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| **HOUSING DIVISION PROCEDURAL NOTES** |
| **Area** : Housing Management **Department**  : Housing Management**Subject**  : Anti-Social Behaviour Policy (Housing) |

**Procedure Ref:** HM- **Owner**: Housing Management Service Manager/Senior Housing Officers

**Date approved: Effective date: January 2013**

Please state what policy & documents (if any) this procedure is linked to:

**Anti-Social Behaviour Procedure**

[**RESPECT ASB Charter for Housing**](http://www.cih.org/resources/PDF/Marketing%20PDFs/respect-asb-charter-for-housing.pdf)

**Tenancy Agreement**

**Complaints Policy**

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| **Version** | **Date** | **Details of amendment** | **Creator/****amender** | **Approved by** | **Next review due** |
| 1 | May 2007 | N/A  | Andrew Wallace | Amanda Harper | 2010/2011 |
| 2 | January 2013 |  | Andrew Wallace | Amanda Harper | May 2015 (or earlier dependent upon new Enforcement powers) |

Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

Contents

Statement of Purpose and Definition

[1. Scope of the Policy](#Scopeofthepolicy)

[**2**. **How is Anti-Social Behaviour classified?**](#ASBClassified)

[**3. Our Aim**](#OurAim)

[**4. What our Tenancy Agreement says**](#TenancyAgreement)

[**5. What are our objectives?**](#Objectives)

[**6. Our Anti-Social Behaviour service**](#ASBService)

[**7. What we will do when we receive complaints of Anti-Social Behaviour**](#ComplaintsofASB)

[**8. Providing Support to those involved**](#Providingsupport)

[**9. Service Standards**](#Servicestandards)

[**10. Monitoring and Reporting**](#MonitoringReporting)

[**11. Equality and Diversity**](#Equalityanddiversity)

[**12. Publicising our Approach to Anti-Social Behaviour**](#ApproachtoASB)

[**13. Development and Responsibility**](#DevelopmentandResponsibility)

ANTI-SOCIAL BEHAVIOUR POLICY

Statement of Purpose and Definition

The Council recognises the importance that tenants place on the ability to live peacefully in their homes. Anti-Social Behaviour and neighbour nuisance include a broad range of disruptive behaviour. We recognise that anti-social behaviour has a detrimental effect on the quality of life enjoyed by our residents. We do not believe our residents should have to live with serious or persistent Anti- Social Behaviour.

Unless otherwise stated within the policy, the Housing Division uses the definition of Anti-Social Behaviour as described in the Crime and Disorder Act 1998 as:

***“Acting in a manner that is causing or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator”.***

The Policy will be publicised in plain language and made available to tenants on request. This document can be obtained in large print or translated into other languages, if required. It is designed to be a framework as to how Anti-Social Behaviour can be reported to and dealt with by the Housing Department at North West Leicestershire District Council.

Although consistent within our approach, North West Leicestershire District Council has a separate Anti-Social Behaviour Policy dealing with private occupants of properties.

We also recognise our legal responsibility under the Housing Act 1996 (part 8 before section 219) to have a policy and procedure to deal with these issues.

1. **Scope of the policy**

1.1 We are committed to improving the quality of life for everyone living and working within our communities and in providing a safe and secure environment to enable communities to live together and free from the negative impact of Anti-Social Behaviour.

1.2 Reports of Anti-Social Behaviour will be investigated, and where appropriate, together with relevant outside agencies, action taken against those responsible will be proportionate to the seriousness of the activity in which they are engaged and appropriate to the circumstances. Intervention action will be selected based on what is most likely to produce and effective solution. In very serious or persistent cases of Anti-Social Behaviour, rapid enforcement action will be taken to resolve the problem. This may include court action where appropriate.

1.3 Instances of Anti-Social Behaviour which may be considered to be criminal will be reported to the Police. The Police will then manage the case and decide on whether proceedings will be brought against the alleged perpetrator

1.4 We will work with and share information with partners (in accordance with our policies and procedures) to reach the best solution and to learn from each other. This includes internal departments as well as those that sit within the Community Safety Partnership and those that attend the District wide Joint Action Group

1.5 We are committed to the Respect – ASB Charter for Housing which aims to be outcome-focused so that we can provide a high quality ASB service. The Charter consists of seven core commitments.

We are committed to:

* demonstrating leadership and strategic commitment
* providing an accessible and accountable service
* taking swift action to protect communities
* adopting a supportive approach to working with victims and witnesses
* encouraging individual and community responsibility
* having a clear focus on prevention and early intervention
* ensuring that a value for month approach is embedded in our service
1. **How is Anti-Social Behaviour classified?**

2.1 Anti-Social Behaviour is represented by three distinct types of ASB (which are defined by the National Standards in Incident Reporting used by the Police):

* **ASB Personal** – “identifies an ASB incident that the complainant, officer dealing or any other person perceives as either deliberately targeted at an individual or group or having an impact on an individual or group rather than the community at large. It includes incidents that cause concern, stress, disquiet and/or irritation through to incidents which have a serious adverse impact on people’s quality of life. At one extreme of the spectrum it includes minor annoyance; at the other end it could result in risk of harm, deterioration of health and disruption of mental or emotional well-being, resulting in an inability to carry out normal day to day activities through fear and intimidation.
* **ASB Nuisance** – “captures those incidents where an act, condition thing or person causes trouble, annoyance, inconvenience, offence or suffering to the local community in general rather than to individual victims. It includes incidents where behaviour goes beyond the conventional bounds of acceptability and interferes with public interest including health, safety and quality of life. Just as individual will have differing expectations and levels of tolerance so will communities have different ideas about what goes beyond tolerable or acceptable behaviour.
* **ASB Environmental** –“deals with incidents where individuals and groups have an impact on their surroundings including natural, built and social environments. This category is about encouraging reasonable behaviour whilst managing and protecting the various environments so that people can enjoy their own private spaces as well as shared or public spaces. People’s physical settings and surroundings are known to impact positively or negatively on mood and sense of well-being and a perception that nobody cares about the quality of a particular environment can cause those effected by that environment to feel undervalued or ignored. Public spaces change over time as a result of physical effects caused, for example, by buildings, but the environment can also change as a result of the people using or misusing that space.

2.2 None of the three categories above are linked to a specific response timescale since it is acknowledged that the response needs to be based on the severity of the case. To ensure response time and actions are appropriate and reasonable, we use a Vulnerability Risk Matrix which involves the identification, assessment and prioritisation of the risks relating to the case. This Risk Matrix has been designed at County level and is used by all agencies who deal with Anti-Social Behaviour within Leicestershire. This is a key part of the case process.

2.3 We will have regard to all of the tools and powers available to us. Legal enforcement powers will be used as necessary.

1. **Our Aim**

3.1 Our aim is to protect people from harm and to contribute to communities that can live without fear of:

* aggressive or threatening language or behaviour
* violence
* unreasonable amounts of noise
* harassment, particularly harassment because of someone’s individual characteristic, such as age, disability, gender re-assignment, race religion, sex or sexual orientation.
* behaviour which unacceptably interferes with residents’ quality of life

3.2 We will take a victim focused approach, identifying those vulnerable individuals, communities and environments most at risk and therefore in need of a response before the problems escalate.

3.3 We will seek to avoid issues becoming Anti-Social behaviour by:

* providing or facilitating mediation services
* using the Leicestershire Safety Partnership’s tiered approach including Acceptable Behaviour Contract where appropriate
* working in multi-agency partnerships
* referring residents to our floating support where appropriate and available
* using ‘Good Neighbour Agreements’
1. **What our tenancy agreement says**

4.1 Our tenancy agreement contains clauses relating to Anti-Social Behaviour. By signing the tenancy agreement our tenants agree not to commit acts of Anti-Social Behaviour and to be responsible for the behaviour of their household and visitors.

1. **What are our objectives?**

5.1 Our Anti-Social Behaviour objectives are:

5.1.1 To prevent Anti-Social Behaviour

We seek to prevent anti social behaviour via a number of actions and/or initiatives.

These include:

* we actively participate in community initiatives aimed at addressing issues relating to the causes and effects of Anti-Social Behaviour. This involves working with local schools, the police, the Local Authority and appropriate community agencies
* actively involving communities in the management of their neighbourhood, encouraging the formation of resident groups and promoting minimal tolerance of Anti-Social Behaviour

5.1.2 To respond to Anti-Social Behaviour

We will seek to achieve this by:

* encouraging reporting of Anti-Social Behaviour by ensuring that our Policy and Procedures are clear, accessible and pro-active
* following a clearly defined process, including a relevant action plan agreed with to the person(s) experiencing the Anti-Social Behaviour
* taking prompt, appropriate and decisive action to deal with anti social behaviour before it escalates. In doing so, we adopt a problem solving approach and have regard to the full range of tools and legal powers available
* supporting victims and witnesses of Anti-Social Behaviour.

5.1.3 To ensuring that officers are equipped with the key skills to deliver this Policy and our procedures effectively

We will seek to achieve this by:

* incorporating Anti-Social behaviour, where relevant, as a specific subject area in the induction programme of new staff members and the annual appraisal system for staff where appropriate
* providing frequent training courses for all staff involved in dealing with incidents of Anti-Social Behaviour
* ensuring that officers are aware of the available range of Anti-Social Behaviour remedies and are trained in their use.
1. **Our Anti-Social Behaviour service**

6.1 Our Anti-Social Behaviour procedures set out our target response times.

6.2 We have a wide range of skills and tools at our disposal to tackle Anti-Social Behaviour. The most appropriate enforcement tools and actions will be considered alongside the following:

* accurate assessment of victim & witness vulnerability, risk and harm
* use or threatened use of violence
* housing tenure
* frequency of incidents
* safeguarding considerations and hate crime aspects
* whether the Anti-Social Behaviour is intentionally targeted or situational

6.3 We will:

* encourage (where it is appropriate) people to talk to each other to see whether any problems can be resolved informally
* refer residents to mediation services when it is available and appropriate
* use Acceptable Behaviour Contracts where appropriate
* refer or signpost residents to other agencies who may be able to assist or to support projects such as ‘Supporting Leicestershire Families’ (formerly known as Family Intervention Projects)
* have regard to the full range of legal remedies available to us, such as (but not limited to):
	+ the use of injunctions where there is violence or threats of violence or where it is evident this would stop the Anti-Social Behaviour
	+ possession orders and demoted tenancy orders in cases of serious or persistent breaches of tenancy, violence or threats of violence or criminal behaviour in the locality
	+ closure orders

6.4 We are committed to using a multi-agency approach. We will:

* work with other agencies and share information about both complainants and perpetrators in support of local strategies to:
	+ reduce crime and disorder,
	+ in furtherance of the Youth Justice Plan or other provisions of the Crime and Disorder Act 1998 and Anti-Social Behaviour Act (2003) to prevent anti-social behaviour and/or crime

6.5 We are also required to co-operate with public protection arrangements under the Criminal Justice Act 2003 and so will work within Multi-Agency Public Protection Arrangements.

6.6 Our commitment to safeguarding vulnerable people is a further element of our service and our Safeguarding Adults and Safeguarding Children policies will also be applied when appropriate to ensure that vulnerable people within our communities are protected.

6.7 We understand that anti social behaviour may be perpetrated by an individual who is not a tenant of NWLDC. In such circumstances, we will have regards to the full range of tools and legal powers available to us if it affects the Housing function as described within the Anti-Social Behaviour Act (2003)

**7. What we will do when we receive complaints of anti-social behaviour**

7.1 We will:

* Record and assess all reports of Anti-Social Behaviour within 24 hours. This will include appointing a named officer to each case and advise their details to the person(s) reporting the incident. A unique reference number will also be given to the case for the complainant to refer to
* Investigate the complaint and look to resolve as soon as possible.
* Develop an action plan with the victim/witness to deal with the particular circumstances of the complaint.
* keep them informed of the progress of the action plan
* notify and explain our decisions to both complainants and alleged perpetrators
* review and close each case in a timely fashion, recording whether the Anti-Social Behaviour has been resolved or not

**8. Providing support to those involved**

8.1 We will:

* complete and update a risk assessment of all incidents of Anti-Social Behaviour reported to us and where necessary tailor a support package to the needs each victim/witness based on that assessment
* establish and maintain contact throughout the course of the investigation, with a minimum of one contact every calendar month (within 31 days) if the complaint remains open
* keep those involved informed about what is going on (subject to duties of confidentiality) from the date the first complaint is received, throughout the investigation process and/or any legal action
* seek to work in partnership with other agencies to provide assistance and support and work through the Joint Action Group process
* refer residents/victims to support groups where requested.

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**9. Service Standards**

9.1 We will aim to visit all new tenants within six weeks of having moved in.

9.2 We will give all new tenants a copy of their tenancy agreement, a tenant

handbook and a ‘Good Neighbour Agreement’ where applicable

9.3 We will use measures to prevent and reduce Anti-Social Behaviour, and use a variety of appropriate legal and non-legal solutions to tackle it.

9.4 Where appropriate, we will agree an action plan with the complainant and tailor the plan to their individual circumstances and case.

9.5 We will provide feedback and reports to residents relating to our performance at both the Housing Management Working Group if requested and within our Annual report to residents.

9.6 Where appropriate, our service standards will reflect any ‘local offers’ agreed with residents.

**10. Monitoring and reporting**

10.1 We will

* record the number of incidents of ASB reported to us and the type of anti-social behaviour
* monitor the types of interventions which have been successful in resolving our cases
* Record the number of cases which have both been successfully resolved, and unresolved
* monitor the number of tenancies brought to an end through legal proceedings for anti-social behaviour
* Wherever possible, provide benchmarking information to the performance and business support team where requested

10.2 Where Anti-Social Behaviour complainants feel that we have not carried out our duties under this Policy they have the right to make a complaint to us under our Complaints Policy.

**11. Equality and Diversity**

11.1 Throughout the operation of our Policy on Anti-Social Behaviour and through our dealings with those involved in cases we will have regard to our diversity policies at all times.

11.2 All customers (and their advocates) will have access to this document upon request or from our websites.

11.3 This document and accompanying leaflets can be translated or provided in alternative formats (e.g. Braille, large print, and audio) upon request.

**12. Publicising our approach to Anti-Social Behaviour**

12.1 Our approach to Anti-Social Behaviour will be publicised to residents, potential residents and staff in a number of ways:

* Tenants’ Handbook
* The Tenancy Agreement
* Leaflets and/or guidance documents
* Internet
* Policy Briefings and Training
* At the tenancy sign up

**13. Development and Responsibility**

13.1 Our Anti-Social Behaviour Policy has been developed through consultation with residents, staff and other stakeholders.

13.2 Approval of the Policy is via elected members on Cabinet (Executive Board Meeting)

13.3 The Team Manager for Housing Management (or their equivalent post) take responsibility for the implementation and review of this policy and will delegate responsibilities to the respective housing managers/team leaders for any decision making arising from this policy.

13.4 Staff will be trained to deliver this policy and are responsible for reporting any difficulties with its administration.

13.5 Any impact arising from Government changes or Police reform etc. will be implemented before the planned review date