

SECTION 3.14 ANTI-SOCIAL AND ILLEGAL BEHAVIOUR POLICY AND PROCEDURE

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1.0 Introduction

- 1.1 Southdown Housing Association provides services to people who are vulnerable and need support to develop self-confidence and skills to become more independent and meet their wider social responsibilities. Southdown provides services to individuals who, as a result of their individual support needs, may sometimes demonstrate challenging or disruptive behaviour. We recognise that some individuals and/or families may need support to help them to work with us to change their behaviour so that it becomes acceptable.
- 1.2 Southdown is committed to protecting tenants and clients by preventing anti-social behaviour (ASB) from taking place in the first place. Where this behaviour does occur, Southdown is committed to responding to anti-social behaviour quickly, effectively and comprehensively.

2.0 Purpose of Policy and Procedure

- 2.1 To ensure that all tenants, including neighbours of Southdown properties, enjoy their right to peace, quiet and security in their homes.
- 2.2 To ensure that swift action is taken in relation to issues of antisocial or illegal behaviour, making recourse to legal remedies as required.
- 2.3 To ensure that Southdown appropriately respond to reports of anti social behaviour and that responses are proportionate and meet the requirements of the Anti Social Behaviour, Crime and Policing Act 2014 and Article 8 of the European Convention on Human Rights.
- 2.4 To clarify Southdown's range of responses to ASB in order to safeguard the tenant's rights and, as an organisation, act fairly and transparently in responding to reports of behaviour that is affecting other tenants or staff.
- 2.5 To ensure that those experiencing ASB are supported to report their concerns and that due consideration is given to the associated risks posed to victims of ASB.

3.0 Policy Statement

- 3.1 Southdown has a responsibility to ensure that it provides an environment that is safe and free from harassment, nuisance and illegal behaviour. This responsibility extends not just to Southdown's own tenants but to the wider community within which its tenancies are located.
- 3.2 As a responsible supported Landlord, Southdown undertakes to uphold the rights and responsibilities of tenants, staff and neighbours. Southdown's approach to dealing with ASB aims to ensure a balanced intervention of both a robust housing management approach and effective support interventions; reinforcing the responsibilities of the tenancy and continuing to provide support in an attempt to ensure that the tenant is able to understand and meet these responsibilities.
- 3.3 Southdown aims to work alongside other agencies involved in the reduction of anti social and illegal behaviour. To achieve this Southdown will engage with local community initiatives around Crime and Disorder Reduction and aim to incorporate guidance from them in its practice.
- 3.4 Southdown is committed to providing appropriate support to victims and witnesses of ASB and recognises the part witnesses play in legal proceedings and securing possession where all other attempts to resolve the antisocial behaviour have not worked.
- 3.5 Southdown will help victims and witnesses by making it clear how ASB can be reported, by offering a range of interventions into the ASB itself and, where possible, feeding back to victims how the behaviour is being dealt with.
- 3.6 Southdown will develop procedures and good practice guidelines for dealing with antisocial and illegal behaviour. All staff involved in dealing with ASB will be trained to deal with issues of antisocial or illegal behaviour, including working with people who misuse drugs or alcohol.
- 3.7 This policy is not prescriptive and does not operate to the exclusion of an individual's legal rights. These procedures are only one way in which a matter of harassment or nuisance may be resolved. Individuals concerned may decide to take legal action at any point.
- 3.8 Southdown is committed to promoting diversity and inclusion and sees this policy as part of its commitment to challenge discrimination.

4.0 Definitions

Southdown defines anti-social behaviour as behaviour which:

- is capable of causing nuisance or annoyance to any person; and
- directly or indirectly relates to or affects the housing management functions of a relevant landlord; or
- consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose

Examples of such behaviour include:

- Noise nuisance
- Intimidation and harassment
- Aggressive and threatening language and behaviour
- Actual violence against people and property (including domestic violence)
- Hate behaviour that targets members of identified groups because of their perceived differences
- Using housing accommodation to sell drugs, or for other unlawful purposes
- Uncontrolled pets

These examples may relate to the Southdown tenant or to the actions of the tenant's visitors or guests.

5.0 Procedure

5.1 Prevention

Prior to issuing a tenancy Southdown staff will complete a thorough assessment of needs and risks, to ensure that all prospective tenants will be able to manage a tenancy and benefit from the level of support offered.

Southdown's approach will be that of aiming to prevent anti-social behaviour through:

- publicising acceptable standards of behaviour,
- action/support planning and review,
- increased levels of support to potential victims and perpetrators,
- referral to specialist agencies or programmes e.g. anger management courses,

- early intervention by Southdown staff or other mediation services where appropriate

Where appropriate Southdown will work alongside other landlords and the police to combat ASB.

In extreme cases Southdown will look to seek possession of tenancies where ASB is occurring.

5.2 Providing Information to Tenants

Southdown will provide each tenant with a tenancy agreement, which defines his or her rights and responsibilities, along with a Pre-Tenancy Agreement which gives further details of these responsibilities including making reference to any specific points arising out of the initial assessment.

Southdown tenancies specifically prohibit the causing of nuisance or harassment or using the premises for any form of business which would cause nuisance or annoyance. Southdown's tenancies make it clear that a tenant is responsible for the actions of their visitors.

Southdown provides all tenants with a tenant's handbook which includes a leaflet on ASB. Southdown will widely publicise its commitment to eradicating anti social and illegal behaviour.

5.3 Reporting of ASB, Evidence and Information Gathering

Southdown will always investigate complaints of ASB where it is reported, or otherwise identified. For Southdown to successfully act in cases where anti-social behaviour has been reported, good quality evidence and information is essential; both in order to demonstrate that it is acting proportionally in cases of ASB and in order to secure possession in cases where possession proceedings are contested.

It is important to record all contact with the tenant or alleged perpetrator including any unsuccessful attempts to meet or resolve.

Neighbours or other witnesses to the behaviour or its effects should be encouraged to complete nuisance logs and where possible be asked if they would be prepared to stand as a witness. Nuisance Logs should usually detail what the ASB was, the time and place this occurred and the affect this had on the person recording the ASB.

Southdown will work in partnership with the Police, Local Authority ASB Officers, Community Safety Partnership Teams, Environmental Health Officers etc in relation to any disruptive or illegal activities.

Southdown is committed to maintaining the confidentiality of its tenants. Southdown will accept information on the basis that this is not disclosed to the alleged perpetrator, however it will be made clear that it is unlikely that any action can be taken without an identified complainant. Southdown will also inform the police or follow the safeguarding children/vulnerable adults procedure where this is deemed to be necessary.

5.4 Effective Action

Southdown will endeavour to exhaust other viable remedies in an attempt to resolve ASB before initiating possession proceedings. This does not, however, override Southdown's legal responsibilities to inform or involve the police where we are alerted to or witness criminal activity.

Upon being alerted to ASB, the tenant should be contacted at the earliest opportunity with regard to the allegations or evidence of ASB reported or observed by other tenants. Tenants are to be informed as to the nature of the allegations and the specific behaviour identified as antisocial.

If appropriate to the case, mediation may be suggested to the neighbour or tenant reporting the nuisance ASB. Southdown Housing Officers are able to provide this themselves or fund externally provided mediation.

Should dialogue, mediation and other attempts to engage the perpetrator fail, Southdown will consider a range of measures available in order to ensure that ASB does not persist. The options available to Southdown include:

- Formal warning letters to the perpetrator(s)
- Acceptable Behaviour Contracts
- Notice Seeking Possession
- Notice Requiring Possession
- Anti Social Behaviour Injunctions
- Exclusion Orders
- Prosecutions for criminal damage

Where all efforts to resolve the issues through support have not proved effective then Southdown will take legal action against the perpetrator which could involve them losing their home.

5.5 Support to Victims of ASB

Southdown is committed to supporting the victims of any ASB or hate crimes and will work with its own support services and specialist agencies, (e.g. Victim Support, HomeWorks), to ensure that consideration is provided to the ongoing risks associated to victims of ASB and to ensure that appropriate practical and emotional support is available.

Where there are cases of ASB then Southdown will offer extra support to victims and witnesses and may also provide transfers. All instances of property damage caused as a result of anti-social behaviour, including graffiti, will be dealt with as an emergency.

Southdown will ensure that all reports of ASB are taken seriously, and that cases are followed through and the complainant is kept informed of progress.

Southdown recognises the problems which victims and witnesses may face in reporting ASB. Those affected by ASB will be supported at all stages to record and combat such behaviour and ensure that any risk proposed are minimised. This may involve extra support, possible transfers and liaison with other specialist agencies, including the police.

Southdown will encourage and support victims of racially aggravated crimes to report them as such.

5.6 Support to Alleged Perpetrators of ASB

Southdown's initial aim in dealing with ASB is to help the perpetrator change their behaviour and will put every effort into achieving this through its own support systems as well as through referral to other specialist agencies.

As a special needs provider Southdown is aware of the problems of displacement of ASB and ideally aims to resolve the problems rather than just remove the perpetrator. Southdown will always make attempts to resolve problems of ASB through offering increased or alternative methods of support to both victims and perpetrators. This may be done in parallel with other forms of intervention.

5.7 Working in partnership with other agencies

Southdown will work with other agencies such as local Crime and Disorder Reduction Partnership, Community Safety Partnerships etc to tackle instances of ASB, sharing information with them where criminal activity is suspected. This is particularly relevant where a number of tenants, possibly with different landlords are suffering from harassment.

Southdown will work with all relevant specialist support agencies to ensure access to specialist help is available for perpetrators e.g. substance misuse services. Southdown will also work in partnership with other agencies offering support to victims of ASB, including agencies offering culturally specific support. Southdown is a signatory to the Sussex Information Sharing protocol of the local Crime and Disorder Reduction Partnerships. Southdown will only share information with a tenant's consent or where it suspects that criminal activity is taking place.

5.8 Effective Legal Action

Where the Housing Officer feels it appropriate to serve a Notice of Seeking Possession they should assemble a Legal Case File, drawing together the evidence of ASB, a Disability Considerations Form and seek the consent of the Housing Manager and Head of Housing in order to proceed with legal action. If the Housing Officer is seeking an Outright Possession Order this will also require the agreement of a Director prior to applying to court.

A Notice Seeking Possession should be considered in cases where there is a serious breach of tenancy, or where previous warnings or interventions relating to nuisance or ASB have not proven to be effective.

If issuing a Notice Requiring Possession, in order to mitigate against any potential appeal in relation to 'Proportionality', it is advisable to issue a short (maximum 2 sides) supporting statement with the Notice served.

The supporting Statement should include:

- A brief overview of the ASB identified
- Evidence of Southdown's attempts to resolve the ASB prior to serving notice
- An overview of the decision making process that has led to the service of notice: internal review and sign-off, completion of a Disability Considerations form, offers to formally appeal the decision

to issue possession proceedings the and outcome of any such appeal.

5.9 Publicity

Where an issue of anti social behaviour comes to the attention of the wider public or the media then those involved will have regard to the Media Contact and Crisis PR Management policies.

6.0 Monitoring and Review

Southdown carries out an annual review of all complaints, including those of anti-social behaviour, in order to check that appropriate action was taken, and to check for any learning opportunities. Additionally, Southdown issues a biannual tenant survey on which it asks current tenants to provide feedback on how safe they feel at their home.

Southdown will review the effectiveness of its procedures in dealing with anti-social behaviour and will learn from best practice acknowledged by umbrella organisations such as the National Housing Federation.

An Annual Report to Tenants will be prepared and issued to tenants alongside Southdown's estimate about how it is performing in relation to managing ASB.

This policy will be reviewed on an annual basis.

Links to other policies and procedures;

- [4.04 Safeguarding Vulnerable Adults](#)
- [3.09 Possession and Eviction](#)
- [3.13 Move on and Transfers](#)
- [6.02 Recording and Reporting](#)
- [6.04 Risk Management](#)
- [6.10 Confidentiality in Community Services](#)
- [6.11 Development Planning](#)
- [7.01 Crisis PR Management](#)
- [7.02 Media Contact](#)