

A GUIDE

to

Supporting Victims and Witnesses
of Anti-Social Behaviour



This
Document has
been Read and
Approved by
Residents

We use the term 'resident' to describe anyone living in one of our homes or receiving one of our services. This includes tenants, leaseholders, shared owners and those people living in supported or sheltered accommodation.

Supporting Victims and Witnesses of Anti-Social Behaviour

This leaflet explains what support you can expect from Cosmopolitan if you are a victim or witness of Anti-Social Behaviour.

The Association recognises that one of the biggest problems in tackling Anti-Social Behaviour in our communities is encouraging people to provide evidence or act as witnesses.

Witnesses are crucial to tackling Anti-Social Behaviour whether they are victims of Anti-Social Behaviour directed against them specifically, or have witnessed Anti-Social Behaviour directed at the community.

The direct evidence available from a witness of Anti-Social Behaviour is of a higher quality than hearsay or professional witness statements and can cover more incidents than a surveillance operation. It demonstrates the true distress and annoyance of Anti-Social Behaviour and it shows how Anti-Social Behaviour damages our communities.

We are aware of the distress and fear that Anti-Social Behaviour can cause. Providing you with support when you report or have witnessed incidents is an extremely important part of our approach for dealing with these issues. Witnesses need to be supported the whole length of the witness pathway from report, to trial, remedy and beyond.

What are our aims?


- To support all victims and witnesses of Anti-Social Behaviour in our communities

- To increase the confidence of residents and members of our communities so that they feel comfortable and confident reporting incidents of Anti-Social Behaviour to us
- To increase the number of successful legal actions taken against perpetrators
- To improve community safety by tackling Anti-Social Behaviour.

What can you expect from us?

We will...

- Make a quick initial assessment of your case
- Take immediate steps to minimise any immediate threat to your safety
- Provide you with a dedicated Tenancy Management Officer to talk to in confidence and who can provide you with advice and support
- Carry out a risk assessment of your home and provide you with extra security measures
- Work with other agencies such as the Police and Victim Support who may be able to assist and support you
- Treat your reports in confidence and will not take any action without your consent or which will identify you to others
- Advise you on what action we can take if you wish to remain anonymous
- Ask you what action/s you would like us to take
- Create an action plan with you, which will outline what you can expect from us and what we will expect from you
- Keep in regular contact with you whether this be just a courtesy call or other agreed arrangement

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- Record your complaint on the Associations database which records complaints of Anti-Social Behaviour and will let other officers of the organisation know of your potential vulnerability so as they can keep a look out
 - Provide you with advice on how to complete incident diaries and regularly collect these diaries from you
 - Speak with other members of the community (with your consent) to see if they are experiencing similar problems
 - Give you advice about legal action and being a witness in court
 - Provide you with the telephone number for the Association's out of hours Anti-Social Behaviour reporting service
 - Take enforcement action against any of our tenants who are responsible for the harassment or intimidation of witnesses
 - Work with other landlords and agencies such as the Police to take action against anyone responsible for the harassment or intimidation of our witnesses
 - Provide re-housing for our witnesses who suffer from serious intimidation and harassment.

We understand that giving evidence in Court can be a challenging process for witnesses and that witnesses will require specific support and guidance from us. We realise that a witness needs to feel supported from the time they agree to be involved in taking Court action. This next section outlines the standards we aim to meet in supporting and guiding witnesses through the court process. We will also continue to support witnesses after legal action has been concluded. 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 meet an individuals needs.

What can I expect at court?

At the end of this leaflet, you will find a glossary explaining legal terms that may be used during a court case.

Many witnesses feel worried about going to court. Witnesses involved in giving evidence will receive our assistance and full support as we recognise the important role they play in ensuring Anti-Social Behaviour is tackled successfully.

Most cases are heard at a County Court, which is a Civil Court. Unlike a Criminal Court, a lower level of evidence is needed at a County Court.

What type of Court actions require evidence?

Injunction: This is an order from court that tells someone to stop doing something (such as not to allow a certain person into their home or act in a certain way) or to do something (such as keep to the terms of the tenancy agreement). In some cases an injunction has a power of arrest attached to it which means if someone breaches the injunction and Police attend they can arrest the perpetrator and bring them back before the court. If the perpetrator is at court when the injunction is granted the injunction takes effect from then. If the perpetrator is not at court, the injunction does not take effect until the perpetrator has been served with the injunction papers.

Demotion of Tenancy: A demotion order removes certain rights from a tenant and if they breach the demotion terms they can be evicted without the need for witnesses to attend court again.

Possession: This is an order from the Courts, which, in very serious cases, will remove someone from their home, if the perpetrator is a Housing Association tenant or council tenant. A judge can give an outright order, which means the person can be evicted. A suspended, postponed or deferred order will include terms that the perpetrator has to adhere to and puts a hold on their eviction if they keep to these terms.

ASBO (Anti-Social Behaviour Order): This is an application for an Anti-Social Behaviour Order, which may require witness evidence, although normally just police evidence is used.

If you attend court, we will:

- Offer to show you around the court beforehand
- Explain the court procedure and possible outcomes to you
- Offer practical help such as travel and food expenses
- Where possible arrange a separate room at court for you to wait in
- Attend court with you and stay with you throughout the process
- Address any additional needs you may have such as language or mobility needs
- Provide you with personal attack alarms or home panic alarms where necessary
- Liaise with your employer to explain why time off work is needed
- Provide you with a list of contact telephone numbers that can provide support, such as victim support.

So that we can offer you the support and guidance you need please let your Tenancy Management Officer know of any other ways we can help.

What can I expect at Court?

Some frequently asked questions:

Why do I need to give evidence?

Evidence that is given directly by victims or witnesses of Anti-Social Behaviour is higher quality than hearsay evidence and shows the real extent of distress caused by Anti-Social Behaviour.

If Cosmopolitan Housing Association intends to take legal action against any perpetrator of Anti-Social Behaviour, the courts will need to know what happened. Anybody who saw what happened can assist the court in reaching a decision about the case by providing evidence.

How long does it take before the case goes to Court?

It can take weeks or even months before a case goes to court. The time depends on the type of case and how busy the court is with other cases. In extremely serious or urgent cases, it is possible to go to court at very short notice.

How does the information I have get to Court?


Before any decision to take legal action is made, you will have been contacted by the Tenancy Management Officer dealing with your case. You would have already been consulted on the decision to take court action and will have already provided statements. These statements will be checked with you to ensure they represent a true account of what has happened. All relevant paper work will then be sent to the court, a summons issued with the date, and time the court will hear the case. This summons is also sent to the defendant (the perpetrator) along with any witness statements the case is relying on. In some cases, you will need to swear an affidavit (usually for breach of an injunction). An affidavit is similar to a statement but you have to swear an oath at the court that the information is accurate.

What should I do before the Court Hearing?

If you have any medical needs please tell the Tenancy Management Officer dealing with your case prior to the hearing. Decide what you are going to wear. You should wear something comfortable but smart. You may have to wait a while at court so it may help to take a book or magazine with you.

What happens when the case goes to Court?

When you attend court you will be accompanied by the Tenancy Management Officer dealing with your case and the Associations legal representatives, upon arrival at the Court. The court staff will tell you where to go if you give them your name and address.



You will have to wait for the case to be called by the court usher. You will normally be asked to sit outside the courtroom until you are needed to give your evidence, however we will try to reserve a private room at court for you to wait in. We will be with you whilst you are at court.

What happens when I am called to give evidence?

When you go into the courtroom, you are not normally allowed to take notes with you into the witness box. A copy of your witness statement will be available for you to refer to. When you enter the witness box, you will be asked to affirm or swear the oath and you will be asked your full name and address. Our legal representative will usually start by asking you questions.

What questions will I be asked?

You will normally be asked questions on the information in your witness statement. Take your time when answering the questions, if you need further clarification or for the question to be repeated just ask. You should address your answers to the court but do not expect eye contact from the judge as the judge will be making notes of the proceedings. Keep your answers brief and only answer the question that is put to you. Answer all questions honestly and if you do not know the answer, “I don’t know” or “I don’t remember” is acceptable.

What happens after I have given evidence?

You will be asked to leave the witness box. Usually you will be ‘released’ which means you can go home. However, sometimes the court may ask you to stay in case they need to ask you more questions.

How does the Court make a decision?

After hearing all the evidence the judge will have to decide if the case has been proved. An outcome is based on a number of factors such as points of law or whether there is sufficient evidence. A county court judge makes a decision on the balance of probabilities (that something is more likely to have happened than not).

A criminal court requires a case to be proved beyond reasonable doubt which is a higher standard of proof.

What Happens after the Judge has made a decision?

Even if an outright possession order is granted by the court, it is unlikely that the perpetrator will leave their property immediately.

If a possession order is granted the Association will then have to apply to the court for a bailiff's warrant, which can take a few weeks. If a suspended or postponed order is granted the Association will need to monitor the situation and you will need to report any breaches of the order to the Tenancy Management Officer dealing with your case.

If an injunction is granted with a power of arrest attached, any breaches should be reported to the police and the Association. You will probably have to complete an affidavit, which is similar to a witness statement but you will need to swear at court that the statement is the truth. A breach of an injunction can be punishable by up to two years in prison. Any punishment will be decided by the judge at court.

Glossary of Terms that can be used during a court hearing

Affidavit: this is a written description of the events that a witness must swear or affirm is true in court.

Affirm: confirm the truth of something in court (a non-religious alternative to swearing on oath).

Barrister: this is a legal representative chosen by a solicitor to present someone's case in court and question witnesses.

Breach: (of an injunction) when someone ignores an injunction or breaks the conditions contained in it.

Committal case: a court case held when someone breaks an injunction. The judge could send or 'commit' them to prison or fine them.

Complainant: the person who has suffered from (and complained of) Anti-Social Behaviour.

Contempt of court: disobeying the court, e.g. breaking the terms of an injunction.

Defendant: the person against whom a complaint has been made to the court.

Ex parte injunction: a type of injunction used in cases that need immediate action because of violence or threats of violence. It is where the defendant is not told of the application until after the order is made.

Hearsay evidence: evidence, which is given by one person on behalf of another or others.

Injunction: an order from the court that tells someone to either do something or stop doing something. Breaking an injunction is a serious offence that could result in a maximum of two years in prison for contempt of court.

Interim injunction: a type of temporary injunction used in cases that don't need immediate action or that are a follow up to ex parte injunctions.

Perpetrator: the person causing Anti-Social Behaviour.

Plaintiff: the person or organisation bringing a case to court.

Possession case: a hearing to decide if a council or housing association tenant should be evicted from their home.

Professional witness: where residents are unwilling or unable to provide evidence or are worried about attending court, it may be necessary for us to use professional witnesses.

Solicitor: a legal representative who advises individuals on legal matters and who can present someone's case in court and question witnesses.

Statement: a written record of events that a witness signs as a true record.

Postponed possession: the judge sets a time period (usually one or two years) when the tenant must not repeat their behaviour. If they do, the landlord will go back to court and ask for immediate possession.

Suspended sentence: a prison sentence that is only enforced if the perpetrator breaks a court order within a time limit set by the judge.

Swear on oath: confirm the truth of something in court-sworn on a bible or other religious book.

Tenancy agreement: the legal contract of rules between the landlord and a tenant.

Undertaking: a promise made to the court by a person to either do or not do a certain thing. Breaking an undertaking is as serious as breaking an injunction.





If you wish to have this document translated into your chosen language, please tick the relevant box below and return to Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY.

This document is available in large print, Braille and audio tape on request.

<p>إذا لڤك الرغبة فى الحصول على هذه الوثيقة مترجمة الى اللغة التى تختارها، أرجو ان تضع علامة على الصندوق وترجعه الى هيئة إسكان كوسموبولتان. Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY.</p> <p><input type="checkbox"/></p> <p>(Arabic)</p>
<p>如果您想把这份文件翻译成中文，请在空格内划✓，然后把传单寄回：Cosmopolitan Housing Association, Cosmopolitan House, 2 Marybone, Liverpool, L3 2BY</p> <p><input type="checkbox"/></p> <p>(Chinese – Simplified)</p>
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Please be aware that Cosmopolitan Housing Association may record any incoming or outgoing telephone calls as part of our commitment to providing excellent customer service.



Cosmopolitan House, 2 Marybone, Liverpool L3 2BY,
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www.cosmopolitanhousing.co.uk

Cosmopolitan Housing Association is a Charitable Industrial and Provident Society.

CSL/036/JULY11