

# Should problem-solving housing courts be piloted?

04 October 2023  Ryan Wise

## An all-party parliamentary group has recommended introducing a 'problem-solving housing court' that could help deal with anti-social behaviour proceedings.

A new 'problem solving court' for female offenders is being introduced in Birmingham. This Court has the ability to refer offenders into support services to treat issues that could be fuelling offending e.g. drink or drug addictions, or domestic abuse.

Under the orders that can be issued by this court, offenders will see the same judge once a month, have intensive support and supervision from the probation service, and receive wraparound services tailored to their individual needs. The female offenders to be assisted by this approach have a history of reoffending and would be at risk of a short-term prison sentence.

This initiative offers a potential model for addressing ASB. Such an approach offers an alternative to the current civil court process by enabling the court to make similar orders for perpetrators of ASB to meet with a judge on a regular basis and receive support for any issues underlying their ASB.

Currently, there are significant delays within the civil court process with the Residents and Landlords Association suggesting it takes an average of 42 weeks to complete a possession claim. As a lawyer or housing provider handling an anti-social behaviour case it is difficult to manage the expectations of a victim of anti-social behaviour and explain that despite the issues they are suffering it could be another 9 or 10 months before they receive any respite due to length of time it takes to get matters to a court hearing. During that time, the victims will have provided disclosable documents and evidence that leaves them open to repercussions from the perpetrators who are often neighbours.

The idea of introducing specialist 'problem-solving courts' that would see matters reach a court hearing much quicker is one that I would welcome. However the concern I have is that I don't consider the Courts have the judicial availability to implement the suggestions effectively. Courts are already significantly backlogged and oversubscribed with hearings frequently adjourned due to judicial availability. Will the Courts have the staff and resource to see perpetrators once a month or deal with the volume of cases? Is there sufficient funding to provide adequate rehabilitation and recovery services? What happens if the perpetrator does not want to engage in support services offered to them?

From my experience of working with local authorities on anti-social behaviour matters, they are already offering support to perpetrators to assist with drug and alcohol addictions, such as via social services etc to try and alleviate the problems and deal with the root cause of the behaviour before seeking legal routes to stop or prevent anti-social behaviour from occurring. There is however no mechanism to force perpetrators to engage with them.

The introduction of a 'problem-solving housing court' should mean quicker resolutions for those suffering from anti-social behaviour and quicker protection for victims who are prepared to provide evidence. If victims of anti-social behaviour know that matters will be dealt with quickly then may be more likely to report incidents which will hopefully allow for more evidence to be gathered to deal with problem tenants. The caveat to that is if more people are reporting anti-social behaviour issues it could increase the burden and workload on local authorities who are already struggling due to funding cuts. In turn, it could also over-burden the Courts thus not actually speeding up the process.

In summary, the idea of dealing with anti-social behaviour matters through the court process speedily is a positive one as is looking at and offering support relating to the root cause of anti-social behaviour issues. Whilst I have concerns about how it will work in practice and whether it will be effective I welcome the scheme being piloted as an opportunity to try a different approach to tackle an issue that is clearly not being dealt with as effectively as the public who are suffering from anti-social behaviour and the local authorities supporting them in trying to prevent anti-social behaviour would like.

## Key contact



**Ryan Wise**

Associate (FCILEx)

[ryan.wise@brownejacobson.com](mailto:ryan.wise@brownejacobson.com)

+44 (0)115 934 2076

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