

Anti-Social Behaviour Policy

POLICY STATEMENT

“Chelmer Housing Partnership (hereafter CHP) is committed to ensuring all tenants and leaseholders enjoy their right to peace, quiet and security in their homes.

CHP recognises to provide a quality housing service; we must be effective in tackling the problems created by anti-social behaviour. To achieve this we will take firm and prompt action on dealing with disruptive tenants and other persons causing a nuisance or harassment on estates or in individual dwellings.

This statement aims to highlight this organisation’s on going commitment to deal with all aspects of anti-social behaviour, while acting as a framework for promoting and adopting best practice and delivering continuous improvement.”

1. POLICY AIMS

- 1.1 To provide CHP’s staff, residents and stakeholders with a clear understanding of the organisation’s ongoing commitment to deal with all aspects of anti-social behaviour.
- 1.2 To outline how CHP will achieve, maintain and measure compliance with its statutory and regulatory obligations.
- 1.3 To provide a framework for monitoring performance and achieving best practice and improvement in dealing with anti-social behaviour.

2. STATUTORY, REGULATORY & CORPORATE RESPONSIBILITIES

- 2.1 As a registered social landlord CHP is required to comply with the Housing Corporation’s Regulatory Code and Guidance August 2005 which in relation to tackling anti social behaviour states:

2.7/2.7ciii – Housing associations must demonstrate, when carrying out all their functions, their commitment to equal opportunity. They must work towards the elimination of discrimination and demonstrate an equitable approach to the rights and responsibilities of individuals. They must promote good relations between people of different racial groups...dealing effectively with racial harassment: the association establishes targets for reporting, victim support and satisfaction, and action taken against perpetrators.

3.5d/f – Strategies are in place to tackle antisocial behaviour...vulnerable and marginalised residents are provided with appropriate responsive housing services. Support and care arrangements (including liaison with other agencies) are in place, where appropriate.

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2.2 CHP aims to fully comply with all legislation which relates to anti-social behaviour (and discrimination) including:

- Sex Discrimination Act 1975
- Race Relations Act 1976 & Race Relations Amendment Act 2000
- Housing Acts 1985; 1988, 1996 and 2004
- Public Order Act 1986 (Section 4)
- Childrens Act 1989
- Disability Discrimination Act 1995 (& the forthcoming Amendment Duty)
- Housing Act 1996
- Protection from Harassment Act 1997
- Crime & Disorder Act 1998
- Human Rights Act 1998 (Articles 1, 6 & 8)
- Malicious Communications Act 1998
- Police Reform Act 2002 (Sections 61-66)
- Homelessness Act 2002
- Anti-Social Behaviour Act 2003
- The Government's Respect Action Plan

2.3 The Housing Corporation guidance for Housing Associations sets out the statutory obligations that are laid on associations under section 218A of the Housing Act 1996, as introduced by section 12 of the Anti-social Behaviour Act 2003.

2.4 For the purposes of the duties imposed by section 218A of the 1996 Act, anti-social behaviour is any conduct to which sections 153a(1) and 153B(2) of the 1996 Act apply. These sections apply to:

- Conduct which is capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions of a relevant landlord; or
- Conduct, which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.

2.5 The Anti-Social Behaviour Act 2003 (Section 12) requires all public housing landlords to:

- Publish a policy in relation to anti-social behaviour
- Publish procedures for dealing with occurrences of anti-social behaviour

CHP is required to keep the policy and procedures under review, publishing a revised statement when appropriate.

A copy of the statement:

- is available for inspection at our Atholl House office during normal office hours
- can be provided, on payment of a reasonable fee, to any person who requests it
- is available on our website

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CHP will :

- Prepare a summary of the current policy and procedures
- Provide without charge a copy of the summary to any person who requests it

2.6 CHP's corporate vision and values identified in the Corporate Plan 2003-08 highlights the following key values, of relevance in dealing with anti-social behaviour:

CHP is customer driven

- *We put our customers first*
- *We work in partnership with local neighbourhoods to improve our services*

CHP is ethical

- *We act with integrity*
- *We value diversity and treat everyone with respect regardless of race, gender, age or disability*

2.7 CHP will aim towards signing up to the government's RESPECT Standard.

3. POLICY DETAILS

3.1 The main objectives of this policy are:

- To develop a consistent, co-ordinated and inclusive approach to tackling anti-social behaviour
- To effectively apply a range of measures to prevent anti-social behaviour
- To ensure that incidents of anti-social behaviour are reported, accurately recorded and monitored
- To ensure that early action is always taken to prevent the escalation of anti-social behaviour
- To support victims, their families and any witnesses
- To encourage victims/witnesses to report incidents
- To fully investigate any complaints of anti-social behaviour and deal with them within the given timescale identified in our procedures
- To ensure actual and potential perpetrators of anti-social behaviour are aware of the consequences of their actions
- To take appropriate legal action where there is evidence against perpetrators
- To encourage a multi-agency approach to dealing with casework and finding resolutions to anti-social behaviour
- To enable the adoption of appropriate procedures to deal with anti-social behaviour
- To prevent further anti-social behaviour
- To develop quality assurance methods to assess victims satisfaction

3.2 **Prevention:** wherever possible we will use measures to prevent anti-social behaviour through:

- Working with other organizations to deal appropriately with anti-social behaviour issues which CHP cannot resolve on its own

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- Working with mediation services and support those groups by making relevant and timely referrals
- Using floating support services to help some of our vulnerable tenants to sustain their tenancies
- Investing in our neighbourhoods by encouraging resident involvement at various levels as per our Resident Involvement strategy. We will also provide investment for projects that improve the environment and provide increased security.
- Designing our new housing developments to reduce the potential for anti-social behaviour.

Enforcement: we will take a proactive approach in the enforcement by:

- Enforcing tenancy conditions
- Using a number of anti-social tools other than possession
- Working with partner organizations and agencies

CHP has a formal agreement, the Safer Estates Agreement, with Essex Police, Chelmsford Borough Council and partner registered social landlords for dealing with anti-social behaviour, which require a multi-agency approach. The key objectives are:

- To co-operate in the development of policies to improve the effectiveness of all partner agencies in tackling the problems of crime and anti-social behaviour
- To pursue all available legal remedies through both the criminal and County Courts with a view to modifying the behaviour of offending individuals and effecting a lasting solution.
- To increase the confidence of residents in the ability of the partner agencies to combat their problems and to encourage their support in combating crime and anti-social behaviour

Support: we will ensure appropriate support is provided to those suffering anti-social behaviour by:

- Providing witness support
- Using professional witnesses where considered necessary
- Providing safe, good temporary housing for victims and/or witnesses if there is a fear for their personal safety

3.3 CHP has clear staged procedures in dealing with anti-social behaviour to ensure:

- All reported cases of anti-social behaviour are investigated within agreed timescales
- It is easy for residents to report cases of anti-social behaviour
- Complaints of anti-social behaviour are taken seriously
- Complaints of anti-social behaviour are dealt with by trained staff
- A victim centered approach
- Witness confidentiality will be maintained at all times
- Witnesses will be supported
- Action in dealing with anti-social behaviour will be monitored by senior staff
- Organisation's performance on dealing with anti-social behaviour
- Severe action will be taken against perpetrators where justified

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3.4 CHP will ensure that it uses a wide range of legal and other actions to remedy anti-social behaviour which include:

- **Starter Tenancies:** All new tenants will be granted a Starter Tenancy that only becomes fully assured after a satisfactory completion of an initial twelve (or eighteen) month period. Should the tenant cause anti-social behaviour it is easier to obtain possession.
- **Possession Orders:** The Housing Acts 1985 and 1988 enables a social landlord to apply to the County Court for an order for possession, which could lead to eviction, where nuisance or anti-social behaviour is affecting the locality.
- **Injunctions:** an injunction is a civil remedy, which is obtained through the County Court, and either compels a person to do something or forbids a person from doing something. The breach of an injunction is not, in itself, a criminal offence but is contempt of Court and could lead to a fine or imprisonment.
- **Demoted tenancies:** the Court may only make the order if the tenant, another resident or visitor to the tenants home has behaved or threatened to behave in a way that is capable of causing nuisance or annoyance. The Court must be satisfied that it is reasonable to make the order. Upon granting the order, the tenancy is replaced with a less secure form of tenancy which lasts for 12 months but may be extended if the landlord serves notice to seek possession during this period.
- **Acceptable Behaviour Contracts (ABC):** an ABC is a written agreement between a person who has been involved in anti-social behaviour and one of the local agencies whose role is to prevent such behaviour. They are seen as a warning process for those perpetrators whose continued, unrestrained activities would lead to the obtaining of an ASBO.
- **Anti-social Behaviour Orders (ASBOs):** ASBOs are civil orders that exist to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. An order contains conditions prohibiting the offender from specific anti-social acts or entering areas and is effective for a minimum of two years, and the breach of an order is a criminal offence.
- **Anti-social behaviour injunctions:** the Anti-social behaviour Act 2003 provides housing providers the power to injunct anyone, not just tenants, who are causing a nuisance which affects the way estates are managed and gives protection to those engaged in lawful activity on the estate or members of the landlord staff carrying out their duties.

3.5 CHP will also consider other measures when dealing with anti-social behaviour with partner organisations and agencies, when deemed appropriate. This will include mediation and other legal measures.

3.6 CHP undertakes to deal firmly and promptly with cases of racial harassment. Our procedures are in line with our Equality and Diversity strategy, legislation and the relevant guidelines by the Commission for Racial Equality.

3.7 We are committed to dealing with reports of racial harassment to:

- Eliminate unlawful discrimination and harassment
- Promote good relations between people of different racial groups
- Encourage people to report racially motivated incidents

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- Support complainants and their families
 - Take action against perpetrators
- 3.8 Domestic violence is a particular circumstance that requires specific guidance in dealing with the adverse effects. CHP will ensure that it operates an effective Domestic Violence policy and procedure.
- 3.9 CHP will employ specialist staff for dealing with anti-social behaviour.
- 3.10 CHP will ensure that staff are trained to deal with the complexities of dealing with anti-social behaviour including:
- Working with victims and perpetrators
 - Working with partner organisations
 - Ensuring appropriate action is taken within timescales incorporated within our procedures
 - Ensuring victims and partners are kept informed
- 3.11 We will publicise our successes in dealing with anti-social behaviour through various media.

4. POLICY CONSULTATION, PROMOTION & EVALUATION

- 4.1 CHP will review its anti-social behaviour policy every three years
- 4.2 Appropriate procedural guidance and training will be developed and provided to staff to ensure compliance with, and delivery of, CHP's anti-social behaviour policy
- 4.3 Reports highlighting performance will be monitored on a quarterly basis and reported to the Operations Committee; and annual improvement targets set as appropriate

5. LINKS

- 5.1 Directly linked to CHP documents:
- Anti-Social Behaviour Strategy & Statement
 - Anti-Harassment Policy
 - Equality & Diversity Strategy

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