



PEAKS & PLAINS
Housing Trust

The Trust

Anti-Social Behaviour Policy

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2019

1. INTRODUCTION

- 1.1. Peaks & Plains Housing Trust ('the Trust') is committed to working with others to make the areas within which we operate places that people are proud of – safe places where people choose to live, work and play. Preventing and resolving Anti-Social Behaviour is a key action in achieving this objective.
- 1.2. Anti-Social Behaviour is not acceptable and will not be tolerated. This will be reflected in the actions we will take which will be prompt, firm and proportionate having regard to the nature and seriousness of the Anti-Social Behaviour being committed, the person or persons engaging in the said conduct and the impact of the behaviour on the victim(s)/complainant(s).
- 1.3. The communities within which we operate should not have to endure Anti-Social Behaviour, regardless of the tenure of the perpetrators, and partnership working is central to resolving and preventing Anti-Social Behaviour.
- 1.4. This policy sets out the Trust's approach to resolving and preventing Anti-Social Behaviour within its communities. It provides information for residents about what they may expect from the Trust when they report Anti-Social Behaviour, and how they can expect to be treated if they are victims or perpetrators.
- 1.5. There is a separate policy for dealing with incidents of domestic abuse which should be read in conjunction with this policy.

2. DEFINITIONS

- 2.1. The Trust defines **Anti-Social Behaviour** as:
 - 1) "Conduct capable of causing nuisance or annoyance to any person and which directly or indirectly relates to or affects the Trust's ability to carry out its main housing management functions".
 - 2) "Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by the Trust for unlawful purposes".
- 2.2. An **adult** is defined as any person aged 18 years or over.
- 2.3. A **family member** is defined as including; mother, father, son, daughter, brother, sister, aunt, uncle, cousin and grandparents, whether related directly or by marriage or adoption.

3. REGULATORY REQUIREMENTS

- 3.1. This policy fulfils the existing legal and regulatory requirements placed on the Trust as a Registered Provider of Social Housing ('Registered Provider') under the Anti-Social

Behaviour Act 2003 (section 12) and the Neighbourhood and Community Standard of the regulatory framework for Registered Providers.

4. SCOPE OF THIS POLICY

Tenants, members of their households, visitors

- 4.1. Tenants are responsible for their behaviour, the behaviour of their households and their visitors. We will take appropriate action to tackle Anti-Social Behaviour committed by our tenants.
- 4.2. When we feel that the circumstances of a particular case warrant it, we may take action against members of our tenants' households or visitors directly. Such action may be in addition to, or in place of, taking action against our tenants.
- 4.3. The appropriate action will vary on a case by case basis but the general principles of this policy shall be applied and considered.

Minors

- 4.4. We will in circumstances as decided by us, on a case by case basis, consider taking appropriate action against members of our tenants' households or visitors who are between the ages of 10 and 17.
- 4.5. We will ensure that the general principles of this policy will be applied and considered when deciding the most appropriate action to be taken.

Directly or indirectly affecting our housing management function

- 4.6. Where, in our sole discretion, the Anti-Social Behaviour being committed does not directly or indirectly affect our housing management functions we shall work in partnership with relevant agencies, including the relevant Police Force and/or Local Authority, to tackle the Anti-Social Behaviour.

5. OUR APPROACH

Prevention

- 5.1. We are committed to working to prevent Anti-Social Behaviour within our neighbourhoods through the implementation of effective strategies, policies and procedures, which are tailored towards the needs of our tenants and their households.
- 5.2. 5.2 For example we will:
 - Adopt a robust and effective allocations policy which will include the use of local lettings policies;
 - Adopt a robust and effective transfer policy;

- Grant Starter Tenancies to new tenants; ensure that each prospective tenant is made aware, prior to the commencement of their tenancy agreement, of their responsibilities in relation to Anti-Social Behaviour;
- Where possible, we will invest in our residents and neighbourhoods, both in terms of diversionary activities as well as in partnership with other organisations to use investment to design out Anti-Social Behaviour and crime;
- Publicise successful legal actions against perpetrators of Anti-Social Behaviour to ensure the wider community is aware of our commitment to tackling such behaviour.

Early intervention

- 5.3. We recognise that early intervention allows us an opportunity to address certain types of Anti-Social Behaviour before they escalate and it provides our tenants with the chance to sustain their tenancies.
- 5.4. We are committed to utilising appropriate early intervention tools to tackle Anti-Social Behaviour.
- 5.5. The following is a non-exhaustive list of the types of early intervention tools which we may consider:
- Encouraging, when appropriate, complainants to speak directly to perpetrators of Anti-Social Behaviour;
 - Facilitating access to mediation services;
 - Seeking written commitments from perpetrators regarding their future conduct, for example, Acceptable Behaviour Contracts;
 - Seeking written commitments from the parents or guardians of perpetrators, where the perpetrators are under the age of 18, for example, Parenting Contracts;
 - Seeking resolutions to Anti-Social Behaviour through Restorative Justice;
 - Verbal and written warnings.

Support

- 5.6. We recognise that there may be underlying causes of Anti-Social Behaviour such as drug or alcohol misuse or mental or physical health issues.
- 5.7. We will aim to identify where support may prevent an escalation of the Anti-Social Behaviour. We will work with relevant statutory agencies, including Social Services, in order to achieve this.
- 5.8. We may try to facilitating access to appropriate internal and external support for perpetrators of Anti-Social Behaviour if we feel it is appropriate to do so. We may consider doing any of the following (this is a non-exhaustive list):
- Making referrals to our in-house tenancy support service;
 - Making referrals to Social Services;
 - Making referrals to the Community Mental Health Team;

- Sign posting perpetrators to charities or third party organisations who can provide support and/or assistance in relation to drug and/or alcohol misuse.

Robust Case Management

- 5.9. We will categorise reports of Anti-Social Behaviour in line with national standards, and respond to them within appropriate timescales depending on the seriousness of the incident being reported and the effect the incident is having on the victim.
- 5.10. We will endeavour to act within agreed timescales to contact witnesses, understand the ASB complaint and investigate the allegations.
- 5.11. We will agree action plans with witnesses and act with such discretion as is appropriate or is agreed with the witness as being necessary for their safety and well-being.

Enforcement

- 5.12. We are committed to considering all relevant and appropriate enforcement tools available to us under current legislation in order to tackle Anti-Social Behaviour. Set out below is a non-exhaustive list of the types of enforcement action we may consider:
- Injunction
 - Extension of Starter Tenancy
 - Claim for Possession of Property
 - Claim to demote a relevant tenancy
 - Suspension of the Preserved Right to Buy
- 5.13. We will assess each case on its merits when deciding what enforcement action to take having regard to the nature and seriousness of the Anti-Social Behaviour being committed, the person or persons engaging in the said conduct and the impact of the behaviour on the victim(s)/complainant(s).

Partnership Working

- 5.14. The Trust is committed to working closely with the relevant Police Forces and Local Authorities within the areas in which we operate as well as with other relevant agencies, including the Cheshire North and South Serious and Organised Crime Groups (SOCG), to tackle Anti-Social Behaviour and crime.

Supporting complainants and victims of Anti-Social Behaviour

- 5.15. We recognise the adverse impact Anti-Social Behaviour can have on individuals, families and the wider community.
- 5.16. We will seek to maintain, as far as possible, the confidentiality of complainants and/or victims of Anti-Social Behaviour, and will provide support which may include any of the following:

- Target-hardening measures;
 - Pre-arranged contact with a named employee of the Trust;
 - Referrals to appropriate agencies;
 - Access to an out-of-hours specialist witness service;
 - Accompaniment through a court hearing.
- 5.17. Furthermore, we are committed to ensuring that incidents of Anti-Social Behaviour can be reported to us easily. This will include, where appropriate, utilising technology to support the reporting process.
- 5.18. Complainants/victims will be expected to play a part in the resolution of the Anti-Social Behaviour through contributing to the formation and review of action plans.
- 5.19. Whilst the final say will remain with us, complainants/victims of Anti-Social Behaviour will be involved as much as is reasonably possible in the decision about what action will be taken to deal with the behaviour.
- 5.20. We may ask a complainant/victim to take particular action, for example, providing information, recording and reporting further incidents, attending court or taking part in a mediation process (where appropriate). Where the complainant/victim is not our tenant, a greater level of responsibility will be expected of them, for example, we may advise them to seek independent legal advice.
- 5.21. We will keep complainants/victims informed of the progress of agreed actions at regular intervals.

Value for Money

- 5.22. Limitations may be imposed upon the actions we are able to take in order to tackle Anti-Social Behaviour by factors such as the cost and time involved in taking any particular type of action and the likelihood, in our opinion, of that action resolving the Anti-Social Behaviour.

Equality Impact

- 5.23. We are committed to promoting equality of opportunity for all our service users regardless of their ethnicity, disability, race, religion, gender, sexual orientation or any other grounds set out in our Equality and Diversity Policy.
- 5.24. Our aim is to ensure that there is no unlawful discrimination, to ensure that any person has full access to and use of our services and further that individuals receive a service that has been tailored to and meets the diverse needs of our service users. This will include flexibility and, where appropriate, innovation in our response to issues of literacy, language, diversity and physical and learning difficulties.

Performance Management

- 5.25. We will measure the effectiveness of this policy. We will set targets on how quickly we respond to complaints of Anti-Social Behaviour, how effective we are at resolving cases and finally we will measure residents' satisfaction with the Anti-Social Behaviour service to ensure cases are managed effectively. Key performance monitoring information will be shared with the Trust's senior managers, Executive Leadership Team, and Board, and will be publicised.

Staff Structure and Training

- 5.26. The Trust will have a clear structure identifying the staff members who have responsibilities for responding to Anti-Social Behaviour and for management of the service.
- 5.27. The Trust will ensure that all relevant staff members receive induction and refresher training on how to respond to incidents of Anti-Social Behaviour. On-going training will also be in place, to ensure employees have knowledge of any changes in law, legislation and best practice.

Service Development

- 5.28. The Trust is committed to continued development of its services. We work with tenants and residents to regularly review policies, procedures and standards.
- 5.29. The following documents are linked to this Policy:

- Domestic Abuse & Violence Policy
- Equality and Diversity Policy
- Vexatious Complainant's Policy
- Data Protection Policy

Relevant Legislation

- 5.30. We must operate within the framework created by legislation. This policy has been written having regard to relevant legislation which includes the following:
- Housing Act 1988
 - Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003)
 - Human Rights Act 1998
 - Equality Act 2010
 - Localism Act 2011
 - Anti-Social Behaviour, Crime and Policing Act 2014
 - Data Protection Act 2018

POLICY INFORMATION

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