

Anti-Social Behaviour Policy

Introduction

The purpose of this policy is to provide a framework in which staff can work positively with customers and key agencies to prevent and tackle Anti-Social Behaviour (ASB) in the communities in which we operate. This policy sets out our commitment to tackle unacceptable behaviour to improve the quality of life for customers. This policy applies to all tenure types we manage.

Policy statement

We will operate a complainant orientated approach to all reported cases of ASB. All reported cases falling within our definition will be recorded and assessed. The frequency and severity of incidents and the effect on the complainant will be considered. For minor disputes with their neighbours, not usually classed as ASB, customers are expected to take responsibility to resolve issues effectively, with advice given by us on potential strategies, if appropriate.

Objectives

- Demonstrate our commitment to tackle unacceptable behaviour and its causes to improve the quality of life for customers.
- Build on our strong partnership working that aims to reduce ASB.
- Develop new homes in which the location and design of the properties and schemes work against vandalism, crime and ASB.
- Work with customers and potential customers, relevant agencies and the wider community, to ensure that everyone enjoys peace in their homes and neighbourhood and do not live in fear.
- Work in a way that focuses on sustaining tenancies, by ensuring that we have a balance between prevention, enforcement and re-integration in our approach.

We have a policy of zero tolerance towards abuse of staff, contractors, customer representatives and voluntary workers engaged in delivering services.

When dealing with reports of ASB, we will observe the principles of our Data Protection and Confidentiality policy and Equality, Diversity & Customer Care policy.

Other related policies

- Allocations Policy
- Data Protection and Confidentiality Policy
- Domestic Abuse Policy
- Complaints Policy
- Equality, Diversity and Customer Care Policy
- Safeguarding From Abuse Policy
- Risk Management Framework and Policy
- Unreasonable Customer Behaviour Policy

Tenancy agreements

The tenancy agreement clearly states that customers must not cause, or allow, members of their household or visitors to cause harassment, nuisance or annoyance to neighbours or other residents.

What is anti-social behaviour?

Anti-social behaviour is defined in section 1 of the Crime & Disorder Act 1998 and extended by the Anti-Social Behaviour, Crime & Policing Act 2014, and is held as being:

- conduct that has caused, or is likely to cause harassment, alarm or distress to any person
- conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises
- conduct capable of causing housing-related nuisance or annoyance to any person.

We expect our residents not to commit, or allow their family, other household members, visitors or pets to commit, acts of ASB towards any person reasonably entitled to be in the vicinity of any of our properties, including GUHG staff and contractors.

What is not considered anti-social behaviour?

We would not consider the following as ASB:

- noise from children playing
- family disputes
- babies crying
- cooking smells
- sounds of normal day to day living such as opening and closing of doors, going up and down stairs

- one-off parties such as barbeques, birthday, Christmas or New Year parties providing they do not 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
- inconsiderate parking.

This list is not exhaustive but we also recognise that some of the examples above could potentially fall under the policy definition of ASB. Where there is doubt, we may investigate, but this will be at our discretion.

Once a case has been assessed, it will be prioritised accordingly and appropriate action taken in a reasonable and proportionate manner.

Priority 1 cases – urgent

Where there is evidence that the household is at risk of serious assault or in any danger, or there is persistent harassment and the complainant or family members are vulnerable, the case will be determined as a Priority 1. Examples are as follows:

- actual violence or threats of violence (including domestic violence/abuse)
- confirmed Class A drug dealing
- racial or any other form of harassment, including hate crime.

Priority 1 cases require a response to the complainant the **same working day** and must be recorded on the system. The investigation should commence within **one working day**.

Priority 2 cases – non-urgent/persistent

Priority 2 cases require a response to the complainant within **10 working days**, including a home visit, and where appropriate, completion of a risk assessment.

Examples are as follows:

- drug use/dealing
- noise – including shouting, music, drunken behaviour,
- misuse of communal areas
- intimidating behaviour
- vehicle related nuisance
- vandalism
- pets/animals
- ongoing dispute
- perceived risk.

Responsibilities

All members of staff are responsible for reporting any incidents of ASB to the housing officer, who will usually take the lead on case management.

Relevant officers are aware of their responsibilities and roles in respect of tackling ASB including:

- early intervention and prevention measures
- safeguarding of vulnerable victims
- commitment to multi agency working, attending relevant meetings and progressing agreed actions
- reviewing performance, planning for improvement, developing new approaches and adopting best practice.

New properties

A key objective for the planning of new accommodation is to ensure that we build secure and sustainable homes where people want to live. Designing for community safety is a central part of this.

As part of the development process, our development team will consult our housing managers and they will evaluate the scheme in terms of their experience of the local environment. This aims to promote safety and security for new and existing residents.

Housing applicants/internal transfers

When making decisions about housing applications we will obtain as much information as possible about previous tenancy conduct. When receiving nominations from local authorities, we will seek clarification from the relevant agencies. Where we establish that an applicant has a poor history of behaviour we may require that safeguards are put in place or decide not to make a tenancy offer.

Starter tenancies & five year fixed term tenancies

During the tenancy sign-up interview, it is made clear that ASB will not be tolerated.

We grant starter tenancies to most new customers. As starter tenancies are assured shorthold tenancies they can be extended and brought to an end if there is strong evidence of ASB.

Where we have granted a five year fixed term tenancy, prior to the end of the fixed term these tenancies are reviewed. If the tenancy has not been conducted satisfactorily, for example, if the customer has a history of ASB, we may decide not to renew the tenancy. Decisions of this nature will be agreed by the housing management team leader and an appeal process will be available to those affected.

Reporting

Our aim is to make it accessible to complain about ASB. Complaints can be made by the complainant or from someone acting on their behalf via all of our available communication channels. Reports can be made online using our online form or email to ensure confidentiality for all is maintained.

Third party and anonymous complaints

A complaint may be made anonymously but such complainants should be aware that the likelihood of successfully dealing with the case evidence is significantly reduced, compared with cases where the complainants agree to be identified. Complainants will be appropriately supported when reporting ASB and a risk assessment carried out where there has been a threat of harm.

We may consider accepting third party complaints in high risk cases. Under these circumstances, we will usually liaise immediately with agencies such as social services or the police.

Management of ASB cases

Cases of ASB are responded to in line with the priorities highlighted above, and managed in line with our ASB procedure. Information about this process is available on our websites and customers can request a printed copy via our customer services team.

Intervention and action

Housing officers will consider a range of tools aimed at tackling ASB. Every case of anti-social behaviour will be treated individually. Following investigation, we will need to decide the appropriate course of action.

Should the investigation establish that there is ASB; the perpetrator will be asked to change this behaviour. Should the perpetrator fail to stop such behaviour, formal warnings will be given to the perpetrator and if these are not heeded, more punitive measures can be considered, such as legal action, but any such measures will be proportionate to the harm being caused.

In all cases, the housing officer will seek the approval of their line manager before pursuing appropriate legal action. The senior member of staff will review each case and must be satisfied there is sufficient evidence and other available/appropriate measures have been used to resolve the anti-social behaviour before authorising such action.

Where the housing officer considers the absolute ground for possession is proportionate they will seek the approval of their line manager accordingly. This ground will be considered, for example where the customer or person residing in or visiting the property has been convicted of a serious offence,

in accordance with the Housing Act 1988, as amended, and where the tenancy agreement permits.

We will consider proportionate action available to address perpetrators' of ASB within the local community where our customers are adversely impacted by the behaviour.

Approach to victims and witnesses

The housing officer will contact the complainant to establish the details. They will discuss with the complainant the appropriate way forward. Efforts must be made to be realistic and to strike a balance between establishing reasonable optimism and avoiding unreasonable expectations. The housing officer will remain in regular, agreed contact with the complainant.

The housing officer will aim to identify if the complainant needs additional support and, where the complainant agrees and if available, will make referrals to external agencies. The housing officer will send a list of support agencies to the complainant.

Where legal action is appropriate, the complainant will be asked if they agree to act as a witness and give evidence. Witnesses will be supported throughout the legal process. If complainants are not prepared to act as witnesses in court we may decide not to progress legal action.

Multi-Agency partnership working

We recognise the roles of other agencies and are committed to working in partnership with them at strategic and operational levels aiming to tackle ASB and support complainants and witnesses. Where it is deemed appropriate, complainants or reports will be referred to partner agencies, such as the local authority and the police, to deal with. In these cases, we will support and work with them and our own actions will be guided by their findings and outcome.

Re-housing complainants, witnesses or perpetrators

Alternative housing options will only be considered as a last resort, where all other options have been exhausted and where there is evidence of risk to the customer. Such circumstances are where continued occupation would place the household at serious risk of harm which is supported by evidence from the Multi Agency Risk Assessment Conference (MARAC), the Anti-Social Behaviour Risk Assessment Conference (ASBRAC) (Bedfordshire), Hate and Anti-Social Behaviour Action Group (HASBAG) (Northamptonshire), or the police.

There may be instances where there are grounds for an applicant to be refused housing with GUHG. Reasons for refusals or tenancy breaches that may result in a refusal of housing are outlined in the GUHG Allocations Policy.

Persistent/malicious/unreasonable ASB complaints

We occasionally receive complaints from customers whose behaviour and/or frequent contact, may result in a delay in actually establishing the substance of and dealing with their complaint or, just as importantly, may affect the ability of staff to fairly assist other customers. Where such behaviour is exhibited, it may be necessary to consider restricting the complainant's contact with the office or close the ASB complaint without their agreement, and we may decide to take action against them. This course of action will be considered in all cases where it is proven that complaints have been made maliciously.

All decisions to restrict contact from, and/or responses to, any customer will be taken by a senior manager and the customer will be informed of this and given an explanation of what this will mean for them.

Vulnerable complainants/perpetrators

Where we are made aware of vulnerability, such as physical disability, learning disability or a mental health condition, we will evaluate the situation and attempt to establish if the behaviour or reports are linked to the vulnerability. If a clear link is established, we will decide whether or not it is helpful and appropriate to take action.

If a customer is considered vulnerable then we will endeavour to take extra care to ensure that taking legal action is a proportionate means of achieving a legitimate aim. The officer should consider whether the customer needs any extra help or support to resolve the situation or find alternative accommodation. This may include, but is not limited to:

- alternative methods of communication or explaining the situation verbally as well as in writing
- contacting any support workers
- offering advice or signposting to advice agencies/resources
- allowing extra time.

Value for money

In order to achieve value for money in service delivery, we ensure that there is:

- training for staff
- maintenance budgets for costs such as graffiti removal
- a budget to meet the cost of mediation
- partnerships with other agencies in order to provide additional security for vulnerable customers
- access to legal expertise.

Publicity

The work we do in order to tackle anti-social behaviour is promoted via:

- information on our website
- publicity in the media where appropriate.

We recognise that it is sometimes appropriate to make local residents, and the public in general, aware of specific court orders granted against specific offenders so that the community is aware that we are taking action and can play a role in informing the police, Anti-Social Behaviour Officer at the relevant local authority or housing officer about breaches that may occur.

Monitoring

This policy will be reviewed regularly through the policy review programme.

Customer consultation:	April 2017
Equality impact:	Full Review
Person responsible for review:	Director of Customer Experience
Supported by:	Housing Manager/Housing Management Team Leader
Ratified by:	Leadership Team – 29 April 2019
Date of review:	March 2019
Date of next review:	April 2022