



Penwith Housing Association

Respect & Anti-Social Behaviour: Statement of Policy and Procedures

As Chair of Peninsula Tenants' Committee I am pleased that our landlord Penwith Housing Association shows a clear commitment in doing all it reasonably can in providing good services in tackling Anti-Social Behaviour and creating a culture of respect within our neighbourhoods.

C. Bosworth

Carol Bosworth

Chair – Peninsula Tenants Committee

Policy statement

We believe that people have the right to live their lives the way they want, providing their behaviour or actions are not detrimental to the quality of life of others. We acknowledge that this is often a balance between being tolerant and respecting the choices, diversity and lifestyles of individuals whilst being considerate towards the needs of others living in the neighbourhood.

We recognise the role we play in supporting the creation and sustainability of communities and are committed to providing a quality housing service and ensuring that our residents are able to enjoy their homes and feel they are secure and safe places to live. There are limitations to the powers available to us as a landlord to tackle the problems created by ASB. We acknowledge the wider role the local authority and police have to play to promote and protect the interests of people living in their area and will work in partnership with the local authority, police and other agencies working within the community.

Prevention is an integral part of our approach to ASB. Deterring ASB as well as stopping it from escalating is an important part of how we deal with it in the first place, focussing on promoting tolerance and respect along with encouraging and helping residents to resolve their differences themselves.

For persistent or serious ASB, our response will be proportionate to the severity of the behaviour and appropriate to the risk. Depending on the nature and scale of the problem and weight of evidence we will adopt an escalating approach, where relevant in partnership with other agencies to ensure our combined efforts and collective tools available are used to combat anti-social behaviour within our neighbourhoods.

Policy Summary

Defining anti-social behaviour

There is no universally accepted definition of anti-social behaviour. We will interpret behaviour as anti-social if it:

- causes or is likely to cause harassment, alarm or distress to one or more persons who are not of the same household; or
- is conduct which is capable of causing nuisance or annoyance to any persons...or involves using or threatening to use housing accommodation owned or managed by us for an unlawful purpose

Racial incidents are a severe form of anti-social behaviour and our anti-social behaviour policy should be read in conjunction with our separate policy for how we will deal with reports of racially aggravated incidents or hate crimes.

Prevention

Our Tenancy Agreements clearly set out the standards of behaviour expected of our tenants, their household and visitors for living in the community. Conduct or behaviour, which we would consider anti-social under this definition and policy include:

- harassment or intimidation
- excessive noise nuisance
- actual physical violence against people or property
- aggressive or threatening language or behaviour
- hate or racist behaviour targeted at members of minority or ethnic groups
- drug or alcohol abuse

What will we do?

We will do what we can to deter anti-social behaviour from occurring in the first place and to stop it escalating.

We will make it easy to report incidents and treat all reports seriously and investigate allegations as quickly as possible, responding promptly, professionally and confidentially. Our approach will be in proportion to the problem and we will use a range of interventions and good practice measures, which may include:

- mediation
- Acceptable Behaviour Contracts or Parenting Contracts
- engaging with support services
- partnership with other agencies and liaison with the Police
- Court action where necessary

We will make full use of any and all available legal remedies for serious anti-social behaviour. These may include working with partners to use measures available under:

- Housing Act 1985 and 1989 (e.g. Possession Orders)
- Protection from Harassment Act 1997
- Environmental Protection Act 1990
- Crime & Disorder Act 1998
- Anti-social Behaviour Act 2003

What are residents' responsibilities?

Our tenancy agreements includes a range of clauses that relate to anti-social behaviour and that seek to inform tenants what behaviour is deemed acceptable. This includes the behaviour of their invited guests.

Residents need to be considerate to their neighbours, but also be tolerant to different lifestyles. Nobody should be tolerant to serious crime or racial abuse.

Often low-level nuisance is best resolved by affected residents themselves and we encourage this approach.

How will we support people affected?

We will do what we can to support and protect people who are experiencing or who have witnessed anti-social behaviour. We will try to meet their needs so that they can continue to enjoy their home.

We will keep them informed of what is happening and will amend our services for individual needs. This will enable them to be closely involved and play a full part in the actions taken.

As well providing support to witnesses it may become apparent during investigations that the perpetrator may also have support needs. Where certain support needs are identified we will make a referral to the floating support provider or other agency with the perpetrators permission.

Partnership working

We recognise that we alone cannot tackle all of the causes of anti-social behaviour and that it is often complex and requires input from a variety of agencies. We therefore work in partnership with a range of organisations including: local councils, the police, probation services and youth offending teams, schools and colleges and voluntary sector groups.

When it is necessary to work with other agencies and we need to share information we will use agreed protocols and information exchanged will be kept confidential to those staff involved.

Staff training

All our staff receive regular training with individual training needs identified and built into the association's annual training plan. Training will cover the level of knowledge needed for the member of staff as some will require a general awareness and others will need a detailed understanding of legislation and current good practice. Training programmes will be regularly reviewed to ensure we can respond to anti-social behaviour and fulfil our responsibility to our residents and staff protection.

Procedure Summary

How can people report anti-social behaviour?

Reports of anti-social behaviour may be made by letter, in person at our reception, by telephone, fax, email or via our website at www.penwithha.org.uk

Depending on the seriousness of the incident and to reflect the impact or effect of the behaviour on others we will categorise and prioritise the case as:

- 'serious', for things like harassment, violence or threats of violence or
- 'moderate', which could include persistent noise nuisance, or
- 'low-level' for nuisance behaviour caused for example by ball games, DIY, dog fouling in communal areas and other minor breaches of tenancy

All reported ASB will be logged on our database and will be quickly and formally acknowledged with a reference number. We will assign a member of staff to deal with the case, who will aim to investigate incidents within our target response times. For anti-social behaviour considered 'serious', we will initially respond within 24 hours, if 'moderate' we aim to make our initial response within 5 working days with follow up investigations and/or actions within 10 working days and for 'low-level' nuisance follow up within 20 working days.

We may request a written record to be kept and we use a standard incident diary for this. Investigations will start as soon as possible after we receive the report/or incident diaries. In some cases, we may ask people to report the problem to another more appropriate agency, such as the police or environmental health.

Agreeing an action plan

We will take a 'victim centred' approach, which means that wherever possible, we will agree the action plan with the complainant and involve them with decisions on actions we may take.

We have a duty of care to our staff and a responsibility to all our residents and contractors to ensure their safety. We will therefore carry out a risk assessment when we first become involved in a case and will take this into account when agreeing a course of action.

If we do not consider the reported behaviour to be anti-social we will advise the complainant and will let them know what further steps they can take.

Taking action

There a number of actions available and the action we decide to take will depend on the seriousness of the case and what evidence is available.

Action may include one, or a combination, of the following:

- asking the person causing the nuisance to change their behaviour. In some cases we will suggest that you take this action yourself as it is often more effective than involving a third party
- mediation
- formal warnings
- an Acceptable Behaviour Contract
- injunctions
- demotion of tenancy
- extending or ending a probationary tenancy
- possession proceedings

We will consider using legal proceedings where other enforcement action has been unsuccessful or for serious and persistent cases. Eviction proceedings will be the last resort and we will always try to resolve cases without the need to take eviction action.

If you would like this Statement of Anti-Social Behaviour Policies and Procedures in another language or in **large print** or on audio cassette, please call our Customer Services Team on 01736 331799 or call into our offices at Penzance, Hayle, Truro or Liskeard or write in or e-mail contact@penwithha.org.uk.