



## THAMES VALLEY HOUSING

### Anti-social Behaviour Policy

(Applicable to Housing and Leasehold Services)

#### Introduction

This policy covers the framework for tackling anti-social behaviour across our housing stock. The Association is committed to supporting communities and individuals suffering anti-social behaviour, whilst working with customers and stakeholders to promote balanced and harmonious communities. However, where necessary or appropriate, the Association will robustly confront perpetrators of anti-social behaviour exploring all options open to it.

The term anti-social behaviour (ASB) is generic and has been defined as *'any behaviour that unreasonably interferes with other peoples rights to the use and enjoyment of their home and community'*. The Crime and Disorder Act 1998 defines ASB as activity *"[of] a manner that caused, or was likely to cause harassment, alarm or distress to one or more persons not of the same household"*. The Anti-Social Behaviour Act 2003, strengthened this, defining it as *"[conduct] capable of causing a nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions"*. In general terms, the Association recognises ASB in broad terms reflecting each community. Indicatively, ASB includes noise nuisance, intimidation, fouling of public areas, violence against people or property, the use of the home/community for dealing in drugs etc. The Association expects customers to act in a considerate way, especially in areas where people live in close proximity to each other (for instance in flats or shared accommodation).

Whilst the ASB Policy is an overarching policy, the Association recognises targeted statements and procedures are required to tackle specific areas, such as racial harassment, domestic violence and hate crimes. The tenancy agreement has been amended to reflect those special requirements.

This statement is aimed at staff and other stakeholders of TVH. Summary statements, for customers, will be made available.

### **The Effects of Anti-Social Behaviour**

ASB can destroy the quality of lives and communities through its corrosive effects.

For the Association, the affects of ASB are significant. The Association is committed to high levels of customer satisfaction which is unlikely when those customers are living with ASB. ASB is time consuming and stressful for staff whilst areas blighted by ASB experience high management and maintenance costs. The Association recognises the importance of an effective ASB Policy.

### **Performance Monitoring**

The Corporate Plan ensures an ongoing commitment towards policy development and review. In addition to its strategic role, the Board also monitors trends on a quarterly basis. The nature and format of this reporting is also kept under review.

Alongside the work undertaken by the Board, a strategic review is also on-going through the Executive Group and the Directorate Managers Groups. The most serious cases are reviewed by senior management on at least a quarterly basis to ensure consistency across the organisation/directorates.

Central logging of all cases is undertaken and the log regularly checked to identify trends and wider strategic issues. Equally, where possible, reports are made to local authorities, to map incidents and to plan strategically across its area.

Headline statistics are available through the Thames Valley Housing Association Website (<http://www.tvha.co.uk>). Additional performance monitoring can take place through the Resident Consultative Group meetings upon request.

Detailed targets will be developed in conjunction with service users and performance monitored to promote a framework of performance management.

### **Supporting Victims of Anti-Social Behaviour**

We encourage victims, or those witnessing ASB to openly report incidents. Incidents are centrally recorded and trends strategically assessed.

Depending on the severity of the case, reports will be managed either within our Customer Service Centre, Site Based Operations Team or Leasehold Management Department. Customers will be informed of their lead contact.

Customers will also be provided with a clear set of service standards which summarise the level of service they can expect in relation to this service area.

Officers will try to engage with local communities to fully understand the nature and impact of ASB. The Association believes that by working with those affected by ASB and with other agencies, resources can be effectively deployed to the maximum possible effect.

Partnerships are promoted on a strategic and operational basis. Strategic partners including statutory and non-statutory bodies are targeted in a variety of ways – including exchange of information protocols. Partnerships between front line staff including the police and local authority officers are also promoted at a local level.

The Association believes that customers should initially try to resolve disputes informally, where possible, but acknowledges this is not always appropriate. To facilitate “local solutions to local problems” the Association promotes mediation. Where mediation schemes operate locally, customers are referred for advice and assistance. Where they are not available, mediation skills are ‘contracted-in’.

The Association believes that, in addition to mediation, officers need to explore options with local people, to specifically address local issues. The Association supports the principles of local lettings plans developed with local authority support, to promote more balanced communities. Alternative tenancy arrangements are also available to staff to explore, including the use of Assured Shorthold Tenancies and Probationary Tenancies, for example.

In conjunction with local people, the Association may feel enforcement action may be necessary and gathers data in a flexible

and most appropriate way – ranging from CCTV, sound recording equipment, professional witnesses or staff undertaking investigative interviews/gathering witness statements for future legal action. Specialist legal and security skills may be ‘contracted-in’. A dedicated budget for those services is made available.

Some victims of ASB may be vulnerable or have some form of support need. This need may or may not be being addressed through Supporting People, Social Services, or other agencies. Staff must coordinate appropriate support for vulnerable customers, through the support provider, who may be adversely affected by ASB.

Victims of harassment may be awarded added points in accordance with the lettings policy. Victims of harassment may ask to move and these circumstances are considered within the Allocations and Lettings Policy.

### **Perpetrators**

The Association recognises that conflicts between customers/stakeholders occur due to a variety of reasons. Conflicts in lifestyles (for instance, between the young and old) are a major cause of disputes. The Association will try to mediate and engage with community groups/support providers to provide facilities to those who through lifestyle, may cause ASB. Alongside this, the Association will set clear standards for those who experience ASB and for those who perpetrate it. The Association will draw upon a comprehensive range of options available to it, which will involve working in partnership with specialist and interested groups.

The Association recognises that some perpetrators of ASB do so due to a vulnerability – mental illness or disability. Whilst the Association recognises the legislation framework of the Disability Discrimination Act, it is also aware of the needs of the wider community when reasonably deciding on how cases are managed – more recent case law has addressed this issue where action can be started if it is “justified to bring possession so as not to endanger the health or safety of any person (including the disabled person)”

The Association will support those who positively engage with it, and other agencies, considering the commitment of the perpetrator when deciding upon how the case is managed in the future.

## **Actions available to staff include:**

### **Acceptable Behaviour Contracts (ABC's):**

ABCs are voluntary agreements made between an individual and the police and/or other agencies. These are normally targeted at young people and their parents to encourage them to take responsibility for unacceptable behaviour. They normally stipulate clearly obligations and expectations and if unsuccessful, they can be used as evidence should more serious legal action be taken.

### **Anti-Social Behaviour (ASBO's):**

ASBO's, including Interim ASB Orders, can be applied in cases where the perpetrator is over the age of 10, and are targeted to tackle specific ASB acts. It is effective for a minimum of 2 years and applications can be made by RSL's as well as local authorities. Effective partnership is expected and required between interested groups, before an ASBO application is made.

### **Injunctions:**

Injunctions can be sought by an RSL to prevent ASB, for a breach of the conditions of the tenancy or lease. Following the Housing Act 1996, RSL's can also seek for a 'power of arrest' to be attached to an injunction, depending upon circumstances. A private individual can also seek an injunction through the Harassment Act, to protect themselves.

The Association also promotes the use of injunctions introduced through the Anti-Social Behaviour Act 2003, which are broader than those introduced in the Housing Acts.

### **Tenancy/Lease Enforcement:**

An RSL can seek to retake possession for a breach of the terms of the tenancy agreement. In cases of ASB, this can be accelerated into court. Possession action can lead to an undertaking (where the tenant undertakes to the court to act in a certain way), a Suspended Possession Order (where an order is made and suspended on terms the tenant behaves in a certain way) or an Outright Order (when the order is made for the tenants to leave the property). For tenants who hold an Assured Shorthold Tenancy this can be terminated and the eviction enforced with appropriate Senior Manager approval.

Leaseholders (and by implications their tenants) are bound by the terms of their lease not to cause nuisance or annoyance to their

neighbours. Whilst accepting forfeiture may be difficult to gain on grounds of ASB, officers need to consider this alongside other measures summarised in this section.

### **Environmental Protection Legislation:**

The local authority through The Environmental Health Officers can take action where a statutory nuisance has been caused – these normally surround noise nuisance but could be extended to other areas.

### **Demoted Tenancies:**

The Association supports demoted tenancies whereby a Secure Tenancy can be demoted to a Demoted Secure Tenancy or an Assured Tenancy to an Assured Shorthold Tenancy, as a result of ASB.

### **Closure Orders:**

The Association will work with the Police to promote Closure Orders where the property has been used for the abuse of Class A drugs.

The Association also believes that prevention is crucial in the way anti-social behaviour is addressed. Officers should review high risk schemes and introduce 'distraction schemes' alongside more effective local partnerships especially during higher risk periods e.g. school holidays.

The Association acknowledges that witnesses are crucial to a successful action. Officers will give appropriate support to make action successful, where possible.

### **Value for Money**

Whilst the Association has dedicated resources available to tackle anti-social behaviour, the case manager, in conjunction with customers will decide on the most appropriate action to adopt. Expensive litigation therefore needs to be approved by the Head of Housing Management or Home Ownership Manager if internally funded. The Head of Housing Management or Home Ownership Manager will consider local factors and the likelihood of succeeding in action before approving litigation.

### **Publicity**

The Association believes its policy should be widely publicised so that all stakeholders will understand the values of the organisation.