



Guidance on Mediation

Mediation provides a quick and effective way of resolving disputes in an impartial, non judgemental and strictly confidential situation.

Q. Is mediation the right choice for me?

Mediation is free of charge for all residents who wish to use the service.

It is an alternative to going to court which can be a lengthy and expensive process with the court making the final decision for all those concerned.

Mediation allows all parties the opportunity to talk and be listened to without any interruption and to feel they have achieved something.

You can have a one to one discussion with the mediator if you feel uncomfortable about attending a face to face meeting with other residents

Mediators are impartial and will not be taking any sides in the dispute, nor will they be judging anybody.

Q. What are the benefits of mediation?

The benefits of mediation are:

- You get to hear the other person's feelings and concerns
- Being listened to and feeling supported
- You start to feel in control again
- By talking to a mediator you take the first step to resolving the problem
- Mediation is held in a neutral location and controlled environment to allow all parties to feel at ease.

Q. What types of nuisance can be resolved by mediation?

Mediation can help residents who are experiencing disputes over things such as:

- Noise
- Fences / Boundaries
- Nuisance from children and youths
- Street Parking
- Barking Dogs
- Parties and loud music

Resolving disputes through mediation

It is not always easy to accept that a situation has become serious enough to be called a dispute. Yet disputes and conflicts are a fact of everyday life.

Unresolved disputes can take up a considerable amount of time and money, whilst causing stress to those who are involved. Many individuals or organisations are reluctant to take the risk of going to court. Even those that do can find it difficult emotionally and financially.

Mediation is a quick and effective way of resolving disputes and conflicts. It may also minimise the risk of conflicts arising again in the future and can help to sustain important relationships. It is an independent service and therefore offers an outside opinion on your dispute.

If you would like a copy of this Guidance Note in large print, braille, CD or in your language please contact your nearest office.

Haddaad jeclaan lahayd nuqul kamid ah buugyarahan oo ku qoraal qoraal waaweyn, qoraal indhoole, cajal ama luqaddaada fadlan kala xiriir xafiiskaaga kuugu dhaw.

যদি বড় অক্ষর, ব্রেইল, টেপ অথবা আপনার নিজের ভাষাতে এই লিফলেট দরকার হয় তাহলে আপনার কাছের অফিসে যোগাযোগ করুন।

Nếu quý vị muốn một tờ thông tin này bằng chữ to, chữ dành cho người mù (Braille), thu băng hoặc bằng ngôn ngữ của quý vị, xin liên lạc văn phòng gần nhất.

若想索取此小冊子的大字體版、盲文版、錄音帶或翻譯成你的語言，請聯絡最近的辦事處。

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Anti Social Behaviour - Frequently Asked Questions

The following guidance is designed to answer frequently asked questions about how Swan will deal with a report of anti social behaviour or nuisance.

Q. How do I report an incident of anti social behaviour / nuisance?

Report the incident to your local Neighbourhood Officer by telephoning 0300 303 2500, visiting the office, via our web site www.swan.org.uk or by writing to us. An Officer will interview you and complete an initial report form about the incident. We will need a full account of the incident which will include:

- What happened – date, time, place
- Who was with you or who witnessed the incident
- Who caused the anti social behaviour or nuisance
- Were other agencies involved such as the police, other landlords or environmental health

It is important that you give as much detail as possible even if you think it is not relevant.

If the incident involved a crime you should also report it to the police.

Q. What happens next?

If you have not already spoken to your Neighbourhood Officer, they will contact you to explain that they will carry out an investigation into the incident. The Officer will:

- Interview any witnesses
- Interview the person who caused the anti social behaviour or nuisance
- Door knock neighbours to identify any other potential witnesses if appropriate
- Contact other agencies that were involved such as the police, other landlords or environmental health

Once the Officer has completed an investigation they will contact you to discuss their findings and possible action.

Q. Will you need to tell the other person I have complained?

We will not tell the person that you have made the complaint unless you give us permission to do so. Your details will remain strictly confidential. However, it may be apparent that the complaint came from you. If you do not want us to contact the person causing the nuisance and interview them, there is little Swan can do other than record the complaint.

Q. Who can I speak to about anti social behaviour if Swan's Offices are closed?

Swan provides a dedicated out of hours service to deal with anti social behaviour as it happens. This means that if our offices are closed you can report anti social behaviour and receive support and advice by calling 0800 075 6699

Q. What action can Swan take against a tenant?

There are a range of actions available to Swan. Where we have enough evidence we would normally start at issuing a warning, if the anti social behaviour or nuisance continues the following actions are available for Swan to use:

- Issue a final warning
- Issue an Acceptable Behaviour Contract or Agreement
- Refer the case to mediation
- Consider use of professional witnesses
- Discuss the case with other agencies and agree further action (if appropriate)
- Consider use of diversionary activities depending on the type of nuisance

Q. What legal action can Swan take?

There are a range of legal actions available to Swan. Depending on the seriousness of the incident(s) and evidence gathered, the following actions can be used:

- Issuing a Notice of Seeking Possession – this is the first stage of legal action and is required before any Court action can be applied for.
- Injunction – An order from the court that tells someone to stop undertaking a particular action against someone else.
- Parenting order – An order making a parent (of a child causing anti social behaviour) access support to improve their parenting skills.
- Demotion order – This ends an existing assured or secure tenancy replacing it with a tenancy of less security of tenure.
- Anti Social Behaviour Order – An order from a court which prohibits someone from specific anti-social behaviour acts or from entering a defined area. A breach of an ASBO is a criminal offence.
- Possession order – An order that entitles a landlord to legally evict a tenant.

Q. What would happen if the case went to Court?

You might be required to provide a witness statement and to give evidence. Your Neighbourhood Officer will support you during the case and help you prepare for any hearings. They will also attend the court hearing and support you on the day.



Q. Why can you not just evict the person causing the nuisance?

Our aim is to resolve the issue and we may be able to do this by using other methods. Eviction is always a last resort after we have tried other actions available to us.

A judge will review:

- What previous actions Swan has taken to try to prevent further incidents
- What evidence is available detailing each incident
- What witnesses have said and evidence given by them in Court

Q. What if the person causing the anti social behaviour or nuisance is not a Swan tenant?

Swan will still be able to provide you with advice. If the person is the tenant of a Local Authority or another Housing Association, we will work with the landlord to resolve the issue. If the person causing the nuisance privately rents or owns their own home we will still provide advice and support.

Q. What should I do?

The Neighbourhood Officer will advise you depending on your individual case and may ask you to:

- Initially speak to the person causing the nuisance (if appropriate)
- Keep a record of each incident on the diary sheets provided
- Contact the police to report certain incidents such as criminal damage or illegal activities
- Contact the Environmental Health Department or Local Authority to report certain incidents such as noise nuisance or fly tipping.

Q. Why do I need to keep filling in the diary sheets?

We need evidence of each incident to enable us to build a picture of what has been happening, and for us to see if the action we have already taken has resolved the issues. If the incidents continue and diary sheets are completed, we can then look at what further action can be taken. We would also use these as evidence if the case went to Court.

Q. What if the person stops causing the anti social behaviour or nuisance?

If the incidents stop then Swan will monitor the situation for a short period. After discussion with you we will then close the case. However, if further incidents happen after the case has been closed, Swan will "re-open" the case and continue to take action against the person causing the nuisance.

Q. What support can I receive?

If you are having difficulty coping or need extra support, we will put you in contact with service providers that can help. These may include:

- Victim or witness support
- Counselling
- Mediation
- Legal advice
- Social services
- Health services

If you feel threatened and don't feel safe at home we will give you extra advice and support. This may involve giving you some tips on personal safety or making improvements to the security of your home.

Q. I do not want to live here any more, what are my options?

If you would like to move there are a number of options available to you including:

- Considering a mutual exchange
- Applying to Swan's transfer list
- Applying to the Council's waiting list
- Privately Renting
- Shared Ownership

For more information on the variety of options available see Swan's guidance note 'Your Housing Options'.

Q. Can I report anti social behaviour without giving my name?

Yes, however we will not be able to update you on what action we are taking. This may also limit the action we can take. Your details will always remain confidential unless you give us permission to disclose these.

Witnesses in Anti Social Behaviour Cases

Swan needs evidence to prove that someone is, or has been guilty of causing anti-social behaviour or harassment. This evidence might be provided by a number of people including neighbours, police, professional witnesses and housing staff. However, often the most important evidence is that recorded by those experiencing the nuisance or anti-social behaviour.

This sets out the minimum standard of service that witnesses can expect from Swan, when they are involved in taking legal action.

Reporting Incidents of anti-social behaviour

- We will make it as easy as we can if you need to contact us to report any incidents of crime or anti-social behaviour.
- We will take all reports seriously and will assign a named Neighbourhood Officer to deal with the case. This person will be your main contact throughout the process.
- When you contact us we will ensure that your report is recorded accurately.

Making a statement

- We will arrange to take your statement as soon as possible at a time and location that is convenient for you. We will ensure that it is an accurate record and that you are happy with it before you are asked to sign it. You will be provided with a signed copy.
- We will consult with you before using your statement in other proceedings.
- When you make your statement, we will assess your needs as a witness and will explore the options available to support you and ensure these are re-assessed on a regular basis.

Progress of your case

- After you have given your statement, we will update you regularly on the progress of the investigation until its conclusion.
- We will inform you at key stages in the process of any legal proceedings such as when a notice is served on an alleged perpetrator, when an application for a hearing is made in court, when papers are due to be served and when a court date has been set.
- If you need additional support we will seek to provide it.
- If you are worried about your safety we will discuss with you how we, or other services, can help you.

Preparing for court

We will give you advance notice of the hearing date and any changes to it and will try to ensure that you only attend court when you need to give evidence.

- We will help with the practical arrangements for your attendance at court. This can include providing transport to and from the court.
- We will provide you with any information about what happens at court and discuss any concerns that you may have.
- We will give you the opportunity to visit the court building ahead of the trial and give you a full explanation of the court procedures.
- Before any hearing, we will ask court officers to provide for any concerns or disability or medical condition you may have. If you have any language or communication needs we will organise an interpreter or signer for the hearing.
- We will also make special arrangements at court if you have communication difficulties or feel intimidated.

In the Court building

- You may bring someone for support with you at court. We can also seek permission for them to stay throughout the proceedings.
- You will receive support at court before and during the trial from your Neighbourhood Officer as well as from other support agencies.
- Your Neighbourhood Officer will arrange for the lawyer to introduce themselves and to answer any questions you may have.

After the trial

- We will discuss with you the outcome of the case and any other relevant matters.
- We will inform you of any developments such as an appeal, or a breach of the order and keep you updated with progress.
- Your ongoing support needs will be discussed with you. Your Neighbourhood Officer will continue to be available and referrals to specialist agencies will be made if you need it.
- Your Neighbourhood Officer will discuss with you how to claim out of pocket expenses you may be entitled to. This could include reasonable travel, childcare cost or loss of earnings.