

Anti-Social Behaviour

Policy ref: Anti-social behaviour
Policy author/policy holder: Tenancy Enforcement Manager
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Approved by: Asst. Director (Housing)
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1:: Purpose and anticipated outcomes

The purpose of our Anti-Social Behaviour Policy is to support our belief that everyone has the right to live peacefully in their own home.

It supports our commitment to:

- providing a positive response to reports of anti-social behaviour and being clear about what we can and cannot do
- taking a harm centered approach to responding to reports of anti-social behaviour
- taking a robust approach to tackling anti-social behaviour caused by, or affecting, our residents, homeowners, other household members or their visitors
- using an incremental approach to tackling antisocial behaviour where possible, using legal action only when proportionate and reasonable
- tackling the most serious incidents swiftly and effectively

This policy explains our approach to managing reports of antisocial behaviour, as required under the Anti-Social Behaviour Act 2003. The policy aims to ensure a consistent approach is taken to managing reports of antisocial behaviour, and clarifies our approach to support victims and witnesses and how we will deal with alleged perpetrators.

2:: Scope and definitions

2.1 Scope:

This policy applies to reports of antisocial behaviour caused by or affecting, our residents, homeowners, other household members, or their visitors.

It sets out the way in which we will respond to all reports of anti-social behaviour and manage cases through to resolution. This policy should be read in conjunction with:

- Hate related incidents Policy
- Domestic Abuse Policy

2.2 Definitions:

As per the Antisocial Behaviour, Crime and Policing Act 2014, we define anti-social behaviour as:

- 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, or
- conduct capable of causing housing related nuisance or annoyance to any person, that is, directly or indirectly relating to our housing management function

We will investigate and if appropriate, take action where the anti-social behaviour is persistent, ongoing and preventable or is a single serious incident that comes within the above definitions.

Anti-social behaviour may include, but is not limited to:

- excessive noise nuisance
- verbal abuse
- substance misuse, production, or dealing
- intimidation and harassment
- vehicle or animal related nuisance
- criminal damage or graffiti

We will deal with reports of domestic abuse and hate crimes or incidents, including hate motivated antisocial behaviour; but these are covered under the Domestic Abuse Policy and Hate related incidents policy.

Some situations may be reported to us but will not be dealt with as antisocial behaviour and do not constitute breach of tenancy conditions. These include, but are not limited to:

- day to day living noise
- clash of lifestyle, e.g. because someone works nights
- children playing
- personal differences or disagreements
- parking problems

Where such reports are received, we will discuss this in full with the resident and clarify what we can and cannot deal with, and if another agency is able to assist.

3:: Our approach to dealing with anti-social behaviour

3.1 Managing complainants and alleged perpetrators

Responsibilities

We recognise that sometimes people do not realise their behaviour is affecting others and once brought to their attention they may stop. Therefore, we encourage all our tenants and homeowners to approach each other to resolve their problems themselves where possible and safe to do so.

When they report antisocial behaviour to us, complainants are expected to provide us with accurate and clear information. Malicious or false complaints could lead to action being taken against the complainant.

Our residents will be expected to comply with the terms of their occupancy agreement and take responsibility for the behaviour of their household and visitors.

Homeowners are expected to comply with the terms of their lease or conveyance document and not cause nuisance, alarm or distress to their neighbours or anyone lawfully in the locality.

Homeowners are responsible for anyone living in their property. If the lease or conveyance documents allow subletting and the occupants cause anti-social behaviour, action may be taken against the occupants and / or the homeowner. In such cases we will always require the homeowner

to deal directly with their resident. In the event that we are required to intervene on behalf of the homeowner, charges may apply.

Supporting complainants

Without the help of complainants reporting to us, action may not be possible in any case.

We will take a harm centred approach to responding to anti-social behaviour. When someone makes a report of anti-social behaviour to us, we will assess the level of risk and respond accordingly. We recognise the impact that anti-social behaviour has on people and will ensure that those who report it to us are appropriately supported. We will carry out visits and meetings at a reasonable time and venue convenient to the complainant.

Referrals may be made to specialist support agencies who may be able to offer support, such as Victim Support or floating support services.

We will keep in regular contact with a complainant, and the action plan and level of harm will be reviewed throughout the case.

Should the case progress so that a complainant or witness is required to attend court, we will do what we reasonably can to make witnesses feel supported throughout the court process and afterwards if necessary.

When a report of anti-social behaviour is made to us, we will agree an action plan with the complainant to establish how the case will progress. The complainant is able to indicate what they want included in the action plan, however we will discuss if there are any implications. For example, a complainant may not want us to contact the perpetrator for many reasons, but this may limit what interventions we are able to take and ultimately may result in us closing the case.

Supporting perpetrators

We aim to tackle anti-social behaviour by providing remedies and tools as appropriate to resolve the behaviour. We recognise the importance of giving perpetrators the opportunity to modify their behaviour and make positive changes. Where appropriate we will work with perpetrators to resolve anti-social behaviour and take account of any underlying factors that may be causing the behaviour, and make appropriate referrals to attempt to address these factors.

Where we have made attempts to address the underlying factors that are resulting in anti-social behaviour, and the behaviour continues, the case will progress as per our usual approach. This may result in us taking legal action against residents with some vulnerabilities, but this will be when we have explored all support options and the problems have continued regardless.

When we receive a complaint of anti-social behaviour we will usually contact the alleged perpetrator and/or resident responsible to discuss the complaint with them and agree a resolution. However this is not possible in some cases and we may take immediate legal action, for example in cases of violence or threats of violence, or to protect our residents, the community and officers from those causing anti-social behaviour.

Vulnerable complainants and perpetrators

We may, following investigation, understand that vulnerabilities may be the trigger for the anti-social behaviour being caused, or for the impact of the behaviour being exacerbated. In these cases we will take an empathetic approach and will look to work with other specialist agencies who are better placed to assist.

In some cases, where the risk is high or behaviour is extreme, we may coordinate multi agency vulnerable adult case conferences to agree suitable approaches to resolve the situation.

3.2 Our approach to casework

Reporting anti-social behaviour

Anti-social behaviour can be reported to us in several ways:

- telephone
- email
- website
- in writing
- in person
- via a third party

For reports made via a third party we will still need to speak to the person directly affected by the anti-social behaviour.

We will accept anonymous reports but this may affect what we can do in response because we will not be able to provide feedback or get further information.

We will provide an initial harm centered approach that will assess the anti-social behaviour reported and agree what will happen next.

If it is not clear whether the situation is persistent, ongoing and preventable anti-social behaviour, (for example a party or loud music that may be a one off) we will agree a monitoring period to establish whether a case needs to be opened. The monitoring will be for no more than two weeks during which time details of incidents will be recorded and information returned to us for assessment. If the behaviour is clearly anti-social behaviour as defined earlier then a case will be opened, otherwise we may give advice or details of another organisation who may be able to help.

If the complainant is reporting noise and has access to a Smartphone using Android or IOS within the household, we may request that the customer installs The Noise App and makes recordings so we are able to establish the severity of the problem and the level of intervention required.

Harm centered approach

We take all reports of anti-social behaviour made to us seriously, and will interview anyone who reports anti-social behaviour to us as long as it fits within the above definitions. We will carry out an interview either in person or over the phone:

- within 1 day where the complainant feels or we assess there to be a genuine risk of harm
- within 5 days for all other cases

Genuine risk of harm can include, but is not limited to:

- cases with particular gravity such as domestic abuse or hate incidents
- where there has been actual violence and the perpetrator is in close proximity
- where the complainant has reported a number of incidents or cases previously and there may be a cumulative effect
- where the complainant has physical or mental health problems or learning difficulties which may increase the impact of the anti-social behavior
- where the complainant is being targeted for a specific reason

In some cases, complainants may feel that they are at genuine risk of harm and we may investigate and establish that they are not. In this situation, we will explain clearly what we can and cannot do, and may either manage the case as per our standard procedure, or close the case following a thorough investigation and consideration of signposting to other organisations.

Where we have assessed someone to be at high risk of harm we will consider the following:

- referral to specialist support agencies such as Victim Support or Beme Therapy
- additional security measures
- referral to multi agency partnerships to support the complainant
- any other measures that will assist to reduce the risk of harm

The above interventions can also be carried out regardless of risk if they are felt to be relevant to the particular case.

During our first interaction with the complainant, we will develop an action plan for how we intend to progress the case. This plan will include how we intend to:

- gather evidence
- approach the alleged perpetrator(s)
- link to other agencies
- how frequently we will be in contact with the complainant
- anything else relevant to the case

We will not take action without the complainant's consent. However if someone is at risk of actual harm, or there are any safeguarding concerns, we will alert the appropriate agency.

Case progression

We will use the full range of tools available to us to combat anti-social behaviour as appropriate and proportionate to the case. We aim to take an incremental approach to managing cases, unless the behaviour or an incident warrants immediate legal action. Interventions that will be utilised include (but are not limited to):

- making sure our residents fully understand their rights and responsibilities in relation to the tenancy or lease
- working in partnership with other agencies such as the Police, Crime and Disorder Partnerships, Health Services, Social Services, Environmental Health, support workers
- mediation and Restorative Justice Services
- acceptable behaviour contracts
- troubled Families Projects
- court undertakings
- anti-social behaviour injunctions
- possession proceedings and eviction as a last resort

We will use a variety of approaches to gather evidence in relation to each case. These include but are not limited to:

- use of CCTV, noise monitoring equipment and The Noise App
- door knocking
- investigation with other agencies such as the police or local authority
- interviewing other witnesses

Closing cases

We will formally close cases when the anti-social behaviour has been resolved or if the complainant fails to provide information or make contact with us.

If we are satisfied that we have taken every reasonable and proportionate step to resolve the anti-social behaviour we will close the case. We will explain the reasons why we have closed the case and will provide alternative advice if the complainants feel there is still an issue.

We will regularly review cases to prevent them from being left open indefinitely.

Costs

The terms contained in a homeowner's lease or freehold document sets out:

- our management obligations,
- the responsibilities of a homeowner (including their visitors or other occupants) and;
- the terms under which we may pass-on and recover properly incurred costs.

When acting on behalf of a homeowner to resolve a complaint of anti-social behaviour we may incur costs such as:

- hiring of specialist equipment
- obtaining legal advice
- mediation costs
- obtaining injunctions / legal orders against perpetrators
- costs associated with forfeiture
- staff time

The circumstance where costs could be passed to a homeowner will vary from case to case. For example, where one of our tenants is the perpetrator, we are unlikely to pass on any costs, but where the perpetrator is a private resident or another homeowner, costs incurred after our first response may be.

No costs will be passed on without first explaining the options for resolving the problem, providing an estimate of costs and seeking approval to proceed.

We may also seek to recover from the perpetrator, all reasonable costs including legal costs incurred when dealing with any complaint.

Publicity

It is important for our communities to see the successes of tackling anti-social behaviour, and therefore it is essential use publicity to highlight our successes.

We will publicise positive actions on Knightstone's website, the local media and specialist publications where appropriate with the agreement of the complainants involved.

We may produce relevant information and publicity in connection with injunctions or orders obtained, considering whether this will assist with enforcement, deterrence or prevention of further anti-social behaviour.

Publicity may include the name and age of the perpetrator, a list of prohibitions and the expiry date of the order. This information may be provided to the local neighbourhood and other relevant parties in the case.

4:: Service standards, monitoring and review

We have agreed the following services standards with our residents:

- Take time to listen and make an assessment of the problem
- Be clear about what we can and can't do
- Take prompt action
- Keep the complainant informed and updated.
- Agree an action plan with you setting out what we'll do and what you'll do
- Take action using informal methods through to tenancy enforcement and other court action, depending on the nature of the problem
- Bring in the expertise of other agencies, such as local Council, Police, local community and support groups, if we need to
- Recommend you take independent advice, if necessary
- Arrange urgent repairs and removal of offensive graffiti within 24 hours
- Offer support to everyone involved so we can find a resolution.

We will monitor our performance by:

- customer satisfaction results
- performance measures that tell us how we deal with reported anti-social behaviour and our success rate
- feedback from complaints and compliments.

If we get anything wrong we'll:

- put it right as soon as possible
- let you know what's happening
- say sorry
- learn from mistakes so they don't happen again
- find out if you're satisfied with how we've dealt with the problem
- let you know how to make a complaint if you're not satisfied.

When we close a case a satisfaction survey will be carried out. We will use results of this to monitor levels of customer satisfaction and improve the service.

We will monitor satisfaction by the 9 protected characteristics under the Equality Act 2010 legislation and report on this every 6 months.

5:: Legal considerations

Examples of legislation that we are required to comply with:

- The Anti-Social Behaviour, Crime and Policing Act 2014, (includes changes to injunctions and additional grounds for possession)
- Housing and Regeneration Act 2008
- The Anti-Social Behaviour Act 2003
- The Crime and Disorder Act 1998
- Human Rights Act 1998
- Equality Act 2010
- Data Protection Act 1998

6:: Linked/associated policies and other references

- Domestic Abuse Policy
- Hate Incidents Policy
- Anti-Social Behaviour Procedure
- Equality and Diversity Policy
- Lettings Policy
- Starter Tenancy Policy
- Data Protection Policy
- Safeguarding vulnerable adults and children Policy