

Anti-Social Behaviour Policy (including Domestic Abuse)



Title:	Anti-Social Behaviour Policy (including Domestic Abuse)
Person Responsible:	Head of Housing
Customer consultation arrangement:	Tenants' Committee January 2019
EIA required?	Yes
EIA Completed (date):	
Approved by:	SMT
Business Strategy Objective	4. Improves the running of the business
Approval Date:	January 2019
Links to other Policies	Allocations Policy, Income Management Policy, Tenancy Management Policy, HR Policies Data Protection Policy
Review Date:	January 2022

Document management		
Version	Date amended	Amendments
1	28.6.19	Existing ASB policy amalgamated with a revised Domestic Abuse policy.

1. Purpose

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

SLH recognise the rights of every person to live a life free of ASB, specifically of domestic violence and safe from fear and abuse in their own home.

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
- Domestic Violence Crime & Victims Act 2004
- Criminal Justice Act 2003
- Family Law Act 1996
- Protection from Harassment Act
- The Serious Crime Act 2015

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

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.

The definition also includes “honour” based violence, female genital mutilation and forced marriage, as well as elder abuse.

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. Our Approach to Domestic Abuse

Anyone can experience domestic abuse regardless of gender, race, ethnic or religious group, sexuality, gender, class, or disability, but some people who experience other forms of oppression and discrimination may face further barriers to disclosing abuse and finding help.

SLH will attempt to treat victims sensitively and respectfully at all times, listening to them and being guided by their needs. We will respect their personal safety by always ensuring that they are offered a private room when talking to us. We will use interpreting services should the victim require it, and we will offer a same sex member of staff to speak to.

Working with the Police Protection Unit, SLH will support those suffering domestic abuse, including, referral for sanctuary measures (such as changing locks, installing external lighting, etc), ensuring that their property is safe to live in, or allowing them to make referrals to a refuge if required it. A trained member of staff (a Domestic Abuse Champion) will liaise with victims and the support agencies.

Working with Victim Support, SLH will carry out a risk assessment of anyone who identifies as a victim of domestic abuse, and where necessary (if they are deemed high risk) will refer into MARAC, as well as into the IDVA service for support. Where they are not deemed high risk, SLH will signpost to other agencies that can offer support, whilst continuing to support them with any presenting housing issues.

8. Data Protection

All data handled in ASB and domestic abuse cases will be done so in accordance with SLH's Data Protection Policy.

Disclosures to Multi-agency Risk Assessment Conferences (MARAC) are made under the Data Protection Act, the Human Rights Act and the Caldicott Guidelines. Relevant information can be shared when it is necessary to prevent a crime, protect the health and/or safety of the victim and/or the rights and freedoms of those who are victims of violence and/or their children. It must be proportionate to the level of risk of harm to a named individual or known household.

The Domestic Violence Disclosure Scheme (Clare's Law) is a mechanism whereby SLH, or a third party (a parent, sibling, neighbour or friend) can make an application to the Police if they are concerned about whether a partner may have been violent or abusive in the past. SLH will promote this where applicable.

SLH will keep records of all disclosures of domestic abuse in a controlled environment to be used for internal reporting and reference only.

9. 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 ASB, including all cases of domestic abuse 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

10. Support for Complainants

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.

Ensure that people experiencing domestic abuse can access appropriate services as early as possible and are given advice to allow them to make choices about what to do next.

Ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible.

11. Support for Perpetrators

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
- Offering support to perpetrators of domestic abuse who recognise and seek to change their behaviour

However, where there is a serious risk of harm and in all case of proven domestic abuse, we will proceed immediately to legal action, without offering any form of support to the perpetrator.

12. 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.

13. 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.

Where a member of SLH staff is experiencing abuse HR should be notified, and a manager will be appointed to investigate the allegations.

14. 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

Specifically, regarding domestic abuse additional performance measures include:

- Number of victims and perpetrators supported
- Profiling of the type of abuse
- Feelings of safety
- Our involvement with a range of specialist agencies and groups including MARAC

This policy will be reviewed by SMT every three years, or where there have 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.