



ANTI-SOCIAL BEHAVIOUR POLICY

Date Approved: Feb 2012

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Owner: Head of Customer/community services

I. INTRODUCTION

- I.1 This Policy has been developed in line with The Equality Act 2010, the Crime and Disorder Act 1988 and the Anti-Social Behaviour Act 2003, which defines anti-social behaviour as “*acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator.*”
- I.2 To show our commitment to resolving anti-social behaviour and delivering high quality services The Group signed up to the Government’s RESPECT Standard. The Government launched the RESPECT Standard for Housing Management on 17th August 2006. It outlines the main elements essential to delivering an effective response to anti-social behaviour through:
- accountability
 - leadership and commitment
 - empowering and reassuring residents
 - prevention and early intervention
 - tailored services for residents and provision of support for complainants and witnesses
 - protecting communities through swift enforcement and;
 - support to tackle the causes of anti-social behaviour.
 - build by design and safer communities
 - raising awareness by circulating leaflets, (we not only respond but try to prevent)
 - Good neighbour agreements and Acceptable behaviour contracts
- I.3 The Chartered Institute of Housing, Housemark and the Social Landlords Nuisance and Crime Group has undertaken a review of the Respect Standard and produced a revised RESPECT: ASB Charter for Housing. Westward Housing Group has signed up to this.
- I.4 The group aims to ensure that its customers (Tenants, licensees and leaseholders) live peacefully within their own homes and communities. We recognise that failure to tackle anti-social behaviour effectively could have a serious negative effect on the quality of life for those people living with anti-social behaviour or noise nuisance, and can also damage our ability to develop sustainable communities.

2. **DEFINITION OF ANTI SOCIAL BEHAVIOUR AND DIFFERENT TYPES OF ANTI SOCIAL BEHAVIOUR:**

- 2.1 The website www.antisocialbehaviour.org.uk sets out a list of categories of anti-social behaviour which the group recognises, though this is not exhaustive:

Bullies and Bullying	Children and Young People who are bullied in public places	Youths and young people who cause problems
Criminal Behaviour	Criminal Damage	Neighbour Intimidation
Damage to property	Distressing behaviour	Nuisance Animals
Domestic violence	Drug and alcohol misuse/abuse	Overgrown, unkempt gardens
Handling stolen property	Harassment / Harassing passers-by or local residents	Racist Behaviour / Racial Harassment
Homophobic Behaviour	Illegal use of fireworks	Running a business from home
Intimidating gangs of people (including young people)	Joy riders	Threatening Behaviour
Kerb crawling and prostitution	Other Damage	
Noise Pollution	Parking Illegally & abandoned vehicles	
Stalking	Throwing any kind of 'missile'	
Rubbish and dumping of litter	Use of inappropriate places for sport/activities	

- 2.2 The Group recognises that some types of anti-social behaviour are more serious and urgent than others, however acknowledges that all incidents are important and will be dealt with in a timely fashion.

- 2.3 Initial reports of serious, life-threatening or abusive behaviours will be dealt with according with the Hate Crimes Policy to the standards set out in the Respect Charter and HouseMark good practice guidelines.

3. PRINCIPLES OF HOW WE DEAL WITH ASB:

- 3.1 The group is committed to helping all customers and the wider community to enjoy reasonable peace, quiet and security in their homes. The group is committed to taking firm and prompt action in dealing with disruptive customers and any other persons causing a nuisance or harassment in the locality or in individual dwellings. The group believes that we can only resolve Anti-Social Behaviour problems successfully through a partnership with residents, the wider community and other agencies.
- 3.2 The group will provide a proactive and responsive service to its customers suffering from ASB. The group will publish and publicise clearly what standards of behaviour are acceptable from residents.

4. WHAT WE WILL OR WON'T DEAL WITH:

- 4.1 Anti-Social Behaviour can include a wide range of behaviours that can affect the lives of people experiencing it. However, we do not consider everything that is reported to us to be anti-social behaviour, for example:
- People walking noisily across their floor in shoes (in our flats)
 - Children playing in their own home
 - People using their washing machine except between hours of 11pm and 5am.
 - Cooking smells
 - Loud talking
 - Disputes between children.
- 4.2 In these cases we will give advice and guidance to the person making the report (referred to from now on as the complainant) and in some circumstances we will contact the people they have reported to resolve the situation. However we would consider this to be minor lifestyle differences or everyday living noises and therefore will not deal with these reports under this policy. We may however, offer a referral for mediation to resolve the matter.

- 4.3 We do not consider children playing ball games to be anti-social behaviour. Reports regarding this will be dealt with as a Neighbourhoods / Estate issue and we will work with all parties to resolve the issue. However, if this behaviour amounts to verbal abuse, intimidation or criminal damage then it will be dealt with under the terms of this policy.
- 4.4 Certain incidents of noise or other issues may not be dealt with by the group under this policy. In such cases the matter will be referred to the appropriate authority, for example Environmental Health at the Local Authority or the Police.

5. RESPONSIBILITIES OF CUSTOMERS AND THE WIDER PUBLIC

- 5.1 In order for the group to investigate reports of ASB thoroughly we require as much information from the complainant as possible. When a report is received we will always try to make contact with complainants. Therefore it is important for complainants to return our telephone calls, respond to our letters and be available for pre-arranged meetings or home visits.
- 5.2 We may also require the complainant to keep an incident diary of the nuisance they are experiencing. In these cases we will provide Incident Log Sheets. We will provide assistance to complete forms if required.
- 5.3 We will make several attempts to contact complainants when we receive a report and throughout the progress of our investigation. However, if the complainants do not respond to our contact then we may have no choice but to close the case due to lack of contact.
- 5.4 The group investigates all reports thoroughly and therefore expect complainants to make accurate reports. Malicious or false reports could lead to further action being taken against the complainant.

5.5 The Responsibility of Tenants and Licensees (referred to as Tenants)

The tenancy agreement outlines the responsibility of tenants, members of the household and their visitors in regards to nuisance, anti-social behaviour, criminal activity, violence and domestic abuse. As individual tenancy and lease agreements may differ, customers should ensure they refer to the appropriate clauses within their own tenancy to ensure they understand and comply with those sections in terms of this policy.

5.6 Where people are living in Supported Housing Projects, the terms of their License or Tenancy will apply. People in such housing have a responsibility to ensure their community in the Project are able to live in a safe and peaceful environment. Issues should in the first instance be reported to the Support Worker / Project Manager.

5.7 For a full list of obligations please refer to your Tenancy Agreement and/or the Tenants Handbook, neighbourhood contract or house agreement.

5.8 The Responsibility of Leaseholders

Leaseholders must comply with the terms of their lease and therefore cannot cause a nuisance, alarm or distress to their neighbours or anybody conducting lawful activity in the locality. If a leaseholder is in breach of the conditions of their lease, further action can be considered.

5.9 The Responsibility of the Community

The wider community is made up of people who live in homes with a different tenure, for example owner-occupiers and private rented. All people make up the community and everyone has a right to a peaceful quality of life.

5.10 We appreciate that anti-social behaviour can affect the wider community. In order for reports to be investigated effectively we will encourage and support members of the community to report any incidents of anti-social behaviour that they witness, and not to engage in any incidents of anti-social behaviour.

6. INVESTIGATING REPORTS OF ANTI-SOCIAL BEHAVIOUR:

- 6.1 The group will investigate reports of anti-social behaviour that involve one of our customers. This could be a customer complaining about another customer, an owner-occupier or a private tenant. We also investigate reports made by leaseholders, owner- occupiers and private tenants about one of our customers.
- 6.2 We will also investigate reports if anti-social behaviour is being caused by a visitor to a customer's property. Action can be taken against the customer if they knowingly permit a family member or visitor to cause a nuisance whilst visiting or staying at their property.
- 6.3 The Group can only proactively deal with reports of anti-social behaviour if we are the landlord or freeholder of the alleged perpetrators' property. Reports regarding people in the wider community are not within our realms of control. In such cases, if we cannot deal with your complaint ourselves, we will tell you and give you advice and guidance about other agencies that may be able to help.
- 6.4 The group will deal with all reports in line with our Anti-social behaviour procedures. In summary, our approach is as follows:
- Contact a complainant within a maximum of 3 days following an initial complaint to take a full report.
 - We will agree an action plan with the complainant at this time and we will review this regularly to ensure that the complainant is kept up to date with the progress of the investigation.
 - The action that we take will be proportionate and appropriate to the nuisance that is being reported and the alarm and distress caused to the victim(s).
 - We will investigate anonymous reports as far as we can; however we will not be able to provide feedback to complainant or gain further information. Therefore this will limit the amount of action we are able to take. If complainants wish to remain anonymous in the event of Court proceedings we will use other methods including professional witnesses, CCTV and other corroborating evidence
 - Staff will be honest and upfront with complainant's, right at the very start of their case, we will not make any promises that we cannot follow through and we have a transparent Policy with no surprises.
- 6.5 As a means to resolve anti-social behaviour we **will not** move either the perpetrator or the complainant (except where there are exceptional circumstances). Instead we will work with all parties to resolve the nuisance behaviour. We work closely with the relevant authorities on the allocation of properties as we recognise that some properties will need to be let sensitively.

- 6.6 We will work with perpetrators by offering support to facilitate a change in their behaviour and educate them on the effects anti-social behaviour has on the community. We will also work with youth groups, local schools and community groups to provide information about anti-social behaviour.
- 6.7 The Group works in Partnership with other agencies such as the Police, Family Intervention, Environmental Health, Health Services, and Support Services to prevent and resolve nuisance behaviour. Further details on partnership working are given later on in this document in Section 11.
- 6.8 We will refer people to such other services if needed. We will refer families perpetrating serious anti-social behaviour, to the Family Intervention Project who may provide intensive family support as a means to resolve the anti-social behaviour.
- 6.9 We will provide new tenants with information regarding anti-social behaviour and the possible consequences of such behaviour. The Group have Starter Tenancies and therefore will monitor this closely throughout the first 12 months of their tenancy.
- 6.10 The Group recognise that by dealing with reports early this may prevent incidents escalating or being repeated. Therefore, we deal with reports quickly and proactively.
- 6.11 In some cases we will ask that complainants keep an Incident Diary. This is where all incidents of anti-social behaviour are noted and recorded. Where people might have difficulties in completing this because for example, they cannot read or write or where English is not their first language appropriate assistance and alternative solutions will be offered.
- 6.12 We appreciate completing an Incident Diary can be time consuming or difficult and we will only request short focused Incident Diaries for a set period of time (usually two weeks), wherever this is possible and sufficient. Incidents can also be reported to our Out of Hours ASB Respect Line who will produce an incident log on the complainant's behalf and forward it to us the next working day.

7. SOLUTIONS:

- 7.1 The Group work with a toolkit of ASB solutions which change according to Governmental Policy, Review, and Guidance, and changes to the law. It is also affected by the actions and policies of its partner organisations.
- 7.2 Therefore this policy will not detail the types of enforcement and intervention that could be used by The Group for the prevention and resolution of ASB. However, staff will use non-legal interventions wherever possible, including mediation, and restorative justice. Legal remedies will be used where applicable and necessary to ensure the peaceful, safe and secure living environment for people. This can include possession proceedings.

8. SUPPORT:

- 8.1 The Group understands that taking action against perpetrators of anti-social behaviour can be a frightening experience and that being a witness in an anti-social behaviour case can be daunting. In order to ensure that a successful outcome is achieved in Court it is essential for witnesses to be prepared to be involved. In many cases without the help of complainants continually reporting anti-social behaviour to us, action could not be taken. Therefore we will do everything we can to ensure that witnesses feel supported throughout the process and supported after if necessary.
- 8.2 We will signpost or make a referral to an appropriate support service with permission if appropriate.
- 8.3 Where the witness or complainants of anti-social behaviour is a tenant we will support them to stay in their own home. We do not move complainants or perpetrators as a means to resolve anti-social behaviour (except in extreme circumstances).

8.4 Supportive Security Measures:

Steps can be taken to help increase security at or to provide extra reassurance to witnesses or complainants of anti-social behaviour. The relevant officer will discuss the measures available; this may include one or more of the following:

- Additional window locks
- Letter box covers
- Smoke alarms
- 24 hour panic alarm
- Additional door locks
- Make a referral to the Sanctuary Scheme
- Door bars
- CCTV Cameras
- Environmental works around the property
- Movement sensitive lighting

8.5 Witnesses in Court:

Where witnesses are required to provide evidence in Court, The Group will work with witnesses to ensure that they feel supported through the process. We will explain what can be expected when attending Court and will arrange a pre-court visit when necessary. If the case is criminal then statutory agencies will pay the expenses.

8.6 Witnesses can expect to receive the following when attending Court:

- Transport to and from Court
- Refreshments and Lunch (for all day hearings)
- An escort during the hearing (this will usually be the case officer)
- Compensation for loss of earnings.
- Support throughout the Court process

8.7 Once a Court case is concluded we can continue to provide support to witnesses for a period of time. This will be agreed with the witness.

8.8 Supporting Perpetrators

- 8.9 The Group aims to tackle the causes of anti-social behaviour in our communities by challenging behaviour and providing remedies to resolve the behaviour. We recognise the importance of giving perpetrators the opportunity to modify their behaviour and make positive changes.
- 8.10 In the majority of cases we will work with perpetrators to resolve the anti-social behaviour and take into account any underlying factors that may be causing the behaviour, for example:
- Family or relationship breakdown
 - Mental health and/or mental capacity
 - Drug and Alcohol problems
 - Disabilities
 - Clash of lifestyles
 - Differing music tastes
 - Building issues
- 8.11 However this is not possible in some cases and therefore we may take immediate legal action, for example where violence is involved. When we receive a complaint of anti-social behaviour we will contact the alleged perpetrator and explain the complaint to them. We will also arrange an interview so that we can discuss this with them and agree a resolution.
- 8.12 We will offer to make referrals to support agencies such as floating support services, Drug and Alcohol Service, Rethink, Family Intervention Project to provide additional support.
- 8.13 If the perpetrator does not work with us to make a change in their behaviour or engage with us we may consider taking further action against them or their tenancy.
- 8.14 If the perpetrator is a tenant and causes damage to their property as a result of anti-social behaviour they will be recharged for the damage to their property under the terms of the Recharge Policy expect in the event of exceptional circumstances.

8.15 Vulnerable Perpetrators:

When a complaint of anti-social behaviour is made against someone who we know or suspect to be vulnerable, we will link in with the appropriate support agency and work with us to change their behaviour. However failure to engage with the support service may result in further action being taken against them or their tenancy.

9. DOMESTIC ABUSE

9.1 We are committed to tackling all forms of domestic abuse, and anyone found committing it is in breach of their tenancy conditions. This could lead to further action being taken against them.

9.2 Domestic abuse is defined as:

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

9.3 When an incident of domestic abuse is reported to us, we will contact the complainant the same day to agree an action plan with them. We will then carry out a thorough investigation and discuss a resolution with them. Where a domestic abuse incident is reported to us we cannot take enforcement action without evidence. We will work with our multi-agency partners to provide additional support. All complainants and witnesses will be supported throughout the investigation and will be dealt with in a supportive, sensitive way. It should be noted that there is a protocol for the sharing of incidents on domestic violence in Devon and Cornwall between statutory authorities, housing providers, voluntary and charitable agencies. The group is signed up to this protocol.

9.4 If you are feeling vulnerable in your home following a domestic abuse incident we will offer to make a referral to the Sanctuary Scheme.

9.5 Sanctuary Scheme:

The Sanctuary Scheme provides those experiencing domestic abuse or abusive incidents with an alternative to becoming homeless as a result of the fear they experience at home. The Scheme involves the appropriate persons in the Police carrying out an assessment of their property and where it would be safe to do so making recommendations for extra security devices to be fitted at the home by the Sanctuary Scheme. The aim of this is to reduce the fear felt within their home from the perpetrators.

9.6 Referrals are made to the Crime and Disorder Reduction Partnership, who will contact you to arrange a home visit. We will also provide information to the Central Allocation & Referral Point (CARP) and the Multi Agency Risk Assessment Conference(MARAC). The MARAC process is part of a countywide strategic response to domestic abuse, that aims to increase identification of complainants at very

high risk of serious harm from domestic abuse; and then to produce a multi agency risk management plan to reduce the risks to complainants, their children and any other vulnerable person in the household.

10. HARASSMENT AND HATE CRIME

10.1 The Group will not tolerate incidents of harassment or hate crime in any form. Harassment and hate crime is singling out or intimidating a person, or group of people because of their race, colour, ethnic or national origin, gender including transgender, sexual orientation, marital status, disability, age, pregnancy or religion and belief.

10.2 What is harassment?

Harassment can take many forms such as intimidating, threatening and aggressive behaviour, verbal, written and physical. This covers electronic media, for example Facebook, Twitter and other social forums.

Examples of harassment include:

- attacks on property, possessions and people
- bullying
- sexual comments or gestures
- Stalking
- offensive graffiti
- abusive language and behaviour
- violence towards people of all ages

10.3 Where a criminal offence is being committed we will support the victim to report the matter to the police. In some instances we are required to report the matter ourselves.

10.4 What is hate crime?

Hate crime is a more specific type of harassment. Hate crime is a criminal offence committed against a person or property because of their:

- race
- colour
- ethnic or national origin
- gender and transgender
- sexual orientation
- marital status
- disability
- age
- religion and belief

10.5 Victim and Witness Safety

The safety of any victim or witness of harassment or hate crime is the most important thing for us. All our staff are trained to deal with reports and reports of harassment and hate crime.

10.6 We will investigate what you tell us thoroughly and confidentially. We will also help you get any support or help you might need so you are safe in your home. This means we will investigate what you tell us thoroughly and confidentially. We'll also help you get any support or help you might need so you are safe in your home.

This means we will:

- quickly carry out any repairs to your home caused by harassment or hate crime and remove any hate-related graffiti within 24 hours.
- provide you with security improvements to your home such as new locks, peepholes in doors and fireproof letterboxes
- help you to get in contact with other agencies who can help you, including the Police, Social Services and victim support agencies
- take swift action against any perpetrators of harassment or hate crime.

10.7 If it is not possible for you to continue living in your home we will work with the relevant Council and other agencies to find you either a temporary or permanent new home. If your safety is at risk because of harassment or hate crime you will be eligible for a priority move (ask us for more details on Devon Home Choice, Cornwall Home Choice or other relevant choice based lettings scheme).

11. PARTNERSHIP WORKING

11.1 Partnership working is essential for us to prevent and resolve anti-social behaviour quickly and effectively. The Group recognise that this is fundamental to providing a holistic approach to tackling anti-social behaviour and its causes.

11.2 Our Partners include:

- Police
- Environmental Health
- Health Services
- Children and Young People's Department
- Youth Offending Service
- Crime and Disorder Reduction Partnerships
- Support Services
- Mental Health Services

11.3 With our Partner Agencies we are signed up to an information sharing protocol, which enables us to share appropriate and relevant information with each other in line with the Data Protection Act 1998 and the Crime and Disorder Act 1998.

11.4 The Group also works with tenant and resident's groups, neighbourhood partnerships and community based organisations to identify and prevent anti-social behaviour. Representatives from these groups are invited to participate in the development of the anti-social behaviour service provision.

11.5 We also hold Focus Groups with our customers; these are an opportunity for our customers to help us improve our services.

12. CLOSING CASES:

- 12.1 The Group will close cases in the form of a letter in the following circumstances:
- when the anti-social behaviour has been resolved and the complainant is happy for us to do so.
 - if the complainant fails to provide us information or make contact with us.
 - If we are satisfied we have taken every reasonable and proportionate step to resolve the anti-social behaviour, even if the complainant does not want us to close the case.
 - If the ASB Review Group deems it to be the most appropriate course of action.
 - If the complaint is malicious and without foundation.
- 12.2 We will explain the reasons why we have closed the case and will provide alternative advice. We may contact you by phone to confirm the case is being closed.
- 12.3 Only when we have made several attempts to contact complainants by telephone, letter or home visit, will we decide to close the case. We will regularly review cases to prevent them from being left open indefinitely. Cases can be re-opened at any time, but there must have been a further incident connected to the case to enable us to do so.

13. PERFORMANCE MONITORING:

- 13.1 When we close a case of anti-social behaviour we will send out a Satisfaction Survey to all complainants. We will follow this up with a telephone survey if we do not receive the postal one back.
- 13.2 Levels of customer satisfaction are monitored and reported to The Groups respective Boards quarterly. We also compare our performance with other housing associations and providers through HouseMark benchmarking. This gives us an idea of how we are doing and we can identify good practice in the sector.
- 13.3 Any surveys that are returned indicating dissatisfaction will be reviewed by the appropriate Manager. The Manager will contact the complainant and discuss the case to establish whether everything that could have been done to resolve the complaint has been done.
- 13.4 The appropriate Managers will also audit live cases to ensure that our service standards are being met.

14. CONFIDENTIALITY

- 14.1 We understand that making a complaint of anti-social behaviour can be frightening, therefore we will respect the rights of our complainants to confidentiality and will always request their permission before sharing any information they give us with third parties.
- 14.2 We will fully comply with the requirements with the Data Protection Act 1998 and any other relevant legislation.

15. STAFF TRAINING AND PROTECTION:

- 15.1 Under the Equalities Act 2010 the Group has a responsibility to protect its staff and contractors from bullying and harassment by third parties including our customers. The group will not tolerate any verbal or physical abuse or threats towards our staff, agents or contractors.
- 15.2 In accordance with the groups policies covering Bullying and harassment and abuse and violence against staff, we will take strong action against anyone who is abusive; this could result in legal action such as an injunction, possessions proceedings or both.

- 15.3 The Group recognises that in order to resolve anti-social behaviour effectively it requires knowledge and well trained staff to deliver the service. Therefore we will ensure all members of staff dealing with anti-social behaviour are well trained, have a clear understanding of our policy, procedure and the law.
- 15.4 The Group recommends to staff that legal advice is taken through our Housing Law solicitors in cases of uncertainty and complexity. The Group has a legal service which includes telephone advice for general matters, surgeries, and training. The Solicitors will also represent The Group in Court action where we deem it necessary and appropriate for them to do so.

16. REVIEW:

- 16.1 This policy will be reviewed, in partnership with our tenants and other organisations on a 2-year cycle. However if there are wider legal or policy changes we will be responsive to these and will review accordingly.

17. CUSTOMER INVOLVEMENT:

- 17.1 Involvement is central to the work of The Group. Customers have been involved in the formulation of this policy through surveys and focus groups. Customers will be involved in further reviews.

18. PUBLICITY:

- 18.1 It is important for our communities to see the successes of tackling anti-social behaviour, and therefore publicising successful results of both legal and non legal actions is essential to building safer communities.
- 18.2 We will publicise all positive legal and non legal actions in group publications and the local media. From time to time we will publicise positive actions within the housing sector, via professional magazines and publications.
- 18.3 We will also publicise statistical information showing numbers of cases, actions, resolutions, court results and satisfaction levels to our customers, community groups and multi-agency partners.

18.4 If we seek any legal actions, including, for instance, anti-social behaviour injunctions (ASBI's) or Possession, we may produce information for all relevant parties; this will include details of the name and age of the perpetrator, together with a list of the prohibitions and the expiry date of the order.