

ANTI-SOCIAL BEHAVIOUR POLICY

SCOPE	<p>This policy sets out Genesis Housing Group's approach to the prevention and management of anti-social behaviour (ASB). It applies to all tenants and leaseholders, their household members and their visitors.</p> <p>This policy does not apply to customers who come under Pathmeads contract management. This includes customers living in City West and Hackney Homes properties, who will be covered by the policies adopted by that authority or provider.</p>
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LEAD AUTHOR	Harriet Jones, Policy Officer
POLICY OWNED BY	Policy team

1. INTRODUCTION

Genesis Housing Group is committed to tackling anti-social behaviour (ASB) in a responsive and robust manner. We recognise that if allowed to persist, ASB can significantly affect quality of life for our customers and that dissatisfaction with the living environment may have a negative impact on the way we manage our homes. We will work with partner agencies to tackle the causes and effects of ASB, using a consistent and clear approach.

ASB can include a range of activities and is a problem which has many causes. It requires a wide range of responses to tackle it effectively. We will balance enforcement action and intervention with programmes which aim to prevent ASB. We will use a three-point approach to tackling anti-social behaviour – preventative measures, management intervention and legal action.

We are signatories to the government's Respect Standard. This demonstrates our commitment to tackling ASB and promoting a culture of respect in the communities where we work.

Aims

We aim to:

- tackle the causes of ASB and prevent incidents of ASB from arising
- prevent incidents of ASB from escalating, where they do arise
- take the necessary management intervention and legal action to deal with perpetrators of ASB
- provide customers with appropriate advice and assistance
- work in partnership with other specialist agencies where appropriate
- support staff to tackle ASB
- support customers and sustain tenancies.

Definition

The term anti-social behaviour covers a wide range of selfish and unacceptable activities that have a negative effect on the quality of community life. We use the following definition of ASB, as stated in the Anti-Social Behaviour Act 2003:

Conduct which is capable of causing nuisance or annoyance to any person and which directly or indirectly relates to, or affects, the housing management functions of a relevant landlord or conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.

People to whom the conduct may cause nuisance or annoyance includes:

- anyone who has a right to live in property that Genesis Housing Group owns or manages
- those living in any other property in the neighbourhood
- anyone else lawfully in such a property or in the locality, for example those working nearby or using local facilities.

The housing management function covers any of our day-to-day activities and strategic management of our stock, for example, maintenance, rent collection and neighbourhood

management. Matters that “indirectly affect” the housing management function could include social care and housing support, environmental health, refuse collection and other services that enable us to operate efficiently.

ASB can include:

- Noise
- Verbal abuse/harassment/intimidation/threatening behaviour
- Hate-related incidents (based on race, sexual orientation, gender, disability, religion, age, etc.)
- Vandalism and damage to property
- Pets and animal nuisance
- Nuisance from vehicles
- Drugs/substance misuse/drug dealing
- Alcohol-related
- Domestic abuse
- Physical violence (other than recorded as domestic violence)
- Litter/rubbish/fly-tipping
- Garden nuisance
- Misuse of communal areas/public space
- Prostitution/sexual acts/kerb crawling
- Other criminal behaviour/crime

This list is not exhaustive.

2. CUSTOMERS’ OBLIGATIONS

All customers, their household members and their visitors must show consideration for their neighbours by complying with the terms of their occupancy agreements. This includes ensuring that they do not commit ASB, whether accidental, deliberate or personally motivated.

3. TACKLING THE CAUSES OF ASB

Many factors may lead to ASB. These may include, but are not limited to, mental health issues, drug dependency, family breakdown, involvement in the criminal justice system, experience of abuse, learning difficulties or lack of activities for young people. We aim to address the causes of ASB through working with voluntary or support agencies, providing support directly and through community development work, for example, providing activities for young people.

4. TAKING A PREVENTATIVE APPROACH

We aim to prevent ASB. Our preventative approach includes:

- clear clauses in occupancy agreements prohibiting ASB and detailing customer responsibilities
- community agreements and good neighbour agreements
- providing new customers with information on our policy and procedure on ASB at the start of their occupancy and settling in visits for new customers
- publicising our commitment to dealing with ASB, for example in newsletters

- assessing vulnerability and support needs of our customers and providing support directly or referring customers to external agencies as necessary
- effective design of new developments and where possible improvements to existing developments, so as to reduce the potential for crime and ASB
- sensitive lettings where appropriate
- starter tenancies where they are in operation
- considering refusing applicants with a known history of serious ASB.

5. RESPONDING TO ASB

Customers can report ASB by phone, e-mail, in writing or in person.

We will take a customer focussed approach to tackling ASB, working with the complainant and the alleged perpetrator, aiming to reach agreed actions, timescales and ultimately closure. We recognise that early intervention is important to stop cases escalating. On receiving a report of ASB, we will:

- listen to complaints and give complainants advice as to what they can do and what they can expect from us
- assess and monitor any risk
- advise customers to report criminal behaviour to the police
- keep to specified target response times for acknowledging and responding to reports of ASB and will investigate the report within 24 hours where someone's life may be at risk
- develop an action plan with the complainant, being clear and realistic about potential outcomes and timescales involved, choosing from a toolkit of different actions and taking action proportionate to the type of ASB reported
- refer customers to external agencies as appropriate
- liaise with relevant internal departments
- file note all reports of ASB and monitor the progress of the case
- keep in regular contact with the complainant.

On some occasions, an alleged perpetrator may make a counter-claim against the original complainant. We will adopt this same approach on responding to counter-claims.

6. TAKING ACTION AGAINST PERPETRATORS

Management intervention

We use the following management intervention measures. These will vary depending on the nature and type of ASB reported.

- When a problem first arises, we may encourage customers to speak to the person causing the problem with a view to resolving the problem.
- If the complainant has tried speaking to the person causing the problem and this hasn't helped, or if it wouldn't be appropriate for the complainant to speak with them themselves, we will contact the person causing the problem. We may send warning letters where there is evidence of ASB, or we may interview the alleged perpetrator.

- Where the ASB involves a neighbour dispute, we will identify whether a mediation referral is appropriate and if all parties agree, we will refer customers to mediation services.
- We will make sure that people who are responsible for ASB know the possible consequences of their behaviour, including the possibility of losing their home.
- We will advise the complainant as to how they can record any future incidents, for example using diary sheets.
- We will carry out regular estate inspections and use local surgeries to monitor and respond to incidents of ASB in communal areas such as graffiti, misuse of gardens, fly-tipping etc.
- Where there is a significant problem of high-level ASB and further evidence is needed and where this would be cost effective, we will consider installing CCTV to monitor ASB.
- We will use Acceptable Behaviour Contracts, Parental Guidance Agreements and other agreements such as agreed informal curfews on estates.
- Where possible, we will carry out estate improvements to reduce ASB.

As part of our investigation of a reported ASB case, we will consider whether there are any wider household needs, including child protection issues. If a staff member has any concerns relating to child or adult abuse, this will be reported to the relevant authorities, in line with our policies on safeguarding children and young people from abuse and safeguarding adults from abuse.

Legal action

Where there is sufficient evidence that someone is responsible for ASB and where early intervention fails to bring an end to the ASB, we will consider taking legal action against the perpetrator. Eviction will only be considered where other interventions have failed and will be used as a last resort.

We will make use of the following, as appropriate to each case:

- legal notices
- possession orders
- forfeiture of lease
- injunctions
- noise abatement notices (issued by local authorities)
- premises closure orders for premises where drugs are used unlawfully or where the premises is associated with significant and persistent disorder (with the police)
- Anti-social Behaviour Orders (ASBOs)
- parenting contracts/ orders
- professional witnesses (in complex cases).

We will ensure that breaches of orders are enforced quickly and appropriately, in discussion with complainants, our partners and the courts as appropriate.

7. WORKING WITH THE PERPETRATOR TO ADDRESS THEIR BEHAVIOUR

We will take action to protect the wider community, but will always try to balance the rights of the community against those of the perpetrator.

We will support perpetrators to change their behaviour where this is a reasonable remedy to addressing the ASB concerned. This may be linked to enforcement action where appropriate.

Customers with support needs

We recognise that customers with support needs could be alleged perpetrators or victims of ASB and that they may need help and support to sustain their tenancy.

The ASB may be a consequence of a customer's vulnerability, for example it could be a consequence of substance misuse, mental health or a customer's experience of homelessness. We will ensure that any action we take is appropriate and sensitive to the particular vulnerability of the customer and is compliant with the Disability and Discrimination Act 1995.

Where appropriate we will either provide support directly, or will work with external specialist agencies to seek to moderate the ASB. We recognise that in these circumstances changes in behaviour may be gradual and not immediately achieved. We will encourage and support long-term changes in the behaviour of perpetrators.

We may arrange for perpetrators to receive support in the following ways:

- referral to parenting programmes
- liaison with education authorities
- referral to social services
- referral to community mental health teams
- referral to substance misuse programmes
- advice on adult learning
- referral to family intervention projects
- referral to family counselling.

Alleged perpetrators of ASB may be part of a vulnerable household, with children, young people or adults who are in need of support; the ASB case may be a trigger which alerts us to wider problems the household is experiencing. This may include child protection issues. We will respond to these situations in line with our policies on safeguarding children and young people from abuse and safeguarding adults from abuse.

8. SUPPORTING THE COMPLAINANT AND WITNESSES

We aim to build an environment within our neighbourhoods where witnesses feel secure and safe in coming forward to report ASB and we will work with our partner agencies to achieve this.

The action we take to support the complainant and witnesses will vary depending on the type of ASB they are experiencing. We will deal sympathetically and confidentially with the complainant and any witnesses. We will also take the following action, as appropriate to each case.

- Provide regular support to the victim as part of case management until the case is closed or if agreed otherwise with the victim, including regular phone calls, regular visits and regular updates on progress.
- Take swift and appropriate action to stop intimidation.
- Formulate an action plan with the complainant.
- Discuss with the complainant what is involved if their help is needed in taking legal action. We will provide them with information and support to help them make a decision about signing a witness statement and going to court.
- Protect a victim's or witness's identity where they are not willing to be identified.
- Inform the complainant and any witnesses about services that our partners and local agencies (such as local authorities, police, community groups) can provide, including victim support. We will contact these agencies for customers where necessary (for example, if customers are elderly or disabled).
- Where attendance at court is required, reimburse witnesses for travel expenses, explain court procedures, offer pre-visits to court in advance, escort to court and mentoring services.
- Take practical action to protect complainants and witnesses, to ensure their property is safe, depending on assessment of risk.

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. Our focus is on stopping the ASB, rather than on transferring customers elsewhere.

Sometimes the victim or witness may not be a customer in a Genesis Housing Group property, but an owner-occupier or customer of another landlord. We will aim to work with our partners to support and protect that victim or witness.

9. CLOSING THE CASE

After a report of ASB has been investigated, we will draw it to a close. We will consult with the complainant beforehand and explain our reasons. We will listen to any reasons they give us as to why we shouldn't close the case.

A case may be closed where:

- an investigation has been concluded, appropriate action has been taken and no further incidents have occurred over a given period (this will vary depending on the nature of the case)
- we are unable to get sufficient evidence in order to take any action.

If a complainant withdraws their complaint, we may close the case. In some cases we will continue to monitor the situation and will keep in contact with the customer should they wish to pursue action in future. In other cases, where we have sufficient evidence, we may be able to continue to pursue the case without the complainant's involvement.

The complainant will be notified in writing that the case is closed and that they can contact us again should the problems occur again in the future. On closing an ASB case we will seek the views of complainants and ask for their feedback on how satisfied they were with our handling of the case. We will use this information to improve our service.

We will inform all relevant internal departments that the case has been closed.

10. MULTI AGENCY AND PARTNERSHIP WORKING

We recognise that any one agency alone cannot solve the problems of ASB in communities. We have adopted a multi agency approach to preventing and managing ASB.

We will, where they exist, join and work positively with local partnerships and external agencies, such as:

- local Crime and Disorder Reduction Partnerships
- police – community support officers and neighbourhood police teams
- environmental health departments
- the probation service
- substance misuse agencies
- health services
- local authorities social services, including children’s and adult’s services teams
- schools
- youth offending teams
- floating support agencies
- NHS Trusts, where we are providing accommodation for key workers
- other support and advocacy agencies.

We will work with partnerships at both the strategic level (for example on Crime and Disorder Reduction Partnerships) and at operational levels (for example with local police and support agencies).

Regular information and feedback on ASB is provided to local stakeholders.

We understand that different partners will, at times, have competing priorities. We will ensure there are clear boundaries as to who is responsible for what, seek clarity as to funding and time required from each party and aim to agree a shared set of goals.

11. INFORMATION SHARING

We will ensure that, where appropriate, we have signed local information sharing protocols so that information about complainants and perpetrators may be shared with other agencies for the purpose of preventing ASB or crime.

Designated senior officers are authorised under the protocols to request information from partner agencies.

12. CONFIDENTIALITY AND DATA PROTECTION

Interviews and conversations with customers about personal and sensitive matters will be carried out in private.

All monitoring and recording will be undertaken in conjunction with Genesis Housing Group's policies on confidentiality, access to information and data protection and will be compliant with the Data Protection Act 1998. We will treat all reports of ASB confidentially and will not disclose information to third parties or other organisations without the customer's consent, except in cases where we have a legal or statutory duty to do so, or where passing on relevant information would be essential to carrying out our duties.

13. MULTI LANDLORD ESTATES

Wherever possible, we will ensure that there is a consortium management agreement in place that sets out clear standards and agreed approaches in multi landlord estates.

14. MIXED TENURE ESTATES

Genesis Housing Group manages both rented and leasehold accommodation and manages homes in mixed communities where there is a variety of tenure types.

We understand that ASB is not confined to the social housing sector and customers in mixed tenure communities may be affected by ASB caused by home owners or private rented households. We will use the full range of powers available to us to tackle ASB regardless of tenure.

15. INVOLVING CUSTOMERS

We will consult with our customers on ASB strategies and initiatives and will develop action plans to tackle ASB in partnership with customers. We will ensure we have effective feedback methods in place for customers to let us know their views, for example, through attending forums or responding to surveys.

We will provide customers with performance reports containing information and updates on how we are dealing with ASB.

16. PUBLICITY

We will ensure that the wider community knows the successful outcomes of our work to prevent and tackle ASB through effective publicity.

We will promote our ASB policy. We will ensure our customers understand what ASB is and how they can report incidents to us. We will publicise our approach at customers' meetings and conferences, on our website, in newsletters, annual reports, leaflets and posters.

We will decide where to publicise action we have taken on a case by case basis. We will always balance the rights of the individual against those of the community. This means in some cases, action taken against perpetrators will not generally be publicised other than to customers who gave evidence.

We understand that publicity can help communicate that court orders can protect local communities. Publicity can also help to enforce court orders. However, we will not 'name and shame' perpetrators; we take action to protect communities, not embarrass individuals.

17. STAFF SUPPORT

Zero tolerance of abuse toward staff

We will not tolerate abuse against staff or contractors, whether physical or verbal. We will take appropriate action against customers and members of the public who are abusive, as set out in this policy. We will display posters in our reception areas informing all customers that we will not tolerate abusive behaviour.

Supporting and training staff

We are committed to ensuring the safety of our staff. We will provide appropriate training to help staff to cope with difficult and dangerous situations and to keep staff up-to-date with current best practice and legislation. Training will ensure our staff understand what ASB is and follow policy and procedures effectively. Training will also ensure that staff are aware of the wider issues associated with anti-social behaviour, including awareness of child protection and protection of adults from abuse.

18. MONITORING OUR PERFORMANCE

We will record and monitor all incidents of ASB and use this data to benchmark, internally and externally. We will set targets and use performance indicators to monitor our performance on tackling ASB.

We will monitor cases of ASB by diversity strands – both of complainants of ASB and alleged perpetrators, and will analyse this data. This is in order to:

- increase our understanding of who perpetrators and victims of ASB are
- determine whether some groups might not be reporting ASB, or whether certain groups are disproportionately represented amongst alleged perpetrators or victims
- tailor our services accordingly.

We will aim to continuously improve our range of ASB services, including our preventative initiatives and schemes, by listening to our customers and other key partners, through satisfaction surveys and customer feedback in all its forms.

19. RELATED DOCUMENTS

External

- Antisocial behaviour internal audit program guide – Housing Corporation, 2008
- Tenancy management: Eligibility and evictions, Housing Corporation Circular 02/07, 2007
- Promoting Respect: Tackling anti-social behaviour through partnership working – Housing Corporation Good Practice Note 13 2007
- Anti-Social Behaviour Guide – Housing Corporation 2006
- Anti-Social Behaviour – Factsheets 1 - 4 – Housing Corporation 2006
- Vulnerable victims, witnesses and perpetrators of anti-social behaviour and racial harassment – Housing Corporation 2006
- Regulatory Code and Guidance, Housing Corporation August 2005.
- Protecting Our Communities: How Housing Associations are Tackling Anti-Social Behaviour – Housing Corporation 2004
- Statutory Housing Management Guidance on anti-social behaviour policies and procedures – Circular 08/04 and Guidance on the Housing Corporation 2004
- Inspection Uncovered: Anti-social behaviour – Housing Corporation 2003
- Respect Standard for Housing Management – A guide for landlords, CLG, August 2006

Relevant Legislation:

- Antisocial Behaviour Act 2003
- Police and Justice Act 2004
- Disability Discrimination Act 1995
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
- Dangerous Dogs Act 1989, 1991
- Data Protection Act 1998
- Environmental Protection Act 1990
- Homelessness Act 2002
- Housing Act 1985, 1988, 1996, 2004
- Human Rights Act 1998
- Mental Health Act 1983, 2007
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Protection From Harassment Act 1997
- Race Relations Act 1976 and Amendment Act 2000
- Health Act 2006
- Equality Bill 2009

Internal documents

Group policies, procedures and guidance:

- Hate incidents and hate crime policy
- Domestic violence policy
- Safeguarding children and young adults from abuse policy
- Safeguarding adults from abuse policy
- Sex offenders policy

- Equality and diversity policy
- Complaints policy
- Communicating with customers policy
- Environmental sustainability policy
- Health and safety policy
- Personal safety and lone working procedure
- Privacy, confidentiality and right to access personal information procedure
- Data protection policy
- Design and development guide

Relevant subsidiary policies and procedures, including lettings, complaints and resident and customer involvement policies, occupancy agreements and handbooks.

Genesis Housing Group	Version 2
ASB Policy	Date of next planned revision - 2010