Antisocial Behaviour: 9 Expensive Mistakes and How to Avoid Them
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Mistakes can stem from failures of overall policy and procedure as well as from failings in dealing with individual cases. ASBAActionNet’s legal contributor, Caroline Hunter, barrister and senior lecturer at Manchester University, writes about the top risks of getting it wrong - where the cost of mistakes is often high both in terms of staff and management time as well legal costs and expenses.

1. Failing to engage with partners to tackle anti-social behaviour
2. Failing to engage in preventative measures
3. Lack of training and confidence of staff who take action
4. Taking steps only when problems have escalated and become entrenched.
5. Failing to investigate matters properly
6. Not supporting witnesses through the legal process
7. Failing to identify that a perpetrator has a disability
8. Being unaware of recent developments in statute or law case
9. Producing evidence that is not suitable for court hearings.

1. Failing to engage with partners to tackle anti-social behaviour
All the research suggests that anti-social behaviour can only effectively be dealt with in neighbourhoods by a partnership approach. Many agencies nonetheless still work in isolation and are not adequately engaged with Crime and Disorder partnerships – this is particularly true of RSLs who may find such engagement difficult. Partnership working enables information to be shared and joint and innovative solutions to be found.

Failure to engage successfully in partnership working can lead to tackling problems in isolation and long-term solutions being missed. Problems and complaints continue because an organisation cannot deal with the matter single-handedly.

ASBAActionNet provides guidance on and examples of how to engage in successful partnership work.

2. Failing to engage in preventative measures
Anti-social policies and procedures often focus on enforcement solutions rather than preventative measures. For example, failing to identify potential conflicts in life-styles in allocation decisions may lead to complaints, such as where a young person is moved into a block of flats where the residents are predominantly elderly. Such a mistake can be very costly when it leads to on-going complaints from existing residents and where the only solution is to rehouse or evict the young person.
ASBAActionNet sets out a range of preventative measures are available and examples are available of preventative measures which have been successfully employed by different organisations.

3. Lack of training and confidence of staff who take action  
A lack of training for staff will leave them without the confidence to act on anti-social behaviour cases. The reaction to this may be that the member of staff fails to prioritise the work and no action is taken so that the problem escalates and the only solution is expensive court action. Staff without training are also only likely to consider taking action with which they are familiar. Where they are housing officers this may lead them to serve notices of seeking possession rather than looking either for innovative solutions with partners or different enforcement action which may not lead to the cost of possession action and eviction.

ASBAActionNet provides comprehensive and up-to-date materials for staff training as well as guidance about what the training should cover.

4. Taking steps only when problems have escalated and become entrenched  
Some of the case law on anti-social behaviour illustrates that some housing organisations ignore low level complaints and only act once problems have become entrenched. At this point parties are far less likely to engage in e.g. mediation and other solutions aimed at enabling them to live together peacefully. Solutions then become far more expensive and often require recourse to legal action, which could have been avoided by early intervention and warnings.

ASBAActionNet shows how early warning schemes can operate and how monitoring and an understanding of the nature of the problems in local areas can lead to appropriate solutions.

5. Failing to investigate matters properly  
One problem for organisations investigating ASB is that they may decide too early who is in the ‘wrong’ in a dispute between neighbours. It is essential that organisations investigate matters thoroughly and neutrally and do not side with the party who makes the first complaint. Failure to do this may lead to inappropriate and unsuccessful legal action.

ASBAActionNet has guidance on how to respond to incidents and carry out thorough investigations.
6. **Not supporting witnesses through the legal process**
The success of taking legal action is always dependent on the quality of any witnesses. Research suggests that in order for witnesses to feel confident about taking part in legal proceedings they need to be supported throughout the process. Failure to do so can lead to witnesses refusing to take part in cases. Steps can be taken that provide witness with support and that should be part of any ASB policy and procedure.

ASBAActionNet has detailed information about supporting witnesses and victims including practical measures, legal measures and support through the legal process.

7. **Failing to identify that a perpetrator has a disability**
The Disability Discrimination Act 1995 provides important safeguards against taking unjustified legal action against perpetrators who are disabled. Organisations need to have in place systems to identify when the Act is applicable.

Failure to identify that a perpetrator is disabled may lead to legal action being unsuccessful and the costs of such action being lost. In addition where a perpetrator is identified as disabled more holistic and appropriate prevention measures can be put in place.

ASBAActionNet has guidance on systems for identifying and monitoring vulnerability and disability as well as legal requirements of the 1995 Act and decided case law.

8. **Being unaware of recent developments in statute or case law**
The law on anti-social behaviour has changed rapidly over the last 10 years with new remedies and amendments to existing remedies being introduced through statute every year. Relevant new cases appear regularly which interpret and clarify the statutes.

Failure to be aware of the most up-to-date legal position may lead to:
- appropriate legal remedies not being considered as a way to deal with a problem;
- cases being brought which are unlikely to succeed;
- cases not being brought which could succeed because of a change in the law.

ASBAActionNet updates its legal section regularly with details of all the relevant statutes and case law. Provides the most comprehensive guide to the law available in an up-dated on-line version.
9. Producing evidence that is unsuitable for court hearings
The rules of evidence, particularly regarding hearsay evidence may provide a trap for organisations wishing to take legal action. Where staff taking evidence from witnesses or producing their own statements are not aware of the requirements, extra costs can be incurred in having to re-interview witnesses or in rewriting statements. Where cases proceed to court on the basis of statements which include inadmissible evidence the case may be dismissed on this basis and the whole costs of the case lost. The on-going costs from a case which is brought but fails, not only include the legal costs but the ongoing social costs of failing to get the outcome desired.

ASBActionNet provides guidance on taking statements and on when and how hearsay evidence is permissible.