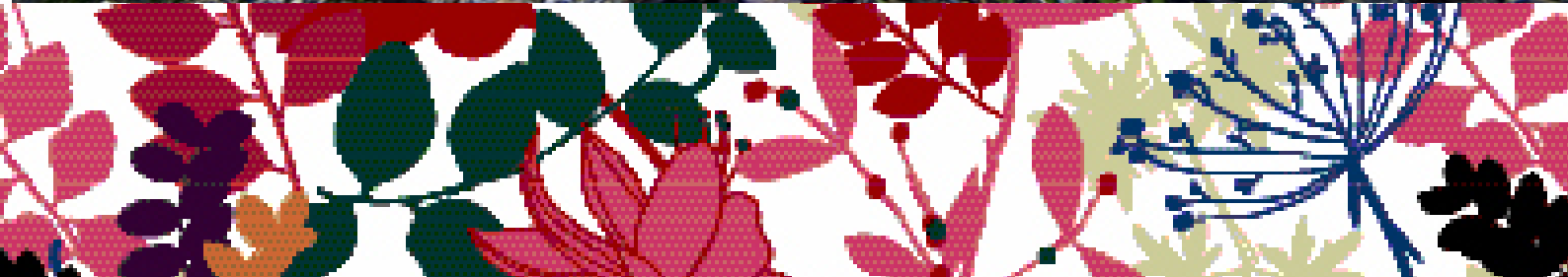


ANTI SOCIAL BEHAVIOUR POLICY





Anti Social Behaviour Policy

Policy ref: GN12/11

Approved by: Board

Policy author/policy holder: Senior Housing Manager (Nuisance Prevention)

Date approved: 21 July 2011

Effective date: 12 September 2011

Date of next policy review: September 2014

Date of EIA: 21 July 2011

Date EIA next review: September 2014

1 Purpose

The purpose of our anti social behaviour policy is to support our belief that everyone has the right to live peacefully in their home.

It supports our commitment to:

- Providing a positive response to reports of anti social behaviour and being clear about what we can and cannot do
- Taking a robust approach to tackling anti social behaviour caused by residents, homeowners, other household members or their visitors
- Supporting residents in changing their behaviour, including a multi agency approach where appropriate, and where support is not possible or fails
- The circumstances in which we will take legal action including possession proceedings

2 Anticipated outcomes

We aim to take appropriate action to address reports of anti-social behaviour where at all possible, and we are committed to achieving an environment in which our residents feel safe and secure.

We want people to feel able to report cases of anti-social behaviour in the knowledge that we will treat their complaint seriously and take appropriate and timely action.

All incidents of anti-social behaviour will be investigated in accordance with this policy with the ultimate aim of preventing further incidents occurring.

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3 Scope and definitions

3.1 Scope:

This policy applies to all Knightstone residents and Nectar Homes homeowners whether they are a victim or perpetrator of anti social behaviour. It also applies to members of the public who wish to report anti social behaviour caused to them, or by them involving our residents or homeowners.

It sets out the way in which we will respond to all reports of anti social behaviour.

This policy should be read in conjunction with:

- Hate Crime Policy
- Domestic Abuse Policy

3.2 Definitions:

3.2.1 We define anti social behaviour as acting in a manner that causes or is likely to cause alarm, harassment or distress. We will investigate and if appropriate, take action where the anti social behaviour is persistent, ongoing and preventable (POP) or is a single serious incident and:

- Causes or is capable of causing a nuisance and annoyance to another person;
- Directly or indirectly relates to or affects the housing management functions of Knightstone; or
- Involves using or threatening to use housing accommodation owned or managed by Knightstone (including Nectar Homes) for an unlawful purpose.

Anti social behaviour may include (but is not limited to):

- Hate related incidents such as racist, homophobic and other discriminatory acts
- Illegal drug taking, cultivation/production of drugs or dealing and buying drugs
- Verbal abuse
- Harassment
- Intimidation and bullying
- Violence or threats of violence
- Excessive noise
- Criminal damage
- Graffiti

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3.2.2 Harassment includes, but is not limited to, any of the following:

- Any behaviour or actions which threaten the physical and/or mental health, and/or safety, and/or security, and/or sense of well-being of any other person
- Any behaviour or actions which have a hurtful, detrimental or destructive effect on any person's reasonable peaceful enjoyment of their home or surrounding environment
- Damage or threats of damage to property belonging to another person including damage to any part of a person's home
- Writing graffiti and in particular writing threatening, abusive, offensive or insulting graffiti
- Any action or omission calculated to interfere with the peace or comfort of any other person or to inconvenience such a person, including the use of texting or new media such as postings on websites or social networks

3.2.3 In addition, hate related harassment and incidents includes deliberate or intentional behaviour that is targeted at individuals or groups because of their race, ethnic origin, gender or gender identity, sexual orientation, disability, age or religion.

3.2.4 Some situations may not be classified as anti social behaviour and do not breach tenancy conditions, including (but not limited to):

- Different lifestyles
- Low level noise from children playing
- Ball games
- Personal differences or disagreements

4 About this policy

4.1 We will investigate complaints of anti social behaviour that involves at least one of our residents or homeowners.

We will take prompt and effective action against anti-social behaviour. We will consider taking legal action against any people responsible for inflicting physical and/or verbal abuse or intimidating residents their families, visitors or members of staff.

We will support victims and will treat them sensitively, courteously and respectfully.

We will use early interventions such as mediation wherever appropriate and as early as possible in order to prevent problems of anti-social behaviour escalating.

Effective and decisive action will be taken against perpetrators, including the provision of support to enable them to modify their behaviour.

All new tenants will be given a starter tenancy as standard. If the tenant causes anti social behaviour during the probationary period we may consider extending or ending the starter tenancy.

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We will use the full range of tools available to us to tackle anti-social behaviour as appropriate to each case.

We will work closely with other local agencies in order to prevent and address anti-social behaviour and share good practice.

4.2 The Responsibility of Complainants

We recognise that sometimes people do not realise their behaviour is affecting others and once brought to their attention they may stop. Therefore, we encourage all our tenants and homeowners and members of the wider community to approach each other to resolve their problems themselves where possible and safe to do so.

When they report anti social behaviour to us, complainants are expected to provide us with accurate and clear information. The complainant may be asked to keep an incident diary using log sheets we provide, but these will be for an agreed period of time. If a case goes to Court we may need to continue collecting incident sheets from complainants until the case is resolved.

Malicious or false complaints could lead to action being taken against the complainant.

Anti social behaviour can affect the wider community, and we rely on members of the community to report anti social behaviour that involves our residents or homeowners, and not to engage with anti social behaviour. If we are unable to deal with a situation as anti social behaviour we will explain why and may be able to offer advice or details of other agencies that may be able to help.

4.3 Additional responsibilities for our residents and homeowners

Our tenants will be expected to comply with the terms of their tenancy agreement and take responsibility for the behaviour of their household and visitors.

Homeowners are expected to comply with the terms of their lease or conveyance document and not cause nuisance, alarm or distress to their neighbours or anyone lawfully in the locality. Homeowners are responsible for anyone living in their property. If the lease or conveyance documents allow subletting and the occupants cause anti social behaviour, action may be taken against the occupants and / or the homeowner.

4.4 Reporting anti social behaviour

Anti social behaviour can be reported to us in several ways:

- Telephone
- Email
- Website
- In writing
- In person
- Via a third party

For reports made via a third party we will still need to speak to the person directly affected by the anti social behaviour.

We will accept anonymous reports but this may affect what we can do in response because we will not be able to provide feedback or get further information.

We will provide a First Response Service that will assess the anti social behaviour reported and agree what will happen next.

4.5 First Response Service

We treat all complaints of anti social behaviour seriously and will interview anyone who reports anti social behaviour to us. We will carry out an interview within 1 working day in cases where there's intimidation, harassment, violence, hate crimes or domestic abuse. The interview will be carried out over the telephone or at a visit depending on the preference of the person reporting anti social behaviour.

If a visit is required we will agree a suitable time and meeting place. This may be at the complainant's home or a neutral venue.

We will not take action without the victim's consent. However if someone is at risk of actual harm, or there is suspected child abuse or abuse of a vulnerable adult, we will alert the appropriate agency.

If the complainant wants no action taken, the case will go through the case closure process.

During the first discussion, whether over the telephone or during a visit, an action plan will be agreed. We will also carry out a risk assessment with the complainant to identify repeat and vulnerable victims. The action plan and risk assessment may include referral to appropriate agencies for support.

If it is not clear whether the situation is persistent, ongoing and preventable anti social behaviour, (e.g. a party or loud music that may be a one off) we will agree a monitoring period of no more than three weeks during which time incident sheets will be completed and returned to us for assessment. If the behaviour is clearly anti social behaviour as defined earlier then a case will be opened, otherwise we may give advice or details of another organisation who may be able to help.

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4.6 **Our Approach to Resolving Anti Social Behaviour means that we:**

- Expect that the majority of cases can be resolved without the need for legal action
- Our early intervention may prevent anti social behaviour issues escalating
- Take immediate legal action where it is appropriate to protect our residents, homeowners, staff and the wider community from those causing anti social behaviour.

We will use the full range of tools available to us to combat anti-social behaviour as appropriate and proportionate to the case. These include (but are not limited to):

- Making sure our tenants and leaseholders fully understand their rights and responsibilities in relation to the tenancy or lease
- Using starter tenancies for all new tenants
- Using preventative measures and early intervention where possible and appropriate such as Dreamschemes
- Using CCTV and sound monitoring equipment where appropriate
- Working in partnership with other agencies such as the Police, Crime and Disorder Partnerships, Health Services, Social Services, Environmental Health, support workers
- Support for victims
- Support for perpetrators to help them to modify their behaviour
- Mediation services
- Acceptable behaviour contracts
- Anti social behaviour injunctions
- Court Undertakings
- Anti social behaviour orders
- Family Intervention Projects
- Family Intervention Tenancies
- Restorative Justice
- Demoted tenancies
- Eviction as a last resort

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4.7 **Supporting Victims**

We recognise the impact that anti social behaviour has on individuals, families and communities and will ensure that those who report it to us are appropriately supported.

We will carry out visits and meetings at a reasonable time and venue convenient to the complainant.

Referrals may be made to specialist support agencies who may be able to offer support, such as Victim Support or floating support services.

The action plan and risk assessment will be reviewed throughout the case.

If we evict a tenant from one of our properties for anti social behaviour we will try to sensitively let the property wherever possible and reasonable.

4.8 **Supporting Perpetrators**

We aim to tackle anti social behaviour by providing remedies and tools as appropriate to resolve the behaviour. We recognise the importance of giving perpetrators the opportunity to modify their behaviour and make positive changes.

Where appropriate we will work with perpetrators to resolve anti social behaviour and take account of any underlying factors that may be causing the behaviour, for example:

- Family or relationship breakdown
- Disability
- Mental health
- Learning disabilities
- Substance abuse

When we receive a complaint of anti social behaviour we will usually contact the alleged perpetrator and/or resident responsible to discuss the complaint with them and agree a resolution. However this is not possible in some cases and we may take immediate legal action, for example in cases of violence or threats of violence, or to protect our tenants, leaseholders, community and officers from those causing anti social behaviour.

4.9 **Vulnerable Perpetrators**

Where appropriate, we may work with perpetrators to modify their behaviour by referring them to specialist support agencies. We may also co-ordinate multi agency meetings to establish a support network and a joint approach. However failure to engage or if the behaviour continues to have a significant impact on others, still may result in legal action being taken against the perpetrator.

4.10 Supporting Witnesses

We understand that attending court to be a witness in an anti social behaviour case can be a difficult experience. In order for a successful outcome to be achieved it is essential for witnesses to be prepared to be involved.

Without the help of complainants reporting anti social behaviour to us, action may not be possible. In line with our Witness Support Strategy we will do what we reasonably can to make witnesses feel supported throughout the court process and afterwards if necessary.

Once a court case is concluded we will continue to support witnesses for an appropriate period of time to be agreed with the witness.

4.11 Closing Cases

We will formally close cases when the anti social behaviour has been resolved or if the complainant fails to provide information or make contact with us.

If we are satisfied that we have taken every reasonable and proportionate step to resolve the anti social behaviour we will close the case. We will explain the reasons why we have closed the case and will provide alternative advice.

We will regularly review cases to prevent them from being left open indefinitely.

4.12 Publicity

It is important for our communities to see the successes of tackling anti social behaviour, and therefore it is essential to publicise successful results of legal and non legal actions taken.

We will publicise positive actions in Knightlife, Knightstone's website, the local media and specialist publications where appropriate with the agreement of the victims and / or witnesses involved.

We may produce relevant information and publicity in connection with anti social behaviour orders and injunctions. This may include the name and age of the perpetrator, a list of prohibitions and the expiry date of the order. This information may be provided to the local neighbourhood and other relevant parties in the case.

4.13 **Costs which can be passed onto homeowners**

The terms contained in a homeowner's lease or freehold document sets out;

- Our management obligations,
- The responsibilities of a homeowner (including their visitors or other occupants) and;
- The terms under which we may pass-on and recover properly incurred costs.

When acting on behalf of a homeowner to resolve a complaint of anti social behaviour we may incur costs such as;

- hiring of specialist equipment
- obtaining legal advice
- mediation costs
- obtaining injunctions / legal orders against perpetrators
- costs associated with forfeiture
- staff time

The circumstance where costs could be passed to a homeowner will vary from case to case. For example, where one of our tenants is the perpetrator, we are unlikely to pass on any costs, but where the perpetrator is a private resident or another homeowner, costs incurred after our first response, may be.

No costs will be passed on without first explaining the options for resolving the problem, providing an estimate of costs and seeking approval to proceed.

We may also seek to recover from the perpetrator, all reasonable costs incurred when dealing with any complaint.

5 Service standards, monitoring and review

5.1 We have agreed the following services standards with our residents:

- Take time to listen and make an assessment of the problem
- Be clear about what we can and can't do
- Take prompt action
- Keep the complainant informed and updated.
- Agree an action plan with you setting out what we'll do and what you'll do
- Take action using informal methods through to tenancy enforcement and other court action, depending on the nature of the problem
- Bring in the expertise of other agencies, such as local Council, Police, local community and support groups, if we need to
- Recommend you take independent advice, if necessary
- Arrange urgent repairs and removal of offensive graffiti within 24 hours
- Offer support to everyone involved so we can find a resolution.

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5.2 **We will monitor our performance by:**

- Customer satisfaction results
- Performance measures that tell us how we deal with reported anti social behaviour and our success rate
- Feedback from complaints and compliments.

5.3 **If we get anything wrong we'll:**

- Put it right as soon as possible
- Let you know what's happening
- Say sorry
- Learn from mistakes so they don't happen again
- Find out if you're satisfied with how we've dealt with the problem
- Let you know how to make a complaint if you're not satisfied.

When we close a case a satisfaction survey will be carried out. We will use results of this to monitor levels of customer satisfaction and improve the service.

Any surveys showing dissatisfaction will be followed up by the Senior Housing Manager for Nuisance Prevention who will contact the complainant to discuss the case and find out if anything needs to be improved.

We will monitor satisfaction by the 9 protected characteristics under the Equality Act 2010 legislation and report on this every 6 months. The 9 protected characteristics are:

- Age
- Disability
- Race
- Religion or belief
- Sex
- Sexual orientation
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity

6 **Legal considerations**

Examples of legislation that we are required to comply with:

- Housing and Regeneration Act 2008
- The Anti social Behaviour Act 2003
- The Crime and Disorder Act 1998
- Human Rights Act 1998
- Equality Act 2010
- Data Protection Act 1998

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7 Linked/associated policies and other references

Domestic Abuse Policy

Witness Support Strategy

Anti Social Behaviour Procedure

Equality and Diversity Policy

Lettings Policy

Starter Tenancy Policy

Data Protection Policy

Hate Crime Policy

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