

## Anti-Social Behaviour Policy

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<b>Policy Owner Role Title</b>	Head of Housing
<b>Responsible Director</b>	Customer Services
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## **A. The Purpose of this Policy**

### **1. Purpose**

Wandle is committed to taking positive action with other agencies to deal with all forms of anti-social behaviour (ASB). We recognise that if allowed to persist, ASB can significantly affect quality of life for our residents and that dissatisfaction with the living environment may have a negative impact on the way we're able to manage our homes.

This Policy outlines how we will deliver on our commitment to ASB by working with residents, other teams and partner agencies. We will balance enforcement action and intervention with programmes which aim to prevent ASB.

We support the *Respect – ASB Charter for Housing* and are committed to tackling ASB and promoting a culture of respect in the communities where we work.

The overall purpose of this policy is to:

- prevent incidents and the reoccurrence of ASB in our communities;
- ensure that ASB is tackled efficiently and effectively using a variety of approaches;
- work with vulnerable residents, both victims and perpetrators, and support agencies to make sure that ASB is tackled and not tolerated;
- take the necessary management intervention and legal action to deal with perpetrators of ASB;
- support staff to tackle ASB;
- support residents to sustain tenancies and initiatives to rehabilitate perpetrators

### **2. Customer obligations**

All customers, their household members and their visitors must show consideration to their neighbours by complying with the terms of their occupancy agreement and not to commit, or allow their family or visitors to commit acts of ASB. This includes harassment, noise nuisance, annoyance or disturbance to other residents, their visitors or other people in the area, such as our staff and contractors whether unintentional, deliberate or personally motivated.

We expect residents to take responsibility for minor personal disputes with their neighbours and will offer advice on how to approach their neighbour in the first instance to resolve the dispute and will provide guidance in the form of publications to support residents.

### **3. Scope and Definition**

#### **Definition**

For the purposes of this statement, anti-social behaviour is defined as:

*“Conduct that has caused or is likely to cause harassment, alarm or distress to any person; conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises or conduct capable of causing housing related nuisance or annoyance to any person ”*

This definition is taken from the Anti-Social Behaviour Crime and Policing Act 2014.

Some examples of behaviour that would be treated as ASB include but are not limited to

- Intimidation and harassment
- Actual violence against people or property
- Using or threatening to use housing accommodation to sell drugs, or for other unlawful purposes.
- Hate behaviour that targets members of identified groups because of their perceived differences.
- The fouling of communal/public areas, graffiti, fly tipping and nuisance vehicles.

The following are some examples of reports that are not considered in this policy

- Babies crying
- Smells from cooking
- Sounds of normal day to day living such as opening and closing of doors going up and down stairs, lights being switched on or off, toilet flushes,

- One off parties such as BBQs, birthday parties provided they do not cause an unacceptable disturbance.
- Putting rubbish out on the wrong day.
- Clashes of lifestyle including cultural differences
- Parking in the wrong bay
- Family disputes
- Children playing

We will not investigate normal behaviour occurring at unusual times because of different working patterns.

We will work to manage resident's expectation in regards to behaviour that is not defined as anti social behaviour and offer advice and guidance and where appropriate will expect them to take steps to resolve the situation themselves.

***Domestic noise is frequently and incorrectly reported as ASB. Please refer to the Domestic Noise Guidance for further info.***

## **Responsibilities**

- The Board is responsible for setting Wandle's strategic direction, and for establishing policies and plans to achieve key objectives. It provides sound systems of control and a framework of delegation to the Directors and employees.
- The Executive Director of Customer Services is the designated Executive responsible for this policy.
- The Head of Housing is responsible for ensuring overall adherence to the policy.
- The Neighbourhood Managers will ensure the policy is implemented by Neighbourhood Officers and promote the aims and objectives across the organisation

## **Scope**

People impacted by nuisance or Anti-Social Behaviour includes:

- Anyone who has the right to live in property that Wandle owns or manages
- Those living in any other property in the neighbourhood
- Anyone lawfully in such a property or in the locality, for example those working nearby or using local facilities.

## **4. Guidelines for action**

We recognise the impact that anti-social behaviour may have on our resident's lives and communities we provide services in.

We take a victim-centred approach in managing ASB and work with those affected and partner agencies to implement long term sustainable outcomes, to deal with individual incidents and community wide issues that prevents ASB from reoccurring.

A victim-centred approach recognises that ASB can disproportionately impact on one victim as opposed to another due to individual circumstances. We consider anti-social behaviour to be deliberate and intentional acts including the failure to address inconsiderate behaviour that may result in nuisance, harassment, alarm and distress.

Following individual assessment of each anti-social behaviour report, we will take appropriate action as a Registered Provider for all parties involved, including working jointly with other agencies.

Along with this partnership working, we strongly believe in self resolution and will promote and encourage this course of action where it is appropriate.

We understand that there will be times that reporters, witnesses and victims would prefer to stay anonymous; we will be clear and upfront where we feel that this may not

be possible or where it may have an impact on the case management of the anti-social behaviour report.

## **C. Actions Supporting this Policy**

### **1. Procedure**

#### **General Principles**

Our approach is based on the principles of Prevention, Support, Intervention and Enforcement and may use the full range of tools available to us as a Registered Provider - including a community harm statement to highlight the impact and harm caused by ASB on the Community.

#### **Prevention**

Wandle's strategy and procedures for controlling anti-social behaviours aim to prevent such behaviours occurring by minimising the conditions which encourage it to start.

Wandle will develop and sustain arrangements with the appropriate agencies to ensure that any support packages for new residents are in place, any relevant agencies are involved and consulted, and the approach to the management of a tenancy has been agreed prior to the start of the tenancy.

We will expect to be provided with all relevant information needed to allow effective management of tenancies as part of any negotiated nomination agreement. This ensures that perpetrators from vulnerable groups are appropriately supported and rehabilitated before enforcement action is taken. It is acknowledged that the majority of people who fall within vulnerable groups are not perpetrators of anti-social behaviours and may be victims.

We will aim to visit new residents in their home within the first six weeks of their tenancy. Residents on a probationary tenancy will receive more frequent checks in accordance to our approach to managing tenancies in the probationary period.

We will support improvements to design out crime for existing housing stock and new developments and our new build homes will be built to meet Secure by Design standards.

All customers, their household members and their visitors must show consideration to their neighbors' by complying with the terms of their occupancy agreement and not to commit, or allow their family or visitors to commit acts of ASB. This includes harassment, noise nuisance, annoyance or disturbance to other residents, their visitors or other people in the area, such as our staff and contractors whether unintentional, deliberate or personally motivated.

We will use resident data and other profiling information to identify hot spots and target resources and align approach to our community investment, asset management and Neighbourhood planning activities to ensure a holistic approach is taken to the management of our neighborhoods and communities.

Reports of anti-social behaviours will be treated seriously and dealt with professionally we will provide support to the person making the report and witnesses to ensure their own well-being and that action against perpetrators is as successful as possible so we will:

- Assess (and periodically reassess) the seriousness of anti-social behaviours reported to us, and take action according to our target times and service standards.
- Assess and monitor any risk
- Keep to specified target response times for acknowledging and responding to reports of ASB

- Develop an action plan with the complainant, being clear and realistic about potential outcomes and timescales involved, choosing from a toolkit of different actions and taking action proportionate to the type of ASB reported.
- Treat all reports as confidential, sharing information only with other organisations that can help with the problem (for example, the police) and observing data protection laws and information sharing agreements.
- Ensure that any criminal ASB reported to us is quickly passed on to the police
- In cases where there is risk to life, ensure that the emergency services have been notified and begin our investigation within 24 hours.
- Register each report of ASB we receive.
- Appoint a named officer to lead on each case;
- Fully investigate the complaint
- Continue to treat any reports or case received as 'live' until, in the opinion of the lead officer and the lead officer's manager, the case can be closed
- Notify the complainant when a case is closed
- Respond promptly to complaints about our service and advise anyone not satisfied with the way in which their case was handled how to make a formal complaint; and
- Explain our reasons, should we choose to take no further action on a report of ASB, and advice on self-help or other alternative courses of action whenever it is possible and appropriate to do so.

We will offer support to perpetrators of ASB in order to assist them in resolving problems on a long term basis; we will support perpetrators by:

- Giving them a chance to resolve the problem by changing their behavior
- Signpost and refer to other agencies who can offer support

## **Intervention**

Clear information will be provided to residents on how to report harassment, nuisance and anti-social behaviours, irrespective of tenure. This will be provided in a format that suits the needs of residents, when requested.



All reports will be treated confidentially and formally acknowledged. On receipt of the complaint, all possible remedies will be explored including the use of mediation, injunctions, Criminal Behaviour Orders, possession proceedings, Acceptable Behaviour Contracts, and all other available legal remedies.

Often underlying causes of anti-social behaviour are very complex and this requires the policy to be flexible in its approach. Decision making tailored to the individual circumstances is crucial.

## **Enforcement**

We will select the enforcement action that is appropriate and proportionate for each case for example visits, referrals to mediation services, use of Acceptable Behaviour Agreements (ABA's) and parenting contracts.

*Family Intervention Project (FIP)* Family Intervention Projects will be considered for families with the most challenging and antisocial behaviour, balancing both support and enforcement action across all members of the family.

We will consider legal action where there is sufficient evidence. Eviction will only be considered where other interventions have failed and will be used as a last resort.

We will make use of the following, as appropriate to each case:

- Legal notices (NOSPs / Section 21 notices)
- Discretionary Possession Order
- Mandatory Possession Order (Refer *ASB: Mandatory Grounds for Possession Procedure*)
- Forfeiture of lease (shared owners and leaseholders)
- Civil Injunctions with or without notice

We will also work with partner agencies to take relevant action(s) such as:

- Noise Abatement Notices (Local Authorities)
- Premises Closure Orders (either Wandle or the Police can apply for these through the Courts)
- Parenting Contracts/Orders (Local Authorities—Social Services)

## **Closing the Case**

After a report of ASB has been investigated, we will close the case. We will consult with the complainant beforehand and explain our reasons. We will listen to any reasons they give us as to why we shouldn't close the case and advise them accordingly.

A case may be closed where:

- An investigation has been concluded, appropriate action has been taken and no further incidents have occurred over a given period (this will vary depending on the nature of the case)
- We are unable to gather sufficient evidence in order to take any action.

If a complainant withdraws their complaint, we may close the case. In some cases where we have sufficient evidence, we may be able to continue to pursue the case without the complainant's involvement.

The complainant will be notified in writing that the case is closed and that they can contact us again should any problems reoccur. On closing the ASB case we will seek the views of complainants and ask for their feedback on how satisfied they were in our handling of the case. We will use the information to improve our service.

## **2. Partnerships - Working together**

We will take steps to prevent and manage anti-social behavior quickly and effectively, working in coordination with residents, across teams and departments at Wandle, and with multi-agencies where necessary put information sharing protocols in place. We

will work with regional and local strategic partnership groups such as but not limited to the Police, Local Authorities and provide support to prevent the reoccurrence of ASB..

We work in conjunction with our Local Police Constabulary and Local Authorities in relation to Community Remedies and the Community Trigger and will have regard to our Local Authorities' policies on how they will deal with ASB reports and requests for case reviews we believe that reporters, victims and witnesses all play a part in tackling anti-social behaviours. Where there is a lack of cooperation from one party or another, this may affect our case management of the report and/or ultimately prevent us from assisting it further.

Other services we may work with include;

- Environmental Health Departments
- The Probation Service
- Substance misuse agencies
- Health services
- Social Services
- Youth offending teams
- Floating support agencies

## **Community Trigger**

The Community Trigger is one of a number of tools available to agencies in accordance with The ASB, Crime and Policing Act 2014. The Community Trigger tools are designed as part of a shift toward a victim -centered approach and give victims a say in the way ASB is dealt with.

Wandle will participate in the procedure adopted by any Local Authority where we have properties and work with partner agencies to ensure victims of ASB are heard and action taken as appropriate.

We will appoint a lead officer to liaise with the relevant body and will cooperate fully if a request for review is made by a Wandle customer. The lead officer will coordinate Wandle's response and oversee any recommendations or actions attributed to Wandle.

### **Multi-Landlord Estates**

Wherever possible, we will ensure that there is a consortium management agreement in place that sets out clear standards and agreed approaches in multi landlord estates.

### **3. Staff support**

Wandle will not tolerate abuse against staff or contractors, whether physical or verbal. We will take appropriate action against residents and members of the public who are abusive.

Wandle is committed to ensuring the safety of our staff, we will provide support which may include appropriate training to help staff;

- To be confident and knowledgeable
- To identify and investigate ASB reports
- To cope with difficult and dangerous situations and;
- To keep staff up to date with current best practice and legislation, including awareness of child protection and protection of adults from abuse.

<b>D. Publicising and Training</b>
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#### **1. Publicity**

In partnership with Wandle's Communications Team, we will ensure that colleagues and the wider community is made aware of the successful outcomes to prevent and tackle ASB through effective promotion and publicity;

- i) Via Wandle intranet and blogs;
- ii) Through *Inside Story*
- iii) In *Wandle News*
- iv) In Local and National Press as appropriate

Any publicity or news stories, internal or external, should comply with the *Data Protection Act 1998* and *Human Rights Act 1998*.

Our tenancy agreements clearly set out what we mean by ASB, the standard of behaviour we expect of all residents and the sanctions that we may apply to those who behave in an anti-social manner.

Guidance notes in an easy read format will be made available in a range of formats to reflect the diverse requirement of residents.

We will reinforce these key messages at sign ups and set them out in publicity that is available to our residents.

<b>E. Ensuring the Policy Delivers: Monitoring, Review and Continuous Improvement</b>
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**1. Monitoring, review, and continuous improvement arrangements**

- We will record and monitor all incidents of ASB and use this data to benchmark, internally and externally.
- We will set targets and use performance indicators to monitor our performance on tackling ASB.
- ASB data will be used to inform resource planning, partnership and intervention initiatives such as Wandle's *Neighbourhood Planning Teams*.

## **2. Equalities assessment and monitoring**

We will monitor cases of ASB by diversity strand – both for complainants of ASB and alleged perpetrators and will analyse this data. This is in order to

- Increase our understanding of who perpetrators and victims of ASB are
- Determine whether some groups might not be reporting ASB, or whether certain groups are disproportionately represented amongst alleged perpetrators or victims
- Tailor our services accordingly

## Appendix 1: Main Legislative and Regulatory Drivers

- Anti-Social Behaviour Crime and Policing Act 2014
- Equality Act 2010
- Anti-Social Behaviour Act 2003
- Police and Justice Act 2004
- Crime and Disorder At 1998
- Criminal Justice and Public Order Act 1994
- Dangerous Dogs Act 1989, 1991
- Data Protection Act 1998
- Environmental Protection Act 1990
- Homelessness Act 2002
- Housing Act 1985, 1988, 1996, 2004
- Human Rights Act 1998
- Mental Health Act 1983, 2007
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Protection from Harassment Act 1997
- Race Relations Act 1976 and Amendment Act 2000
- Health Act 2006

## Appendix 2: Links to Other Policies

Safeguarding Policy & Procedure

Management Transfer Policy & Procedure

Lone Working Policy

Strategic Tenure and allocations Policy

### Appendix 3: Case Categories

#### Category A

ASB that directly impacts on an individual or household and is likely to result in further damage, abuse or violence should be considered as Category A cases.

Category A cases would include: Anything posing an imminent risk to health or welfare, verbal abuse, harassment / intimidation, threatening behaviour, domestic abuse, physical violence, hate related (based on race, sexual orientation, gender, disability, religion, age, etc.)

We should undertake an assessment to help us decide the best course of action and the Neighbourhood Officer or the Duty Manager should call the customer back as soon as possible (within one working day) to discuss options and next steps.

#### Category B

Category B cases are less urgent and would include issues such as: Persistent noise, pet / animal nuisance, nuisance from vehicles, drug dealing, prostitution, other criminal behaviour

If a customer suspects that there is a criminal activity, we should advise them to contact the police in the first instance.

We should ask the customer to keep a log of the ASB and we will undertake an assessment to determine the extent of the report, which will help us to consider the best course of action.

A Neighbourhood Officer should call the customer back within 3 working days to discuss these issues further and agree next steps.

#### Category C

Category C cases of ASB are usually regular low-level disturbances that would not on their own be considered ASB.

In this instance, we should advise customers to keep a log of any instances that may occur.

Customers should be encouraged to speak to the perpetrator if they feel able, and it is safe to do so. If they do not feel comfortable doing this, they should be encouraged to download and print our [Dear Neighbour Card](#).



#### **Appendix 4: Performance Indicators**

80% Satisfaction with the handling of ASB case

90% Satisfaction with being kept updated

80% of cases passing QA checks

95% of category A cases dealt with in response time

95% of category B cases dealt with in response time

30% of cases open beyond 90 days