

Shropshire Rural Housing Association



**SHROPSHIRE
RURAL HOUSING**
ASSOCIATION

ANTI-SOCIAL BEHAVIOUR POLICY

(November 2020 for Review by November 2023)



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1. Overall Policy Statement

Shropshire Rural Housing Association (SRHA) will not tolerate anti-social behaviour (ASB) in the communities where we work and deliver services and is designed to encompass only properties managed by SRHA and people associated with those properties as either tenants, visitors, staff or contractors.

This policy covers inappropriate behaviour that is either directed towards our staff and contractors, as well as people living in or visiting the communities where we manage properties. In the policy the term “*Customer*” will be taken to mean SHRA tenants, Staff or third parties working for and on behalf of SRHA.

SRHA will utilise all appropriate tools available to it, including recourse to legal action as required, to deal with problems. We will work with communities to ensure that the neighbourhoods in which we operate are safe and secure and where possible free from ASB. Within this context, this policy has a number of key aims: -

- To address each issue based on the facts of each matter in turn, proactively involving partner agencies and the individuals/community to resolve the issue.
- To adopt a victim centred approach and to take proportionate action based on the level of harm caused and the seriousness of the incidents and evidence obtained.
- To respond to reports of ASB quickly and effectively.
- To work with vulnerable residents, be it victims, witnesses, perpetrators or customers, ensuring that appropriate levels of support are provided, where available and appropriate.

2. Policy Details

The ASB policy relates to any behaviour which is shown to have an impact on our Tenancy Management function. Put simply, any ASB that is directly or indirectly affecting our service delivery will be covered by this policy. This includes behaviour caused by people who are not our tenants, where we can see it is having a detrimental impact on our communities and/or staff and/or functions.

We accept reports of ASB from the direct victims, witnesses or other people who are reporting on their behalf.

Our approach to tackling ASB has three aspects;

- Prevention,

- Support and
- Enforcement.

In this way SRHA will always initially work towards stopping the ASB, prevent it from re-occurring and making sure that there is a long lasting impact to our residents and communities.

Where the perpetrator is not linked to one of our properties, but causes problems to our residents and/or staff we will work with other agencies to determine what action is most appropriate and who should lead on the matter.

Links to other Policies, Procedures or Documents

Tenancy Management Policy
 Data Protection Policy
 Privacy Policy
 Tenancy Conditions
 Safeguarding Policy
 Pre-action Protocol
 Pet Policy
 Domestic Abuse Policy

3. What is ASB?

In the ASB, Crime and Policing Act 2014, housing related ASB is defined as being “*any behaviour that has caused or is likely to cause a nuisance or annoyance to any person*”. This definition is broad and therefore, a test of reasonableness will be applied against the behaviour to see whether SRHA should be investigating and/or taking action.

Where behaviour is low-level and/or arises from a dispute between parties, SRHA will always try and encourage people to resolve the issues themselves, either informally or through mediation.

Deciding whether something is ASB will therefore involve looking at the behaviour itself and the impact that it is having on individuals or communities.

Impact will be assessed by looking at circumstances such as:

- frequency,
- severity,
- intent,
- number of people affected,
- victim vulnerabilities etc.

Assessing impact will also help us to see which reports are high-risk and may require a higher level of action.

It is impossible to list everything that we would consider to qualify as ASB however, examples may include:

Environmental ASB:

- Condition of property where causing a hazard to health.
- Littering/fly-tipping.

- Dog fouling within the curtilage of the property.
- Graffiti.
- Carrying out car repairs in communal areas or on other land belonging to us.
- Leaving un-roadworthy or un-taxed vehicles on communal land.

Personal ASB:

- Foul and abusive language.
- Threats of or actual violence.
- Threats of criminal damage or actual criminal damage.
- Harassment of SHRA tenants, contractors or other residents of the area.
- Persistent and unreasonable noise nuisance.

Community ASB:

- Drug use/activity at or in the locality of a property.
- Loud music/shouting/regular parties from an address.
- Irresponsible or dangerous parking on land owned by the Association.
- Keeping gardens in an untidy state so that they are an eyesore or attract vermin.
- Allowing animals to foul communal areas or cause a noise nuisance.

If an incident involves threats of or actual violence, or threats of or actual criminal damage or hate crime, it will be treated as a high-risk matter from the off-set.

4. What is not categorised as ASB?

Sometimes we may receive reports about behaviour that is not considered to be ASB, this may be for a number of reasons including:

Examples may include but not be restricted to:

- DIY during the day.
- Children playing football in the street unless specifically prohibited from doing so by local by-laws or SRHA policy.
- Babies crying.
- An audible Television volume during the day.
- The problems are arising due to a clash of lifestyles, for example customers who work night shifts.
- We believe that the customer may have acted inappropriately or incited the incident.

Where something is not categorised as ASB, the reason for this will be clearly explained to the customer, at the earliest possible stage to avoid raising expectations of action. We will offer relevant advice, including advice about available mediation services and sign-posting to other agencies, where appropriate and available.

Whilst we will take into account the resident's views about the ASB, the ultimate decision about whether something is or isn't ASB will sit with the Association.

5. Prevention of ASB and early intervention

We recognise that a large proportion of cases reported to us can be resolved through non-legal remedies, as long as these are adopted at an early stage and are appropriate to each case. In cases where it is appropriate to do so, SRHA will use a range of preventative measures and tools to try and stop the ASB at an early stage. Some of the avenues for prevention are:

- Where appropriate, encouraging the parties to discuss matters informally between themselves and agree a resolution.
- Sending letters warning about the inappropriateness of behaviour, reminding of tenancy conditions and setting out possible consequences.
- Meeting with perpetrators, with partner organisations where appropriate, to discuss the issues and warn of potential consequences.
- Making referrals to mediation or restorative justice approaches where appropriate.
- Initiatives which seek to modify people's behaviour for example: Acceptable Behaviour Contracts.

New tenants will be monitored on a regular basis and any vulnerability will be highlighted and signposted to the appropriate support mechanism.

This list is not exhaustive and the types of non-legal options available will depend on each case in turn. The list is not incremental and the expectation is not that every one of these options will be attempted before progressing to a legal action. The course of action will be determined on the severity of the behaviour, the impact on the victim/s and the genuine belief of whether the action will have the desired response.

As part of our pre-tenancy and early tenancy work, new tenants will be informed about how to be a good neighbour, how to report ASB and what action can be taken against perpetrators of ASB. It will therefore be made clear from the beginning of their tenancy that ASB will not be tolerated.

Our Tenancy Agreements contain clauses which allow us to deal with unacceptable behaviour. We may use verbal or written warnings to stop ASB before it escalates. Any warning will be based on clear evidence, explaining to the individual the details of the ASB and the likely consequences if the behaviour does not stop.

Starter Tenancies and fixed term tenancies will be used as a preventative tool. Where a tenant has a starter tenancy and there is substantiated concern about conduct during the probationary tenancy period, we may end the tenancy at that point if there is sufficient evidence, or may decide to extend it.

New tenants on starter tenancies will be visited by the Housing Officer at set prescribed intervals to ensure they have settled into their new home and to monitor the conduct of their tenancy which includes ASB.

In addition, near the end of the period of a starter tenancy, we will review conduct during the tenancy term before deciding on the next steps and whether or not to convert to an Assured Non-Shorthold tenancy.

We will actively encourage the use of mediation between parties to resolve issues, and will work with Mediation Services to promote this approach. Mediation is very valuable in resolving neighbour disputes, and it can prevent a dispute from escalating into a more serious disturbance.

We will adopt a multi-agency approach when dealing with cases and will work with partner agencies such as the Police, Probation, Social Services, Education and Youth Services. SRHA will be represented on various multi-agency groups (as required), to share information and plan joint action to respond to ASB problems at a local level.

Where specific vulnerabilities are identified in a case (such as mental health problems), we will endeavour to provide an appropriate approach, both for victims and perpetrators, and may seek advice from professionals including social workers. With all cases, we will comply with the requirements of the Equality Act 2010.

If necessary, proportionate and in accordance with regulations, we may consider the use of CCTV/surveillance. Technology may be used to substantiate complaints, although it will be up to the local authority to take action under the Environmental Protection Act 1990 if it is satisfied that certain 'statutory nuisances' exist or are likely to occur in the area.

We will withdraw an offer of accommodation or refuse to allocate accommodation if the applicant (or others on the application) are or have been responsible for committing serious and persistent ASB. If we have previously evicted someone for ASB we will not accept them as a tenant in the future.

6. Support for Customers and Witnesses

SRHA will keep customers and witnesses fully informed about the progress of their incident. This is one of the most important principles for effective case management. We therefore will work closely with the customer during the initial investigation stage to ensure that they are clear on our powers and their responsibilities. We will also explain the likely next steps and involve the customer, as far as possible, in helping to devise an action plan. We will reduce the burden on the customer as far as we are able and will ensure that we are flexible about how we apply our process and procedures based on the individual needs of each customer.

We will ensure that we regularly contact the customer to update them on their case, using a method and frequency that suits them. In addition to the above, we will offer any support to the customer that is appropriate, available and wanted. This may include (but is not limited to) the following:

- Making sure reporting channels are clear and accessible
- Arranging witness support as required in more serious cases

Where Court action is required, offering pre-Court visits and/or allowing the witness time to meet our legal representation and ask any questions and or raise concerns.

If attendance at Court is required, provide transport, refreshments, financial assistance with child care costs, supporting information to secure time off work, a separate waiting room, back door entrance and security measures (if available and appropriate to do so)

Following Court, making sure that the witness/customer is fully informed of outcomes, timescales and methods of reporting further issues.

In certain circumstances we may consider introducing protection provisions to the customer's home or moving the customer (temporarily or permanently) to another property if available within our own stock. These options will only be considered in exceptional circumstances, where resource allows and with manager approval. Our primary objective is to resolve the issue in situ, bringing as little disruption to the customers as possible.

7. Support for Perpetrators

SRHA will adopt a victim centred approach to tackling ASB however, recognise that there are often underlying issues which contribute to the behaviour exhibited. This may include bereavement issues, substance misuse or mental health issues. It is therefore necessary to try and address these issues as part of the overall case management, in order to stop the further harm being caused to any victims and ensure tenancy sustainment.

SRHA will therefore ensure that its staff are equipped to identify any concerns that may relate to a perpetrators vulnerability and have information of the support services that may be available to address these.

We adopt a twin track approach to dealing with perpetrators of ASB. This means that we will still consider appropriate enforcement action at the same time as trying to implement support for the perpetrator. This is to ensure that the need to try and stop the harm being caused to the victim/s is not delayed.

Should the perpetrator not engage with any support offered, we will continue to take any enforcement action we feel necessary to stop the harm that is being caused by their actions or behaviour.

8. Hate Crime & Harassment

Hate crime or harassment is any criminal offence or incident committed against a person or property that is motivated by hostility towards someone based on a characteristic, such as his or her disability, race, religion, gender identity or sexual orientation and interferes with a person's comfort or safety. This can include verbal abuse, use of insulting words to cause intimidation, threats of violence, graffiti and targeted damage to property.

Due to the criminal nature of these matters, the victim or witness should be encouraged to report the matter to the Police (if not already done). If the victim/witness is reluctant to do so, we will explain that we have a duty to report matters of a criminal nature.

9. Domestic Abuse (See also Domestic Abuse Policy)

Shropshire Rural Housing association adopts the Home Office March 2013 definition of Domestic Violence and Abuse: "*Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality*".

In addition, once the Domestic Abuse Bill 2020 receives Royal Assent, SRHA will adopt the principles enshrined in the Act relating to Anti-social Behaviour.

This can encompass, but is not limited to, the following types of abuse:

- psychological,
- physical,
- sexual,
- financial and
- emotional.

The Association will take a survivor-centred approach to supporting residents who experience or are affected by Domestic Abuse.

10. Children and Vulnerable Adults

Where a report of ASB relates to the behaviour and/or anti-social activity of a young person or a vulnerable adult it is important that intervention is made at the earliest stage in order for preventative measures to be identified and to ensure that any decisions made in relation to our actions are fully informed.

Where a young person has been identified as causing nuisance problems and there are clearly issues relating to the home and family then referrals should be considered and if necessary made to the relevant agencies.

Where an adult is believed to be vulnerable then referrals should be considered and if deemed appropriate made to the relevant agencies.

We work in the Shropshire Council and Telford & Wrekin Local Authority areas, each with their own safeguarding processes – we will ensure that all our staff are fully appraised of the correct processes in each area so that referrals can be made effectively within undue delays caused by administrative error.

11. Enforcement Action

Where non-legal actions have been attempted without resolution, or where the behaviour is too serious to warrant non-legal attempts, we will instigate legal action utilising the full range of legal tools that we have available to us or with the assistance of our partner agencies.

These actions may include:

- Action related to the tenancy agreement, such as extending a starter or probationary tenancy, applying for a demotion or suspended possession order, or seeking to evict the tenant.
- An injunction or undertaking.

We also recognise that dealing with ASB is often best done in partnership with others. We may identify situations where our partners have more appropriate tools to deal with the issues, these tools may include:

- Community Protection Notices
- Prosecutions under environmental protection legislation

Where another agency is leading on the action, we will consider what support we may be able to offer, such as providing any information we hold.

12. Working in Partnership

SRHA commit to sharing appropriate information with relevant groups and cooperating to our fullest ability to ensure the best possible outcomes.

In addition to these groups, we adopt a partnership working approach on all of our cases, where appropriate, engaging with all enforcement and support agencies as required in each case. Examples of these agencies include:

- The Police
- Local Authority Environmental Health Teams

- Other Registered Providers
- Adult and Children Services
- Community Mental Health Teams
- Any relevant voluntary and community sector organisations
- Public Health Team

We recognise that many incidents of ASB will also be a criminal act – we may also take civil action in these matters, where appropriate, but will do so in consultation with the Police, ensuring that our actions do not hinder their investigations. We may wait for the outcome of the Police investigation before determining and/or taking action ourselves.

13. Data Protection, Information Exchange and Confidentiality

We will comply with relevant data protection legislation. We will share information with our partners where it is for the purpose of preventing crime and/or disorder and this is made clear in our Privacy Statement on our website.

Where the customer has reported something to us and asks to remain anonymous to the perpetrator we will respect their wishes but will explain the difficulties that this will present when dealing with the matter and how actions may be severely limited. We will offer all support available to ensure that the customer feels as safe as possible pursuing their incident report.

Where possible the allegation will still be presented to the alleged perpetrator but in an anonymised format provided the customer is in agreement. Alternatively, we will seek to obtain corroborating evidence that can be relied on from a third party.

As a registered provider, we have a duty to share information with relevant agencies as set out by the Crime and Disorder Act 1998. This will be done in accordance with Data Protection legislation and any information sharing protocols we have in place.

Where the report relates to something that we are duty-bound to share with our partners, for example, information relating to a crime, concerns about safeguarding issues, we will explain to the customer the reasons for us having to disclose and manage any concerns as effectively as we can.

We will obtain the appropriate information sharing agreement (on a case by case basis) with the Police and Local Authority which will allow us to share information, where it is for the purpose of preventing crime and/or disorder.

Reports of ASB will be handled in a sensitive, professional manner by all members of staff.

Our staff will respect the laws that relate to privacy and confidentiality including Data Protection legislation. We recognise it can be frustrating for the complainant not to know details of the actions we take as a result of their complaint, but nevertheless we need to respect both sides' privacy and rights to confidentiality.

Permission will be sought from the complainant before information is given to an alleged perpetrator or another party. This should be discussed with the complainant when the ASB is initially reported or at an early stage. In some instances, it may be difficult to address a complaint of ASB without the alleged perpetrator recognising who the complainant is.

14. Protection of Staff

We will not tolerate any ASB directed towards our staff, including contractors, whether this is by our tenant, their household members or visitors, or any other person present in our communities.

Where these incidents occur, we will work with the appropriate partner organisations to determine the most appropriate course of action, ensuring that any response corresponds to the Association's Lone Working Policy. This may include legal action such as applying for an Injunction or taking tenancy action.

The ASB Crime and Policing Act 2014 has introduced an amendment to the ASB ground for possession, specifically related to behaviour towards the Landlord and we will utilise this ground where appropriate and proven beyond reasonable doubt.

15. Closing ASB cases

The Association may close a case when one or more of the following happens:

- The customer confirms that the issues have been resolved
- Both parties confirm that mediation or other action has proved to be a success
- The perpetrator is evicted
- We feel that there is no further action that we can take –(if this outcome applies we will ensure that we are clear with the customer as to the reasoning for this)
- The customer is not cooperating with the Association, where the requests are reasonable and they have no justifiable reason for doing so.

The Association will seek clear feedback at the close of a case that will be used to evaluate the effectiveness of the service we deliver.

SRHA will also evaluate cases following closure to ensure policy compliance, customer satisfaction and to investigate the effectiveness of our response. We will use this information to continuously improve our approach.

16. Training of Staff

Through the use of internal resource and external providers, we will ensure that all staff dealing with ASB cases are given the training required to be able to fulfil the responsibilities found within our ASB policy. This will be reviewed through the association's appraisal system and any areas of need identified.

17. Service Standards – What Customers can expect

We will be clear with the customer, from the logging of a case, the service they can expect from us and likely timescales. If these change, we will communicate this to the customer with reasons why. These timescales will depend on each case in turn.

There are however some key timescales that we believe important to commit to in every case, these include:

- Respond within agreed timescales when a customer reports ASB.

- For high-risk cases, we will develop an action plan with the customer within 3 working days of this initial contact.
- Agree a timescale with the customer for keeping them informed of the progress of their case.
- Contact the customer to discuss the case before we close it.

18. Complaints

Should the customer be dissatisfied with either the service or the action taken by Shropshire Rural Housing Association then they can invoke the complaints procedure. All customers should be made aware of the procedure as soon as there is any intervention by the Association.

Regulatory Issues

National Standards are Neighbourhoods & Community Standard and Tenancy Standard.

Monitoring and Review

Key Performance Indicators (KPI's) are set and regular case management reviews undertaken to ensure that complaints of ASB are being dealt with effectively and within timescales. KPI's include customer satisfaction that will be reported on the Board scorecard.

This policy will be reviewed in 3 years.