

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



Date issued: April 2009
Review date: April 2010
Authors: Jonathan Carr
Janet Hardiker

PURPOSE AND SCOPE:

The purpose and scope of the policy is to set out Muir Group's commitment, aims and approach to tackling and preventing anti-social behaviour with a view to improving the quality of life for our residents.

OVERALL RESPONSIBILITY:

Director of Housing Services

RESPONSIBILITY FOR DELIVERY:

Officer responsible for managing the scheme.

EQUALITY AND DIVERSITY:

An Equality Impact Assessment (EqIA) is being carried out on 14 April 2009. This statement will be amended to reflect the EqIA once it has taken place.

RESIDENT INVOLVEMENT:

Consultation is taking place via the Think Tank.

BOARD/COMMITTEE APPROVAL:

Signature *Date*

CHIEF EXECUTIVE/DIRECTOR APPROVAL:

Signature *Date*

REFERENCE DOCUMENTS:

- Respect Standard for Housing Management
- Respect Standard for Housing Management: A Performance Toolkit for Landlords
- Respect Standard for Housing Management: A Guide for Landlords
- Respect Website – www.respect.gov.uk
- Audit Commission Key Line of Enquiry (KLoE) 6 – Tenancy and Estate Management
- Housing Corporation Circular 08/04 – Statutory Housing Management guidance on anti-social behaviour policies and procedures

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1. AIMS AND OBJECTIVES

Muir Group is committed to providing a safe and secure environment so that all residents can live peacefully in the community.

To achieve this aim, our main objectives are to:

- Encourage residents to report anti-social behaviour
- Ensure that all incidents are reported, accurately recorded and monitored
- Provide a consistent approach to dealing with anti-social behaviour
- Provide high quality advice and information about anti-social behaviour for customers
- Investigate complaints within the timescales set out in this policy
- Make it easy for residents to report anti-social behaviour and take complaints seriously
- Work effectively with other agencies to prevent and deal with all issues of anti-social behaviour
- Support all victims and witnesses of anti-social behaviour
- Wherever possible, seek to resolve anti-social behaviour by engaging with the perpetrator, getting the perpetrator to recognise the impact of their behaviour and obtain undertakings from the perpetrator to improve their behaviour
- Use all available legal powers as appropriate, including injunctions, anti-social behaviour orders, possession and eviction proceedings
- Ensure all staff are trained to be able to deal with complaints of anti-social behaviour
- Develop quality assurance methods to assess satisfaction on the parts of victims and witnesses
- Set out the means by which we will publicise and promote our approach to anti social behaviour.
- Comply with all statutory and regulatory requirements in relation to anti-social behaviour.

2. BACKGROUND

We believe that anti-social behaviour has the potential to cause lasting harm to individuals and the community and therefore must be stopped at the earliest opportunity, when minimum harm has been caused. In many instances, anti-social behaviour can be stopped if challenged early enough: hence the importance of early warnings, visits or letters in preventing an escalation of problems.

Anti-social behaviour is an activity that impacts on other people in a negative way, and the key to categorising behaviour as anti-social must be consideration of its impact on others.

As part of our commitment to tackling anti-social behaviour, we have signed up to the Respect Standard for Housing Management which is reflected in our Policy Statement below. The Respect Standard for Housing Management aims to ensure that unacceptable behaviour is tackled and the quality of life for residents, particularly those in disadvantaged communities, is improved.

The Standard establishes an outline of the components which together deliver an effective response to anti-social behaviour and help create a culture of respect.

3. DEFINITIONS OF ANTI-SOCIAL BEHAVIOUR

The term “anti-social behaviour” includes a variety of behaviour covering a whole range of selfish and unacceptable activity that can blight the quality of community life. Other terms such as “nuisance”, “neighbour disputes” and “disorder” are also used to describe some of this behaviour.

We have adopted the following legal definition of behaving in an anti-social manner as found in Section 1(1) of the Crime and Disorder Act 1998:

“Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the complainant”.

We have extended this definition to include people from the same household in order to take account of domestic violence and abuse.

The Anti Social Behaviour Act 2003 amended Sections 153A (1) and 153B(1) of the Housing Act 1996 to apply to conduct which:

- The person(s) concerned is engaging or threatening to engage in anti-social conduct;
- Directly or indirectly relates to, or affects, the housing management functions of the relevant landlord; and
- Is capable of causing nuisance or annoyance to:
 - A person with a right to reside in or occupy housing accommodation owned or managed by the landlord or other housing accommodation in the neighbourhood, or
 - A person engaged in lawful activity in the neighbourhood, or
 - A person employed by the landlord or agent in connection with the exercise of housing management functions.

4. POLICY STATEMENT

Our approach to dealing with anti-social behaviour embraces the six commitments outlined in the Respect Standard for Housing Management, as follows:

To provide accountability, leadership, and commitment We will make a visible commitment to the community so that everyone is clear that we take issues of anti-social behaviour and respect seriously and will deliver what we say we will.

To empower and reassure residents We will work with residents to involve them in decision making through effective engagement and communication to reassure and empower communities.

To undertake prevention and early intervention We will play a key role in the prevention of anti-social behaviour. When it does occur, we will work with

local residents and agencies to address problems quickly and get the best result.

To provide tailored services for residents and provision of support for victims and witnesses We are aware that success rests on people being prepared to report anti-social behaviour and on ourselves and supporting agencies to be able to take action. We believe that every case and every person deserves a robust, tailored and sensitive response.

To protect communities through swift enforcement We will ensure that our staff are aware of the wide range of preventative, diversionary and punitive tools available to tackle anti-social behaviour. We will ensure that good practice is followed and that training is provided to staff accordingly. We will not hesitate to use the tools available to us, as appropriate, in order to protect communities.

To provide support to tackle the causes of anti-social behaviour We will work with residents to provide support and put an end to unacceptable behaviour by tackling underlying causes.

5. DEALING WITH ANTI SOCIAL BEHAVIOUR

It is our view that anti-social behaviour is better defined by using examples that staff, residents and stakeholders can relate to. Residents and stakeholders have provided some of the following examples of ASB as part of the consultation process.

We have placed types of anti-social behaviour into three categories: Extreme, Serious and General Nuisance. These categories comply with Housemark and are used by a large number of social landlords. This enables us to effectively benchmark our performance in dealing with ASB. Whilst not an exhaustive list, we categorise the types of anti-social behaviour as follows:

Category A - Extreme

Physical violence and assault

Examples

Violence or threats of violence to neighbours or staff (other than domestic violence)

Verbal abuse, harassment, intimidation and threatening behaviour

Shouting, aggressive swearing, verbally abusive behaviour, arguing in the street, staring through windows for no reason

Hate related incidents

Persistent nuisance targeted at an individual or group because of their race, colour, nationality, ethnic or national origin, sexual orientation, gender, disability, religion and age

Domestic violence and abuse

A person physically assaulting their partner for whatever reason, mental abuse of the same

Category B - Serious

Examples

Criminal behaviour

Any other types of criminal behaviour not already mentioned in other categories e.g., burglary

Prostitution

Sex workers, sexual acts, soliciting, kerb crawling

Misuse of communal areas, public spaces or loitering

Intimidating gangs of youths congregating outside local shops, aggressive begging in communal areas

Alcohol related nuisance

Drinking heavily and causing a nuisance to other residents

Drugs, substance misuse and drug dealing

Dealing drugs, leaving needles in communal areas, partaking in solvent abuse in public or communal areas

Category C – General Nuisance

Examples

Nuisance from vehicles

Driving dangerously, abandoned or untaxed cars, parking issues, car repairs, residents repairing cars for a living from their property

Garden nuisance

Untidy gardens, unsafe structures, old junk left in gardens

Vandalism and damage to property

Spraying paint or writing on a wall, kicking and breaking a fence panel, damaging or stealing plants or flowers in a garden

Pets and animals

Dogs barking repeatedly, fouling of public areas, general nuisance caused by pets

Rubbish and misuse of communal areas

Placing refuse in communal areas, storing bikes and other objects in communal areas

Noise nuisance

Shouting, loud late night parties, repeatedly banging doors or buzzing intercom systems, loud music or TV

Boundary disputes

Hedges, parking, landscaping, fencing

Complainants will be sent an anti-social behaviour pack, including our Anti-Social Behaviour Factsheet, other appropriate related Factsheets (eg Hate Crime, Domestic Violence) and an anti-social behaviour incident diary, when they initially report the anti-social behaviour to us. The pack will be sent with an acknowledgement letter detailing which officer is dealing with their case and when that officer will contact them by.

The designated case officer will then arrange to interview the complainant within the following timescales:

- Extreme anti-social behaviour (Category A) – within 24 hours
- Serious anti-social behaviour (Category B) – within 5 working days
- General Nuisance (Category C) – within 10 working days.

Inevitably, some cases of anti-social behaviour will not fall neatly into certain or single categories, may include numerous elements of the above and may be defined by more than one category. Also, following investigation, an officer may feel that it is appropriate to deal with a case at a higher level of priority. If that is the case, the officer will notify the complainant immediately and will follow the appropriate timescale.

We now use a ReACT database to allow easier monitoring and reporting of anti-social behaviour. The above categories are used to determine the general nature of each case in ReACT.

Whilst some of the above types of anti-social behaviour may seem more serious than others, we treat all reports of anti-social behaviour 'serious'. What may seem a petty issue to one person may cause serious distress to another. For example, relatively loud music may not cause distress to a younger resident but may have a detrimental effect on the quality of life of say an elderly resident.

Hate crime including racial, homophobic, and transphobic harassment is an acute form of anti-social behaviour and we are committed to tackling it effectively whenever it occurs. Our commitment to dealing with hate crime is stated in this policy but is also comprehensively dealt with in our Racial Harassment Procedure and our Homophobic and Transphobic Harassment Procedure. These procedures will be superseded by a new Hate Crime policy to be introduced during 2009-10.

In line with good practice, we have adopted the definition of a racist incident produced by the Macpherson report into the Stephen Lawrence Enquiry which states that a racist incident is "any incident which is perceived to be racist by the victim or any other person". This definition has been adapted by us for other forms of hate crime.

We also define domestic violence and abuse as being anti-social behaviour. More comprehensive details on this issue can be found in our Domestic Violence Procedure.

6. WORKING WITH PARTNERS

We are committed to working with partners to tackle anti-social behaviour effectively and to develop safe and secure communities, in line with the Respect Standard for Housing Management.

We will work with partner agencies at strategic and operational levels, including neighbourhood police, neighbourhood management, other landlords including private rented sector, social services and schools. We will actively participate in Crime and Disorder Reduction Partnerships where feasible and neighbourhood level structures where they operate.

We will share information with other statutory partners when making/accepting nominations to identify any issues with past behaviour and establishing support needs.

We will provide evidence to partner agencies and work with them to identify anti-social behaviour hot spots and areas where incidents appear to be emerging and will contribute to the delivery of tailored strategies to address these problems.

We will also work with partner agencies and the local media to promote action/successes in tackling anti social behaviour.

7. MONITORING

Regional Managers are responsible for monitoring this policy. Details of our performance on anti-social behaviour regionally and nationally will be reported to the Regional Committees at each meeting.

Key Performance Indicators are in use and rigorously monitored in order to ensure that anti-social behaviour is being dealt with as effectively as possible.

8. REVIEW

The policy will be reviewed annually, with a full and formal review taking place every three years. We will consult with service users, staff and internal and external agencies in a review of the policy and procedure, which will take place annually. Any legislative, regulatory or Government policy changes affecting anti-social behaviour will be reflected in amended policy and procedure documents.

9. RESPONSIBILITY

The Director of Housing Services is responsible for the practical application of the Anti-Social Behaviour Policy.