



Anti-Social Behaviour Policy and Procedures

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Author:	S Lines
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1. Policy Aims and Objectives

- 1.1 Lyng Community Association (LCA or the Association) recognises that to provide a quality housing service it must be effective in tackling the problems caused by nuisance and anti-social behaviour.
- 1.2 The Association acknowledges the importance given to this issue by government in terms of Acts of Parliament, as a priority for Sandwell local strategic partnership and the development and implementation of Safer Sandwell Partnership in partnership with the local authority, the police and other agencies.
- 1.3 This policy aims to ensure the Association has an effective policy and procedure in place to tackle the problems caused by nuisance and anti-social behaviour.
- 1.4 The overarching objective of this policy is to establish a framework for taking appropriate action in cases of nuisance, harassment, racial harassment or victimisation and to uphold the tenancy agreement whenever there is sufficient evidence to merit and substantiate proceedings.
- 1.4 Copies of this Policy will be made available to tenants, anyone responsible for management of our housing service and any third parties upon request.

2. ASB Management

- 2.1 Managing incidents of nuisance and anti-social behaviour can be complex and emotive for all parties but it is recognised as a key element to improving and sustaining neighbourhoods.
- 2.2 This Policy will be used by all LCA staff involved in the management of anti-social behaviour to ensure that best practice is maintained and will be reviewed and updated on a regular basis and every three years or sooner if there are major legislation or policy changes that impact on the management of anti-social behaviour.
- 2.3 This Policy has been formulated in the context of the Respect Agenda and the key elements that make up an effective landlord service in tackling anti-social behaviour. It has five core commitments detailed below that all of our work accords with:-
 - 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.

3. Definitions

- 3.1 Anti-social behaviour is defined by the Anti-Social Behaviour Act 2003 and the Public Reform and Social Responsibility Act 2011 as:

“Behaviour by a person which causes, or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the person”

3.2 Examples of anti-social behaviour include (but are not limited to):

- Noise nuisance: e.g. loud music, persistent shouting, excessive volume from TV or radio, animal noise: e.g. dogs barking.
- Nuisance from business use of LCA property.
- Intimidation and harassment
- Hate behaviour that targets members of identified groups because of their perceived differences: e.g. race and ethnicity, gender, age, religion, sexual orientation, political beliefs, mental health or disability
- Environmental issues: e.g. litter, dog fouling or animal nuisance, graffiti, fly tipping, vehicle nuisance, boundary disputes and misuse of communal areas
- Aggressive and threatening language or behaviour
- Actual violence against people and wilful damage to property
- Domestic violence and abuse
- Using LCA property for unlawful or illegal activity: e.g. drug using or dealing, solvent abuse, prostitution
- Misuse of alcohol/drugs on LCA property that causes a nuisance to others
- Vehicle related nuisance and inappropriate vehicle use.

4. Categorising of Anti-Social Behaviour

4.1 For operational purposes, LCA divides ASB into three categories:

4.2 **Category 1** instances involving drug dealing, racial harassment, violence (including domestic violence), hate crime, prostitution and children at risk.

4.3 **Category 2** instances of noise nuisance, neighbour disputes, intimidating behaviour, vandalism and property damage, alcohol related and children creating a nuisance or any other criminal behaviour.

4.4 **Category 3** untidy gardens, dumping of rubbish, complaints about dogs, abandoned vehicle.

5. Category Response Times

5.1 The Maximum response times for dealing with each category of ASB are as follows:

5.2 **Category 1** – 24 hours

5.3 **Category 2** – 3 working days

5.4 **Category 3** – 5 working days

5.5 Where possible the Association will seek to attend to issues within these timescales.

6. Management of ASB

- 6.1 The Association is committed to managing and minimising nuisance and anti-social behaviour, and will take action against any form of anti-social behaviour, harassment or threat of harassment.
- 6.2 The Association will seek to effectively manage resources and monitor trends to contribute to the prevention of nuisance and anti-social behaviour to enforce the tenancy agreement. The locally based Estate Management Team will continue to develop ways of preventing and discouraging anti-social behaviour using a range of early intervention strategies including mediation, education (Parenting Programmes) and the use of acceptable behaviour contracts.
- 6.3 The Association will work with partner agencies to ensure early intervention in all reported cases of anti-social behaviour and will use a range of strategies to identify, tackle and resolve problems of anti-social behaviour.
- 6.4 Prevention is an essential part of LCA's approach to anti-social behaviour. LCA will also consider how vulnerable alleged perpetrators can be supported particularly if the anti-social behaviour is as a direct or indirect result of drug abuse, alcohol abuse, mental health or disability.
- 6.5 The Association will encourage and support complainants to continue to live in their home and work with us to resolve the problem. In order to support people who complain of anti-social behaviour LCA will:
- Keep the complainant and witnesses informed of the progress of the case,
 - Review security measures on their home, if appropriate,
 - Ensure that witnesses are well prepared for court,
 - Provide transport and escort at court,
 - Provide follow up support if required,
 - Arrange access to interpreters if required.
- 6.6 LCA will consider the status of the alleged perpetrators tenancy, taking into account tolerated trespass issues and disability issues.
- 6.7 LCA has a zero tolerance approach to the verbal or physical abuse of any officers or representatives of LCA and will take appropriate action against the individual and their tenancy.

7. Implementing the Policy

- 7.1 In tackling nuisance and anti-social behaviour the Association will take the following actions, where appropriate:
- Ensure that procedures are accessible, clearly written and easy for complainants to follow.
 - Record and promptly acknowledge every report of anti-social behaviour.
 - Investigate every allegation of anti-social behaviour, complete an action plan with the complainant and keep them informed of progress/action taken during the course of the investigation.

Tenant

- Guarantee the complainants anonymity, where possible. Should anonymity not be possible, for instance where mediation may be offered or as part of a criminal investigation this will be clearly explained to the complainant.
- Encourage complainants to resolve the difficulties themselves where feasible and promote mediation as an early intervention.
- Start investigations at the earliest possible time after receipt of the complaint and conduct them within a reasonable timescale, allowing for responses from all parties.
- Use the powers given to landlords in the Anti-Social Behaviour, Crime and Policing Act 2014 and existing powers to seek appropriate resolutions against the perpetrators of anti-social behaviour.
- Support victims and witnesses and refer to appropriate support services where necessary.
- Ensure all relevant teams and staff within LCA work to minimise the incidence and impact of anti-social behaviour.
- Ensure staff are trained to deal positively and proactively with cases of reported anti-social behaviour and are kept up to date with the latest developments and tools.
- Continue to develop positive working partnerships with other agencies that can assist with a successful outcome of the case i.e. Sandwell Borough tasking, Local Police, Support Workers and other appropriate persons.
- Identify and, where appropriate, provide support for the alleged perpetrator that is not already in place. This may take the form of floating support through an independent living team or appropriate outside agencies.
- Record and monitor the progress of each case of anti-social behaviour and harassment on a regular basis keeping the complainant informed until the case is closed.
- Issue a Customer Satisfaction Questionnaire to all complainants following case closure in order to measure performance.
- Access information from a variety of sources and pass relevant information to LCA officers responsible for letting or allocating empty properties.
- **Not** re-house tenants as a means of resolving nuisance complaints. However, in certain circumstances where no resolution has been possible or in serious harassment cases the Association may facilitate possible transfer options and offer advice on mutual exchanges.

8. Tenants' Obligations

- 8.1 Tenants of LCA are required by the terms of their tenancy to behave in a manner that does not cause harassment, alarm or distress to their neighbours and the wider community. Tenants are also expected to understand and be tolerant of different lifestyles.
- 8.2 When tenants are affected by, or aware of anti-social behaviour, they should firstly telephone the police on 101 (for general nuisance) or 999 (for serious nuisance) and get a log number. This allows LCA officers to flag up issues during regular police liaison meetings, also to identify ongoing problems and arrange for a police presence at appropriate areas.

8.3 The obligations of LCA tenants in relation to acceptable and unacceptable forms of behaviour are clearly outlined in the conditions of tenancy. All tenants will be provided with a copy of the conditions of tenancy at the outset of their tenancy as stated in their tenancy agreement, and the most important clauses relating to anti-social behaviour will be explained to them. It will also be emphasised that all tenants are also responsible for the behaviour of those who either live with or visit them.

9. Publicity

9.1 In order to build public confidence in our ability to tackle anti-social behaviour, every opportunity will be used to publicise successes. The Association will not publicise names of any individuals involved in action against perpetrators of anti-social behaviour without the permission of that individual.

10. Managing Anti-Social Behaviour and Nuisance

10.1 The Association will work with the community to seek to prevent anti-social behaviour and this may include direct or indirect support for:

- Uniformed PCSO patrols
- Youth projects aimed at engaging with young people to minimise anti-social activity across the estate.
- Structured interviewing of juveniles to establish ways to tackle behavioural issues.
- Multi-agency partnerships.
- Floating support / tenancy support schemes.
- Making security improvements across the estate.
- CCTV monitoring and recording.

10.2 We will use a range of tools to manage anti-social behaviour and nuisance, including but not limited to:

- Nuisance investigation.
- Writing to or interviewing the perpetrator.
- Mediation between the affected parties (*a meeting consisting of both parties and an officer from LCA or an external mediator*).
- Personal undertakings from the perpetrator
- Abatement notices against noise nuisance (*an abatement notice can be served by the local authority if they are satisfied that a noise problem amounts to a statutory nuisance. The notice may require that the noise be stopped altogether or limited to certain times of day*).
- Acceptable behaviour contracts (*voluntary contracts issued by the police*).

- Community Protection Notices (*issued by the police or Local Authority*)
- Criminal Behaviour Orders (*CRASBO's issued by the police or Local Authority*).
- Parenting Order (*this is a Court Order which is designed to give support and guidance. It aims to help prevent your child from offending and / or antisocial behaviour and / or help you get them to attend school every day, and / or address issues of behaviour at school if they have been excluded.*)
- Injunctions (*an injunction is a court order that compels a party to do or refrain from specific acts*).
- Public Space Protection Orders (*issued by the Local Authority*).
- Starter tenancies – supporting residents to sustain their tenancy from the start including referral to specialist support teams where appropriate: e.g. young parents scheme.
- Demoted tenancies (*a court order changing an assured tenancy back to a shorthold assured - introductory - tenancy*).
- Possession proceedings
- Eviction.

11. Witness Support

11.1 The Association will support victims and witnesses of ASB in a number of ways by:

- Taking all complaints of ASB seriously and setting out clearly how incidents of anti-social behaviour can be reported making reporting channels as simple as possible.
- Conduct and record a risk assessment if a witness has been threatened and stays in their home.
- Set out clearly when professional witnesses will be considered.
- Discuss and plan each stage of any legal action with witnesses.
- Keep relevant staff informed where witnesses are at risk.
- Work with other organisations to seek to provide:
 - out of hours emergency contact,
 - facilitate transport to and from court,
 - witness support in court.
- Where necessary, provide ongoing support following resolution of legal action or other measures.

11.2 The application of these tools is detailed in LCA's Anti-Social Behaviour Procedure.

12. Legislative Framework

12.1 The Association will take account of all relevant legislation and the full range of tools introduced through legislation and available as part of our contract with tenants to assist tackling anti-social behaviour.

12.2 Relevant legislation includes (but not exclusively):

- Equalities Act 2010
- Mental Health Act 1983
- Prevention of Harassment Act 1997
- Crime and Disorder Act 1998
- Data Protection Act 1998
- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime and Policing Act 2014

12.3 When the Association takes action care will be taken to ensure compliance with all relevant legislation.

13. Data Protection and Information Exchange and Confidentiality

13.1 All information obtained during an investigation will be treated with the strictest confidence and processed in accordance with the Data Protection legislation. Data collected will only be used for the purposes of dealing with perpetrators and in accordance with the Information Sharing Protocol that has been agreed with other organisations in Sandwell.

14. Quality and Continuous Improvement

14.1 The Association will ensure that all staff involved in the reporting and management of nuisance and anti-social behaviour will improve and expand their knowledge in this challenging area of work.

14.2 LCA staff will be provided with refresher training and information on legislative changes as necessary and appropriate. Staff will be encouraged to circulate new and revised information and all training material internally to ensure that knowledge is shared across the Association.

15. Monitoring

15.1 The Association will regularly monitor data in order to improve actions against anti-social behaviour, improve performance and to keep other stakeholders informed.

15.2 The Association will monitor and report at least quarterly to the management committee and Boards the number, nature and level of anti-social behaviour reports received.

15.3 Performance reports will be compiled and reported on a monthly basis against the standards specified within the ASB procedure.

15.4 The Association will review this policy and accompanying procedures on an annual basis following feedback from complainants to ensure that they continue to be effective in dealing with current issues.

16. Procedures

6.1 Detailed procedural guidance exists for staff to use when dealing with ASB cases. The procedures are the subject of regular review and relevant staff are trained on their use and implementation.