, delivery and implementation of a local action plan for community safety within their respective district council boundaries.

Information collected to inform action plan priorities may include:

- Demographic profile of the district council area
- Community safety concerns expressed by local people
- Socio-economic profile of the district council area
- Incident based data
- Recorded crime
- Data from the Housing Executive
- Local incident data

Continuous Tenants Omnibus Survey (CTOS)

Each year the Housing Executive carries out a CTOS survey which monitors the level of customer satisfaction with Housing Executive services and identifies areas where the Housing Executive needs to improve the quality of its services. Categories for data collection include attitude to area or estate and anti-social behaviour. This research allows collection of specific information for various client groups in the Housing Executive, to inform the formulation of future policy or programmes.

Neighbourhood Renewal Surveys

This is a rolling programme of surveys carried out by the Housing Executive in some 10-12 estates annually. Approximately 2,000 tenants are surveyed and their views are a key source of information for District Offices trying to address the complex web of problems which characterise many of these estates.

2.8 MONITORING ANTI-SOCIAL BEHAVIOUR AND RELATED SERVICES

Ways in which anti-social behaviour is monitored

Anti-social behaviour is monitored centrally through the Community Safety Team. Manual systems have now been replaced with computerised systems which allow continuous monitoring of data which is collected and input by the District Office. This data:

- Facilitates the evaluation of initiatives to combat anti-social behaviour
- Distinguishes between different types of behaviour which could be categorised as anti-social behaviour
- Identifies key priorities and issues
- Helps us to understand the nature and location of areas where anti-social behaviour is prevalent

An analysis of anti-social behaviour casework performance across all 35 District Offices is submitted quarterly to the Performance Review Group.

Biannual strategic and operational performance reports are submitted to the Housing Executive's Board, Housing Council and Housing Community Network.

2.9 CONCLUSION

It is the intention of this Statement of Policies and Procedures to demonstrate the Housing Executive's commitment to deal effectively with reported incidents of anti-social behaviour. The policy section provides an overview of the principles underlying the Housing Executive's approach to anti-social behaviour. The statement on procedures details how reports of anti-social behaviour are processed by the Housing Executive and remedies which may be used to tackle anti-social behaviour.

appendix

Appendix 1

Glossary of terms

Introductory tenancy

All new tenancies from April 2004 are on an introductory basis for the first year. An introductory tenancy emphasises to the introductory tenant the importance of reasonable standards of behaviour and adherence to the conditions of tenancy and statutory obligations.

Injunction

An injunction orders a person to stop the anti-social behaviour or not to enter a particular area.

ASBO

anti-social behaviour Orders - a civil remedy sought in the Magistrate's Court. It prohibits an individual who has acted in a manner that has caused or was likely to cause harassment, alarm or distress to others not of the same household from continuing with this behaviour. The minimum duration of an ASBO is two years.

ABC

Acceptable Behaviour Contract wherein the person promises not to participate in the anti-social behaviour outlined in the contract.

APAC

The Assisting People and Communities Programme is a partnership between the Housing Executive and NIACRO for the provision of support and mentoring services, primarily targeted on those who have been subject to an ABC.

NSP

Notice of Seeking Possession of a dwelling let under a secure tenancy is the notice issued to a secure tenant advising that the Housing Executive intend to apply to the court to obtain an order for possession of the dwelling.

NOP

Notice of Proceedings to end an introductory tenancy.

NIHE

Northern Ireland Housing Executive.

PSNI

Police Service Northern Ireland.

PBNI

Probation Board Northern Ireland.

BCC

Belfast City Council.

Appendix 2

Summary of Legislation

HOUSING (NORTHERN IRELAND) ORDER 1983

Repossession of Dwelling Houses let under Secure Tenancies

Ground 1

Any rent lawfully due from the tenant as not been paid or any obligation of the tenancy has been or not been broken or not performed.

Ground 2 Schedule 3

The tenant or a person residing in or visiting the dwelling-house:

- a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
- b) has been convicted of:
 - i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
 - ii) an indictable offence committed in, or in the locality of, the dwelling-house.

Ground 2A

The dwelling-house was occupied (whether alone or with others) by a married couple or a couple living together as husband and wife and:

- a) one or both of the partners is a tenant of the dwelling-house,
- b) one partner has left because of violence or threats of violence by the other towards
 - i) that partner, or
 - ii) a member of the family of that partner who was residing with that partner immediately before the partner left, and
- c) the court is satisfied that the partner who has left is unlikely to return while the other continues to occupy the dwelling-house.

Ground 3

The condition of the dwelling-house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing in the dwelling-house and, in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this paragraph the "common parts" means any part of a building comprising the dwelling-house, and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling-houses let by the landlord.

HOUSING (NORTHERN IRELAND) ORDER 2003

Introductory tenancies - proceedings for possession

- 1) The landlord may only bring an introductory tenancy to an end by obtaining an order of the court for the possession of the dwelling-house.
- 2) The court shall make such an order unless the provisions of Article 10 apply.
- 3) Where the court makes such an order, the tenancy comes to an end on the date on which the tenant is to give up possession in pursuance of the order.

Notice of proceedings for possession

- 1) The court shall not entertain proceedings for the possession of a dwelling house let under an introductory tenancy unless the landlord has served on the tenant a notice of proceedings complying with this Article.
- 2) The notice shall state that the court will be asked to make an order for the possession of the dwelling-house.
- 3) The notice shall set out the reasons for the landlord's decision to apply for such an order.
- 4) The notice shall specify a date after which proceedings for the possession of the dwelling house may be begun.

The date so specified must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings.

- 1) The court shall not entertain any proceedings for possession of the dwelling-house unless they are begun after the date specified in the notice of proceedings.
- 2) The notice shall inform the tenant of his right to request a review of the landlord's decision to seek an order for possession and of the time within which such a request must be made.
- 3) The notice shall also inform the tenant where he should take the notice, if he needs help or advice about it.

ANTI-SOCIAL BEHAVIOUR (NORTHERN IRELAND) ORDER 2004

Anti- Social Behaviour Orders on application to Magistrate's Court (Section 3)

- 1) An application for an order under this Article may be made by a relevant authority if it appears to the authority that the following conditions are fulfilled in respect of any person aged 10 or over, namely:
 - a) the person has acted, since the commencement date, in an anti-social manner, that is to say, in a manner that has caused, or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself, and
 - b) that such an order is necessary to protect relevant persons from further anti-social acts by him.
- 2) Such an application will be made by complaint to a magistrates' court for the county court division in which it is alleged that the harassment, alarm or distress was caused or was likely to be caused.
- 3) If, on such an application, it is proved that the conditions mentioned on paragraph (1) are fulfilled, the magistrates' court may make an order which prohibits the defendant from doing anything described in the order.

- 4) For the purpose of determining whether the conditions mentioned in paragraph (1) (a) is fulfilled with respect to any person, the court shall disregard any act of that person which he shows was reasonable in the circumstances.
- 5) The prohibitions that may be imposed by an order under this Article are necessary for the purpose of protecting persons (whether relevant persons or not) from further anti-social acts by the defendant.
- 6) An order under this Article shall have effect for a period (not less than two years) specified in the order or until further order

THE HOUSING (AMENDMENT) ACT (NORTHERN IRELAND) 2010

Section 10: anti-social behaviour in housing

- 1) The Housing Executive to publish its policy in relation to anti-social behaviour and its procedures for dealing with occurrences of anti-social behaviour

CHILDREN (NORTHERN IRELAND) ORDER 1995 (IN PARTICULAR ARTICLE 46)

- 1) Where it appears to an authority that any body mentioned in paragraph (3) could, by taking any specified action, help in the exercise of any of the authority's functions under this Part, the authority may request the help of that body, specifying the action.
- 2) A body whose help is so requested shall comply with the request if it is compatible with that body's own statutory or other duties and obligations and does not unduly prejudice the discharge of any of its functions.
- 3) The bodies are :
 - a) any Board;
 - b) any education and library board;
 - c) any Health and Social Services trust or special agency;
 - d) any district council;
 - e) the Northern Ireland Housing Executive; and
 - f) (such other persons as the Department may direct for the purposes of this Article.
- 4) Where an authority complies with a request under paragraph (2) in relation to a child or other person who is ordinarily resident within the area of another authority, the first authority may recover any reasonable expenses incurred by it in respect of that child or person from the other authority.
- 5) Every authority shall assist any education and library board with the provision of services for any child within the authority's area who has special educational needs.

THE DISABILITY DISCRIMINATION ACT 1995 (IN PARTICULAR 22(3) (C))

It is unlawful for a person managing any premises to discriminate against a disabled person occupying those premises
By evicting the disabled person, or subjecting him to any other detriment.

RACE RELATIONS (NORTHERN IRELAND) ORDER 1997 (IN PARTICULAR ARTICLES 21 AND 22)

Discrimination in provision of goods, facilities or services (Section 21)

- 1) It is unlawful for any person concerned with the provision (for payment or not) of goods, facilities or services to the public or a section of the public to discriminate against a person who seeks to obtain or use those goods, facilities or services -
 - a) by refusing or deliberately omitting to provide him with any of them; or
 - b) by refusing or deliberately omitting to provide him with goods, facilities or services of the same quality, in the same manner and on the same terms as are normal in his case in relation to other members of the public or (where the person so seeking belongs to a section of the public) to other members of that section.
- 2) The following are examples of the facilities and services mentioned in paragraph 1) -
 - a) access to and use of any place which members of the public are permitted to enter;
 - b) accommodation in a hotel, boarding house or other similar establishment;
 - c) facilities by way of banking or insurance or for grants, loans, credit or finance;
 - d) facilities for education;
 - e) facilities for entertainment, recreation or refreshment;
 - f) facilities for transport or travel;
 - g) the services of any profession or trade, or any local or other public authority.

Discrimination in disposal or management of premises (Section 22)

- 1) It is unlawful for a person with power to dispose of any premises to discriminate against another:
 - a) in the terms on which he offers him those premises; or
 - b) by refusing his application for those premises; or
 - c) in his treatment of him in relation to any list of persons in need of premises of that description.
- 2) Paragraph (1) does not apply to a person who owns an estate in the premises and wholly occupies them unless, for the purpose of disposing of the premises, he:
 - a) uses the services of an estate agent; or
 - b) publishes an advertisement or causes an advertisement to be published.
- 3) It is unlawful for a person managing any premises to discriminate against a person occupying those premises:
 - a) in the way he affords him access to any benefits or facilities, or by refusing or deliberately omitting to afford him access to them; or
 - b) by evicting him, or subjecting him to any other detriment.
- 4) It is unlawful for any person whose licence or consent is required for the disposal of any premises comprised in a tenancy to discriminate against a person by withholding his licence or consent for the disposal of the premises to that person.
- 5) Paragraph (4) applies to tenancies created before as well as after the coming into operation of this Article.
- 6) In this Article -“dispose”, in relation to premises, includes granting a right to occupy the premises, and, in relation to premises comprised in a tenancy, includes:
 - a) assigning the tenancy, and
 - b) sub-letting or parting with possession of the premises or any part of the premises; and“disposal” shall be construed accordingly; “estate agent” means a person who, by way of

profession or trade, provides services for the purpose of finding premises for persons seeking to acquire them or assisting in the disposal of premises; and "tenancy" means a tenancy created:

- (i) by a lease or sub-lease,
- (ii) by an agreement for a lease or sub-lease,
- (iii) by a tenancy agreement, or
- (iv) in pursuance of any statutory provision.

7) This Article applies only in relation to premises in Northern Ireland.

HUMAN RIGHTS ACT 1998

ARTICLE 8 - RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

- 1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- 2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

NORTHERN IRELAND ACT 1998 (SECTION 75 EQUALITY OF OPPORTUNITY)

Section 75

- 1) A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity
 - a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
 - b) between men and women generally;
 - c) between persons with a disability and persons without; and
 - d) between persons with dependants and persons without.
- 2) Without prejudice to its obligations under subsection (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- 3) In this section "public authority" means-
 - a) any department, corporation or body listed in Schedule 2 to the Parliamentary Commissioner Act 1967 (departments, corporations and bodies subject to investigation) and designated for the purposes of this section by order made by the Secretary of State;
 - b) any body (other than the Equality Commission) listed in Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (bodies subject to investigation);
 - c) any department or other authority listed in Schedule 2 to the Ombudsman (Northern Ireland) Order 1996 (departments and other authorities subject to investigation);
 - d) any other person designated for the purposes of this section by order made by the Secretary of State.
- 4) Schedule 9 (which makes provision for the enforcement of the duties under this section) shall have effect.

- 5) In this section- “disability” has the same meaning as in the Disability Discrimination Act 1995; and “racial group” has the same meaning as in the Race Relations (Northern Ireland) Order 1997

General duty of authority to provide personal social services for children in need, their families and others.

Section 18

- 1) It shall be the general duty of every authority (in addition to the other duties imposed by this Part) –
 - a) to safeguard and promote the welfare of children within its area who are in need; and
 - b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of personal social services appropriate to those children's needs.
- 2) For the purpose principally of facilitating its general duty under this Article, every authority shall have the specific powers and duties set out in Schedule 2.
- 3) Any service provided by an authority in the exercise of functions conferred on it by this Article may be provided for the family of a particular child in need or for any member of his family, if the service is provided with a view to safeguarding or promoting the child's welfare.
- 4) The Department may by order amend any provision of Schedule 2 or add any further duty or power to those mentioned there.
- 5) Every authority –
 - a) shall facilitate the provision by others (including in particular voluntary organisations) of services which the authority has power to provide by virtue of this Article or Article 19, 21, 27, 35 or 36; and
 - b) may make such arrangements as it sees fit for any person to act on its behalf in the provision of any such service.
- 6) The services provided by an authority in the exercise of functions conferred on it by this Article may include giving assistance in kind or, in exceptional circumstances, in cash.
- 7) Assistance may be unconditional or subject to conditions as to the repayment of the assistance or of its value (in whole or in part).
- 8) Before giving any assistance or imposing any conditions, an authority shall have regard to the means of the child concerned and of each of his parents.
- 9) No person shall be liable to make any repayment of assistance or of its value at any time when he is in receipt of income support, family credit or disability working allowance.

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