

NUISANCE AND ANTI SOCIAL BEHAVIOUR POLICY



<i>Title</i>	Nuisance / Anti Social Behaviour Policy
Author	Policy Task Group
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Three Oaks Homes

Policy Objectives

Nuisance & Anti Social Behaviour	SECTION 1 – POLICY OBJECTIVES	Cross Reference / Notes
1.1	<p>Policy Statement</p> <p><u>Three Oaks Homes does not believe its tenants should have to live with serious or persistent anti- social behaviour.</u></p> <p>What is anti - social behaviour?</p> <p>Anti-social behaviour can be used to describe a wide variety of behaviour that affects someone else. Three Oaks Homes (the Association) has compiled a list of examples of anti-social behaviour, which are contained in its procedures.</p> <p>The Association recognises its statutory obligations to have a policy and procedure to deal with these issues. It also accepts however, that its statutory powers to take enforcement action should only be used when it is appropriate to do so.</p> <p>The Association has adopted the definition of anti-social behaviour used in the Housing Act (1996) which is:</p> <p>“Conduct which is likely to be capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions of a related landlord” or</p> <p>“Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose”</p>	

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1.2	<p>What does the Association’s tenancy agreement say?</p> <p>The Associations’ tenants have agreed in their tenancy agreements not to cause anti-social behaviour and to be responsible for the behaviour of their household and visitors. Not all tenancy agreements are exactly the same, but the principle that the lives of other residents should not be adversely affected by another’s behaviour is a constant throughout.</p>	
1.3	<p>What is the Association’s aim in relation to anti - social behaviour?</p> <p>The Association wants to contribute to communities that can live without fear of:</p> <ul style="list-style-type: none"> • aggressive or threatening language or behaviour • violence • unreasonable amounts of noise • harassment, particularly harassment because of someone’s race, colour, creed or vulnerability • behaviour which unacceptably interferes with residents’ quality of life <p>If behaviour impacts or could impact on the quality of life of its tenants and residents the Association will take enforcement action.</p> <p>The Association houses a wide range of people with different needs and lifestyles and expects a reasonable level of tolerance between neighbours</p>	
1.4	<p>What are the Association’s policies?</p> <p>The Association’s Anti-Social Behaviour Policy is based on 2 elements</p>	

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1.4.1	<p>Preventing anti-social behaviour.-</p> <ul style="list-style-type: none"> • At the pre-tenancy stage, applicants are asked to sign a 'Good Neighbour Agreement', • For new housing developments, where appropriate, residents are asked to agree to a mutually binding 'Resident's Compact'. • We will actively participate in community initiatives aimed at addressing issues relating to the causes and effects of anti-social behaviour. This will involve working with local schools, the police, the Local Authority and appropriate community agencies. • Active neighbourhood management action will be taken, encouraging the formation of resident groups and promoting minimal tolerance of anti-social behaviour. • Develop Local Lettings Strategies which can respond with appropriate and sensitive lettings to communities where anti-social behaviour has been a disruptive focus for community attention. 	
1.4.2	<p>Responding to anti-social behaviour –</p> <ul style="list-style-type: none"> • Upon receipt of an ASB complaint a clearly defined process will be followed, with a relevant action plan being agreed and delivered. • The Policy and Procedures will be clear, accessible and pro-active • The most appropriate available legal remedies will be applied. • Support will be provided to the victims and witnesses of anti-social behaviour 	
1.4.3	<p>Provide Officers with the key skills to deliver these Policy and Procedures</p> <ul style="list-style-type: none"> • Three Oaks Homes recognises that its staff must be trained in tackling antisocial behaviour. All front line staff involved will receive training in best practice, legal solutions, evidence gathering, attendance at Court and dealing with racial harassment. 	

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1.5	<p>Training needs will be identified through annual Workforce Development reviews, regular supervision meetings reviews.</p> <ul style="list-style-type: none"> • RSL Housing recognises that staff dealing with complaints of anti-social behaviour may well face threats of or actual abuse, both physical and verbal. As such, all staff should receive training and support in how to deal with violence and difficult situations. Effective lone working procedures should be in place together with risk assessment for all front-line staff. Officers will attend an annual refresher training course. • Officers will be aware of the legal remedies and be trained in their use. • Training will provide Officers with the knowledge to deal with cases effectively and appropriately. <p>The Association has a number of supporting policies and procedures to allow it to appropriately respond to instances of Anti-social behaviour.</p> <p>The Association is committed to using a multi-agency approach, working with other agencies and will 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.</p> <p>The Association understands that anti - social behaviour may be perpetrated by an individual who is not a tenant of the Association. In such circumstances, the Association will act where the law allows it to do so and/or multi-agency cooperation exists.</p> <p>Responsibility</p> <p>The Anti-Social behaviour Policy and associated Procedures have been approved by the Board of Management. The Senior Manager takes responsibility</p>	

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1.6	<p>for the implementation and review of this Policy. Staff will be trained to administer it to the full and to report any difficulties in its administration. The Housing Services Director delegates responsibility to the respective Housing Services Managers for any decision making arising from this policy.</p> <p>What will the Association do when they receive complaints of anti-social behaviour?</p> <p>Where anti-social behaviour impacts negatively on our residents' quality of life, the Association will use one or more of the different tools available, including, but not necessarily, enforcement action to seek to resolve the problems.</p> <p>To this end, the Association will:</p> <ul style="list-style-type: none"> • record reports of anti - social behaviour • Develop an action plan appropriate to deal with the particular circumstances of the complaint. The action plan will: - <ul style="list-style-type: none"> - give people an opportunity to respond to complaints made about them or their household or visitors - investigate the complaint - keep people informed of the Association's decisions and actions - aim to resolve the complaint within a reasonable and appropriate timescale • have a procedure to deal with complaints about things which: <ul style="list-style-type: none"> - are not a significant breach of tenancy; or - would not reasonably be considered to seriously impact on someone else's quality of life • refer people to relevant agencies for assistance when appropriate • have a procedure to deal with serious 	

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	<p>complaints of violence, threats of violence, damage to property, all forms of harassment, repeated noise nuisance, abuse or persistent breaches of tenancy</p> <ul style="list-style-type: none"> • <p>The Association seeks to avoid issues becoming anti - social behaviour by for example:</p> <ul style="list-style-type: none"> • providing or facilitating mediation services • using Acceptable Behaviour Contracts • Multi-agency partnerships <p>Where anti-social behaviour could be averted by the involvement of specialist agencies, the Association will (when appropriate) refer people to for example:</p> <ul style="list-style-type: none"> • Youth offending team • Local education authority • Police • Debt counselling services • Social services • Drug and/or alcohol action teams • Primary care trusts <p>These services are part and parcel of the Association’s day to day housing management service.</p> <p>The range of services the Association offers on anti-social behaviour includes but is not exclusive to:</p> <ul style="list-style-type: none"> • attempts to encourage people to talk to each other to see whether any problems can be resolved informally • referrals to mediation when it is available and appropriate • the use of Acceptable Behaviour Contracts where appropriate • recommending residents to other agencies who may be able to assist 	

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1.7	<ul style="list-style-type: none"> • the use of injunctions where there is violence or threats of violence or where it is evident this would curtail the anti-social behaviour • the use of Anti-Social Behaviour Orders where there is persistent harassment, alarm or distress to the community who need protecting • considering the use of demotion orders or possession orders in cases of serious or persistent breaches of tenancy, violence or threats of violence or criminal behaviour in the locality <p><i>How will witnesses be supported?</i></p> <p>The Association is aware of the need to support its witnesses. The Association will:</p> <ul style="list-style-type: none"> • talk to witnesses throughout the course of the investigation about the best course of action • keep witnesses informed about what is going on (subject to its 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 to witnesses • assist in the setting up of witness support groups where requested <p>The Association is also aware of the need to offer assistance to perpetrators whose behaviour is caused by their own vulnerability.</p> <p>The Association aims to treat all offenders fairly and with respect and will always consider what support may be available in each individual case and encourage offenders to access that support.</p>	
1.8	<p>What about when the property is managed by a managing agent?</p> <p>Where the Association’s stock is managed by a managing agent under a Management Agreement, the</p>	

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1.9	<p>terms of the Managing Agreement will dictate whether the managing agent’s policy and procedure on anti-social behaviour, or this one, is followed. Any policy and procedure our Managing Agents have will have first been approved by the Association and will not conflict with this document.</p> <p>Where the Association is the managing agent the terms of the Management Agreement dictate the policy on anti-social behaviour.</p> <p>Where Assured Short-hold Tenants, Licences or their household or visitors are perpetrators</p> <p>The Association will investigate the complaint to ensure it gathers evidence of anti-social behaviour. However, where Officers believe the complainant’s evidence and where the complaint cannot reasonably be resolved in another way without continuing problems to complainants which affect their quality of life, the Association may end the Assured Short-hold tenancy agreement on the grounds that it is an Assured Short-hold (rather than issue legal proceedings for nuisance).</p>	
1.10	<p>Confidentiality</p> <p>Our policy is to ensure that the complainant is made fully aware of the uses around confidentiality.</p>	
1.11	<p>Information Exchange</p> <p>Under the Crime and Disorder Act 1998 section 115, personal data or information may be disclosed to the police, probation service or health authority, where it is necessary or expedient for the purposes of obtaining an ASBO. The information must however still be processed in accordance with the data protection principles under the Data Protection Act 1998 and the common law e.g. defamation, duty of confidence.</p> <p>The type of information that could be shared includes details of tenancies, complaints of anti-social behaviour, personal information on perpetrators of anti-social behaviour, details of crime incidents, details of convictions and offences.</p>	

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1.12	<p>The information must be relevant to the purposes it is to be used for and can be used to assist strategic planning; help local partnerships to implement provisions of the Crime and Disorder Act 1998 or take actions as a landlord where the tenant, their household or visitors are causing an annoyance or nuisance from or in the locality of the dwelling house.</p> <p>All cases of nuisance/anti social behaviour and the outcome will be reported to the Board of Management and residents appropriately.</p> <p>A summary document of this policy will be provided for tenants, together with a summary of the procedures.</p>	

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