

Housing Service Policy Anti Social Behaviour

Introduction

Managing incidents of nuisance and anti-social behaviour can be complex and emotive for all parties but it is recognised as a key element to improving and sustaining neighbourhoods.

This policy seeks to define anti social behaviour and demonstrate our commitment and approach to reducing anti social behaviour.

Policy and Objectives:

Walsall Housing Group (whg) recognises that to provide a quality housing service it must be effective in tackling the problems caused by nuisance and anti-social behaviour. Whg is committed to taking appropriate action in cases of nuisance, harassment, racial harassment or victimisation and to uphold the tenancy agreement whenever there is sufficient evidence to merit and substantiate proceedings.

The policy is available to both tenants and whg colleagues, practitioners and those responsible for management of the service.

Process Owners

The author of the Policy is Peter Brown, Local Trust Chief Executive, Bloxwich Housing Trust.

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Reference Documents

Crime and Disorder Act 1998
Race Relations Act 2000
Sex Discrimination Act 1975
Disability Discrimination Act 1995
Data Protection Act 1998
Mental Health Act 1983
Prevention of Harassment Act 1997

Policy Users**Primary**

Customer Service Teams
Estate Management Teams

Secondary

All colleagues

ANTI SOCIAL BEHAVIOUR POLICY

Introduction

Managing incidents of nuisance and anti-social behaviour can be complex and emotive for all parties but it is recognised as a key element to improving and sustaining neighbourhoods.

This policy will be circulated to all colleagues involved in the management of anti-social behaviour to ensure that best practice is maintained and will be reviewed and updated on a regular basis and at least annually.

Purpose of the policy

Policy and Objectives:

Walsall Housing Group (whg) recognises that to provide a quality housing service it must be effective in tackling the problems caused by nuisance and anti-social behaviour. Whg is committed to taking appropriate action in cases of nuisance, harassment, racial harassment or victimisation and to uphold the tenancy agreement whenever there is sufficient evidence to merit and substantiate proceedings.

Definitions:

Anti-social behaviour is any conduct which:

- is capable of causing nuisance or annoyance to any person; and, directly or indirectly relates to or affects the housing management functions of a relevant landlord or
- consists of or involves using or threatening to use housing accommodation owned or managed by whg for an unlawful purpose or in breach of the tenancy conditions.
- involves harassment in the form of behaviour, or threatened behaviour,

deliberately intended to intimidate, dominate or harm an individual or a certain group of people.

Examples of anti-social behaviour include:

- noise nuisance (for example, loud parties, shouting, noise from televisions, radios and music systems and burglar alarms and animals)
- nuisance from business use on whg property
- intimidation and harassment
- environmental quality issues (for example, litter, dog fouling/animal nuisance, graffiti, fly tipping, nuisance vehicles, boundary disputes and misuse of communal areas)
- Aggressive and threatening language and behaviour
- Actual violence against people and property
- Domestic violence and abuse
- Wilful damage to whg property
- Hate behaviour that targets members of identified groups because of their perceived differences (for example, race and ethnicity, gender, age, religion, sexual orientation, mental health or disability)
- Using any whg property for the selling/using of drugs or for any other unlawful or illegal purposes
- Alcohol and solvent abuse

Whg's approach to anti-social behaviour:

Whg has a commitment to managing and minimising nuisance and anti-social behaviour, and will take action against any form of anti-social behaviour, harassment or threat of harassment.

Whg will seek to effectively manage resources and monitor trends to contribute to the prevention of nuisance and anti-social behaviour, to enforce the tenancy agreement, and develop ways of preventing and discouraging anti-social behaviour.

Prevention is an essential part of whg's approach to anti-social behaviour. Whg will also consider how vulnerable perpetrators can be supported particularly if the anti-social behaviour is as a direct or indirect result of drug abuse, alcohol abuse, mental health or disability.

Implementing the Policy**What action whg will take:**

In tackling nuisance and anti-social behaviour whg will:-

1. Ensure that its procedures make it easy for complainants to use.
2. If the complainant has not been seen in person, acknowledge quickly, and record every report of anti-social behaviour.
3. Investigate every allegation of anti-social behaviour and keep the complainant informed of progress/action taken during the course of the investigation.
4. Encourage complainants to resolve the difficulties themselves where feasible.
5. Start investigations at the earliest possible time after receipt of the complaint and conduct them at reasonable speed.

6. Use the powers given to landlords in the Anti-Social Behaviour Act 2003 and existing powers to seek appropriate remedies against the perpetrators of anti-social behaviour.
7. Support victims and witnesses and refer to appropriate support services, where necessary.
8. All teams and colleagues across whg will work to minimise the incidence and impact of anti-social behaviour.
9. Ensure colleagues are trained to deal with cases of anti-social behaviour and are kept up to date with latest developments.
10. Identify and where necessary, provide support where involvement with the perpetrator may indicate the need for support that is not already in place. This may take the form of floating support or bringing in an outside agency.
11. whg will record and monitor the progress of each case of anti-social behaviour and harassment on a monthly basis keeping the complainant informed until the case is closed.
12. Access information from a variety of sources and pass relevant information to whg colleagues letting or allocating empty properties.
13. It is not whg's policy to re-house tenants as a means of resolving nuisance complaints. However, in certain circumstances where no resolution has been possible or in serious harassment cases whg may facilitate any possible transfer options and offer advice on mutual exchanges.

Tenant's obligations:

All tenants are provided with a copy of the conditions of tenancy at the outset of their tenancy and the most important clauses relating to anti-social behaviour are explained to them. It is also emphasised that all tenants are also responsible for the behaviour of those who either live with or visit them. The occurrence of anti-social behaviour in the tenanted property or in its locality may result in action against the tenant or any person committing anti-social behaviour.

Conditions of tenancy are available for inspection on request at any whg office.

Publicity:

In order to build public confidence in our ability to tackle anti-social behaviour, every opportunity will be used to publicise successes. Whg will not give names of any individuals involved in action against anti-social behaviour without the permission of that individual.

Processes supporting implementation**Tools available to whg in managing Anti-social behaviour and nuisance:**

Whg will work with the community to seek to prevent anti-social behaviour and this may include support for:

- Mediation.
- Uniformed warden patrols.
- Youth projects such as football or boxing clubs.
- Reward schemes for tenants with a record of well conducted tenancy.
- Structured interviewing of juveniles to establish ways to tackle their behaviour.
- Use of Acceptable Behaviour Contracts (ABC's).
- Multi-agency partnerships.
- Floating support/tenancy support schemes.

When responding to anti-social behaviour, whg will use a range of tools including:

- Writing to or interviewing the perpetrator.
- Mediation.
- Personal Undertakings.
- Nuisance investigation.
- Abatement notice
- Acceptable behaviour contracts
- Anti-social behaviour orders (ASBO's)
- Injunctions
- Shorthold or demoted tenancies.
- Possession proceedings
- Eviction.

The application of these tools is detailed in the whg Anti-Social Behaviour Procedure.

Witness support:

Whg will:

- Set out clearly how incidents of anti-social behaviour can be reported and make reporting channels as simple as possible.
- Conduct and record a risk assessment if a witness has been threatened and stays in the home.
- Set out clearly when professional witnesses will be considered.
- Discuss and plan each stage of any legal action with witnesses.
- Keep relevant colleagues (for example, caretakers, wardens, tradesmen) informed where witnesses are at risk so that they can pass information to other colleagues.
- Work with other organisations to seek to provide
 - Out of hours emergency contact.
 - Facilitate transport to and from Court.
 - Witness support in Court.
- Where necessary, provide ongoing support following resolution of legal action or other measures.

Use of MIS

Guidance on the Use of the estate management module in MIS can be found in the appropriate PRID

Legal Details

Whg acknowledges the importance given to this issue by Government in terms of Acts of Parliament and the development and implementation of Crime and Disorder strategies in partnership with the Local Authority, the Police and other agencies. When whg takes action it will take care to comply with the Race Relations Act 2000, Sex Discrimination Act 1975 and Disability Discrimination Act 1995.

Data Protection and information exchange and confidentiality:

All information obtained during an investigation will be treated with the strictest confidence and processed in accordance with the Data Protection legislation. Data collected will only be used for the purposes of dealing with perpetrators and in accordance with the Information Sharing Protocol that has been agreed with other organisations in Walsall.

Audit & Quality Control

Monitoring:

Whg will maintain a central record of all reported anti-social behaviour and will regularly monitor the data in order to improve actions against anti-social behaviour, to improve performance and to keep other stakeholders informed.

Continuous improvement:

whg will ensure that all colleagues involved in the reporting and management of nuisance and anti-social behaviour will improve and expand their knowledge in this challenging area of work.

Colleagues will be provided with refresher training and information on legislative changes. All colleagues will be encouraged to circulate new and revised information and all training material to colleagues to ensure that knowledge is shared across whg.

Monitoring and review:

Whg will monitor and report at least quarterly to the Boards the number, nature and level of anti-social behaviour reports received. Whg will review this policy and accompanying procedures on an annual basis following feedback from complainants to ensure that they continue to be effective in dealing with current issues.

Maintaining quality:

It is good practice for Service Managers to undertake regular checks on 10 of cases to ensure quality, consistency and efficiency of response.

Internal Audit checks that practice is adhering to Policy and Procedure will be undertaken from time to time.