

Anti-Social Behaviour Policy

Version Control					
Version	Date drafted	Date approved	Approved by	Next review date	Owner
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1. Introduction

- 1.1 Westmoreland Supported Housing Limited (WSHL) is a registered provider of social housing and is required by section 218A of the Housing Act 1996 to publish policies and procedures for dealing with Anti-Social Behaviour. This document sets out our policy.
- 1.2 We provide specialised supported housing working with Care Providers to deliver support for vulnerable adults with complex learning and physical disabilities and those with mental health problems enabling them to live independently often as an alternative to a care home.
- 1.3 The nature of our supported housing means that we can be providing housing for residents with challenging behaviour, which could be identified as anti-social. We are mindful of the need to maintain a balance between encouraging and supporting people to live independent lives with our need to ensure other residents and neighbours can have quiet enjoyment of their homes.
- 1.4 Nuisance and Anti-Social Behaviour covers a range of behaviours from low-level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their home and/or community. We are committed to tackling nuisance and Anti-Social Behaviour where it impacts on the lives of our residents or customers in the communities that we work.

2. Legal and Regulatory responsibilities

- 2.1 WSHL's approach to dealing with nuisance and Anti-Social Behaviour will meet the requirements of Regulator for Social Housing Neighbourhood and Community Standard which requires Registered providers to work in partnership with other agencies to prevent and tackle Anti-Social Behaviour in the neighbourhoods where they own homes.
- 2.2 Other relevant legislation includes, but is not limited to:
 - Housing Act 1988

- Civil Evidence Act 1995
- Crime and Disorder Act 1998
- Housing Act 1996
- Anti-Social Behaviour Act 2003
- Equality Act 2010
- Anti-Social Behaviour, Crime and Policing Act 2014
- Data Protection Act 2018

Relevant legislation is all that legislation either by way of Common Law, Act of Parliament or Statutory Instrument which relates to this policy. and is in force at the relevant date.

Definitions

2.3 **Anti-Social Behaviour** - the ASB, Crime and Policing Act 2014 defines it as:

- Conduct that has caused, or is likely to cause harassment, alarm or distress to any person.
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- Conduct capable of causing housing related nuisance or annoyance to any person.

2.4 **Housing related nuisance** –behaviour that directly or indirectly affects our ability to manage our housing. Examples include (but are not limited to):

- Harassment
- Loud music
- Violence, threats of violence or abusive behaviour
- Damaging property
- Criminal activity
- Abuse of staff
- Hate behaviour that targets members of identified groups because of their perceived differences (see below)
- Domestic abuse
- Animal nuisance

3. Our approach

- 3.1 We will not tolerate Anti-Social Behaviour directed towards our customers, their visitors or any others engaged in a lawful activity in the locality of our homes, including our colleagues, contractors and others acting on our behalf. Our aim is to achieve a balance between prevention, enforcement and support.
- 3.2 We will use a range of ways to resolve Anti-Social Behaviour, including:
- Early intervention and prevention to resolve the problem as quickly as is possible and consider mediation, if appropriate, early in the process
 - The full range of non-legal and legal tools available
 - Partnership working where appropriate.
- 3.3 In appropriate cases where we cannot take action we will:
- Offer mediation.
 - Provide information on other agencies that may be able to help.
 - Liaise with partner agencies, to see if they can assist.

4. Preventing Anti-Social Behaviour

- 4.1 We are clear about the standard of behaviour that we expect from customers before they sign an occupancy agreement with us: whether unintentional or deliberate, they must not commit, or allow their household or visitors to cause a nuisance or annoyance to other residents, people in the neighbourhood, or our staff or contractors. This requirement will be drawn to the tenants' attention when the agreement is signed.
- 4.2 We understand the alarm and distress that ASB can have on individuals and communities and as such are committed to preventing it from occurring in the first place. We aim to prevent ASB by:
- Recognising the importance of allocating the right home to someone who is in need of support.
 - Working with the Care Provider and where appropriate the Local Authority and appointees to make sure the right care is in place.
 - Meeting regularly with Care Providers to identify any issues with the tenancy or the property and responding to these promptly where necessary e.g., dealing with repairs that may compromise the security of a building
 - Refusing referrals for housing where we believe the person poses a significant risk to the safety and welfare of other occupants or staff.
 - Letting residents know how when we successfully deal with ASB so that they can understand our commitment to tackling it.

5. Dealing with reports of Anti-Social Behaviour

Responding to reports

- 5.1 Nuisance and ASB cover a variety of activities that impact individuals differently and a wide range of responses are required to tackle it effectively. We balance enforcement action and intervention with support for residents who request help sustaining their tenancy. We will work closely with the Care Providers in dealing with all reports of nuisance and Anti-Social Behaviour.
- 5.2 On receiving a report of ASB, we will contact the complainant within 2 working days and offer to visit them or meet with them remotely within 5 working days. Our initial response is to work with the Care Provider and investigate and monitor any risk. If a crime has been committed, we advise the complainant to contact the police.
- 5.3 In determining the seriousness of the ASB and what the proportionate action for resolving it would be, we consider the nature of the ASB, the frequency of incidents and the impact that the behaviour is having on the complainant, other people that they may be sharing their home with and the wider community. Being clear and realistic about potential outcomes and the timescales involved, we then develop an action plan with the complainant considering the range of actions available and provide them with information on other agencies who might be able to offer additional support.
- 5.4 On some occasions, the alleged perpetrator may report an incident involving the complainant. We adopt the same approach when responding to allegations about a complainant.
- 5.5 In some instances, we may receive reports of certain behaviours as 'harassment or behaviour capable of causing a nuisance or annoyance' that may not be considered to be a nuisance as far as the law is concerned such as complaints about other people having lifestyles that offend others, for example who people socialise with, how people dress, what they do in their own homes. Unless it is a breach of tenancy, we will not deal with such reports as ASB but will refer to our Neighbour Disputes policy.

Early intervention

- 5.6 Except in very serious cases, the aim of our initial intervention is to stop the problem behaviour. The intervention we use varies according to the nature of the ASB and is likely to be done in conjunction with the Care Provider. Early intervention tools include meditation, warnings and acceptable behaviour contracts.

Support

- 5.7 There are many factors that could influence a person's behaviour in ways that could lead some to perceive it as anti-social. Where the alleged perpetrator's vulnerability is related to reported incidents, we will work with the Care Provider to help them sustain their tenancy, or if appropriate facilitate a move to a more appropriate property.

Enforcement action

- 5.8 We will consider legal action where there is sufficient evidence of a tenancy breach and early intervention has been unsuccessful or inappropriate. Eviction is only considered either in exceptional circumstances or where all other interventions have failed. As appropriate, we make use of legal notices, injunctions and possession proceedings. We will support witnesses through the process and work with our partners to get a successful result. We will always ensure the Care Provider is aware of our intended course of action.

6. Multi-Agency Partnership Working

- 6.1 We recognise that alone we may not be able to resolve ASB and will adopt a multi-agency approach to preventing and tackling ASB. We will work closely with our Care Providers and the Local Authority and will offer the police and the local authority support when they are able to take action.
- 6.2 As appropriate we will work in partnership with agencies at both the strategic level (for example on Crime and Disorder reduction partnerships) and at operational levels (for example with local police). We will co-operate fully with the Community Trigger process to help resolve cases of ASB.

7. Closing cases

- 7.1. Where a report of ASB has been investigated, we draw it to a close. 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). Alternatively, it could be closed where we are unable to gather sufficient evidence in order to take any action. We will consult the complainant before proposing to close a case and explain our reasons for doing so. We will listen to any reasons they give us as to why the case should not be closed.

8. Monitoring and Review

- 8.1 We will record all incidents of ASB and monitor performance against this policy. We will create KPIs that will monitor response times, outcomes and customer satisfaction.
- 8.2 The Operations Director will report on ASB performance to the board 6 monthly.

8.3 This policy will be reviewed every 3 years.
