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Wales Anti-social Behaviour: Policy and Practice Review

Research Summary

Social research

Number:

The Welsh Government requires all local authorities and housing associations to have policies in place to deal with anti-social behaviour. However, current practices vary.

This research project is the prime means of delivering two of the commitments in the Welsh Government's Housing White Paper regarding anti-social behaviour:

- to ask the Wales Anti-social Behaviour Group to make a robust assessment of the current situation and good practice that exists, and to recommend further action for housing organisations; and
- to evaluate the Wales Housing Management Standard for Tackling Anti-social Behaviour and use the findings to inform future action.

Methodology

The methodology for the project was based on that outlined in the project brief, and the detail for each stage of the methodology was agreed in advance by a Project Steering Group. The project involved:

- background context research on anti-social behaviour via a web search;
- facilitated discussions with two key groups (the Wales Social Landlords Anti-social Behaviour Forum and the All Wales Anti-social Behaviour Group);
- interviews with representatives of six key organisations (the Public Services Ombudsman for Wales, the Police and Crime Commissioner for South Wales, South Wales Police, South Wales Fire and Rescue Service, HouseMark, and the Social Landlords Crime and Nuisance Group);
- a questionnaire survey of 49 social landlords in Wales (which achieved a 100% response rate);
- interviews with six victims and five perpetrators of anti-social behaviour;
- the production of examples to illustrate the experiences and approaches of different social landlords and others.

Dadansoddi ar gyfer Polisi



Analysis for Policy

Context

Anti-social behaviour and most attempts to define it represent a blurring of the boundaries between criminal and non-criminal conduct and thus provides an opportunity for differing interpretations and differing approaches to enforcement. No one definition of anti-social behaviour is universally used or accepted.

There are a wide range of legal measures currently available to deal with anti-social behaviour across England and Wales. The Anti-social Behaviour, Crime and Policing Bill currently under debate in Westminster proposes replacing many existing measures, and amending existing legislation to introduce a range of new and simplified measures.

The 'Wales Housing Management Standard for Tackling Anti-social Behaviour' was introduced in 2008, but by October 2013, only just over a third of social landlords in Wales had been accredited as meeting the Standard.

Data on anti-social behaviour

There is limited comprehensive and reliable data on the incidence of anti-social behaviour in Wales.

Statistics produced across England and Wales suggest that there has been a slight decline in the incidence of anti-social behaviour as reported to the police and to social landlords, and a similar reduction in the proportion of adults who perceive there to be a high level of anti-social behaviour in their local area. However, a greater proportion of social housing tenants

(when compared to owner occupiers and private tenants) perceive there to be a high level of anti-social behaviour in their local area, and have phoned the police to report incidents more than five times and ten times, in most cases reporting the same issue.

In Wales in the period November 2012 to October 2013 the four Welsh police forces received 114,361 anti-social behaviour complaints, which constituted 40% of all incidents reported to the four forces.

Welsh social landlords surveyed for this study reported that they had recorded 20,323 complaints of anti-social behaviour in the last complete 12 month period, but this figure should be viewed with caution, as there is no consistency in the types of data collected.

Welsh social landlords do not have a common approach to recording anti-social behaviour, with some recording individual incidents, and others recording composite cases. Only a limited number use the classification of anti-social behaviour incidents as set out in the National Standards for Incident Reporting.

There are also inconsistencies in landlords' ability to provide comprehensive information about anti-social behaviour (number of incidents, number of cases, case management information, outcomes and satisfaction). A small number were unable to provide any meaningful data, and one landlord was unable to provide any data whatsoever.

Few landlords would appear to routinely provide Boards, Committees and tenants with information which would enable them to assess the organisation's performance in tackling anti-social behaviour. Even fewer landlords use information collected to report back to the communities affected by anti-social behaviour about what action has been taken to address problems.

Approaches to tackling anti-social behaviour

Landlords use a range of definitions of anti-social behaviour. The lack of a common definition (and of a definition shared by partners) is a real barrier to the partnership working necessary to achieve a consistent approach to addressing, reporting and analysing incidents.

Landlords' (self-defined) overall approaches to anti-social behaviour appear to differ quite markedly. It would appear that there is no common interpretation across landlords relating to terminology such as 'preventative', 'victim focused' or 'enforcement focused', and some question about whether such categorisation is useful.

Just over half of social landlords have incorporated the advice in the Tackling Hate Crime Toolkit into their policies and procedures, and this suggests that social landlords can be slow to respond to guidance and to introduce necessary changes.

Although landlords report that early intervention is important, only four landlords offer a 24 hour 7 days a week response to incidents of anti-

social behaviour. Having access to a 24 hour 7 days a week response would enable landlords to act on complaints as they occur and to take immediate action. This immediate response could provide greater support to victims outside of office hours and prevent issues from escalating, and is likely therefore to be more effective. However, it is also likely that this would require significant resource.

Landlords and all key stakeholders regarded early intervention, good partnership working, dedicated specialist resources and communication with and support for victims and perpetrators as key elements of an effective approach to tackling anti-social behaviour.

Key stakeholders regarded difficulties in partnership working, issues with the Courts and the legal process, managing the expectation of the community and the difficulty obtaining support for perpetrators as the main barriers to effectively addressing anti-social behaviour.

The research sought to answer a number of questions related to the effectiveness of approaches adopted by landlords to addressing anti-social behaviour. However, the information provided by landlords and stakeholders provided useful insights rather than an objective overview of effectiveness.

However the research found that having a victim centred approach or having achieved the Wales Management Standard for Tackling Anti-social Behaviour, do not necessarily appear to correlate with effectiveness.

The effectiveness of landlords' interventions to address anti-social behaviour cannot easily be quantified, because there is currently no accepted way of measuring it. Even if a framework to measure effectiveness were in place, the lack of consistency in data collected, and the inability of some landlords to provide data on all aspects of anti-social behaviour services would make it difficult to reach reliable conclusions.

Measures for tackling anti-social behaviour

Early intervention (such as visits and letters to alleged perpetrators) was felt to be the most effective means of resolving anti-social behaviour cases.

In the survey of Welsh social landlords conducted for this research, landlords' answers to questions about measures for tackling anti-social behaviour concentrated largely on what might be called post- early intervention measures. Prevention was mentioned by relatively few landlords. However, we know from other studies that work to prevent anti-social behaviour is important, and that social landlords make an extensive contribution to the prevention agenda.

Welsh social landlords use a wide range of measures to address anti-social behaviour, either alone or in partnership with other agencies. However, the reasons they gave for not using some measures give rise to the question as to whether non-use was the result of careful consideration, or of inadvertent omission, and could indicate that landlords are slow to respond to a

rapidly changing landscape in respect of measures available, and that not all landlords are fully aware of the range of measures available. There does seem to be some confusion about those measures that are available to certain categories of landlords, and those that are not. For example, many housing associations were using a measure which legally was not available to them (i.e. extension of starter tenancies).

Another reason given for non-use was insufficient resources to enable organisations to use particular measures, or that measures were an inappropriate use of the organisation's resources. This seems to suggest that partnership working and cost sharing across a number of organisations might be necessary to make a range of measures more widely available.

Landlords generally agreed that measures were most effective when a twin tracked approach was adopted, with enforcement measures being used alongside measures which provided support for victims and perpetrators. This was a viewpoint supported by the victims and perpetrators interviewed for this research.

What is clear throughout is that, beyond the subjective views of landlords and stakeholders, there is little objective evidence of the effectiveness of any of the enforcement or other measures available to landlords to address or prevent anti-social behaviour. There is no commonly accepted definition of what constitutes effectiveness and therefore no

measures in place to objectively assess this.

Noise nuisance

Noise would appear to be a major cause of anti-social behaviour complaints, and the impact of noise related anti-social behaviour on the lives of people who experience it would appear to be greater than many other forms of anti-social behaviour.

The vast majority of landlords are still using a 'traditional' housing management response to dealing with noise nuisance, which places undue onus on the victim to maintain a diary of events, is relatively 'hands off', and is usually lengthy and protracted. This approach is unlikely to be the most appropriate considering the scale of noise nuisance complaints in the social housing sector and the impact of noise nuisance on the quality of life of those affected.

Landlords need to be more prompt in their response to complaints of noise nuisance (including out of office hours), and more proactive in their response to noise-related anti-social behaviour complaints, making wider use of sound monitoring equipment at an earlier stage.

Only 16 landlords (37%) own their own sound monitoring equipment, and only four landlords (at most) said they provided a 24 hour response to incidents of anti-social behaviour (although several stakeholders said this meant only that victims were able to use a 24 hour phone line to report incidents). Social landlords need to consider how they can collaborate

to ensure that they are equipped to make the early intervention necessary to prevent noise problems from escalating. If the provision of such a service is not achievable for individual landlords, it could be provided in partnership on a local basis.

Social landlords use a wide range of responses to noise-related anti-social behaviour complaints, but it would appear that very few have adopted an approach which incorporates all available options, whether or not statutory nuisance has been shown to exist, such as: preventative works to the structure of properties; issuing equipment to perpetrators to reduce noise transmission; raising awareness, and advising perpetrators of the impact of their behaviour on their neighbours.

Partnership working

Stakeholders report that partnership working is essential to address anti-social behaviour. This is clearly recognised by the wide range of partnership arrangements social landlords are involved in, and the benefits they say they gain from that involvement.

The ways in which Community Safety Partnerships operate vary greatly from area to area, and despite the fact that housing associations in Wales have been included in the definition of Community Safety Partnership key 'co-operating bodies' since 2007, at least one Community Safety Partnership does not invite social landlords to its meetings.

Not all social landlords participate in Community Safety Partnership meetings. A substantial number of Traditional housing associations do not participate in Community Safety Partnership meetings (or their equivalent) as a result of insufficient resources to attend all meetings, and some manage this by limiting their attendance to occasions when they have 'live' anti-social behaviour issues in the area. However the vast majority of landlords participate in a very wide range of other, more operational, partnership arrangements to address anti-social behaviour.

Arguably, operational partnership working could be seen as key. However, if social landlords do not actively participate in strategic partnerships, their views on and experience of anti-social behaviour may not be taken into account at a strategic level, and they may not be party to up to date discussions on best practice across partners.

The contribution of the police in partnership working was recognised as the most effective by all key stakeholders. However, social landlords and other stakeholders were highly critical of the contribution made by some other agencies in respect of partnership working to address anti-social behaviour, particularly adult services, Victim Support, probation and youth offending teams.

Less than half of all Welsh social landlords (41%) using a formal risk assessment tool to assess the level of risk posed to victims by acts of anti-social behaviour. The common adoption of a risk assessment tool

could potentially greatly assist multi-agency working.

The sharing of information on anti-social behaviour between social landlords and key partners at present appears to be rather ad hoc. Most worryingly, when landlords were asked to identify the types of incidents and cases when they would share information with key partners, 17 landlords (35%) did not identify any instances at all, so it is possible that they are not sharing information on matters which could involve significant risk (e.g. child protection).

Information sharing is complicated by different data collection and analysis systems which do not talk to one another, restrictions on access, etc., but a common information database accessible to all agencies is seen to be unachievable presently. However, key public sector partners would benefit from a more in depth understanding of what specific information should be shared between partners, the stage at which it should be shared, which partners it should be shared with, and the best methods for sharing that information.

A general concern of the majority of key stakeholders was the lack of clarity about the respective roles and responsibilities of partners, and this can lead to duplication, contradictory approaches, and to the wider support needs of victims and perpetrators not being met.

In addition, it is apparent from the research undertaken that partnership working is not facilitated by the fact that different agencies have differing objectives

around the competing interests of the individual, the family and the community; that courts are often unfamiliar with up-to-date legislation on anti-social behaviour; and that there is no standard definition for an anti-social behaviour unit.

Multi agency working is considered to be one of the key tenets of positive anti-social behaviour work, but much remains to be done to ensure that joined up thinking and action is working effectively in practice.

Guidance on tackling anti-social behaviour

The Wales Housing Management Standard for Tackling Anti-social Behaviour is a useful description of the approach and range of measures landlords should adopt as a means of effectively addressing anti-social behaviour. If it was to be revised, however, it would need to be further strengthened by incorporating certain amendments (e.g. to ensure that landlords were required to regularly review policies and practices).

The majority of landlords saw limited value in the Housing Management Standard for Tackling Anti-social Behaviour. The Standard was not highly rated by landlords as a useful tool, and this view would seem to be supported by the relatively small number of landlords who have applied for accreditation. Landlords identified a number of weaknesses in the Standard, in particular the fact that it was voluntary, that the accreditation process was a desktop exercise only, and that

there were no follow up assessments once a landlord had been accredited.

In addition, anecdotal evidence from the All Wales Anti-social Behaviour Group suggested 33% of landlords who had achieved the Standard were considered to be 'less effective or ineffective' in addressing anti-social behaviour.

The majority of landlords wanted to see some form of revised guidance on anti-social behaviour. However, any re-issued guidance should wait until such time as the Anti-social Behaviour, Crime and Policing Bill and the Renting Homes Bill and have been enacted.

Also, given that effective partnership working is clearly one of the most important elements of an effective approach to addressing anti-social behaviour, it seems sensible that all partners involved in dealing with anti-social behaviour should collaborate to develop a cross sector approach, adopting as many common approaches (e.g. to definition, risk assessment, etc) as possible, and that the Welsh Government should consider establishing a new national policy framework on anti-social behaviour in collaboration with that wide range of partners (inside and outside of social housing).

Recommendations

This research has identified a number of key themes:

- the importance of working in partnership/collaboration;
- the importance of early intervention;

- the importance of a ‘twin track’ approach;
- the importance of communication with victims and perpetrators;
- promoting a consistent quality of anti-social behaviour services;
- the difficulty in assessing the scale of anti-social behaviour and the effectiveness of anti-social behaviour interventions.

The report makes a number of recommendations to take forward these issues. These recommendations are directed at social landlords, their representative bodies and the Welsh Government and are set out in full in Chapter 9 of the main report.

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