



Document Control

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1.0 POLICY:

To ensure all tenants of Sunbeam House Services(SHS) properties, whether leased or owned by Sunbeam House Services, are allowed to enjoy their tenancy free from unwanted or inappropriate behaviour from others.

To provide clear guidance on how allegations of anti-social behaviour will be managed by Sunbeam House Services.

2.0 SCOPE:

All tenants of Sunbeam House Services properties whether owned or leased by Sunbeam House Service.

3.0 ROLES & RESPONSIBILITIES:

Client Service Managers / appropriate identified staff should ensure that all tenants of a property owned or leased by Sunbeam House Service are aware of this policy and put in measures to ensure that this policy is adhered to at all times.

4.0 PROCEDURES

4.1 Making a complaint

A complaint may be made over the telephone, be post or email or in person by contacting the relevant Client Service Manager or the Housing, Development & Transport Senior Manager.

All complaints received are treated in confidence and all complaints whether verbal or written, will be recorded in CID and investigated.

Sunbeam House Services advise that a diary be kept of any incident / complaint that a person may observe / become aware of as this will form part of the gathering or evidence.

The following information will be required where possible;

- Name and contact details of complainant.
- Any other relevant personal information about the complainant, which is relevant such as age, gender, ethnicity, whether they live alone etc.
- The nature of the complaint.
- Name and contact details of the alleged perpetrator(s) if possible and if relevant.
- Where the alleged incident(s) took place.
- When the alleged incident(s) took place



- Whether the alleged incident(s) were reported to the Gardaí and if so when and to whom.

4.2 Investigating the Complaint

All complaints are treated as allegations and fully investigated. In the interest of fairness to both parties a full investigation will be carried out and it should be noted that this may take time to complete.

Sunbeam House Services where appropriate will carry out the following actions;

- Seek additional information from statutory agencies, e.g. the Gardaí, Health Service Executive, and the Criminal Assets Bureau.
- See additional information from the complainants regarding allegations of anti-social behaviour, i.e. by interviewing the person in question – asking that they keep records of any related incidents of anti-social behaviour.
- Seek additional information from voluntary/community agencies, e.g. tenants, estate management committees and resource centres.
- Interview alleged perpetrators of anti-social behaviour.

Once Sunbeam House Services are satisfied that a complaint regarding anti-social behaviour is substantiated and that the alleged activity is sufficiently serious to warrant action on the part of Sunbeam House Services, contact will be made with the perpetrator. This may be in the form of a written warning and/or a request to attend a meeting to discuss the incident in question.

Sunbeam House Services may request the Gardaí to attend such meetings. All present at the meeting will be asked to state their name and / or role. Notes will be taken by Sunbeam House Services during the meeting and called back aloud at the end of the meeting to ensure all those present are in agreement; copies will be available on request to those who attended the meeting.

Where complaints are of a serious nature or a conviction that constitutes anti-social behaviour has been secured, Sunbeam House Services reserves the right to take immediate action to secure an “Excluding Order” or an Order for Possession as appropriate.

4.3 Solutions to Anti-Social Behaviour

In general there are two solutions available – *Non Legal* and *legal*.

Non Legal solutions

Where possible non-legal solutions will be employed in the first instance such as the following:

- Agree actions with the complainant and alleged perpetrator
- Ensure that the alleged perpetrator is fully aware of the implications of continuation of anti-social behaviour, in particular the legal action that Sunbeam House Services could take.

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- Support both parties by addressing the root cause. If necessary engage with other agencies, either voluntary/community or statutory
- Mediation
- Monitoring compliance with agreed actions documented at meetings
- Transfer to another dwelling where possible– victim / perpetrator

Legal Solutions

Legal action will be used only as a last resort / solution to anti-social behaviour, when all non-legal solutions have repeatedly failed or been deemed inappropriate and with due regard for the welfare and care of tenants and their families.

Excluding Order – An Excluding Order has the meaning assigned by Section 3 of the Housing (Miscellaneous Provisions) Act 1997 as amended which states that:

“A housing authority may in respect of a house provided by the authority under the Housing Acts 1966 to 2009 apply to the District Court for an excluding order against a respondent whom the authority believe to be engaging in anti social behaviour..”

This approach is a more targeted approach to dealing with anti-social behaviour, whereby the specific offenders are dealt with, thus avoiding the eviction of the entire household. If granted an Excluding Order can prohibit the respondent from entering a specific dwelling or an entire estate for a period of up to 3 years. The Order can also prohibit a respondent from causing or attempting to cause any intimidation, coercion, harassment or obstruction of, threat to, or interference with the tenant or other occupant of the dwelling concerned.

Under Section 3 of the Housing (Miscellaneous Provisions) Act 1997 as amended a Council tenant has the right to the District Court for an Excluding Order against a person including a joint tenant who is engaged in anti-social behaviour. The tenant can only apply for an order relating to his/her dwelling.

Where it is not deemed appropriate for a tenant to do so, Sunbeam House Services may seek the Excluding Order.

Notice To Quit – Where Sunbeam House Services determines that the tenant is in breach of the tenancy agreement on the grounds of anti-social behaviour Sunbeam House Services will serve a Notice to Quit under Section 62 of the Housing Act 1996 (as amended) and commence the process of recovering possession of the premises.

It should be noted that in the case of an Excluding Order or an Order seeking Possession that the decision is made by the District Court. Sunbeam House Services acknowledges that persons experiencing anti-social behaviour may feel that the process is a lengthy one. Procedures have to be followed and evidence gathered in order for Sunbeam house Services to take legal action.

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Persons convicted / evicted for anti-social behaviour

In the event of an eviction the tenant and all persons in occupation of the premises will be deemed to have made themselves homeless. Sunbeam House Services will notify the HSE where there are children and / or vulnerable adults involved.

Sunbeam House Services will not accept people onto their Housing Waiting List who have been convicted of anti-social behaviour or who have abandoned their homes / surrendered their tenancies with Sunbeam House Services for a period of at least two years, or longer where deemed appropriate.

In the case of a tenant who has been excluded and / or convicted in relation to a sexual offence against children or adults, or for reasons of violence or arson, they will be requested to undertake a risk assessment from a qualified professional and give permission to Sunbeam House Services to access this assessment. Sunbeam House Services will consult with the HSE and An Garda Síochána in this regard before accepting a person onto their Housing List.

4.4 Education in relation to Anti-Social Behaviour

Sunbeam House Services will:

- Arrange for training and/or information for front line staff including briefings on changes to legislation and or new guidelines issued by the Department of Environment Heritage & Local Government.
- Hold workshops / briefing sessions jointly with the Community Gardaí for tenants in relation to the causes and effects of anti-social behaviour.
- Invite persons who have experienced anti-social behaviour to outline the effect this had on themselves and their family.
- Explain clearly to all new tenants on letting of a dwelling or during pre-tenancy courses where provided, Sunbeam House Services Policy on Anti-Social Behaviour.

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