

# Group Policy

## Anti-Social Behaviour

<b>Status</b>	Approved
<b>Document reference</b>	GOP448PO
<b>Date document written/amended</b>	August 2010

<b>STATUS</b> (Draft/Approved/Updated/Archived)	<b>REFERENCE</b>
<b>Approved</b>	<b>GOP448PO</b>

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The current version of this procedure is available on the Group Intranet site

Version Number	Date Amended	Comments	Date Approved	Author	Approved by
1	Aug 2010	New Group policy	14/12/2010	MP	Board

## Contents

1.	<b>Glossary</b>	-----4
2.	<b>Introduction</b>	-----4
3.	<b>Policy Scope</b>	-----5
4.	<b>Definition</b>	-----6
5.	<b>ASB Categories</b>	-----6
5.1	<b>Other policies</b>	-----7
6.	<b>The Respect Standard for Housing Management</b>	-----8
7.	<b>Approach – Including Prevention</b>	-----9
7.1	<b>How to Report a Case</b>	-----9
7.2	<b>Deliverable Outcomes</b>	-----10
7.3	<b>Strategic Approach</b>	-----10
7.4	<b>Action to deal with Anti-Social Behaviour</b>	-----10
7.5	<b>Community Involvement</b>	-----11
7.6	<b>Risk and Support Planning</b>	-----11
7.7	<b>Restorative Justice</b>	-----11
7.8	<b>Information and Publicity</b>	-----11
7.9	<b>Closing Cases</b>	-----12
8.	<b>Partnership Working</b>	-----13
9.	<b>Rights and Responsibilities</b>	-----13
9.1	<b>Tenants’ Rights and Responsibilities</b>	-----13
9.2	<b>Landlords’ Responsibilities</b>	-----14
10.	<b>Service Standards</b>	-----15
10.1	<b>Priority 1</b>	-----15
10.2	<b>Priority 2</b>	-----15
10.3	<b>Priority 3</b>	-----16
11.	<b>Support to Victims/Witnesses</b>	-----16
12.	<b>Rehabilitation of Perpetrators</b>	-----17
13.	<b>Appeals/Complaints</b>	-----18

Status	Approved
Document reference	GOP448PO
Date document written/amended	August 2010

13.1	Appeals -----	18
13.2	Complaints-----	18
14.	Monitoring of Performance/Satisfaction -----	18
15.	Staff Training and Support-----	19
16.	Confidentiality/Data Protection-----	19
17.	Health & Safety -----	20
18.	Equality, Diversity and Inclusion -----	20
18.1	Equality Impact Assessment -----	20
19.	Related Documents -----	21
20.	Legislation, Regulation and Guidance-----	21
Appendix A	Key Legislation -----	22
Appendix B	Detailed Examples of ASB Case Types-----	24
Appendix C	Examples of Preventative/Responsive Actions-----	27
Appendix D	Appeals Procedure -----	28

	<b>Status</b>	<b>Approved</b>
	<b>Document reference</b>	<b>GOP448PO</b>
	<b>Date document written/amended</b>	<b>August 2010</b>

## 1. Glossary

ASB	Anti-Social Behaviour
ABC	Acceptable Behaviour Contracts
CDRP	Crime and Disorder Reduction Partnership – local partnerships including a range of agencies with an interest in reducing crime
Domestic Abuse	Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are, or have been, intimate with partners or family members, regardless of gender or sexuality
EDI	Equality, Diversity and Inclusion
FIP	Family Intervention Programmes – Government scheme to support individual families to address the cause of ASB
MHA	Medina Housing Association
Perpetrator	Someone committing anti-social behaviour
Restorative Justice	is an approach where offenders are encouraged to take responsibility for their actions and to repair the harm they have done
Respect Standard	A Government initiative to reduce ASB
SCP	Signpost Care Partnerships
SHA	Signpost Housing Association
SHG	Spectrum Housing Group
TSA	Tenant Services Authority
WCHA	Western Challenge Housing Association

**The information contained in this policy is available in other languages, Braille or large print on request**

## 2. Introduction

Spectrum Housing Group (SHG) is committed to dealing effectively with all aspects of anti-social behaviour, hate crime and breaches of tenancy agreement, whilst having regard to statutory rights, obligations and good practice.

Through this policy, we will aim where possible to prevent anti-social behaviour occurring, provide support and mediation to resolve issues when they do arise and engage in enforcement action only as a last resort.

We believe that everyone has the right to live in an environment that allows them to enjoy their lives and go about their daily business without unwarranted and unwelcome interference from others. We will do everything

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

possible to support people whose right to peaceable enjoyment of their property and neighbourhood is seriously affected. Our aim is to enable all of our residents to live safely and securely in their community. To this end, reports of nuisance and anti-social behaviour will be taken seriously and reported incidents investigated thoroughly and if proven, appropriate action will be taken.

However, we believe that residents are often best placed to resolve issues and disputes in the first instance. In many instances, difficulties are caused through inappropriate or inconsiderate behaviour. Such low-level nuisance or anti-social behaviour often has no formal legal or enforcement resolution and can only be resolved through negotiation. However, we also recognise that in the event of serious anti-social behaviour, residents need full and extensive support, consistent with a zero-tolerance approach to ASB.

This policy has been developed to ensure that SHG fully complies with current legislation and Tenant Services Authority (TSA) Standards, while also reflecting good practice and high performance in comparison with sector peers. As such, its focus includes:

- Ensuring staff are fully committed to effectively deal with and to take a pro-active approach when dealing with ASB
- Pro-actively managing ASB by working in partnership with other agencies and the community
- Contributing towards and supporting local authority ASB strategies
- Ensuring that staff liaise closely with the Police; referring matters which could be considered to be criminal
- Dealing with complaints of ASB in accordance with SHG's policies and procedures.

This policy fully reflects the SHG mission:

‘To be recognised and respected for providing quality homes and services.  
Empowering people, supporting active communities and building better  
futures’.

### **3. Policy Scope**

The Anti-Social Behaviour Act 2003 places a duty on all Social Landlords to clearly show what policies and procedures they will follow to deal with anti-social behaviour. The powers and responsibilities to tackle anti-social behaviour extend beyond the social housing sector and the Association's own stock. This policy document sets out the general principles underpinning the procedures and good practice applicable to tackling anti-social behaviour. It applies equally to secure, assured (including assured shorthold) tenancies,

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

and leases. Where the term “resident” is used, it should be deemed to mean leaseholder, tenant or part owner. Where the term “tenancy” is used, it should be deemed also to include lease. Where the term “anti-social behaviour” is used, it should be deemed to include all references to “nuisance” contained within the tenancy agreement.

## 4. Definition

There are a number of definitions of anti-social behaviour.

Sections 153A(1) and 153B(2) of the Housing Act 1996, introduced by the Housing Act 1996 (as amended by the Homeless Act 2002) define ASB as:

- Capable of causing nuisance or annoyance to any person; and directly or indirectly relates to or affects the housing management functions of the Associations; or
- Consists of or involves using, or threatening to use, housing accommodation owned or managed by the Associations for an unlawful purpose.

The common definition is that found in Section (1) (a) of the Crime and Disorder Act 1998, which defines behaviour by residents, members of their household or their visitors as “acting in a manner that has caused or is likely to cause harassment, alarm or distress to one or more persons, not of the same household as himself/herself.”

This is the definition favoured by SHG as it differentiates between serious anti-social behaviour that presents a significant risk and lesser behaviour that could be deemed a ‘nuisance’.

The Home Office states that: ‘Anti-social behaviour is virtually any intimidating or threatening activity that scares you or damages your quality of life. Anti-social behaviour doesn’t just make life unpleasant; it holds back the regeneration of disadvantaged areas and creates an environment where more serious crime can take hold’. We will have regard to this wider perspective in pursuing our commitment to community development.

## 5. ASB Categories

SHG believes that the following activities will invariably constitute anti-social behaviour:

- Disregard of the community

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

- Criminal behaviour/crime
- Noise nuisance
- Pets and animal nuisance
- Acts directed at people
  - Domestic abuse (see section 5.1)
  - Hate-related acts (see section 5.1)
  - Intimidation/threatening or rowdy behaviour
  - Physical violence
- Environmental damage
  - Litter/rubbish/fly-tipping
  - Vandalism and damage to property
- Misuse of public space or home
  - Alcohol and solvent related nuisance
  - Boundary disputes
  - Drugs/substance misuse/drug dealing
  - Garden nuisance
  - Misuse of communal areas/public space or loitering
  - Nuisance from business use
  - Nuisance from vehicles
  - Prostitution/sexual acts/kerb crawling

Appendix B lists some examples of ASB case types.

## 5.1 Other policies

### 5.1.1 Hate-Related and Racial Hate Crime

Hate-related and racial hate crime are dealt with in accordance with the Harassment Policy and Procedure.

Hate-related crime is not restricted to criminal behaviour, violence or verbal abuse. The term covers behaviour, which may be verbal, non-verbal or physical. It is behaviour that the recipient may find offensive and/or affects the dignity of the recipient.

Race crime is not just when someone becomes a victim because of the colour of their skin. It also includes nationality, culture and language. Any racial hate crime that is reported to the police is treated seriously, even if it could be classed as a minor incident, because of the fear that racist crime can create within communities.

The following types of harassment are also breaches of the tenancy agreement. SHG will not hesitate to take action against anyone who commits

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

harassment on the grounds of:

- Age
- Gender
- Disability
- Ethnicity
- Faith
- Sexual orientation
- Mental health.

### 5.1.2 Domestic Abuse

Domestic abuse will be dealt with in accordance with the Domestic Abuse Policy and Procedure.

Domestic abuse is defined by the Home Office report 'Domestic Violence – A National report, 2005) as:

‘Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are, or have been, intimate with partners or family members, regardless of gender or sexuality.’

Family members are defined as father, mother, stepfather, stepmother, son, daughter, stepdaughter, stepson, grandmother, grandson or granddaughter, brother, sister, uncle, aunt, niece or nephew (whether of full blood, half blood or affinity) or that person’s spouse or former spouse. This also includes cohabitees, who if they were married to each other, would fall into one of these categories.

Our general principles in dealing with cases of domestic abuse are:

- To consider the safety of the person experiencing domestic abuse
- Those experiencing domestic abuse are provided with a fair, consistent and sympathetic service
- We will be non-judgmental
- We will maintain confidentiality
- We will provide options suitable to the needs of the individual.

## 6. The Respect Standard for Housing Management

The Respect Standard for Housing Management is cross-Government strategy tackling ASB and its causes. Perceptions of ASB are far more common amongst those living in the most disadvantaged communities, often

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

characterised by higher levels of social housing.

To reflect this the Respect Standard for Housing Management was developed for social housing landlords to assist them in tackling ASB in their areas of operation.

The Standard is built on established good practice by organisations involved in delivering effective responses to ASB. It aims to embed a culture of respect in housing management activities through a balanced approach involving prevention, early intervention, enforcement and support, thereby giving residents confidence that ASB will be tackled.

The Standard, which is voluntary, is built around six core sets of actions:

- Accountability, leadership and commitment
- Empowering and reassuring residents
- Prevention and early intervention
- Tailored services for residents and the provision of support for victims and witnesses
- Protecting communities through swift enforcement
- Support to tackle the causes of anti-social behaviour.

## 7. Approach – Including Prevention

### 7.1 How to Report a Case

Although we will always encourage residents to talk to their neighbours about the behaviour that is affecting them, we understand that in some cases the situation is more serious than this. Anti-social behaviour can be reported to us in a number of ways:

- Telephone
- Visit one of our offices
- Write to us
- Email us
- Visit our website at [www.spectrumhousing.co.uk](http://www.spectrumhousing.co.uk)
- Contact a member of staff

Any information will be treated in confidence.

Contact details can be found on the website [www.spectrumhousing.co.uk](http://www.spectrumhousing.co.uk) or in the ASB information leaflet.

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

## 7.2 Deliverable Outcomes

When an incident of ASB is reported, we will discuss the preferred outcome that is being sought and endeavour to reach agreement. This will be achieved through residents indicating what action they believe will resolve their complaint together with input from staff concerning what might be deliverable. This is intended to ensure that resident expectations are deliverable and realistic.

## 7.3 Strategic Approach

The Associations will take a strategic approach in the management of ASB including:

- Contributing to, and taking part in, partnership and multi-agency working to deal with and prevent anti-social behaviour within communities where the Associations are represented
- Reflecting new legislation or best practice relating to anti-social behaviour in policies and procedures
- Supporting and contributing to local Crime and Disorder Partnerships to provide a co-ordinated multi-agency approach to tackle ASB
- Developing schemes which 'design out' crime by developing and participating in design forums
- Making appropriate budgetary provision to undertake improvements such as increased security lighting which will help to prevent or reduce ASB.

Whilst we will maintain a robust approach to tackling anti-social behaviour we will aim to prevent anti-social behaviour occurring in the first instance.

## 7.4 Action to deal with Anti-Social Behaviour

When handling cases we will consider the action that best delivers a proportionate and flexible response to the anti-social behaviour reported including:

- Undertaking non-legal remedies such as offering advice and assistance, issuing Acceptable Behaviour Contracts, offering mediation and restorative justice services
- Taking legal action such as Anti-Social Behaviour Orders, Injunctions, Demotion Orders, and Possession Proceedings or using other powers available to the Associations
- Where appropriate supporting residents to obtain a move to another property
- Making referrals to other agencies.

Appendix C is a non-exhaustive list of examples of preventative/responsive

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

actions to deal with ASB.

## 7.5 Community Involvement

We will work with communities to reduce and prevent ASB including:

- Promoting diversionary projects for young people
- Directing residents to the associations' community fund to assist with community activities and/or improvements (subject to budgetary availability)
- Contributing to, and taking part in partnerships that work towards the prevention, management, and protection of the wider community.

## 7.6 Risk and Support Planning

We will manage potential risks and will identify support needs including:

- Undertaking comprehensive risk assessments and support planning prior to and during the tenancy to achieve tenancy sustainability
- Ensuring appropriate support is identified including specific communication needs, by working in partnership with other service providers and agencies and that where appropriate this support is on-going
- Helping residents to manage their children's behaviour by referring to and working with specialist programmes, such as Youth Intervention Support Programmes (YISP), Parenting Programmes and Family Intervention Programmes to offer specialist training and support.

## 7.7 Restorative Justice

Restorative justice is an approach to justice where offenders are encouraged to take responsibility for their actions and "to repair the harm they have done". It is considered to be a cost-effective criminal justice approach that is based on reconciliation, restoration, healing and rehabilitation. Restorative Justice brings victims, offenders and communities together to react to crime and is aimed at helping victims to recover.

Victim participation is entirely voluntary and offenders are required to admit responsibility for the offence caused. All parties involved would need to be collective in managing the offender, acknowledging the impact and victims being able to have their harm or loss acknowledged. We will look for opportunities to support restorative justice when dealing with anti-social behaviour cases.

## 7.8 Information and Publicity

We will use publicity to raise awareness of ASB and to provide information about how to report ASB and will provide details of support that may be

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

available from specialist agencies including:

- Providing information in the residents' newsletters
- Contributing to and taking part in community events
- Using other publicity opportunities such as newspaper articles and website information.

We will ensure that publicity fully reflects the diversity of our residents and the communities in which we operate and meets the stated requirements of residents relating to contact preferences.

## 7.9 Closing Cases

We will close cases where the situation has been resolved and the complainant is happy for us to do so.

In certain circumstances we will close cases even if the complainant does not want us to. This will be where we are satisfied that we have done everything we can that is reasonable and proportionate to resolve the complaint.

- We will close cases if diary sheets have not been returned after 3 months.
- We will close a case where the complainant has failed to respond to our requests for other information.
- We will close a case if the nuisance experienced is as a result of a clash of lifestyle and the complainant is not willing to participate in mediation.
- We will reserve the right in exceptional circumstances to close a case where an impasse is reached between Spectrum and the complainant, for example where the complainant insists on a specific course of action that is not open to Spectrum or contravenes good practice or legal advice.

Should we decide to close a case against the wishes of the complainant, we will record the reasons for taking this action and advise the complainant about what they can do next.

To avoid cases being open indefinitely, we have a target timescale of 13 weeks to close a case.

We recognise that each case is different and that not all cases will be closed within this timescale but we aim to resolve the majority of cases within this time.

If a case has been closed, but there are then further incidents, a new case will be opened and linked to the original one so that the full history of the case is

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

preserved.

## 8. Partnership Working

We are committed to developing an anti-social behaviour strategy and to liaise with other regional and national agencies in order to reduce the impact of anti-social behaviour. Examples are:

- Partnership working with Local Authorities, the Police and other agencies
- Working with residents, key stakeholders and community groups
- Membership of Crime and Disorder Reduction Partnerships/Protocols
- Information Sharing Protocols
- Community Safety Strategies
- Working with other organisations that are managing our housing stock
- Support to Community Warden Projects
- Liaison with rehabilitation/specialist agencies
- Support to specific community focussed action groups, including minority awareness groups.

## 9. Rights and Responsibilities

### 9.1 Tenants' Rights and Responsibilities

The tenancy agreement is a legally binding contract between the Association as the Landlord and the tenant. Tenants have both rights and responsibilities that they have agreed to when they sign their tenancy.

It is the right of every resident to live peacefully in his or her home, free from the fear of anti-social behaviour. We want our tenants to be able to live in a safe, secure and peaceful home and neighbourhood. If they are to enjoy this right then they must also accept basic responsibilities and part of this is to abide by the terms of the tenancy agreement that they have signed up to as well as recognising that everyone is part of a wider, diverse community, with differing needs and expectations of peaceful enjoyment of their homes. The primary duty therefore rests with residents to resolve disputes between themselves, particularly when arising from a clash of lifestyles.

The tenancy agreement makes it very clear that tenants, their family and visitors must not do anything that may cause a nuisance or harassment to others and we will take into account the reasonableness of resident attempts

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

to resolve problems, before we decide whether we should intervene.

We will ensure that residents are aware of their responsibilities by:

- Making new residents aware of their responsibilities to behave in an acceptable manner at the point of sign-up and at a follow-up visit within a month of the commencement of their tenancy
- Providing a summary of the Association's Anti-social Behaviour Procedure and the Group's Anti-Social Behaviour Policy.

## 9.2 Landlords' Responsibilities

When dealing with anti-social behaviour SHG will pay particular regard to Article 8 of the Human Rights Act 1998 which states the following:

"Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

Each reported case will be assessed to determine whether the incidents reported constitute anti-social behaviour. We will consider the frequency and severity of incidents, their effect on the victim and other contributory factors such as the construction of the building. The intentions of the person carrying out the behaviour will also be taken into account as well as any disability or support needs that they may have.

We will consider taking all reasonable steps to resolve the issue provided that the course of action and the cost is proportionate to the effect of the anti-social behaviour that the action is seeking to address. This will require that we act only where the effect of the anti-social behaviour to one or more residents, outweighs the effect of the interference in the private life of another resident.

We recognise that we have a primary duty to develop and maintain sustainable communities, across all tenures. An important factor of sustainability, however, is the recognition and acceptance by residents that initial responsibility lies with them, to resolve disputes with other residents. We will support this approach wherever possible.

We also recognise that however reasonable one or more residents may be, they will not always be able to resolve the problem because of the attitude of the resident with whom they are in dispute or because of the seriousness of the issue it would be inappropriate to attempt to do so.

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

In such cases the Association will consider taking all reasonable steps to resolve the issue provided always that the action (and the cost of the action) is proportionate to the effect of the anti-social behaviour that the action is seeking to address.

Each reported case will be assessed to determine whether it constitutes anti-social behaviour. We will consider the frequency and severity of incidents, their effect on the victim and other contributory factors such as the construction of the building. The intentions of the person carrying out the behaviour will also be taken into account as well as any disability or support needs that they may have.

## **10. Service Standards**

### **10.1 Priority 1**

Serious anti-social behaviour will not be tolerated at any level. Where there is evidence that the household is at risk of serious assault or in danger, or there is persistent, substantial harassment and the victim is considered vulnerable, the case will be determined as a priority 1, for example:

- Confirmed Class A Drug Dealing.
- Domestic abuse
- Physical violence and threats of violence
- Hate related incidents (including age, disability, race, gender, faith, sexual orientation, mental health, etc)

Priority 1 cases require a response to the complainant/victim within the same working day.

### **10.2 Priority 2**

Where there is evidence of anti-social behaviour, but the victim is considered not to be at risk. Examples will include the following:

- Alcohol and solvent related nuisance
- Criminal behaviour
- Drug dealing, unless the complainant is considered to be at risk or it is confirmed that Class A drugs are involved
- Drug use, unless the complainant is considered to be at risk
- Intimidation / threatening or rowdy behaviour
- Litter/Rubbish/Fly tipping
- Regular loud noise including loud music, shouting and swearing, noise from televisions and radios, or vehicular noise during unsociable hours (after 11pm and before 7am)

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

- Pets and animal nuisance
- Prostitution/sex acts/kerb crawling
- Vandalism, damage to property and graffiti (unless racist or offensive)
- Vehicle nuisance (including unroadworthy/abandoned vehicles)

Priority 2 cases require an initial response (which may be an acknowledgement depending upon the severity of the issue) to the complainant/victim before the end of the next working day.

### 10.3 Priority 3

Incidents which may be causing a nuisance but which are not considered to be anti-social behaviour and nor do they present a risk. Examples will include:

- Clashes of Lifestyle (including disturbance to shift workers)
- Children playing or youths socialising/playing ball games
- Garden nuisance
- Household noise
- Isolated incidents of noise during the daytime
- Minor disputes between individual neighbours where there is no independent evidence.
- Potential one-off incidents such as a party or DIY work

Priority 3 cases require a response to the complainant/victim within one working week.

These complaints will be recorded but the Association may not take any action. Advice will be given, and mediation will be offered as well as information about other agencies that may be in a position to help.

It is our policy not to differentiate between a complainant who is a resident of one of the Associations within the Group and one who is not. However, the options for dealing with perpetrators who are not our residents are much more limited.

## 11. Support to Victims/Witnesses

The Associations will assume in the first instance, that a complaint is justified and will, where appropriate, support victims and witnesses including:

- Ensuring support needs and/or the need for protection is identified and is accessed by working in partnership with other specialist agencies and that, where appropriate, this is on-going
- Being sensitive to the diverse needs of victims and children irrespective

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

- of gender, race, religion, age, disability, or sexual orientation
- Respecting the complainants wish to remain anonymous and where appropriate, identifying alternative methods of providing evidence. The exception to this will be where a person (including children) is considered to be at risk, or if there is a risk of serious harm to anyone involved in the situation, or when required to do so by law or by an order of a Court
- Providing advice and assistance and a supportive environment, which encourages people to report ASB to the Associations, police and other relevant agencies
- Listening to complaints from both individuals and the community. Complaints (which might be anonymous) will be received verbally, or in writing, from either the principal complainant or from someone acting on their behalf
- Commencing a full investigation into the complaint as soon as is reasonably possible and in accordance with the ASB service standards
- Providing a quick response especially in cases of harassment, violence or intimidation in accordance with the relevant service standards
- Developing the complainant's capacity to act as a witness by building their understanding, knowledge, sense of control, confidence and strength of purpose, working through advocates where appropriate
- Communicating regularly with complainants to keep them informed of progress
- Considering whether, due to the seriousness of the situation, a transfer to alternative accommodation is appropriate and supporting this in liaison with the appropriate local authority.

## 12. Rehabilitation of Perpetrators

The Associations will ensure that perpetrators receive advice and support to assist them in either modifying their behaviour, or to assist them to deal with any underlying cause of ASB including:

- Responding to ASB issues at an early stage by clearly challenging the perpetrator about their behaviour, and explaining to the perpetrators their responsibilities. This may include accessing a specialist support service to help the perpetrator to understand and adhere to the tenancy obligations
- Explaining to the perpetrator the potential actions which may be taken against them and the possible outcomes of such actions
- Making all reasonable attempts to engage with perpetrators to improve their behaviour or increase their consideration for other residents
- Referring perpetrators to appropriate support services, such as Drug and Alcohol Advisory Services, to provide support and assistance with

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

rehabilitation

- Continuing to liaise with agencies supporting a perpetrator to ensure that there is an on-going 'joined-up' approach
- Ensuring any action taken against a perpetrator is necessary and proportionate.

## 13. Appeals/Complaints

It is important to distinguish between situations where the appeal procedure and the complaint procedure should be used.

### 13.1 Appeals

A customer may request a review of a decision at any stage of the process if they are not satisfied with a decision or action taken.

The Appeals Process should be followed if the customer requests a review of a decision that has been made regarding a specific case by the Association.

Details of the Appeals Procedure is contained in Appendix D.

### 13.2 Complaints

The Complaints Procedure should only be pursued if the customer is dissatisfied with the way that the Association has processed a case or dealt with the customer. An example would be where the customer believes that the ASB policy has not been followed correctly.

Details of the complaints policy and procedures are contained in a separate document

## 14. Monitoring of Performance/Satisfaction

Regular monitoring of ASB will be conducted both for performance reporting to Boards and Forums, and also to ensure robust and effective management of processes and outcomes at local levels. A wide range of indicators will be collected, the headline KPIs are:

- Number of ASB cases per 1000 homes
- % of ASB victims contacted on time
- % of ASB cases resolved
- % of satisfaction with ASB handling

Status	Approved
Document reference	GOP448PO
Date document written/amended	August 2010

A review of actions taken and their effectiveness will be undertaken as part of the annual review of the Anti-Social Behaviour Strategy.

## 15. Staff Training and Support

The Association is fully committed to ensuring that it provides a high quality of support, training and information to staff dealing with anti-social behaviour. The Association will train staff to recognise the seriousness of an allegation of anti-social behaviour so that they can deal appropriately and effectively with the issue.

The Association will train staff to be able to recognise where it would be appropriate to adopt a multi-agency approach and to be able to communicate effectively what the Association expects of its residents in terms of behaviour and adherence to the terms of the tenancy agreement.

The Association will ensure staff undertake on-going training with regard to the range of remedies that are available to tackle anti-social behaviour.

In implementing the Policy and Procedures on Anti-Social Behaviour the Association will recognise that staff may be placed at risk from acts of violence or aggression. Measures to control this risk include management responsibilities in relation to health and safety and on-going training in dealing with difficult situations. (See SHG Staff Handbook.)

## 16. Confidentiality/Data Protection

We will respect the confidentiality of all victims reporting anti-social behaviour in accordance with our Confidentiality, Privacy and Data Protection policy.

Any information given to us will be treated in confidence. It will not be passed to any individual or external agency without the permission of the person who gave the information. Essentially personal data (information relating to an individual including only address details) can only be disclosed for the purposes of considering action under the Crime and Disorder Act, to prevent a crime / fear of crime and or any form of abuse to a child.

There are exceptions to this:

- Where there is a health and safety risk and disclosure of the information would alleviate this risk.

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

- Where the resident is considered to be a vulnerable adult i.e. is aged 18 or over and is or may be in need of community care, health or support services. In most circumstances we will still gain consent before referral to another agency unless the victim is in physical danger and/or it is our considered assessment that the victim is unable or incapable of making an informed decision for themselves.
- Where a child is considered to be at risk.

Whilst partnerships and multi-agency liaison is essentially about sharing information, the Data Protection Legislation and agencies individual policies on confidentiality are still applicable.

## 17. Health & Safety

We will always consider the safety of staff dealing with incidents of anti-social behaviour as well as those of the victim.

Housing Officers will follow SHG's Health & Safety Policy and Lone Working Policy, at all times when managing reports of domestic violence. They will also consider the health & safety of all parties involved in any one case and the wider community.

## 18. Equality, Diversity and Inclusion

This policy has been developed to support SHG's commitment to equality of access and quality of service delivery and includes:

- Ensuring that no customer is disadvantaged irrespective of their race, age, gender (including gender reassignment), religion or belief, colour, ethnic or national origin, sexual orientation, marital status, age, disability, or social position in accordance with SHG Equality, Diversity and Inclusion Policy
- Ensuring specific communication or support requirements and equal access to the service is available
- Identifying and addressing any inequality of access to the service
- Recording and monitoring incidents of ASB and the actions taken to ensure no individual or group is excluded.

### 18.1 Equality Impact Assessment

This policy has had an equality impact assessment which has concluded this policy does not discriminate either directly or indirectly and does not disadvantage any individual or group.

Status	Approved
Document reference	GOP448PO
Date document written/amended	August 2010

## 19. Related Documents

- SHG Equality, Diversity and Inclusion Policy
- SHG Single Equality Scheme Policy
- SHG Harassment Policy
- SHG Protection of Vulnerable Adults and Children Policy
- SHG Domestic Abuse Policy
- SHG Confidentiality, Privacy and Data Protection Policy
- SHG Health and Safety policy
- SHG Complaints Policy
- Anti-Social Behaviour Procedures
- Estate Management and Neighbourhood Policies
- Allocations and Lettings Policies
- Sales and Allocation Policies

## 20. Legislation, Regulation and Guidance

The legal framework in respect of anti-social behaviour in which SHG operates is based, but not limited to the following legislation:

Disability Discrimination Act 1995/Equality Act 2010  
Housing Act 1996  
Crime and Disorder Act 1998  
Data Protection Act 1998  
Human Rights Act 1998  
Environmental Protection Act 1990 & Statutory Nuisance Act 1993  
Race Relations Act 1976 and Race Relations (Amendment) Act 2000  
Homelessness Act 2002  
Police Reform Act 2002  
Anti-Social Behaviour Act 2003

Fuller details of these Acts are set out in Appendix A.

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

## Appendix A Key Legislation

### **Disability Discrimination Act 1995/Equality Act 2010**

Under the Disability Discrimination Act 1995 it is unlawful for landlords and other persons connected with the selling, letting and managing of premises to treat disabled people less favourably for a reason related to their disability, unless they can show that the treatment is justified. In April 2005, a new Disability Discrimination Act was passed which amends or extends existing provisions in the DDA 1995. The Equality Act received Royal Assent in 2010.

### **Housing Act 1996**

The Housing Act 1996 extended the grounds for possession in nuisance cases to include anti-social behaviour within the locality of a tenant's property by their visitors and/or members of their household, or behaviour which is likely to cause nuisance or annoyance. A tenant who is convicted of an indictable offence in the locality of the dwelling could under this Act also face eviction.

### **Crime and Disorder Act 1998**

The Crime and Disorder Act 1998 introduced a number of measures to tackle crime and disorder. These measures include: the introduction of Anti-social Behaviour Orders (ASBO's), Parenting Orders, Child Safety Orders and local child curfew schemes.

Section 17 of the Act also imposed a duty on local authorities and the Police to work in partnership to develop crime and disorder reduction strategies and for local authorities and other public bodies:

“to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

Section 17 also gave the Police a common law duty and a general power to disclose information for the prevention and detection of crime to relevant authorities.

### **Data Protection Act 1998**

The Data Protection Act deals with the collection, storage and use of data. It is relevant because it places restrictions on the disclosure of data.

### **Human Rights Act 1998**

This Act ensures that any proposed action being taken against anyone who

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

has committed some form of anti-social behaviour is reasonable and fair in response to the type of anti-social behaviour being dealt with. Under this Act any person suffering from any abuse of the Human Rights Act will be entitled to consider legal action.

### **Environmental Protection Act 1990 & Statutory Nuisance Act 1993**

Under these acts, if the local authority environmental health team consider a report of noise that constitutes a statutory nuisance they have the powers to serve an abatement notice. If the nuisance persists without a logical and sound excuse, the culprit can in fact be prosecuted and if convicted can be fined up to £5000 with a further £500 for each day that the nuisance continues. In some cases the environmental officer can obtain a warrant from the Court in order to seize the equipment that is causing the nuisance.

### **Race Relations Act 1976 and Race Relations (Amendment) Act 2000**

In line with the Race relations (Amendment) Act 2000, MHA as a responsible landlord endeavours to; eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups.

### **Homelessness Act 2002**

This places a duty on the local authority and its statutory partners to work together to prevent homelessness. In relation to anti-social behaviour this relates to dealing with any tenant who is put at risk as a result of anti-social behaviour carried out by tenants, associates or family.

### **Police Reform Act 2002**

This Act included amendments to the Anti-Social Behaviour Order (ASBO) provisions of the Crime and Disorder Act 1998. This Act extends the area over which an ASBO can be made, introduces Interim ASBO's and ASBO's on conviction in criminal proceedings. The Act also enabled Registered Social Landlords to apply for ASBO's.

### **Anti-Social Behaviour Act 2003**

The Anti-Social Behaviour Act 2003 introduced a range of measures to deal with anti-social behaviour, including Closure Orders, Dispersal Orders and Demotion Orders.

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

## Appendix B Detailed Examples of ASB Case Types

### Criminal Behaviour

“Criminal” is defined in its strict legal sense and can include behaviour such as:

- Acts of physical violence
- Theft and burglary

### Noise

Anti-social behaviour generated by noise nuisance can include:

- Parties
- Playing musical instruments
- Shouting
- Noise from TV’s radios and stereo systems
- Burglar Alarms.

### Pets and Animals

Anti-social behaviour can be generated by the owning and keeping of pets and animals and can include:

- Animals fouling in communal areas
- Animals being allowed to run unsupervised on balconies and footpaths
- Animals fouling in a person’s home or garden so as to cause a health hazard
- Unreasonable or excessive noise or odours from animals
- The keeping of unsuitable or dangerous animals
- The keeping of livestock
- The feeding or attracting of birds and other animals (for example pigeons being attracted to balconies).

### Hate-related acts

Hate-related and race hate crimes will be dealt with in accordance with the SHG Harassment Policy.

- race
- sexual orientation
- gender
- disability
- religion
- age
- mental health

Status	Approved
Document reference	GOP448PO
Date document written/amended	August 2010

### **Intimidation/threatening/rowdy behaviour**

Anti-social behaviour can be generated where language or behaviour is used deliberately so as to intimidate a person and prevent them from the quiet enjoyment of their home.

- Verbal Abuse
- Foul and abusive language
- Fighting
- Nuisance calls
- Unfounded or unreasonable allegations.

It can also include such acts designed to prevent a person from:

- Reporting the activities of the perpetrator
- Coming forward as a witness in a case of anti-social behaviour.

### **Damage to Property**

This can include deliberate damage caused to public and private housing such as:

- Graffiti
- Damage to communal areas and fittings
- Damage to fencing and walls.

### **Alcohol and Solvent Misuse**

Anti-social behaviour under this category can include behaviour such as:

- Violence
- Verbal abuse
- Theft
- Damage.

### **Drugs**

Anti-social behaviour can be attributed to the supply, use or misuse of illegal drugs. It can include behaviour such as:

- Violence
- Noise
- Verbal abuse
- Theft
- Damage
- Used syringes left in communal areas or gardens.

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

## **Gardens**

Anti-social behaviour can arise from the use or misuse of gardens and can include:

- Overgrown gardens
- Rubbish in gardens
- Nuisance from bonfires
- Vermin in gardens
- Lack of garden maintenance
- Vehicles located in gardens without permission
- Temporary structures such as sheds, pigeon lofts and barbecues which can create an eyesore.

## **Nuisance from Vehicles**

Anti-social behaviour can result from the use, ownership or repairing of vehicles and can include:

- Vehicle repairs
- Noise from car alarm
- The cause of nuisance through late night noise
- Excessive or inappropriate use of shared parking facilities
- Inconsiderate parking of vehicles so as to cause obstruction or damage to pedestrian or grassed areas
- Dangerous driving or riding of vehicles on private roads, footpaths, grassed areas.

## Appendix C Examples of Preventative/Responsive Actions

- Installing door entry systems on sheltered schemes and blocks of flats
- Supporting and encouraging residents to resolve disputes between themselves wherever possible by agreeing to participate in mediation
- Removing offensive graffiti within 24 hours of it being reported
- Applying anti-vandal paint where it is deemed appropriate
- Providing additional external lighting where necessary
- Designing new properties with features to enhance security –“secure by design”
- Ensuring that every new tenant has a “sign up” interview and a “settling-in visit” one month following the commencement of their tenancy at which tenancy conditions and obligations relating to anti-social behaviour are clearly explained
- Assisting in arranging for the introduction of “floating support” to tenants who may be at risk or who are vulnerable
- Supporting local schemes and projects that facilitate diversionary activities such as activities for young people who are at risk of becoming either victims or perpetrators of anti-social behaviour
- Identifying and analysing patterns of anti-social behaviour – which leads to increased effectiveness in targeting resources
- Working closely with the local Police, CDRP’s, local schools, social services, probation services and other relevant agencies
- The use of Acceptable Behaviour Contracts (ABC’s)
- Publicising successful actions taken against the perpetrators of anti-social behaviour
- Working with residents and key stakeholders to obtain their views on priorities and ways of tackling anti-social behaviour.
- Identification of the main types of anti-social behaviour and analysing the success of different approaches through effective performance management, monitoring and feedback systems
- Analysis of sustainability indicators to identify problem areas/estates requiring specific localised preventative or remedial action
- Develop partnerships with other agencies, support Neighbourhood Development initiatives and Floating Support Services
- Work with Mediation Services
- The use of Starter Tenancies
- Designing out problem areas within estates, for example improved lighting or security measures
- Publicising successful actions.

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

## Appendix D Appeals Procedure

### Stage 1

An appeal from the customer must be:

- In writing/recorded in writing
- Within 10 working days of the decision being made
- Addressed to the appropriate officer as indicated in the ASB leaflet
- Outline the reason of dissatisfaction.

The customer should expect a response from the appropriate officer as indicated in the ASB leaflet:

- Within 5 working days (of receipt) to acknowledge their letter
- A final response to their letter normally within 10 working days (of acknowledgement) but no later than 4 calendar weeks (this gives proportionate time depending on the nature of the appeal).

NB: 1 month after the response date, the case may be closed if the customer has not registered any dissatisfaction with the outcome.

### Stage 2

Should the case be taken further, the customer should:

- Complete an Appeal Form
- Address it to the appropriate officer as indicated in the ASB leaflet
- Return it within 10 working days of receipt of the Stage 1 response.

The customer should expect a response from the appropriate officer as indicated in the ASB leaflet:

- Within 5 working days (of receipt) to acknowledge their letter
- A final response to their letter normally within 10 working days (of acknowledgement) but no later than 4 calendar weeks (this gives proportionate time depending on the nature of the appeal).

NB: 1 month after the response date, the case may be closed if the customer has not registered any dissatisfaction with the outcome.

### Stage 3

Should the customer continue to be dissatisfied, as a 3<sup>rd</sup> and final stage, they may request that the Appeals panel considers their appeal. This must be:

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>

- Within 10 working days of receipt of the Stage 2 response
- In writing/recorded in writing to the appropriate officer as indicated in the ASB leaflet.

The customer should expect a response from the appropriate officer as indicated in the ASB leaflet:

- Within 15 working days (of receipt) to acknowledge their letter and to set a date for hearing.

The hearing must be as soon as possible but in no case later than 2 months from the date of notification of the hearing date. The Appeal Panel consists of 3 members of the Association’s Committee of Management, 1 of which must be a Tenant representative.

The customer can chose to take one of the following options in order to support their appeal:

- Not attend however send/record a written statement
- Attend and in addition to sending in/recording a written statement
- Attend and represent themselves verbally
- Attend and be accompanied by a professional or “lay” representative/advocate
- Not attend however be represented by professional or “lay” representative/advocate.

The customer must give the Association at least 7 calendar days notice in writing of their intention and also if they are choosing to attend, they must inform the Association of any special requirements to be catered for (disabilities, hearing impairment, non English speakers).

A written report must be issued by the appropriate officer as indicated in the ASB leaflet and circulated along with a copy of the written appeal from the applicant. This should be given to all members of the Appeals Panel and the customer a minimum of 7 calendar days before the date of the hearing.

**PLEASE REFER TO COMPLAINTS GUIDANCE NOTE FOR ARRANGING AND CONDUCTING AN APPEAL PANEL.**

The Appeal Panel will advise the customer that the formal response will be sent to them within 14 calendar days. The formal response will advise the customer of any findings made by the Panel, their decision and the reason for their decision.

<b>Status</b> <b>Document reference</b> <b>Date document written/amended</b>	<b>Approved</b> <b>GOP448PO</b> <b>August 2010</b>
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## **The Housing Ombudsman Service**

Should the customer complete all 3 stages and still be dissatisfied, they have a right to complain to the Housing Ombudsman.

Housing Ombudsman Service, 81 Aldwych, London WC2B 4HN

Tel: 0300 1113000

Minicom: 0207 4047092

Fax: 0207 8311942

E-mail: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

<b>Status</b>	<b>Approved</b>
<b>Document reference</b>	<b>GOP448PO</b>
<b>Date document written/amended</b>	<b>August 2010</b>