

## ANTI SOCIAL BEHAVIOUR POLICY (VERSION 1.0)

#### Purpose:

This policy sets out the approach that the organisation has adopted in relation to its services and anti-social behavior.

The primary aim is to offer a range of services, which provide a flexible response to the challenges that anti-social behavior, presents and deliver proportionate solutions.

Issue Date:

August 2021

**Review Date:** 

August 2021

Signed off:

Management Team

**Author:** 

Nadeem Hussain

### References/Legislation:

- Anti-social Behaviour Act 2003
- Race Relations Act 1976 (as amended)
- Disability and Discrimination Act 1995
- Human Rights Act 1998
- Data Protection Act 2000
- · Housing Act 1996 including Crime and Disorder Act 1998, Protection from Harassment Act 1997, Noise Act 1996 and Environmental Protection Act 1990 which all provide powers for dealing with anti-social behaviour and nuisance which can be used separately or in conjunction with the Housing Act 1996.

Scope of Policy:

This policy applies to all employees.

Legal Framework:

As above

## **DEFINITION OF ANTI-SOCIAL BEHAVIOUR**

There are a vast number of actions, which can be considered anti-social. For the purposes of this policy, anti-social behaviour covers any conduct which;

- is capable of causing a nuisance or annoyance to any person and
- directly or indirectly relates to or affects the housing management function 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

### (Housing Act 1996 Section 153 A (1) Section 153 B (2)).

Many different actions can fall under the category of anti-social behaviour and these may or may not constitute a criminal activity. The Organisation shall make every attempt, including in this policy, to inform you of the actions that can or may be considered as anti-social behaviour. The following are some examples of acts of anti-social behaviour:

- · Intimidation and harassment of another person
- Aggressive and threatening language and behaviour
- Harassment and hate behaviour that targets members of identified groups because of their perceived differences.
- Using housing accommodation for unlawful purposes
- Damage to property graffiti, vandalism, fly-tipping, etc
- Dumping of rubbish/smell from rubbish
- Noise nuisance shouting, parties, noise from pets, etc
- Vehicles vehicle repairs
- Causing nuisance, annoyance, or criminal damage
- Criminal behaviour, acts of physical violence, theft and burglary.









## RACIAL AND OTHER FORMS OF HARASSMENT

Incidents of racial and other forms of harassment can fall within the description of anti-social behaviour and the Organisation takes such conduct very seriously - (refer to discrimination and harassment policy).

# DOMESTIC VIOLENCE

Domestic violence committed by a tenant/resident, family member or visitor can also fall within the description of anti-social behavior. The Organisations policy on Safeguarding will be used in conjunction with this policy to decide on the action that is taken against perpetrators.

The Organisation encourages its residents and tenants to be aware of what it constitutes as acts of anti-social behaviour so that you can avoid engaging in anti-social behaviour and/or identify if you can make a complaint about anti-social behaviour.

### GENERAL APPROACH TO ANTI-SOCIAL BEHAVIOUR

Through various measures the Organisation strives to prevent anti-social behaviour, enabling individuals to participate in their day-to-day lives and feel safe in their homes. Unfortunately, we also recognise that incidences of anti-social behaviour may occur and when this happens, we are committed to resolving the problem using relevant measures.

### 2.1. Objectives of our anti-social behaviour policy

- To create awareness and a low tolerance of anti-social behaviour between our residents and tenants
- To prevent anti-social behaviour
- To resolve cases of anti-social behaviour through non-legal measures where possible
- Provide a sensitive, efficient and effective service
- Regularly review and reassess policies and procedures to ensure they are effective.

#### 2.2. Housing management

- Ensure that residents and tenants are aware of what may constitute an act of anti-social behaviour and the consequences of engaging in such actions.
- Provide an efficient and effective housing service where managers and staff have an understanding of the measure, which can and should be used to tackle anti-social behaviour. Part of this service includes regular visual checks by Housing Management Staff to identify initial signs of anti-social behaviour.
- Encourage residents/tenants to participate in the management and improvement of their homes with a view to increasing commitment to their neighbours and their community.
- Work with other agencies and participate in initiatives to deliver a solid approach to preventing anti-social behaviour in the wider community.

### 2.3. Design

- Ensure any newly developed properties have adequate sound insulation to reduce the incidence of noise nuisance, which as a minimum meets applicable building regulation requirements
- Provide suitable fencing and lighting in communal areas to increase security
- Provide door entry systems where there are shared entrances to properties as a minimum, to restrict access to unwanted intruders
- Ensure that we incorporate security features in properties acquired for refurbishment.

#### 2.4. Tackling anti-social behaviour

- Fully investigate any complaints of anti-social behaviour and deal with them within the given timescales
- Ensure that early action is taken to prevent escalation of the behaviour
- · Provide a sensitive, effective and complete support service for victims and witnesses
- · Work in partnership with other agencies to create the correct solution for the complainant and perpetrator
- Take appropriate legal action where there is evidence against perpetrators
- Provide perpetrators with support to discourage them from repeating the behaviour again.







### 2.5. Legal action

- The Organisation will have anti-social behaviour clauses in our occupancy agreements to help us to take successful legal action where necessary
- Legal action will only be taken where this is the most appropriate way to achieve the desired outcomes for victims, other residents/tenants and the Association.
- Work in partnership with other agencies and support them in taking legal action that they can take and we cannot.
- Actively involve victims and other residents/tenants in the decision-making process about legal action where this is appropriate
- Support residents/tenants to take action in appropriate cases
- Get legal advice and guidance at an early stage where we feel we have insufficient internal expertise
- Collect and collate evidence in such a way that it meets the standards of evidence required by the courts.

## PREVENTING AND TACKLING ANTI-SOCIAL BEHAVIOUR

Paragon Supported Housing C.I.C operates an equal opportunities policy and believes the consistent implementation of this policy is key in preventing incidents of anti-social behaviour. The organisation will not tolerate acts of anti-social behaviour from or towards tenants, residents or their visitors. Complaints about antisocial behaviour will be taken seriously and dealt with in an appropriate manner. The services that are likely to be involved in preventing and tackling cases of anti-social behaviour include:

The service provided by supported living/scheme managers and staff	A support service will be provided by your scheme manager and staff from the start to the finish of your case. The Manager will assess each case individually and give advice on the steps that can be taken in your circumstances.
Central Housing Services Team (CHST)	Where circumstances are complex or are not easily resolved, it may be necessary for the scheme Manager to consult with managers within the central housing services Team for further advice or support. This may include monitoring of situations and logging incidents of anti-social behaviour to help build up evidence for ongoing cases, providing support and training for staff, making referrals or consulting re. legal action.
Multi-agency approach and services provided by other agencies	The Organisation recognises that the problem of anti-social behaviour is wide reaching and networks are in place for necessary referrals and support services outside of the organisations services. These may include-:  • The Police • Adults and Communities teams • Environmental health.









## MEASURES USED TO TACKLE ANTI-SOCIAL BEHAVIOUR

There are various measures that can and will be taken by the organisation and the above services against individuals that commit anti-social behaviour. In all cases the form of action that is taken will aim to stop the antisocial behaviour from happening.

Generally, the Organisation will aim to resolve anti-social behaviour using non-legal measures. These measures may be effective in stopping anti-social behaviour, as they tend to engage the perpetrator and make them consider their behaviour. Some of the non-legal measures that are likely to be used are as follows;

### Warning letters and/or visits

In the initial stages of a complaint the alleged perpetrator or perpetrator of the anti-social behaviour may be written to and/or visited by a member of the CHST.

#### **Central Housing Services Team**

After a referral from the Scheme Manager, HSO/TL may visit to monitor the situation, informally warn anti-social individuals and gather evidence of anti-social behaviour to help with certain cases

#### Personal resolution or mediation

Manager working together with CHST staff will usually encourage individuals involved in nuisance disputes to discuss their problems and resolve the matter informally (should it be safe to do so). Managers and CHST staff can assist individuals in this process providing that all parties involved are willing to participate.

#### Acceptable Behaviour Contracts

Acceptable Behaviour Contracts are voluntary contracts which aim to engage the perpetrator and stop them committing anti-social behaviour. They are not a legal sanction but they are designed to make the individual realise the effects their behaviour is having on others and stop it voluntarily (see Appendix A)

In cases where these measures have not stopped the anti-social behaviour or where the behaviour is of a serious nature the Organisation will not hesitate in pursuing appropriate legal action. Individual cases will be assessed by the Scheme Manager in conjunction with CHST staff and possibly other agencies.

Further measures may be used against perpetrators including Anti-Social Behaviour Orders, Injunction Orders and Possession Orders.

## PROCEDURES FOR DEALING WITH ANTI-SOCIAL BEHAVIOUR

We encourage our residents and tenants to report cases of anti-social behaviour, as it will often make a difference not only to their own lives but the lives of others in the wider community. We aim to-:

- · Provide as clear a procedure as possible for reporting complaints of anti-social behaviour
- Provide all parties with the appropriate level of support
- Ensure that all parties in a case are informed at all stages of their case
- Ensure that follow-up and monitoring procedures are in place

### REPORTING AN INCIDENT OF ANTI-SOCIAL BEHAVIOUR

In most cases, the behaviour should be reported to your Scheme Manager who will in turn make an assessment of your case. However, if you are being directly threatened and/or feel at immediate risk then you should contact the police.









Complaints may be made in the following formats:

- In person
- Verbally
- In writing letter, fax or email
- Head Office: Suite 2a, Blackthorn House, St Pauls Square, Birmingham, United Kingdom, B3 1RL
- or email: info@paragonhousing.co.uk
- Telephone: 0330 995 0199
- On behalf of yourself by a third party, e.g. Social Worker, Advocate, Family, etc.

Once a complaint is received staff will:

- Respond to complainants within the timescales that are set out in the organisations Complaints procedures.
- Discuss the complaint with the complainant sensitively and objectively in order to assess the measures that should be taken.
- Explain the options that are available to the complainant regarding resolution.

#### Action taken

Staff will objectively assess the form of action that should be taken regarding complaints. This assessment will vary depending on the nature of the anti-social behaviour that is being allegedly experienced.

Managers will inform the complainant that they are going to contact the alleged perpetrator regarding the complaint and that their identity will not be revealed unless they want it to be.

If there is no objection to the staff contacting the alleged perpetrator the staff will attempt to discuss the matter with the individual and give them the opportunity to respond to the allegations that have been made against them.

In the case of serious harassment or fear of violence, the staff may take immediate steps to ensure that the complainant or witness is safe.

### Support and provision for complainants

The organisation understands that complainants and witnesses may feel daunted by the application process or reluctant to come forward due to fear of retaliation. In recognising this we are committed to putting the complainant and/or witness first and endeavour to offer them the level of support they need. This may include:

- Updates on the progress of cases
- Ensuring the complainant has telephone numbers for Managers and CHST staff to be used during work hours
- Monitoring visits by the monitoring officer
- Advice on legal proceedings
- Escorts to court in extreme cases
- Referrals to other support agencies which provide further witness support e.g. victim support Temporary
- or permanent relocation of residents or tenants this will only be considered in extreme cases.

### Support for perpetrators and vulnerable groups

Whilst a tough approach will be taken towards people that participate in acts of anti-social behaviour, the Organisation recognises that in certain cases there may be an underlying cause for the behaviour, particularly as many of its tenants and residents are vulnerable people, for example-:

- Family or relationship breakdown
- A disability
- · Mental health issues
- Drug or alcohol
- Long-standing or recent dispute between parties.









Whilst these are not necessarily excuses for engaging in anti-social behaviour, we believe that individuals should be given the opportunity and support to maintain their tenancies and amend their behaviour. As part of our multiagency approach the organisation will, where appropriate, work in conjunction with and/or refer this aspect of a case to an agency or project to address the individual's needs, e.g. adults and communities.

## CONFIDENTIALITY, INFORMATION EXCHANGE AND DATA PROTECTION

### 7.1 Confidentiality

The information provided by complainants and witnesses will be regarded as having been received by the Organisation in confidence, in so far as it may contain personal data relating to the individual and any other person (other than the person being complained about). However, under the obligations of various protocols and legislations certain information may need to be shared, particularly in the interest of reducing crime and disorder (see 7.2).

Alternatively, complainants and witnesses have the option of remaining anonymous, although this may influence the progress of the case and this factor should be discussed with the relevant individual/s.

### 7.2 Information Exchange and Data Protection

Information sharing is a vital tool in tackling problems concerning anti-social behaviour. When members of our staff share information with other agencies, they consider confidentiality and comply with various acts:

- The Data Protection Act 1998 (Section 29)
- The Human Rights Act 1998
- The Crime and Disorder Act 1998 (Section 115)
- The Freedom of Information Act 2000

### TRAINING AND PROTECTION OF STAFF

To deal with the diverse challenges of anti-social behaviour, staff must be confident, efficient and have a good understanding of the legal and non-legal measures and procedures that can be used when addressing complaints of anti-social behaviour. The Organisation aims to achieve this by-:

- Annually training direct staff and managers in Crisis Intervention Training
- Providing developmental training for staff
- Encouraging attendance at any related courses that may be arranged as part of the Organisation Training Strategy
- Keeping staff informed of any relevant changes to policy and procedure.

Members of staff dealing with anti-social behaviour are made aware that their position may put them in contact with various individuals, some of whom may behave anti-socially.

Whilst the Organisation attempts to provide guidance and safety measures to protect its staff, if an incident occurs it will treat the case seriously and respond immediately, which may include legal action.

**END OF POLICY** 









## **ACCEPTABLE BEHAVIOUR CONTRACT**

This is a voluntary agreement between the person named and Paragon Supported Housing C.I.C.

The purpose of this contract is to ensure a clear understanding by this person of behaviour that is unacceptable to residents/tenants/families/staff and the organisation. The aim is to deal with it by agreement and thereby prevent the need for action through the Courts.

The contract is not a legal document and a breach of the understanding will not constitute a criminal offence in itself. However, the breach may be referred to in the event that legal proceedings are pursued.

(Name	)	
of		
(Addres	ss)	
Agree that I will NOT do any of the following:		
<ol> <li>Cause damage to property</li> <li>Be rude or abusive to anybody at any time</li> <li>Act in a disorderly or criminal manner</li> <li>Act in any way that causes annoyance to other people</li> <li>Will not threaten or abuse residents/tenants/staff or visitors. This includes swearing</li> </ol>		
Signature		
Representative		
Scheme Manager		
On behalf of Paragon Supported Housing C.I.C		
	Date of contract	
	To be reviewed on	



