

# Anti-Social Behaviour

## 1. Background

- Section 218A of the 1996 Housing Act requires landlords to prepare a policy and procedure on Anti-Social Behaviour (ASB)
- Section 12 of the Anti-Social Behaviour Act 2003 requires Registered Social Landlords to publish a statement of policy and procedures for dealing with anti-social behaviour.
- This policy also reflects the Anti-Social Behaviour, Crime and Policing Act 2014 and the associated statutory guidance.

In the context of Abbeyfield The Dales (ATD) service user group, most incidences of anti-social behaviour will be attributed to non-intentional acts or incidences caused by disability or frailty. These may include:

- Noise nuisance through unacceptably high volume from television sets as a result of hearing impairment etc.
- Walking into someone else's property leading to trespass due to confusion etc.

Where behaviour is attributed directly to such factors as disability or frailty, ATD will seek to address the problem through support and guidance, or in extreme cases through implementation of 'Moving On' in the Tenancy Management Policy.

However, from time to time incidences of ASB may take place under different circumstances, in which case the procedures accompanying this policy will operate and be recorded.

## 2. Objectives

ATD is committed to providing services that enhance the quality of life for older people and developing services that will meet the needs of future generations. This commitment is based on the Mission and Values of ATD. ATD will also comply with all relevant and current legislation.

The aim of this policy is:

- Protect victims, witnesses and the community;
- Enable the perpetrator to recognise the consequences of their behaviour;
- Make sure the perpetrator has access to support to help to change their behaviour;
- Put in place measures to prevent future repetition;
- Enable residents to live peacefully within their homes without unreasonable disturbance from others;
- Ensure that ATD adopts a consistent, fair and transparent approach in the way it deals with anti-social behaviour affecting any resident living within an ATD property; and
- Ensure that all such dealings are in compliance with regulatory requirements and have due regard to good practice.

## 3. Scope

- All established staff, agency staff and volunteers working for and in ATD Supported Houses and Independent Living Schemes.
- All ATD residents including leaseholders and shared owners.
- ATD may act to protect owner-occupiers or those in other sectors from our residents and equally, may take action against people in other tenures to protect our residents.

- Where ATD residents experience criminal activity, ATD will give advice on what action to take and any available additional support.

## 4. Policy

### 4.1. Definitions

For the purpose of this policy, 'ASB' is defined as any conduct which:

- Is capable of causing nuisance or annoyance to any person; and
- Directly or indirectly relates to or affects the housing management function of ATD as a landlord; or
- Consists of or involves using or threatening to use accommodation owned or managed by ATD for an unlawful purpose.

Examples of such behaviour might include:

- Noise nuisance (e.g. shouting, noise from television sets or music systems);
- Intimidation and harassment;
- Hate behaviour (e.g. racial harassment etc.);
- Environmental issues (e.g. hoarding, dog fouling, fly tipping etc.);
- Aggressive and or threatening language and behaviour;
- Actual violence against people or property; and/or
- Using accommodation to sell or use illegal drugs or for other unlawful purposes.

#### 4.1.1. Harassment

Harassment is defined as unwelcome comments (written or spoken) or conduct which violates an individual's dignity, and/or creates an intimidating, hostile, degrading, humiliating or offensive environment.

#### 4.1.2. Hate Crime

Hate Crime is taken to mean any crime in which the perpetrator's conduct is motivated, in whole or in part, by hatred, bias, or prejudice, based upon the actual or perceived race, colour, religion, national origin, gender, age, disability, sexual orientation, religion, faith or belief of another individual or group.

Hate Crime / Harassment can be categorised as follows:

- **Verbal** – name calling, swearing, spreading malicious rumours, or making offensive comments
- **Indirect** – Ignoring or excluding someone
- **Material** – when possessions are stolen or damaged or extortion takes place
- **Emotional/Psychological** – when intimidation is used or pressure to conform is applied i.e. pressure to participate in political/religious groups, personal beliefs or an intrusion by pestering
- **Physical** – when a physical assault is made or unwelcome sexual advances i.e. touching, standing too close, display of offensive material, innuendo, spying and stalking.

Many of the above examples meet the definition of 'elder abuse'. Any such action carried out by a person in a position of trust, against a resident will be dealt with under the ATD Safeguarding Vulnerable Adults Policy and if applicable, ATD Disciplinary procedures.

### 4.2. Responsibilities of Residents

All ATD residents have a responsibility to ensure that anti-social behaviour is minimised. This includes:

- Taking responsibility for their own behaviour and ensuring that they do not cause a nuisance to other residents;
- Taking responsibility for the behaviour of their visitors; and
- Reporting anti-social behaviour.

Many incidents of anti-social behaviour are caused unintentionally and may be minor in nature. In most cases we would expect residents to discuss any issues with other residents and seek to reach an accommodation before resorting to the formal ASB policy.

### **4.3. Commitment**

ATD will not tolerate anti-social behaviour (including harassment, hate crimes and domestic violence) that affects the quality of life of any resident or the management of the service for the benefit of all residents.

Residents are encouraged to report to their house staff any behaviour considered by them to be anti-social by any person, including other residents, neighbours and visitors.

ATD will investigate all such reports promptly, supporting residents throughout the process.

ATD will facilitate the resolution of reports of ASB through the provision of a range of mechanisms to support complainants. These may include, where appropriate:

- Risk assessments of home environment;
- Access to counselling services if required;
- The provision of temporary or alternative accommodation where appropriate;
- Witness support; and/or
- In house support.

### **4.4. Harassment & Hate Crime**

ATD will seek to:

- Eliminate unlawful discrimination and harassment;
- Promote good relations with people from minority groups;
- Maximise the reporting of incidents that are racially motivated;
- Support complainants and their families;
- Take action against perpetrators; and
- Where appropriate refer to and work in partnership with specialist agencies where the victim has been subject to racial or other specific harassment. This will be with the agreement of the victim.

#### **4.4.1. Domestic Violence**

ATD considers violence committed by a resident, against a resident, or by a family member or visitor within its accommodation to be ASB and will assist and support the victim in seeking remedies designed to deal with domestic violence, these may include:

- Non-molestation orders;
- Court injunctions;
- Moving the victim to alternative accommodation; and
- Referring the victim to specialist agencies providing support for the victims of domestic violence with the victim's consent.

### **4.5. Prevention of Anti-Social Behaviour**

Where appropriate, measures will be taken to prevent anti-social behaviour through the provision of:

- Mediation services; through partnership working with other specialist agencies;
- Community / care link alarm services providing out of hours emergency support;
- Housing related support;

- Developing links with the local community, other housing providers and partner organisations who have a role in managing anti-social behaviour;
- The provision of specialist training to staff in dealing with and preventing anti-social behaviour through dispute resolution etc.; and
- Provision of surveillance equipment such as noise recording or video equipment.

#### **4.6. Cross Tenure Issues**

ATD will co-operate on initiatives relating to cross-tenure approaches led by the Crime and Disorder Reduction Partnerships, multi-agency partnerships and will share information with other agencies or landlords where appropriate. Where a complaint arises about an ATD resident from an external source, the complaints policy will be followed having regard to the principles and approach set out in this policy.

#### **4.7. Working in Partnerships**

Where appropriate, ATD will work in partnerships with residents, local councils and the police around the enforcement of other powers contained within the Anti-Social Behaviour, Crime and Policing Act 2014. In most cases these will relate to activities that impact on residents where they are the victims of ASB. These include:

- Community triggers;
- Community remedies;
- Dispersal powers;
- Public spaces protection orders; and
- Closure powers.

#### **4.8. Monitoring Anti-Social Behaviour**

ATD will monitor ASB and the measures taken to address such behaviour. Monitoring will take place through the collection of information to be held centrally.

Records of complaints and incidences of ASB will be held centrally at ATD Head Office in Grove House, Ilkley and will be monitored to identify any specific trends and to evaluate the effectiveness of policy and procedures.

Key performance Indicators will include:

- The numbers of incidences of anti-social behaviour in any given 6-month period;
- The effectiveness of the policy and procedure in achieving a positive outcome for the complainant and / or victim (measured by the complainant / victim);
- The timescales in which the complaint was investigated; and
- The type of incidence reported.

#### **4.9. Protection & Training of Staff in Relation to Anti-Social Behaviour**

Staff and volunteers may from time to time be threatened, abused or harmed in the course of their normal duties or in tackling ASB issues. ATD will seek to protect staff and volunteers at all times through a robust risk assessment programme and training. Where staff recognise the potential for a situation escalating into a potentially harmful confrontation, they should in all cases seek further assistance. Staff should never knowingly put themselves at risk of harm.

Staff have a duty to attend all training that is provided to maximise their safety and security. ATD will seek to provide appropriate specialist training in conflict resolution and anti-social behaviour investigations.

## **5. Finance, Value for Money & Social Value**

While ASB has no direct procurement, activities associated with its operation other than the purchase of specialist legal advice in some circumstances, an effective ASB policy will ensure the efficient and effective use of the ATD's housing stock. It will also help to provide and maintain good quality housing for older people and add to the social value provided by ATD.

## **6. Supported Appendices**

The Resident Handbook

## **7. Linked Policies**

Tenancy management  
General Data Protection Regulations  
Confidentiality

## **8. Legislation/Regulation**

Anti-social Behaviour, Crime and Policing Act 2014  
Section 218A of the 1996 Housing Act  
Section 12 of the Anti-social Behaviour Act 2003

## **9. Review**

Every 3 years, subject to any regulatory or legislative updates.

## **10. Procedure/Guidance**

### **10.1. What a Resident Should do if they Experience Anti-Social Behaviour**

- Residents should in the first instance bring the problem to the attention of the staff; Wherever possible a report should be made in writing, staff will assist residents if required;
- In the event that a resident does not feel able to approach staff, they should report the anti-social behaviour to the Manager or a Senior Manager if the issue relates to the manager. This can be done in writing, phone or email; and
- If the complaint is of an urgent nature and staff are unavailable, the resident should make contact with the house emergency contact (often Careline).

### **10.2. Investigation & Support**

- ATD will respond verbally within 48 hours;
- ATD will confirm the discussion in writing within 5 working days, outlining how they will deal with the complaint and naming a member of staff who will act as a liaison officer and support where necessary during the investigation and any subsequent proceedings.
- Residents will be kept informed of any developments;
- Residents reporting ASB may retain their anonymity throughout the investigation and any subsequent hearing if they so choose;
- In the event of either mediation or legal action being required, ATD will discuss and plan every stage of the process with the complainant;
- In the event of a complaint leading to a court action, the complainant will be fully supported by ATD; and
- Assistance with transport, escort, meals etc. will be provided by ATD.

#### **10.2.1. Assessing Potential Actions**

When aggression or threatening behaviour is reported:

- A Risk Assessment will be undertaken to identify whether actions are needed to protect the resident;
- Actions may include the installation of new locks, panic button etc or in extreme circumstances, alternative accommodation; and
- In most cases, complaints of anti-social behaviour will be dealt with through negotiation with the perpetrator. When this is not possible, there are several other courses that may need to be taken, which may include:
  - Mediation;
  - Criminal Behaviour Orders (in partnership);
  - Community Protection Notices;
  - Civil Injunctions;
  - Possession proceedings including the use of the absolute ground for possession where anti-social behaviour or criminality has been proved by another court; and/or
  - Any other legal action which could be taken with the support of the police or local authority (e.g. Environmental Protection Act (1990) or criminal prosecution.

### **10.3. Support & Rehabilitation of Perpetrators and Vulnerable Groups**

In considering the most effective options for the protection of residents, ATD will also consider positive impacts that support may have on perpetrators.

ATD will consider working in partnership with other agencies and/or family and friends to support the perpetrator, in particular where the ASB is as a result either directly or indirectly of one or more of the following factors:

- Drug use or abuse (Drug Abuse Services);
- Alcohol use or abuse (Alcohol Abuse Services);
- Mental health (Mental Health Services); and
- Disability (Community & Health Care Services).

If the anti-social behaviour persists, despite support, ATD will consider the use of the 'Tenancy Management Policy – Moving On' to ensure that the individual is more appropriately accommodated.

### **10.4. Closing Cases**

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);
- ATD are unable to get sufficient evidence in order to take any action or if a complainant withdraws their complaint, we may close the case; or
- ATD will consult with the complainant beforehand and explain our reasons for closing the case. ATD will listen to any reasons given as to why ATD should not close the case.

In some cases, ATD will continue to monitor the situation and will keep in contact with the resident should they wish to pursue action in future. In other cases, where ATD have sufficient evidence, ATD 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 ATD again should the problems occur again in the future.

## **10.5. Data Protection & Data Exchange**

- To enable an efficient response to ASB, robust methods of sharing information between both statutory and non-statutory agencies is required. Responsibilities under General Data Protection Regulations should not be a barrier to sharing information;
- Permission/consent will be sought from the appropriate parties to obtain information; and
- Where permission/consent is not forthcoming, a decision as to the appropriate action to be taken will be taken by a Senior Manager, who may decide that the complaint must be taken as founded in the absence of mitigating circumstances.

ATD may participate from time to time in campaigns to highlight the issue of ASB or to reassure residents of measures of success in tackling ASB. Information which may identify any party in respect of ASB will not be used without prior written consent of the party involved.

## **10.6. Confidentiality**

Complainants and victims of ASB may be concerned that a complaint could lead to retaliation on the part of the perpetrator.

Whilst it is inevitably helpful for victims and complainants to be present and able to provide statements at any subsequent hearing, it is recognised that this is not always in the best interests of the party concerned. ATD will therefore retain the confidentiality of all complainants and victims in relation to any complaint unless authorised to do otherwise by the individual.