



Anti-Social Behaviour Policy

Department: Housing Services

Author: Service Improvement & Policy Team

Date Issued: Jan 2009 To be reviewed: July 09

Version Number: 2

CONTENTS	PAGE NO
1. INTRODUCTION	2
1.1 Definition	2
2. AIMS & OBJECTIVES	2
3. POLICY STATEMENT	2
4. CATEGORISING ANTI-SOCIAL BEHAVIOUR.....	4
5. HOTSPOTS.....	5
6. ACTION PLANS / MANAGEMENT TOOLS.....	5
7. LEGISLATION REGULATION & GUIDANCE.....	7
8. RESOURCING & VALUE FOR MONEY.....	7
9. CONFIDENTIALITY.....	8
10. EQUALITY & DIVERSITY.....	8
11. MONITORING & REPORTING.....	8
12. HEALTH & SAFETY	8

1. INTRODUCTION

As a Social Landlord One Housing Group (OHG) recognises meeting the residents' expectations of a very high standard of service delivery is essential. The proper handling of anti-social behaviour is therefore one of OHG's highest priorities. OHG has prepared this policy after consultation with residents. This policy should be considered in conjunction with the OHG **Anti-Social Behaviour Procedure** and the separate OHG **Domestic Violence Policy** and **Domestic Violence Procedure**.

1.1 Definition

For the purpose of this policy, anti-social behaviour (ASB) is defined as any activity that has a negative impact on the community or any individual's quality of life.

2. AIMS & OBJECTIVES

Aims:

- provide the framework to ensure that residents are able to go about their daily life without fear of becoming victims of ASB
- work towards preventing ASB before it starts, where possible, and identifying areas of repeated incidents upon which to allocate resources
- establish close working relationships with OHG residents and partner agencies to combat occurrences of ASB

Objectives:

- to place focus on tenancy and community sustainment by taking early action but deploying legal action as a last resort
- to consider the support needs of all parties involved in any one case of ASB, victims, witnesses and perpetrators alike
- to collect, record and report upon all relevant data on ASB
- to ensure that our residents know about our services in relation to ASB and how to access them

3. POLICY STATEMENT

OHG is committed to providing residents with as safe an environment as possible, both inside and outside of their homes. We will investigate thoroughly all incidents of ASB reported to us and take action where we have the power to do so. Our actions will be prompt, firm and proportionate to the nature of the problem. OHG will avoid using legal action where possible, but will do so as a last resort. This policy has been drafted in accordance with the Audit Commission's Key Lines of Enquiry, Quality Housing Services' Criteria for Excellence, and the Government Respect Agenda. OHG will also work in partnership with external agencies and internal departments to resolve ASB and to provide support to individuals and communities.

3.1 Multi Agency Approach

OHG will consider the services of all relevant agencies on assessment of each case. We acknowledge the importance of working in partnership with Environmental Health Agencies,

Social Services, Mediation Services, The Police, Local Authorities, in-house support teams and any other statutory and non-statutory agencies that could contribute to the early resolution of ASB.

3.2 Victim & Witness Support

OHG understands the personal stress that ASB can cause. We will do all we can to help residents feel safe, secure and able to report incidents of ASB. We will respect the confidentiality of victims and witnesses and will keep them informed of the process at all times. OHG will work with victims and witnesses to design an action plan that they feel they can agree with. Where any extra support needs are identified, we will refer to and work with the appropriate agencies.

3.3 Supporting Perpetrators - Tenancy Sustainment

OHG wants to stop ASB occurring, not simply displace it to another area. We will take a holistic approach by assessing the support needs of perpetrators as well as their victims. We will refer residents to specialist external support agencies where necessary. Officers will be able to refer some residents to OHG's in-house floating support team within the One Support Department. Unfortunately the floating support team do not work across all of OHG's boroughs.

3.4 Mental Health / Disability

Where there are concerns in relation to mental illness or disability, OHG will ensure that all support needs have been considered and legal action is fully justified. In all such cases legal action will only be considered after all support needs have been identified.

3.5 Prevention & Sustainable Communities

OHG not only aims to prevent ASB through supporting people, we also work to create sustainable communities through our **Resident Involvement Framework**. Residents are encouraged to form relationships with their neighbours and to take pride in their surroundings by joining Tenants Associations, Focus Groups, Youth Clubs and employment and training initiatives. The OHG Youth Service Team also works to create diversionary activities for young people. Currently this service is not available to all residents but we hope to roll out youth services across the group over the course of the next 2 years. Street Wardens have also been deployed on a number of our housing estates. As a further preventative measure, all new OHG tenants are signed up to Starter Tenancies with a 12 month fixed term; this helps to promote the risks involved in carrying out acts of ASB.

4. CATEGORISING ANTI-SOCIAL BEHAVIOUR

OHG has adopted the Housemark categories of ASB to enable effective benchmarking with other associations. We will take action against any behaviour that falls within the definitions of the categories listed below.

Hate-related incidents (based on race, sexual orientation, gender, disability, religion, age, etc): Hate crime goes beyond simply causing offence or hostility. It is any criminal offence committed against a person or property that is motivated by prejudice.

Physical violence (other than domestic violence): Any physical attack on another person, whether it happens in the home, on the street or within the locality of their home.

Domestic violence / abuse: Any physical or emotional abuse that takes place within the context of a close relationship. This will include verbal abuse, humiliation, deprecation, threats and intimidation, physical assault, and rape. OHG also recognises the wider definition of Domestic Violence for example, forced marriage, forced prostitution and financial control. OHG operates a separate [Domestic Violence Procedure](#).

Verbal abuse/harassment/intimidation/threatening behaviour: Any of these actions taken against an individual or group outside of the context of a close relationship.

Noise nuisance: OHG will consider the source, volume, duration and frequency of any noise. The noise must provide a significant interference with people's comfort. Examples include, excessive noise from a stereo, parties or musical instruments. Noise nuisance does not include everyday household noise. Residents that occupy a flat must expect to hear other residents' living. For example, we will not intervene in reports about washing machines. Residents will be expected to practice tolerance in such cases.

Drugs/substance misuse/drug dealing: We will not tolerate the consumption, storage, or soliciting of illegal drugs within our properties as well as all communal areas and their immediate localities.

Alcohol related: Any individual or group causing disorder and nuisance where alcohol is a contributing factor either inside their home or within the locality of their home.

Misuse of communal areas/public space or loitering: Misuse includes obstruction of communal areas with any item or personal belonging, for example bikes, prams or bin bags, or allowing unauthorised access into a block or building. Loitering refers to any individual or group sitting or standing in one area for a prolonged period with no apparent reason, and/or acting in an intimidating or unruly manner.

Pets & animal nuisance: Excessive noise (like constant barking), fouling of communal areas or footpaths, mess caused by feeding pigeons, allowing pets to run unsupervised or intimidate individuals, keeping dangerous animals or keeping excessive numbers of animals, will all be considered anti-social.

Litter/rubbish /fly-tipping: Failure to dispose of rubbish in an appropriate manner. Leaving bulk items such as mattresses or white goods in bin and other areas without arranging for council, or other agency, pick up.

Vandalism & damage to property: This includes graffiti and any other criminal act that has defaced or damaged private or public property.

Garden nuisance: This includes overgrown gardens, dumping of household or other rubbish that may lead to vermin infestation, or a general lack of garden maintenance.

Nuisance from vehicles: This includes illegal parking and abandonment, joyriding or reckless driving, playing loud music from cars, revving engines, slamming car doors and hooting unnecessarily, repairing of vehicles, illegal selling of vehicles and unauthorised loading and unloading of goods by commercial vehicles. Residents will be expected to adhere to OHGs **Parking Policy & Procedure**.

Prostitution/sexual acts/kerb crawling: This includes anyone using or allowing their home to be used for the purposes of prostitution, or committing and/or permitting any other party to use communal areas for illegal or other sexual acts.

5. HOTSPOTS

OHG will recognise any public space, such as a park, car park or communal stairwell, as an ASB Hot Spot if:

- 3 or more incidents have occurred there within a one month period, and
- reports have continued for a period of 2 months or more.

OHG will review its Hot Spots regularly and designate resources as is necessary to resolve the problem.

6. ACTION PLANS / MANAGEMENT TOOLS

OHG will work with the victims and witnesses involved in a case to devise an action plan that is agreeable to all and designed to fit the type and severity of the ASB occurring. The key management tools available to OHG staff are defined below.

Mediation: Dispute resolution can often be achieved by simply talking to those involved. In all cases of ASB, OHG officers will first attempt to talk with both the victim and perpetrator separately. External mediation services will be employed if deemed necessary.

Environmental Health: Environment Health Departments can assist with a wide range of environmental issues relating to ASB such as noise nuisance, fly tipping, dog fouling or vermin infestation. In serious cases of noise nuisance they can install a sound detection device in the resident's home which can be used as evidence.

Transfers: Where there is a threat to personal safety residents will be advised to seek assistance from the temporary housing unit at their local council. In exceptional circumstances in-house management transfers will be considered. Please refer to OHG's **Allocations Procedure** for details on Management Transfers.

Security: Consideration will be given to security measures such as, spy holes, chain guards, and additional locks. In serious case we will work with other agencies to provide additional security measures.

Support: We are committed to working with external agencies in provision of appropriate support and counselling either through referral to specialist agencies and/or OHG's One Support Teams. For example, Youth Inclusion Support Panels, Social Services or OHG's support teams specialising in substance misuse, mental health or disabilities support.

Acceptable Behaviour Contracts (ABC): A person can sign a contract setting out how they promise to behave in future. The contract has no legal force, but if they do not keep to the agreement it can be used in future proceedings.

Parental Control Agreements: In cases where the perpetrator of ASB is a child under the age of 10, the parents can be asked to sign a parental control agreement as opposed to the child signing an acceptable behaviour contract.

Parenting Contracts: Parents can also be asked to sign a voluntary agreement to attend a series of counselling and guidance sessions.

Dispersal Orders: The police and the council have the power to declare dispersal zones in areas where ASB is being conducted by 2 or more persons and it is a significant and persistent problem. The police can then instruct people to leave a specific area and not return.

Demotion of Tenancy: A court order to reduce a tenancy to a Shorthold status for a 12 month period, making a possession order easily obtainable if ASB continues.

Injunctions: A court order requiring the offender to stop doing something, for example, playing loud music, or going to a particular street of property. In urgent cases, OHG can apply for an Injunction without giving prior notice to the perpetrator.

Anti-Social Behaviour Orders (ASBOs): Similar to an injunction, it is a court order requiring the offender to stop doing something. An order lasts for at least two years and can have an exclusion order attached to it forbidding an individual from returning to a specific area where they may have caused ASB. On breaking an order, a perpetrator can be arrested and sentenced for up to 5 years imprisonment.

Evictions: As an absolute last resort, OHG will apply to court for a Possession Order which could result in a tenant losing their home.

7. LEGISLATION REGULATION & GUIDANCE

Government legislation has an impact on how OHG can implement its ASB policy. Listed below are the key Acts to be acknowledged.

- Anti-Social Behaviour Act 2003
- Environmental Protection Act 1990
- Noise and Statutory Nuisance Act 1993
- The Crime & Disorder Act 1998
- Race Relations (Amendment) Act 2000
- Racial and Religious Hatred Act 2006
- Domestic Violence, Crime and Victims Act 2004
- The Disability Discrimination Act 1995
- Dangerous Wild Animals Act 1976
- Dangerous Dogs Act 1991
- The Clean Air Act 1993.

8. RESOURCING & VALUE FOR MONEY

OHG sets aside a yearly budget for tackling ASB and we will make the best use of the money we have. Legal costs can be very high and these costs have to be paid for out of the rent paid by tenants, leaving less to spend in other areas. So in deciding with the affected residents the best action to take, we will examine the likely costs and consider value for money. Working effectively with other agencies, as noted in point 5.1, is vital in achieving this. OHG is accountable to the Group Board for all actions taken and money spent.

8.1 Staffing

OHG employs Neighbourhood Officers, Housing Officers and specialist ASB Officers to investigate all reported incidents of ASB. All officers involved in combating ASB will undergo specific training to ensure they fully understand the management tools available to them. Value for money will be considered before the enrolment of any additional staff resources to aid the resolution of a particular case.

8.2 Managing Agencies

Where OHG own a block, building or property that is managed by another agency, it would be that agencies ASB policy that would apply. However, if the resident is a OHG tenant, the agency must seek approval from OHG before taking any legal action against them. The inter-agency relationships are set out in the Management Agreements as authorised by OHG Board.

9. CONFIDENTIALITY

Under the Data Protection Act 1998 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or committee member
- sensitive organisational information

Officers will ensure that they only involve other agencies and share information with the consent of the resident concerned, unless:

- OHG is required to by law
- the information is necessary for the protection of children

10. EQUALITY & DIVERSITY

OHG recognises the needs of a diverse population and always acts within the scope of its own **Equality and Diversity Policy**, the Human Rights Act 1998, The Disability Discrimination Act, and Race Relations Act. OHG works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. The Performance Information Team is responsible for recording, analysing and monitoring information on ethnicity, vulnerability and disability.

11. MONITORING & REPORTING

OHG will record data on anti-social behaviour within its comprehensive Performance Management Framework. All of OHG's key performance indicators can be resourced within in this document.

12. HEALTH & SAFETY

Officers will follow OHG's **Health and Safety Policy** and **Loan Working Policy**, at all times when managing ASB. They will also consider the health and safety of all parties involved in any one case and the wider community when taking action against ASB. It is imperative that all parties involved in, or affected by a case, are kept informed throughout the process, as noted in point 3.2.