



UNKIND PEOPLE AND WHAT TO DO ABOUT THEM

**Information for staff and supporters
to accompany the 'Unkind People'
leaflet for service users**

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1 Introduction

The following information has been produced by Rowan Associates as part of the Consortium Tenants Lives Group Tenant Empowerment Grant project '*Unkind people and what to do about them*'. The information accompanies the accessible leaflet produced by service users for service users.

The information is intended to help staff and supporters who work with service users who experience problems with unkind people. The information cross references where applicable to Section 3 of Consortium's Housing Management Policy, '*Operating the tenancy agreement*'. The information also draws on the *Living in Harmony Toolkit, a guide to preventing, managing and resolving neighbour disputes*, produced by Rowan Associates for the Welsh Assembly Government.

Under the terms of their tenancy agreement, all service users have the right to 'peaceful enjoyment of their home'. (See *Section 3, page 3 of Consortium's Housing Management Policy*).

2 What service users want

Service users taking part in the 'Unkind People' project say that the most common problems they have are with:

- ❖ children or other people in the community calling names or being unkind
- ❖ neighbours complaining or being unkind

- ❖ other service users people live with, or meet in day centres, being unkind

Service users say that the most useful thing for them to help sort out problems is to be able to talk to someone they trust. This might be:

- ❖ a friend
- ❖ staff in their house
- ❖ staff in their day centre
- ❖ their support worker
- ❖ someone in their family

Service users say that they need to tell the person they trust:

- ❖ what is making them unhappy
- ❖ how the person who is being unkind makes them feel
- ❖ what help they would like to sort things out

3 Organisations that can help

If service users experience problems with unkind people in their homes or communities, then one or more of the following organisations may be able to help.

The police

When to involve them

If the service user is experiencing problems within the community or with neighbours.

What the police can do:

- ❖ attend and talk to the service user about the problem
- ❖ attempt to mediate where appropriate
- ❖ give advice which may include suggesting that the service user/staff keep a 'diary' recording times, dates and nature of incidents.

- ❖ in more serious cases, give advice about getting a restraining order or an injunction, or take court action themselves if there is an incident where the law has been broken
- ❖ provide direct line contact phone numbers for the relevant local constable and police community support officer.

NOTE

A list of the direct line or mobile phone numbers for the local constable and police community support officer covering each area is available from Consortium office.

What the police can't do

- ❖ take action if the law has not been broken or if there is not enough evidence available
- ❖ as resolving neighbour conflict is often a low priority within policy authorities' objectives, police may be slow to attend or respond
- ❖ police have limited power to act in cases of nuisance, (for example they cannot force young people to go home or impose curfews)

The landlord

When to involve them

If neighbours are causing problems and they share the same landlord as the service user. The housing officer is usually the person to contact, although some landlords will have specialist staff who deal with neighbour disputes.

The Anti Social Behaviour Act 2003 requires all social landlords to have policies and procedures which explain how they will tackle anti social behaviour and how they will work to ensure that tenants are not prevented from enjoying their tenancy in peace. The policy must be available for inspection at the landlord's office and a summary must be available free of charge to anyone who requests this.

What the landlord can do

The landlord can

- ❖ visit the service user and the neighbours, listen to what the problem is and record the problem
- ❖ try and mediate where appropriate. For example s/he can explain to the neighbours that they are making the service user unhappy and ask them to stop. If the neighbours say that the service user is doing something that makes them unhappy, the housing officer can tell the service user what this is, so they can decide whether to stop doing it.
- ❖ if appropriate, offer to set up a meeting between the neighbours and the service user and mediate between them to try and reach a solution.
- ❖ issue a warning to the neighbour referring to the right to quiet enjoyment as set out in the tenancy agreement
- ❖ if the problem is serious and continues, take legal action, for example an injunction, court or eviction

What the landlord can't do

It is very difficult for social landlords to gather sufficient evidence to get a court order for eviction on the grounds of nuisance.

The Environmental Health Department

When to involve them

If there are problems with neighbours who do not share the same landlord as the service user, especially for problems which have a noise or nuisance element.

Part of the role of environmental health officers is to uphold the laws on statutory nuisances. These include problems with:

- smoke, gas, fumes or smells
- animals
- noise

What Environmental Health can do

- ❖ visit the service user and find out what the problem is
- ❖ send a letter to the neighbour saying they have received a complaint
- ❖ try and gather evidence, eg visits, noise monitoring, record keeping, witnessing the nuisance
- ❖ try and mediate between the parties where appropriate, or refer the case to other agencies
- ❖ where they can prove statutory nuisance (eg criminal nuisance) they can take enforcement action, for example seizing equipment, court action and fines.

What Environmental Health can't do

- ❖ take action if the problem is not serious enough for the law to have been broken, or if there is not enough evidence available

The Citizens Advice Bureau or other advice agencies

When to involve them

If the service user needs general advice about what to do and where to get help with a problem.

What the CAB can do

- ❖ listen to service users and advise them about where to get help

What the CAB can't do

- ❖ sort out the problem themselves, or take sides

The Support Provider

When to involve them

If the service user has problems with

- ❖ neighbours who do not share the same landlord as the service user
- ❖ other service users sharing the house, or with other service users, e.g. at a day centre

What the support provider can do

Problems with neighbours

Staff can

- ❖ listen to the problem that the service user has
- ❖ talk to the neighbours to explain what the problem is and that it is making the service user unhappy
- ❖ find out if there are any problems that the neighbour has with the service user that could be resolved
- ❖ act as mediator between the two where appropriate
- ❖ where appropriate, try and encourage neighbours to get to know the service user better, for example inviting neighbours in for a cup of tea

Problems with other service users sharing the house or other service users

- ❖ Section 3 of Consortium's Housing Management Policy, pages 8 to 10, sets out what to do if there are problems between service users.
- ❖ if necessary, staff can support the service user to make an informal or a formal complaint.

Problems with service users at a day centre

- ❖ talk to the service user to find out what the problem is, what is making them unhappy and what they would like to happen to sort things out
- ❖ support/advocate for the service user to talk to the day care manager and ask them to help
- ❖ if necessary, support the service user to make an informal or a formal complaint.

Note:

More detailed information can be found in *the Living in Harmony Toolkit – a guide to preventing, managing and resolving neighbour disputes*, produced by Rowan Associates for the Welsh Assembly Government. The Toolkit is available to download from the Assembly website:

<http://new.wales.gov.uk/topics/housingandcommunity/housing/publications/livinginharmony?lang=en>