

Consultation Response

Shelter's response to the DCLG consultation on a Respect Standard for Housing Management

June 2006

www.shelter.org.uk

© Shelter. All rights reserved. This document is only for your personal, non-commercial use.
You may not copy, reproduce, republish, post, distribute, transmit or modify it in any way.
This document contains information and policies that were correct at the time of publication.

Shelter is a national campaigning charity that provides practical advice, support and innovative services to over 170,000 homeless or badly housed people every year. This work gives us direct experience of the problems caused by the shortage of affordable housing. Our services include:

- A national network of over 50 housing aid centres
- Shelter's free housing advice helpline which runs from 8am-midnight
- Shelter's website which provides housing advice online
- The Government-funded National Homelessness Advice Service, which provides specialist housing advice, training, consultancy, referral and information to other voluntary agencies, such as Citizens Advice Bureaux and members of Advice UK, which are approached by people seeking housing advice
- A number of specialist projects promoting innovative solutions to particular homelessness and housing problems. These include four 'Homeless to Home' schemes, which work with formerly homeless families and the Shelter Inclusion Project, which works with families, couples and single people who have had difficulty complying with their tenancy agreements because of alleged anti-social behaviour. The aim of these particular projects is to sustain tenancies and ensure people live successfully in the community.

Introduction

Shelter welcomes the opportunity to respond to the DCLG's consultation on a Respect Standard for Housing Management. We recognise that anti-social behaviour (ASB) can have a devastating impact on neighbourhoods and communities and it is essential that agencies and housing providers have the skills and resources to work together to address it. We believe that strong housing management can improve the quality of the lives of residents, whilst making a major contribution to delivering sustainable communities.

We welcome the Respect Standard as part of a more balanced approach to dealing with ASB. We believe that the proposed standard outlines the core components of an effective response to tackling ASB. The Standard seeks to do this by drawing on lessons learnt and using best practices and we welcome this approach as it focuses on engagement, prevention, support and enforcement. However, we would wish to see some of the core components of the draft standard strengthened and we would want the suggested support schemes to be adequately funded.

Shelter believes that the response to ASB should be wide-ranging so as to be effective in addressing the root causes. Any approach should provide housing practitioners with practical, proportionate tools that they can understand and use. It should also be consistent with wider policies to tackle homelessness and reduce poverty and social exclusion, and above all it should strike the right balance between prevention, support and enforcement so as to provide a lasting remedy and not just serve to move the problem on, as the evidence suggests punitive evictions do.¹

In addressing ways to effectively tackle ASB, we would urge consideration to be given to the lessons that can be learned from innovative projects such as Shelter's own Inclusion Project, particularly in providing cost effective and long lasting solutions to tackling ASB.² The Shelter Inclusion Project³ represents a unique and cost effective model for tackling ASB. Its average cost of £9,000 per household represents good value, given the long lasting and wider social and economic benefits that come with using supportive schemes and of avoiding possession action. Of the households that completed their time with the project 60 per cent no longer exhibited any ASB and a further 11 per cent showed improvements in their behaviour. Additionally, 84 per cent of closed cases were assessed as no longer being at risk of homelessness.

Format of Shelter's response

Views were sought in response to the questions posed in Chapter 3 of the Consultation Paper, and are detailed below.

a) Does the Standard as drafted, properly reflect the core components of delivering effective services in tackling anti-social behaviour and delivering respect?

We broadly welcome the core components, and the building blocks contained within them. Given the extent of each component, we have limited our detailed response to those parts which primarily concern us.

Commitment 1 - Accountability, leadership, and commitment

Though the Respect Action Plan focuses on increasing accountability to local people over community safety issues in their neighbourhood, agencies cannot work in isolation. Tackling ASB requires more effective co-ordination and joint working

¹ Hunter C, Anti-social behaviour and housing – can the law be the answer? 2001 p233 in Cowan & Marsh Two Steps Forward: Housing Policy in the New Millennium (Bristol, Policy Press)

² Addressing antisocial behaviour – An independent evaluation of Shelter Inclusion Project – May 2006 (Shelter)

³ The Housing Corporation funded the three year evaluation

between agencies responsible for addressing ASB and social care, housing, education and health services. We recognise the role that measuring performance can have in delivering continued improvement of services.

We particularly welcome the recognition of the need to work with partner agencies (for example the police, other landlords including in the private rented sector, social services and schools) as part of a strategic approach to community safety. In addition, we also welcome the requirement to make appropriate links between strategy on ASB & Respect and other strategies, including Homelessness, Gypsy & Travellers, Community Cohesion and Diversity.

Commitment 2 – Empowering Residents

We support steps to effectively involve residents in their community. It is important for services to be tailored to take account of diversity, so that the needs of vulnerable people are met and social exclusion is prevented.

Commitment 3 - Delivering preventative approaches and rewarding pro-social behaviour

We welcome a proactive approach to working with residents through engagement policies to foster respect for neighbourhoods and the community, but would welcome further detail as to the precise nature of such policies. We do support the concept of social landlords working independently or with partner agencies to engage young people in constructive and purposeful activities (for example, volunteering/ community clean ups, sports and the arts), and accept the emphasis on rewarding positive behaviour (for example sponsoring activities for young people who successfully address their behaviour). Whilst we would encourage efforts to obtain funding from Supporting People to support families who are perpetrators of ASB and to help them through the changes they will need to make to change their lifestyle, it is crucial that sufficient funding is made available to provide the necessary support.

We agree that it is important to regularly review allocations and lettings policies to ensure issues of ASB are fully reflected - for example, by ensuring sensitive lettings to avoid potentially problematic situations and identifying vulnerable individuals and families who may require intensive tenancy support. However, we would caution against policies which may exclude those with high support needs or those who cannot access adequate and appropriate support services. RSLs have responsibilities to address homelessness and housing need⁴. Conflict with this responsibility could result if lettings policies in effect allowed social landlords to select

⁴ Housing Corporation Regulatory Code 3.6.1 (2002)

those who are least likely to exhibit signs of ASB. There is a real risk that those households which exhibit behavioural issues but who are excluded from social housing, end up marginalised in inappropriate accommodation in the private rented sector where there is less support available to tackle ASB. In turn, this increases the chances of “social churning”⁵ caused by a rapid turnover of tenancies, because of an inability to sustain their tenancies.

We endorse the pre-letting steps proposed:

- ensuring that tenancy agreements and leases meet Office of Fair Trading (OFT) guidelines and contain clear prohibitions on anti-social conduct (and are linked where appropriate with Good Neighbour Agreements);
- for there to be full assessments of any potential problems that may require tenancy support when prospective tenants enter into new tenancy agreements;
- and for appropriate support to be delivered.

We also support the practical steps proposed to minimise ASB:

- the identification of ASB hotspots and areas where incidents appear to be emerging, and for implementing tailored strategies to address these problems;
- working with partner agencies to provide a visible presence in hotspots (for example - housing teams/CSO/Wardens patrols);
- “designing out” ASB through environmental improvements (for example speed bumps, security lighting, CCTV systems, alley-gating).

Nevertheless, we do have some reservations regarding the suggested use of introductory or starter tenancies schemes for new residents. The use of such tenancies needs to be balanced with the duty of RSLs to give the most secure form of tenancy possible.⁶ Shelter believes that RSLs must maintain a preventative and supportive approach to tenancy management with eviction as a last resort⁷. This approach is especially applicable during the introductory or starter period, as this is when those who are most vulnerable need support the most, particularly to enable them to learn how to sustain their tenancy. We caution against the indiscriminate use of such tenancies against particularly vulnerable groups. This is because of the relative ease at which eviction can be obtained. Therefore, it can result in those least equipped to deal with their behavioural problems ending up being housed in the private rented sector or becoming homeless, without there being the appropriate support available.

⁵ Addressing antisocial behaviour – An independent evaluation of Shelter Inclusion Project – May 2006 (Shelter) p49

⁶ Housing Corporation Regulatory Code 3.5.2 (2002)

⁷ Housing Corporation Regulatory Guidance 3.5c (2002)

Commitment 4 - Ensuring people are clear about how to report anti-social behaviour and are encouraged and supported to do so

Whilst we welcome the aim of making it easier for ASB to be reported, we would stress the need to preserve confidentiality and the need for investigations to be handled in a sensitive and impartial manner. We particularly welcome the emphasis on sensitivity in reporting mechanisms for hate crime and for making sure reporting is open to all paying due regard to diversity.

Commitment 5 – Building procedures around the needs of the customer and providing support for victims and witnesses

We broadly welcome these building blocks, especially those measures designed to support those attending court.

Commitment 6 - Delivery of early interventions to nip problems in the bud

We particularly welcome early intervention measures to tackle ASB. Small-scale disputes that relate to conflicting lifestyles or low-level nuisance can escalate quickly if left unchecked. Early intervention and using imaginative ways to resolve disputes can be effective in preventing problems from intensifying and avoiding costly and unnecessary enforcement action. Whilst we would agree with the need to carry out timely investigation of all complaints, it is important that any action agreed is both appropriate and proportionate.

We welcome the recognition that intensive tenancy support is often required given the vulnerability of many in the social rented sector and would support the requirement to make referrals to external sources of support and mediation where needed.

We also echo the need for clear warnings, backed up by evidence of past action, to be provided and would support the use of Acceptable Behaviour Contracts (ABCs) (and Parenting Contracts if available) as early intervention tools linked to provision of support where appropriate. However, we would not wish to see the offer of support contingent on the use of such formal agreements.

We also welcome the idea of working with partners to deliver a 'whole household' response to early warning signs.

Commitment 7 - Taking swift enforcement action to protect communities as quickly as possible

We agree that it is vital to ensure that all staff are fully aware of, and are adequately trained in, the range of tools available and can identify how each can be used either alone or in combination. However, it is important that policies & procedures should state clearly the context and manner in which each tool should be used.

We very strongly support the requirement to have clear procedures in place to minimise the use of eviction. However, whilst we acknowledge that this would arise through the effective use of other tools to tackle ASB - the use of ABCs, ASBOs/Injunctions/Parenting Contracts and Orders and Right to Buy measures – we would wish to emphasise the importance of a wide-ranging approach which balances the use of enforcement action with support, prevention and rehabilitation.

Enforcement action by itself is expensive and can simply serve to move the problem on to another community. It has been estimated that the costs to a landlord to evict a tenant for antisocial behaviour are between £6,500 and £9,500.⁸

Commitment 8 - Publicising action to reassure communities and encourage their engagement

Whilst we support the principle of reassuring communities and the taking of steps to encourage their engagement, we have some concerns when it comes to publicising specific actions against named individuals. Caution must be exercised where people are vulnerable or may be at risk of violence as a result of the adverse publicity. In addition, we are concerned that there may be other unintentional consequences, as well as the risk that adverse publicity may become a “badge of honour,” thereby compounding the problem further.

Commitment 9 - Working to enforce breaches to ensure that communities are clear that persistent anti-social behaviour will carry penalties

We support the need to have robust procedures in place to seek enforcement of breaches through the police and courts as quickly as possible. However, it is important that appropriate and adequate support mechanisms are also in place which can be accessed at an early stage. It is important that the right balance between prevention, support and enforcement is struck if long-lasting solutions to ASB are to be had.

Commitment 10 - Delivery or facilitation of support to tackle the causes of anti-social behaviour

⁸ Pawson et al The Use of Possession Actions and Evictions by Social Landlords, London 2005

Shelter strongly supports those measures which tackle the underlying causes of ASB. We therefore believe it is important to ensure that all staff are fully aware of the range of support provisions available and are able to identify how each approach should be used as a core component of effective case management. It is vital that policies and procedures should state clearly how support provision will be provided or accessed and the process by which support needs will be identified. We strongly encourage the focus on delivering support rather than crisis-based interventions where problems have escalated. Whilst we accept the need to make it clear that sanctions may be considered where offers of support are refused, for those sanctions to be truly effective it is vital that those support services offered must be comprehensive and appropriate.

In addition, we strongly welcome the recognition of the need for the delivery of intensive tenancy support for residents identified as vulnerable or at high risk of anti-social conduct. It is important that clear policies and procedures on dealing with vulnerable residents (for example, mental health issues and drug & alcohol problems) are followed so that appropriate support can be accessed. The evaluation of Shelter's Inclusion Project demonstrated the importance of 'Floating Support' to the success of the scheme⁹ and therefore we welcome the deployment of 'Floating Support' designed to work with residents in stopping ASB and where possible maintaining a tenancy, but stress the need for adequate funding. We support the idea of multi-agency case conferencing where appropriate to determine the level of support.

We also welcome the recognition of the need to refer residents with complex support needs to residential intensive rehabilitation programmes, where it is appropriate to do so, and the seeking of funding from Supporting People to support families who are perpetrators of ASB and to support them through the changes they will need to make to change to their lifestyle. However, we would reiterate that it is crucial that such funding is adequate to provide the necessary support. If RSLs are going to be key players in either delivering or facilitating support, the appropriate funding must in place to provide it. Recent research into the Supporting People programme¹⁰ calculated that it delivered tangible benefits with a total estimated value of £81.56 million from the Supporting People expenditure on homeless families of £52 million per annum.

b) Is the Standard as drafted suitable for adoption by all social landlords (i.e. tailorable to a diverse range of contexts?). For example is it likely to be applicable to smaller landlords?

⁹ Addressing antisocial behaviour – An independent evaluation of Shelter Inclusion Project – May 2006 (Shelter) p48

¹⁰ Matrix Research and Consultancy, Supporting People: Benefits Realisation of the Supporting People Programme, ODPM, London 2004

Shelter is not in a position to comment, other than generally, on the suitability of the Standard for all social landlords. However, we do believe that where possible all social landlords have responsibilities to work constructively to tackle and minimise the impact of ASB and to ensure that tenancies are sustained and evictions are kept to an absolute minimum. In meeting these responsibilities, it is important that social landlords work constructively with partner agencies to facilitate the necessary support and prevention mechanisms. Nevertheless, in considering the impact of the Standard on housing associations there will be economic costs, which will be harder for smaller organisations to absorb.

The practical implications of the Standard may prove to be resource heavy for associations with limited resources and specialist client groups. Nevertheless, many of the building blocks contained within the standards are examples of good and efficient management and so some cost savings may follow from the adoption of effective management techniques. Further, the Standard draws on many activities currently undertaken by social landlords in tackling ASB. Effectively tackling ASB is arguably a core business. In the longer term, the costs of letting a neighbourhood slide into an ASB hotspot are much higher than investing in good services.

c) Does the level of detail provided in the draft Standard provide landlords and residents with enough information on what is required in meeting it?

Subject to the observations made in response to question a) above, we generally believe the level of detail to be adequate.

d) Do you have any other comments about the proposal, including any practical implications you think it might have? For example, how can we best ensure we minimise any additional bureaucracy?

No comments.

Views are also invited on the Partial Regulatory Impact Assessment provided at Annex A

Of the two options provided in the consultation paper, Shelter supports the introduction of the Respect Standard for Housing Management as set out in Option 2, but subject to the caveats outlined below.

Option 1 – Do Nothing

Shelter accepts that to do nothing may risk losing momentum on the progress many landlords have on tackling ASB. The greater focus on support and prevention in the Respect Agenda is to be welcomed and we, therefore, accept that a framework is necessary to deliver these goals, which would be undermined in the absence of the proposed Standard.

By maintaining the status quo, we accept that there may be a continuing economic and environmental cost of failing to address antisocial behaviour in the context of social housing. This is because it can lead to neighbourhood decline, including difficulties with letting properties and devaluing of stock. Vandalism can lead to major increases in maintenance and repair costs. Incidents of ASB also carry high costs in terms of housing management time.

In addition, Shelter believes there would be a social cost in not acting. Not preventing antisocial behaviour costs more in the longer term because it can lead to homelessness, ill-health, social exclusion, educational underachievement and unemployment. Studies have shown the costs to society, in particular to the penal and benefits system.¹¹ Inaction would risk a failure to maximise the critical role landlords can play in tackling anti-social conduct, especially when working with other agencies. Unresolved ASB can lead to enormous stress, frustration and despair. Where ASB is not tackled effectively this often leads to a worsening of behaviour and/or disproportionate responses. This can result in measures that just move the problem on (for example, possession action which results in homelessness) and which do not tackle the underlying causes of ASB, but merely address the symptoms.

Option 2 – Introduce the Respect Standard

Shelter believes that the introduction of the Respect Standard will provide a clear outline of the core components of an effective response to tackling anti-social behaviour. We strongly welcome an approach which draws on lessons learned to date and the wealth of best practice generated by landlords and other agencies in delivering approaches which involve engagement, prevention, support and enforcement. However, we are disappointed that, whilst it is acknowledged that ASB is a cross-tenure phenomenon, no parallel arrangements for tackling ASB across other sectors are considered.

Shelter's broad support for the introduction of the Respect Standard rests upon the greater focus on prevention of ASB (by the emphasis on tackling its root causes) and

¹¹ A 2002 study by Scott (Financial Cost of Social Exclusion: follow up study of ASB children into adulthood, BMJ, Vol .323 p191-4) showed the costs to society, in particular to the penal and benefits system, for children who exhibited a persistent and pervasive pattern of ASB in childhood or adolescence, were nearly 10 times higher than for children who exhibited no problems,

support (by providing schemes which will work with people to change behaviour), and also on the wider potential economic, environmental and social benefits. However, it is vital that sufficient funding is in place for the standard to be effective.

We accept that one of the financial benefits of the Standard rest on it acting as a catalyst for improvements in the performance of social landlords in effectively tackling ASB. Where social landlords and other agencies do not tackle ASB effectively, then there can be serious consequences which can lead to a spiral of decline. We hope that the impact of the Standard will be maximised through synergies with other elements of the Respect Action Plan – not least the greater focus on support and prevention, together with the proposed new investment for parenting support programmes and family support which social landlords may benefit from.

In addition, we believe that the Standard may help to act as a catalyst for increased environmental benefits where landlords take action to improve the quality of the local environment (i.e. tackling fly-tipping and graffiti) within a broader context of making the community a safer and cleaner place. By improving agencies' stewardship of public space, this can help neighbourhoods to be both desirable and sustainable and can foster greater community involvement.

Shelter also believes that the Standard may also impact positively on health where it contributes to social landlords' efforts to tackle anti-social behaviour effectively. ASB has a disproportionate effect on vulnerable groups living in deprived areas and could potentially contribute heavily to levels of stress and social exclusion in these areas.

For those that sign up to the proposed standard, we do believe that there needs to be a proper process by which it can be both monitored and maintained. Otherwise, there is a risk that the standard will not remain effective.

Finally, in addressing ASB, we would urge consideration of alternative models. One way would be to invest more heavily in alternative models, such as the NCH's Families Project in Dundee and the Shelter Inclusion Project in Sheffield, whose independent evaluation has shown it to be a successful and cost-effective approach to effectively tackling ASB.

Shelter Policy Unit
June 2006