

Anti-Social Behaviour and Harassment Policy



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| Policy: | Anti-Social Behaviour and Harassment Policy |
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1. Purpose and Scope

This policy establishes Tuntum Housing Association Housing's role in tackling ASB. It covers issues of ASB, harassment and hate crime. Unless stated otherwise, it uses the term ASB to incorporate harassment and hate crime. Domestic abuse and violence are dealt with through a separate policy and procedure, although we recognise that other forms of anti-social behaviour such as noise can be an indicator of domestic abuse and we will be sensitive to and consider this in our investigations.

This policy applies to customers of all tenures living in a home owned or managed by Tuntum Housing Association Housing, including: general needs, supported and sheltered housing, temporary accommodation, market and intermediate rent, service users and licensees. It also applies to customers in leasehold and shared ownership properties. If necessary, we may take legal action under the terms of the lease and other relevant legislation available to us.

Where managing agents manage homes on our behalf they will be required to meet the requirements of this policy and procedure.

We recognise that ASB can have a very disruptive effect on neighbourhoods and communities and does not just affect those who are directly involved in the situation. We take ASB seriously and aim to balance enforcement action and intervention with prevention.

We will adopt a supportive approach when dealing with victims, witnesses and alleged perpetrators, and will be flexible in our approach to managing incidents, working in partnership with both internal and external partners to tackle it.

Tuntum Housing Association Housing is committed to taking effective action and using the powers available to us, where we consider they can provide effective remedy. However, we recognise that residents and other agencies share this responsibility and it will not always be appropriate for Tuntum Housing Association to lead.

Where ASB is the result, of criminal activity, we will expect residents to report criminal behaviour to the police and we will expect the police and other statutory agencies to take action where they have sufficient evidence to do so.

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We recognise the importance of working collaboratively with the police and local authorities to support and encourage our shared role in enforcing the law, and terms of the tenancy agreement. We will also use the evidence they provide (such as details of incidents or a criminal conviction), together with evidence, we may obtain to take enforcement action against tenancy breaches where appropriate.

ASB has the potential to have a detrimental effect on the lives of our residents and communities and it is important that complainants and victims of ASB are clear about both the circumstances in which we can intervene and the sanctions available to us. We will not raise expectations that we can take action where we cannot do so or where primary responsibility and powers lie elsewhere.

2. Policy Objectives

This policy aims to ensure that:

- Tuntum Housing Association Housing residents and others residing in the areas where our properties are situated are able to enjoy quiet occupation of their homes regardless of ethnicity, religion, sexuality, age, gender or disability.
- our staff and residents understand that we take ASB seriously and are committed to tackling it with our residents.
- residents understand that the most effective resolution is often for neighbours to resolve disputes locally themselves.
- we take positive action, working closely with partner organisations, to encourage them to take the lead in tackling crime and serious ASB on our estates or in or around our property, and to ensure a collaborative approach is taken in tackling other forms of ASB.
- we use evidence obtained from a range of sources, including statutory agencies to take enforcement action where appropriate.
- victims and witnesses of ASB receive a tailored response and appropriate support and advice.
- we support initiatives to prevent ASB occurring.

In order to achieve our objectives we will work to develop local partnerships with the police, local authority services and a wide range of community and voluntary groups with an interest in tackling ASB.

3. Definitions

3.1. Anti-Social Behaviour

Anti-Social Behaviour is defined by Section 2(1) of the Anti Social Behaviour Crime & Policing Act 2014 as:

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(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,

(b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or

(c) conduct capable of causing housing-related nuisance or annoyance to any person.

For possession proceedings, the grounds for possession define ASB as:

Where the tenant or a person residing or visiting the property (a) "has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or (b) has been convicted of – using the dwelling-house or allowing it to be used for immoral or illegal purposes, or an indictable offence committed in, or in the locality of, the dwelling-house".

3.2. Harassment

Harassment can include a range of behaviours such as threats, verbal abuse, written abuse including via social media, damage to property, violent behaviour, stalking and behaviour causing or intended to cause alarm or distress. These are generally criminal offences and are the responsibility of the police. Where appropriate to do so, Tuntum Housing Association will take tenancy enforcement action against a perpetrator as a result of evidence obtained by the Police or upon conviction.

Racial harassment is perpetrated against individuals or groups *because* of their colour, race, nationality or ethnic or national origins, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism. Again, these are generally criminal offences that are the responsibility of the police and Tuntum Housing Association Housing will take tenancy enforcement action against a perpetrator as a result of evidence obtained by the Police or upon conviction.

3.3. Hate Crime

The Police record a crime as a hate crime if the victim or anyone else believes it was motivated by hostility based on any of five personal characteristics: disability; gender identity; race; religion and sexual orientation. This includes crime against a person's property as well as the person themselves. A victim does not have to *be* a member of the group to which the hostility is targeted.

3.4. Domestic Abuse

We have a separate policy for domestic abuse, but recognise that some reports of noise nuisance, disturbances and or anti-social behaviour could be an indicator of potential domestic abuse and or safeguarding issues (e.g. complaints about noisy arguments could suggest that a domestic argument is taking place). We will ensure that any potential indicators for domestic abuse and or safeguarding matters are actively considered as part of our ASB investigation and

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will take appropriate actions including raising safeguarding alerts in line with our policies and procedures.

The Anti-Social Behaviour, Crime and Policing Act 2014 makes it a criminal offence to force someone to marry. We have a zero-tolerance approach to forced marriage and manage all cases in line with this policy, our Domestic Abuse Policy and where appropriate, our safeguarding policies.

4. What is not considered as ASB?

Reports due to different lifestyles or every-day living situations, which are not intended to cause nuisance or annoyance, are not generally considered as ASB.

This includes: children playing and babies crying, household noise due to every-day living and DIY during reasonable hours (as defined by local authorities), one-off parties, BBQs and celebrations, cooking odours and reasonable household smells, smoke, minor car maintenance and minor disputes between neighbours or personal differences.

Although these are some examples of behaviour we do not generally consider to be ASB, we take into account that sometimes low level and repeated incidents treated in isolation which may not appear serious or even as ASB, may be having a serious impact on the victim's life.

Therefore, for low-level reports of ASB, if the behaviour is persistent and deliberate and is found to be having a harmful impact on a person or they are at risk or potentially at risk then we will investigate the matter as ASB in line with this policy.

5. To effectively prevent and tackle ASB, harassment and hate crimes we will:

- demonstrate leadership, accountability and commitment in working with statutory partners to tackle ASB so that we all fulfil our respective responsibilities and give a clear message to everyone that we take ASB seriously.
- ensure staff are well trained, have the knowledge and confidence to identify and investigate incidents/reports of ASB and work collaboratively alongside appropriate agencies who are leading on such cases.
- clearly explain to all new tenants at the sign up of their tenancy and welcome visits, the terms of their tenancy or lease that relate to ASB and causing nuisance, so that expectations and consequences are clear.
- explain to residents that it is their responsibility to try and resolve disagreements and neighbour disputes by talking to each other and reach a solution based upon mutual

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understanding. Where resolution is not possible we may suggest mediation or restorative justice where we believe it could assist in resolving a situation.

- take action to evict a perpetrator where it is reasonable and proportionate to do so and the evidence is sufficient and robust enough for a successful possession action.
- log all reports of ASB and any referrals to statutory bodies, and monitor the outcomes.
- respond sensitively to the victim and adopt high standards of confidentiality when dealing with victims and witnesses
- adopt a victim-centered approach in responding to harassment and hate crime
- develop robust local partnerships and multi-agency working to address ASB through a range of diversionary activities or enforcement action and to share experience and expertise. This may include joint working with the Police, local authority services, and participation in local Multi-Agency Risk Assessment Conferences and co-option to Community Trigger procedures where appropriate to do so, as well as a range of other statutory agencies and other agencies.
- develop formal information sharing protocols and partnership agreements to allow us to respond quickly to ASB.
- ensure we consider a range of interventions (e.g. Acceptable Behaviour Contracts (ABCs), tenancy support, warning letters – this list is not exhaustive) to deter or prevent ASB and where appropriate take legal action by way of injunctions and/or possession proceedings – using mandatory grounds where applicable.
- provide advice and support to victims and witnesses. As part of our investigation into tenancy breaches, in appropriate cases we will consider the use of professional witnesses, and we will make referrals to Victim Support and other relevant support agencies.

6. The responsibility of the complainant

All customers, their household members and visitors must show consideration to their neighbours by complying with the terms of their tenancy agreement.

When a report of anti-social behaviour meets our threshold we will, as part of our investigation, always try to contact the complainant to find out as much information as we can. First contact is usually made by telephone, but could be made by using other means, such as a home visit.

It is important therefore that all complainants recognise the importance of working with us to resolve their complaint. They should do this by responding to our calls and/or letters, collecting information on the nuisance, including completing incident diary sheets, and to be available for pre-arranged meetings or home visits.

Failure to do so may lead to the case being closed due to lack of contact with the complainant.

If a case warrants it, we may request that complainants and/or witnesses provide us with a statement and attend court. It is important therefore that all complainants understand that this

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may be a course of action pursued as a means of resolving the nuisance and they may be required to attend Court to give their evidence.

If you report anti-social behavior and wish to remain anonymous, it may be that limited or no action can be taken. As a rule, we will inform the other party of the identity of the individual/s who have reported the incident and why they have involved Tuntum Housing Association. We will always get your permission before doing so.

All complainants have a responsibility not to make malicious complaints about their neighbours, visitors or anyone engaged in lawful activity around their property. We take malicious complaining very seriously and will take action that is appropriate and proportionate against anyone found to be doing so.

7. Specific Standards

We will categorise ASB complaints as follows:

Crime (Grade 1) – we will work with the police on a collaborative basis to tackle criminal activity in our neighbourhoods; we will take action to enforce tenancy conditions and refer victims to relevant support agencies, while the Police investigate the criminal behaviour and bring charges against the perpetrator. We will not generally lead on resolving such incidents, but in some serious cases if it is appropriate to do so, we will explore our options for taking our own legal action, including seeking injunctions and possession orders.

Noise (Grade 2) – we will investigate cases within 5 working days when our threshold is met. We will initially encourage customers to try to resolve noise nuisance from neighbours between themselves and advise customer to report excessive noise to their local council's environmental health team. We will try to work with the local environmental health service who have statutory powers to tackle noise nuisance and serve abatement notices on those responsible for the noise.

Other forms of ASB (Grade 3)

We will investigate other cases of ASB within 5 working days when our threshold is met.

Further details on each category will be set out in our ASB procedure.

8. ASB Thresholds

Tuntum Housing Association Housing will not conduct a full investigation in to every report of ASB, as often noise or other ASB is a one- off event or we would expect the resident to try and resolve the problem themselves first by speaking to their neighbour. Where the ASB requires something to be removed such as discarded drugs paraphernalia or dumped rubbish in

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communal areas, we will remove the items but will not investigate the problem unless the threshold is met.

The thresholds for Grade 2 (noise) and Grade 3 (other ASB) are:

- three separate incidents reported in the last 7 days by the same person or a member of the same household
- two separate incidents reported in the past 28 days by the same person, agency, or member of the same household
- two separate incidents reported in the past 28 days by two or more people, agency or member of the same household.

No threshold will apply if we consider the complainant particularly vulnerable.

We reserve the right not to investigate a case, even when the threshold is met, where we have evidence that the complainant is being unreasonable, vindictive or vexatious. In such instances, the complainant will be informed that we will not be taking further action in relation to that specific complaint and why.

We may also use our discretion to act before a threshold is met for:

- serious one-off events where the incident has been investigated by the Police or environmental health and they ask us to get involved where they feel it would help and we concur with their assessment
- at a time of our choosing, based on local intelligence (e.g. if several residents make isolated complaints about the same household over a period of time).

We will record Grade 2 and 3 complaints to establish the frequency, severity and duration of the problem. Once it is clear that the problem is persistent and the thresholds are met, we will start our investigation within 5 working days.

We will ensure that prompt action is taken to remove racist and other offensive graffiti.

Further details on each category will be set out in our ASB procedures. Tuntum Housing Association reserves the right not to investigate a case where we feel the complainant is being unreasonable, vindictive or vexatious.

If an ASB complaint has been received, it will be dealt with through this policy and not via Tuntum's separate Customer Feedback Policy.

9. Reporting ASB

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There are a number of ways you can report anti-social behavior, including through other organisations that you can go to for help. Many organisations have statutory powers to deal with issues such as noise nuisance, rubbish or fly tipping and abandoned vehicles.

Your local council are a key source of assistance in dealing with these and you can find details about your local council at www.direct.gov.uk.

The police can also be contacted to discuss your problem. Your local Neighbourhood team will tackle and solve community problems such as anti-social behavior, criminal damage, abandoned cars and graffiti.

You can call the police non-emergency number of 101 to report anti-social behavior and get details of the team for your area.

To report an incident directly to Tuntum Housing Association, you can do so via one of the following mechanisms:

- Tuntum website: www.tuntum.co.uk
- telephone on 01159166066
- talking directly to staff members
- e-mail: admin@tuntum.co.uk
- written correspondence
- personal visits to any Tuntum Office
- through a third party (e.g. Councilor, friend or relative)

10. Closing cases

We will close cases where the situation has been resolved.

In certain circumstances, we will close cases even if the complainant does not want us to. If we are satisfied that we have done everything we can, that it is reasonable and proportionate to resolve the complaint. We will record the reasons for closing cases and advise people about what they can do next.

We will not assume that a situation has improved if we have not heard from the complainant in a while. We will try to make contact with them before passing a case for closure. We will do this by writing to them, telephoning and / or conducting a home visit.

Only when all these have failed will a case be passed for closure on the grounds of no contact.

We will also close a case where the complainant has failed to respond to our requests for information.

To avoid cases being open indefinitely, each case classification has a target timescales for closing. We recognise that not all cases will be closed within these target times because of

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individual circumstances (such as delays in getting a court date), but we aim to resolve the majority of cases within these times.

- Target times for closing cases:
- Grade 1 - 16 weeks
- Grade 2 - 24 weeks
- Grade 3- 24 weeks

Cases can be re-opened at any time, but there must have been further, renewed incidences of nuisance for us to be able to do so.

11. Customers right to Appeal

If a resident is dissatisfied with our response to tackling ASB or objects to the enforcement action, we decide to take against them if they, a member of their household or a visitor to their home are found to be the perpetrator(s) of ASB; they can appeal against this by making a complaint via the Customer Feedback Policy.

12. Key Legislation

There is a range of relevant legislation that addresses different aspects of ASB. Much of the legislation gives powers to the Police and local authorities and we will work with them to maximise the tools available to tackle ASB on our estates:

- Housing Acts 1985, 1988 and 1996 – provides grounds for possession and seeking injunctions.
- The Crime and Disorder Act 1998 - enables the Police to impose charges for racially aggravated offences.
- Anti-terrorism Crime and Security Act 2001 - extended the scope of the Crime and Disorder Act by creating new specific religiously aggravated offences.
- Anti-social Behaviour Act 2003 – along with the Housing Acts provides guidance to social landlords to take action against residents causing nuisance in or around their property and estates.
- Racial and Religious Hatred Act 2006 - creates a new offence of stirring up hatred against people on religious grounds.
- ASB, Crime and Policing Act 2014 –introduced a mandatory ground for possession for ASB; introduced a new civil injunction, abolished the ASBO and introduced a range of other new powers such as the Community Trigger for the police, social landlords and local authorities to tackle ASB.

13. Compliance and Monitoring

Tuntum Housing Association Housing aims to comply with the expectations set out in the Home Office July 2014 statutory guidance for frontline professionals in relation to the 2014 ASB, Crime and Policing Act. This policy complies with the regulatory requirements of the social housing

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regulators Neighbourhood and Community Standard. Registered providers of social housing are required to work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes, and specifically to publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties.