

TAMIL COMMUNITY HOUSING – ANTI-SOCIAL BEHAVIOUR POLICY

Anti-Social Behaviour Policy

Purpose and Scope

This policy applies to properties owned directly by TCHA. It sets out the approach to preventing and responding to anti-social behaviour (ASB) including harassment and hate crime. A separate policy applies to domestic violence and relationship breakdown.

Policy Aims and Objectives

Tamil Community Housing values the diverse communities it works within, and expects its residents to act reasonably and be good neighbours, respecting difference and living in harmony with others. We recognise that ASB has a damaging effect on the communities we work in, and that we have a responsibility as a landlord to put in place policies and procedures that aim to prevent ASB, and to take prompt action to respond to reported incidents.

This policy is designed to work in line with the strategic objectives of the local authorities and our RSL partners, and aims to fit with their approach to community safety. We will take action to deal with ASB that impacts on our tenants from other tenures, including owner-occupiers, private tenants, and tenants of other social landlords, and to protect these residents from ASB perpetrated by our own tenants.

TCHA will not tolerate any ASB that is used to threaten, intimidate, harass, or abuse members of our staff, contractors, or other agents we work with.

Our overall Policy Objective is:

- To ensure that tenancy conditions are complied with, and that tenants are able to live without being affected by ASB

Key Policy Aims:

- Publish our policy and procedure and seek feedback on its effectiveness
- Comply with best practice including the six strands of the Respect standard
- Balance our approach to solving ASB between prevention, intervention and enforcement
- Set timescales and standards for responding to reports of ASB
- Take prompt action to deal with the effects of ASB
- Develop a victim focused response to reports of ASB, providing support and referral to specialist agencies
- Promote the use of mediation to solve ASB where all parties agree
- Make use of legal remedies and apply sanctions that are proportionate to the ASB
- Use eviction as a last resort after other measures have met without success

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- Work with other agencies to contribute to the development of good practice, and take joint action to resolve complex casework
- Encourage tenants to give their feedback on the handling of casework
- Monitor incidents of ASB and report performance to tenants and the TCHA board

Where ASB is reported we will:

- Investigate impartially
- Offer support to victims and witnesses
- Keep everyone informed of the action being taken
- Treat any information we are provided with as confidential, and use it in accordance with the provisions of the Data Protection Act 1998

Definitions

Anti-social Behaviour (ASB)

Any conduct that consists of, or involves using (or threatening to use), TCHA's housing accommodation for an unlawful purpose, including the following legal definitions:

The **Anti-social Behaviour Act 2003** defines ASB as:

'Any 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.'

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 the perpetrator.'

Housing Act 1996

'Conduct causing or likely to cause, a nuisance or annoyance to a person residing, visiting or otherwise engaging in lawful activity in the locality.'

Examples of ASB are:-

- Harassment, verbal or physical abuse
- Racial abuse or hate crime
- Criminal damage including vandalism
- Failure to control animals or pets
- Noise nuisance
- Drunk and disorderly conduct
- Threatening or intimidating behaviour
- Smoking, or drinking alcohol while under age
- Substance misuse/drug dealing
- Graffiti
- Litter and rubbish dumping
- Nuisance driving/vehicles
- Prostitution

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Source: *The Home Office*

Hate Crime

'Is any criminal offence committed against a person or property that is motivated by the offender's hatred against people because of their sex, race, religion, disability, or sexual orientation.'

Association of Chief Police Officers

Content

Regulatory requirements

The Tenancy standard set by the Homes and Communities Agency requires that *'Registered providers shall work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.'*

And that

'Registered providers shall publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties.'

'In their work to prevent and address ASB, registered providers shall demonstrate:

- that tenants 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 tenants 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 tenants 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'*

All social landlords in England and Wales are required to prepare and publish policies and procedures in relation to anti-social behaviour (s218 Anti-Social Behaviour Act 2003):

- To publish a policy statement
- To publish a statement of procedure
- To publish a summary of the policy and procedure

TCHA's ASB Strategy

TCHA's aim is to deter ASB by developing good practice through multi-agency work, and to encourage and support victims and witnesses to report ASB when it occurs.

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Respect Standard

The Respect Standard sets out six core commitments that are:

- Accountability, leadership and commitment
- Empowering and reassuring residents
- Prevention and early intervention
- Tailored services for residents and provision of support for victims and witnesses
- Protecting communities through swift enforcement
- Support to tackle the causes of anti-social behaviour.

TCHA has signed up to the Respect Standard and works to ensure compliance with these commitments.

All reported incidents of ASB will be assessed promptly to decide the response in accordance with current procedure. Our response will incorporate three strands of action:

1. Prevention
2. Investigation
3. Enforcement

1. PREVENTION MEASURES

Tenancy agreement

In line with our overall policy objective, TCHA will seek to prevent ASB by enforcing the provisions in the tenancy agreement.

Tenancy sign up

We will ensure that tenants are made aware of their responsibility for their own behaviour, and that of members of their household and visitors, as set out in the tenancy agreement. They are expected to act responsibly in the home, communal areas, and in the locality of their home.

Tenancy checks

In accordance with good practice we will carry out a proportion of tenancy checks each year to verify that only authorised occupants live in our homes, and use the opportunity to reinforce and promote our ASB policy.

Community Development and Sustaining Communities

TCHA encourages and supports resident involvement. We will contribute to the development of sustainable communities by encouraging and supporting tenants to take pride in their homes and the areas they live.

We will work with our partners to help promote good neighbour schemes, develop estate agreements, and participate in other community projects.

Information and Scheme Inspection

We will inspect our schemes and carry out risk assessments to identify any incidents of criminal damage, fly tipping, dog nuisance, graffiti, and abandoned vehicles.

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Repairs and Scheme Design

We will act promptly to deal with the results of criminal damage including graffiti removal, fly tipping clearance, and abandoned vehicles to demonstrate that TCHA as a landlord is concerned about tackling the effects of ASB, and encourage tenants to take pride in where they live.

We will work with our partners to seek to design out crime in our new developments, and invest in projects that have a deterrent effect on ASB including lighting, entry phones, and parking control schemes.

Information sharing

TCHA will work with others to help develop good practice, and to produce effective partnership solutions to incidents of ASB. Where ASB involves criminal behaviour, we will work with the Police, and share information to provide a co-ordinated response.

2. INVESTIGATION

Our commitment to tenants is to ensure that we investigate incidents of ASB impartially within agreed timescales, and keep parties informed of the action being taken, and when cases are being closed. We will make it easy for tenants to report ASB through a range of means, including using advocates and interpreters.

Interview protocol

On receipt of a report of ASB we will:

- Interview all parties within agreed timescales
- Provide clear advice on action that can be taken
- Offer support to victims and witnesses
- Keep information provided confidential, and only disclose it in agreed circumstances
- Keep all parties informed of progress
- Take action that is proportionate to the ASB
- Offer mediation in appropriate circumstances
- Make referrals to support agencies
- Keep records of the investigation, action, and case closure
- Carry out satisfaction surveys on casework

Mediation/alternative dispute resolution

Where on investigation reports of ASB prove to be minor lifestyle disagreements between neighbours, we will recommend mediation as the route to solving the problem. This may also be used for more serious casework where all parties agree to take part.

Victim centred

The wishes of the victim will be central to taking decisions on courses of action, including contact with perpetrators.

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Confidentiality

All details relating to the case will remain confidential unless consent is given for disclosure, or where TCHA has a legal obligation to disclose information, or there is an overriding responsibility to protect vulnerable adults or children under safeguarding procedures. Staff carrying out the investigation will not release any information to a perpetrator that may put the complainant or any witnesses at risk.

We will maintain our casework records in accordance with the provisions of the Data Protection Act 1998, and ensure that information is:

- Obtained and processed fairly
- Held for no longer than necessary
- Kept subject to correct security measures
- Kept accurate and up to date

Malicious reporting

We will treat malicious unfounded reports of ASB as harassment, and take action in accordance with our harassment procedures.

3. ENFORCEMENT

The Homes and Community Agency recommends that landlords should use the full range of remedies available to them to address anti-social behaviour, with eviction only being used as a last resort.

Initial action will usually include written warning about the behaviour, and possible consequences if it continues. Any formal action taken will be proportionate to the ASB.

Use of sanctions and legal powers

TCHA will consider the use of all available sanctions and legal powers in tackling ASB, and take a multi-agency approach to managing casework effectively.

Housing Support

Some behaviour regarded as ASB can relate to vulnerable individuals, including those with mental health issues. We will work with agencies to provide support to change unacceptable behaviour and help tenants to sustain their tenancies. Where this does not result in a positive outcome, or there is no co-operation to resolve the situation, then we will consider the situation having regard to the Disability Discrimination Act 1995 (as amended 2004), and decide legal action.

Monitoring, performance and service review

We will measure our performance in handling ASB casework by monitoring:

- Target response times
- Satisfaction levels with the investigation process
- Satisfaction levels with the outcome of casework
- Auditing procedural compliance
- Reporting casework volumes, and types of ASB to the Board

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Accountability

The Housing Service Manager is responsible for implementing this policy.

References

Anti-social behaviour Bill

Is due to become law in 2015 and includes proposals for:

- Community remedy to decide punishments used
- Injunctions to prevent nuisance and annoyance
- Mandatory possession

Public Order Act 1986

The Public Order Act 1986 created a number of public order offences previously contained in common law with regard to rioting, violent disorder, affray, fear or provocation of violence, or intentional harassment alarm or distress.

Housing Acts 1985, 1988, and 1996

Set the framework for legal action on the grounds of tenancy breach.

Environmental Protection Act 1990 and Statutory Nuisance Act 1993

Gives powers to the local authority's Environmental Health team to serve abatement notices where noise is found to constitute a statutory nuisance. Persistent offenders can face fines if convicted and a warrant can be sought to seize equipment.

Noise Act 1996

Placed a legal duty on the local authority to tackle noise deemed to be a nuisance, and gave powers to issue abatement notices, seize equipment, and issue ASBOs.

Protection from Harassment Act 1997

Introduced measures for protection under both the criminal and civil law, including powers of arrest and restraining orders.

Dangerous Dogs Act 1991 (as amended 1997)

Introduced powers to control designated breeds of dog, and a new offence of having a dog out of control in a public place.

Human Rights Act 1998

Requires that any action taken against anyone who has committed some form of ASB must be fair and proportionate to the type of ASB

Crime and Disorder Act 1998

Places a duty on local authorities, registered social landlords and the Police to form a partnership and develop a Community Safety Strategy to tackle crime and disorder. It enabled information-sharing protocols to be developed for the purpose of sharing information to prevent or reduce crime and disorder, and widened the use of ASBOs.

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Anti Social behaviour Act 2003

Gave new powers to social landlords to tackle anti-social behaviour including giving the same power as local authorities to apply for a power of arrest relating to injunctions without having to prove a tenancy breach, and introduced demoted and starter tenancies.

Criminal Justice Act 2003

Amended police powers, and enabled the use of hearsay evidence.

The Cleaner Neighbourhoods and Environment Act 2005

Provided powers to local authorities to tackle litter, abandoned cars, graffiti, and noise by issuing fixed penalty notices.

Respect agenda 2006

The Respect Task Force in the Home office co-ordinates the delivery of the Respect Action Plan, which seeks to address the underlying causes of anti social behaviour.

Equality Act 2006

Created the Equality and Human Rights Commission, and outlawed discrimination on the grounds of religion or belief.

Equality Act 2010

Consolidated previous legislation on discrimination for protected characteristics – age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

Review

The Anti-social behaviour policy will be kept under regular review in line with changes in good practice and to take account of changes in the law.

The policy will be reviewed at least every three years.

The Anti-social behaviour policy will require approval of the Board.

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