

Anti-Social Behaviour (ASB) Policy

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This Policy outlines WM Housing Group's approach to preventing and dealing with Anti-Social Behaviour (ASB), including hate related incidents Harassment and Racial Harassment.

1. Policy Statement

1.1 This policy outlines the Group's approach to how we will manage, and where possible, prevent Anti-Social Behaviour (ASB). WM Housing Group acknowledges that there is no one definition of ASB but favours the definition stated in the ASB Act 2003:

"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".

The Act also defines ASB as:

"Using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose".

ASB ranges from what might appear to be nuisance and lack of consideration to serious criminal activity. The following (although not exhaustive) is a list of what might constitute ASB:

- Noise nuisance
- Verbal abuse/harassment/intimidation/threatening behaviour
- Hate related incidents
- Vandalism and/or damage to property
- Pets and animal nuisance
- Nuisance from vehicles
- Drugs/substance misuse/drug dealing
- Alcohol related incidents
- Domestic violence/abuse
- Physical violence
- Litter/rubbish/fly tipping
- Garden nuisance
- Misuse of communal areas
- Prostitution/sexual acts/kerb crawling
- Criminal damage or other criminal behaviour

This policy outlines the Group's broad approach to dealing with and preventing ASB. Local procedures outline in more detail the stages that a report will go through, timescales for

investigating reports and the tools that may be used etc.

2. Policy Purpose and Aims:

- 2.1 The Group's vision is to create places where people are proud to live and work. To achieve this we must create sustainable communities where our customers and their families enjoy a quality of life free from crime and ASB, and that when such issues occur we will deal with them effectively, where we are able.

This policy outlines the Group's approach to dealing with these issues effectively and in line with our core values:

- Providing excellent services
 - Acting with integrity
 - Delivering creative solutions
 - Valuing People
- 2.2 This policy meets the requirements of the Audit Commission's Key Line of Enquiry (KLOE) relating to Tenancy and Estate Management and also reflects that the Group is signed up to the Respect Standard for Housing Management.

3. Our Policy

- 3.1 The Group wishes to encourage customers to be considerate neighbours and believes that people's quiet enjoyment of their home should not be diminished by the behaviour of others which would not generally be regarded as acceptable. We appreciate that people's lifestyles may differ and people have a right to live in the manner they choose, as long as it does not interfere with the right to quiet enjoyment of the home by others. All legal occupancy agreements therefore contain sections about nuisance, ASB and harassment. Some new long-term tenancies will begin as starter (or probationary) tenancies for the first 12 months, in line with the local Housing Association's agreements and/or lettings procedures. (Homes where fixed term short hold tenancies are normally granted because the property is not owned by the Group or is intended as temporary accommodation are excluded from starter tenancies).
- 3.2 We will encourage both the reporter and alleged perpetrators of ASB to try to reach a solution between them where this is appropriate. In serious cases, or if the parties have been unable to resolve the matter between themselves, we will then try to help with reaching a solution, where appropriate.
- 3.3 ASB is a serious matter and requires a response at the earliest instance. We believe that preventative and multi agency working is the key to reducing problems and preventing them from escalating in the neighbourhoods where we work. We will strive to use a wide range of tools such as mediation (where the service is available) to try and resolve problems but recognise that legal action may be necessary in the most serious cases.
- 3.4 Regular communication is essential between us and customers that are affected by ASB. We will endeavour to give timescales and regular updates regarding our actions to resolve the ASB

reported to us.

- 3.5 ASB can often affect a whole development or neighbourhood in many differing ways. We recognise that this can have a negative impact on customer's attitudes and feelings about where they live. In order to reduce problems one of our aims in designing or improving homes, as well as in management strategies, is to minimise such frustrations. We are also committed to encouraging and supporting individuals and communities to prevent problems from occurring. We do this by encouraging people to be good neighbours and working with each other to resolve problems themselves at an early stage where this is possible. We may also encourage customers to sign up to good neighbourhood agreements wherever possible.
- 3.6 We recognise that more vulnerable residents, including those with learning or physical disabilities; mental health illness or other support needs, may have their behaviour perceived as anti-social and in such instances we will work with individuals, support providers and the community to find an effective solution.
- 3.7 When problems do arise, the Group is committed to tackling ASB within our communities and has signed up to the Respect Standard for Housing Management. This Government initiative, aimed at social landlords, emphasises our commitment to delivering good services to help stop ASB and try to create a culture of respect, i.e. neighbourhoods where people are considerate to the needs of others around them, caring about the community, as well as their own individual concerns.
- 3.8 We take a preventative approach to dealing with ASB, and where appropriate will attempt to support and/or rehabilitate perpetrators of ASB using tools such as mediation, family intervention, tenancy support, the design of new developments and the use of starter or probationary tenancies at some schemes according to the local Associations lettings procedures. Whilst starter tenants can expect the same level of service from us, some of their rights are restricted during the first year and we are able to use more straightforward legal remedies to deal with any serious ASB. Some new tenancies are created as starter tenancies; customers who have been asked to decant from their current home or who are existing secure tenants are offered the same type of tenancy as their existing one rather than a starter tenancy.
- 3.9 The Group recognises the importance of sustainable homes for all of our customers, and will wherever possible try to support and help people to retain their home, and work with customers to help them resolve issues of ASB. We will take appropriate and proportionate action using the range of tools available to us, however we do recognise that legal action will be required in some more serious cases. Eviction will always be seen as a last resort but an action that may be required in extreme circumstances and/or where the customer causing the anti-social behaviour has not engaged with support or is reluctant to change their behaviour.
- 3.10 This does not mean we will try to evict every individual accused and/or convicted of ASB; rather we will try to manage the situation for the best outcome all round. However, where we have no choice we will use the full power of the law against perpetrators who refuse to change their behaviour.
- 3.11 There are a number of different non-legal and legal options available to us in tackling ASB. The large number of options available reflects the large variety of issues that may be reported to us, from dog fouling to a serious assault. There may also be some cases reported to us where we

may not be able to take any action. In such cases the reasons for this will be explained clearly to the customers involved and we will always try to signpost customers to other agencies where this maybe relevant. Recent research with our customers shows that there is a much higher level of satisfaction with the way a case was dealt with by staff compared to lower satisfaction with the actual outcome of the case. This difference means that it is very important that staff give realistic advice from the outset about what action we are likely to be able to take, what evidence will be required and possible timescales. It is important that the information given to customers reporting ASB is accurate so that they can have realistic expectations of us in managing the case.

- 3.12 There are a number of ways in which incidents can be reported to us - via a telephone call, an office/home visit, email or by speaking to a member of staff. Whichever way an incident is reported to us it will be dealt with within specific timescales set out in our procedures.
- 3.13 We recognise that effective communication is key and we will, wherever possible, ensure that our customers are clear about timescales and ongoing action that may be happening following a report. Officers will ensure that they are aware of the best method of communication with the reporter and we will feedback back regularly with updates as set out in the action plan agreed with the reporter.
- 3.14 Our most important commodity when dealing with ASB is our customers, it is first hand reports from the customers that are experiencing the ASB that inform and determine the action we take. Frequent and detailed information reporting is therefore vital in order for us to take suitable action against residents causing ASB. We will deal with all reports of ASB in a sensitive manner, however we do recognise that some customers will not want to be identified to the alleged perpetrator. In some cases, where we need to take legal action against a perpetrator, it may be necessary to reveal identities (with prior agreement) as without first hand evidence it may not be possible to put together a strong enough case for legal action.
- 3.15 We sometimes receive anonymous complaints over the telephone or in writing. Where appropriate we will look into the complaint made but we will be unable to feedback to the reporter and may not be able to take as effective action as we would be able to if we had contact details.
- 3.16 We appreciate that some customers will be concerned about revealing their details in reporting ASB issues, however in most cases we will require this to enable us to take the most effective action. We will treat all reports as confidential unless we have permission to share information or if there is a real danger of physical harm to the reporter and/or neighbours. Where legal action is being taken we will support witnesses through the process. Data sharing with the Police or Local Authority is limited by the Data Protection Act 1989 and we will agree data sharing protocols with them whenever possible.
- 3.17 Alongside effective reporting by customers affected by ASB, multi agency working is another effective tool in taking a holistic approach to tackling ASB in our communities. Where possible we will work with partner agencies to combine resources to take a partnership approach to tackling ASB in our communities. This partnership approach is key in effectively dealing with ASB and in some cases we will be dependant on the abilities of other agencies to assist with the resolution of ASB issues. There may be differences in what specific partnerships we are involved with dependant on local circumstances and the local authority area. Local teams will regularly

review (with partner agencies where relevant) the areas where ASB is reported to identify hot spots, plans will then be put into place to outline what measures will be put in place to address the issues in these areas.

- 3.18 Because of the range of skills required to effectively manage this type of work, appropriate and regular skills training will be provided to all staff involved in this difficult nature of work.
- 3.19 We will endeavour to help customers resolve cases of ASB reported to us. However if a reporter is unhappy with how we are dealing with or have dealt with an ASB complaint then they are able to make a complaint to us regarding this as set out in our Comments, Compliments and Complaints Policy. We will also seek feedback from reporters following closure of cases about their experience of the service to help identify potential issues and future service improvements.

4. Equality Impact Assessment

- 4.1 WM Housing Group is committed to equal opportunities and values diversity. We will work to ensure that in all cases the application of this policy is fair and transparent irrespective of race, religion, age, sexual orientation, disability or gender.

An Equality Impact Assessment of this policy has been carried out and, although there were no specific barriers identified that may affect customers accessing this policy, or our services in this area; specific cases, particularly those related to hate crime, will need to be handled with particular sensitivity to the individuals and issues concerned.

The policy also outlines how we will deal with cases where either the reporter or alleged perpetrator is particularly vulnerable, due to mental health illness, learning disability or other issues.

5. Performance Measures and Targets

- 5.1 We will monitor performance by regular review of the following:

- Number of cases responded to within the timescales outlined in local procedures and number of exceptions.
- Reviewing locations of ASB reports to identify and address hotspots.
- Seeking feedback from reporters following closure of cases about their satisfaction with resolution and support provided.
- Reviewing complaints received from reporters about the handling of the case.

Performance will be measured on a bi-monthly basis.

- 5.2 Performance will be regularly reported to the relevant Customer Panels and partner Association Boards, with an annual summary provided to Group Board.

6. Monitoring and Review

- 6.1 This Policy will be reviewed every three years, unless legislation or sector developments require otherwise, ensuring that it continues to meet its objectives and take account of good practice developments.

7. Responsibility

- 7.1 This effective implementation of this policy is the responsibility of the Executive Director of Housing.

8.0 Associated Documents/Policies

- 8.1 List of documents/associated policies/publications.

- Customer Care Policy
- Equality and Diversity Strategy
- Audit Commission Tenancy and Estate Management Key Line of Enquiry
- Respect Standard for Housing Management
- Domestic Abuse Policy
- Lettings and Housing Choice Policy
- Data Protection Policy
- Homeowners Policy
- Hostel Management Policy
- Safeguarding Policy