



# Wythenshawe Community Housing Group (WCHG) Anti Social Behaviour Policy

<b>Policy Name:</b>	Anti Social Behaviour Policy
<b>Status:</b>	Approved
<b>Approved by:</b>	Board
<b>Drafted by:</b>	Simon Melloy, Senior Housing Manager
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<b>E&amp;D impact assessed:</b>	Yes
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<b>Next Review Date:</b>	September 2021

## **1. Statement and Background**

- 1.1 Wythenshawe Community Housing Group (WCHG) adopts a proactive approach when tackling nuisance and anti social behaviour (ASB). WCHG recognises that whilst the vast majority of residents are committed to the area in which they live, a disproportionately small number of people fail to maintain their tenancy to an acceptable standard which can detract from our objective to provide sustainable communities where customers want to live.
- 1.2 WCHG will operate a witness centred approach when dealing with complaints of anti-social behaviour, with the objectives being intervention to stop the ASB, prevention to ensure it does not continue and taking legal action where appropriate and/or necessary.
- 1.3 WCHG recognises its wider responsibilities to work across tenures and contribute towards the development of communities which are safe and welcoming to all.
- 1.4 This Policy also applies where staff, customer representatives, contractors, partners or agents are subjected to abusive, threatening or intimidating behaviour (including hate behavior) whilst working or acting on behalf WCHG

## **2. Scope**

- 2.1 This policy sets out how WCHG works in partnership with other agencies to resolve anti social behaviour problems and applies to all Assured and Assured Shorthold tenants of the Group.

## **3. Definition**

- 3.1 WCHG defines Anti-Social Behaviour as:

- “Conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaged in a lawful activity in the locality”. (Housing Act 1996).
- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,  
  
Or
- Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises,  
  
Or
- Conduct capable of causing housing-related nuisance or annoyance to any person.( ASB, Crime and Policing Act 2014)

- 3.2 Housing related is defined under s.2 (1) (c) as directly or indirectly relating to the housing management functions of (i) a housing provider, or (ii) local authority
- 3.3 The housing management function WCHG includes tenant and community participation, maintenance and repairs, rent collection and estate management.
- 3.4 Matters which 'indirectly' affect the housing management function could include housing support and environmental issues.
- 3.5 ASB can be defined as but not limited to:
- Noise nuisance including loud music, shouting, slamming doors;
  - Behaviour which is aggressive, threatening or causes intimidation or harassment;
  - Criminal activity which affects the community;
  - Problems caused by animals (uncontrolled behaviour, or persistent barking);
  - Graffiti;
  - Abandoned cars and other vehicle nuisance including motorbikes/mopeds;
  - Acts or threats of violence;
  - Hate behavior (including harassment);
- 3.6 There are some types of behavior that may not be considered as ASB, such a baby crying, people completing DIY at a reasonable time of the day, dogs barking intermittently, one off parties and people using household appliances at reasonable times of the day.

## **4. Policy**

### **4.1 Outline**

4.1.1 WCHG recognises that tackling anti social behaviour cannot be the responsibility of one group or agency alone. Partnership working brings the best results and through integrated working WCHG are committed to working with our partner agencies and the local community to take a stand against anti social behaviour, moving away from a situation where communities tolerate problems to one where everyone works together to tackle the problems and improve the quality of life for all.

4.1.2 WCHG will seek to:

- Respond promptly to all complaints of ASB with appropriate action being taken against perpetrators and resolved at the earliest opportunity
- Tackle ASB through effective co-ordination of service actions including prevention, diversion and enforcement

- Support victims and witnesses throughout the process, maintaining regular contact and providing an out of hours witness support service
- Encourage victims and witnesses to report incidents and to work in collaboration WCHG and partnership agencies
- Work with partnership agencies to deliver an integrated approach to tackling the drivers of anti-social behaviour including alcohol and drug misuse, mental health issues and troubled family backgrounds
- Ensure staff are trained, resourced and supported to enable them to identify and respond to acts of anti-social behaviour. The training will be ongoing and will take into account best practice and changes in legislation
- Ensure tenants and residents are kept fully informed about action taken to tackle anti social behaviour and publicise successful outcomes

## **4.2 Dealing with initial reports**

- 4.2.1 When WCHG is first contacted about an ASB/ nuisance complaint it will assess what evidence is available and the nature of the complaint.
- 4.2.2 A risk assessment will be completed for all complainants to identify any support needs and where these are identified, make appropriate referrals.
- 4.2.3 We will explain and review the options and agree with the complainant what action is to be taken. The action plan will say what we are going to do at that stage.
- 4.2.4 Where it is reasonable and safe to do so, the WCHG will encourage and support complainants to try to resolve issues themselves by speaking directly to the other party or by attending a joint meeting facilitated by WCHG.
- 4.2.5 Where appropriate we will take immediate action, including "without notice" legal action, to prevent further harm and provide protection for complainants and/or witnesses.
- 4.2.6 We will undertake appropriate investigations: these will be conducted professionally and to the required level of thoroughness and detail. Investigations will be no more and no less detailed than they need to be to establish relevant facts and enable a solution to be identified.
- 4.2.7 Assessment and courses of action are all dependent on the severity of each reported case. In some circumstances there may not be enough evidence to enable WCHG to take action and we will advise residents of the reasons why if this is the case.

4.2.8 WCHG will categorise each case in the following way:

**Category A - high priority**

This is any case of anti social behaviour that results in actual or threatened use of violence, domestic abuse and hate related incidents. The target for initial action on these cases is 24 hours. The case will be referred to a Duty Officer and we will provide safety or security measures and refer to other support agencies where appropriate. This will include

- Verbal abuse/harassment/intimidation/threatening behaviour
- Hate related incidents based on religion, disability, sexuality, gender etc.
- Physical violence
- Domestic Abuse

**Category B – general ASB**

When there is a continual or intentional attempt to intimidate, frighten or harm a person or cause damage to their property. This behaviour disrupts the quality of life and quiet enjoyment of the home and could affect physical and mental well being. The case will be investigated by an ASB Case Coordinator and the target for initial action on these cases is 10 working days. This will include:

- Noise
- Drugs/substance misuse/drug dealing
- Alcohol related
- Prostitution/ sexual acts/kerb crawling
- Criminal behaviour/crime
- Vandalism and damage to property

**Category C - low level nuisance**

Breaches of tenancy agreements where there is no intention of causing a nuisance to any individual will be investigated and dealt with by the ASB Case Coordinator within 10 working days. This will include:

- Pets and animal nuisance
- Nuisance from vehicles
- Litter/rubbish/fly tipping
- Garden nuisance
- Misuse of communal areas/public space or loitering

**4.3 Prevention**

4.3.1 WCHG recognises that prevention is an essential part of its approach to dealing with anti-social behaviour and uses a full range of preventive measures. These include:

- Mediation

- The use of Restorative Justice
- Formal tenancy warnings
- Acceptable Behaviour Contracts
- Parenting contracts
- Work with partners, such as Early Help Hub
- Youth intervention projects
- Starter Tenancies
- CCTV
- Assure24 patrols
- Target hardening schemes
- Placing perpetrators on re-housing review list

#### **4.4 Enforcement**

4.4.1 WCHG will fully utilise the range of tools and remedies available to it to ensure that it responds to ASB in ways which are both proportionate and effective. The tools available are below, some of which are delivered in partnership with other agencies, including:

- Injunctions
- Criminal Behaviour Orders
- Exclusion Orders
- Demotion orders
- Possession orders
- Dispersal orders (in partnership with the police)
- Closure orders (in partnership with the police)
- Fixed Penalty Notices (FPNs)
- Noise Abatement Notices (NANS)
- Community Protection Orders

4.4.2 WCHG recognises that eviction is a useful tool to tackle ASB and will use the discretionary and absolute grounds for possession when appropriate. However in order to promote social inclusion, prevent homelessness and break the cycle of moving the behaviour elsewhere, eviction to resolve ASB will only be used as a last resort.

4.4.3 WCHG will also publicise the outcome of successful enforcement action in order to increase public confidence and reporting.

#### **4.5 Rehabilitation and support**

4.5.1 The need to achieve long-term change in the behaviour of perpetrators and reduce repeat 'offending' is recognised and WCHG will work with its partners to develop approaches which reduce this problem.

4.5.2 A high level of anti-social behaviour is perpetrated by young people. WCHG recognises the need for early intervention and the importance of working directly with young people and their families to prevent behaviour escalating out of control.

- 4.5.3 In many cases there may be an underlying cause, for example family or relationship breakdown, mental illness or drug or alcohol dependency. Where any of these drivers are identified, WCHG will make appropriate referrals to agencies engaged in partnership working with WCHG through local partnerships. This may include the Wythenshawe Integrated Neighbourhood Service (WINS), mental health services or the community drug and alcohol team, for example.
- 4.5.4 WCHG will not take enforcement action in these cases without monitoring the success or otherwise of a support package. WCHG will, however, take further action if a perpetrator does not change their behaviour and/or fails to cooperate with a partner agency.
- 4.5.5 WCHG will support perpetrators to comply with any positive requirement aspect of court orders by referring customers to relevant support services. These services will work intensively with customers providing one-to-one support, assistance to attend any appointments as necessary and liaison with partner, voluntary and private sector agencies to access specialist support services to help with compliance and bring about long-term positive changes to behaviour.
- 4.5.6 WCHG is also aware of its obligations in relation to dealing with vulnerability under the Disability Discrimination Act and will treat people fairly and equitably when allegations of anti-social behaviour are made.

## **4.6 Partnership work**

- 4.6.1 WCHG will work closely with the Police, the Local Authority and other agencies and landlords to develop strategies and initiatives which respond to and reduce the incidence of anti-social behaviour. Initiatives include:
- Attending the Partnership Youth Review Meeting and Wythenshawe Partnership Group with partner agencies where a multi-agency approach is required to resolve issues of anti-social behaviour.
  - Operating a data exchange protocol with the police and other partner agencies in the crime and disorder reduction partnership.
  - Operating a Police radio stationed in WCHG's CCTV control
  - Holding weekly WINS case conferences to share information with partner agencies regarding vulnerable people with complex needs involved in crime and ASB.
  - Supporting ongoing Police operations and Respect Action Days
- 4.6.2 WCHG also utilises the CCTV system and Assure 24 service to:
- Support the ASB team, the police and the Local Authority to take action by providing intelligence, evidence and information;
  - Raise awareness in young people as to the consequences of ASB by working with them in the community, in schools and youth centres.

WCHG will work positively with Manchester City Council when customers access the Community Triggers, working together to try and resolve the complaint of ASB. WCHG will do this by talking about the problem, sharing information and acting in partnership to direct resources to try to resolve the complaint.

#### **4.7 Safeguarding of vulnerable adults and children.**

- 4.7.1 WCHG recognises the importance of and is committed to playing its part in the safeguarding of vulnerable adults and children.
- 4.7.2 WCHG will, in all appropriate cases, make referrals to the Multi Agency Safeguarding Hub (MASH), Early Help Hubs and the Police when information relating to safeguarding concerns comes to light during the investigation of ASB cases.
- 4.7.3 All staff responsible for the management and investigation of ASB incidents will receive appropriate training and guidance on how to recognise and respond to safeguarding concerns.

#### **4.8 Clean and safe neighbourhoods**

- 4.8.1 It is understood that safe neighbourhoods are those which are clean, as well as free from anti-social behaviour and fear of crime. WCHG is, therefore, committed to reducing problems of vandalism, graffiti, litter, dogs and abandoned cars by increasing awareness and social responsibility, taking legal action to deal with problems and effective working with the Local Authority and the Police.
- 4.8.2 It is recognised that WCHG will carry out regular estate inspections with residents, residents groups, local councillors and other partner agencies in order to record and action environmental crime and nuisance.
- 4.8.3 WCHG will fund small scale environmental improvement schemes which design out ASB and nuisance through the Neighbourhood Initiatives budget.

#### **4.9 Supporting witnesses and complainants**

- 4.9.1 WCHG recognises the importance of providing effective victim and witness support which boosts the confidence and morale of the witness (and the community) together with ensuring their safety and well-being.
- 4.9.2 WCHG recognises that victims and witnesses of ASB are particularly vulnerable and need support. WCHG will, where appropriate, use target hardening measures and provide additional security measures to protect residents.
- 4.9.3 WCHG will also use professional witnesses and the Assure 24 to witness noise or other nuisance out of hours.

#### **4.10 Service Standards – Local Offer**

We will:

1. Investigate all reported cases of ASB within our agreed timescales. Advise you of the steps we can take and what you can expect to happen next.
2. Meet with anyone subjected to ASB within 5 working days or in cases of serious harassment or nuisance within 24 hours.
3. Treat all information in confidence unless you agree otherwise.
4. Agree with you how often we update you. This will be at least every 2 weeks and at key stages of the process.
5. Provide an out of hour's service for emergency incidents.
6. Use a variety of different methods to tackle ASB including legal actions and preventative measures depending on what is required.
7. Offer confidential non-judgemental support and advice for victims of domestic abuse.

#### **5. Hate Related Incidents**

5.1 A Hate Incident/Crime is defined as:

“A racist incident is any incident which is perceived to be racist by the victim or any other person” (Macpherson Report 1999)

5.2 The Home Office classifies Hate Crime within the following categories:

- Race, colour, ethnic origin, nationality or national origins
- Religion (or lack of)
- Gender or gender identity
- Sexual Orientation
- Disability (including learning disability and mental health)

5.3 Hate incidents may take many forms, including but not restricted to:

- Physical assault, damage to property, offensive graffiti, arson;
- Verbal threats, offensive letters, abusive or obscene phone calls;
- Intimidation or malicious complaints;
- Offensive leaflets and posters, abusive gestures, rubbish-dumping outside a person's home or through their letterbox, bullying at school or at work.

5.4 WCHG will operate a zero tolerance approach to Hate Crime of any description and will take action in accordance with the ASB Policy and procedure.

5.5 WCHG works in partnership with the Police through a referral system, operating support and assistance to victims/witnesses of Hate Crime. WCHG will act as a third party reporting centre for those wishing to report any incidents of Hate Crime and will report all cases to GMP.

## **6. Data Protection, Confidentiality and Information Exchange**

- 6.1 WCHG will not disclose any information about, or provided by, a Complainant without their consent unless there are safeguarding issues that could impact on the safety of children or vulnerable adults or where there may have been a crime committed.
- 6.2 All information shared in respect of perpetrators will adhere to the principles of data protection and in accordance with legislation as it relates to information sharing between agencies for the purposes of the reduction of crime and disorder.
- 6.3 All information received is recorded on a secure Case Management IT system, and sensitive information is restricted to relevant staff.

## **7. Responsibility**

- 7.1 The Executive Director of Housing shall be responsible for the implementation and review of this policy.

## **8. Consultation, Monitoring and Review**

- 8.1 WCHG will consult with all the relevant key stakeholders, including tenants, staff and other residents and key partners on all our policies to tackle ASB and to improve their effectiveness.
- 8.2 WCHG will map and monitor ASB incidents to identify any trends. Using this information WCHG will undertake targeted work to prevent incidents occurring.
- 8.3 WCHG will seek feedback from customers and carry out regular monitoring and reviews of all reported cases of ASB, including the numbers, progress and outcomes of cases.
- 8.4 WCHG will set annual targets for key ASB performance indicators which are challenging and these will be monitored via the Housing Management Team, the Corporate Performance Group, Executive Team and Board.
- 8.5 Performance information relating to the use of legal actions and satisfaction levels will be publicised on the website and in the customer newsletter "Wythenshawe Life"
- 8.6 Indicators that will be monitored include but are not limited to:
  - Number of new cases arising
  - Percentage of cases successfully resolved.
  - Satisfaction with the outcome of the case
  - The time taken to resolve ASB
  - The use of legal action to resolve ASB cases.
  - The number of referrals to support services

8.7 The ASB Policy will be reviewed every three years by Board.

## **9. Equality & Diversity**

9.1 WCHG will ensure that the ASB Policy and procedure is accessible to its diverse customers and will take into account the different needs of our customers when considering action.

9.2 WCHG recognises that customers of all races, ages, religions, gender, sexual orientation, literacy levels and disability should be treated equally and fairly.

9.3 WCHG recognises that ASB cases may be complicated by virtue of a person's individual need and that we will provide a tailored response to reports of ASB according to individual circumstances.

9.4 WCHG will provide support to residents who have difficulty in managing their tenancy due to mental health issues, learning disabilities, physical disabilities, special needs or old age.

9.5 WCHG will also provide support to vulnerable groups like young people, ex-offenders and those using drugs and/or alcohol.

9.6 WCHG will provide information in languages other than English, in Braille, Large Print and Audiotape. Our receptions and interview rooms are fitted with a hearing loop system.

9.7 An Equality Impact Assessment of this policy has been undertaken and no adverse impacts have been identified.

## **10. Associated Policies**

Complaints Policy  
Customer Care Policy  
Equality & Diversity Policy  
Domestic Abuse Policy  
Tenancy Management Policy  
Allocations Policy  
Safeguarding Policy