

ANTI-SOCIAL BEHAVIOUR POLICY

(April 2008)

OBJECTIVES OF THIS POLICY

The objectives of this policy are to set out how WHHC Housing Co-operative will:

- make a commitment to tackling all forms of anti-social behaviour, and to ensuring that our tenants and other residents are able to enjoy peace, quiet and security in and around their homes
- take positive action, in partnership with others, to deal with anti-social behaviour
- work with our members and others to define acceptable standards of behaviour within our community
- aim to support Y Council and other neighbourhood based strategies for tackling anti-social behaviour
- seek to develop a sense of community, mutual respect and support throughout our membership and within the local community.

1 Introduction

WHHC recognises that, left unchallenged, anti-social behaviour can have a significant negative impact on the lives of our members and the community. WHHC will therefore seek to both take timely and co-ordinated responses to incidents of anti-social behaviour and will take a pro-active approach to preventing anti-social behaviour occurring in the first place.

A comprehensive range of measures will be used to combat anti-social behaviour, as set out in section 4 of this policy. The measures, which include speedy responses in serious cases, are incremental in nature. Every effort will be made to bring about real changes and improvements in behaviour to ensure that further action is not required.

WHHC also recognises:

- that anti-social behaviour may affect our members, other people living with or visiting our members, and other residents in neighbouring areas to our homes
- the rights of individuals to a fair hearing and that there should be a presumption of innocence until the facts about any complaint of anti-social behaviour have been established
- that everyone has a right to enjoy their own lifestyle but only where this does not interfere with the rights and quality of life of other residents

- the need to ensure that all members and residents are treated fairly, consistently and equitably and to take into account any particular needs of a member or resident from a disadvantaged background

In tackling anti-social behaviour, WHHC will ensure that it complies with all appropriate legislation and regulations. For example, where appropriate, we will make use of the powers made available to us, or to other partner organisations who may be able to assist us in tackling anti-social behaviour, through:

- Local Government Act 1972
- Housing Act 1985 (as amended)
- Housing Act 1996 (as amended)
- Crime and Disorder Act 1998
- Police Reform Act 2002
- Anti-Social Behaviour Act 2003

2 What do we define as anti-social behaviour?

WHHC defines anti-social behaviour as conduct which is capable of causing a nuisance or annoyance to any person, which directly or indirectly relates to or affects our operations, and using or threatening to use our homes for an unlawful purpose.

This means that we will not tolerate any action or omission, deliberate or otherwise, which interferes with another person's peace, quiet or security. Examples of anti-social behaviour can include, but are not limited to:

- **any kind of criminal behaviour**, including sale or misuse of drugs, handling stolen goods, criminal damage, arrestable offences, such as burglary, theft, or assault
- **harassment**, including violence or threats of violence to other members and residents, to the co-op's staff, agents and contractors or to any other person; abusive or insulting words or behaviour; damage or threats of damage to property belonging to another person including damage to any part of a person's home; writing threatening, abusive or insulting graffiti; or any act of omission calculated to interfere with the peace or comfort of any other person or to inconvenience such a person
- **graffiti and vandalism**
- **damaging or threatening to damage another persons possessions or property**

- **racial harassment and/or other hate related behaviour** – any type of behaviour or action, including those listed above, that is carried out against another person on the grounds of race, religion, gender, sexual orientation, disability, social class or age. All such cases will be treated as serious and dealt with accordingly
- **alcohol abuse and drunken behaviour**
- **nuisance from pets and animals**, including fouling, noise from animals (including dogs barking), excessive odours from animals, keeping dangerous or unsuitable animals, using animals to intimidate or harass people, lack of control and supervision of animals
- **noise**, including loud music, shouting or arguing, door slamming, parties
- **dumping rubbish, fly tipping and littering**
- **misuse of communal areas**, including dumping rubbish or playing in unsuitable areas
- **problems caused by vehicles**, including abandoned vehicles, inappropriate or illegal parking, carrying out vehicle repairs inappropriate to the local neighbourhood, excessive noise from vehicles (eg. car alarms)
- **any breaches of tenancy conditions**, including untidy and unkempt gardens, failure to maintain the home, damage to the home
- **disputes between neighbours**
- **domestic disputes and domestic violence**

WHHC recognises that some cases of anti-social behaviour (eg. possibly some noise related cases) relate to defining acceptable levels of tolerance in a particular area, and that such cases may require dialogue and negotiation between affected parties. However, other cases (eg. particularly criminal behaviour and harassment) may require stronger action. X HC will use appropriate levels of action to deal with all reported cases of anti-social behaviour.

WHHC expects all its members to display acceptable standards of behaviour at all times. In particular, WHHC:

- expects its tenants to fully comply with the conditions set out in their tenancy agreement, particularly relating to anti-social behaviour, nuisance and harassment
- expects its tenants to take responsibility for the behaviour and actions of their family members, relatives and visitors to their property.

3 How will we deal with reports of anti-social behaviour?

WHHC will encourage its members and local residents who are suffering from any kind of anti-social behaviour to report the problem to us as soon as possible, in person, by telephone, in writing, or through a third party (eg. a Councillor, friend or relative) to any WHHC committee member, to a member of staff or to WHHC's agents.

Complaints may also be made anonymously, but this may restrict the amount of investigation and action we can undertake and will not allow us to provide the complainant with information and support. Where complainants give us their names and addresses, these will not be revealed to any other party without the consent of the complainant.

We will usually keep any information given to us confidential unless the person who has given us the information agrees that we can share the information with particular other agencies. However, in some cases, there may be legal reasons why we are obliged to pass on information.

Where information is given to other agencies, we will ensure that the information is accurate, relevant and sufficient for the purpose for which is needed, and that it will be kept securely and for no longer than necessary.

On receipt of an anti-social behaviour complaint, we will:

- record the complaint
- allocate a named committee member, a named member of staff, or a named member of staff of the co-op's agents to work on the case. Complainants may request that their case is only dealt with by either a co-op committee member or by a member of staff, but in all cases, co-op committee members will need to be in a position where they can seek advice from members of staff, and all cases will need to be reported, anonymously if necessary, to the co-op's management committee
- ensure that we acknowledge the complaint formally within 5 working days, and inform the complainant of who has been detailed to work on the case and how they can contact them

- develop an initial action plan, in consultation with the complainant, to investigate the problem
- investigate, as far as possible, every complaint, even if reported anonymously. We will endeavour to investigate every complaint within 5 working days
- take timely, effective and consistent action to tackle the problems by using the range of measures available to us
- report back to the complainant, where possible, within 10 working days of the complaint being made
- provide regular reports to the complainant on the progress of persistent cases
- provide ongoing support to any witnesses, throughout the process and after that if necessary
- where appropriate, use professional witnesses
- give consideration to and, where possible, address issues of vulnerability of both witnesses and perpetrators
- always seek to challenge the behaviour and bring about real changes by using a variety of intervention, prevention and rehabilitation, where appropriate in partnership with other agencies
- where the anti-social behaviour is being committed by anyone under the age of 18, we will always seek to engage with and involve the parents/guardians of the young person
- seek to make appropriate referrals to appropriate agencies for further support/action
- where appropriate, share information with other agencies (eg. the Police) for the purposes of prevention and detection of crime

4 What measures will we use to tackle anti-social behaviour?

WHHC will use a variety of measures to tackle anti-social behaviour. Actions taken will be incremental in nature, with the emphasis being on bringing about real changes and improvements in behaviour of those who commit anti-social behaviour. If anti-social behaviour persists, WHHC will have no hesitation in taking further appropriate action.

In conjunction with other agencies, the measures that we might seek to use to tackle anti-social behaviour could include:

- approaching the perpetrator and discussing the problem behaviour – wherever possible, WHHC will seek to resolve issues of anti-social behaviour through dialogue prior to resorting to more stringent methods
- providing mediation between different parties if the anti-social behaviour problem can best be solved through this method
- warning letters
- formal warnings and cautions

- acceptable behaviour contracts (where the parties concerned sign up to an agreed set of behaviours/actions)
- parental control orders
- parenting orders
- Environmental Health action for statutory nuisance (eg. noise abatement notices)
- injunctions issued by courts to prevent particular behaviour
- anti-social behaviour orders issued by courts
- possession proceedings where there has been a breach of tenancy agreement
- dispersal orders (via the Police)
- closure of premises orders (via the Police and/or Environmental Health)

5 How will we support complainants and witnesses

WHHC is aware that making a complaint about anti-social behaviour may cause considerable concern. Complainants will be able to discuss their concerns and what support may be available to them with the person allocated to deal with the case.

Complainants are not generally expected to act as a witness, as most cases of anti-social behaviour are resolved without formal action. However, in some more serious cases of anti-social behaviour where more formal action is required, the case may be greatly assisted by complainants being prepared to act as witnesses to the action concerned. WHHC recognises that acting as a witness in an anti-social behaviour case may cause considerable anxiety and stress, and we are committed to doing all we can to support, reassure and protect complainants that are prepared to act as witnesses.

The level of support given will be tailored to meet the needs of the particular individual and the circumstances of the case. As a minimum standard, we will maintain regular contact with witnesses, keeping them as fully informed as possible throughout the process. Other support may include:

- providing additional security measures to the home
- arranging interpreters for people for whom English is not their first language
- explaining each stage of the process in detail to witnesses
- providing support before, during and after court action which may include arranging pre-case court visits, arranging transport to and from court, maintaining contact after a court hearing
- using professional witnesses to give evidence on behalf of witnesses
- using professional witnesses to gather additional evidence to support a case
- liaising with Victim Support and other relevant agencies to provide additional support and/or counselling

- in extreme circumstances considering moving witnesses, either temporarily or permanently, for their protection

6 How can we prevent anti-social behaviour?

Wherever possible, WHHC will take pro-active steps to prevent anti-social behaviour occurring. The following is an inexhaustive list of actions we might take:

- developing a sense of community within WHHC to ensure that all members feel a sense of mutual support and respect for each other
- promoting acceptable behaviour and educating all members of the community on anti-social behaviour, its impact on others, tolerance levels etc.
- regularly inspecting properties and removing graffiti, dumped rubbish and abandoned vehicles as quickly as possible
- engaging, where appropriate, with the Y Crime and Disorder Reduction Partnership
- making referrals to other agencies for intervention and support where appropriate
- working with community mental health teams and social services to support members experiencing mental health difficulties
- sharing information with the Police and other agencies for the purposes of prevention and detection of crime and disorder (the identity of the person who supplied any information will remain confidential, unless we have their permission to reveal it)

7 How will we deal with racial or other harassment?

WHHC's tenancy agreement listed racial or other forms of harassment as ground for legal action to be taken against members. We will treat all racist and other hate related incidents very seriously and will take prompt and effective action against harassment wherever possible. We will consider an incident to be racist where the victim of the incident or any other person perceives the incident to be racist.

We will deal with such incidents by:

- responding quickly and effectively in all cases
- ensuring that the perpetrators are identified wherever possible and action taken
- ensuring that our members are aware of our policies in this area and feel able to report incidents

- ensuring that we have access to staff who are trained to deal with harassment and to be able to distinguish between general neighbour disputes and harassment

WHHC will also act quickly to remove racist or offensive graffiti, wherever possible within 24 hours.

8 How will we protect officers working on behalf of the co-op?

WHHC will not tolerate verbal or physical abuse against its volunteer members, its members of staff, agents or contractors working on behalf of the co-op. We will take appropriate action to deal with abuse of this nature, using warning letters, injunctions (with the power of arrest if appropriate) and other forms of legal action to protect members, agents and contractors from anti-social behaviour, graffiti, criminal damage, harassment, threats and verbal or physical assault.

9 Training on anti-social behaviour

WHHC will ensure that its members dealing with anti-social behaviour and agents acting on its behalf have received proper training to be able to deal with anti-social behaviour issues.

In particular, WHHC will ensure that those tackling anti-social behaviour on behalf of the co-op:

- are aware of issues surrounding anti-social behaviour, including the legislation and the powers available to tackle anti-social behaviour
- understand the importance of dealing with problems quickly
- are able to record details of incidents fully and accurately
- understand the need to ensure appropriate dialogue between X HC's committee and its agents in relation to anti-social behaviour
- are able to provide the complainant with practical information, advice and support
- are aware of the need to treat the complaint confidentially and sensitively
- understand and are sensitive to diversity issues

10 How will we review this policy?

This policy will be reviewed on an annual basis and may be revised accordingly.

