

Anti-Social Behaviour

Housing management policy 7

Keniston Housing Association

Introduction

Tackling anti-social behaviour (ASB) remains consistently high on national and local agendas. We know this can seriously damage the quality of life for residents and have a negative impact on neighbourhoods and communities.

As landlords we know we have a key role in ensuring we tackle unacceptable behaviour and address its underlying causes within our communities. We want our residents to feel confident that incidents of ASB are taken seriously and dealt with effectively. Our resident's expectations continue to rise in the role we play in addressing anti-social behaviour and we now have greater tools and powers to support us in our service.

This policy applies to all residents and service users of Keniston including tenants and leaseholders.

Legislative, regulatory and policy framework

This policy is supported by Home Office Guidance, the Respect Standard for Housing Management, Anti-social behaviour Act 2014; the Crime and Disorder Act 1998 and Housing Act 1996 and the HCA Neighbourhood and Community standard.

Definition of Anti- social Behaviour

ASB is by the Anti-social behaviour Act 2014

- a) *'conduct that has caused, or is likely to cause harassment, alarm or distress to a person'*
- b) *'conduct capable of causing nuisance and annoyance to a person in relation to that persons occupation of residential premises or*
- c) *Conduct capable of causing housing related nuisance or annoyance to any person*

And defined by the Home Office as

- *Anti-social behaviour is any aggressive, intimidating or destructive activity that damages or destroys another person's quality of life.*

Examples of ASB include the following:

- Noise nuisance, including loud music
- Animal nuisance, Dog barking and fouling of public areas
- Rubbish dumping, litter, vandalism and graffiti
- Abandoned vehicles
- Abuse of staff
- Hate crime - harassing, victimising, intimidating or abusing someone because of their race, faith, religion, disability or because they are lesbian, gay, bisexual or transgender
- Physical or verbal attacks on people
- Intimidation
- Aggressive and threatening language and behaviour
- Using homes to sell drugs or for other illegal or immoral purposes

This is not an exhaustive list.

Policy statement

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This policy and associated procedure sets out our approach to tackling ASB through prevention, support and enforcement. The key message is that ASB must be tackled not tolerated to improve quality of life for residents. We aim also to take a holistic approach by balancing intervention and enforcement with prevention and support for victims and supporting perpetrators to change behaviours. A whole range of government initiatives and legislation support this message, there is a range of new powers and existing tools will assist us in doing this. We will take action against any kind of ASB in or around the areas in which we own property.

We will protect vulnerable groups by tackling hate crime and domestic violence and work with other agencies to ensure they receive the appropriate support.

We are committed to taking legal action to solve problems of serious and persistent ASB and when other type of action has failed. We will focus on prevention, early intervention, changing behaviour, conflict resolution as well as enforcement using more formal and legal remedies. Our response to proven allegations of ASB will be proportionate and appropriate.

We are committed to putting an end to unacceptable behaviour by tackling underlying causes. Our aim is to take a proactive and innovative approach to prevent ASB through diversionary and community development activities. We aim to empower and reassure residents and will engage and involve residents in order to understand their priorities on a neighbourhood level.

We will take a pro-active role in working with our partner agencies including Community Safety Partnerships to tackle anti-social behaviour within our communities.

We will seek to promote and publicise this policy, to encourage positive perceptions so that our residents have the confidence to report incidents and work with us to tackle ASB. We will ensure all residents can easily report ASB and are kept informed about their case.

Responsibilities of Residents

As Landlord we have a crucial role to play, however we expect our residents understand their responsibilities and show consideration to their neighbours and not to commit, or allow their family or visitors to commit acts of ASB. This includes harassment, noise nuisance, annoyance or disturbance, whether to other residents, their visitors or other people in the area, such as our staff and contractors.

The tenancy agreement and lease are legally binding documents that set out the behaviour that Keniston expects from its residents.

In addition to the legal responsibilities set-out in their tenancy agreement or lease, we will encourage all residents to:

- Report all incidents of ASB, harassment and domestic abuse.
- Report all crimes, including threats or acts of violence, to the Police.
- Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves, where appropriate, in a reasonable manner, for example via a local mediation service.

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- Tenants should have a degree of tolerance of the different lifestyles of others. Examples may include food smells, babies crying or religious practices.
- Work with us and our partners to resolve disputes/issues, for example by providing witness statements, attending court etc.

Our responsibilities

We aim to provide clear information to residents about how to report incidents of ASB and provide a wide variety of ways to report incidents.

We will respond to incidents of ASB and offer to interview individuals reporting ASB either by telephone or face-to-face, in accordance with the severity of the case:

- High risk – which is likely to result in further abuse or violence and includes hate related incidents (based on race, sexual orientation, gender, disability, religion, age, etc.) domestic abuse, physical violence, arson and sexual offences, drug use, dealing and solvent abuse, alcohol related behaviour – we will respond and offer an interview to take place within 1 working day
- Medium risk – which has a direct impact on the individual or their household and includes noise, verbal abuse, threats & intimidation, criminal damage (including graffiti & vandalism), pets and /or animal nuisance, rowdy behaviour, prostitution, unsanitary conditions, misuse of communal areas/ public space or loitering (including youth disorder). We will respond and offer an interview to take place within 5 working days
- Lower risk – which is non personal and can affect the environment and includes nuisance vehicles including car repairs, car damage including theft from cars, litter, rubbish, fly tipping, garden nuisance, misuse of communal areas including blocking access / exit in communal areas. We will respond and offer an interview to take place within 10 working days

These categories are in accordance with guidance from the Department for Communities and Local Government concerning policy on housing issues.

We aim to deal quickly and effectively with all cases to resolve them at the earliest opportunity and keep complainants advised of progress on their case. All parties in an ASB case will be treated fairly and listened to on an equal basis. Counter allegations will be treated as separate cases and action will be taken based on the evidence available. We will consider legal action against a leaseholder or tenant and pursue court action if no effort is made to amend behaviour and complaints continue to be received.

Support of Complainants and Witnesses

We will assess each complaint of ASB that we receive to assess the risk of harm to the victim and their vulnerability, as well as identify the effect the ASB is having on the victim, particularly if there are repeated incidents to ASB that are having a cumulative effect on their wellbeing.

We will provide appropriate and sufficient support tailored to victims and witnesses. Reports of ASB will be dealt with promptly, keeping all parties informed and referring to appropriate support partner agencies where necessary. We aim to build

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confidence in residents in coming forward to report ASB by dealing quickly, sensitively and appropriately with all proven allegations of ASB

Using informal and formal remedies available we want to encourage residents to feel confident and safe to report incidents. We build in case review dates and complainants will receive regular updates of progress of their case. We also aim to minimise burdens on complainants in collecting evidence. We may use professional witnesses in serious cases of ASB affecting members of the community if there is not enough eyewitness evidence or it is too dangerous to involve our own staff.

We will make it easy for residents to report problems by offering a variety of methods to report ASB, and where requested keep the identity of the complainant confidential whenever possible, except when pursuing the case to court. Keniston will use other methods to gather evidence of ASB where witnesses are reluctant to provide evidence in court proceedings.

We will record anonymous reports, but can only take action where ASB can be substantiated or additional evidence can be gained.

In all cases we will consider support needs and vulnerability of the complainant and the alleged perpetrator.

Generally, we will pursue an action plan in agreement with the complainant, but there may be occasions where it is serious enough that we have little option but to pursue the perpetrator, conversely it is acknowledged that a complainant may wish us to take action against a perpetrator that we feel is not proportionate to the incident.

We will ask tenants what their expectations are and manage those expectations by being clear at the outset of the powers and likely outcomes that can be achieved.

If a tenant's home has been damaged as a result of acts of crime, harassment, and anti-social behaviour we will prioritise and carry out the necessary repairs as having "emergency" status at the same time carrying out any recommended security work such as fitting security locks and bars to doors and windows

Where tenants are living in fear or harassment or intimidation, at the discretion of the management, offer alternative accommodation, either temporary or permanent, and if this is recommended by the Police and appropriate accommodation is available, or provide support in securing alternative accommodation through other agencies

We will report any safeguarding incidents to the relevant Local Authority for investigation.

Prevention of ASB

We aim to reduce incidences of ASB on our estates in a variety of ways. Whenever possible, we will ensure transfer and lettings policies seek to minimise further risk of ASB working towards balanced communities. Some vulnerable people are disproportionately susceptible to ASB. We will identify, assess and respond to protect vulnerable residents.

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We will involve residents in initiatives that promote community cohesion, provide diversionary activities in partnership with specialist agencies.

Early intervention can be very effective and in many incidences ASB can be stopped when challenged early enough. Wherever possible we will use non-legal intervention measures. These can include mediation, verbal and written warnings, acceptable behaviour contracts, parenting contracts, good neighbour agreements and family intervention projects. Often these measures will be undertaken in partnership with local agencies.

Where the case is either serious and/or criminal or other intervention has failed to stop or prevent persistent ASB, we will pursue legal action. These can include civil injunctions, criminal behaviour orders and possession action

Criminal cases will be referred to the Police to deal with. Where the individual who reports ASB wishes to pursue their own action to resolve a problem of ASB and we feel there is sufficient evidence to do so, we will provide advice and support to assist them.

Dealing with perpetrators

Our response to proven allegations of ASB will be proportionate and appropriate and will address ASB through effective preventative action and early intervention. We will use legal action against perpetrators when appropriate but will offer a provision of support for perpetrators.

Our initial intervention will aim to stop the problem behaviour, prevent re-occurrence and achieve effective and long-lasting solutions. Early intervention can prevent behaviour escalating to a more serious level. There may be significant underlying problems and we will work alongside other methods such as floating support to minimise eviction.

We aim to provide a balanced approach between protecting the quiet enjoyment of the community with helping individuals to sustain their tenancies by addressing the ASB. We will use eviction against those that persistently commit acts of ASB and have refused to take any offers of support, or where all other enforcement methods have failed, or where there is a serious risk to others.

We acknowledge that our staff, agents and contractors are entitled to work in an environment that is safe, secure and free from fear of violence, threats of violence and abuse. Any such behaviour directed at staff, residential staff, agents and contractors is deemed to be unacceptable and appropriate action will be taken against those responsible.

Partnership working

We will adopt a multi-agency approach working with existing partnerships formed at a local level with statutory and other appropriate agencies. In this way we will benefit from sharing expertise and resources. The sharing of information is vital to tackle ASB and essential to ensure the requirements of the Anti-social behaviour Act 2014 are fully met.

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It is acknowledged that there is no one size fits all, the tenant or family involved in ASB may have complex social and support needs and we must work together in partnership with local agencies and the local community to find appropriate solutions.

This can often increase the success in resolving cases using the different agencies expertise, resources and sharing evidence. They may hold relevant information that would be of use when taking legal action or pursuing other options. They have tools and powers not available to us

Data protection and information exchange

We will comply with the Data Protection Act 2003 which allows us to exchange of information for the purpose of the prevention or detection of crime adhering to the principals of any information sharing protocols.

Case management

We will regularly monitor and review each case ensuring each case is recorded and is in accordance with the associated procedures. The Housing Services Director will provide appropriate advice and support to Housing Officers ensuring that they receive appropriate training. Keniston will ensure staff has the confidence and knowledge to identify and investigate ASB. Training will be provided when necessary.

Equality and Diversity

This policy does not have potential for discrimination and is not deemed to adversely impact on anyone on the grounds of age, disability, ethnicity or gender.

The policy will be reviewed every 3 years to reflect changes in requirements or legislation.

Approved at the Management Committee held on 26 January 2017