



Witness Support Policy

Policy for supporting customers who are victims of anti-social behaviour

Translation, braille, audio tape and large print available on request. Call LMH on 0151 235 2328.

Na życzenie można uzyskać tłumaczenie lub informacje w innej formie, prosimy w tym celu zadzwonić na numer 0151 235 2328.

Vertimus ir kitus formatus galima gauti pareikalavus. Skambinkite telefonu 0151 235 2328.

Turjumaad qoraal ah iyo qaab-qoraalo kale ayaa la heli karaa haddii la codsado, fadlan wac 0151 235 2328.

Están disponibles a petición traducciones y otros formatos. Favor llamar al 0151 235 2328.

可以根據你的要求提供翻譯文本和其他版式的文本，請致電0151 235 2328

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অনুরোধ করলে অনুবাদ এবং অন্যান্য ছাঁদ পাওয়া যাবে। অনুগ্রহ করে 0151 235 2328 নম্বরে ফোন করুন

अनुवाद और अन्य रूपविधान पूछने पर उपलब्ध हैं कृपया 0151 235 2328 पर सम्पर्क कीजिये

Witness Support Policy

Introduction

Liverpool Mutual Homes (LMH) believes that we must protect our communities from the minority of troublemakers who harass and cause misery to their neighbours.

Our success is based on partnerships with local residents, community groups and agencies such as the Police. We are committed to working with you to make your estate a better place to live.

We have introduced new procedures to combat anti-social behaviour. These include providing better information, explaining how the complaint will be dealt with, what you can expect from LMH and what we will expect from you.

We will use all the powers available to us to tackle anti-social behaviour but we are unable to take any action without evidence. You can help us provide this evidence therefore you are a very important part of the process.

This leaflet will explain your role as a witness and guide you through the legal process.

What we need from you

You will have been given a diary to record incidents of anti-social behaviour. The next stage is an officer from LMH will go through your diary with you to discuss the anti-social behaviour which has occurred. It is important that we get the information correct from early on in the process, so that we can give details of this behaviour when we interview the perpetrator.

If you continue to have problems and report these to us we will consider what action needs to be taken against the perpetrator. We have a range of powers available to us; both legal and non legal actions. We will decide which is best to use depending on the seriousness of the anti-social behaviour. If a perpetrator behaves anti-socially for some time we may use more than one of these actions throughout the case.

Intervention and prevention

Acceptable Behaviour Contracts

These are not legally binding and we cannot make a perpetrator sign one. They are however useful tools. They are usually witnessed by a LMH officer and a police officer. All parties including the perpetrator decide on the conditions which are agreed to. The contract lasts for a period of 6 months and its effectiveness is then reviewed. If the contract has been breached then it may be extended.

Parenting Contracts

These voluntary agreements between a parent and the landlord or another agency can be used when a parent is struggling to manage their child's behaviour or failing to take responsibility for them. The contract will state what both the landlord/agency and the parent will do to get things back on track. It might include a parenting skills course, help to establish routines, and or getting the child or young person involved in more positive activities.

Parenting classes/skills

These can be available via the local authority services in your area, they give help and advice to parents who are having difficulties managing their child's behaviour, parenting classes help parents to understand how their own behaviour impacts on their child's and provides skills, tips and techniques to help manage the child's behaviour more effectively.

ASBO warning interviews

Young people at risk of receiving as ASBO will face an interview accompanied by their parent or carer with police, landlord and other agencies to spell out the consequences of their behaviour. The meeting will also identify what help can be provided to keep that young person out of trouble. Most ASBO warning interviews now change behaviour to the extent that they do not need to progress to a full ASBO.

Assured Shorthold Tenancies (ASTs)

This is a trial period for all new tenants during the first year, to ensure that they can be responsible. The tenancy is monitored more closely so that bad/unacceptable behaviour can be tackled early and support provided. Tenants can be evicted more easily if they become involved in anti-social behaviour or criminal conduct.

Family Intervention & Intensive Support

The primary objective of family intervention projects is to stop the anti-social behaviour of families and restore safety to their homes and to the wider community. These projects also tackle the causes of poor behaviour which involve issues such as drug and alcohol misuse, poor health, domestic violence, unemployment and debt.

Mediation

We use an independent mediation service. Mediators meet all parties in a dispute to talk through the issues and then try to get the parties to come to an agreement. This is useful as it can stop cases from becoming more serious and can set some ground rules so that you can resolve your differences with your neighbour.

Legal Action

In many cases the above actions together with formal warnings will stop the anti-social behaviour but if they do not LMH will take legal action against the perpetrator.

If we decide to begin legal action your Safer Estates Officer will go through your incident diaries with you and turn them into a written statement. This will describe what has been happening and how it has affected you and your family. We will ask you to sign and date this statement and it becomes a very important part of our evidence.

Anti-social behaviour cases are heard in county courts because they are civil cases. Before the hearing your Safer Estates Officer will meet you to explain what will happen during the proceedings. LMH's solicitor or barrister will also speak to you about the hearing and prepare you in case you are to be questioned.

Before a case is heard in court your statement and diaries may be sent to the perpetrator or their solicitor. It is important to know this early in the process.

When the case is at court your evidence will be used as part of the case against the perpetrator. You may be questioned by the perpetrator's solicitor and this can be a daunting and distressing thought to witnesses. LMH will prepare you for this in advance so you are confident and know what to expect. We can arrange for you to visit the Court before the case is heard in order to familiarise you with the Court room.

The Hearing

On the day of the hearing we will arrange transport for you to and from the Court if you cannot easily get there yourself. Wear something smart but comfortable. Your Safer Estates Officer will be at Court for the day, but you can bring a friend or relative along for company.

In most cases there will be other neighbours who are also witnesses for LMH. You may be there for a full day so you may want to bring something to read.

A separate waiting room will be arranged away from the perpetrator so you don't have to sit near them when you are waiting to give your evidence.

Judges usually like to hear witnesses speaking about their experiences as they can see how you are affected. They are not trying to test you or make you feel uncomfortable. Sometimes the court will accept your evidence without asking any questions.

If you have to give evidence you will be asked to swear an oath. Try to keep calm and speak clearly. You can take your time and remember to speak the truth. You are not alone in the process. Don't worry as we will be there with you for support.

We will provide lunch and refreshments and will compensate you for any loss of earnings.

Legal action that we can take

Detailed below are the types of legal action that LMH can take in each case you will be asked to attend Court to give your evidence.

Demoted Tenancies

We can ask the County Court to “demote” an assured tenancy for 12 months where the perpetrator has been guilty of causing anti-social behaviour. This means the tenant loses their rights as an assured tenant (such as the right to buy their home and to mutually exchange). If there is any further anti-social behaviour within these 12 months we can ask the Court for possession of the tenancy. If there is no further anti-social behaviour within these 12 months, the tenant regains their assured tenancy.

Possession Orders

In serious cases we can ask the County Court to evict our tenants from their home. We will have to prove that they have broken their tenancy conditions and that it is fair to take their home away from them. The Judge can make 2 types of possession orders.

- **Immediate Possession**

A tenant has to move out within a certain time decided by the Judge -usually no more than 28 days.

- **Postponed Possession**

The Judge sets a time period (which is generally 6 or 12 months) when the tenant must not repeat their behaviour. If they do we will go back to Court and ask for immediate possession.

Anti-social Behaviour Injunctions

An Injunction is an order from the County Court stopping someone, normally over 18, from doing something. For example, it can make your neighbour stop playing music too loudly. If someone breaches an Injunction order the Court can send him or her to prison. An Injunction is usually only valid for between 6 to 12 months.

There are two types of injunction: *without notice (ex parte)* or *with notice*.

Without notice “ex parte” injunctions are used when LMH needs to act quickly to give victims protection. It is usually where there has been violence or threatened violence. The perpetrator doesn’t know this is happening and will not be in court. These injunctions mean we can act quickly. An ex parte injunction will offer you immediate protection and may include a power to arrest the perpetrator if it is breached. The Police will be given a copy of an Injunction which is awarded with powers of arrest attached.

A "with notice" injunction will be used where there is no immediate threat or at a second hearing after a without notice injunction has already been given. The perpetrator will get a copy of the injunction and you will also get a copy. If the conditions of an Injunction are breached you must inform your Safer Estates Officer and the Police if there are powers of arrest.

Anti-Social Behaviour Orders (ASBOs)

An Anti-social Behaviour Order is like an injunction but it lasts a minimum of 2 years and can be used against anyone aged 10 years or above. It prohibits behaviour such as harassment of individuals, entry onto an estate or into a wider area such as the city centre, joy riding, vandalism and so on. It can be used for a "one off" incident but this would have to be a significant event, and we need to demonstrate to the Court that there is a serious and ongoing pattern of anti-social behaviour.

Interim Orders

In extreme cases, we can ask the Court for an Interim ASBO, which grants temporary prohibitions to protect witnesses until the trial for a full ASBO. If the Anti-social Behaviour Order is breached it is a criminal offence and the perpetrator can be arrested by the Police and taken back to Court. This can result in a fine, or imprisonment or both.

Individual Support Orders

This is given alongside an ASBO to make 10-17 year old perpetrators of anti-social behaviour take up the support they need to improve their behaviour.

Undertakings

Very like an injunction but there are no findings of fact by a Judge in Court. This is a promise to the Court made by the defendant/alleged perpetrator of ASB to behave in the terms the Judge agrees. If the order is breached it can have same implications as if breaching an Injunction, so can result in a fine or prison.

Parenting Orders

A Court order used to make parents take responsibility for the behaviour of their children, usually when a voluntary parenting contract has not worked. A parenting order will generally include a parenting course to help the parents develop new skills for managing the behaviour of their children, alongside other conditions to help manage the behaviour. The order lasts up to 12 months and if parents fail to comply they can be prosecuted. Decisions to take out such orders need to be taken by Local Education Authorities, Schools and Youth Offending Teams

ASB House Closures

In some communities there are particular premises that are a constant focus for severe anti-social behaviour, making the lives of those living nearby a misery. Premises closure orders are powers that can be used to offer communities immediate respite by temporarily closing premises for three months that are responsible for:

- significant and persistent disorder or
- persistent serious nuisance to a community.

These powers should only be used as a last resort, where other interventions have been used or considered and rejected for good reason, and where implications, for example, for children or vulnerable adults in the premises, have been carefully considered. The powers can be used by The Police and Local Authority and a multi agency approach should be taken when considering such action.

Crack House Closures

The Police together with the local authority have powers to close premises for between 3 and 6 months if they believe they are being used to produce or supply class A drugs.

What we can do for you

At each stage of a case we will keep you informed by regular contact, telephone calls or visits. You will be given the name of the Neighbourhood Housing Officer who will be dealing with your case, whom you can contact by letter or telephone. They will answer any questions or concerns you may have and will prepare you for the hearing if we take legal action. Before the hearing we will arrange for you to visit and be shown around a Court room. We will explain what will happen at the hearing and what your role will be.

Support measures

In serious cases we can take steps to make you feel more secure in your home. These can include:

Out of hours emergency help line

LMH has a service where you can report incidents of antisocial behaviour out of normal working hours (5 pm to 9 am). The number to call for this is 0800 678 1894.

Home security

This can include fitting window locks, additional door security, spy holes, letterbox covers, chains and smoke alarms.

Temporary re-housing

In certain serious cases we can arrange for witnesses to be re-housed for a temporary period of time.

Police

We will liaise with the local Police and ensure they are aware of the problem. Police can prosecute for serious cases of intimidation.

After the hearing

The Safer Estates Officer will keep in contact with you after the hearing and offer continued support.

Who is helping LMH tackle ASB in Liverpool?

We work with a range of partner agencies and support organisations, including:

Crime Disorder Reduction Partnership.

This includes the Council, the Police and other Housing Associations
tel: 0151 233 3000
www.liverpool.gov.uk/citysafe

Amadudu

A refuge for women from minority ethnic communities, or women with children from minority ethnic communities.
tel: 0515 734 0083

Racial harassment helpline

tel: 0800 731 3200

Speke Garston DV project

Support for women who live in Speke, Garston and surrounding areas.
tel: 0800 083 7114

Careline for adults

tel: 0151 233 3800

Kensington Domestic Abuse Service

Support for women from ethnic minority communities, migrant communities and asylum seekers and refugees in Kensington and surrounding areas.
tel: 0151 263 7474

Careline for children

tel: 0151 233 3700

Merseyside Fire and Rescue Service

tel: 0800 731 5958

Youth Offending and Youth Services

tel: 0151 233 3000
email: youthservice@liverpool.gov.uk
www.lys.org.uk

Liverpool Anti-social Behaviour Unit

tel: 0151 233 3001

Merseyside Police

tel: 0151 709 6010

Victims Support

tel: 0845 3030900
Typetalk: 1800108453030900
email: supportline@victimsupport.org.uk.

Police Community Support Officers

tel: 0151 709 6010

Connexions

Advice and support for 16- 25 year olds
tel: 08 08 00 13219
www.connexions-direct.com

Domestic Violence/Abuse Unit

Help and support for victims of domestic abuse
tel: 0800 731 1313

Centre 56

A refuge for women fleeing domestic violence (no male children aged 14+ allowed)
tel: 0151 727 1355

Liverpool Family Intervention Project

Support for families at risk of losing their home due to ASB
tel: 0800 169 2988; 0151 521 5791
email: lfip@actionforchildren.org.uk

Other useful contacts

North West Area Housing Office

3 Mark Street Liverpool L5 0RF
Tel. 0800 678 1892

North Area Housing Office

3 Falklands Approach, Off Parthenon Drive, Liverpool L11 5BS
Tel. 0800 678 1892

East Area Housing Office

Unit 1, Montrose Business Park, Edge Lane, Liverpool L7 9PX
Tel. 0800 678 1891

West Area Housing Office

172 Park Road Liverpool L8 6SJ
Tel. 0800 678 1893

South Area Housing Office

4 Smithdown Place, Liverpool L15 9EH
Tel. 0800 678 1893

Merseyside Police

Tel. 0151 709 6010

www.merseyside.police.uk

Crimestoppers

Tel 0800 555 111