



## **Anti-Social Behaviour Policy**

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## 1.0 Policy Introduction

The purpose of this document is to inform residents, applicants, stakeholders and the wider community of IDS' Policy when managing Anti-Social Behaviour (ASB) and specifying the standard of behaviour expected from all IDS tenants.

## 2.0 Definitions

### 2.1 Anti-Social Behaviour (ASB)

The Anti-Social Behaviour, Crime and Policing Act 2014 defines Anti-Social Behaviour as

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

### 2.2 IDS Definition of Anti-Social Behaviour (ASB)

Any conduct that is capable of causing nuisance, annoyance, harassment, distress or alarm to any person and/or directly or indirectly relates to, or affects; the housing management functions of a landlord.

It can also consist of the use or threatened use of housing accommodation owned or managed by a relevant landlord for an unlawful purpose.

The persons that the conduct may cause nuisance or annoyance to, can include anyone who has a right to live in a property owned or managed by the landlord or any person living in any other property within the locality (of an IDS property (e.g. owner occupiers, tenants of other landlords) and anyone else acting lawfully in such property or in the locality for example working or using local facilities.

The housing management function is considered as any activity that the landlord would undertake in the day-to-day and strategic management of property owned or managed by the landlord.

This could include:

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

*A named IDS tenant may be liable for an act of ASB undertaken directly by them, a member of their household or visitor(s) to their household should the incident of ASB occur at or within the locality of the property.*

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

- Harassment of residents
- Noise Nuisance i.e. persistent noise from loud music, shouting, banging doors
- Physically or verbally aggressive or abusive behaviour towards others
- Engaging in threatening behaviour in groups
- Writing graffiti
- Smoking or drinking alcohol while under age
- Using accommodation to sell drugs or for other unlawful purposes
- Substance misuse
- Throwing missiles
- Dumping rubbish
- Aggressive and threatening language and behaviour
- Criminal behaviour
- Hate behaviour which targets members of identified groups because of their perceived differences. Racial, homophobic or sexual harassment (covered by separate policy)
- Nuisance from vehicles either from use, maintenance or abandonment
- Keeping premises in a state which is prejudicial to health
- Allowing animals to roam uncontrolled and to foul communal areas

## **2.3 Quiet Enjoyment**

Quiet enjoyment simply means a promise made or implied within a lease or tenancy agreement that the tenant will be able to use his premises peacefully and without unlawful interruption or disturbance from the landlord. If the landlord or anyone acting on the landlord's behalf interferes with quiet enjoyment (by, for example, preventing the tenant from getting access to the property or else entering the premises without lawful authority such as a Court order) they can be sued for breach of contract.

"Quiet" in this context does not mean undisturbed by noise. If a disturbance is caused by anybody other than the landlord this is a separate issue and a claim could be made against the person causing the disturbance.

## **3.0 Policy Aims**

This policy sets out the way we will deal with ASB. The aim of the policy is to:

- Provide an easily accessible service which encourages reports of ASB
- Clearly defines the interpretation of ASB
- Provide a consistent approach to the management of ASB across all of our neighbourhoods
- Use a range of non legal tools as appropriate
- Use a range of legal tools as appropriate
- Provide support to complainants and witnesses of ASB
- Provide support to perpetrators of ASB to help them modify their behaviour
- Comply with current legislation and good practice
- Use performance indicators to direct services/resources appropriately
- Set out clear service standards for the ASB service

## 4.0 Policy Statement

We aim to make our estates pleasant and secure places to live by

- Taking seriously all reports of nuisance and ASB
- Responding to reports quickly in an effective, sensitive and consistent manner.
- Taking appropriate action to stop neighbour nuisance and ASB of any kind against those responsible e.g. acceptable behaviour agreements, possession orders, injunctions, eviction.
- Actively working with residents and other agencies to tackle persistent and serious problems of ASB

We will base our response on the following principles

- Anyone has a right to their chosen lifestyle but this must not unreasonably interfere with the quality of life of others
- There should be tolerance and respect for the needs of others
- IDS have a duty under the ASB Act 2003 to ensure that the right of all tenants to live within their home without experiencing anti-social behaviour, from persons not of the household, is upheld.

In order to aid our effective delivery of this service to our residents we have devised a full procedure for our officers to work from to ensure that reports of ASB are dealt within the terms of this policy.

## 5.0 IDS' Approach to ASB

IDS is committed to providing homes and supporting communities. We achieve this in partnership with all residents, across all tenures, and with our partner agencies in the resolution of ASB.

We work to:

- Take positive steps to discourage ASB
- Respond to any complaints in an efficient, sensitive, proportionate and consistent manner
- Offer residents support and advice
- Stop ASB occurring, not simply displace it to another area.
- Take an holistic approach through the assessment of support needs of victims as well as perpetrators.

We recognise the adverse effect and personal distress caused to people's lives by ASB and adopt a "victim-centred" approach that encourages the reporting of ASB.

IDS will respond to all reports of ASB in a proportionate manner in accordance with the detailed procedures that relate to this policy. We will work with the victims and witnesses involved in a case to devise an action plan that is agreeable to all and designed to fit the type and severity of the ASB occurring. IDS will only apply for a Possession Order, which could result in a tenant losing their home, as an absolute last resort.

## **5.1 Multi-agency Partnerships**

IDS recognises the importance of taking a multi-agency approach to tackling ASB and support victims and perpetrators. IDS will consider the services of all relevant agencies on assessment of each case. IDS will continue to work with other agencies and develop new contacts in order to identify solutions and manage issues of ASB

Agencies we currently work in partnership with include:

- Metropolitan Police
- Borough crime and disorder strategy groups
- Borough ASB teams
- Borough youth offending teams
- Social services
- Youth services
- Educational welfare department
- London fire brigade
- Youth involvement support panels
- Borough mental health team
- Drugs action teams
- Mediation services
- Borough environmental health departments
- Victim support groups
- Ethnic minorities and sexuality related support groups.

## **5.2 Victim and Witness Support**

Where we have to act we do it quickly to minimise the disruption to households involved and the wider community. We will respect the confidentiality of victims and witnesses and will keep them informed of the process as set in the IDS ASB procedure.

We will work with victims and witnesses to design an action plan that they feel they can agree with. Where any extra support needs are identified, we will refer to and work with the appropriate agencies.

Where residents are vulnerable or unable to provide evidence, we will use professional witnesses and/or video surveillance as an alternative.

As well as working with other agencies, we may provide support to witnesses, such as:

- Information on our services and other agencies including relevant telephone numbers.
- A simple method of recording information according to any relevant needs
- Control over information they provide, constant reassurance about their safety and needs.
- Any necessary security devices such as door and window locks, panic alarms, mobile phone.
- Support for any court appearances to include a chance to see the court before hand. We will consider claims for any expenses caused by attendance at court i.e. travel.

- Assistance with referrals to agencies such as Victim Support who provide a witness support service.

### 5.3 Supporting Perpetrators - Tenancy Sustainment

We will assess all perpetrators to ensure the household is able to sustain their tenancy. Where formal support packages or informal support networks are necessary we will seek to negotiate the provision of these resources.

We will ask perpetrators to demonstrate that they are taking appropriate steps to make their tenancy a success.

## 6.0 Equality and Diversity

IDS recognises the needs of a diverse population and always acts within the scope of its own **Equality and Diversity Policy**, the **Human Rights Act 1998**, **The Disability Discrimination Act** and **Race Relations Act**. IDS works closely with its partners to ensure it has a clear understanding of its resident community and regularly updates service user profiles.

IDS have procedures for the recording, analyzing and monitoring information on ethnicity, vulnerability and disability of both victims and perpetrators of ASB.

### 6.1 Mental Health / Disability

Where there are concerns in relation to mental illness or disability, IDS will ensure that all support needs have been considered and legal action is fully justified. IDS will assume perpetrators of ASB have capacity unless provided official medical notification to the contrary. Where an individual is deemed not to have capacity then IDS will seek the necessary legal advice.

## 7.0 Confidentiality and Information Exchange

IDS are guided by the **Data Protection Act 1998** and **Freedom of Information Act 2000** and the **Human Rights Act 1998**, all personal and sensitive organisational information, however received, is treated as confidential.

This includes:

- anything of a personal nature that is not a matter of public record about a resident, applicant, staff or committee member
- sensitive organisational information

We ensure that data is obtained and processed fairly and lawfully, kept accurate and up to date, held for no longer than is necessary and subject to appropriate security measures.



IDS 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 IDS is confidential. Handling and releasing information provided to IDS is explained in its **Access to Information Policy**.

The National Housing Federation's guidance on disclosure which 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", will be complied with.

There are occasions when IDS will share information relating to applicants and perpetrators. **The Crime and Disorder Act 1998**, Section 15, gives IDS power to disclose information when it is necessary to detect or prevent crime. Where information is shared with other agencies, IDS have protocols in place, which clearly state what type of information might be shared, with whom and for what purpose.

## **7.1 Protecting Victims and Witness Identities.**

To assist with this, IDS keep ASB records secure and separate from personal records in the main filing system.

Where a person makes a request for intervention, we with them discuss with them that we may be unable to guarantee their anonymity. Descriptions of events provided by the complainant may mean when an allegation is investigated with the perpetrator, the person who has been accused of ASB may be able to identify the reporting individual.

## **8.0 Preventative Measures**

IDS will:

- Use Starter Tenancies for all new tenants in order to provide a probationary period of tenancy.
- Not offer rehousing to any applicant who has previously been evicted due to ASB or whose tenancy was terminated after their landlord had begun court proceedings to recover their tenancy for such behaviour.
- Undertake detailed sign-up procedures in which IDS's stance to ASB is clearly explained.
- Make available to all residents a summary of IDS's policies and procedures for dealing with ASB.
- On signing a new IDS Tenancy Agreement, the tenant will be required to sign the appropriate Good Neighbourhood Agreement.
- Perpetrators of ASB who have been served with a Notice Seeking Possession or Injunction (or equivalent) will become ineligible for a transfer to alternative

accommodation for a period of six months, assuming there are no such further breaches of tenancy. In exceptional cases, IDS reserves the right to extend this period up to, but not exceeding, five years.

- Refer cases to mediation services at an early stage to prevent problems from escalating.
- Sign up to; and maintain, information exchange protocols, in order to share information about proven perpetrators.
- Make appropriate use of CCTV monitoring equipment and other available methods of evidence gathering.
- Publicise quarterly our approach to dealing with ASB, including initiatives, agencies who can assist, and action taken against perpetrators of ASB.
- Design out the opportunity to commit crime or ASB at the development stage and when establishing maintenance programmes.
- Provide support and advice to vulnerable tenants such as those who abuse alcohol and drugs or those with serious mental health problems, with referral to relevant specialist agencies
- IDS employs a Tenant Participation / Community Development Officer to work with tenants and tenant groups, involving them in social activities to bring people together and foster a sense of community.
- Provide opportunities for IDS Tenants to participate in policy groups and the Tenants' Forum.
- Provide formalised programmes and youth consultation groups to encourage the participation of young people in the reduction of ASB and provide facilities for social betterment.

## **9.0 Tenants' Obligations**

Tenants who breach the obligations in their Tenancy Agreement will have action taken against them in line with the IDS ASB policy and procedure.

IDS recognises that tenants have obligations and responsibilities which can help to reduce ASB

- IDS and Tenants have set out the standards of behaviour that it considers to be acceptable in their Good Neighbourhood Agreement.
- Tenants must take responsibility for their own and households actions, as well as, those of their visitors and should behave in a way that does not harass, intimidate or distress others.
- Witnesses of ASB have a responsibility to report it to IDS and a right to be protected in doing so.

- The perpetrators of ASB are accountable for their actions to those who are affected.

## **9.1 Tenant Resolution**

While IDS has a responsibility to investigate and manage issues of ASB, we believe that, in the first instance, it is often more constructive for individuals to attempt to resolve relatively minor differences between one another. We will offer mediation, where appropriate, as a preferred method of tenant resolution.

We do not expect a tenant to resolve an issue with may place themselves or any other person in danger.

## **10.0 Monitoring and Reviewing ASB**

IDS monitor incidents of ASB and review ASB cases in accordance with the ASB procedure. Information relating to ASB cases can only be accessed by specifically authorised officers employed by IDS.

On closure of an ASB case victims and witnesses will receive a questionnaire to review the level of service received. The questionnaire is designed to meet the HouseMark Benchmark standards.

The management and perception ASB is included in the annual tenants' survey and reported as part of the TSA Standards.

IDS policy and procedure will be reviewed annually or when changes to government legislation and company policy make it necessary. Changes to the policy will be communicated to all IDS officers and training will be given if necessary.

## **10.1 Performance Monitoring**

The Corporate Plan ensures an ongoing commitment towards policy development and review. In addition to its strategic role, the Board also monitors trends on a quarterly basis. The nature and format of this reporting is also kept under review.

ASB incidents and cases are reviewed by the relevant staff in as set down in the ASB procedure, with no more than six passing between full reviews.

IDS have adopted the HouseMark categories of ASB to enable effective ASB categorisation. This data is to benchmark IDS' service against other Registered Providers.

## **11.0 Health and Safety**

In the management of ASB IDS Officers will follow **IDS Health and Safety Policy** and **Loan Working Policy** at all times. They will also consider the health and safety

of all parties involved in any one case and the wider community when taking action to resolve issues of ASB.

## Appendix

### A: Other Related IDS Policies and Legislation

There are various other IDS policies and procedures that may impact on the work of tackling ASB and these include

- Lettings And Transfer policy
- Racial Harassment policy
- Domestic Violence policy
- Violence at work policy
- Lone workers policy
- Starter Tenancy Policy
- Eviction Policy
- Equality and Diversity Policy

And also the following legislation

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime and Policing Act 2014
- Children Act 1989
- Crime and Disorder Act 1998 (as amended in 2002)
- Dangerous Dogs Act 1991
- Data Protection Act 1998
- Disabilities Discrimination Act 1995 and 2005
- Environmental Protection Act 1990 and Noise Act 1996
- Housing Act 1996
- Housing and Regeneration Act 2008
- Human Rights Act 1998 (which states that failure to protect a tenant suffering from racial harassment may constitute a breach of their human rights, particularly the right of the person (Article 5) and to home and family life (Article 8)).
- Police Reform Act 2002
- Protection from Harassment Act 1997
- Race Relations Act 1976 and Race Relations (Amendment) Act 2002
- Regulation of Investigatory Powers Act 2002
- Respect Standard for Housing Management
- The Equality Act (Sexual Orientation) Regulations 2007
- The Family Law Act 1996 (which provides for two types of orders: Occupation orders concerning the right to occupy the family home; and Non-molestation orders, which provide protection against violence and abuse).
- The Race Equality Scheme 2005
- The Racial and Religious Hatred Act 2006 (which will make it illegal to threaten people because of their religion, or to stir up hatred against a person because of their faith)
- The Sex Discrimination (Amendment of Legislation) Regulations 2008
- Tenant Services Authority Regulatory Framework
- Tenant Services Authority National Standards

And any other relevant published legislation or policy as passed.