



STATEMENT OF POLICIES

ANTI SOCIAL BEHAVIOUR

1 **INTRODUCTION**

The Anti-Social Behaviour Act 2003, which amended the 1996 Housing Act, requires the Association to publish a statement of our policies and procedures on Anti-Social Behaviour. This document in addition to fulfilling our legal requirement, demonstrates clearly our approach to anti-social behaviour. It sets out how and with which agencies we will work to prevent, limit and tackle anti-social behaviour.

Copies of these documents along with a summary of both are available by contacting any Cosmopolitan Office.

This document is also available in large print, translation, Braille and on audiotape on request.

2 **CONTEXT**

During 2004 the Association carried out a Best Value Review to examine how it deals with Anti-Social Behaviour. In addition to examining the policies and procedures used by other Registered Social Landlords, consultation took place with residents as part of the Association's STATUS survey. Consideration was also given to incorporating the new powers granted to RSL's by the Anti-Social Behaviour Act 2003. This resulted in the launch of the Association's Anti-Social Behaviour Strategy 2004-2007. The Strategy compliments and is compatible with other strategies and legislation and signposts them where appropriate. The Association has reviewed its approach to Anti Social behaviour with account to the following

Allocation and Transfers Policy

Equality and Diversity Strategy

Social Inclusion Strategy

BME action plan

Supported Housing Policy

Anti-Social Behaviour Act 2003

Police Reform Act 2002

Race Relations Act 1976 and Race Relations (Amendment) Act 2002

Crime and Disorder Act 1998

Disabilities Discrimination Act 1995

Data Protection Act 1998

Human Rights Act 1998

Protection from Harassment Act 1997

Housing Act 1996

Environmental Protection Act 1990

Children Act 1989

3 DEFINITIONS

Anti-Social Behaviour is defined in the Housing Act 1996 as amended by Section 12 of the Anti-Social Behaviour Act 2003 as conduct which:

- is capable of causing nuisance or annoyance to any person AND
- directly or indirectly 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

These people to whom conduct may cause annoyance or nuisance include anyone who has a right to live in a property owned or managed by the landlord, those living in other property in the neighbourhood (e.g. owner occupier, tenants of other landlords, and anyone else lawfully in such property) or the locality, for example working or using facilities.

The ODPM describe the Housing Management Function as any activity that the landlord would undertake in the day-to-day, and strategic management of the stock. This could include:

Resident and Community Involvement
Maintenance and Repairs
Rent collection, arrears prevention and pursuance
Neighbourhood Management
Allocations and Transfers

The Anti-Social Behaviour can include, but is not limited to: -

- Noise
- Intimidation and Harassment
- Aggressive and threatening language and behaviour
- Violence against people and property
- Hate behaviour which targets members of identified groups because of their perceived differences
- Using accommodation to sell drugs or for other unlawful purposes

When assessing complaints to determine if they are anti-social behaviour, the Association will consider both the severity and frequency of incidents, how they have affected victims and any other relevant factors. This could include the age and construction of the building and if the alleged perpetrator has any disabilities or is vulnerable.

4 **OUR APPROACH TO ANTI-SOCIAL BEHAVIOUR**

Our Stance

Cosmopolitan condemns all forms of conduct, which can be termed “Anti-Social” on the basis that this type of behaviour adversely affects the quality of life of those touched by it.

We are committed to rid such problems from any areas affected and we will use all means at our disposal to do so including legal action to take possession of property and full co-operation with the Police.

Our Aim

Cosmopolitan Housing Association is committed to achieving and maintaining a peaceful and secure environment by working in partnership with residents and other agencies.

We will:

- Take positive steps to discourage anti-social behaviour
- Respond to any complaints in an efficient, sensitive and consistent manner
- Offer residents support and advice

Underpinning the aim and objectives is a commitment throughout the organisation to deal with and support those experiencing Anti-Social Behaviour.

Anti-Social Behaviour is often seen as a Housing Management issue, however it affects the whole organisation. In order to address the issue of Anti-Social Behaviour thoroughly, each Department must contribute to tackling Anti-Social Behaviour.

Housing Services

- Have in place policies and procedures which effectively deal with perpetrators and support victims of Anti-Social Behaviour
- Liase with outside agencies to combat Anti-Social Behaviour

Development and Regeneration

- Design out opportunities for crime and Anti-Social Behaviour on new estates and in regeneration schemes
- Improve sound insulation levels
- Ensuring with Housing Services department appropriate nomination agreements are included in new development and regeneration agreements

Property Services

- Having priority response times to deal with the results of Anti-Social Behaviour, such as the removal of racist graffiti or repairing damage to door entry systems
- Providing effective security for empty properties

Human Resources

- Ensuring training and personal development programmes, provide staff with the range of skills and knowledge required to deal with Anti-Social Behaviour
- Ensuring policies for Health and Safety, give staff working on site in difficult and potentially dangerous situations, adequate protection

I.T. Team

- Understanding the performance, monitoring and reporting needs on Anti-Social Behaviour
- Providing information on a cross agency basis in different formats

Finance

- Enabling detailed costs of Anti-Social Behaviour to be identified

5 TENANT'S OBLIGATIONS

All tenants are subject to and must conform to the conditions contained in their tenancy agreements. Copies of the tenancy agreements are signed and retained after officers have first explained the important obligations, in particular relating to Anti-Social Behaviour.

The conditions relating to Anti-Social Behaviour states that the tenant should not, or allow visitors to: -

- Cause nuisance, annoyance, danger or injury to others due to behaviour on the premises or adjoining property
- Cause danger to passers by or callers by condition of property or garden
- Cause noise which can be heard outside the property between 11.00 p.m. and 7.00 a.m. and at reasonable levels at all other times
- Use the premises for any illegal or immoral purpose
- Use or threaten violence against anybody living in or visiting the property
- Use or threaten violence against the Association's staff or contractors
- Operate a business from the property
- Cause damage to or litter communal areas of the property
- Discriminate against other tenants families or their visitors on various grounds, such as race, sexual orientation, religious belief or disability
- To allow pets to cause nuisance

The Association will investigate breaches of tenancy condition and take appropriate action as detailed in the Statement of procedures.

6 **SUPPORT OF COMPLAINANTS**

The Association will support all complainants by

- Dealing promptly with reports of anti-social behaviour
- Informing them of any developments relating to their complaint, and how these developments will effect them
- Referring complainants to specialist agencies to provide additional support if this is appropriate
- Providing all complainants with equal access to allow them to report anti-social behaviour. This can include providing interpreters or documents in alternative formats.
- Treating complaints confidentially

7 **RACIAL HARASSMENT**

The Association will work with the Police and other existing agencies to use all existing remedies both legal and non-legal. Any incident perceived racist or racially motivated will be treated as such, and will be investigated promptly and thoroughly.

Alternative accommodation will be sought in sever cases and if the harassment is proven legal action will be taken to prevent further harassment taking place.

The Association has a separate Racial Harassment Policy and procedure, which will be used in these circumstances. This is available on request from any of the Association's Offices.

8 **DOMESTIC VIOLENCE**

The Association has a separate policy and procedure for dealing with cases of domestic violence, which is available on request. Tenancy Management Officers are trained to.

- advise victims of the options open to them when domestic violence has been committed and to discuss the practical steps that can be taken;
- take statements, and generally gather evidence;
- keep the victim informed of the proposed action, help familiarise the victim with those procedures and to support the victim throughout the case
- refer victims to specialist agencies who can deal with domestic violence

9 PREVENTING ANTI-SOCIAL BEHAVIOUR

The Association recognises that preventing Anti-Social Behaviour before it occurs is as important as dealing with incidents and taking caution once this is proved. In order to help prevent Anti-Social Behaviour the Association will:

- Use Assured Shorthold Tenancies
- Refer cases to mediation to prevent a problem escalating
- Signing up to Information Exchange protocols, in order to share information about proven perpetrators
- Introduce Estate Strategies – designed to tackle issues such as high child density and poorly designed estates by giving priority to certain types of letting, e.g. under-occupation, and designing out the opportunity to commit crime
- Offering floating support to vulnerable tenants who may be unaware of how their actions are affecting their neighbours
- Publicise twice yearly in the form of a newsletter our approach to dealing with Anti-Social Behaviour, including initiatives, agencies who can assist and action taken against perpetrators of Anti-Social Behaviour
- Make available to all residents a summary of the Association's policies and procedures for dealing with Anti-Social Behaviour

10 **REHABILITATION OF PERPETRATORS**

In addition to taking both a tough line against anti-social behaviour and supporting witnesses to provide an effective service the Association must consider the positive impacts that support might have on perpetrators.

Perpetrators often cause acts or instances of ASB as a direct or indirect result of:

- Drug Abuse
- Alcohol Abuse
- Mental Health
- Disability
- Youth

It is important that in order to stop the behaviour we work with and offer support (often via specialist agencies) to perpetrators.

The Association will consider what action it is able to take in order to create changes in perpetrators behaviour rather than simply displacing it.

11 **OUTSIDE AGENCIES AND PARTNERSHIP WORKING**

The success of this strategy is reliant on the Association not operating in isolation. RSL's like Cosmopolitan Housing Association are part of a number of agencies that are affected by, and can take action to deal with, Anti-Social Behaviour. Anti-Social Behaviour is a complicated problem and it is highly unlikely that the causes or solutions will be able to be dealt with by one organisation.

Multi-agency partnerships require landlords to work with residents and agencies such as the Police, Youth offending teams, schools, social services, health services and probation services.

Development and review of these partnerships can be an effective method of both preventing and taking action against Anti-Social Behaviour.

By co-ordinating our approach to Anti-Social Behaviour and working with specialist agencies the Association may be able to prevent legal action relating to Anti-Social Behaviour.

The Association will work with the following and other appropriate agencies to combat ASB:

- ASBU's (Anti-Social Behaviour Units)
- Police
- Home Office
- Specialist agencies
- Housing Corporation
- Local Authorities
- Other RSL's

12 **WORKING WITH OTHER AGENCIES MANAGING HOUSING STOCK**

The Association partners with Managing Agents to provide Housing Management services. We work in conjunction with these agents and other statutory and voluntary agencies, to ensure both preventative measures and procedures are established to minimise risk and to combat anti social behaviour where it exists in our support schemes and within the wider communities in which we operate.

The Association and our partner agents have jointly negotiated policies and procedures, which we use to deal with matters of anti social behaviour, including use of incidence diaries, and the application of Injunctions and “Anti-Social Behaviour orders”.

All reported incidences of anti social behaviour will be treated in confidence and dealt with sensitively, ensuring evidence is gathered in a manner which is appropriate to the wishes of the individual.

13 WITNESS SUPPORT

Witness Support is crucial to the successful implementation of this Anti-Social Behaviour Strategy.

Section 12 of the Anti-Social Behaviour Act 2003 states:

“Landlords should support their complainants by dealing with their complaint promptly, keeping them informed of any developments relating to their complaint and referring them to appropriate support services and should be setting up systems and adopting approaches that seek to improve success rates..... While boosting the morale and confidence of witnesses the agencies involved and the wider community.”

In order to provide support to witnesses of anti-social behaviour the Association will consider the following points:

- Tenants should be integral to the development of the witness support strategy
- Witnesses have the right to be treated with respect and both dignity and sensitivity
- Staff and key officers require the same support from the Association as any other witness
- Witnesses should be given the opportunity to say how they feel and how they are being affected by the situation
- Contact with witnesses should be pro-active and routine rather than responsive
- Any delay or change in action should be explained positively
- Tenancy Management Officers should be aware of the conflict of interest between supporting and championing witnesses and being objective
- The Association must have a reputation for action and support, failure to do this may result in witnesses losing faith and a reluctance to provide further evidence.
- Sources of support should regularly be reviewed and updated.

When supporting witnesses the Association should have regard to both physical and emotional support. For example in serious cases, consideration should be given to temporary accommodation or providing witnesses with a mobile phone.

14 **PROFESSIONAL WITNESS SCHEMES**

The Association recognises that in certain cases, due to either the type or severity of the behaviour or the vulnerability of tenants, or lack of evidence to take effective action, professional witnesses should be considered.

If the circumstances of the case warrant it, the Association will use professional witnesses to gather evidence and provide witness statements, to support the Association's decided course of action.

15 DATA PROTECTION AND INFORMATION EXCHANGE

The Association recognises that complainants will be concerned that providing information could lead to retaliation from the perpetrator. It is important that the information they provide to the Association is confidential. Handling and releasing information provided to the Association is explained in its Access to Information Policy.

There are occasions when the Association will share information relating to applicants and perpetrators. The Crime and Disorder Act 1998, Section 15 that gives the Association power to disclose information when it is necessary to detect or prevent crime.

The National Housing Federation's guidance on disclosure states "*in order to satisfy the non disclosure exemption in the Data Protection Act any request for personal information whose purpose is the prevention or detection of crime should specify as clearly as possible how failure to disclose would prejudice the objective*".

Where information is shared with other agencies, the Association will have protocols in place, which clearly state what type of information might be shared, with who and for what purpose.

16 **CONFIDENTIALITY**

In order to protect the identity of complainants and prevent a possible retaliation from perpetrators all reports of anti-social behaviour will be treated confidentially.

Only with the consent of the person reporting the anti-social behaviour will the Association disclose the identity to a third party. It is important to note however that in some cases the identity of a complainant is known by default, due to the nature of the complaints. It is also important to emphasise that the options available are stronger if a witness is prepared to give statements to support their complaint.

17 **CROSS TENURE ISSUES**

The Anti-Social Behaviour Act 2003 gave the Association increased powers to tackle anti-social behaviour. In addition to tenants of the Association action can now be taken against, and to protect, owner-occupiers and private tenants.

The Association adopts a Neighbourhood Management approach and will work with the Local Authority through their Crime and Disorder Partnerships, multi-agency partnerships and other RSL's by sharing information and collaboration on policies to address Anti-Social Behaviour.

On a local "Neighbourhood" level each Tenancy Management Officer will build relationships with the Community Police Officer, working in their areas, meeting regularly to discuss cases of Anti-Social Behaviour and agree an appropriate course of action.

18 TRAINING

In tackling Anti-Social Behaviour it is vital that staff have the knowledge and confidence to determine, identify and investigate allegations of Anti-Social Behaviour. This understanding is crucial if we are to be equipped to take the appropriate action. In order to do this a robust and comprehensive training programme is required which will also include briefing and awareness raising with residents.

Staff and Board Members will receive training when:

- They are new
- Annually to ensure understanding of an appliance with policy and procedure
- After a legislature policy/change
- Any other time as identified/required

Tenants will receive training/awareness

- They are involved in reviewing policy/procedure
- There is a change in policy/procedure
- As and when identified by the Tenant Involvement Officer or Tenancy Management Officer, to enable effective involvement or reporting of Anti-Social Behaviour

19 **POLICY**

In order to deliver a successful and effective service it is vital that policies and procedures are clear and staff are committed to them.

Policy must be closely linked to continuous improvement so that success and failure can be identified.

Procedures must identify risk and act to eliminate it. Detailed processes allow managers and team leaders to check policy is effectively implemented. It also enables new staff to easily understand what is required and expected.

In pursuance of this goal the Association has the following policies and subject them to regular review:

- Nuisance
- Harassment
- Racial Harassment
- Hate Crime
- Access to Information
- Domestic Violence
- Vulnerable Tenants
- Allocations and Transfers
- Equal Opportunities