

Anti Social Behaviour Witness Charter 2013

find solutions
to problems

go the
extra mile

work as
one team
for the
community

Put our customers first,
be forward thinking and
pursue opportunities for
growth

Introduction

The Anti Social Behaviour Act 2003 and The Crime and Disorder Act 1998 say that anti social behaviour is behaviour that causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household.

Our Witness Charter explains our commitment to anyone who reports serious anti social behaviour (ASB) to us. Serious anti social behaviour may include drug use or dealing, verbal abuse, intimidation, violence or hate crimes (for example racist or homophobic harassment).

Whether your case is resolved by early intervention or by progression to court for legal action, the charter sets out the help and support you can expect to receive at every stage of the process from everyone involved.

As a witness you are playing a vital role in protecting your community and making sure justice is done. We understand that the needs of a witness will differ from person to person and we will ensure that the support we provide is tailored to your individual needs.

You will be treated fairly and with respect according to your needs regardless of race, religion, background, transgender, gender, age, sexuality or disability.

Reporting antisocial behaviour

When you report an incident of serious anti social behaviour to our Contact Centre we will:

- Take as much information from you as possible to decide how we should best handle your complaint, this information will be passed to the ASB team
- An ASB Officer will respond to you within 24 hours if the ASB is very serious or within 5 days if the ASB is serious.
- explain the possible action that could be taken by the ASB Officer
- ask you how you would like the problem to be dealt with and confirm whether you are happy for the perpetrator(s) (people causing the nuisance) to be contacted
- complete a risk assessment to identify the most suitable protection and support for your case. This will help us to identify if we need to work with our partner agencies (e.g. police, fire service, victim support) to offer you the right support

The ASB Officer will agree a short term action plan with you and send a copy in writing. This action plan will be updated throughout the management of your complaint.

Help available to witnesses

Everyone who makes a complaint to us about ASB will be offered support and reassurance.

The ASB Officer will assess the circumstances of your case in order to tailor the support to your needs.

If you are feeling particularly threatened or vulnerable we will consider whether you need additional support measures, which may include:

- fitting door bars and window locks
- fitting letter box covers
- installing door spy-hole cameras or CCTV (Closed Circuit Television)
- installing outdoor lighting
- personal attack alarms
- basic security items for the home
- making referrals to other agencies for specific support

We will always consider what you want and try to provide it. We will be open and honest about what measures are suitable and available to you.

Your ASB Officer will keep in touch at least every 2 weeks to review and update the action plan and to go through any concerns you may have with them.

Referral to other organisations

If you need more support we can refer you to other partner agencies and schemes like Victim Support, Citizens Advice or a Target Hardening Scheme that will be tailored around your safety. We will only do this with your agreement.

Investigation

The ASB Officer will contact you at the start of your case. For very serious cases this will be within 24 hours and for serious cases within 5 working days.

The ASB Officer will explain the legal and non-legal remedies that are available in your case and discuss the action they intend to take.

If you ask to remain anonymous we will not tell the person who has made the complaint against them. However as it is not always possible to take action when witnesses are not prepared to come forward, we will encourage and support you in taking a stand. It is also possible for perpetrators to guess the identity of complainants by the nature of the complaint.

You will be consulted before any action is taken and we will update you on the progress of your case at least every 2 weeks. If needed, we can arrange for your ASB Officer to call more often.

Preparing for court

If the case is to go to court you will need to make a formal witness statement. This is usually taken down by your ASB Officer. You will be asked to sign the statement and you will be given a copy.

It is the court that decides when a case will be heard. We will ask the court to consider your availability when setting a date for trial (for example, avoiding clashes with any holidays you have booked). We will contact you as soon as the trial date is set. We will tell you if you need to attend and give evidence.

However we will try to get the case to court as a high priority if:

- it involves vulnerable or child witnesses
- it is very serious and witnesses are at high risk.

Information about the court

The ASB Officer will talk to you about what to expect at court and will answer any questions you have.

The ASB Officer will tell you:

- what type of court the case will be heard in
- the location of the court
- the facilities available including toilets and refreshments.

Visiting court before the trial

We will offer you the opportunity to visit the court building before the trial. The ASB officer will arrange transport and accompany you on the visit. You will be shown around the building, including:

- how to enter the building and go through security
- where the waiting room and private meeting rooms are
- where the toilets are and how to find them without going through the main waiting room
- a tour of a courtroom with an explanation of who the key people are, where they will sit and an opportunity to sit in the witness stand.

Meeting your needs

We will assess early on whether you will need an interpreter or Signer (someone who can use sign language to communicate) at court. We will make arrangements for extra help (for example if you have a disability or medical condition).

We will tell you if you qualify for any special measures at court (for example vulnerable or intimidated witnesses may be allowed to give evidence via video link or screen to make sure they do not see the defendant).

We will arrange taxis for you to and from the court hearing. If you prefer to make your own way we will reimburse your fuel and parking costs. We will also reimburse you for loss of earnings.

You will be able to bring family members or friends to support you at court. They will be able to sit in the public gallery, which is in the courtroom.

Support at court

The ASB Officer will support you with any concerns you may have and accompany you into the courtroom. We will meet you as you enter the building and show you to the waiting room.

Security officers search everyone who enters the building for weapons and recording equipment.

Once at court we will tell you as soon as possible when the case is due to be heard. Sometimes the judge decides witnesses are not needed or postpones the hearing. If this happens we will tell you straight away and arrange your transport home.

If you attend court as a witness, the barrister will introduce him or herself and answer any questions you may have.

Security officers can also be stationed outside the courtroom if witnesses are feeling particularly vulnerable.

Waiting room and facilities

We will, if possible, arrange a separate waiting room for you away from the main waiting area. These rooms offer privacy with window blinds.

There is no smoking in the court building, but you will be able to pass through security to go outside.

We will provide refreshments. If you have to be there all day we will arrange lunch for you.

The witness box and cross examination

When you are called into the courtroom you will be shown to the witness box and asked to take the oath. This means you have to swear to tell the truth on the holy book of your religion. If you prefer, you can 'affirm'; (promise to tell the truth), which does not require the use of a holy book.

When you are giving evidence the defence lawyer may question you. This is to ensure that the evidence is accurate and honest. If the questions become too aggressive, our barrister can ask the judge to tell the defence lawyer to change their style of questioning or stop their questions.

Once you have given your evidence, the court will let you leave the witness box. You might be asked to stay after you have given evidence if something new comes up, but you will normally be able to leave court straight away. You can stay and listen to the rest of the case in the public gallery if you want to.

Telling you the result

We will let you know the result of the case as soon as possible. We will explain the terms of any court order the defendant receives and let you know if the defendant is prevented from doing anything.

We will tell you of any appeal the perpetrator may make against a court order and inform you of the outcome.

Support after court

We will keep in touch with you after the trial and will leave your case open if the ASB hasn't stopped.

Even if your case is closed the ASB Officer will take your calls and refer you to appropriate agencies including Victim Support.

After a court case, when appropriate, we will also publicise successful outcomes. We will not name you in any publicity we do.

Closing your case

We will close cases when the situation has been resolved and you are happy for us to do so. We will also close a case where the complainant has failed to respond to our requests for information.

Sometimes we will close cases even if the complainant does not want us to; if we are satisfied that we have done everything we can to resolve the complaint.

We will record the reasons for closing cases and tell people what they can do next if they still feel there is a problem.

We will not assume that a situation has improved if we have not heard from the complainant in a while. We will try to make contact before passing a case for closure.

Re-opening cases and reporting incidents

If your case has been closed and you experience another incident of ASB you should report this and we will contact you. We will decide whether to investigate and re-open your case.

If we re-open your case you will usually be assigned the same ASB Officer, who will be familiar with your case and agree a new action plan.

Giving us feedback

When your case is closed we will ask you to complete a customer satisfaction survey. We will send this out to you in the post with a prepaid envelope to return, or we may phone you.

We will follow up any forms that are returned with a dissatisfied response. We will talk both to the complainant and the ASB Officer before deciding whether to re-open the case. We will confirm the outcome of the review in writing.

If you are unhappy with the service that you have received, we will tell you how to make a formal complaint.

Useful telephone numbers

Solihull Community Housing's Anti Social Behaviour Team
0121 717 1500 – to report new ASB
0121 717 1515 – Ongoing enquiries

West Midlands Police
999 - Emergencies Only
101 – To report non emergency
0345 113 5000 – Ongoing Enquiries

Crimestoppers
0800 555 111



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Please call the contact centre on **0121 717 1515**
or see our website **www.solihullcommunityhousing.org.uk**