

ANTI SOCIAL BEHAVIOUR POLICY

2017 - 2020

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Author	Neighbourhoods & Tenant Sustainability Manager & Safer Communities Manager
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4	April 2017	Neighbourhoods & Tenant Sustainability Manager & Safer Communities Manager	Revision of previous policy, minor grammatical amendments made.
5	May 2018	Compliance & Strategy Advisor	Vulnerable Customers Statement incorporated into the policy.

Introduction

This document sets out the policy of Knowsley Housing Trust (KHT) in dealing with Anti-Social Behaviour (ASB). KHT aims to work in conjunction with customers, residents and partner agencies to deliver sustainable reductions in ASB.

Our Vision

‘To provide quality homes and services and work with others for the lasting benefit of our communities.’

Our Values

Our vision for the Group is that everything we do will focus on creating success in the communities we work in and the people we work with.

Our goals include:

- providing quality homes and services
- investing in communities
- being innovative, and
- getting great results for our customers.

The Group’s values, which underpin the way we do business, are to be:

- pioneering
- brave
- bold
- open, and
- fair.

KHT recognise that in order for us to fulfil this statement. We will seek out best practice and adapt new and **PIONEERING** working methods to improve the neighbourhoods we manage within Knowsley, by embracing new and effective ways of working. By empowering our customers to be **BRAVE** and take a stand against Unacceptable behaviour. We place our customer journey at the heart of our procedures. Ensuring we are being **OPEN** and realistic to customer expectations, but ultimately ensuring we are **FAIR** in our approach, That we will combine appropriate support for victims with prevention. Whilst undertaking challenging and enforcement action towards perpetrators from the full range of tools and powers available alongside offering them rehabilitation and re-education opportunities. Nevertheless, We are **BOLD**, in our approach, that we will not hesitate to hit Anti-Social Behaviour hard where it becomes necessary.

Definition of ASB

Anti-Social Behaviour’ is a broad term but for the purpose of the obligations imposed by Section 218A Housing Act 1996 [“the 1996 Act”] since the coming into force of the Anti-Social Behaviour,

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Crime and Policing Act 2014 [“the 2014 Act”] ‘Anti-Social Behaviour’ has been defined in Schedule 11 Part 1 paragraph 23 of the 2014 Act as:

- conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions; or
- conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.

The term ‘housing management function’ is a wide one, which covers anything undertaken as part of our day-to-day or strategic management of our housing stock. Matters which ‘indirectly affect’ our housing management function might relate to housing support, tenancy intervention or other services which promote the efficient operation of our landlord function. Again, the definition is wide.

KHT recognises incidences of Hate crime and Harassment and Domestic Abuse to be capable of being anti-social behaviour and such matters will be considered within the framework of this policy.

What KHT considers to amount to anti-social behaviour will frequently turn on the facts of a particular case.

ASB can include but is not limited to:

- Noise
- Verbal abuse/harassment/intimidation/threatening behaviour Hate related incidents (Race, Colour, ethnic origin, nationality, Religion, Gender or gender identity, Sexual orientation, Disability or Age).
- Vandalism and damage to property
- Pets and animal nuisance
- Nuisance from vehicles
- Drugs/substance misuse/drug dealing
- Alcohol related behaviour
- Domestic Violence/Abuse
- Physical violence
- Litter/rubbish/fly tipping
- Garden nuisance
- Misuse of public/communal areas
- Prostitution/sexual acts/kerb crawling
- Criminal behaviour

What is and is not anti-social behaviour in any given situation will require consideration of the circumstances of the case. However not all matters of concern will constitute anti-social behaviour. The final decision relating to what constitutes anti-social behaviour will be made by Knowsley Housing Trust’s Safer Communities Manager.

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Examples of issues, which may not be considered to be anti-social behaviour and are considered to be everyday living noises and lifestyle differences include:

- One off parties
- Children playing out with each other or playing in their own gardens
- People Vacuuming or using their washing machines at reasonable times of the day,
- Cooking smells
- People walking across wooden floors whilst wearing shoes
- DIY at reasonable hours of the day

KHT's tenancy agreements set out the rights of tenants but just as importantly outlines the obligations and responsibilities of tenants. We expect our tenants to behave appropriately and in accordance with the terms of their tenancy agreement. The tenancy agreements we use contain a number of conditions relating to the conduct of tenants, those who live with tenants and those who visit tenants. These conditions cover a range of matters including, but not limited to, anti-social behaviour, criminal conduct and matters relating to animals / pets.

Our tenants are not only responsible for their own conduct but are also responsible for the conduct of any person residing at or occupying their property (whether adults or children). Our tenants are also responsible for the conduct of any lawful visitor to their property, whether that visitor is an adult or a child.

Commitment to tackling the effects of ASB

KHT recognises that:

- ASB can ruin the “quiet enjoyment” of a home, to which everyone is entitled
- ASB can have both an emotional and financial cost to victims
- ASB can have a financial cost to the Trust for example in its impact on demand for its properties in areas suffering from ASB
- ASB has a negative impact on people and neighbourhoods by threatening the sustainability of communities, which can lead to decline of the area
- ASB can undermine the good work carried out by the Trust and its relationships with its customers

KHT is committed to tackling ASB wherever we find it, not only for those reasons stated above but alongside our commitment to promoting safe and sustainable neighbourhoods within Knowsley.

KHT recognises the Community Trigger, introduced by s104 ASB Crime and Policing Act 2014, which aims to give victims and communities the right to request a review of their case. KHT has been co-opted as a relevant body by KMBC in creation of the local Community Trigger Procedure and has been co-opted onto the Safer Knowsley Partnership Strategy Group (Executive Team). Please refer to the Safer Knowsley Partnership protocol pursuant to section 104 of the Anti-social Behaviour Crime and Policing Act 2014 or alternatively further details are available on KHT website or via www.knowsley.gov.uk/asb

Legislative and Regulatory framework

Legislation such as the Housing Act 1996 and the Anti-Social Behaviour Act 2003 has equipped housing organisations with tools and legal options/remedies specifically designed to tackle ASB. In 2014, the Anti-Social Behaviour Crime and Policing Act introduced new powers and replaced many others.

The Respect - ASB charter for Housing, fully acknowledges the pivotal role that Social Landlords have to play in relation to dealing with crime and disorder and influencing anti-social behaviour. KHT has embraced the Respect - ASB charter for Housing and signed up to the charter in October 2011.

We will comply with the HCA Regulatory Framework, in particular the Neighbourhood and Community Standard, which covers the Regulator's expectations on tackling ASB.

Policy Statement

KHT will ensure that it has robust procedures in place for responding to complaints of ASB. When disputes occur, we will strive to empower customers to reach their own resolutions, by giving advice, facilitating mediation or by adopting early intervention/conflict resolution techniques. In cases that are more serious, we will take swift and decisive action to protect victims and witnesses and to reassure the wider community.

KHT is committed to:

- Appropriate recording and investigation of complaints of ASB;
- Officers will take recorded complaints seriously and ensure the complaint is investigated thoroughly and the complainant is fully updated on the progress of the complaint;
- Reports of ASB will be prioritised and investigations will start at the earliest possible time after receipt of the complaint and conducted in a timely manner;
- The appropriate Safer Communities - Housing Advisors will investigate every report of ASB and when appropriate escalate to a Tenancy Enforcement Co-ordinators ;
- Action against perpetrators will be proportionate to the situation. We will make every effort to help/seek support for tenants who perpetrate nuisance and ASB but if they are unwilling to cooperate KHT will take tough action against them, however in appropriate circumstances we may consider that legal action is necessary for the protection of others or as the only resort to stop the behaviour.
- We will endeavour to help tenants whose vulnerability may be the cause of their inappropriate behaviour to others. This would be done by referrals to other agencies;
- We will endeavour to help those whose vulnerability makes them more sensitive to other tenants/residents behaviour by alerting relevant support agencies to give some assistance in the matter;

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- We will take strong action against tenants who cause nuisance or ASB that is targeted at individuals from minority groups and motivated by racism or other discriminatory practice;
- We will continue to provide training and support services to our dedicated Safer Communities Team and Housing Advisors who deal with ASB so that they feel confident in supporting victims and witnesses, interviewing and challenging perpetrators, negotiating actions and delivering services to achieve successful outcomes;
- We will design out ASB and crime wherever possible in our regeneration and improvement schemes;
- We will use starter tenancies as part of KHT's strategy to tackle Anti-Social Behaviour. See Starter Tenancy Procedure for more detail;
- We will ensure that all tenants have fair and equal access to our service. We will not discriminate against complainants because of their Race, Colour, ethnic origin, nationality, Religion, Gender or gender identity, Sexual orientation, Disability or Age.

Domestic Abuse

KHT believes that no one should live in fear of a current or former spouse or partner or other household member.

Domestic Abuse may be physical, emotional, sexual psychological or economic (for example stopping a person having access to money).

KHT acknowledges that a specialist approach may be needed for sufferers of Domestic abuse, and KHT has a Domestic Abuse champion who co-ordinates our response to each case via KHT's Sanctuary scheme, and is an expert in helping victims where we will offer them the necessary support to sustain their tenancy. However, in certain circumstances where there is a concern for your safety, options will be available for re-housing.

Hate Crime

KHT will not tolerate a Hate Crime of any description and will seek to deal efficiently and effectively with any reports of such by its tenants/residents or staff members.

A Hate Crime is any offence or incident committed against a person or property that is motivated by an offenders dislike or hostility to someone because of their: Race, Colour, ethnic origin, nationality, Religion, Gender or gender identity, Sexual orientation, Disability or Age.

KHT operates a victim centred approach to Hate Crime, and recognises that Victims may wish to report incidents of Hate crime to agencies they are familiar and comfortable with, therefore we are a recognised Third Party Reporting Centres (Speak up service).

KHT recognises that a specialist approach may be needed for sufferers of Hate Crime therefore KHT has a designated Hate Crime champion who co-ordinates our response to each case and will work in partnership to offer the necessary support to sustain the tenancy.

Policy detail

Prevention and early intervention against Anti-Social Behaviour

As an organisation, KHT is committed to preventing ASB before it occurs by taking preventative or early intervention measures.

KHT works to prevent nuisance and ASB through effective education and communication, diversionary activities and environmental improvements. Such measures can include:

- Proactive allocations policy
- Explanation at sign up of what is meant by ASB, and potential consequences including reference to the existence of a mandatory possession ground;
- Packages of support at sign up for potentially vulnerable customers, or those at risk of perpetrating ASB
- Starter tenancies for new tenants where the probationary nature of the first twelve months of the tenancy is explained at sign up and starter tenancy reviews are carried out in line with the needs risk assessment process at month 1 and month 9 to ensure that tenants are complying with their tenancy requirements;
- Tenancy support where possible e.g. through the Tenant's Extra Support Scheme (TESS), which offers support in a number of situations;
- Designing out crime e.g. the use of trip rails and alley gating
- Non legal early stage actions such as, warning letters, formal interviews, Acceptable Behaviour agreements or Good Neighbour Agreements, joint agency visits ,
- Mediation – aiming to get disputing parties to agree to stick to some simple mutually designed guidelines regarding their behaviour;

Support for complainants and witnesses

KHT will encourage the reporting of ASB and will provide support for Victims and Witnesses.

Support will be provided from the date of the initial complaint of ASB and continue throughout the whole process. On receipt of an anti-social behaviour report, a designated officer will be assigned, identifying a named contact. The named officer will agree an action plan with the customer who reports ASB so that they can discuss and agree when, how and in what manner the customer will be contacted and updated on the case progress. The action plan will ensure that that the case management is consensual and meets the needs of the customer.

KHT recognises that occasionally we will receive reports of Anti-Social Behaviour from customers who wish to remain anonymous. It is important that customers understand that anonymity in an ASB case, does not include remaining anonymous to KHT. Where an anonymous complaint is received, we have to confirm the substance of the complaint before we can take any action. This can be difficult without knowing who is making the complaint. Therefore, without a complainant/witnesses contact details there are very few lines of enquiry open to KHT, which may result in the case being recorded for information only.

Where court action is to be taken, KHT officers will ensure that complainants and witnesses are fully aware of the legal processes involved. Arrangements can be made for witnesses and complainants to travel to the court venue with officers if they choose in order to provide a feeling

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of greater security. Where a potential witness or victim is particularly vulnerable or there has been damage to their property or intimidation is ongoing, KHT will consider target hardening of the witness/victims home address by the installation of equipment to deter continuing incidents; this can include the use of CCTV or security lights.

KHT may consider the use of professional witnesses to gather evidence in partnership with other partners, where the use of victims and witnesses are not possible and there is no other viable option available.

KHT only consider re-housing of victims of ASB as a last resort, when all other appropriate options have been considered and tried or where the incident(s) are so serious that due to the significant risk possessed there is no alternative options, and this is supported by Key partnership agencies.

KHT is committed to putting victims first, ensuring that we provide support and is committed to operating a victim centred approach. KHT acknowledges that witnesses of ASB and crime require additional support and is therefore committed to ensuring that we consistently communicate with all potential victims and witnesses to understand the wider harm to individuals and the community. KHT's commits to putting victims first and has a designated victim & witness champion.

Working in partnership

KHT is committed to working in partnership both at strategic and operational levels when dealing with ASB as we acknowledge that we cannot work in isolation.

As part of the Safer Knowsley Partnership, KHT works in partnership with (but not limited to):

- Merseyside Police
- Knowsley Metropolitan Borough Council
- Social Care Services
- Merseyside Fire and rescue Service
- Merseyside Community Rehabilitation Company
- National Probation Service
- Youth Offending Service
- First Steps Domestic Abuse support
- Knowsley Stronger Families Team
- Knowsley Multi agency Safeguarding Hub

KHT's Chief Executive sits on the Knowsley Implementation Group, which oversees the Borough's strategic response to ASB. KHT are also a co-opted member of the Safer Knowsley Partnership Strategy Group (Executive Team).

KHT have signed information sharing protocols, which cover all agencies within the Safer Knowsley Partnership. As a result, KHT exchanges information with those agencies where it may further the prevention of crime and disorder within the Borough.

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KHT is committed to working in partnership with other members of the safer Knowsley partnership to ensure that there is effective multi-agency collaborative working to address any ASB residents of Knowsley may be suffering.

Use of legal tools and remedies

KHT aims to tackle ASB as quickly and efficiently as possible. In most cases, this will result in early intervention by designated officers, to nip problems in the bud, but in more serious or prolonged cases, legal action may be the only option.

KHT will pursue legal action where non-legal options have been tried and failed or when the situation is so serious that only legal action is the most appropriate response.

KHT as a registered provider of social Housing are able to apply for a wide range of court orders to address ASB and nuisance experienced within our neighbourhoods.

Legal remedies available include but are not limited to

- Injunctions
- Criminal Behaviour Orders
- Accelerated possession proceedings
- Closure Orders (in conjunction with the Police and/or the Local Authority)
- Demotion Orders
- Possession Orders including use of the mandatory ASB possession ground 5 conditions introduced on 20 October 2014.
- Refusal of Right to Buy or Right to Acquire applications where mandatory possession proceedings or discretionary Proceedings in relation to riot related offences are underway

KHT is committed to making the best use of available legal powers to resolve cases, including utilising eviction. However in some cases, possession proceedings may be the only appropriate response and therefore possession proceeding may be instigated prior to or in the absence of any other interventions.

Support for and rehabilitation of perpetrators of ASB

KHT is committed to ensuring that all applicants who are recognised as being at risk of perpetrating ASB are given appropriate support packages should they be offered a tenancy. This support can take the form of referrals to designated support agencies, for example, the involvement of Probation and Youth Offending Services for ex-offenders, or Drug Intervention Programme workers for people with substance misuse problems. KHT has well-established links within the local community with such support agencies, and will seek to refer people as early as possible.

Whilst KHT is committed to taking a firm line with perpetrators of ASB and making them realise that there are consequences for their behaviour, and that KHT will use legal powers including

eviction as a remedy. Support can include referrals to Parenting Teams, Social Services or Community Mental Health teams, in addition to the use of Acceptable Behaviour Contracts, or Good Neighbour Agreements.

With regard to Starter Tenants, i.e. new residents in their first 12 months of occupancy, we will review the tenancies at month 1 and month 9 to check that the tenancy agreement has been complied with. During these reviews we will also remind tenants of support services available, and signpost them where necessary for extra help.

Protection of staff and contractors

The protection, health and safety and well-being of staff and contractors is of paramount importance to the Trust at all times. As such, we have adopted a number of procedures to, as far as possible, safeguard staff against harm. Such procedures include the Lone Worker Procedure and Guidance.

Unfortunately, from time to time, officers employed by KHT or contractors/agents acting on behalf of KHT, may be threatened, abused or harmed when carrying out their normal duties or specifically when endeavouring to deal with ASB.

KHT takes all such incidents very seriously, and will take appropriate action using the range of remedies open to us. Such action may include reporting the incident to the police and seeking criminal action to be pursued as well as possession action, injunctions, or Criminal Behaviour Orders or closure orders as necessary.

KHT has a separate policy governing how it deals with incidents involving staff and/or contractors. The 'STAG Policy' should read in conjunction with this policy.

Customer Satisfaction and feedback

Customer satisfaction with the service provided by the Trust's Safer Communities Team, is a key performance target. The opinions of our customers enable us to continually improve and evolve the service. Where possible, comments and suggestions by customers will be taken into account in future service provision regarding ASB and levels of satisfaction will be monitored

When a case is closed, a Customer Satisfaction Questionnaire is completed with all complainants via our external sourced automated customer feedback system called Call2Survey.

Publicity

KHT recognises the importance of communicating successful actions, not just to victims and witnesses who are directly involved in cases, but also to the wider community. KHT strongly believe that publicising actions, both legal and non-legal, is a good way to inspire the community and create confidence in the landlord by providing reassurance to communities that action is being taken when they report ASB. We believe that demonstrating consequences of actions can also act as a deterrent to other potential perpetrators of ASB.

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Often court orders obtained by KHT will contain prohibitions imposed by the court and it is necessary for the local community to be aware of the details so that they can report any breaches of the order. KHT recognises that those subjected to court orders who have their details published, may view this as a punitive measure, however it is not intended to be so.

KHT will give due consideration to the restrictions on reporting created under the Children and Young Persons Act, which creates restrictions on reporting of incidents involving children.

Safeguarding of vulnerable adults and children.

The trust recognises the importance of and is committed to playing its part in the safeguarding of vulnerable adults and children.

The Trust will, in all appropriate cases, make referrals to the Multi Agency Safeguarding Hub (MASH) when information relating to safeguarding concerns comes to light during the investigation of anti-social behaviour cases.

All staff responsible for the management and investigation of anti-social behaviour incidents will receive appropriate training and guidance on how to recognise and respond to safeguarding concerns.

Commitment to service improvements

Training of staff & Legal Advice

KHT is committed to ensuring that all staff who deal with ASB have the confidence and knowledge to identify and investigate incidents and reports of anti-social behaviour. The Safer Communities Team provides a particularly expert service and receives legal advice and training accordingly

Legal advice is provided by KHT's Legal services provider and training courses are run by senior staff or our external solicitors. KHT staff can access a free helpline with its external solicitors, and KHT subscribes to the Chartered Institute of Housing Online Housing Manual for good practice/reference. KHT also regularly sends staff on external training courses.

Performance and service management

KHT will monitor the performance of the ASB service against set service standards and performance targets. (See local offer)

We will benchmark performance against that of other registered social landlords so that we can make meaningful comparisons and identify areas of improvements.

Equality and Diversity

This policy meets the requirements of the group's single equality scheme – The mix.

An equality impact assessment has been completed to ensure that the policy does not have an adverse effect on any of the protected characteristics outlined in the Equality Act 2010.

Responsibility

The Business Manager Income and Neighbourhoods is responsible for the implementation of this policy.

The Safer Communities Manager has responsibility for disseminating, promoting, and reviewing this policy and for providing advice and guidance to all staff across the group on the delivery of Anti-Social Behaviour service.

Consultation

This policy has been developed and reviewed in consultation with KHT operational staff, and KHT's ASB Working Group. The views of these groups have been incorporated herein. An Equality Impact Assessment has also been carried out.

Monitoring and Review

Knowsley Housing Trust will monitor the effectiveness and implementation of this policy to ensure that it achieves its aims of protecting its tenants and residents within its communities.

The review of this policy will ensure that it takes account of legislative changes and the development of best practice initiatives internally or externally so that improvements in performance can continue to be made.

This policy will be reviewed in Bi-Annually or when there are significant legislative or policy changes.

Associated Documents

- Tenancy Agreements
- Tenants Handbook
- ASB Procedure
- ASB Summary and Statement
- STAG Policy