

# Nuisance and Anti-Social Behaviour Procedure



**Tuntum is committed to tackling it fairly and consistently and we will take action against people who commit acts of Nuisance and Anti-Social Behaviour (ASB). This could be in a variety of ways injunctions, acceptable behaviour contracts; tenancy demotion orders and possession applications and evictions.**

We will also work with perpetrators of Nuisance and ASB and customers who are identified as being at risk of perpetrating Nuisance and ASB to seek to challenge, change and modify behaviours.

This procedure aims to provide a proactive and effective approach towards tackling Nuisance and ASB. These procedures are not discretionary. This procedure will to be reviewed annually.

Upon dealing with the initial complaint, customer services will allocate a grade, confirm this to the customer and where appropriate, arrange an appointment with a Housing Officer. This can either be at home, Tuntum's Head Office or any other appropriate place. The complaint will be graded on a scale of 1 to 4, with grade 1 cases being the most serious. Tuntum will not usually take any formal action on cases graded 4, other than to note them on file.

All initial grading will be made on the basis of the information that the victim/witness provides; however, grades may be reassessed later during the investigation process.

The Housing Officer will also fill in a risk assessment form (Appendix 1) to establish whether the case is low, medium or high risk.

Below is a non exhaustive list of graded behaviour:

## **Grade 1**

### **Very Serious Nuisance & ASB**

- Acts of physical violence, threats of violence or acts that represent a significant risk of harm (physical, mental, emotional) to the complainant or their household or visitors to their household
- Racial abuse / harassment / graffiti
- Arson to property, including vehicles
- Homophobic or sexist abuse, harassment , graffiti or that which identifies an individual or is directed at them
- Actual violence including domestic abuse
- Anti-social acts against any of the 'protected characteristic' groups as defined in the Equalities Act 2010 (for a full listing of these see 'Hate Crimes and incidents' section in the policy document.)

## **Grade 2**

### ***Serious Nuisance & ASB in terms of its nature and frequency that causes fear and intimidation***

- Noise nuisance deliberately aimed at an individual.
- Intimidating and threatening behaviour (but not of physical violence – see Grade 1) by an individual or a group of individuals, aimed at complainant or member of their household or their visitors.
- Confirmed evidenced of threatening or offensive material or correspondence.
- Prostitution or using premises (own or communal) for immoral/unlawful purposes.



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## Grade 3

***Behaviour which, although a breach of tenancy, is neither intimidating nor threatening and does not appear personally targeted***

- Drug or substance misuse/abuse in communal areas
- Drinking and associated rowdy (but not threatening - see Grade 2 above) behaviour
- Abandoned cars that are clearly un-roadworthy and/or dangerous
- Conducting a business from someone's home, for example, car repairs
- Regular noise nuisance between the hours of 11pm and 7am (or at other times, according to reported severity and frequency)
- Blocking access to communal areas (but deliberate blocking access to one's flat would be graded 2)
- Criminal damage to communal areas and association property
- Persistent/frequent dumping of rubbish and or fly-tipping/posting

## Grade 4

***Acts of Nuisance & ASB that have either not occurred before and do not, by their nature, belong in categories 1, 2 or 3 and/or are not in themselves, breaches of tenancy***

- Doing one's own car repairs
- One-off indiscriminate noise nuisance (e.g. a party)
- Cycling/skateboarding in communal areas
- Urination in public
- Setting fires in external communal areas (e.g. bonfires)
- Throwing things (unless deliberately aimed at someone, in which case, according to what exactly is being thrown, would put the behaviour into categories 2 or 3)
- Climbing up on buildings (if no damage occurs)
- Ball games (this could be put in category 3 if persistent and against someone's wall, for instance)
- Letting down tyres (this is a criminal offence and should be reported to the police)
- Animal problems (e.g. dogs barking; but would be Grade 3 if persistent/frequent)
- One-off neighbour arguments

## Responsibilities

Tuntum will adopt a victim centered approach in dealing with Nuisance & ASB cases. An initial incident will be accepted as Nuisance & ASB if so defined by the victim or another person until further investigations prove otherwise. This does not mean that the alleged perpetrator is immediately assumed to be guilty.

Each member of Tuntum has a responsibility to act upon reports of Nuisance & ASB. Particular reference is given to frontline staff or staff that come into direct contact with customers and their families.

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## Frontline Staff

Frontline staff, includes all staff that have direct contact with customers such as the Housing Assistant, Housing Officers, Maintenance Operatives and Customer Service staff.

Customer Services are responsible for dealing with the initial telephone complaint and assuring the customer that Tuntum takes the complaint seriously. They will deal with the complaint in a confidential and sensitive manner and pass it on to the Housing Officer.

An acknowledgement letter will be sent to the victim along with a copy of the Nuisance & ASB Policy and diary sheets by the Housing Assistant.

The Housing Assistant will record a summary on SDM (Tuntum's Housing Management Software) and on our Monitoring Spreadsheet. This item will remain 'live' until the case has been dealt with and the victim is happy with the outcome and/or 'closed' by the Housing Officer.

If appropriate an appointment will be made for the Housing Officer to interview the victim in person or over the telephone within two working days or twenty four hours if there has been violence.

The Housing Officer will co-ordinate whatever action Tuntum is able to take and interview the victim and where possible the perpetrator - to ascertain the issues surrounding the Nuisance & ASB. They will then write to each of the parties concerned confirming the outcomes of the discussions.

## Processes

Tuntum believes that addressing Nuisance & ASB is vital to creating sustainable communities. We will therefore ensure that customers are aware of their responsibilities and that staff are fully equipped to deal with incidences of Nuisance & ASB. These procedures facilitate a proactive approach to managing ASB and tenancy success.

Tuntum also recognises the need to support both the victim and perpetrator of Nuisance & ASB, particularly for vulnerable customers. The Housing Officer can work with perpetrators of Nuisance & ASB and customers who are identified as being at risk of perpetrating Nuisance & ASB and in accordance with the responsibilities set out above take the following actions in the prescribed timescales:

## Timescales Grade 1

### Week One

- 1) Upon receipt of the initial report, the Housing Officer will confirm to the customer the grade that has been allocated.
- 2) When the report is graded, the Housing Officer will arrange for the first appointment and must interview the victim within two working days of the complaint being received (if there has been violence or the threat of the first appointment must take place within one working day).
- 3) Any witnesses to the incident will be interviewed within three working days of the complaint being received.
- 4) Interview of the perpetrator within two working days (one working day if there has been violence or the threat of).

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- 5) After conducting the interviews and gathering all the facts the Housing Officer shall reassess the grade given to the report
- 6) The Housing Officer will agree the Action Plan with the victim

## Week Two

- 1) The Action Plan is Confirmed to the victim
- 2) Liaison with external agencies
- 3) Follow up visit to the victim, within six working days of the complaint being received

## Weeks Three to Six

- 1) Continue investigations and keep the victim updated
- 2) Carry out at least three further contacts by telephone or in person
- 3) Maintain contact with external agencies
- 4) If resolution and closure does not seem likely at this stage – legal action may follow at this stage. Further timescales are likely to be dictated by the type of legal action taken

## Up to Month Three

- 1) If appropriate continue investigations and keep the victim informed.
- 2) If no further incidents have been reported since the first report the case should be made “inactive” on SDM. The Housing Officer shall confirm the “inactive” status to the victim in writing.

## Up to Month Six

- 1) If appropriate, continue investigations and keep the victim informed.
- 2) If no further incidents have been reported since the first report the case will be “Closed”. The Housing Officer will confirm this to the victim in writing.
- 3) The Customer Satisfaction Survey will be sent to the victim to gain feedback about their experience of Tuntum’s service.

## Timescales Grade 2 and 3

### Week One

- 1) Upon receipt of the initial report, the Housing Officer will confirm to the customer the grade that has been allocated.
- 2) When the report is graded, The Housing Officer will arrange for the first appointment. The Housing Officer must interview the victim within four working days for Grade 2, five working days for Grade 3 of the complaint being received.
- 3) Any witnesses to the incident will be interviewed within four days for Grade 2, five days for Grade 3 of the complaint being received.
- 4) Interview of the perpetrator within four working days (Grade 2), five working days (Grade 3)
- 5) After conducting the interviews and gathering all the facts the Housing Officer shall reassess the grade given to the report.
- 6) The Housing Officer will agree the Action Plan with the victim.

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## Weeks Two to Three

- 1) The Action Plan is confirmed to the victim.
- 2) Liaison with external agencies.
- 3) Follow up visit to the victim, between 7-10 working days of the complaint being received.

## Weeks Three to Six

- 1) Continue investigations and keep the victim updated.
- 2) Carry out at least three further contacts by telephone or in person.
- 3) Maintain contact with external agencies.
- 4) If resolution and closure does not seem likely at this stage – legal action may follow at this stage. Further timescales are likely to be dictated by the type of legal action taken.

## Up to Month Three

- 1) If appropriate continue investigations and keep the victim informed.
- 2) If no further incidents have been reported since the first report the case should be made “inactive on SDM. The Housing Officer shall confirm the “inactive status to the victim in writing.

## Up to Month Six

- 1) If appropriate, continue investigations and keep the victim informed.
- 2) If no further incidents have been reported since the first report the case will be “Closed”. The Housing Officer will confirm this to the victim in writing.
- 3) The Customer Satisfaction Survey will be sent to the victim to gain feedback about their experience of Tuntum’s service.

## Timescales Grade 4

### Weeks One – Two

- 1) Upon receipt of the initial report, the Housing Officer will confirm to the customer the grade that has been allocated.
- 2) Grade 4 incidences will rarely need any further action other than simply logging on to SDM. Where the Housing Officer feels that further action is required, the Housing Officer will contact the victim within five working days. Contact can be either by telephone or in person.
- 3) Interview of the perpetrator within five working days, if applicable.
- 4) After conducting the interviews and gathering all the facts the Housing Officer shall reassess the grade given to the report. If the incident is regraded, the timescales as above will apply.

### Service Delivery Guidance Notes

Tuntum will always measure the success of its approach in dealing with Nuisance & ASB. Customer feedback is important to us and contributes to developing the service we provide for our customers. All victims will therefore be asked to complete a Customer Satisfaction survey after their case has been resolved.

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## Action against the Perpetrator

If the perpetrator accepts the complaints, they should be given the opportunity to rectify their behaviour, but a verbal warning should be given stating the consequence of any further misconduct, where appropriate. This should be followed up in writing by advising the perpetrator that Tuntum will recover from them the costs of damage caused to the property (if any).

If, on balance, there is sufficient evidence, the meeting should be followed up with a letter confirming the allegations and the outcome of the meeting. This letter should advise that legal action could be taken in the event of further misconduct. If the perpetrator is not a Tuntum tenant, the relevant local authority or housing association Housing Manager should be notified immediately with a request to invoke their procedure. If the perpetrator is an owner-occupier, the local authority's community safety officer should be notified.

If there is insufficient evidence to indicate that a breach of tenancy has occurred, both parties should be advised in writing.

If further Nuisance & ASB occurs which the complainant, other witnesses/neighbours and/or the Police can substantiate, a Notice of Seeking Possession (NoSP) should be served, informing the tenant that legal action will be taken if the behaviour does not cease. In serious cases, Tuntum may serve Notice and commence legal proceedings immediately.

During the Notice period, the conduct of the perpetrator should be closely monitored and any relevant details recorded. If, during this period, the ASB continues, an application should be made to the Court for a Possession Order. (Legal action will normally only be possible where the complainant(s) and/or other relevant third parties such as Police, Environmental Health or the Housing Officer are able to witness the anti-social behaviour and provide evidence on oath at a Court hearing.) The perpetrator should be advised, in writing, of Tuntum's intention to seek legal action. The perpetrator should be advised once again to refrain from further Nuisance & ASB.

In very serious instances involving Police action, Tuntum will consider obtaining an injunction to stop the breaches or tenancy/anti-social behaviour prior to obtaining a Possession Order. If the Court is not prepared to issue an injunction Tuntum should request a demoted tenancy (that is, demoted to an Assured Shorthold Tenancy running for 12 months.)

Provided there is no breach of confidentiality, the complainant should be advised of the progress of the complaint at each stage. The complainant should be advised at the outset of the requirement to provide evidence in Court to 'prove' that a breach of tenancy has occurred.

Where a tenant is required to give evidence as a witness, Tuntum will make every effort to support the tenants involved, i.e. by providing information about court hearing procedures, and escorting witnesses to and from Court. In more serious cases, Tuntum will endeavour to secure a transfer of accommodation in order to protect witnesses from harassment or intimidation.



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## **Mediation**

Tuntum recognises the important role mediation can have in addressing Nuisance & ASB. Mediation services will be offered where this is deemed to be appropriate and where mutual agreement is reached.

## **Starter tenancy**

With the exception of any existing Secure and Assured Tenants, who transfer to Tuntum, all new tenants are issued with a Starter Tenancy. Starter Tenancies are one of the methods which have been implemented by Tuntum to combat Nuisance and ASB.

For the duration of the Starter Tenancy (which is usually twelve months) the Tenant is granted an Assured Shorthold Tenancy. Providing that the Tenancy is conducted satisfactorily, the Association will grant the Tenant an Assured Tenancy.

If the Tenancy is not conducted satisfactorily, Tuntum will have power to terminate the Tenancy by using the procedure set out at Section 21 of the Housing Act 1988. Under this procedure, Tuntum are able to secure possession of the property after a period of six months from the date the Starter Tenancy commenced.

## **Responsibility**

The Head of Housing & Sales will be responsible for the implementation of the policy.

## **Monitoring**

The Head of Housing & Sales is responsible for reporting quarterly statistics of Nuisance & ASB and racial harassment cases to the Senior Management Team.

## **Review**

The terms of this procedure shall be subject to ongoing review in the light of experience, changes in legislation and group policy and meeting the needs of our customers and stakeholders.