



Anti-Social Behaviour Policy

Contents

	<i>Page</i>
• Aims and objectives	2
• References	2
• Purpose and scope	3
• Definitions	3
• Policy Statement	4
• Our approach	5
• Roles and responsibilities	8/11
• Related policies	8
• Confidentiality	9
• Complaints	9
• Monitoring	9
• Policy review	10
• Appendix – Table of responsibilities	11

Draft Anti-Social Behaviour Policy

Reviewed by: Jackie King, Regional Housing Manager, London.

Applies to: All Housing Teams

Approved by: Swan Board

Lead Officer: Regional Housing Manager

**August
2010**

**December
2010**

Aims and objectives

We recognise that everyone has the right to peaceful enjoyment of their home, and that left unchallenged, ASB can have a significant negative impact on the lives of our residents. Swan is therefore committed to providing a safe environment for all by taking effective action against perpetrators of ASB and preventing any further ASB occurring.

We recognise that the causes and effects of ASB are wide ranging and can affect all members of the community and not just Swan tenants. Therefore we will always seek to work in partnership with other agencies to ensure that all the measures available are used effectively to tackle ASB problems, regardless of tenure.

Swan has signed up to the Government's Respect Standard for Housing Management and is committed to ensuring our services for tackling ASB are actively reviewed against the standard and that the service we offer meets those clearly defined within this.

References

The Tenant Services Authority, has clearly set out in the Neighbourhood and Community Standard its expectation as to how of anti-social behaviour should be handled. All social landlords will work in partnership with other agencies to prevent and tackle ASB in the areas where they own properties and demonstrate the following:

- All residents are made aware of their rights and responsibilities
 - Strong leadership, commitment and accountability on preventing and tackling ASB which shows a clear understanding of the responsibilities of partnership agencies
 - Prompt, appropriate and decisive action is taken to deal with ASB before it escalates
 - All tenants and residents can easily report ASB and are kept informed of the progress of their cases and are signposted to the appropriate agency where required
 - Support is provided for witnesses and victims
-

Purpose and scope

This policy sets out Swan's approach to dealing effectively and consistently with incidents of ASB.

We recognise that there is no single solution to tackling ASB, therefore our approach will be based on four inter-connected strategies:

- Prevention
- Intervention and diversion
- Enforcement
- Rehabilitation

We will:

- Ensure that tenants can report complaints easily and that the information they provide is kept confidential unless stated otherwise
- Encourage people to initially try to sort out the problem for themselves in an amicable way where possible. If this is not appropriate, we will then take direct action
- Explore the possibility of mediation as an appropriate option where people cannot effectively sort out the problem themselves
- Communicate regularly and effectively with complainants and perpetrators and provide information about actions taken and outcomes
- Provide support via our floating support service or Victim Support Service and where possible encourage community support to lessen the fear of reporting incidents
- Publicise our approach to ASB and how we deal with it as required by the Housing Act 1996 (as amended by the ASB Act 2003). Our policy and procedures are available from any of our offices

Definitions

There is no commonly agreed definition of what is meant by the term anti-social behaviour. For the purpose of this policy, the definition is consistent with that used in the Crime and Disorder Act 1998. Section 1(1) of the Act defines ASB as:

“a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself”.

The Housing Act 1996 s.153 defines it as

“conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaged in a lawful activity in the locality”.

Examples of anti-social behaviour include:

- harassment or intimidation
- using or threatening to use violence
- drug abuse
- noise / loud music
- rowdy drunken behaviour
- arguing and door slamming
- using abusive or threatening words
- damaging or threatening to damage other people's property
- graffiti and vandalism
- rubbish dumping/ fly tipping
- nuisance vehicles

Although Hate Crime and Hate Incidents (on the basis of race/ ethnicity, age, disability, gender, transgender, religion or belief and sexual orientation) are forms of anti-social behaviour, they are covered under the separate Harassment and Hate Crime policy.

POLICY STATEMENT

Swan recognises that ASB can seriously reduce the quality of life for residents and it can have a detrimental impact not just on the victim(s) but on the whole community. It can lead to existing residents feeling isolated, frightened or unhappy in their homes and result in properties or areas becoming unpopular and difficult to let. Swan recognises that everyone has the right to their chosen lifestyle, as long as it does not spoil the quality of life for others.

Swan will take preventative measures to combat ASB and will demonstrate by its actions that it will not be tolerated. This will be made clear to all prospective and existing tenants.

This policy applies to tenants and residents, their families and other visitors. It also applies to Swan's staff and agents working on Swan's behalf. Complaints of ASB will be accepted from residents, members of the community, our partners, the Police and other agencies. Reports can be made by phone, by email, by letter, in person and online. Complaints can also be made through a residents' group or by a Councillor, MP or other advocate. Reports may be made anonymously; however, this may restrict the amount of investigation and action we can undertake.

We will provide support to any member of staff who feels threatened or at risk from any alleged perpetrator. This might involve risk assessments, advice, counselling and ensuring action is taken against the perpetrator. Such situations should be reported to the staff member's line manager or in their absence, a member of the Senior Management Team.

Staff will be made aware of the content of this policy and associated procedures and will be alerted to any significant changes and updated on changes in legislation. They will also receive training on the latest tools

available as well as the practical solutions to ASB and nuisance. All staff will be given a copy of the ASB Toolkit to assist them to manage their cases effectively.

Investigations will take place to identify perpetrators as soon as possible after receipt of a complaint. All reports of ASB will be dealt with sensitively and we aim to promote a culture where victims are encouraged to report incidents affecting them. The name of the member of staff dealing with a particular incident will be given to a complainant as a point of contact. We will remain professional and non-judgmental in all our dealings with both the victim and the alleged perpetrator. We will work with victims to find and agree an approach to dealing with any incident(s) with which they are comfortable.

Swan takes the safety of its residents seriously and will consider whether the provision of protection measures (such as new locks) in a victim's property is needed.

We recognise that our customers have diverse needs and will ensure that no one is unduly excluded from involvement, advice and information by ensuring that translation, interpretation and alternative formats are publicised and offered where required.

Our approach

Prevention

Swan understands that it is better to prevent ASB than have residents suffer the effects of it. We will therefore include a number of measures within our core activities with the aim of preventing ASB.

Design out Crime: Swan will ensure that housing management staff are involved at all stages of a new development and that these all meet the 'Secured by Design' standard.

Allocations and Lettings: Through the Allocations Policy, Swan will consider the sustainability of each letting and the impact on the community. We may consider excluding an applicant from housing if there is strong evidence to suggest that he or she will cause ASB. All new tenants will have a vulnerability assessment at the start of the tenancy to ensure that there is adequate support and to increase the likelihood of tenancy sustainment. All new tenants will also be given a copy of Swan's ASB leaflet at sign-up and the policy will be explained in detail, clearly setting out their responsibilities and Swan's approach. New tenants will also receive settling in visits where Swan's commitment to tackling ASB will be reemphasised.

Community Action: Swan will encourage and assist tenants and residents to produce their own Good Neighbour Agreements, therefore encouraging a culture of respect in the community. These documents should include tenants' views on what is acceptable or unacceptable within their area and may cover issues such as parking, rubbish and noise.

Estate Inspections: Regular estate inspections together with partner agencies and local residents will identify possible causes of and solutions to ASB. Swan employs caretakers on a number of different sites who will report any environmental issues or ASB they witness so that these can be promptly dealt with and resolved.

Publicity: Swan has produced a leaflet which publicises our approach to ASB and gives advice to victims of such behaviour. We will publicise successful actions against perpetrators in tenants' newsletters to discourage ASB and encourage victims of such behaviour to come forward.

Training: Swan provides regular staff training to ensure that incidents are identified and dealt with effectively. Comprehensive procedures are produced for staff to follow when dealing with incidents of ASB and these are regularly reviewed and updated.

Early Interventions, Diversionary Activities and Enforcement

Swan will use early interventions and diversionary activities to prevent ASB. Where these actions fail or are not appropriate, enforcement action will be taken. The following are actions that Swan will consider.

Provide Diversionary Activities: Swan will offer a range of diversionary activities for children and young people. We have a dedicated Community Development Team that works with the local Neighbourhood Team to target areas where there is anti-social behaviour. Together they will work to provide positive activities for young people to try and stop them from engaging in anti-social behaviour.

Multi- Agency Working: Where appropriate, Swan will adopt a multi-agency approach to deal with ASB. Examples of agencies we work with are the Police, Local Authority Environmental Health Departments and Community Safety Teams, Social Services Departments, Youth Offending Teams, Local Education Authorities and Mediation Services. We will assist and support the Police and Local Authorities in their applications for Parenting Orders, Curfew Orders, Fixed Penalty Notices and Closure Orders. Swan is committed to working with other agencies when dealing with ASB and will seek to establish data sharing protocols which comply with the Data Protection Act.

Family Intervention Projects: Swan part funds Family Intervention Project Workers in both London and Essex. They can provide intensive support to families who are at risk of eviction because of persistent ASB.

Witnesses: Swan recognises the importance of supporting those people who are experiencing ASB and will provide support to complainants throughout the case. We will review security measures in place for those affected and ensure they are well prepared for court.

Professional Witnesses: Independent investigators can be used to gather evidence, especially when the witnesses of the ASB are reluctant to do so.

They may also be used to build a case for court proceedings, to protect witnesses once proceedings have been issued or monitor the outcome of a court order and gather evidence of breaches of an injunction. The gathering of such evidence is a serious matter and it must have been collected legally and ethically to be used.

Mediation: Mediation can be an effective way of dealing with some types of disputes between neighbours. Swan will refer neighbours in conflict to a mediation agency if appropriate.

Providing or accessing support for victims: Where appropriate Swan will work with its Floating Support service, local agencies and community groups to help provide support for victims of ASB. We will remove racist and homophobic graffiti and carry out emergency repairs (as defined in the Tenants Handbook) within 24 hours of an incident being reported. We will keep victims updated on any action being taken by Swan, and where appropriate, other agencies.

Providing or accessing support for perpetrators: Swan will, where appropriate, provide or access support for perpetrators to help them to address their ASB to try and prevent further occurrences.

Rehabilitation: Swan will support rehabilitation initiatives that seek to have a positive impact on the behaviour of perpetrators, particularly where the perpetrator is vulnerable and / or the behaviour is a consequence of drug abuse, alcohol abuse, mental health issues or disability.

Written and verbal warnings: In less serious cases, Swan will initially issue verbal or written warnings to the perpetrator. Such warnings will set out clearly what the unacceptable behaviour is, how it affects the victim and the community and instruct the perpetrator to cease such behaviour immediately. They will also set out the consequences of failing to comply with the request.

Acceptable Behaviour Contracts (ABCs): An ABC is a written agreement between the perpetrator of ASB and Swan. They are most commonly used for young people but can be used for adults as well. The contract will include a list of ASB in which the person has been involved and their agreement not to continue.

Parenting Orders: Parenting Orders are available in a variety of circumstances and are designed to encourage parents to take responsibility for and help improve their child's behaviour. These Orders can be obtained by the Youth Offending Team (YOT) where a young person has engaged in criminal conduct or ASB, or a local education authority (LEA), where a child has been excluded from school for serious misbehaviour. Swan will work closely with these agencies where appropriate.

Injunctions: The Tenancy Agreement can be enforced by means of an injunction, which can be used to stop a person committing acts of serious ASB at the discretion of the County Court. Under the Housing Act 1996, a power of arrest can be attached to an injunction where there has been violence or threats of violence.

Swan can also apply for injunctions in the following circumstances:

- Where there is ASB towards a member of staff or agent acting on behalf of Swan
- Where ASB has not occurred outside Swan's property but is related to the management of the property (e.g. where a tenant, member of staff or agent of Swan is harassed by other residents in a shopping centre)

Possession Proceedings: A proven breach of the Tenancy Agreement is a statutory ground for a Possession Order, which could lead to eviction. Swan will only seek to evict the perpetrators of ASB as a last resort and where all other actions to tackle the ASB have failed.

Tenancy Demotion Orders: Swan can apply to court for a Demotion Order (under the ASB Act 2003) which can result in the perpetrator's security of tenure being reduced, for example, from an Assured Tenancy to an Assured Shorthold Tenancy. After a period of twelve months, the tenancy can be revived provided that there have been no further incidents of ASB.

Swan may also consider suspending Right to Buy claims or refusing requests for mutual exchange (Housing Act 1985 as amended by the Housing Act 2004) and may work in partnership to achieve a closure order or dispersal notice (ASB Act 2003).

Roles and responsibilities

The table outlining the roles and responsibilities of the various staff members who might be involved with ASB is detailed in the Appendix to the policy.

Related policies

This policy is closely linked to the following policies and procedures:

- Vulnerable Applicant and Tenant Policy
- Resident Involvement Strategy
- Lettings/Allocations Policies
- Starter Tenancy Policy.
- Data Protection Policy

Although domestic violence and racial and other forms of harassment are considered to be ASB, due to their nature, the following policies should be referred to rather than this one:

- Domestic Violence Policy
 - Harassment and Hate Crime Policy
-

Confidentiality

All details relating to the complainant and witnesses will remain confidential if requested and no information that might identify them will be released to the perpetrator to avoid putting them in any further danger or at risk.

Where appropriate, Swan will share information with the Police, local authorities and other key agencies under joint protocols for information exchange, so that all parties can carry out their duties under the Crime and Disorder Act 1998.

Swan will strictly adhere to the Data Protection Act. Personal information provided by the complainant will be treated as confidential at all times and only passed to external agencies with their prior consent.

Complaints

Where a resident is dissatisfied with Swan's response to their situation, they may use our complaints procedure. Copies of the complaints procedure can be obtained from any of Swan's offices or from the website.

If tenants or residents are not satisfied after exhausting the complaints procedure, they may contact the Independent Housing Ombudsman. Details can be found within Swan's Complaints leaflet.

Equality and Diversity

Swan strives to meet the needs of the diverse communities it serves. We are committed to eliminating discrimination and promoting equality and good relations between people of different groups. It is recognised that addressing anti-social behaviour effectively with partnership agencies is vital for achieving these aims.

Monitoring

Swan is committed to recording and monitoring the extent and nature of ASB in order to:

- Establish the scale and type of problem
- Develop effective strategies
- Target resources
- Develop effective performance measures

This will be done using our ASB IT system, software specially created for recording ASB and harassment information. ASB activity will be reported to the Housing Director and Resident Consultative Committees on a monthly basis by the relevant managers.

Reports will include:

- Number of cases active
- Number of closed cases
- A summary of the types of action taken
- Performance against targets (see below)
- Any identifiable trends and concentrations of ASB

We will monitor our performance against the following targets:

Serious Harassment:

- Within 1 working day - interview victim
- Within 1 working day - remove offensive graffiti and carry out emergency repairs
- Within 2 working days - interview witnesses
- Within 3 working days - interview the alleged perpetrator

All other cases of anti social behaviour:

- Within 3 working days - interview victim
- Within 8 working days - interview witnesses
- Within 10 working days - interview the alleged perpetrator

Policy review

We will review this policy every three years or following legislative change. We will consult our tenants through the Residents Consultative Committees on any proposed changes to the Policy.

Anti-Social Behaviour Policy - Appendix

Roles and responsibilities

Table of responsibilities

All staff receiving reports of ASB	Record the incident and arrange for emergency and other repairs as necessary
Housing Co-ordinator	Carry out a monthly review using Swan's ASB IT system to ascertain which cases have become closed in that month and send out satisfaction surveys. Record returned survey responses.
Head of Asset Management	Ensure emergency repairs relating to ASB are carried out within the 24-hour target. Report satisfaction levels to the Directors of Housing on a quarterly basis.
Neighbourhood Officer, Housing Support Worker, Key Worker, Project Worker, Supported Housing Officer	Ensure the case is logged on the ASB IT system and updated every time contact is made with anyone involved in the case or any action is taken. Investigate the case and co-ordinate the appropriate response(s). Provide the victim with advice and support and keep them regularly informed of what action is being taken to deal with the ASB. Advise on assistance available in the community. Access support for the perpetrator if appropriate. Initiate and coordinate a multi-agency approach where required and develop partnerships with other agencies. Co-ordinate any legal action against the perpetrator.
Neighbourhood Services Manager, Regional Housing Manager	Train, motivate and develop the team so that the highest standards are met in terms of the ASB service. Review all live cases of ASB on a monthly basis with staff. Discuss and agree appropriate action plan with the responsible officer. Provide support and advice on appropriate action and legal remedies. Agree when the case should be closed and ensure the complainant is contacted prior to this being done. Develop partnerships with other agencies and ensure that the correct partnership agreements and information sharing protocols are in place. Review ASB and report on statistics and performance against targets on a monthly basis. Analyse the cost effectiveness of various tools used to combat ASB. Analyse where ASB problems occur, identify hot spots and direct resources as necessary to prevent further incidents. Review budget and provide accurate predictions in light of the total costs of dealing with ASB. Ensure all officers comply with procedures.
Director of Housing	Review ASB statistics and performance against targets on a monthly basis.
Caretakers	Provide a visible presence on the estate, reporting any environmental issues, ASB or nuisance witnessed.
Community Development Team	Develop a range of diversionary activities for children and young people. Identify partners and funding to develop projects such as football coaching, fundays, summer schemes and homework clubs. Develop projects that promote respect and community cohesion, such as community action days, environmental projects and life skill programmes.