

Anti-Social Behaviour and Harassment Policy and Procedure

A ANTI-SOCIAL BEHAVIOUR POLICY

1 Introduction

Section 218A of the Housing Act 1996, inserted by Section 12 of the Anti-Social Behaviour Act 2003, requires all social landlords to publish a statement of their policy and procedures. The policy must be made available to the public and kept under regular review. The Anti-Social Behaviour, Crime and Policing Act 2014 updates previous requirements and provides new provisions for addressing and preventing anti-social behaviour.

2 Defining Anti-Social Behaviour

Southsea Self Help Housing Co-operative's definition of anti-social behaviour is consistent with the legislation and includes the following acts:

- Abandoned vehicles
- Businesses causing a nuisance
- Criminal activity
- Dogs, uncontrolled pets and other animals
- Domestic disputes and disturbances
- Domestic violence
- Drug & alcohol abuse
- Drug dealing
- Fly tipping
- Graffiti
- Harassment
- Litter
- Neighbour disputes
- Noise
- Playing in unsuitable areas (e.g. skateboarding or roller-blading on landings, football near windows)
- Parking and vehicle problems (including carrying out vehicle repairs)
- Racial harassment
- Rubbish

- Using or threatening to use violence to other members, employees, agents and contractors
- Vandalism & other criminal damage
- Youth anti-social behaviour & disorder.

3 The Approach to Anti-Social Behaviour

The co-operative makes every effort to ensure that members enjoy a safe and secure environment. In addition to the general service standards that we operate under, the following service standards have been agreed in relation to anti-social behaviour:

- Members can report anti-social behaviour in person, by telephone, by e-mail, text or in writing
- All complaints of anti-social behaviour will be investigated within 5 working days
- Members will receive a response on the outcome of their complaint within 10 working days
- Members will receive written updates on the progress of persistent cases of anti-social behaviour at each key stage

Our general approach to tackling anti-social behaviour, in partnership with other key public agencies, is best described as support and enforcement.

Prevention:

- Arranging informal contact, conducting meetings, issuing warnings and agreeing Acceptable Behaviour Contracts (ABCs) with members
- Making available a mediation service to resolve neighbour disputes
- Working with Community Mental Health Teams and social services in order that care plans can be drawn up or amended to support members experiencing mental health crisis and prevent anti-social behaviour issues arising
- Working with Crime & Disorder Reduction Partnerships
- Tackling 'quality of life' anti-social behaviour issues through the quick removal of graffiti, dumped rubbish and abandoned vehicles
- Diversionary projects for youths, such as football clubs & IT drop-in centres
- Structured interviewing of juveniles to establish ways to tackle their behaviour
- Structured interviewing of perpetrators with problems related to alcohol or drug abuse to establish ways resolving issues related to that abuse

Where prevention does not work, and anti-social behaviour persists, the co-operative will take firm enforcement action to resolve the problem. This could include applying for a Civil Injunction, a Community Protection Notice or a Possession Order to have the perpetrator evicted.

4 Support for Complainants & Witnesses

Southsea Self Help Housing Co-operative is aware that making a complaint about anti-social behaviour or acting as a witness in a court case may cause anxiety and stress. The co-operative is committed to doing all it can to support, reassure and protect members that report anti-social behaviour and act as witnesses.

Members are not generally expected to go to court as a witness, as most cases of anti-social behaviour are resolved without legal action. However, where necessary, we will work with members to help them build up an understanding of the legal process, ensure they have any information they need and help develop the confidence and strength of purpose to act as a witness in court.

5 Racial & Other Harassment

The co-operative's Equality and Diversity Policy aims to ensure equality of opportunity and access to housing services (including tackling anti-social behaviour) with regard to all *protected characteristics* (as defined by the Equalities Act 2010).

The co-operative will act quickly to remove racist or offensive graffiti; this will be removed within 24 hours.

The co-operative will investigate any reports of racial or other harassment within 5 working days; in the most severe and serious cases, we will consider an urgent transfer where there are concerns about the victim's immediate safety and violence has been threatened.

6 Multi-agency Partnerships

Each report of anti-social behaviour received is assessed and prioritised by reference to a set of criteria (concerning frequency, seriousness, Class A drugs, immediate risk of harm and breach of existing orders).

7 Data Protection & Information Sharing

When considering sharing members' *personal sensitive data*, Southsea Self Help Housing Co-operative recognises that the Data Protection Act 1998 forbids disclosure of personal and sensitive information concerning individuals in most circumstances without their consent.

The co-operative will also ensure that in each case any common law duty of confidentiality is taken into account before disclosing personal information.

B ANTI-SOCIAL BEHAVIOUR PROCEDURES

1 Making a Complaint about Anti-Social Behaviour

Complaints about anti-social behaviour can be made to the co-operative:

- In person
- By telephone or
- In writing (by letter, fax, text or e-mail)

Details of your complaint will be recorded and an acknowledgement letter sent within 5 working days. The acknowledgement letter will set out the named member dealing with the complaint, their direct telephone number and details of when they are available to be contacted in the office.

Where other agencies would be better able to deal with the complaint you will also be referred direct to the appropriate agency. Your complaint will still be processed in the normal way (see Section 2: Processing Complaints below).

2 Processing Complaints

The Investigating Officer will make an appointment to meet you to discuss your complaint in detail. You will be given the opportunity to agree a plan of action to resolve the problem. You will be asked to sign an Anti-Social Behaviour Complaint Form setting out the agreed plan of action.

A plan of action could involve you:

- Approaching the person causing the problem and discussing it with them
- Taking your own legal action (e.g. injunction, statutory nuisance)
- Taking part in a mediation session

- Collecting evidence, keeping a diary, taking photographs, collaborating with other members or the police and being prepared to give evidence in court, if necessary.

A plan of action could involve the member responsible for dealing with your complaint:

- Making a note of your complaints and keeping it on file for future reference should the problem recur or get worse
- Involving other agencies to provide care or support to the person causing the problem
- Inviting the person causing the problem to participate in a mediation session with you
- Interviewing and writing to the other person warning that the behaviour is unacceptable
- Using an Acceptable Behaviour Contract (ABC) to moderate the person causing the problem's behaviour
- Initiating legal action (such as using environmental protection powers, applying for a Civil Injunction, a Community Protection Notice, a Possession Order or other legal powers).

You are not obliged to agree an action plan; you may just want the co-operative to take the necessary action to resolve the problem.

3 Investigation

Investigations will be carried out into the complaint which could include:

- Contacting the person causing the problem to provide them with details of the complaint; the identity of the complainant will be kept confidential at this stage. They will be given the opportunity to respond to the complaint and discuss the options for resolving the problem
- Contacting other members in the immediate vicinity for further witness evidence
- Taking photographs of any rubbish in gardens, damage or vandalism, obstructive parking or other relevant matters
- Contacting other agencies, for example:
 - Police for details of reports of crime or anti-social behaviour
 - Social services to establish whether any contact has been made and whether any care or support is being provided
 - Probation for details of any probation order or probation restrictions

- Education to establish whether the Education Welfare Service is aware or already involved
- Environmental services for complaints of statutory nuisance

4 Taking Action

Southsea Self Help Housing Co-operative will take appropriate action to resolve the problem, as far as possible in line with your agreed plan of action. The action taken will depend on frequency, seriousness, whether drugs or criminal activity are involved, relevant personal circumstances of the member engaging in the anti-social behaviour (including mental illness), involvement of other agencies and any other relevant information obtained during the investigation.

The procedures summarised below set out how the member dealing with your complaint will take action to resolve the problem.

5 Prevention

Taking effective action to tackle anti-social behaviour involves employing the most appropriate tools to resolve the problem. The co-operative has legal powers to deal with anti-social behaviour through possession proceedings and eviction. However, these are not always the quickest, or most effective ways to deal with a particular problem. Taking preventative action is often the most effective way of dealing with minor, infrequent anti-social behaviour problems.

The co-operative will employ informal approaches to resolve anti-social behaviour to comply with its responsibilities under the Human Rights Act 1998 and the Disability Discrimination Act 1995. The co-operative is obliged to take proportionate action in response to anti-social behaviour and ensure it does not discriminate against members whose behaviour arises from their disability.

Southsea Self Help Housing Co-operative uses the following action to prevent anti-social behaviour:

Warnings

Typical problems: loud music, dumping rubbish, furniture dumped on communal landings & staircases, parking problems, dogs (or other pets), litter, children playing in unsuitable areas.

Action: The Investigating Officer dealing with your complaint will write to the member responsible setting out why the behaviour is unacceptable and warning that enforcement action will be taken if it happens again.

Mediation

Typical problems: noise, neighbour disputes, dogs, rubbish, obstructive parking, boundary disputes, behaviour of children or visitors.

Action: The Investigating Officer dealing with your complaint will discuss the possibility of mediation with both parties and if they are agreed refer the case for mediation.

Acceptable Behaviour Contracts

Typical problems: youth anti-social behaviour, harassment, noise, domestic disturbances, vandalism, graffiti

Action: The Investigating Officer dealing with your complaint will contact other relevant agencies and a joint visit will be made to the home of the member responsible to discuss the complaint. A further meeting will be arranged with the individual for them to sign the ABC setting out the behaviour to be refrained from, any support being offered and the consequences of breaching the agreement.

In all the above prevention actions, the Investigating Officer dealing with your complaint will write to you confirming the actions taken.

6 Enforcement

Serious and persistent anti-social behaviour requires a firm, effective response. Members that act in an inconsiderate way towards their neighbours, cause a nuisance or harassment, alarm or distress, or fail to heed warnings and address their behaviour will have enforcement action taken against them.

Southsea Self Help Housing Co-operative will make use of the following enforcement action in relation to anti-social behaviour:

Civil Injunctions and Community Protection Notices

Typical problems: general anti-social behaviour, criminal or immoral activity, noise, harassment, vandalism, dogs (or other pets), rubbish dumping, obstructive parking

Possession Orders

Typical problems: persistent breaches of tenancy conditions, general anti-social behaviour, criminal or immoral activity, noise, harassment, vandalism, dogs (or other pets), rubbish dumping, obstructive parking

Eviction

Typical problems: persistent breaches of tenancy conditions, general anti-social behaviour, criminal or immoral activity, noise, harassment, vandalism, dogs (or other pets), rubbish dumping, obstructive parking. In particular, where previous warnings or preventative action has not resolved the problem.

In all the above enforcement actions, the Investigating Officer dealing with your complaint will write to you confirming the actions taken.