

# Anti Social Behaviour Policy



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| Title:                             | Anti-Social Behaviour Policy   |
| Person Responsible:                | Head of Housing  |
| Customer consultation arrangement: | Tenants' Committee January 2019  |
| EIA required?                      | Yes  |
| EIA Completed (date):              |  |
| Approved by:                       | Board  |
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| Document management |              |            |
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| 1                   |              |            |
|                     |              |            |

## 1. Purpose

This document outlines South Lakes Housing's (SLH's) policy for dealing with nuisance and anti-social behaviour (ASB). We are committed to delivering an excellent service to prevent ASB and minimise its impact, creating a culture of respect. We will work in partnership with key stakeholders to deliver this commitment and the wider corporate objectives of SLH.

## 2. Regulatory and Legislative Requirements

This policy complies with the Regulator of Social Housing's Standards, particularly the Neighbourhood and Community Standards that relates specifically to this service.

This policy adheres to compliance with section 218A of the Housing Act 1996 which places a duty on social landlords to publish anti-social behaviour policies and procedures

Other relevant legislation includes, but is not limited to:

- Anti-social Behaviour, Crime and Policing Act 2014
- Anti-Social Behaviour Act 2003
- Crime and Disorder Act 1998, as amended 2002
- Equality Act 2010
- Housing Act 1996
- Civil Evidence Act 1995
- Housing Act 1988

### **3. Definitions**

#### **3.1 Anti-Social Behaviour**

This policy is designed to deal with ASB that directly affects the 'housing management function' of SLH, as a 'relevant landlord', and as defined by and incorporated into Sections 153A and 153B of the Housing Act 1996 by Section 12 of the ASB Act 2003:

***“Conduct which is capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions\* of a relevant landlord”;*** or

***“Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose”.***

#### **3.2 Nuisance & Harassment**

Behaviour that unreasonably interferes with or could interfere with an occupier's normal use and enjoyment of their home, garden or neighbourhood and which is likely to cause offence, alarm, or distress to another individual or household. The definition extends to behaviour that can create a nuisance or annoyance for another person connected with the property, including SLH staff and contractors.

#### **3.3 Hate Crime**

SLH defines Hate Crime as any crime or incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a persons' race, religion, sexual orientation, disability or gender identity. Hate crimes can include but are not limited to:

- Threatening behaviour
- Assault
- Robbery
- Damage to property
- Inciting others to commit hate crimes
- Harassment

### 3.4 Domestic Abuse

Our approach to Domestic Abuse is detailed in our domestic violence policy. SLH uses the Home Office definition of Domestic Abuse, which is:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

## 4. What We Will Not Investigate

SLH accepts that many neighbours will naturally have different values or opinions and sometimes this can cause problems. We expect our residents to show consideration to their neighbours as well as an understanding that we all have a right to live our lives.

Not all reports relating to behaviour that impacts on an individual can be deemed anti-social behaviour. It is important to show tolerance and be respectful of differing lifestyles and circumstances.

The following are some examples of reports that are not included in this policy definition of anti-social behaviour:

- Noise from children when they're playing
- Family disputes
- Babies crying
- Smells from cooking
- Sounds of normal day to day living that we can hear such as opening and closing of doors, going up and down stairs
- One-off parties such as BBQs, birthday or Christmas parties providing they don't cause an unacceptable disturbance
- Clashes of lifestyle, including cultural differences
- Minor personal differences such as dirty looks or fall outs between children
- Putting rubbish out on the wrong day

- Parking in the wrong bay

We will work to manage resident's expectations regarding behaviour that is not defined as anti-social behaviour and offer advice and guidance and where appropriate will expect them to take steps to resolve the situation themselves.

## **5. Tenants Responsibilities**

We expect our tenants not to commit, or allow their family, household members, visitors or pets 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.

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

- Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner
- Where appropriate, talk to their neighbour first to try to resolve any pet or noise-related problems
- Report incidents of ASB, nuisance and harassment
- Report crimes, including threats or acts of violence, to the Police
- Respect other peoples' right to their chosen lifestyle and be tolerant of everyday, reasonable level of disturbance; examples may include cooking smells, babies crying or religious practices
- Work and cooperate with us fully to resolve disputes/issues, for example by providing us with updates of incidents, attending mediation, providing witness statements, attending court etc.

When a complainant fails to engage with us during a case investigation and this impedes our ability to address the issues being raised, we may close the case.

## **6. Action to Effectively Deal with ASB**

The purpose of intervention is to stop the problem behaviour, prevent re-occurrence, achieve effective and long-lasting solutions and protect the victim. Our response to allegations of ASB will be balanced and proportionate, emphasising early intervention. Where possible and appropriate we will seek non-legal remedies. Eviction will only be used as a last resort. We will where appropriate, seek the cooperation of statutory agencies in carrying out their duties to protect the public and will commit to working in partnership with residents and other agencies.

The actions we take include the following:

- Preventative action, such as diversionary work or changes to the environment to reduce ASB incidents
- Early intervention, including:

- Visits
- Warning letters
- Signing of Anti-social Behaviour Contracts
- Mediation
- Legal action:
  - Serving Notice Seeking Possession
  - Requesting an Injunction
  - Seeking Criminal Behaviour Orders
  - Seeking Community Protection Notices
  - Seeking suspended or immediate Possession Orders
- Provision of support and advice for those reporting ASB and witnesses
- Provision of support for perpetrators where appropriate (for example where they are vulnerable or at risk).
- Where appropriate and there is sufficient evidence - legal action against perpetrators (whether by us or another agency).

Where the behaviour is of a criminal nature, the Police maybe the lead agency in the investigation. In these cases, we will support and work with them and our own actions will be guided by their findings and outcome.

We will record anonymous reports, but only act if the alleged incident is an immediate threat to life or is a serious safeguarding issue. Other anonymous complaints will only be investigated fully, where they can be substantiated either by staff or where additional evidence can be gained.

Counter allegations will be treated as separate cases and action will be taken based on the evidence available.

## **7. Service Standards**

SLH's service standards in relation to ASB are:

- Respond within our published timescales when you report ASB (1 working day for serious or 10 working days for routine nuisance or environmental nuisance).
- Agree an initial action plan with the complainant.
- Agree a timescale with the complainant to keep them informed of the progress of the case.
- Contact you to discuss closing the case
- We aim to deal quickly and effectively with all cases to resolve them at the earliest opportunity
- All parties in an ASB case will be treated fairly and listened to on an equal basis

## **8. Support for Complainants & Perpetrators**

We adopt a victim centred approach to ASB incidents, so victims and witnesses feel confident and safe reporting and providing evidence of ASB. We will provide support to the person making the report and any witnesses to ensure their own well-being by:

- Dealing with their reports promptly
- Managing their expectations and being realistic about what we can and can't do
- Involving them in discussions about the action plan to resolve their issue
- Communicating with them by their preferred method and frequency
- Carrying out risk assessments and referring them to appropriate support services where necessary
- Signposting and referring to other agencies
- Providing good, regular and up-to-date information on the progress of cases

SLH recognises that we cannot always prevent people becoming repeat victims of anti-social behaviour; therefore, it is important that we ensure there is a suitable and appropriate support network around each individual to enable them to manage their situation until a satisfactory resolution is achieved.

We recognise the complexity of cases where perpetrators can be both perpetrator and victim. We will offer support to perpetrators of ASB to assist them in resolving problems on a long-term basis; we will support perpetrators by:

- Giving them a chance to resolve the problem by changing their behaviour
- Signpost and refer to other agencies who can offer support

Where there is a serious risk of harm, we may proceed immediately to legal action, without offering any form of support to the perpetrator.

## **9. Partnership Working**

SLH will adopt a multi-agency approach to tackling ASB to benefit from sharing of expertise, data and resources, including feeding back on the effectiveness of services and working towards solutions to specific area issues. We will work in partnership with statutory organisations, partnering agents, community groups, professional bodies and other stakeholders to support individuals who report ASB, witnesses and perpetrators' and to manage behaviour. We will work in partnership at a strategic and operational level.

## **10. Protection of Staff**

SLH acknowledges that all of our staff, agents or contractors are entitled to expect to work in an environment that is safe, secure and free from fear of violence, threats of violence or abuse. As such, any behaviour of this nature directed at SLH staff, agents or contractors is deemed to be unacceptable and appropriate action will be taken against those responsible.

## **11. Monitoring and Review**

We will use an electronic case management system with reporting facilities which will enable us to report against a range of performance measures.

Performance is measured against our service standards and reported to SLH's Board, EMT, SMT and Tenants' Committee on an annual basis. Our performance measures include:

- The total number of ASB cases recorded
- The current number of open ASB cases
- The number of resolved ASB cases
- The % of cases investigated on time
- The number of cases per ASB category (serious, routine, environmental)
- The number of evictions
- The number of court orders
- The number of acceptable behaviour contracts signed
- The number of referrals for mediation

This policy will be reviewed by the Board every three years, or where there has been significant changes to regulation or legislation to warrant a further policy review. The policy may also be reviewed sooner where there is a need to address operational issues or where best practice has evolved and there is a need to incorporate this.