

DOCUMENT I

# **Anti-Social Behaviour Policy Statement**

## **Introduction**

Section 12 of the Anti-Social Behaviour Act 2003, introduced Section 218A of the Housing Act 1966, which requires all social landlords to prepare and publish Statements and Summaries of their policies and procedures relating to anti social behaviour. This document sets out Mount Green Housing Association's aims, attitudes and general approach to anti-social behaviour.

## **Definition of Anti-Social Behaviour**

Anti-social behaviour means different things to different people and it is therefore difficult to determine an exact definition. The Anti-Social Behaviour Act 2003 defines anti-social behaviour as:

‘acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator’

and gives registered social landlords the power to act against such behaviour in respect of:

‘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 the landlord’

The type of behaviour likely to be considered as anti-social will therefore include:

- noise nuisance
- harassment
- aggressive and threatening language and behaviour
- behaviour that targets members of groups because of their perceived differences
- violence against the person or property
- using homes for unlawful purposes
- dog fouling
- abandoned vehicles

## **MGHA's approach to Anti-Social Behaviour**

MGHA is committed to zero tolerance of anti-social behaviour.

All action in relation to anti-social behaviour will be taken in accordance with the principles and practices set down in its Equal Opportunities and Harassment Statement and Black and Minority Ethnic Strategy and implementation plan.

All staff that has day to day contact with residents will be trained to respond appropriately to reports of anti-social behaviour and ensure that information is passed to the relevant responsible officer within an agreed timescale. All complainants and

those accused of anti-social behaviour will be kept fully informed of the action to be taken by the Association.

All information retained in relation to anti-social behaviour will be kept in accordance with the requirements of the Data Protection Act.

Regular monitoring of the management of anti-social behaviour will be undertaken by the Director of Operations monthly and the Operations Committee every quarter.

Residents will be consulted on the development and working of this policy, as well as involved in assessing its effectiveness.

### **Prevention of Anti-Social Behaviour**

The Association is committed to working with its residents to prevent anti-social behaviour. Such work will include:

- ensuring security levels within homes are at a general standard that is acceptable to tenants
- designing out areas within estates that could encourage anti-social behaviour
- joint monitoring of parking; abandoned vehicles and general abuse of cars
- raising the profile of estate staff and developing their role in relation to managing anti-social behaviour
- funding diversionary projects for young people
- undertaking regular joint estate inspections with staff and residents
- entering into multi-agency partnerships in order to access resources such as warden patrols in areas where problems have occurred

All new homes will comply, as a minimum, with the design requirements as set out in the Scheme Development Standards, published by the Housing Corporation.

### **Vulnerable Groups**

MGHA will take account of the needs of vulnerable tenants in relation to reports of anti-social behaviour. We recognise that vulnerable individuals or households may experience difficulties that contribute to behaving in an unacceptable way. It is the Association's intention to ensure that appropriate support is provided to such households in order to help them respond to accusations of anti-social behaviour.

Applicants, who are under the age of 18, will not be accepted for re-housing by MGHA, unless there is a specified package of support to enable the individual to sustain their tenancy.

Where appropriate, the Association will use Acceptable Behaviour Contracts as a means to manage anti-social behaviour by a young person, supported by their parent/guardian. Further information concerning Acceptable Behaviour Contracts is contained within the Procedural Statement.

### **Staff and Tenants' Obligations**

MGHA expects its tenants and staff to observe standards of conduct which ensure positive neighbour and working relationships between all stakeholders can be sustained.

All tenancy agreements set out the tenant obligations with regard to standards of conduct as they relate to the tenant, their family, visitors and neighbours.

All members of staff, contractors working on behalf of the Association and members of its Board of Management are required to abide by a code of conduct, as well as ensure that all dealings are in line with the Association's Equal Opportunities and Harassment Policy and Procedures.

### **Racial Harassment**

Reports of racial harassment will be subject to a different policy and procedure within the overall strategic response to anti-social behaviour.

The Association is committed to combating harassment by taking action against perpetrators and seeking to protect and support the victims of harassment.

MGHA's Black and Minority Ethnic Strategy commit the Association to:

- annually review the effectiveness of its harassment policy and procedures
- ensure rigorous monitoring of how the policy and procedure is implemented
- work with tenants, local authorities, the police and other local agencies to prevent and tackle harassment and to provide support to victims of harassment

The Black and Minority Ethnic Strategy Implementation Plan identify the following actions:

- using publicity to raise race equality awareness of MGHA policy
- highlight residents' obligations before signing a tenancy agreement
- look at the wider role MGHA should play in working with other agencies
- consult B&ME tenants on the most appropriate support to provide
- train staff on managing racial harassment

The wishes of the victim will be taken account of at all times, particularly in relation to their perception of the racial motivation of the incident as reported.

The Association will build links with relevant agencies able to assist and support victims of racial harassment and to ensure that our actions are culturally sensitive.

Full account will be taken of the victim's need for safety and the Association will respond positively to requests for temporary or permanent re-housing.

### **Multi-Agency Partnerships**

As a small organisation, MGHA is committed to ensuring that it can access sufficient resources and expertise to respond to the diverse types of anti-social behaviour.

This will ensure that:

- we take full advantage of collaboration with local authorities, the police and other statutory and voluntary agencies in responding to problems
- we ensure that complainants and those against whom complaints are made are given expert support and advice
- we keep abreast of good practice
- we can provide effective witness support and access to alternative accommodation, should this be necessary

- we are able to influence local policy development in relation to anti-social behaviour
- we work closely with other landlords to ensure a collaborative approach to cross tenure/landlord problems

MGHA is currently a member of the Bexley Community Safety Partnership and other partnerships are being developed.

### **Confidentiality and Data Protection**

All policy relating to anti-social behaviour stresses the importance of only divulging information with the express permission of the complainant. At each stage of responding to a complaint, the complainant will be asked as to what information can be used in order to further the investigation.

MGHA is a signatory to the Surrey Information Sharing Protocol which was established in response to the Crime and Disorder Act 1998. The purpose of the protocol is to facilitate the exchange of information in order to work with other statutory agencies within a Crime and Disorder Reduction Partnership.

All information will be held and managed in accordance with the requirements of the Data Protection Act.

### **Training**

All front line staff will be trained in responding to initial reports of anti-social behaviour in the context of the Association's procedures. They are required to identify to the complainant the name of the designated officer who will be responsible for investigating a complaint and the timescale for doing so.

All Housing Management Staff will be given training in order to understand the legal framework for anti-social behaviour and have access to related training courses.

### **Monitoring**

The working of this policy and Association documents, will be monitored by the Operations Committee of MGHA on a quarterly basis and reviewed on an annual basis.

The policy and associated documents will be revised in the light of experience and in response to improvements in working practices, as well in response to trends in the type of anti-social behaviour that is reported.

# **Anti-Social Behaviour Policy And Procedure**

## *Anti-Social Behaviour Procedure Statement*

### **Introduction**

Section 12 of the Anti-Social Behaviour Act 2003, introduced Section 218A of the Housing Act 1966, which requires all social landlords to prepare and publish Statements and Summaries of their policies and procedures relating to anti social behaviour. This document sets out the procedures that Mount Green Housing Association will follow in response to reports of anti-social behaviour.

### **Making a Complaint of Anti-Social Behaviour**

All complaints of anti-social behaviour should be made to the relevant Housing Services Co-ordinator for the area in which tenants live.

If the designated Housing Services Co-ordinator is not available, all administrative staff will be trained to manage the report effectively at the initial report stage and ensure that other staff are able to provide advice as necessary. This advice will include:

- the name of the designated officer to whom the report will be passed
- when the designated officer will contact the complainant in order to process the complaint
- ensuring any evidence relevant to an incident is retained by the complainant
- any immediate action that will be taken by the Association, e.g. photographing of graffiti

As much detail as possible will be recorded at this stage and, where appropriate, the complainant provided with contact details of any relevant agencies able to provide support to them.

Any serious nuisance that occurs outside of office hours should be reported to Mole Valley Community Alarm Service by calling 01372 819092 or by pulling the alarm cord for those living in Sheltered Housing.

Depending on the nature of the complaint, tenants are advised to consider:

- contacting the Police if the incident is of a serious nature, e.g. violent or aggressive behaviour or criminal damage
- contacting the Local Authority environment health team if the complaint is about noise nuisance

All complaints of anti-social behaviour will be managed by the appropriate Housing Services Co-ordinator in accordance with the following guidelines.

### **The Association's Response**

During normal working hours and where a serious incident is reported outside of normal working hours, the complainant will be contacted within 24 hours of making a complaint of anti-social behaviour, in order to arrange a home visit.

Depending on the nature of the complaint, this will happen either within the 24 hour period commencing from the time of the initial report or 5 days commencing from the time of the initial report.

The complaint will be processed in accordance with one of the following procedures:

- nuisance
- racial and other harassment
- domestic violence

The purpose of the home visit is to ensure that the complainant fully understands the procedure that the Association will follow. In particular, the visit will:

- ensure the wishes of the complainant are fully understood and responded to appropriately
- establish what other agencies and statutory bodies should be involved and agree this with the complainant
- establish whether the perpetrators of the nuisance/harassment can be identified
- agree an action plan

It is important that the complainant is kept informed of action. The key stages at which this will happen are:

- confirming the home visit in writing within 3 days of it taking place, including a copy of the action plan as agreed
- contacting the complainant in writing at each stage following agreed action having been taken/completed in line with the action plan
- weekly contact if the incident is being monitored on an ongoing basis
- within 24 hours of any actions that may impact on the action plan or at once it has been agreed that the case is to be closed

If, at any stage the complainant is not happy with the action being taken by the Association, they should invoke the Association's formal complaints procedure, addressing the complaint in the first instance to the Operations Director.

### **Support to Complainants and Victims**

The Association's policy is to take a complainant/victim-centred approach to all complaints of anti-social behaviour.

In order to take effective action against perpetrators of anti-social behaviour it is important for complainants and victims to feel confident about providing evidence for the Association.

The Association will provide an appropriate level of support to complaints/victims and has established working relationships with a range of agencies able to provide such support as follows:

- victim and witness support agencies
- outreach services for victims of domestic violence
- black and minority ethnic advice agencies

- the services of Language Line for translations and interpretations

The Association works in conjunction with local Community Incident Action Groups who will work with us to manage certain anti-social behaviour incidents.

We also liaise with Neighbourhood Specialist Officers who, as members of the local police force, are able to provide support to victims of anti-social behaviour.

Community Support Officers and Neighbourhood Wardens, employed by the police and local authorities are also able to provide patrols in areas where anti-social behaviour has occurred.

Where requested, the Association will attempt to provide additional appropriate security to a complainant's home.

If a complainant feels unable to remain in their home, the Association will endeavour to refer them to alternative accommodation.

In the case of very serious incidents, where a victim has given evidence in Court, the Association can use the services of the local Crime Reduction Partnership who are able to make referrals to the Witness Mobility Scheme.

However, should a complainant/victim wish to remain anonymous, the Association will respect this request.

### **Legal and other Remedies**

There is a range of legal and other remedies outlined within the anti-social behaviour procedures that the Association will use, as relevant. A summary of these is as follows:

#### **Acceptable Behaviour Contracts**

These agreements are specifically drawn up between the Association, a third party, e.g. the police, and young people and their parent/guardian. They can be flexible and adapted for individual circumstances but are likely to contain the following core elements:

- identify the behaviour that the individual will cease from
- a general statement about the individual's behaviour
- a commitment to take certain actions, e.g. attending a diversionary activity
- the type of support that will be provided to enable the individual to meet the requirements of the contract
- a statement as to what will happen if the contract is breached

The contract is signed by the individual, their parent/guardian and a representative of the Association.

The contract will normally run for an initial 6 month period and be regularly reviewed thereafter.

### **Mediation**

The Association will develop and maintain relationships with mediation services to which cases will be referred, where appropriate, once an instance of anti-social behaviour has been clearly categorised. The mediation service will bring

complainants and perpetrators together and endeavour to resolve problems to mutual satisfaction and agree a resolution action plan.

### **Demotion of Tenancies**

MGHA's Board will approve the use of tenancy demotion, where it is clear that a tenant, other resident of the tenant's home or visitor has and continues to behave in an anti-social manner or is guilty of unlawful activity.

The impact of a court granting a demotion order is to remove any security of tenure from the tenant. For MGHA assured and secure tenancies, a demotion order will create a new assured short-hold tenant which will last for an initial period of 12 months.

During this time, MGHA will monitor the tenancy and determine whether the demotion order should be lifted at the end of the 12 month period. If so, both tenancies will revert to become assured tenancies.

Should MGHA consider that the demotion has not ensured that the initial anti-social or illegal activity has ceased possession proceedings will commence.

### **Introductory Tenancies for Under 18s**

Applicants for housing who are under the age of 18, will be granted an assured short-hold tenancy, held in trust by a trustee. The tenancy will be granted on the basis that the young person has a support strategy to ensure they are able to maintain their tenancy effectively. Consideration will be given once the tenant is 18 to granting an assured tenancy based on how their tenancy has been conducted during the probationary period.

### **Injunctions**

The Anti-Social Behaviour Act 2003 made changes to the Housing Act 1996 enabling social landlords to seek injunctions in order to prohibit anti-social behaviour that affects the ability to manage their housing stock.

Injunctions are civil orders granted by the County Court. The Association can seek an injunction on the grounds of conduct, the unlawful use of premises or on the basis that the individual's behaviour is a breach of their tenancy conditions. The injunction, if granted, can exclude an individual from specified areas or locations. Power of arrest can be attached to an injunction.

Breach of an injunction can lead to imprisonment and/or an unspecified fine for contempt of court.

### **Possession Proceedings**

Clauses 5, 6 and 7 of the Tenant's Obligations section of MGHA's tenancy agreement, set out the standards of behaviour that the Association expects of tenants in relation to nuisance, racial and other harassment and noise.

In responding to anti-social behaviour, the Association will employ one or more of the remedies, as set out in this document. However, there will be occasions when the anti-social behaviour is such that the only sanction applicable will be to seek possession of a tenant's home.

Possession will be sought using Ground 2, under Part 1, Schedule 2 of the Housing Act 1985 for secure tenants and Ground 14, under Part 2, Schedule 2 of the Housing Act 1988 for assured tenants.

When possession is sought using the above Grounds, the court must take particular account of the effect the anti-social behaviour has had or is likely to have on others when considering whether it is reasonable to grant an order.

### **Anti-Social Behaviour Orders**

Anti-social Behaviour Orders (ASBOs) are civil orders designed to protect the public from anti-social behaviour.

As a 'relevant authority' the Association can apply for an ASBO, either against one of its own residents or against a non-resident, if their behaviour is affecting the Association's residents.

Orders can be sought against anybody over 10 years old. The application will be put together via a multi- agency group, able to provide a range of information, evidence and resources.

The order will prohibit the behaviour and possibly exclude the individual from certain places. The order will last for a minimum of 2 years but there is no maximum period of duration.

### **Data Collection and Monitoring**

All data collected in connection with anti-social behaviour will be maintained confidentially. The information will only be shared where formal protocols exist, e.g. in relation to a Community Incident Action Group or as part of evidence gathering when applying for an Anti-Social Behaviour Order. The identity of witnesses will remain confidential, unless the witness has agreed to be identified.

When cases of anti-social behaviour are reported, they will be categorised in relation to the nature of the behaviour, e.g. harassment or nuisance and the seriousness of the report.

All data will be used in an anonymous format to monitor the level and type of anti-social behaviour as well as its performance in combating anti-social behaviour in the following ways:

- annual reporting at Board level to include:
- preventative actions taken, e.g. establishment of a youth diversionary group, implementation of design changes in areas where problems can be 'designed out'
- a summary of cases reported and action taken
- a profile of anti-social behaviour, identifying trends over time
- recommendations for changes to policy and procedure to reflect trends
- monthly reporting to the Operations Director of all 'logged' cases and action taken
- monthly case reviews at operational level
- quarterly performance information presented to the Operations Committee
- regular reports of successes and issues in the tenant newsletter
- regular reports of successes and issues to tenant groups

# **Anti-Social Behaviour Policy And Procedure**

## *Anti-Social Behaviour Policy and Procedure Summary*

### **Introduction**

This document summarises MGHA's policy and procedure as it relates to the management of anti-social behaviour.

This summary has been sent to all tenants and will also be included in the tenants' handbook.

### **Definition**

Although there is no single definition of anti-social behaviour, the type of behaviour likely to be considered as anti-social, will include:

- noise nuisance
- harassment
- aggressive and threatening language and behaviour
- behaviour that targets members of groups because of their perceived differences
- violence against the person or property
- using homes for unlawful purposes
- dog fouling
- abandoned vehicles

### **MGHA's Approach To Anti-Social Behaviour**

MGHA is committed to zero tolerance of anti-social behaviour.

All staff who have day to day contact with residents will be trained to respond appropriately to reports of anti-social behaviour. All reports will be managed by a designated officer and all action taken will be managed in accordance with published performance standards.

All complainants and those accused of anti-social behaviour will be kept fully informed of the action to be taken by the Association.

### **Reporting Anti-Social Behaviour**

Reports of anti-social behaviour will be categorised and managed in accordance with the requirements of one of the following procedures:

- nuisance
- racial and other harassment
- domestic violence

As well as receiving reports during office hours, MGHA provides an out of hours reporting service. To contact this service between the hours of 5pm and 9am, please ring: Mole Valley Community Alarm Service by calling 01372 819092.

### **Support to Complainants and Victims**

The Association's policy is to take a complainant/victim-centred approach to all complaints of anti-social behaviour.

The Association will provide an appropriate level of support to complaints/victims and has established working relationships with a range of agencies able to provide such support.

### **Vulnerable Groups**

We recognise that vulnerable individuals or households may experience difficulties that contribute to behaving in an unacceptable way. It is the Association's intention to ensure that appropriate support is provided to such households in order to help them respond to accusations of anti-social behaviour.

### **Prevention Of Anti-Social Behaviour**

The Association is committed to working with its residents to prevent anti-social behaviour through links with resident Associations and through regular surveys.

Prevention will include effective design of new homes, as well as improvements to existing properties; working with other agencies and estate based staff to ensure problems can be identified and managed effectively.

### **Staff and Tenants' Obligations**

MGHA expects its tenants, staff and contractors acting on behalf of the Association to observe standards of conduct as set out in tenancy agreements and codes of conduct. All staff, contractors and tenants are expected to act in accordance with the Association's Equal Opportunities and Harassment Policy and Procedures.

### **Multi-Agency Partnerships**

As a small organisation, MGHA is committed to ensuring that it can access sufficient resources and expertise to respond to the diverse types of anti-social behaviour.

The Association has links with a range of agencies able to provide support to complainants and victims of anti-social behaviour, including black and ethnic minority agencies. Interpretation and translation facilities are also available.

### **Confidentiality and Data Protection**

All policy relating to anti-social behaviour stresses the importance of only divulging information with the express permission of the complainant. Any sharing of information will only be done in accordance with the Surrey Information Sharing Protocol to which MGHA is a signatory.

All information will be held and managed in accordance with the requirements of the Data Protection Act.

### **Legal and Other Remedies**

There is a range of legal and other remedies outlined within the anti-social behaviour procedures that the Association will use, as relevant. A summary of these is as follows:

#### *Acceptable Behaviour Contracts*

These agreements are specifically drawn up between the Association, a third party, e.g. the police, and young people and their parent/guardian for the purpose of ensuring

that identified anti-social behaviour can be managed within guidelines as set out in the contract.

#### Mediation

The Association will develop and maintain relationships with mediation services to whom cases will be referred, where appropriate, once an instance of anti-social behaviour has been clearly categorised.

#### Demotion of Tenancies

MGHA's Board will approve the use of tenancy demotion. If the court grants a demotion order the secure or assured tenant's security is removed and they are granted an assured short-hold tenancy. The demotion order will last for an initial period of 12 months. If the anti-social behaviour ceases, MGHA can grant a new assured tenancy to replace the demoted tenancy.

#### Probationary Tenancies

Applicants for housing who are under the age of 18, will be granted an assured short-hold tenancy, held in trust by a trustee. Consideration will be given once the tenant is 18 to granting an assured tenancy based on how their tenancy has been conducted during the probationary period.

#### Injunctions

Injunctions are civil orders granted by the County Court. The Association can seek an injunction on the grounds of conduct, the unlawful use of premises or on the basis that the individual's behaviour is a breach of their tenancy conditions. The injunction, if granted, can exclude an individual from specified areas or locations. Power of arrest can be attached to an injunction.

#### Possession Proceedings

Clauses 5, 6 and 7 of the Tenant's Obligations section of MGHA's tenancy agreement, set out the standards of behaviour that the Association expects of tenants in relation to nuisance, racial and other harassment and noise.

When possession is sought using the above Grounds, the court must take particular account of the effect the anti-social behaviour has had or is likely to have on others when considering whether it is reasonable to grant an order.

#### Anti-Social Behaviour Orders

Anti-social Behaviour Orders (ASBOs) are civil orders designed to protect the public from anti-social behaviour. An ASBO will last for a minimum of 2 years but there is no maximum period of duration.

Orders can be sought against anybody over 10 years old. The application will be put together via a multi-agency group, able to provide a range of information, evidence and resources.

#### **Monitoring**

All reports of anti-social behaviour will be monitored by Management and the Operations Committee on a quarterly basis at team and Board level.

Policies relating to the management of anti-social behaviour will be reviewed on an annual basis and in conjunction with tenants.