

Why your ASB report is not being acted upon



Fact Sheet 6

Cross Keys Homes will always try to assist where possible in order to tackle anti - social behaviour on our estates, but sometimes it is not always possible for us to accept a report of anti - social behaviour, or bring an existing case to a satisfactory conclusion. There may be many reasons for this.

Malicious reports or reports motivated by prejudice or discrimination.

Cross Keys Homes do not accept cases of anti - social behaviour where the reporter clearly bases their report on a malicious rumour, or on their own prejudices. This could be for example a report motivated by a hatred of someone's race, ethnicity, gender, sexuality and so on. In these cases you as the person who made the report could be found to be in breach of your tenancy agreement, or committing a hate crime (see fact sheet 5 for more information), and action can be taken against you.

The report is a one off incident.

Some reports are made on a one off incident, and although we can log this it is often best resolved by talking to your neighbour yourself (see factsheet 1). However, if the anti - social behaviour is serious or criminal it may be that action needs to be taken. If you are unsure, please do not hesitate to contact your area office for advice.

The report is because of a clash of lifestyles.

People do live different lives and at times it is reasonable to expect that they may clash. Some examples of this may be children playing or crying, people doing DIY and even cooking smells. Cross Keys Homes do accept that this may at times cause you nuisance and annoyance, however unless there is clear breach of tenancy agreement such as teenagers playing ball games and deliberately kicking it at your door, again talking to your neighbour is often the best way to resolve such issues. Cross Keys Homes are happy to advise on whether your report can be dealt with, and in cases where it may be a clash of lifestyles, could help you set up a '**good neighbour agreement**' that gives consideration to everyone's needs in your local community, and that everyone agrees to.

Neighbour disputes

On some occasions reports are made to Cross Keys Homes by neighbours who have fallen out with one another or do not get on. Neighbourly relations can break down and unfortunately incidents can then begin to occur between the different households. We call these neighbour disputes. They cannot be dealt with like other anti-social behaviour cases where there is a clear perpetrator and victim, because often in these cases there will be allegations of anti-social behaviour from all involved households.

If you are involved in a neighbour dispute you may have been offered mediation to support an amicable resolution with your neighbour(s). Unfortunately if this is unsuccessful or mediation is not appropriate, we will close your case as

there is no realistic prospect of legal action being successful. This is because it is extremely unlikely without independent evidence that we could prove that anyone has breached their tenancy agreement and even if we could prove a breach of tenancy, because neighbours are involved in a dispute, such action is not proportionate. We will therefore close the case. We accept that the matter may not be resolved but we are unable to provide the solution in such cases and you may wish to seek your own legal advice and action.

The person who made the report does not help us.

If Cross Keys Homes are able to deal with your report we will need you to gather evidence by completing diary sheets if you are able. We accept that this is both tedious and time consuming, but in order to progress with the case, it is necessary. If there is no evidence to suggest that the anti-social behaviour is ongoing and you do not inform us otherwise, we may not be able to take any further action. Similarly, if you ask that the perpetrator isn't challenged regarding the behaviour, it is unlikely that any further action will ever come of it.

Closing a case.

Cases may be closed without being resolved for other reasons if Cross Keys Homes have exhausted all avenues and resources and still cannot take any further action against the perpetrator. It may be that you are the only person who contacts us, and without any other witnesses there is often little that we can do through the court. You will be notified if we feel that the case has to be closed, and should contact us to discuss this if you have any queries or disagree.