



How to...

use the Community Harm

Statement

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1 The Community Harm Statement (CHS) is a new tool to help social landlords highlight the impact of, and harm caused by, anti-social behaviour (ASB) on a community.

It was developed by CIH, at the request of the Department for Communities and Local Government, with active input from a steering group of Kettering Borough Council, other social landlords, the Social Landlords Crime and Nuisance Group, the Police and a legal advisor. Following a successful pilot phase involving 11 social landlords, the CHS and supporting guidance was launched in March 2012.

What is the CHS?

The CHS helps social landlords taking legal action on ASB to present evidence to the court in a clear, consistent way which captures the impact of ASB on individuals as well as the harm it is causing to the wider community. The CHS:

- 'sets the scene' for the court, concisely summarising the key features and evidence of a case – placed on top of the court bundle, it will be the first thing the Judge sees
- supports a balanced, proportionate approach – it sets out the harm to the victim and the community alongside the perpetrator's human rights
- is voluntary – but it is recommended good practice and, by using it, you demonstrate that your organisation is acting reasonably
- is primarily for social landlords but partners will play a part in completing it
- encourages consistency and strong ASB case management - using the CHS effectively could streamline cases and make the evidence you gather more effective.

How can the CHS help you to deal with ASB?

Not only can the CHS assist landlords in preparing and presenting cases to court, but it also has a range of other uses. The CHS can be used:

- in legal proceedings of all kinds. In the pilot phase it was used in actions for possession, tenancy demotions, ASBOs, ASB injunctions, crack house closures and the review of starter/introductory tenancies
- to draw up acceptable behaviour contracts
- to make an internal business case, for example, for investment in environmental improvements to design-out ASB
- to highlight hotspots to persuade partner agencies to cooperate or take action
- to make a case and provide an audit trail for 'sensitive lettings'
- to summarise issues for managers
- to provide legal advisors with an executive summary of the case – this will help you to get them on board
- as an aid to a robust internal case management processes
- to help staff to focus on the most important issues, particularly where cases are complex and/or drawn out over a long period

Possession proceedings and other legal action should be used as a last resort - the CHS will help you to summarise any previous attempts to resolve the matter or indeed show why the matter should go directly to court.

Looking to the future, the CHS will also aid:

- consistent, evidence-based decision making when the Community Trigger, which will force the Police to deal with ASB if five households in an area complain about another resident, comes into effect following a pilot in five areas during summer 2012
- presentation of comprehensive, well-evidenced bids for funding and resources to the new Police and Crime Commissioners which come into effect on 22 November 2012

Although existing tools and powers are likely to be overhauled in the next year or so, the CHS will be a tool that will endure. It will continue to provide you with a means of collating evidence to demonstrate the validity of your argument, whether this is to win in court, obtain funding for a community project or get the buy-in of your partners.

Action point

Before adopting the CHS, you need to amend your ASB policies and procedures to show that it is part of your approach and give examples of the kinds of situations in which you may use this tool. You may be open to challenge if you don't do this.

The key features of the CHS

The CHS is brief and to the point, summarising many pages of evidence in just two sides of A4. In practice, the CHS will probably be the first thing that the Judge will look at, so it needs to demonstrate an accurate and honest picture of what is really happening within a community. If used correctly, judges should, over time, become more confident in relying on your CHS but, until then, it is your job to convince them of the value of the statement.

The CHS:

- begins with a short, focused **summary of the ASB**:
 - what, where, when, who and how
 - the detail sitting behind it will be in the court bundle, which is cross-referenced in the CHS for ease of reference
- sets out **background information**:
 - the local community and range of people affected. For example, sheltered housing residents, young families, businesses, and schools
 - how the supporting information was gathered, for example, case conference, ASB forum, interviews and meetings with residents
- sets out the **profile of the wider community**:
 - the types of accommodation in the area
 - the demographic profile of the surrounding area
 - a photo or small location map could be helpfully included

- summarises **the harm caused**:
 - including impacts such as the effect on people's health, sleep lost, absence from work, unlettable neighbouring homes, unwillingness of postal and delivery staff to visit, and professionals only visiting in pairs
 - physical damage
 - numbers of households/ people affected, the frequency and time-frames of incidents
 - the findings of any resident perception surveys carried out
 - the overall blight of the area
- highlights the impact on **community resources**:
 - the costs of extra patrols/ security measures and remedying damage
 - cost to partners, for example, repeated call-outs to the Police
 - void rent loss
- is counter-signed by senior officer, giving the added assurance of thoroughness and accountability.

Learning from others - how landlords used the CHS during the pilot phase

Tor Homes used the CHS to support its application for possession in a complex and very serious ASB case. The CHS was particularly useful in demonstrating the huge impact that the household's behaviour was having on the community, drawing specific reference to an earlier meeting with 24 residents who had been victims of serious crime and anti-social behaviour connected to our tenant. This behaviour included assaults, reports of weapons and burglary. The CHS highlighted the risk of serious harm drawing reference to cases such as Pilkington and Askew. The impact of the CHS and evidence provided by witnesses was such that at the first hearing the District Judge awarded Tor Homes immediate possession of the property. In this case, the CHS was one of only several documents submitted for the first hearing and was particularly powerful in balancing the needs of one family against the wider needs of a community.

The CHS helped **Stockport Homes** to show the impact and harm caused by a tenant, her partner, her son and others congregating in a recreational area on a close to drink alcohol, leading to drunken fights, arguments and noise with 78 separate incidents reported to the Police over a 12 month period. The majority of residents were elderly and vulnerable and, fearing reprisals, they did not wish to give evidence or provide statements. The site was made up of 50 flats in a two storey building with shared walkways and communal entrances and every flat had a view of the close. The CHS highlighted the demographic profile of the surrounding community, the impact of the behaviour and the significant demands placed on Police time. Stockport Homes applied for and was granted three ASB injunctions against the tenant, her partner and son, with powers of arrest on applicable clauses.

Community Gateway constructed a CHS to help a review panel to reach a decision following a tenant's appeal against a section 21 notice. The tenant was alcohol dependant and reports of ASB had been received from victims in the immediate vicinity of his property and around his partner's address. A door-knocking exercise was undertaken in and around the reported problem areas and some secondary victims who had not complained to Community Gateway gave their account of how the perpetrator's action had affected their lives. A copy of the CHS was given to the perpetrator who indicated that it had a big impact on him, due to quotes from residents which showed how his actions had affected so many people. He agreed to participate in a restorative justice conference where he apologised to his neighbours. Community Gateway have now obtained an 18 month Suspended Possession Order and the complainants have reported a marked improvement in the situation.

Achieving success in court – top tips from a legal perspective

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| Keep it simple | The CHS needs to be a concise summary - the main body of information will be in your witness statements and evidence. Also, the CHS on its own is not evidence – it's a summary of your evidence |
| High quality evidence | The CHS is only part of your evidence and will hold little value if your statements and other information are not up to scratch |
| Highlight the most emotive issues | The CHS should be a powerful document that demonstrates the real issues affecting real people's lives |
| Honesty is the best policy | Be honest about the impact that any behaviours are having. Any exaggeration will not be looked on favourably by the court and future CHS submissions may be ignored |
| Policies and procedures | Make sure your policies and procedures are up to date. Failure to do this may mean you get challenged in court |
| Cross-reference | The CHS needs to tell the Judge where further details on each point can be found within the evidence itself. Don't put anything in the CHS which isn't evidenced in the court bundle |
| Be consistent | If you're going to use the CHS, you need to make sure that it is used in the same way every time so it helps you deliver a strong ASB service – clear guidance and staff training are important here |
| Use maps | The use of street or area maps gives the court a visual image as to the location of the problems and proximity to the victims' and witnesses' homes, local businesses and schools which may be affected by the ASB. However, ensure that the map is easy to read and not fussy or too complicated and provide a clear key |

Source: Whitehead Solicitors

Learning from others - how landlords used the CHS during the pilot phase

Kettering Borough Council used the CHS to agree and support a multi-agency response to problems in four blocks of flats. It compiled and presented the CHS to the Kettering Multi-Agency ASB Steering Group which agreed that a joint response by the Police and the Council was needed to deal with the issues raised. Secure doors and increased lighting had already been fitted in the blocks and Housing Services and the Police visited all tenants to gather feedback on the improvements, discuss their individual tenancy issues and ask for suggestions for further environmental improvements. Tenants were positive about the improvements but felt that security could be further increased by erecting gates to close off the rear of the blocks. They also felt that the condition of communal stairwells was poor and in need of refurbishment. This feedback was used to make a business case for a £300k capital programme to refurbish the blocks.

Getting your evidence right – top tips

The CHS isn't a 'cure all' solution. You need to make sure that your practices for gathering and collating evidence are robust and up to date. This means that you must:

- make sure your staff are trained to deal with ASB complaints
- ensure ASB complaints are recorded accurately and dealt with quickly and efficiently by the correct team
- choose the right ASB tool for the job
- engage with other agencies if this will be of benefit
- remember quality of evidence not necessarily quantity, the best evidence is the eye witness attending court, so look after your witnesses
- to ensure high quality and reliable evidence, explain to witnesses the importance of detailed record keeping and show how to record incidents. Support them and also provide different methods of recording if diary sheets are difficult to use
- manage the expectations of complainants and the community as a whole
- check the facts and collate effective witness statements
- keep people up to date – if you lose witnesses' support, it can affect your case
- make sure there are no vulnerability issues
- follow your policies and procedures
- react quickly if there are risks to people or property
- appropriately publicise good results to send clear messages to potential perpetrators and provide confidence to the community that action will be taken
- immediately seek advice if you encounter a problem that may affect the case.

Source: Whitehead Solicitors

Who to contact for advice on using the CHS

Several organisations piloted the CHS in 2011 and, having fully adopted the approach, are now 'champions' which you can contact with your queries about how they implemented it.

- Kettering Borough Council: Anne-Marie Loughran 01536 534287
annemarieloughran@kettering.gov.uk
- Sovereign Housing: Vicky Newbert 01635 572115 vicky.newbert@sovereign.org.uk
- Viridian Housing: Alex Wrigley 0203 202 3637 alex.wrigley@viridianhousing.org.uk
- Helena Partnerships: Joy Wilson 01744 675706 Joy.Wilson@HelenaPartnerships.co.uk
- Solihull Community Housing: Sherry Studholme 0121 779 8853
sstudholme@solihullcommunityhousing.org.uk
- South Essex Homes/SMAART: Anita McGinley 01702 423504 anitamcginley@seh.southend.gov.uk
- Stockport Homes: Claire Wakefield 0161 474 4403 claire.wakefield@stockporthomes.org
- Tor Homes: Julie Bingham 01392 814584 Julie.Bingham@dchgroup.com
- Gloucester City Homes: Victoria King-Lowe 01452 424344 Victoria.King-Lowe@gloscityhomes.co.uk
- Taunton Deane Borough Council: John Hart 01823 356332 john.hart@tauntondeane.gov.uk
- Community Gateway: Sue Roach 01772 268101 sue.roach@communitygateway.co.uk

For further information and case studies from the pilots please visit CIH's free ASB practice hub:
www.practicehub.cih.co.uk



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Useful resources and information

Community Harm Statement Guidance Notes

www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/Community_Harm_Statement

Community Harm Statement template

www.cih.org/resources/PDF/Policy%20free%20download%20pdfs/Community%20Harm%20Statement%20form%20with%20guidance.pdf

How to manage ASB cases effectively (December 2011)

www.cih.org/resources/PDF/Policy%20free%20download%20pdfs/How_to_Manage_ASB_cases_effectively.pdf

Respect ASB Charter for Housing sign-up form and further information

www.cih.org/RespectCharter

CIH practice brief - Respect: delivering the ASB Charter for Housing (September 2011) – CIH members have free access to this

www.cih.org/bookshop

Practice online: Tackling anti-social behaviour - CIH members have free access to this resource

www.cih.org/practiceonline

CIH now offers expert ASB training and consultancy tailored to your organisation's specific needs. To find out more about how we can support you to improve your ASB services, contact Chris Grose at chris.grose@cih.org or Tess Ash at tess.ash@cih.org

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