

ANTI-SOCIAL BEHAVIOUR POLICY

1. Introduction

1.1 This Policy sets out the aims and objectives for creating sustainable communities through managing complaints of anti-social behaviour. The focus is to ensure that our tenants and their families can have peace and enjoyment of their home.

1.2 We shall ensure that we meet regulatory and legal requirements and are committed to the *Respect ASB Charter for Housing*.

1.3 This Policy relates to all homes managed by the company including rented premises, shared ownership properties and leasehold homes. The type of action the company may take will be dependant upon what is available to them for the type of tenure.

1.4 Other documents related to this policy are:

- Data Protection Policy
- Confidentiality Policy
- Personal Safety Procedure and Guidelines
- Code of Conduct Procedure
- Covert Surveillance Procedure

2. Policy Statement

2.1 This policy relates to Anti-Social Behaviour (ASB) which directly affects the housing management function of the company as the landlord as defined in sections 153a and 153b of the Housing Act 1996 and section 12 of the Anti-Social Behaviour Act 2003 as follows:

‘Conduct which is capable of causing a nuisance or annoyance to any person and which directly or indirectly relates to or affects the housing management duties of a relevant landlord’

Or

‘Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose’

2.2 Examples of ASB may include, (this list is not exhaustive)

- **noise**
- **verbal abuse/harassment/intimidation/threatening behaviour**
- **hate related incidents**
- **vandalism/damage to property**
- **pets/animal nuisance**
- **nuisance from vehicles**

- **drugs/substance misuse/drug dealing**
- **alcohol related**
- **domestic abuse**
- **physical violence**
- **criminal behaviour**
- **estate management issues**

2.3 Each case will be risk assessed by according to the level of risk to individuals included in the case at 3 levels. Level 1 being high risk needing immediate action e.g. violence or hate crime, 2 being medium risk and 3 being low risk. Low risk will be for example, no support needs identified and low level ASB e.g. noise and vehicle nuisance.

3. Types of Action

3.1 The company take all complaints of ASB seriously and will investigate thoroughly save in cases where the complainant indicates that they do not want this to happen, or in cases where it is reasonably concluded that the complaints are vexatious or unreasonable. These cases must be approved by the Director of Housing Services.. It is our aim to intervene in a timely and effective manner to reduce the risk of incidents continuing or getting progressively worse. We use early intervention to effect this including but not exhaustive of, visits to both parties, mediation and writing to both parties advising them of the outcome of discussions.

3.2 Unfortunately there is occasion where early intervention is not successful or appropriate in the circumstances and there is a need to take more formal action. We may use any tool available to us dependant on the circumstances of each individual case. For example, acceptable behaviour contracts, possession action or injunctive measures.

3.3 We reserve the right to take no formal action if we feel there is insufficient evidence

3.4 We reserve the right to seek certain types of action without notifying the alleged perpetrator in certain types of incident e.g. violence or threats of violence.

3.5 The company may offer to provide support to tenants during open cases and after cases have been resolved. This may be in the form of floating tenancy support for practical or emotional support and may be in house or external support agencies for generic or specialist support e.g. Domestic Violence support, family or youth support. We may offer support services to both or either perpetrator and complainant.

3.6 Where possible we will investigate allegations of ASB but where this is denied and court action is not pursued, we may not be in a position to test the evidence and reach a conclusion. In these circumstances, the fact a complaint was made and denied will be recorded and may be considered in future decisions regarding the tenancy.

4 Confidentiality and information sharing

4.1 Trent & Dove Housing is part of the One Staffordshire Information Sharing Protocol and Derbyshire Information Sharing Protocol. This allows partners that are signed up to the protocols to share relevant information. helping us to manage ASB effectively. Where relevant depersonalised information will be shared.

4.2 We will respect the wishes of victims when they ask that perpetrators are not notified of allegations against them for the protection of the victims. However, action may be taken against such perpetrators where the alleged behaviour poses, or might pose, a risk to other tenants, staff or contractors of Trent & Dove, while still respecting the confidentiality of the original complainant.

5. Equality and Diversity

- 5.1 We will ensure that we will not directly or indirectly discriminate against any person or group because of their religion, race, age, gender, disability or sexual orientation or any protected characteristic and will ensure that this policy is applied fairly and consistently.

Appendix 3: Equality Impact Assessment Template

Equality Impact Assessment Checklist				
<p>This form must be completed for each new policy, or following a policy review prior to Board or committee sign off.</p> <p>Every policy must fulfil the policy of promoting equality which is encompassed within the core values of Trent & Dove.</p> <p>We have a duty to assess the impact of our policies on all employees and members of the community who access our services, to monitor the operation of our policies and to take reasonable steps to make available the results of its monitoring.</p> <p>Trent & Dove has a statutory obligation under the General Duty of the Disability Discrimination Act 2005 which aligns to the legislation within the Race Relations Amendment Act 2001. The obligation places a pro-active duty on public bodies to take positive action to promote disability equality. Whilst Housing Associations are not listed in the regulations, the Housing Corporation is subject to the duty and has passed onto Housing Associations, the essence of the duty and it forms part of the regulatory code. The areas of equality are listed below and the impact which every policy may have, must be considered.</p>				
Department	Housing Services	Section	Tenancy Services	
Name of Assessor	Emma Beeston Bligh	Position	Tenancy Enforcement Officer	
Title of the Policy Assessed	Anti-Social Behaviour Policy			
Date of Assessment	28/4/15	Is this a New or Existing Policy?	Existing	
1. Describe the aims, objectives and purpose of the policy.	To specify Trent & Dove's commitment to dealing with anti-social and nuisance behaviour including incidents associated with 'Hate Crime'.			
2. Are there any associated objectives of the policy? Explain	to provide reassurance that Trent & Dove have systems in place to deal with anti-social behaviour in a positive way to assist in the maintenance of and creation of sustainable communities.			
3. Who is intended to benefit from the policy and in what way?	Existing tenants and communities by enabling the Housing Association to intervene and take action in a measured way that supports those who are suffering from ASB and to engage positively with the perpetrator.			
4. What outcomes are wanted from this policy?	To enable staff and residents to tackle Anti-Social Behaviour, leaving victims feeling safer in their homes whilst offering the perpetrators the chance to rectify their behaviours and maintain their tenancy.			
5. What factors/forces could contribute/detract from the outcomes?	Staffing resources and training in this field being inadequate to allow effective delivery. Legal decisions going against Trent & Dove. Failure of perpetrators to take positive steps to change their behaviour. Ombudsman findings. Court Appeal's from hearings			
6. Who are the main stakeholders in relation to the policy?	Trent & Dove, East Staffordshire Borough Council, Staffordshire Police, residents, Staffordshire County Council, Derbyshire County Council.			
7. Who implements the policy and who is responsible for the policy?	Housing Services Department. Tenancy Enforcement Officer.			

Are there concerns that the policy could have a differential impact upon:	Yes	N o	Explanation	What existing evidence, either presumed or otherwise do you have for this?
8. Gender	Yes		Cases of Hate crime may affect this group.	Escalates the ASB process
9. Disability	Yes		Cases of Hate crime may affect this group.	Escalates the ASB process
10. Race	Yes		Cases of Hate crime may affect this group.	Escalates the ASB process
11. Age	Yes		Cases of Hate crime may affect this group.	Escalates the ASB process
12. Religious Belief	Yes		Cases of Hate crime may affect this group.	Escalates the ASB process
13. Sexual Orientation	Yes		Cases of Hate crime may affect this group.	Escalates the ASB process
14. Could the differential impact identified in 8 – 13 suggest there could be an adverse impact in this policy?		No	Please explain The policy and actions seeks to protect those considered vulnerable within the minority groups from Hate Crime by having a procedure and guidelines in place to ensure perpetrators are dealt with appropriately.	
15. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?		N/ A	Please explain for each equality heading on a separate piece of paper and attach / or e-mail with this form.	

 GO	No adverse Impact for any group and does promote equal opportunities.	Implement Policy	<ul style="list-style-type: none"> • No differential impact in equality. • Any differential inconsequential. • Lawful and desirable in meeting T & D duty under RRAA. 	Tick? ✓
	 CAUTION	Caution Consider further as policy may produce differential impact.	<p>Some evidence of differential impact, further consultation required.</p> <p>Implement mitigation activities to amend policy.</p>	<ul style="list-style-type: none"> • Identify alternative measures that achieves the same goal without differential impact. • Identify ways to mitigate unlawful or undesirable impact. • Identify additional measures that further equality opportunities.



STOP

Stop! Policy is likely to have an adverse impact on a particular group.	Consider whether policy is legal (take advice). Evidence strongly suggests the potential for differential adverse impact or unwitting disadvantage in terms of equality.	Policy must proceed to a full Equality Impact Assessment (EIA). – resubmit with results and amendments. Or Withdraw policy.	Tick?
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	Date	Recommendations / Key Activities	Lead Officer	Timeframe
Policy screening undertaken by (Lead):		N/A	Emma Beeston Bligh	
List others involved:		Overview	Cindy Gleghorn	
Director:	28/4/15		David Jones	