Appendices: Best practice review guidance

Practice review 1: Reporting, recording and investigating

Defining ASB

The legal definition of anti-social behaviour concentrates on the impact it has, rather than on specific types of behaviour. In practice any behaviour could be defined as 'anti-social' depending on the surrounding context, location, levels of tolerance in the local community and expectations about quality of life.

The official definition are given in the Crime and Disorder Act 1998 and the Anti-Social Behaviour Act 2003. These statutes define ASB as behaviour which “caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as [the defendant]” or that “is capable of causing nuisance or annoyance to any person”. In addition - and importantly for social landlords - the 2003 Act specifically requires that the nuisance behaviour "directly or indirectly relates to or affects the housing management functions of a relevant landlord; or consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose."

A detailed list of types of ASB has been produced by the Home Office. It is divided into four core areas:

- **Misuse of public space**: including substance misuse and dealing; street drinking; begging; prostitution; kerb crawling; sexual acts; abandoned cars; vehicle-related nuisance and inappropriate vehicle use.
- **Disregard for community and personal well-being**: including noise; rowdy behaviour; nuisance behaviour; hoax calls; uncontrolled animals.
- **Acts directed at people**: including intimidation and harassment, which may be on the grounds of race, sexual orientation, gender, religion, disability or age.
- **Environmental damage**: including criminal damage and vandalism; litter and rubbish.

*Racial or religious harassment*

A 'racist incident' is "...any incident which is perceived to be racist by the victim or any other person." This definition is used in the Home Office Code of Practice for Reporting and Recording Racist Incidents. It includes crimes as well as non-crimes (in policing terms). The Crown Prosecution Service uses a similar definition for incidents motivated by religious hate. Racially or religiously aggravated offences (ie crimes for which the accused had a racial or religious motivation) require that the motivating hatred is proved to the normal standard of criminal trials.
Recording complaints of ASB

Many social landlords have checklists for staff to ensure that they keep to the organisation’s procedure when responding to an incident. The following sets out accepted good practice. The first step in that procedure is usually to record the complaint on your organisation’s record-keeping system. Find out whether the reported anti-social behaviour is part of an ongoing case or a new case altogether. If it is a new case then a new case file should be started.

What to record

The following information is usually recorded about each reported incident:

- The name and address of the complainant.
- The complainant's special needs (such as whether they are vulnerable or need a translator).
- The time and date when the incident happened.
- The location where the incidents happened (as precisely as possible).
- The name and address of the suspected perpetrator, if they can be identified (also including a note about whether they are vulnerable or not).
- A description of the incident (in as much detail as possible).
- The types of incidents they were according to your organisation's classification.
- The names and addresses of any witnesses.
- A description of how the incidents have affected the complainant and family members.
- A note about whether the incidents have been reported to the police or any other agencies.

Recording this information properly is very important because (1) this allows different members of staff in the organisation to work on the same case, and (2) the information may also be relied on in court or used for performance management purposes. You should check this list against your organisation's policy and procedure on anti-social behaviour in case there are differences.

Contacting the complainant

Once the initial report of anti-social behaviour has been recorded the complainant should be told what steps the organisation plans to take.

If you decide to send a letter, make sure it is clear and avoids jargon.

The complainant should be informed of the following:

- The name of the person who is dealing with their case
- Details of what action the organisation will take (for example, will an interview be arranged)
- A date by which the complainant can expect to receive an update on the progress of the case
- Information on what the complainant should do if there are any further incidents
Preparing for an interview

Following an incident report it is usually necessary to hold interviews to find out the facts from complainants, witnesses or suspected perpetrators. The interviewer needs to be well prepared about the objectives of each type of interview and the approach that they will take.

Purpose of the interview

Interviews with victims and witnesses should establish the nature of the complaint and what impact the alleged anti-social behaviour has had on them. A sensitive, supportive interview with a victim or witness can be the key to their future co-operation in any legal action. Remember that in cases involving racist incidents, the victim's perception of racism is paramount.

Interviews with suspected perpetrators should aim to stop the negative behaviour. You should take the opportunity to inform the suspected perpetrator that there has been a complaint and describe what the potential consequences of their behaviour are. Use the interview to gauge what type of response is needed from your organisation.

Where to hold the interview

For victims and witnesses, usually the best place to conduct an interview is in the complainant’s home although some may prefer to speak at a neutral, private space elsewhere.

For suspected perpetrators, make an appointment to see them. It is best to inform them that this is to ‘discuss the tenancy agreement’, not anti-social behaviour. Conduct the interview at the office if possible; if not, they will have to be visited in their home.

Safety

Have regard for your own safety when carrying out all interviews. When interviewing victims and witnesses be sure to consult your organisation’s system for recording which tenants are known to be dangerous. If you feel unsure about conducting the interview alone then arrange to be accompanied. You should consider taking a partner if the victim or witness is intimidated, has a mental illness or is otherwise vulnerable. If necessary some interviews can be conducted over the telephone.

Suspected perpetrators should always be interviewed by more than one person.

Other considerations
You should allow enough time for the interview so that the interviewee does not feel rushed. Also, be prepared to arrange for support services, such as translation services, in advance. If the interviewee is vulnerable you can invite them to bring a third party along, such as a friend, family member or support worker.

Take notes in the interview, or, in more difficult or complex cases, get someone else to accompany you and take the notes.

**Conducting an interview with a victim or witness**

**What to cover**

You should try and structure the interview with a victim or witness so that it covers the following areas:

- What is the problem?
- Who is affected?
- Who are the perpetrators?
- Where do the incidents occur?
- When do the incidents occur?
- Is there anything specific that causes the incidents to occur?

**During the interview**

In the interview with the victim or witness you should:

- Spend the majority of the time listening, rather than talking, to gather as much information as possible.
- Avoid undermining the victim’s perception of the incident, especially if they believe that racism was involved.
- Never make promises, instead say what you will work to achieve. If your organisation is not able to keep a promise then the interviewee may feel let down.
- Be empathetic but don’t take sides; remain impartial. It is important that your organisation is fair in the way it deals with tenants.
- Agree any actions that need to be taken by either you or the interviewee, so that the interviewee feels a part of the process.

When interviewing a victim you may need to explain that the perpetrator could become aware of their identity if your organisation takes enforcement action. Reassure them that your organisation will support them if this occurs.

**At the end of the interview**

Remember to obtain the names and addresses of any other witnesses and the details of the suspected perpetrators. Also, at an appropriate moment, take an opportunity to explain your organisation's anti-social behaviour policy and procedure.
At the end of the interview, summarise what has been discussed and ask the interviewee to confirm that you have recorded the main points. Make sure that the interviewee and you both sign and date the interview notes.

After the interview, and with the consent of the parties involved, you should contact other agencies who have been involved in the case and update them.

**Interviewing vulnerable victims and witnesses**

*Introduction*

When you are interviewing people who feel intimidated, have a physical or learning disability or are otherwise vulnerable, you should leave plenty of time for the interview, going over things as often as necessary to make sure people understand them. Also take time at the start of the interview to become familiar with the interviewee’s way of communicating by discussing something unrelated to the alleged incident.

*During the interview*

In an interview with a vulnerable witness it is important to bear the following points in mind:

- The most easily understandable sentences are those which are simple, have only one point per question, do not contain jargon, do not contain abstract ideas and do not contain double negatives.
- Witnesses may expect the interviewer, who is usually an authority figure to them, to control the interview.
- Some vulnerable interviewees may be overly compliant with the interviewer’s questions in a misguided attempt to be helpful. They may say what they think the interviewer wants to hear. To avoid this do not use questions which are overly directive or have an implicit ‘correct answer’.
- Vulnerable interviewees are more likely to acquiesce to yes/no questions by either answering “yes” automatically or by repeatedly answering "no". The latter especially occurs for questions dealing with matters that are either socially disapproved of or are social taboos.
- Some witnesses may feel that their initial, lawful co-operation with a person who subsequently committed an offence may make them blameworthy.

*At the end of the interview*

At the end of the interview take time to again discuss topics unrelated to the incident of anti-social behaviour. In this phase, regardless of the outcome of the interview, you should make every effort to ensure that the witness is not distressed but is in a positive frame of mind.
Vulnerable victims and witnesses may need additional support, provided either by your organisation or through a referral. They may also require additional support when attending court.

Conducting an interview with a suspected perpetrator

What to cover

You should try and structure the interview with a suspected perpetrator as follows:

- Inform the suspect that there has been a complaint and summarise the key events, including information on dates, times and places.
- Explain the organisation’s policy and procedure on tackling anti-social behaviour and summarise the relevant provisions of the tenancy agreement.
- Inform the suspect of the potential consequences are for them and discourage them from involvement in further incidents.

During the interview

In the interview with a suspected perpetrator you should:

- Ensure you do not reveal who made the complaints or allow their identity to be worked out.
- Try to keep the interview impersonal; avoid direct accusations.
- Refrain from conveying your sense of outrage at what the suspect has done or threatening them with punitive enforcement measures, such as eviction.
- Avoid getting into a detective inquiry into what they did or did not do or say.
- Be prepared for the interviewee to display typical defensive reactions, such as denying all accusations, placing the blame on someone else, making counter-accusations or making threats.
- Stick to the message and, if necessary, calmly repeat what has been said as many times as is required.

At the end of the interview

At the end of the interview, summarise what has been discussed and ask the interviewee to confirm that you have recorded the main points.

You should leave a copy of the tenancy agreement and policy on anti-social behaviour with the suspect.

Interviewers should compare their notes and try to reach an agreed version of what was said. Ensure that the notes are in good order as they may form a critical part of the evidence in legal proceedings.

Following the interview you should discuss the case, including your interview notes, with your manager. It may be necessary to gather more evidence or hold another interview with the suspected perpetrator before taking further action.
Practice review 2: Gathering evidence, supporting victims and witnesses

Incident sheets

Incident sheets are pre-printed standardised templates on which victims and witnesses can record one or more incidents of anti-social behaviour. You should help people who have been the victim or witness of a one-off incident of anti-social behaviour to record the incident on an incident sheet.

How to record an incident sheet

Typically incident sheets should be completed as soon as possible after an incident and ask for the following information:

- The precise time and date of when the incident happened
- The exact location of where the incident took place
- A description of the perpetrators (including, if known, their names and addresses) and any other people who were involved
- A detailed description of the events, as they happened, in chronological order
- A record of whether there were any other witnesses (including, if known, their names)
- A record of which other agencies the incident has been reported to
- A description of the effect of the incident on the victim or witness
- The signature of the victim or witness and the date it was written.

The information should be comprehensive and clearly written as it might be used in legal proceedings

Incident diaries

If there is a likelihood of further incidents of anti-social behaviour you should ask the victim or witness to complete an incident diary. This is a set of pre-printed standardised templates on which victims and witnesses can record incidents of anti-social behaviour, along with the exact time and date on which they occurred and the names or descriptions of the perpetrators.

How to record a diary

You should remind people who are planning to keep incident diaries of the following points, so that the incident diary can be used in court. They should:

- Ensure that each entry in the diary is a personal record of what they themselves saw or heard, rather than what was reported to them by anyone else
- Record the incident in as much detail as possible (including swear words) as courts do not take a general summary as seriously as word-for-word evidence
• Fill in a sheet in the diary as soon as possible after an incident has occurred so that it is still fresh in their mind
• Put their signature and the date on each form

If the victim or witness's first language is not English then a translated copy of the diary sheet should be made available if necessary.

You should offer victims or witnesses with literacy difficulties a voice-recording device so that their evidence can be transcribed. In addition, complainants may be able to record photographic evidence with digital cameras or mobile phone cameras. Some vulnerable victims and witnesses may require extra support in using these methods and devices so that the evidence produced is of good enough standard to be entered in legal proceedings.

**Witness statements and affidavits**

Formal witness statements are written statements setting out all the facts concerned in the evidence which the witness is due to give in court. Affidavits are sworn or affirmed statements which have to be witnessed by a solicitor or commissioner for oaths. Affidavits can be used where a witness is unable or unwilling to come to court and their testimony is not disputed.

Witness statements and affidavits should tell the events in sequence, supporting what is to be proved in court. They should explain who the witness is and their relevance to the case and tell the facts as they occurred from the witness's point of view. Include a description of the effect of the anti-social behaviour on the witness and the effect it has had on their lives. Even if you are in doubt about whether evidence is admissible it is usually worth including it since it is much harder to add to the witness statement once proceedings have begun.

**How to record statements and affidavits**

Witness statements and affidavits must:
• Be specific, with as much relevant detail as possible.
• Be written in the first person.
• Be true to the witness's account with no additional interpretation from the interviewer.
• Not contain subjective or prejudicial statements.

Remember that the statement should be dated and signed by the witness. You should also put your name and signature on the statement. If new facts emerge as the case progresses then you may need to record additional statements as necessary.

If a witness cannot read or write, a statement can be taken and read back to the witness who will have to sign the statement of truth. The person who read it will also have to sign it. If a witness's first language is not English, use an interpreter to obtain a copy in the witness's own language and a translation in English. The translator will have to attend court.

**Hearsay evidence**
Hearsay evidence is evidence given by a witness who does not have direct knowledge of the evidence. As an example, if you receive reports about an anti-social behaviour which you did not personally witness, you might give hearsay evidence of the complaint that was made. This can be useful if victims or witnesses are unwilling to give evidence themselves.

**How to use hearsay evidence**

Hearsay evidence is permitted in civil cases, such as those involving an application for an anti-social behaviour order or injunction provided that this is done in accordance with the *Civil Evidence Act 1995*. These provisions are applied to ASBO cases in the magistrates’ court by a set of rules called the Magistrates’ Courts (Hearsay Evidence in Civil Proceedings) Rules 1999. Among other things, these rules require you to provide written notice at least 21 days before the hearing to the defendant and the court.

The quality of the evidence is in its relevance and detail and the court will decide on its strength compared to other evidence. Not telling the court the name of the person on whose behalf the evidence is given makes it more difficult for the judge to evaluate it and less likely that he or she will attach weight to it. However, if there is evidence that the witness is too frightened to have their name made public then this should be shown to the court as it may improve the weight of the hearsay evidence.

Hearsay evidence must be specific enough for defendants to be able to respond to it. You must state by convincing direct evidence why it was not reasonable and practicable to produce the original maker of the statement as a witness. In addition, if the statement involves multiple hearsay, the route by which the original statement came to the attention of the person attesting to it should be identified as far as is practicable.

**Professional witnesses**

In cases of anti-social behaviour where there is limited evidence against the perpetrators you may want to consider employing professional witnesses. They use advanced surveillance techniques and detective work to obtain evidence.

Professional witness firms are usually expensive compared to other ways of gathering evidence of anti-social behaviour.

You should consider using them when:

- Residents are unable or unwilling to provide evidence or attend court.
- A vulnerable person is being victimised in their own home by someone who lives in the property or whom they invited in.
- Specialist video or sound recording evidence is required.
- Incidents occur outside of normal working hours.
- An independent assessment of conflicting reports is required

**Closed-circuit TV**

Although some closed circuit television (CCTV) cameras are installed primarily in order to deter anti-social behaviour, they may also provide recorded evidence about incidents that have taken place.
In order to be used in court as evidence the pictures must be clear enough to identify perpetrators and a clear record should be available about when and how the pictures were obtained.

CCTV Code of Practice

You must ensure that CCTV use complies with the Information Commissioner's Code of Practice. Among other points this stipulates that:

- The purpose of the scheme and the person and organisation responsible for it are clearly established and documented.
- Cameras are sited (and operators trained) so that images which are not bound by the stated purposes of the scheme, or which unduly violate people's privacy, are not recorded.
- Appropriate signs are erected which warn the public that they are entering a zone which is recorded by surveillance equipment.
- Only approved officers may use CCTV for covert surveillance as this must comply with the Regulation of Investigatory Powers Act 2000.

Supporting victims and witnesses in court

Victims and witnesses may feel apprehensive about attending court and facing the perpetrator. You should support them in the run-up to the court hearing to ensure they do not pull out at the last minute.

Practical support

Before the court hearing you should contact the victim or witness and help them, as necessary, to arrange:

- Taking time off work
- Transport to the court
- Childcare arrangements
- Food and drink on the day

Before the court hearing, victims can be taken to the courtrooms so that they can familiarise themselves with the surroundings. An experienced professional (for example, a barrister or solicitor) should explain to witnesses what will happen on the day of the hearing and should ensure they understand what the proceedings will involve. Utmost care must be taken to ensure that this 'witness familiarisation' is not misconstrued as 'witness coaching', which is prohibited by the courts.

On the day of the hearing you should try and avoid contact between the victim or witness and the perpetrator. If possible use different entrances and waiting rooms in the court building.
**Special measures**

In criminal cases, for example in cases involving the breach of an Anti-Social Behaviour Order, special measures can be taken to reduce the victim or witness's concerns about giving evidence if they are vulnerable or intimidated. They may choose to give evidence behind a screen, by live video link or in private.
**Practice review 3: Pre-legal interventions and working with perpetrators**

**Breach of tenancy conditions**

The agreement between tenants and their landlord often stipulates the standards of behaviour that are required of tenants. If these standards are not upheld you should make the perpetrator aware that they are in breach of their tenancy conditions and that this can have serious consequences. For example a breach of tenancy conditions can be used as grounds for an injunction or possession order.

**What tenancy agreements should cover**

Tenancy agreements should cover the following issues:

- Abuse and attacks on staff both inside and outside of the tenant's home.
- Excessive or unreasonable noise nuisance, particularly at unreasonable times.
- The number and type of pets which tenants may keep at the property.
- Car parking spaces and times.
- The number of visitors a person may invite into their property.

An example of a clause in the tenancy agreement which deals with anti-social behaviour is the following:

"You are responsible for the behaviour of every person living in or visiting your home. You are responsible for them in your home, on surrounding land, in communal areas and in the neighbourhood around your home. Neither you nor a person residing in or visiting the property must behave in an anti-social manner, or in a manner likely to cause nuisance or annoyance to a person residing, visiting or otherwise engaging in lawful activity in the locality."

**Warnings**

Before taking any other enforcement action, you should warn perpetrators of anti-social behaviour that they must stop the unacceptable behaviour. Warnings can be effective in stopping anti-social behaviour; if warnings are not given then an attempt to take subsequent enforcement action may not succeed through the courts.

**How to make a warning**

Warnings are usually delivered in writing or in face-to-face interviews. When it is known or suspected that the perpetrator has poor literacy skills, you should not rely on a letter to give a warning.

Warnings should:

- describe the behaviour observed
- inform the individual that the behaviour is anti-social and unacceptable
- explain that the behaviour is a breach of tenancy conditions or against the law
- advise the individual that their behaviour is being monitored
- warn the individual that there will be further enforcement action if the behaviour does not cease.

Warnings are more successful when they are issued soon after the unacceptable behaviour takes place. If the warning is not heeded then further enforcement action must be taken to ensure that the system retains legitimacy.
You must keep a copy of all written warnings and a record of all other formal warnings for future reference.

**Needs assessment and support**

Victims, witnesses and perpetrators who are vulnerable or need support should be identified at the start of the casework process. People who are vulnerable may be identified in interview, through a formal needs assessment or from a register of vulnerable tenants. You should also assess whether victims and witnesses are facing intimidation.

**Types of vulnerability**

For perpetrators of anti-social behaviour, there may be difficulties in addressing negative behaviour if they have one or more of the following vulnerabilities:

- Victim of domestic violence or physical or sexual abuse
- Mental ill-health
- Poor parenting or out-of-control children
- Drug dependency
- Alcohol problems
- Physical disabilities
- Learning difficulties.

**Types of support**

People who need support can be helped by:

- **Target-hardening**: Increase security by installing tougher doors, locks and windows and better lighting.
- **Referral**: Notify appropriate statutory and voluntary agencies of the person's needs. People can be supported by social services; health services; mental health teams; drug and alcohol action teams; and victim support.
- **Floating support**: Provide services to ensure that vulnerable tenants sustain their tenancy and receive practical skills for independent living.
- **Self-help groups**: Direct people to informal peer groups of victims who can share experiences and coping strategies.
- **Intensive family support project**: If a family has been evicted for anti-social behaviour or was in a situation in which a possession order for anti-social behaviour could have been made, then an Intensive Family Support Project, which provides intensive support in new accommodation, may be appropriate if there is both a written agreement to engage with that support and it is linked to the grant of a new Family Intervention Tenancy.
Using ABCs

Whether to use an ABC
An Acceptable Behaviour Contract (ABC) or Agreement (ABA) is a written agreement between a person who has been involved in anti-social behaviour and one or more local agencies whose role it is to prevent such behaviour, including the local authority, youth inclusion support panel (YISP), social landlord and local police force.

How to use ABCs
You should use Acceptable Behaviour Contracts to help individuals understand the impact that their behaviour is having on the community in a formal way. They can be used to remind perpetrators of the possible consequences for them of continuing to engage in anti-social behaviour, such as an anti-social behaviour order, criminal proceedings or eviction. By offering the necessary support for them to stop the anti-social behaviour, it is possible to achieve long-term change. Because they do not require a court hearing, Acceptable Behaviour Contracts can be rapidly implemented to reduce or stop the problem before it escalates.

Legal issues
Acceptable Behaviour Contracts are most commonly used for young people but you may also use them for adults. Remember to involve the local authority youth offending team when completing an Acceptable Behaviour Contract with a young person. Acceptable Behaviour Contracts are not legally binding but any breaches of them can be used as evidence in subsequent legal action. They usually last for six months, though any reasonable period can be specified.

Writing the ABC
You should set out the terms of an Acceptable Behaviour Contract so that they aim to prevent future misbehaviour, rather than become a punishment for past misdeeds. They should not be so numerous that the individual is overwhelmed: about half a dozen is the norm.

There needs to be a balance between general and specific conditions. If the terms are too general it may be unclear precisely what acts are covered, but if they are too specific it may be possible to evade them too easily. You should write the Acceptable Behaviour Contract in language that the individual can easily understand.

ABC meeting
The terms of the Acceptable Behaviour Contract should be agreed at a meeting between the perpetrator and all the parties who are due to sign it. The meeting should be used as an opportunity for the individual and his or her family, to discuss:
the meaning of the term ‘anti-social behaviour’

the harm which anti-social behaviour does to others

the possible repercussions should the behaviour continue

what support is needed by the perpetrator or their family to prevent the anti-social behaviour.

**Conducting the ABC meeting**

For the meeting between the perpetrator and the landlord to be successful you must:

- Give reasonable notice of the meeting to the perpetrator and their family and double-check they know they are due to attend.
- Meet with other professionals and agencies at a time not immediately before the Acceptable Behaviour Contract meeting. Agree on possible contract terms and on which agency will take a lead role.
- Give consideration to which venue is most suitable and arrange the seating plan so that the meeting can take place in relative comfort. Avoid creating a them-and-us dynamic.
- Nominate a suitable officer to take notes but try to keep the number of professionals present to a minimum.
- Write name badges for everyone in the meeting.
- Allow enough time for the meeting not to be rushed.
- During the meeting it is important that you:
  - Use simple language, free of professional jargon, at all times
  - Do not single out the perpetrator and their family for all the problems in the area
  - Take a break in the meeting if it becomes heated.
  - Ensure that everyone present signs the completed contract
  - Give the perpetrator and their family a copy of the contract to take away with them.

**Monitoring the ABC**

You must ensure that Acceptable Behaviour Contracts are effectively monitored. If the contract is broken there must be a firm response.

To ensure effective monitoring it may be necessary to limit the number of Acceptable Behaviour Contracts operating in each geographical area at any one time. You should inform patrolling police officers, estate services officers, other housing officers, housing assistants, senior caretaker and relevant caretakers that the contract has been signed.

Make sure that there are an adequate number of home visits (at least two) during the contract and ensure that there are regular meetings (i.e. monthly) of those involved in monitoring and implementing the scheme.

Your organisation may have a policy regarding the publicity of Acceptable Behaviour Contracts. Residents are more likely to report anti-social behaviour which is in breach of a contract if they have been told that it has been signed.

At the end of the contract, if there have been no breaches you should write to the perpetrator and acknowledge that the contract period has come to an end. Thank them for keeping to the terms of the agreement and remind them of the implications should there be a repeat of the unacceptable behaviour in future.

**Mediation**
Mediation is a way of voluntarily resolving disputes about perceived anti-social behaviour, particularly when the underlying conflict arises from a difference of lifestyles rather than malicious intent. Mediation is often quicker, less damaging and less expensive than legal action.

Mediators working for independent, community mediation schemes are often volunteers recruited from all sections of the community. They can provide help to people who are in dispute and enable them to resolve their differences themselves.

**Key principles**

The key principles of a community mediation are that it is independent, impartial, confidential and non-judgmental. Conflict resolution usually involves exploring the participants' emotions, identifying key issues, negotiating between the parties, creating options for resolving the conflict, breaking the 'cycle of a dispute' and focusing on the future.

**When to use mediation**

You should consider using mediation to resolve disputes between neighbours about:

- Noise nuisance
- Children and young people causing a nuisance
- Pets, particularly dog barking
- Car parking
- Boundary disputes
- Bonfires and litter.

Mediation can be especially effective in cases involving vulnerable victims when it gives the perpetrator an accurate view of the distressing experience their behaviour is causing.

**Parenting contracts**

Parenting contracts are voluntary agreements between parents and local agencies stating that the parent will comply with certain requirements in terms of their own and their children's behaviour and receive support in doing so. Local authorities and registered social landlords can enter into contracts if they have reason to believe that the child or young person has engaged, or is likely to engage, in anti-social behaviour. For local authorities the child or young person must reside in their area; for registered social landlords the behaviour must directly or indirectly relate to or affect their housing management functions. You should aim to work in partnership with both the child's parents to improve child's behaviour. At the meeting ask them for their views on the child's behaviour and how they believe it should be tackled. Take time to discuss any support the parents would like to receive.
Terms of the contract

The terms of the parenting contract should reflect the issues raised and support needs identified during the risk assessment of the family. For example the contract might stipulate that the child:

- stays away from areas where he or she has misbehaved
- is effectively supervised at certain times
- avoids contact with certain people who have a negative influence on them
- avoids contact with people whom they have been harassing
- attends school regularly.

Contracts normally also include a requirement that the parents attend a parenting programme. Other support might include family group conferencing, peer mentoring, literacy classes or advice on welfare benefits, drugs or alcohol.

Parenting contracts also set out the detailed responsibilities of the agencies working with the family. Both the parents and the local agencies should sign the contract at the end of the meeting.

Breach

As parenting contracts are voluntary there are no legal consequences for their breach. If the parents fail to comply you should write them a warning letter. All incidents of breaches of parenting contracts should be kept as they can be used as evidence by the court when deciding whether to issue a parenting order.

Based on material drawn from Lemos&Crane’s online training module for ASBActionNet (www.asbactionnet.org.uk).

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