



**STAFFORD**  
**and rural homes**  
OPENING DOORS TO BETTER HOMES

# **STATEMENT OF POLICY ON ANTI-SOCIAL BEHAVIOUR**

**March 2008**



# STATEMENT OF POLICY ON ANTI-SOCIAL BEHAVIOUR??

## 1. Our Vision

Stafford and Rural Homes' (SARH) vision is to provide quality affordable housing in a safe environment, to strengthen communities in the towns and villages, and to provide excellent services for all our customers in partnership.

SARH aims to make its neighbourhoods pleasant and secure places to live and will not tolerate unacceptable behaviour caused by residents, their families, visitors or any other person.

## 2. Our Definition of Anti-Social Behaviour

Anti-Social Behaviour (ASB) can be used to describe a wide variety of behaviour that negatively affects someone else.

Anti-Social Behaviour is defined within the Anti-Social Behaviour Act 2003, Sections 153A/B as:

### **Section 153A(1)**

*“Any conduct which is capable of causing nuisance or annoyance to any person, and which directly or indirectly relates to or affects the housing management functions of a landlord”*

### **Section 153B(1)**

*“Any conduct which consists of or involves using or threatening to use housing accommodation owned or managed by the relevant landlord for unlawful purposes”*

SARH has identified that the most commonly recognised types of ASB includes but is not limited to:

- **Harassment** including persistent verbal or physical abuse
- **Actual Violence or Threats of Violence**
- **Aggressive or Threatening Language**
- **Racial Abuse/Harassment or any other form of Harassment** in any form against members of identified groups because of perceived differences e.g. race, ethnicity, religion, sexual orientation or disability
- **Domestic Violence** within the home or reported as a cause of nuisance and distress to neighbours
- **Noise Nuisance** unacceptable levels of noise including loud parties, music, televisions, shouting, banging (this list is not exhaustive)
- **Environmental Nuisance** including graffiti, fly tipping or damage to property
- **Animal Nuisance** caused by pets and other animals

- **Using Homes for Unlawful Purposes** including supply of drugs, storing of stolen goods or prostitution

SARH has a wide list of examples of what might be considered to be ASB in its Procedures, including a chart that describes a range of behaviour that constitutes ASB in accordance with the Government's guidelines for local and national activity measures.

### **3. Our Approach to Anti-Social Behaviour**

SARH expects all of its tenants and leaseholders to adopt a good neighbour approach. This means having respect for the neighbourhoods in which they reside and respecting different values and lifestyles reflected within the community.

SARH's aims are:

- to contribute to sustainable communities based on reasonable standards of behaviour;
- to ensure that tenants comply with tenancy conditions;
- to respond quickly to reports of ASB;
- to work proactively recognising potential problems and through early or quick intervention preventing them from escalating;
- to treat all cases of ASB sensitively and in a consistent and fair manner;
- to protect the rights of tenants and leaseholders who may be subject to ASB due to their age, disability, gender, race, sexual orientation or religious beliefs;
- to consider the possibility of prevention, intervention and support when dealing with ASB;
- to support victims and witnesses of unacceptable behaviour;
- To ensure that a range of sanctions are available for combating ASB;
- to take effective enforcement action when required;
- to work in partnership with other agencies to tackle the causes of anti-social behaviour;
- to work in partnership with others to educate communities to understand the effects of such behaviour.

SARH recognises that in order to secure improved behaviour, and to enable people to take responsibility for their own behaviour and its impact on others, it is important at times to apply sanctions or to confront people with appropriate and proportionate consequences for their own behaviour. This may provide an incentive to change, or it may be that the primary impact of sanctions will be to relieve victims of continued anti social behaviour, but a policy without firm and effective sanctions is unlikely to achieve improvements that benefit victims and neighbourhoods.

SARH has a dedicated Neighbourhood Services Team who are responsible for dealing with all complaints of nuisance and ASB. For the majority of ASB

complaints, the Neighbourhood Services Officers will carry out a full, thorough and fair investigation in a bid to resolve the complaints swiftly and effectively. However, in more serious or persistent case, where legal enforcement action is sought, a dedicated Neighbourhood Impact Officer who specialises specifically in dealing with cases of ASB will take ownership of the case and progress to court action.

SARH will take action against anyone (not just our tenants) who is causing or capable of causing nuisance, annoyance and/or is behaving in an anti-social manner.

#### **4. The Strategic Context**

In setting out its policies and procedures, SARH has regard to the strategic context of ASB and how they relate to existing statutory obligations. The Crime and Disorder Reduction Partnership (CDRP) has a strategic responsibility to prevent crime and disorder in the Borough and SARH's strategy as a landlord is only a contribution to this wider responsibility. SARH will, where appropriate and where it is in its residents' interests to do so, seek to contribute to the wider strategic process, such as the local Crime and Disorder Reduction Partnership.

SARH's policies on ASB take account of other relevant legislation including:

- Crime and Disorder Act 1998
- Disability Discrimination Act 1995
- Homelessness Act 2002
- Race Relations Amendment Act 2000
- Human Rights Act 1998
- Housing Act 1996
- Data Protection Act 1998

#### **5. Tenants Obligations**

All of SARH's tenants are subject to tenancy terms that prohibit ASB and make it clear that the tenant is responsible for the behaviour of not only themselves, but also those that live with them and their visitors.

SARH introduced Starter Tenancies in November 2007 as part of the prevention toolkit used to promote positive behaviour in tenancies. These help to assist new tenants to sustain a tenancy without causing nuisance and annoyance to other residents.

Starter Tenancies are used for a period of 12 months, during which time swift action can be taken against anyone who persists in causing nuisance, annoyance, alarm and distress to other residents without the need to apply to the County Court for possession.

SARH houses a wide range of people with different needs and lifestyles. In

doing so, SARH expects a reasonable level of tolerance between neighbours and will seek to make a fair evaluation on whether complaints are reasonable. It also expects its tenants and residents to behave within the law and with consideration for others in the community.

SARH will not necessarily become involved in all disputes between neighbours and it will not take action where it considers it unnecessary or that complaints are not sufficiently serious to warrant its involvement or where a personal dispute may be best dealt with by the complainant taking legal action themselves.

## **6. What are Stafford & Rural Homes' Policies?**

SARH's specific policies for dealing with ASB include:

### **Support of Complainants and Witnesses**

SARH will support Complainants where there is a legitimate problem which it is appropriate for it to be involved in resolving.

SARH is committed to supporting Complainants by:

- being clear about how incidents of ASB are reported;
- making reporting channels as simple as possible;
- by dealing promptly with complaints;
- keeping Complainants informed of developments and progress with their complaint; and
- considering referring Complainants to appropriate support services or to other agencies such as the Police, where possible and appropriate;
- putting the safety and well being of witnesses first.

Where Complainants have to give evidence in proceedings against perpetrators of ASB they become SARH Witnesses. It is important to acknowledge that SARH Witnesses are no longer simply "victims" but by agreeing to give evidence in court have become active and strong partners in a drive to transform the social environment in their communities.

SARH supports its Witnesses by:

- facilitation of transport and accompaniment/escort to court;
- provision of support at court;
- allocations and lettings policies that are both sympathetic and effective;
- providing access to an emergency out of hours contact 24 hours a day;
- obtaining counselling and advice in practical aspects of problems faced, including on a voluntary basis from other residents who have had similar experiences (known as "Witness Support").

SARH is committed to ensuring that victims and witnesses of nuisance and ASB are supported. A separate procedure, **Victim & Witness Support**, is in place to offer guidance to staff and customers on the support process.

Witnesses are crucial to tackling nuisance and/or ASB, whether they are:-

- Victims of nuisance and/or anti-social behaviour directed against them specifically or,
- Residents who witness nuisance and/or anti-social behaviour directed against the community.

Victims and their neighbours can be extremely credible and very persuasive as witnesses. It is vital therefore for witnesses to be encouraged to report incidents and provide evidence to help in enforcement action taken against perpetrators.

The evidence available from a victim or witness of nuisance and ASB is usually of a higher quality than hearsay or professional witness statements and can cover more incidents than surveillance operations.

Evidence from witnesses can demonstrate the true distress and annoyance of the nuisance and anti-social behaviour experienced and can show how such behaviour damages communities. Gaining the trust and confidence of witnesses is key to keeping witnesses on board, particularly at the crucial first stage when a report is made as this is likely to be the point at which a victim's or witness's expectation is formed.

-Witnesses attending court will be offered visits to the courts prior to the hearing so that they can familiarise themselves with the layout. SARH will reimburse any costs for travel, childcare arrangements or loss of earnings and food. All costs must be reasonable and receipts obtained. For cases where childcare and loss of earnings are applicable proof must be provided from the witness's employer, agency or other authorised body.

Support will remain in place throughout the duration of the court hearing and following the court hearing.

SARH will recommend that in exceptional cases where residents have taken a stand against nuisance and anti-social behaviour in their community be referred for a local or national award (e.g a Community Action Award or Taking a Stand Award).

### **Professional Witness Schemes**

SARH believes that direct evidence from those affected by ASB is best in most cases but acknowledges that circumstances may warrant the use of evidence from Neighbourhood Services Officers or from professional witnesses from time to time, preferably to support direct evidence from SARH Witnesses.

SARH's use of professional witnesses will be subject to advice by its lawyers from time to time.

## **Racial and other Harassment Policies**

SARH's Harassment Policy and its Equality and Diversity Strategy set out its commitments to:

- eliminate unlawful discrimination and harassment;
- promote good relations between people of different racial groups;
- maximise the reporting of incidents that are racially motivated;
- support complainants and their families;
- take action against perpetrators.

## **Domestic Violence Policy**

SARH's Domestic Violence Policy sets out the action that may be taken where there is domestic violence.

### **7. Prevention of ASB**

SARH recognises the importance of using preventative measures to minimise the effect of ASB.

Where there is evidence that an alternative solution to legal proceedings will resolve problems whilst still meeting the needs of Complainants then SARH will consider those alternatives.

SARH seeks to adopt the following measures that focus on prevention including:

- New tenants - At the new tenancy sign-up stage, to explain to all new tenants the importance of acceptable behaviour towards other residents, and clearly set out the approach that SARH will take if incidents of ASB occur.
- Exclusion from housing allocation - Careful consideration will be given to whether applicants who have been proven to commit ASB are eligible for rehousing by SARH in accordance with Housing Corporation Guidance on fair lettings policies and the SARH's own policies on allocation.
- Mediation - Some ASB cases are considered for referral to a mediation service for resolution of disputes without the need for court proceedings.
- Use of Acceptable Behaviour Contracts ("ABCs") – SARH will continue to work with Staffordshire Police and others in determining when the use of ABCs may be effective in responding to ASB. In Stafford it is normally the Police that issues and administers ABCs. However, SARH may enter into ABCs without the Police's involvement where it believes it necessary to do so.
- Multi-agency partnerships - SARH hopes to continue to build relationships with a variety of other agencies, which may have resources to intervene and assist both perpetrators and complainants. The Local Authority, Youth Offending Team, Probation Service,

Education Service, Social Services, mental health services, and other voluntary organisations helping people with special needs may have a contribution to make.

- Floating support/tenancy support schemes – SARH would wish to see floating support service more readily available for a range of special needs groups, including ex-offenders, young people and care leavers. SARH acknowledges that funding and resources amongst other issues will determine whether such a service is provided and to whom it is made available; these decisions will be made primarily by the Staffordshire Supporting People administering authority. SARH will continue to work with those agencies who provide floating support services in the Borough.
- Designing out crime - When new build or refurbishment is undertaken, SARH will consider any representations made to it about how such works can best be undertaken whilst seeking to “design out crime”. SARH also considers any proposals made by the local Police to identify places where changes can be made to reduce opportunities for crime and anti-social behaviour. Examples may include closing alleyways, improving or changing lighting, moving or cutting back greenery etc.
- Estate Walkabouts – These are carried out on a regular cycle and help to highlight issues that may contribute to incidents of unacceptable behaviour or poor presenting estates due to fly-tipping, graffiti, abandoned vehicles etc.
- Good Neighbour Agreements – SARH wishes to consider Good Neighbour Agreements for specific neighbourhoods to help improve behaviour and expectations of residents.
- Community Events – To foster good relations and to empower residents to improve their communities.

## 8. Other Remedies

SARH recognises the importance of delivering a proportionate and flexible response to challenges that ASB presents.

To this end SARH will take more effective action where preventative measures have not been successful or are not appropriate. These will include:

- preparing and serving **Notices of Seeking Possession**;
- gathering evidence and preparing **Witness Statements**;
- the use of **injunctions** where there is violence or threats of violence;
- the use of **Anti-Social Behaviour Orders** where there is persistent harassment, alarm or distress to the community who need protecting;
- the use of **Demotion Orders** or **Possession Orders**.

## 9. The Respect Standard for Housing Management

SARH have signed up to the Respect Standards as a commitment to dealing with and tackling the causes of ASB within its neighbourhoods.

There are 6 Core Components for the Respect Standards and these are:

- **Accountability, Leadership and Commitment** – demonstrate a commitment to tackling anti-social behaviour and creating a culture of respect by adopting best practice and new approaches.
- **Empowering and Reassuring Residents** – through engagement and communication, setting local priorities and agreeing local standards of conduct through Good Neighbour Agreements. Promoting the use of enforcement tools and successful cases.
- **Prevention and Early Intervention** – working efficiently to tackle problems quickly, ensuring tenancy conditions are clear and comprehensive. Promoting mediation and Acceptable Behaviour Contracts which link into support mechanisms.
- **Tailored Services for Residents and Provision of Support for Witnesses and Victims** – working together to ensure support is in place to tackle the issues of ASB, ensuring reporting is made easy by offering a variety of reporting options for customers. Delivering achievable but challenging deadlines. Having a clear policy for witness and victim support.
- **Protecting Communities through Swift Enforcement** – by using a wide range of enforcement tools available to us, being proactive in our approach to evidence gathering, and ensuring we maintain strong working relationships with our partner agencies.
- **Support to Tackle the Causes of Anti-Social Behaviour** – provision of support and ensuring sustainability within the community is restored, adopting a clear focus on delivering support and resolution. Accessing local support networks to encourage changes in behaviour at early stages to prevent escalation.

By signing up to the Respect Standard, SARH will work in partnership with other agencies and the neighbourhoods in which we manage to make them become stronger, safer communities by:

- Working more closely with our communities;
- Increasing communication;
- Remain accountable for ensuring appropriate action is taken as necessary.

An Action Plan is being developed for implementation of the Respect Standard over the next 12 months.

## **10. Rehabilitation of Perpetrators and Support for Vulnerable Groups**

SARH recognises that support might have a positive impact on perpetrators, particularly if ASB occurs as a consequence directly or indirectly of one or

more factors, such as family or relationship breakdown, mental health, drug or alcohol use and/or exclusion from school.

Where there are specialist agencies with the funding and experience to assist those involved with ASB, SARH will consider any representations as to how the support such agencies will provide can reduce the ASB.

However, SARH acknowledges that other agencies are statutorily empowered and funded to provide rehabilitation and support services to these groups and that perpetrators have to be willing to work with the relevant agencies.

One factor which may lead perpetrators to change their attitudes and to accept support is if they are confronted with consequences for their ASB in the form of proceedings against them by SARH. By contrast, lack of effective consequences can result in persistence of ASB among people unwilling to accept support.

SARH will seek to encourage perpetrators to take advantage of any assistance these agencies may provide them. For example the Police have used ABCs as a way to influence behaviour, especially for young offenders, as a constructive alternative or a supplement to more formal criminal proceedings.

SARH will seek to balance its desire that perpetrators cease to commit ASB and the immediate needs of Complainants. Where those needs are not compatible then SARH's first priority will be to alleviate the suffering of Complainants.

It is hoped that long term changes will take place by ensuring tenants, residents and visitors know that anti social behaviour will be dealt with and dealt with quickly – by legal action if necessary, thereby creating boundaries beyond which those who want to live within the community will not step.

Fast effective action and a clear understanding that ASB will not be tolerated should mean that in the long term incidents will reduce as perpetrators will wish to avoid the consequences of unacceptable behaviour. SARH will review from time to time what if any further action it can take to change behaviour and seek information on successful alternatives developed by other social landlords.

## **11. Multi-agency Partnerships**

SARH are fully committed to a partnership approach and acknowledge that working within a multi agency framework is essential for achieving results and sustainable communities.

SARH has a multi-agency approach to sharing confidential information about individuals. The importance of sustaining good working relations is recognised and this is successfully achieved through:

- Ensuring that actions implemented are customised to the particular needs of all individuals involved;
- Improved case monitoring;
- The utilisation of a variety of professionalism to intervene in the early stages of anti-social behaviour cases;
- Improving information sharing with partner agencies;
- Ensuring a proactive approach to evidence gathering;
- Jointly working to achieve awareness of initiatives for dealing with vulnerable customers and linking in with support networks.

SARH work with a number of organisations, including:

- Staffordshire Police
- Community Safety Partnership
- Local Authorities (Stafford Borough Council)
- Education Departments
- Voluntary Organisations
- Youth Offending Services
- Staffordshire Fire Service

## **12. Data Protection and Information Exchange**

Whilst mindful of the requirements under the Data Protection Act 1998, it is clear that tackling ASB depends upon robust information exchange between all agencies (both statutory and non-statutory) involved.

SARH staff will work in accordance with the Data Protection Policy when sharing information. Additionally, staff will operate in accordance with the Safer Estates Information Sharing Protocol when sharing and disclosing information internally and with Partner Agencies.

Signatories to the protocol are committed to the partnership approach in dealing with Community issues, in particular those involving Crime and Disorder.

It provides a robust framework for the exchange of information to support community safety and facilitate joint action by partners against offenders and suspected offenders.

It enables partners to: -

- Co-ordinate effort to deal with crime and disorder;
- Collate and exchange relevant information to achieve joint objectives;
- Co-ordinate civil and criminal proceedings in respect of the same issue through joint case management.

Signatories to the agreement involve (this list is not exhaustive):-

- Staffordshire Police
- SARH
- A number of Registered Social Landlords
- Stafford Borough Council
- Stoke-on-Trent City Council
- Youth Offending Services
- National Probation Services
- Staffordshire County Council
- Staffordshire Fire and Rescue
- Staffordshire Drug and Alcohol Team

### **13. Sharing information with tenants and the wider community**

SARH has had media attention for its work on ASB. SARH issues press releases about its work on tackling ASB and enters details on its website.

SARH will continue this work so that tenants and the wider community know that it does take action to tackle ASB. This helps to reduce fear of crime and it helps to make the policy more effective because it is more credible.

### **14. Confidentiality**

In accordance with the Safer Estates Agreement, information relating to complainants and perpetrators may be shared with other agencies for the purpose of preventing ASB or crime.

SARH recognises that sometimes complainants are afraid the person named as the perpetrator will find out that they have complained, and that their complaint could lead to retaliation by the perpetrator.

Some complainants may therefore believe that they are providing information to SARH on the basis that it is confidential.

SARH will seek complainants' permission prior to the disclosure of information to the perpetrator, legal representatives or other interested parties.

Confidentiality is, however, a difficult issue. Even if the complainant is not directly identified, the description of events (either when the issues are being discussed with the perpetrator or if a Notice of Seeking Possession is served) will mean that the perpetrator may guess anyway. In some cases, it will not be possible to take further action until the complainant agrees to disclosure of information.

### **15. Cross Tenure Issues**

The powers and responsibilities available to SARH to tackle ASB do not extend beyond the communities where its own housing stock is situated. This means that opportunities to protect owner-occupiers or those in other tenures from the actions of its tenants, or people in other tenures from SARH's tenants exist, but are limited, sometimes by statute to those areas where it

has housing stock.

SARH hopes to contribute to cross-tenure approaches at a strategic level through the Crime and Reduction Partnership, other multi-agency partnerships and by sharing information with other agencies or landlords.

## **16. Protection of staff**

SARH will not tolerate genuine threats or violence by its tenants, their families or their visitors, nor against members of SARH's staff or its contractors in the course of their normal work or when specifically tackling ASB.

SARH will work with the Police and other agencies to use appropriate legal remedies against any person using or threatening violence, including seeking an injunction and/or a possession order.

There are specific powers in SARH's Conditions of Tenancy to deal with threats of violence against any staff and contractors.

In carrying out their work, Neighbourhood Services staff:

- check HMIT and House Files for any possible risks before attending a property;
- consider and up-date Risk Assessments as required;
- adopt SARH's Lone Working Policy;
- sign in / out when carrying out visits, incorporating the Lone Working Policy and carry mobile phones at all times;
- it is preferable that alleged perpetrators are interviewed in the office or similar environment, however, it is accepted that there will be occasions where it is necessary to visit them at home.

## **17. Training of staff in dealing with ASB**

Practitioners must have the confidence and knowledge to identify and investigate incidents and reports of ASB and be equipped to take appropriate action.

SARH is committed to offering appropriate training to all staff involved in ASB matters. SARH is developing an in-house training programme on ASB and will also continue to ensure that staff have access to specialist advice or use external specialist services and contractors to support its own efforts.

Stafford and Rural Homes have signed up to the Respect Standards as a commitment to dealing with and tackling the causes of ASB within its neighbourhoods.

## **18. Information on other relevant Policies**

There are a number of policies and procedures that need to be taken into

account when considering incidents of ASB, which are as follows:

- Racial Harassment and other Hate crime
- Domestic Violence
- Starter Tenancies
- Demoted Tenancies
- Acceptable Behaviour Contracts
- Regulations of Investigatory Powers Act 2000 (RIPA)

## **19. Reviews**

The Statement of Policies and Procedures on ASB will be reviewed annually to take account of the following:

- Any significant changes to legislation and / or regulations;
- If there is a need to review due to failings within the policy or procedure, following complaints or findings from independent organisations;
- To comply with the review programme agreed by the Board of SARH.

## **20. Complaints about the service**

Where the complainant is not satisfied with the service they have received, there is a formal review process where the matter is investigated in accordance with SARH's Complaints Policy.

## **21. Availability of the Statement**

The Statement of Policies and Procedures on ASB will be available for inspection at SARH's Head Office. SARH will provide the Statement in printed hard copy form to any person who requests the document, which may be subject to a reasonable charge.

This document can also be made available on request in large print or audio cassette.

## **22. Summary**

A Summary of the Statement of Policies and Procedures on ASB has been prepared and will be available for inspection at the SARH's Head Office. SARH will provide the Summary in printed hard copy form to any person who requests the document at no charge.

The purpose of the Summary is to provide information to tenants, residents and other interested parties in SARH's ASB policies and procedures in a clear and accessible format.

The Summary document can also be made available on request in large print or audio cassette.

The Summary will be reviewed on an annual basis in order to reflect the current policies and procedures of SARH.