ANTI – SOCIAL BEHAVIOUR UNIT (ASBU) COMPLAINTS PROCEDURE
Anti Social Behaviour Unit Complaints Procedure

N.B.: Throughout this document the term ‘ASBU’ includes:
Operations Manager, Safer Merton
ASB Officers, Safer Merton
ASB Co-ordinator, Metropolitan Police, Merton Borough

1. Receipt of complaint

1.1 A complaint can be made either:
Verbally
by telephone
in writing
in person
by email

1.2 It can be made by:
the person suffering as a result of anti-social behaviour
by a Councillor
by an MP
other agency ie: Housing Department, Neighbourhood Wardens, Education Department etc.

1.3 Anonymous Complaints:
A complaint should not be ignored just because it is anonymous.
It may be possible to check the complaint and deal with the problem, e.g., if it relates to graffiti. If the allegation cannot be easily substantiated, decide whether to approach the perpetrator directly or use other ways of getting evidence.
Alternatively, the complaint can be used as background evidence for other ASB problems that have been reported.

2. How to determine who is lead agency?

2.1 If the alleged perpetrator is an LBM tenant, Housing will lead. (Housing includes all forms of tenancy including leaseholders). The same applies when the perpetrator is the tenant of a Housing Association or Registered Social Landlord. The appropriate H.A or R.S.L. must be contacted immediately and the case referred to them to lead on.

2.2 If the alleged perpetrator is not an LBM tenant, (i.e.: private owner occupier, or privately renting) Safer Merton ASBU will lead.
**Note** – If complainant is an LBM tenant but the alleged perpetrator is not an LBM tenant, the appropriate Housing Officer must be notified as they must apply their Housing ASB Procedures in relation to their tenant.

### 3. Referrals to other departments/Agencies

3.1 If a complaint requires action/investigation by another department such as Graffiti, Fly tipping, Police etc ASBU will forward the complaint directly.

3.2 ASBU will forward the details to the appropriate agency, and where possible, will request an update within 28 days and respond back to complainant at that time.

3.3 All referrals must be logged on the ASBU Complaints database under the Referrals tab.

### 4. Complaint Types

4.1 Categorise each complaint of ASB onto the ASBU Database using a selection of pre-existing Category types, these are listed below.

- Youth Disorder
- Alcohol Related Nuisance
- Drugs Related Nuisance
- Harassment
- Neighbour Disputes
- Enviro crime (ie: dog complaints, fly tips etc)
- Criminal Damage
- Mental Health related nuisance
- Racial Harassment (referral to Police Community Safety Unit required)
- Prostitution related nuisance

### 5. Grading of complaints (In Line with LBM Housing Policy)

5.1 Once complaint is categorised, grade the level of ASB reported to you.

5.2 **Level One – Serious ASB**

- Primarily concerned with harassment and intimidating behaviour that causes severe distress and compromises the safety and well being of residents.
- Example – aggressive/threatening language or behaviour, violence or threatened violence, racial/hate behaviour, drug supplies and use.
- Requires a rapid investigation, response, likely to lead to enforcement action
• The complainant must be interviewed within 24 Hours of receipt of the original complaint. This may be in person or by phone, whichever is deemed by the ASB Officer as most appropriate.

5.3 **Level 2 – Persistent ASB**

• Low Level, a persistent form of ASB, which causes harassment alarm and distress or unreasonably interferes with other people’s rights to the use and enjoyment of their home and community. No immediate danger to complainant or others.
• Example – persistent noise nuisance, graffiti, vandalism.
• Concentrate on frequent or persistent reports about the same household or individuals
• Ideally tackled through a problem solving preventative approach.
• The complainant must be interviewed within 5 working days of receipt of the original complaint. This may be in person or by phone, whichever is deemed by the ASB Officer as most appropriate.

5.4 **Level 3 – Nuisance**

• Nuisance behaviour that is unlikely to cause harassment, alarm or distress in the short term.
• Examples – One off graffiti, Fly tips, intermittent noise nuisance
• Likely to be resolved without enforcement action.
• The complainant must be interviewed within 10 working days of receipt of the original complaint. This may be in person or by phone, whichever is deemed by the ASB Officer as most appropriate.

6. **Database Recording of Complaint**

6.1 Complaints to be logged on ASBU database by ASB Officer. Information inputted to include:
- details of complainant
- details of perpetrator
- details of complaint
- category and level
- other agencies involved
- stages of Investigation

<table>
<thead>
<tr>
<th>Case stage</th>
<th>Action</th>
<th>Timescale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Enquiry Received Assess category and response level</td>
<td>Initial contact/acknowledgement to be made within 24 hours of receiving original complaint</td>
</tr>
<tr>
<td>2</td>
<td>1st standard letter (form CI01) and incident diary (C105) sent where relevant</td>
<td>Within 2 working days of receipt of the original complaint.</td>
</tr>
<tr>
<td>3</td>
<td>Councillor’s &amp; MP’s enquiries</td>
<td>Acknowledgment letter to be sent within 2 working days of receipt</td>
</tr>
</tbody>
</table>
4 | Job passed to another dept | Request update within 28 days then either stage 7 or 10
---|---|---
5 | Incident diary not returned - enquiry under investigation due to nature of complaints | Request return of diary after 14 working days of issue.
6 | Incident Diary returned – enquiry under investigation | Follow Action Plan
7 | Incident diary not returned – follow up letter is to be sent (form CI03) | Follow up letter to be sent 21 days after issue of diary if nothing returned
8 | No response to follow up letter – Case Closure letter (form CI04) | Closure letter to be sent 10 days after follow up letter if no contact has been made
9 | Enquiry closed – no further info received | 1 week after closure letter sent, if nothing further received.
10 | Enquiry resolved – no further action required | 

7. **Response times to complaints**
(N.B a complaint may not necessarily follow all the stages and must be addressed according to the nature of the complaint).

7.1 **STAGE 1 – Acknowledge complaint**
All complaints must be acknowledged within 48 hours regardless of grade/type either by:
- telephone call
- email
- letter
and be recorded on database

7.2 **STAGE 2 – Responding to complaint**
Within 24 hours send:
- First response letter (CI01) (insert reference number/level)
- Incident diary (form CI05) with stamped addressed envelope
- Acknowledgement letter to Councillor/MP if required.

**Note:** Action under 7.2 is dependant on the nature of the complaint. Incident diaries will almost always be issued for level 2/3 complaints but may not be appropriate for level 1 complaints.

7.3 **STAGE 3 – If appropriate, refer case to other departments/agencies**
If a complaint requires action/investigation by another department, such as Graffiti, Fly tipping, Police etc, you will refer to the department directly.

Forward details to appropriate agency, request an update within 28 days and respond to complainant appropriately.

7.4 **STAGE 4 – Complainant returns completed incident diary**
Case investigation progresses in accordance with Action Plan (see 5.5), dependant on information received.

7.5 STAGE 5 – Interviewing complainants
Where possible, the complainant should be interviewed to obtain more information about the complaint. This must be done within the following timescales – If the complainant is unable to be interviewed within the guideline timescales, the next available date should be arranged.

If the complaint has been graded as a level one and the complainant is not available for interview within a reasonable timescale, a telephone interview should be considered.

Level 1 – Interview complainant within 24 Hours
Level 2 – Interview complainant within 5 working days
Level 3 – Interview complainant within 10 working days

Where details of perpetrators have been disclosed, and permission to contact them has been given by the complainant, the perpetrators should be contacted for interview as soon as possible once all relevant information has been received in respect of the case, either by way of interviewing the complainant (this is particularly likely in Level One complaints), or receiving completed incident diaries.

7.6 STAGE 5.5a - Action plans
After the complainant has been interviewed, an action plan will be developed. This will set out what the ASBU and complainant will do to tackle the problem.

For example, we may agree to;
- Speak to the alleged perpetrator/s
- Gather further evidence
- Speak to witnesses
- Offer target hardening if appropriate
- Liase with other departments/agencies
- Arrange mediation if appropriate
- Consult legal services

The complainant may agree to;
- Speak to the alleged perpetrator
- Keep an incident Diary
- Contact the police

The action plan must include the estimated timescales for agreed action and how and when the complainant will be kept informed of case progress.

7.7 STAGE 6 – Under investigation
The ASB Officer must keep the complainant informed of progress and developments that occur.
7.8 STAGE 7 – Complainant fails to return Incident Diary – send follow up letter (C103)
If complainant has not provided any further information, nor returned an incident diary, a follow up letter (C103) must be sent (this can be a phone call if deemed more appropriate). Letter/call to complainant after 21 days of Incident Diary being issued if no further information has been received.

Depending on the outcome of the follow up, this may lead back to stage 6, case under investigation.

7.9 STAGE 8 – Complainant fails to return incident diary or make further contact – send closure letter (C104)
If complainant has failed to respond to follow up letter, has not provided any further information, nor returned the incident diary, a case closure letter (CI04) must be sent. This must be sent 2 weeks after follow up letter.

7.10 STAGE 9 – Case Closed – no further information received.

7.11 STAGE 10 – Case Closed – No further action required

7.12 STAGE 11 – Case resolved

8. Standard Letters and Forms

- Form CI01 – Standard First Letter to complainant
- Form CI02 – Standard First Letter to perpetrator
- Form CI03 – Case Follow up letter
- Form CI04 – Case Closure Letter
- Form CI05 – Anti-Social Behaviour Diary
- Form CI06 – Mediation referral form
- Form C107 – Interview form

9. Confidentiality

Information given to us in connection with a complaint of ASB will be treated in confidence. It will not be passed on to the person who is named in the information without the permission of the person who gave us the information.

10. Information Sharing

We can only tackle anti social behaviour by working with our partner agencies and a key element of this approach is the sharing of information. We are also mindful of the requirement to share information lawfully, with due regard to the provision of the Data Projection Act and Human Rights Act.
To achieve this, we have agreed to share information with members of other agencies in accordance with the ASBU Information Sharing Protocol. Members include other Departments in London Borough of Merton, Registered Social Landlords, the Police, Probation Service, Youth Justice Service, Health Authority, Magistrates Courts, and other relevant agencies. All sharing of information will be conducted in accordance with relevant legislation and ASBU Information Sharing Protocol.

11. Relevant Legislation

Safer Merton Anti Social Behaviour Strategy
Merton’s Crime and Drugs Strategy 2005-2008
Crime and Disorder Act 1998
Police Reform Act 2002
Data Protection Act 2003
Freedom of Information Act 2005
Race Relations Act 1976 (Amendment) Regulations 2003
Human Rights Act 1998
The Disability Discrimination Act 1995 and associated Codes of Practice
The Sex Discrimination Act 1975 and 1986 (as amended) and associated Codes of Practice issued by the Equal Opportunities Commission (EOC)
If you would like more information in your own language, please contact us at the address shown in the box below.

Nese deshironi me shume informacion ne gjuhen tuaj, ju lutemi te na kontaktoni ne adresen e dhene ne kutine me poshte.

إذا أردت معلومات إضافية بلغتك الأصلية الرجاء الاتصال بنا في العنوان المدون ضمن الإطار أدناه.

如果你需要用中文印成的资料，
请按低端方格内提供的地址与我们联系。

Pour tout renseignement complémentaire dans votre propre langue, veuillez nous contacter à l’adresse figurant dans l’encadré du bas.

Jeśli życzy sobie Pan/ś więcej informacji w swoim języku, proszę się z nami skontaktować pod adresem podanym w dolnej ramce.

Hadii aad u baahan tahay faahfaahin intaa kabadan oo ku sooabsan afkaaka hooyo ama Af Somali fadlan lana soo xiira cinwaanka hoos ku qoran.

Si usted desea más información en su propia lengua, por favor contáctenos en la dirección al pie del formato.

You can also get this information in large print, in Braille and on tape.