



# **Encircle Housing Association**

## **ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURE**

**March 2019**

## **ENCIRCLE HOUSING** **ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURE**

### **Introduction**

As a Landlord Encircle Housing recognises meeting the tenants' expectations of a very high standard of service delivery is essential. The proper handling of anti-social behaviour is one of Encircle Housing's high priorities. This policy should be considered in conjunction with Encircle Housing's Anti-Social Behaviour Procedure.

### **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.

### **Aims and objectives**

#### **Aims:**

- provide the framework to ensure that tenants 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 tenants 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 tenants know about our services in relation to ASB and how to access them

### **Policy Statement**

Encircle Housing is committed to providing tenants 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. Encircle Housing will avoid using legal action where possible, but will do so as a last resort. Encircle Housing will work in partnership with external agencies and internal departments to resolve ASB and to provide support to individuals and communities.

### **Multi Agency Approach**

Encircle Housing 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.

### **Victim & Witness Support**

Encircle Housing understands the personal stress that ASB can cause. We will do all we can to help tenants 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. Encircle Housing 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.

### **Supporting Perpetrators - Tenancy Sustainment**

Encircle Housing 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 tenants to specialist external support agencies where necessary.

### **Mental Health / Disability**

Where there are concerns in relation to mental illness or disability, Encircle Housing 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.

### **Prevention & Sustainable Communities**

Encircle Housing not only aims to prevent ASB through supporting people, we also work to create sustainable communities. Residents are encouraged to form relationships with their neighbours and to take pride in their surroundings. As a further preventative measure, all new Encircle Housing 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.

### **Categorising Anti-Social Behaviour**

Encircle Housing has adopted the Housemark categories of ASB. 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. Encircle Housing also recognises the wider definition of Domestic Violence for example, forced marriage, forced prostitution and financial control.

- 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: Encircle Housing 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. Tenants that occupy a flat must expect to hear other residents' living. For example, we will not intervene in reports about washing machines. Tenants 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.
- 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.

### **Hotspots**

Encircle Housing 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.

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

## **Action Plans/Management tools**

Encircle Housing 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 Encircle Housing staff are defined below.

**Mediation:** Dispute resolution can often be achieved by simply talking to those involved. In all cases of ASB, Encircle Housing 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 tenant's home which can be used as evidence.

**Transfers:** Where there is a threat to personal safety tenants will be advised to seek assistance from the temporary housing unit at their local council. If possible, transfer to another Encircle Housing property will be considered.

**Security:** Consideration will be given to security measures such as, spy holes, chain guards, and additional locks. In serious cases, 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 Encircle Housing's in-house support services.

**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.

**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, Encircle Housing 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 a last resort, Encircle Housing will apply to court for a Possession Order which could result in a tenant losing their home.

## **Legislation Regulation and Guidance**

Government legislation has an impact on how Encircle Housing 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.

## **Resourcing and value for money**

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. In deciding, with the affected tenants, the best action to take, we will examine the likely costs and consider value for money. Working effectively with other agencies is vital in achieving this.

## **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

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

- Encircle Housing is required to by law
- The information is necessary for the protection of children

## **Equality and Diversity**

Encircle Housing 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. Encircle Housing operates a system on recording, analysing and monitoring information on ethnicity, vulnerability and disability.

## **Monitoring and Reporting**

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

## **Health and Safety**

Housing Officers will follow Encircle Housing'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.

## **Anti-Social Behaviour Procedure**

### **Who can use Encircle Housing's Anti-Social Behaviour (ASB) Procedure?**

Anyone who has an issue with any of the issues listed in the ASB policy has a right to express their concern including:

- Tenants/service users
- Service providers
- Housing providers
- Friends, relatives, advocates
- Members of the general public

### **Reporting nuisance or anti-social behaviour**

You can complain in writing, verbally, over the phone, by fax or e-mail or face to face. All reports of ASB will be treated equally regardless of how they are reported.

Many of Encircle Housing's tenants/service users are vulnerable and are afraid that if they complain they will be disadvantaged in some way or open themselves up to abuse. They remain silent for fear of reprisal or because they do not believe anything will change or be regarded as a trouble maker.

Encircle Housing's objective is to ensure its policy remains effective so that we can respond proactively to reports of ASB.

### **Procedure**

If you have cause to report an incident of ASB, Encircle Housing will aim to put things right as quickly as possible.

To achieve this, we will:

- Make it easy for people to contact us by telephone, in writing, by fax, e-mail or in person
- Treat all reports courteously, honestly, and openly
- Help someone make a report
- Treat all reports with equal importance
- Deal with complaints as quickly as possible to ensure a speedy resolution to the problem
- Monitor reports of ASB and learn from things that have gone wrong and improve our services and policies
- Publish the number, nature and outcomes of ASB reports we receive each year in our annual tenant survey report.



If you need help in reporting Anti-Social Behaviour, please ask your Support Worker, a friend or relative or advocate, to assist you.

### **Stage 1**

You should address your report to your housing officer at Encircle Housing who will respond as follows:

- You will receive an acknowledgement within 2 working days
- A full response within 21 working days
- If the investigation is prolonged, you will be informed of the reason and when you can expect a reply

At this stage, it is hoped that the complaint may be resolved as quickly as possible. The Housing Officer (or equivalent) will arrange to visit you to establish the nature of the complaint and reassure you that your complaint is being taken seriously. Our initial response will include contact with the victim; any witnesses and all parties will be interviewed within 1 week where ever possible or sooner where appropriate to do so according to the nature of the incident.

It may be possible at this stage to resolve the problem without needing to carry out any further investigation. If this is not the case the Housing Officer will refer the report of ASB to the relevant person who will investigate.

### **Stage 2**

If the matter requires further investigation and depending on the nature of the complaint, a nuisance/incident diary will be issued for completion and return. It is extremely important to complete the nuisance/incident diary to keep a record of the antisocial behaviour or neighbour nuisance, after which the forms should be returned to the Encircle Housing. This is an essential part of the investigation process and without detailed reports and information it will not be possible to take the appropriate course of action.

The officer will then conduct a second assessment based on the information contained in the diary sheet or incident report form and, if appropriate, take action.

Encircle Housing aims to provide a response within 5 working days from the date of receipt although this could change depending on the circumstances of the complaint. In certain cases, it will be recommended that a report is also made to other agencies such as the Police.

### **Threats or actual violence against persons, drug dealing, and intimidation or criminal activities**

These complaints can also be received in any of the above ways. Victims will be encouraged and supported to make reports of the incidents to the Police.

When the case has been reviewed the initial course of action will be taken in consultation with the victims. Those reporting ASB will be interviewed to discuss;

- circumstances of the complaint



- alternative versions of events
- witnesses
- corroborative evidence
- possible remedies and time scales
- obligations if appropriate
- sanctions available
- any other relevant matters
- Support or advice

The response may include the following self-help such as;

- Advice to speak to a neighbour
- Referral to local mediation service
- Voluntary agencies that may help including Citizens Advice Bureau

If the behaviour escalates the person making the report should contact Head Office again to repost this.

### **Stage 3**

If it is found to be appropriate the following actions can be taken against the perpetrator of ASB.

- Early Warning letters
- Early warning letters are issued to the individual involved in ASB to draw attention to the activities of that individual. The yellow and red letters are hand delivered by a Encircle Housing Staff member. This will ensure that the behaviour has been identified before they have reached the stage of an Acceptable Behaviour Contract or Anti-Social Behaviour Order.
- Refer the complaint to another agency; gather further evidence, statements, photographs, professional witness evidence and medical evidence.
- Write to the offending party and request an interview to discuss the issues.
- Neighbour disputes can be referred to the local mediation service.
- Take preventative action by way of an acceptable behaviour contract
- Acceptable Behaviour Contracts [ ABC]
- Anti-Social Behaviour Orders (In consultation with the Police)
- Individual Support Orders
- Noise Abatement Orders (in partnership with Environmental Health Officers)
- A range of Injunctions
- Demotion Orders
- Possession Proceedings and the enforcement of Possession Orders (evictions)
- Enforcement action by way of antisocial behaviour order (ASBO), injunction order. Property closure orders or start possession proceedings
- Prosecution either by the Council, the Police or in partnership

Diary sheets or an incident report form are usually administered to the individual making the report to keep a record of the antisocial behaviour or neighbour nuisance, after which the forms should be returned to the housing support officer.

### **Witness support**

Where it is necessary for legal action to be taken the Support will be given to all individuals who come forward with information. We will consult with the witness to develop an individual support package for each witness based on their needs. This will include at least one of the following;

- Named support and regular contact with the Support Officer
- Additional security measures at home – provided in partnership with the Police
- Visits to Court to familiarise the witness with the Court and the process
- Accompanied travel to and from Court
- Where ever possible separate waiting areas in Court
- Involvement in action plans
- Advice on support agencies
- Regular support visits by the housing officer and where possible Police Community Support Officers.

In the event that there is an emergency situation then Encircle Housing may determine the need for providing temporary accommodation. This would be a move agreed in exceptional circumstances due to significant issues associated with the tenant's occupation that has resulted in imminent personal risk to the household if they remain. All requests for emergency housing will be considered in accordance with the Housing Allocations Policy

### **Monitoring Anti-Social Behaviour**

All reports regarding the complaint of ASB will be recorded and monitored by Encircle Housing's Quality Monitoring Officer.

### **Complaints about this service**

If you are unhappy how you report of Anti-Social Behaviour has been dealt with you may request Encircle Housing's complaints procedures.