



ANTI-SOCIAL BEHAVIOUR POLICY

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1. BACKGROUND

Manningham Housing Association (MHA) is a registered social housing provider. The Association provides general needs, sheltered and supported housing for rent and shared ownership.

This policy sets out how we will deal with actions by residents, their family members or visitors which cause nuisance or annoyance to their neighbours. We aim to make our homes and communities pleasant and secure places to live and will not tolerate any anti-social behaviour (ASB) caused by residents, their visitors, family or any other person.

This policy should be read and used in conjunction with our 'Racial and Other Forms of Harassment Policy'.

2. DEFINITION AND EXAMPLES OF ASB

Anti-social behaviour is defined in law as conduct that has caused, or is likely to cause, harassment, alarm or distress to any person. The law also gives specific definitions of anti-social behaviour in housing:

- 'conduct capable of causing nuisance or annoyance to a person in relation to [their] occupation of residential premises'
- 'conduct capable of causing housing-related nuisance or annoyance to any person'.

Housing-related nuisance or annoyance means behaviour that affects a local authority or social landlord's ability to manage their housing. Within housing, anti-social behaviour can include (by way of example):

- Harassment, verbal or physical abuse
- Racial Abuse or Hate Crime (Staff should refer to our Racial and Other Forms of Harassment Policy)
- Criminal damage including vandalism
- Failure to control animals/pets
- Noise nuisance
- Drunk and disorderly conduct
- Threatening or intimidating behaviour
- Drinking alcohol or smoking while under age
- Substance Misuse/Drug Dealing
- Graffiti
- Litter and rubbish dumping
- Nuisance driving/vehicles
- Prostitution

3. REGULATORY AND LEGAL FRAMEWORK

The Regulator of Social Housing Neighbourhood and Community Standard for ASB require Registered Providers to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where they own homes.

This regulatory standard also requires that in their work to prevent and address ASB Registered Providers demonstrate:

- That customers are made aware of their responsibilities and rights in relation to ASB
- Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
- A strong focus exists on preventative measures tailored towards the needs of customers and their families
- Prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available
- All customers and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not
- Provision of support to victims and witnesses.

MHA is also required to meet regulatory and legislative guidance, which includes:

- Anti-Social Behaviour, Crime and Policing Act 2014
- Anti-Social Behaviour Act 2003
- Equality Act 2010
- Crime and Disorder Act 1998 , as amended 2002
- Housing Act 1996
- Human Rights Act 1998

4. DIFFERENCES BETWEEN NEIGHBOUR DISPUTES AND ANTI-SOCIAL BEHAVIOUR

We know that neighbour disputes can escalate to anti-social behaviour, if not dealt with promptly and effectively. However, neighbour disputes are different from anti-social behaviour both in their nature and scope.

Neighbour disputes essentially are:

- Differences between customers concerning their understanding of their obligations as good neighbours in line with the conditions of their tenancy agreement (for instance, differences about the use of communal facilities; keeping their gardens tidy; keeping children under control; keeping pets under control where the Association has given permission for such pets; ball games where there are signs stipulating “No ball games”;

use of parking bays; noise (if the noise is causing a nuisance to others then it is a nuisance regardless of the time of day, or day of the week); refuse and litter disposal.

- Disagreements between previously friendly neighbours who have now fallen out with each other - typical disagreements may occur because of stoppage of previous mutual help, stoppage of previously agreed access to each other's space for instance parking space and irritation over children's behaviour or flow of visitors where previously there had been tolerance.
- Queries, comments and complaints made in a way that is offensive or insensitive to the other party which can be dealt with through an apology or and a better appreciation of different religious and cultural values.

Neighbour disputes will be treated as part of the general tenancy enforcement work of the Association.

5. SUPPORTING ASB COMPLAINANTS

MHA will provide support throughout all stages of the process. This will include:

- Simple reporting channels
- A prompt response to reports of ASB
- All reports of ASB will be logged on our complaints and ASB database
- Re-assurance that all reports will be dealt with in a sensitive and confidential manner
- Regular updates on the progress of the case which will be agreed with the complainant
- Identifying any support needs and involving the relevant agencies
- Discussing proposed action with the complainant
- Risk assessments of the complainant's home if applicable and
- Where necessary, the provision of protection measures (such as new locks)
- Informing relevant site staff of incidents to enable them to monitor the situation

6. SUPPORTING WITNESSES

For successful legal action, witnesses will usually be required to say what they have seen. We understand that people may often be unwilling to do this for fear of intimidation. Witness support can be facilitated through the relevant County Court.

In addition, MHA will:

- Work with partner agencies to provide support for vulnerable witnesses
- Talk through the process prior to Court
- Assist with transport and accompany witnesses to Court, where requested
- Carry out risk assessments of the complainants'/ witnesses' homes and where necessary, provide relevant protection measures (such as new locks, extra lighting and extra fencing) following advice from appropriate agencies

In some cases our staff may be able to give witness statements to the Court on behalf of witnesses. Also, if they have witnessed the nuisance directly, we will encourage our staff to provide personal evidence to the Court, subject to any legal advice we may receive.

7. TRAINING AND SUPPORT FOR STAFF

MHA will provide support to staff who feel threatened or at risk from any alleged perpetrator. This may include risk assessments, advice, counselling, and action being taken against alleged perpetrators.

Incidents where staff feel threatened or at risk should not be recorded in the anti-social behaviour recording and monitoring database. Instead such incidents should be reported directly to their line manager, or in their absence, to any member of the Senior Management Team.

MHA will ensure that staff are confident in their ability to identify and investigate incidents and reports of anti-social behaviour by providing appropriate training, refreshers and updates on relevant legislation.

We will also ensure that all relevant staff are aware of this policy and procedure which will be reviewed in line with legislation and feedback from monitoring.

8. PREVENTATIVE MEASURES

Wherever possible, MHA will seek measures to prevent instances of ASB from occurring. For instance, we will:

- Organise activities designed primarily to prevent or minimise ASB incidents
- Organise where necessary scheme meetings to obtain feedback from residents on ASB to stop any potential ASB from escalating
- Organise regular scheme walkabouts in conjunction with residents to inspect schemes
- Initiate or support “Good Neighbour” initiatives where required
- Initiate or support “Neighbourhood Watch” initiatives where required
- Work closely with the police and other agencies
- Subscribe to any relevant information sharing protocols
- Carry out security improvements to our schemes and properties (such as alley gating, extra lighting, extra fencing, landscaping etc.) to prevent ASB and criminal activity where necessary and feasible
- Take prompt action to deal with abandoned vehicles and refuse dumping
- Publicise our policy and successful actions through our web site, *Feedback* (residents’ newsletter) and other media as appropriate
- Use Acceptable Behaviour Contracts
- Develop Estate Management Plans
- Use Introductory tenancies.

In conjunction with local agencies, we will seek to provide:

- Mediation services in appropriate circumstances
- Diversionary activities and projects for local youths such as summer schemes, sporting activities, recreational and leisure activities, where required;

We will advise vulnerable residents to consider accessing floating support, and will assist to link them to relevant providers of such services where available. Moreover, where ASB is directly related to substance and alcohol misuse, mental health or disability issues, we will work with such perpetrators to seek appropriate support and early intervention by relevant agencies.

9. MAKING A REPORT

All reports of ASB will be taken seriously by MHA. Reports can be made:

- Verbally (by telephone, on site, office interview)
- In writing
- Via the association's website
- Anonymously

Reports will be dealt with by the Neighbourhood Officer.

Whilst it is helpful if the report is in writing, MHA will not insist on this in recognition of the fact that there are people who have difficulties with reading and writing, or whose first language is not English. Moreover, the Association will organise interpreting services, if required.

Reports can also be made by a relative, friend, Councillor, MP, and others, with the permission of the complainant.

In some instances of ASB we will advise the complainant to report the incident to the police and obtain a log/crime number if applicable. Such instances may include suspected drug dealing/use, violence, or threat of violence, vandalism/property damage, and racial and other forms of harassment and hate crime.

Any information given to us will be treated in confidence. Information will not be passed to the person causing the nuisance without the permission of the person who gave the information. In addition, information may be shared with other parties under any Information Sharing Protocols we have signed up to, if this is authorised under the Crime and Disorder Act. Examples of organisations this may apply to include:

- Local Authorities
- Police Authorities
- Fire and Rescue services
- Primary Health Care Trusts
- Probation Service

We may exchange information with these agencies where it would help to protect public safety, the rights of others, or to prevent or detect crime. In sharing information, we will take account of the provisions of the Data Protection Act and the Human Rights Act.

10. EXAMPLES OF POSSIBLE APPROPRIATE ACTION

- a. **Customers to resolve their differences with one another** - Where possible we will encourage complainants to try to resolve the problem directly with one another before intervening. This helps to prevent the situation where our involvement may exasperate the issue. When this is the case, we will arrange a two week review date for the customer to be contacted to agree either a course of action or closure.
- b. **Mediation Services** - If the complaint is a dispute between two parties the problem can sometimes be solved by the two parties talking to each other. It may be that differences between people's lifestyles can be perceived as nuisance behaviour and this could be resolved by explaining what the problem is. Through this method, informal solutions can sometimes be reached. This approach is the first stage of our conciliation/mediation effort. The parties will be called into our office to discuss their differences. We may hold this meeting and further meetings at other appropriate venues.

If the initial meetings with our staff do not work, we may involve appropriate agencies to meet separately or jointly with each party to provide relevant advice towards resolving the differences. Where applicable, we will refer the parties to independent mediation services. Referrals can be made at the request of one or both sides of a dispute. Through mediation, the parties in dispute can listen and talk to each other, and agree to an acceptable solution.

- c. **Warning letters/ Visits to the complainants and perpetrators-** We will visit the complainant, where applicable to gain further information, establish their support needs and the involvement of relevant agencies. We will write to, or visit the perpetrator, where appropriate to explain that they are causing a nuisance, remind them of the clauses in their tenancy agreement if appropriate, warn them of the consequences of continued nuisance and ask them to stop the nuisance behaviour.
We will not tell the perpetrator the identity of the complainant or any witnesses, unless this is unavoidable in order to resolve the complaint.
- d. **Acceptable Behaviour Contracts (ABCs)** - This is a written agreement between an individual, the Police and the Landlord. The agreement is not legally binding but sets out certain types of behaviour and acts that the individual promises not to carry out. The contract may also include support for the individual to help them stop the behaviour, or help with any issues, which may be underlying it, such as drug or alcohol misuse. ABCs may be considered in cases where the behaviour of the perpetrator could lead to an Anti-Social Behaviour Order if it continues.
We will use ABCs especially for young people who are found to be perpetrators of ASB. In such cases, the ABC will be backed up by a Parenting Contract signed by the parent or a responsible adult. The Parenting Contract will include measures to try and

stop the nuisance behaviour and will include support for the parent or responsible adult to help them do this.

- e. **Anti-Social Behaviour Orders (ASBOs)** - These are civil orders that can be either used alone or attached to a conviction for a criminal offence. They can be used to stop the perpetrator from carrying out specific anti-social behaviour, to exclude them from a particular area or district and to stop them from associating with others who are involved in anti-social behaviour.

We will use ASBOs only in cases of serious ASB such as criminal activity, violence or threats of violence, harassment or intimidation, and drug dealing. ASBOs require adequate body of evidence usually gained through prolonged gathering of information over several months. Where the evidence is incontrovertible, both MHA and the Police can apply for an ASBO but it is best for applications to be made jointly. Applications can be made to the Magistrates Court or as part of other civil proceedings in the County Court.

In order to apply for an ASBO, cases have to meet the criminal standard of proof that the perpetrator has carried out anti-social behaviour. Therefore, this is a far more time-intensive and intelligence-led measure. Breaching an ASBO made by the Court is a criminal offence.

- f. **Injunctions** - Injunctions are court orders which prohibit people from carrying out certain acts. Injunctions can be made as well as, or instead of, an ASBO. The Court can add a power of arrest to an injunction. If an injunction is broken the perpetrator can be fined or even imprisoned by the Court.

Injunctions can be made against MHA's customers or any other persons who have caused nuisance or annoyance which directly or indirectly relates to or affects MHA's housing management function. They can also be made against MHA's customers who have caused nuisance or annoyance to persons either:

- Living in MHA's accommodation
- Living in other property in the neighbourhood of MHA's accommodation
- Engaged in lawful activity in the neighbourhood of MHA's accommodation
- Employed in connection with MHA's housing management function

Injunctions can also be used to prevent an individual from using MHA's accommodation for unlawful purposes. It may even be possible to prevent a named person from entering a particular property or area as part of the injunction if there is violence, threatened violence or significant risk of harm to victims.

An injunction usually costs in excess of £1400 and will be used, subject to legal advice, to prevent or stop severe ASB where the evidence against the perpetrator is incontrovertible. The costs of any legal action taken will be sought from the offender.

- g. **Demotion Orders** - This is a power which allows the ability to 'demote' a Secure or Assured tenant. In MHA's case, the Non Shorthold Assured Tenancies that we normally give to our customers can be demoted to Assured Shorthold.

Where there is persistent proof of ASB by a perpetrator, MHA may apply to the Court for a Demoted Tenancy for the perpetrator, subject to legal advice, if required. A Demoted Tenancy will last for 12 months. If there is no further anti-social behaviour within that period the tenancy will revert to an Assured tenancy (even if it was originally a Secure Tenancy). If there are further incidents of anti-social behaviour, or another breach of tenancy, MHA can apply to the County Court for possession.

- h. Possession Proceedings** - Where an MHA tenant has committed, or allowed anyone living with or visiting them to commit behaviour which is a breach of the tenancy conditions, we will consider applying to the Court for a possession order.

In order to grant Possession the Court must be satisfied that it is reasonable to do so and they will usually expect MHA to have pursued other remedies to try and deal with the anti-social behaviour. As part of the possession proceedings MHA can also apply for an Injunction Order or ASBO to stop the breach of tenancy. These can also apply to people who live with, or are visitors to, the tenant.

- i. Eviction** - In the event that the Court has awarded a Possession Order, or there have been further incidents of anti-social behaviour following a Suspended Possession Order, MHA will apply for a Warrant of Execution to evict the tenant. MHA will not re-house a tenant who has been evicted for Anti-Social Behaviour.

11. CLOSING AN ASB CASE

After a report of ASB has been investigated, we will look to close the case after consultation with the complainant. 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 and advise them accordingly.

The complainant will be notified that the case is closed and that they can contact us should the problems reoccur in the future.

A case may be closed for the following reasons:

- An investigation has been concluded, appropriate action has been taken and no further incidents have occurred over at least 3 months (this may 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

There may be occasions where we are obliged to keep a case open for example where we have secured a Suspended Court Order through the courts which requires us to monitor behaviour for an agreed length of time or when a Section 8 or 21 notice has been served on individuals.

On closing an ASB case we will seek the views of complainants if appropriate and ask how satisfied they were with our handling of the case. We will use this information to improve our service.

12. MONITORING AND REVIEW

The Director of Operations has overall responsibility for the on-going monitoring of the policy through the work of frontline staff, particularly those engaged in Neighbourhood Management. The policy will be reviewed every three years or sooner following significant legislative or regulatory changes.

Policy Name	Anti-Social Behaviour Policy
Date Approved by the Board	July 2018
Next Review date	July 2021
Lead Officer	Director of Operations