

ANTI-SOCIAL BEHAVIOUR POLICY

1 POLICY STATEMENT

- 1.1 Erimus Housing (Erimus) and Tees Valley Housing (TVH) recognises that anti-social behaviour can have a harmful impact on communities, and is committed to ensuring that all of our residents enjoy their right to peace, quiet and security in and around their homes without disturbance or interference from others.
- 1.2 Erimus and TVH will not tolerate anti-social behaviour and will ensure that all incidents are investigated swiftly, and that effective and early action will be taken to address unacceptable behaviour.
- 1.3 As a signatory of the Government's Respect Standard for Housing Management, we will work to ensure that the quality and standard of our approach to tackle anti-social behaviour reflects the six commitments set out in the standard.
- 1.4 This document sets out how we will work with residents to tackle anti-social behaviour in a proportionate and flexible manner which balances prevention, intervention, enforcement and support, with the aim of creating safer communities, where people feel secure and are proud to live.
- 1.5 Erimus and TVH is committed to developing and maintaining key operational partnership with other key agencies, and will sign up to relevant joint information sharing protocols.
- 1.6 Erimus and TVH is committed to working with our residents and the wider community to develop our approach to tackling anti-social behaviour, maintain partnerships, monitor outcomes and to identify local priorities.
- 1.7 Erimus and TVH will deal with victims in a sensitive and supportive manner, putting the interests and welfare of victims as our priority.
- 1.8 This policy outlines our principles and approach to dealing with anti-social behaviour, nuisance and harassment. Incidents relating to race and hate crime are dealt with in a separate policy.
- 1.9 Details of the process and practical implementation of the policy are contained within the anti-social behaviour procedure. A statement of our policies and procedures and an associated summary has been published and is available via our website.

2 REFERENCES

2.1 External

Legislation and regulation

- Environmental Protection Act 1990;

- Noise Act 1996;
- Housing Acts 1985 1996 & 2004;
- Protection from Harassment Act 1997;
- Crime and Disorder Act 1998;
- Human Rights Act 1998;
- Data Protection Act 1998;
- Race Relations (Amendment) Act 1999;
- Police Reform Act 2002;
- Homelessness Act 2002;
- Anti-social Behaviour Act 2003;
- Housing Act 2004;
- Housing Corporation Regulatory Circular 08/04: Statutory Housing Management guidance on anti-social behaviour policies and procedures;
- Housing Corporation Regulatory Circular 07/04: Tenancy Management Eligibility and Evictions;
- Disability Discrimination Act 2005;
- S27 of Children's Act 1990;
- Disability Discrimination Act 1995 and 2004;
- Criminal Justice and Immigration Act 2008 (ASB House Closure Orders).

Guidance

- Respect Standard for Housing Management (2006) CLG;
- CRE Code of Practice on Racial Equality in Housing 2006;
- KLOE 6: Tenancy and Estate Management;
- Respect Standard for Housing Management: A performance improvement toolkit for landlords (2007) HouseMark/ CLG;
- Home Office Guidance (2007) "Duty to Co-operate with Crime and Disorder Reduction Partnership" (CDRP);
- Housing Corporation Regulatory Circular 08/04: Statutory Management guidance on anti-social behaviour policies and procedures;
- Housing Corporation Regulatory Circular 07/04: Tenancy Management Eligibility and Evictions;
- Casey Report June 2008 – Engaging Communities and Fighting Crime – Justice Seen/Justice Done Initiative.

Any other relevant legislation, regulation or guidance that is subsequently published after the date of this policy.

2.2 Internal

Business Plan/Corporate Objectives

Related documents:

- Crime and Disorder Reduction Partnership/Strategy;
- Racial Harassment and Hate Crime policy and procedure;

- Tenancy Management;
- Estate Management;
- Equality and Diversity policy;
- Equality and Diversity strategy;
- Domestic Violence policy and procedure;
- Lettings (exclusions) policy and procedure;
- Comments, Compliments and Complaints policy and procedure;
- Data Protection and Information Management policy and procedure;
- Social Investment strategy;
- Vulnerable Persons policy.

Erimus and TVH will also continue to incorporate new external and internal guidance as it becomes available into its policies.

3 DEFINITIONS

3.1 Anti-social behaviour: the term anti-social behaviour encompasses a wide range of issues from inconsiderate behaviour to serious criminal activity. Erimus and TVH have adopted the following definition used by the Crime and Disorder Act 1998. “Acting in a manner that caused, or was likely to cause harassment, alarm or distress to one or more persons not of the same household as themselves.

3.2 Erimus and TVH also sets out in its Tenancy Agreement tenant’s responsibilities’ in relation to Nuisance Discrimination and Other Harassment. It clearly indicates those tenants (or anyone living or visiting their home, including children) must not “do anything or allow anything to be done which causes or is likely to cause, a nuisance, annoyance or disturbance to any person”.

Examples include:

- Loud music;
- Offensive drunkenness;
- Drug dealing/abuse;
- Major car repairs;
- Discarding litter, rubbish dumping;
- Dog nuisance;
- Violence;
- Shouting/swearing.

3.3 Nuisance: nuisance can be both incidental or deliberate, and usually describes forms of anti-social behaviour that can be irritating, aggravating or annoying to those affected but does not necessarily cause fear or intimidation. Examples might include loud music or dogs barking.

Nuisance unchecked may escalate into harassment or seriously anti-social behaviour. The perception of nuisance is particular to the complainant, what is perceived by one person to be a nuisance, may not be perceived so by another.

3.4 Harassment: the Association of Chief Police Officers defines it as including:

Conduct directed at, or towards, an individual by another that causes a victim to fear violence may be used against them or another person, or causes the victim to feel afraid, alarmed or distressed.

- 3.5 Erimus and TVH define harassment as unwanted behaviour that is abusive to individuals or groups and which is deliberate. It is usually behaviour calculated to interfere with the peace and comfort of another, which may have the effect of disturbing, hurting, harming, intimidating or humiliating them.
- 3.6 Anti-social behaviour which is directed against someone because of their race, ethnicity, religion, sex, sexuality etc is defined as potentially a hate crime and harassment incident and is dealt with under the separate Hate Crime and Harassment policy.

4 POLICY CONTENT

4.1 Erimus and TVH adopts a proportionate response to tackling different levels and degrees of anti-social behaviour, which balances measures around prevention, intervention and support, enforcement and rehabilitation (PIER). We are actively committed to supporting and assisting perpetrators of ASB to change their behaviour.

4.1.1 Our position and response to ASB is widely promoted to tenants and members of the community by way of tenant's newsletters, press releases, where appropriate, articles on our website and through the PEER kids project in schools.

4.2 Prevention and Intervention

4.2.1 We adopt a range of measures and initiatives which focus on the prevention of anti-social behaviour. If issues do occur, we aim to identify and tackle them at an early stage to prevent problems from escalating.

4.2.2 We also actively engage in partnership working with other agencies to develop sustainable solutions to identify key issues and prevent anti-social behaviour.

4.2.3 We widely publicise how we will tackle anti-social behaviour in a range of literature and media. We publish our anti-social behaviour policies and procedures, provide bespoke leaflets on specific services, highlight our approach in the residents' handbook and have a dedicated area on our website.

We also regularly publish articles in our tenant's newsletter as well as joint publicity with relevant Crime and Disorder Reduction Partnership. We also seek to have articles published by the local press.

4.2.4 Our approach to prevention and early intervention includes a range of measures and initiatives:

- We operate a housing application suspension policy relating to those applicants with a history of serious anti-social behaviour, crime, and/or previous breaches of tenancy;

- We provide effective pre-tenancy counselling which emphasises our approach to anti-social behaviour, promotes a culture of tolerance and an understanding of what constitutes ‘acceptable behaviour’; we clearly advise our new tenants how we expect them to conduct their tenancy;
- We operate a starter tenancy scheme which enables us to take prompt action against new tenants who do not adhere to their tenancy conditions;
- We have robust tenancy agreements across the range of tenancies which clearly sets out what is considered to be anti-social behaviour and contain specific clauses which prohibit all forms of nuisance, anti-social behaviour and harassment;
- We will work with residents and the wider community to identify and address environmental factors such as poor design issues and inadequate lighting. We also use CCTV security systems where appropriate, to deter anti-social behaviour and increase community confidence;
- We also work in partnership with other agencies identifying hotspots to patrol;
- We work with a variety of agencies to prevent and tackle anti-social behaviour in particular the Police, the Council and the Fire Brigade;
- We are full members of Middlesbrough Crime and Disorder Reduction Partnership and Drug Action Team – “Safer Middlesbrough Partnership” and work together on geographically based problems as well as thematic issues (racial harassment, domestic violence, criminal damage, motorbike nuisance etc);
- We will assess whether mediation is appropriate at the earliest opportunity and make referrals when it is relevant;
- We support resident groups to prevent and tackle anti-social behaviour via neighbourhood watch schemes, community agreements, local meetings, tenant groups etc;
- We will act swiftly to deal with the visible effects of anti-social behaviour, such as removing inciting graffiti or repairing broken windows.

4.2.6 Support for Complaints and Witnesses

4.2.7 We want to encourage customers to report incidents of anti-social behaviour and to feel confident that their complaint will be taken seriously. We will also act on anonymous complaints which can help identify potential anti-social behaviour hot spots.

4.2.8 We offer a variety of ways that customers can report incidents of anti-social behaviour; by telephone, message facility on a dedicated anti-social behaviour hotline, email and local offices.

4.2.9 We will support complainants by dealing with all reports of anti-social behaviour promptly, providing regular updates of the progress of the case. We will refer victims of anti-social behaviour to the appropriate support services where necessary.

4.2.10 We will also ensure that vulnerable (e.g. elderly/disabled etc) complainants are dealt with, taking their specific needs into account. Ensuring that the case management, evidence gathering, victim support is also appropriate to their needs.

- 4.2.11 We will provide appropriate measures to ensure that witnesses feel safe including panic alarms, CCTV, additional locks, etc.
- 4.2.13 In serious cases where appropriate we will deploy professional witnesses to help gather evidence to support enforcement action.
- 4.2.14 We work in close partnership with Middlesbrough Victim Support which is an independent charity providing free, specialist confidential support and information to help people cope with the effects of crime, anti-social behaviour, harassment, racial or homophobic abuse or domestic violence.

4.3 Support for Perpetrators

- 4.3.1 Erimus and TVH recognises that people who act in an anti-social manner are often vulnerable and may have complex support needs. Referrals are made to the relevant support agency, e.g. drug or alcohol support, mental health, adult literacy etc, with the aim of changing their anti-social behaviour to acceptable behaviour, sustaining the tenancy and bringing respite to the community. The relevant staff are trained to recognise these triggers and how to make referrals.
- 4.3.2 The referral is made when it becomes apparent to the relevant officer that the tenant has additional needs. In addition once our tenant profiling is completed, our database will also show where our tenants have indicated any physical or mental health disabilities.
- 4.3.3 All our Housing/Tenancy Enforcement Officers liaise with relevant agencies to obtain support for dysfunctional families. We operate a holistic approach to the family, assessing individual family needs and making referrals specific to their needs to the relevant agencies, such as addictive behaviour support, Surestart, Adult Literacy, Social Services, medical assistance (physical and mental health).
- 4.3.4 The most serious dysfunctional families causing major anti-social behaviour (or allowing it to be caused), can also be referred to Family Intervention Projects (if one in the area). These are families most at risk from losing their tenancies because of their anti-social behaviour, where significant complaints have been received from the local community, Police and other agencies.
- 4.3.5 All referrals are made to relevant agencies in consultation with the tenant, and usually with the tenants consent. It can be done as an early intervention to prevent escalation of the problems, or as a package of action, enforcement together with support, including non-negotiable support where appropriate.
- 4.3.6 We also make referrals to the Local Authority Children Families and Learning department using the Common Assessment Framework when children and young people are at risk. We are committed to working closely with other agencies for the protection of children and young people.

4.4 Enforcement

4.4.1 Where problems are persistent and serious, Erimus and TVH will assess the legal options available and take such pro-active, assertive action against the perpetrators (or the responsible tenant), as is reasonable in the circumstances to resolve the situation.

4.4.2 Each case will be carefully considered on its individual circumstances and with due regard to Human Rights, Disability Discrimination and other relevant legislation. Legal action includes a variety of sanctions such as:

- Demotion of tenancy;
- Injunctions (interim and full);
- Legal undertakings;
- Anti-social behaviour orders (ASBOS) (interim and full);
- Possession proceeding – postponed possession orders;
- Eviction.

4.4.3 As outlined in the Housing Act 2004, where court action for anti-social behaviour is pending we can apply to:

- Restrict right to acquire or preserved right to buy;
- Restrict the rights of secure tenants to mutual exchange.

4.4.4 Enforcement activity will be implemented with the support and involvement of other agencies as appropriate.

4.5 Partnership working

4.5.1 Erimus and TVH recognise that effective and sustainable solutions to anti-social behaviour cannot be achieved by any individual agency in isolation. Erimus and TVH will therefore contribute wherever appropriate to community safety initiatives and partnerships, such as Local Authority Community Safety Departments, local Police including Neighbourhood Police Officers and Police Community Support Officers.

4.5.2 In particular following the Casey report publication in June 2008, we will support our Police colleagues in relation to raising awareness about the Police Pledge. This provides the public with information about what the Police promise under the pledge, plus more information about local crime and neighbourhood policing team details.

4.5.3 Also in respect of the Government, emphasis on tackling youth crime and anti-social behaviour through a targeted combination of tactics; tactics that acknowledge that this is a very complex, very damaging problem. At the heart of this philosophy is the triple track approach, which means:

- Firstly taking tough enforcement action when behaviour is unacceptable or illegal;
- Secondly, giving non-negotiable support to young people, and sometimes parents, to address the underlying causes of bad behaviour;
- Thirdly, prevention to tackle problems before they escalate in seriousness or become more entrenched.

- 4.5.4 Erimus and TVH will also work in partnership with resident, tenant groups and community organisations in tackling anti-social behaviour.
- 4.5.5 Erimus and TVH embraces existing inter-agency protocols and will develop, by working in partnership with all stakeholders, new protocols and processes as necessary to ensure effective partnership working and information sharing.
- 4.5.6 Erimus and TVH also feed into the wider Local Strategic Partnership and the Local Area Agreement, in terms of tackling crime nuisance and anti-social behaviour, including environmental crime.
- 4.5.7 Erimus and TVH also works closely with the Probation Service providing projects for offenders. The aim is to make the unpaid work performed by offenders more visible and representative of the community's needs, which was identified as a requirement in the Casey Report to improve community reassurance of "Justice Seen : Justice Done".

5 DATA AND INFORMATION EXCHANGE

- 5.1 Erimus and TVH employees deal with reports of anti-social behaviour with utmost confidentiality. Cases will be dealt with in confidence and will be handled with discretion and sensitivity.
- 5.2 Erimus and TVH will seek the complainants' permission prior to the disclosure of information to other parties such as the perpetrator, legal representatives or any other interested party. Section 3 on the initial ASB complaint form requires the complainant to indicate whether or not the information can be shared right from the outset of the complaint being made, with updates as the case progresses.

6. DATA AND INFORMATION EXCHANGE

- 6.1 Erimus and TVH will provide relevant information to the Police, Safer Middlesbrough Partnership and other statutory agencies for the purposes of prevention, detection and reduction of anti-social behaviour, crime and disorder, within agreed information sharing protocols and legislation. Erimus and TVH will also share information with other relevant agencies with the consent of individuals (e.g. Family Intervention Referrals, CAF referrals, Challenge and Support referrals etc).
- 6.2 Erimus and TVH may also choose to disclose or request personal data and information if there is a clear legitimate purpose for doing so in a particular case to fulfil a specific objection and, if necessary without consent. In such circumstances as to:
 - Prevent and/or detect crime and disorder including anti-social behaviour;
 - Prevent and/or minimise the risk of harm to a person including children, youths, young adults, vulnerable adults etc;
 - To get improved outcomes for a person, including children, youths, young adults, vulnerable adults etc;
 - To disclose information in the public interest (e.g. prevent/detect

terrorist/possible terrorist activity).

Information given or received under such circumstances will be handled carefully and sensitively.

7. EQUALITY AND DIVERSITY

- 7.1 Erimus and TVH recognises that it operates in a community within which there is wide social diversity, and are committed to providing equal opportunities and valuing diversity.
- 7.2 When dealing with anti-social behaviour, we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.
- 7.3 To enable all residents to have a clear information and equal access to the range of services we offer to tackle anti-social behaviour, Erimus and TVH publishes information that is easy to read and understand. It is available in a range of appropriate languages and formats and through a range of media. Feedback is also accepted through a variety of different routes to reflect individual customer's preferences or needs.
- 7.4 To help demonstrate our approach to tackling anti-social behaviour is fully in keeping with our approach to equality and diversity, we will collect equalities information about the victims and alleged perpetrators of anti-social behaviour. This will assist in establishing whether there are patterns of behaviour among specific groups or identifiable "hot spots". This will feed into our monitoring and review processes and help us to target our resources more effectively.

Full details of our approach are set out in our Equality and Diversity Strategy.

8. CUSTOMER INVOLVEMENT

- 8.1 Erimus and TVH recognise the importance of working in partnership with our customers to develop and continuously improve our services and raise standards.
- 8.2 Erimus and TVH actively involves customers at the beginning of decision making processes, and ensures tenants are empowered to play a part in wider consultation and involvement structures, as detailed in full in our Resident Involvement Strategy.

To demonstrate this commitment, this policy:

- Will be reviewed in consultation with residents and customers;
- Involves customers in the monitoring and testing of service delivery standards laid out in this policy and relevant procedures;
- Publishes information in relation to performance against the aims and standards set down by this policy;
- Will be developed and reviewed in light of customer feedback, comments and complaints.

9. POLICY MONITORING AND REVIEW

9.1 Monitoring

9.1.1 The monitoring of outcomes is essential for Erimus and TVH to track the impact and effectiveness of our approach in dealing with anti-social behaviour.

Monitoring of the implementation of the policy and the associated procedures will consider:

- How easily residents can report anti-social behaviour;
- The performance against service standards and targets set out in the procedures;
- The cost of tackling anti-social behaviour;
- Customer satisfaction and level of complaints, reviews and appeals.

9.1.2 Monitoring information will be reported to relevant Tenant's groups, Operations and Development Committee and the Erimus and TVH Board. Information will also be publicised to customers on a regular basis through the tenant's newsletter.

9.2 Review

9.2.1 Monitoring results will be used by Erimus and TVH to inform future policy review in this area. All reviews will consider whether:

- The current policy adheres to legislative and regulatory requirements, and reflects current good practice;
- The aims and objectives of the policy being met;
- The current policy outcomes meet the needs and aspirations of our diverse customer base;
- Service users are aware of and understand the policy and believe it to be consistent and fair;
- The policy provides sufficient choice for customers;
- The service offers value for money;
- Partnership arrangements are working effectively.

9.2.2 Overall monitoring and review of the policy will be undertaken in consultation with:

- Staff groups;
- Board members;
- Existing and future service users;
- Resident and community groups;
- Relevant partners, local voluntary agencies and other statutory services as relevant.

9.2.3 This policy will be reviewed in accordance with the review framework or in line with legislative or regulatory changes.

10. RESPONSIBILITY

10.1 The Group Director of Operations retains the overall responsibility for the implementation of this policy.

10.2 The Area Housing Managers are responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers. The Enforcement Manager is responsible for the policy, strategy and relevant partnership arrangements.