

Anti – Social Behaviour Policy (pursuant to Section 218A Housing Act 1996).

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1. Introduction

This statement of policy is intended to be comprehensive, clear, and accessible. The policy has been determined and should be viewed in the context of Hilldale Housing Association’s overall responsibilities.

This statement of policy:

- Outlines our general approach to addressing anti-social behaviour
- References specific policies which relate to anti-social behaviour
- Will be subject to annual review by Hilldale

When applying this statement of policy, overriding consideration is to consider each situation on its particular facts.

This statement of policy is published on our website hilldale.org.uk and is available on request in printed hard copy form as well as translation and alternative formats including Braille and large print.

We will review this statement of policy annually. Revisions to this policy may be by way of supplements, updates and/or corrections to the published version.

We always welcome feedback on any of our policies, procedures, or services. If you have any comments, compliments or complaints about this policy please let us know. You can provide feedback by visiting our website at hilldale.org.uk or by writing to us at Quays Reach, 16 Carolina Way, Salford, M50 2ZY.

2. What is “Anti-Social Behaviour”?

‘Anti-Social Behaviour’ is a broad term but for the purpose of the obligations imposed by Section 218A Housing Act 1996 [“the 1996 Act”] since the coming into force of the Anti-Social Behaviour, Crime and Policing Act 2014 [“the 2014 Act”] ‘Anti-Social Behaviour’ has been defined in Schedule 11 Part 1 paragraph 23 of the 2014 Act as:

- conduct that can cause nuisance or annoyance to some person (who need not be an identified person) and that directly or indirectly relates to or affects the landlord’s housing management functions; or
- conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord (Hilldale) for an unlawful purpose.
- Intentional damage to the landlords (Hilldale) property (to include all fixtures and fittings along with furniture and white goods) – for further advice and guidance on this, please also refer to the Rechargeable Repairs Policy and Procedure.

The term ‘housing management function’ is a wide one which covers anything undertaken as part of the day to day or strategic management of the housing stock. Matters which ‘indirectly affect’ the housing management function might relate to social care and housing

We know that anti-social behaviour can have a disruptive and damaging effect on individuals within our communities and on our communities. As is made clear in the definition set out above anti-social behaviour can impact upon ‘any person’. This wide definition includes, but is not limited to, tenants and owner occupiers but also includes workers and visitors to our communities.

Anti-social behaviour may or may not constitute criminal activity. A key determinant in deciding whether behaviour is anti-social or not will be the impact of the behaviour on others, but it is to be emphasised that this is not the only relevant consideration.

We will consider all relevant circumstances when determining whether conduct is such as to be classed as anti-social behaviour. The types of conduct that may amount to anti-social behaviour include (but are not limited to):

- noise nuisance (for example loud parties, shouting, noise from TVs, radios, Hi-fi’s, and burglar alarms).
- intimidation and harassment.
- aggressive and threatening language and behaviour.
- actual violence against people and property.
- hate behaviour that targets members of identified groups because of their perceived differences (for example race and ethnicity, gender, age, religion, sexual orientation, mental health, or disability)
- using housing accommodation to sell drugs, or for other unlawful purposes.

The following is a list of activities (please note that this is not an exhaustive list) that will not normally be considered as anti – social behaviour, and as such Hilldale may not take action against such a complaint.

- Normal conversations heard through walls or floors.
- Noises travelling through ceilings or walls due to poor insulation or type of flooring.
- Neighbours walking around their home and across floors.

- Neighbours closing doors, cupboards or windows.
- People vacuuming or using Washing Machines during reasonable hours of the day.
- Cooking smells.
- 'One off' gatherings and parties (unless there is abusive and threatening behaviour or it occurred for prolonged / excessive periods of time).
- Certain incidents which may be considered a criminal offence, and which should be reported to and dealt with by the Police.

3. Anti-Social Behaviour – General Policy Statement

Our aim is to protect our communities, prevent anti-social behaviour, and promote a safe living environment.

We expect our tenants and their visitors to behave with respect to others and in a manner which does not interfere with the comfort or well-being of other individuals or groups in our communities, whether those individuals or groups live and/or work and/or are lawfully visiting our communities.

Hilldale recognises that if left unchallenged anti-social behaviour can have a very significant effect on the quality of life of individuals and groups within our communities and can impact on the welfare of communities. Accordingly, our aims to tackle what are often diverse and complex issues around anti-social behaviour using a range of tools including prevention, support and enforcement with the objective of delivering a proportionate and flexible response to the challenges that anti-social behaviour presents.

Our aim to address anti-social behaviour as early as possible because this may prevent situations from escalating and may stop the anti-social behaviour.

However, in some cases, for example where anti-social behaviour is serious or where anti-social behaviour continues notwithstanding our efforts to tackle it, we will consider, and if appropriate use, robust and swift enforcement action to meet our objectives of protecting communities and preventing anti-social behaviour since tackling anti-social behaviour is a key part of our strategy to deliver sustainable communities which will in turn enhance the quality of life of people.

We aim to respond to reports of anti-social behaviour by adhering to statutory guidance published in August 2019 under the Anti-Social Behaviour, Crime and Policing Act 2014.

The changes in this guidance aim to ensure that there is a greater focus on the impact of anti-social behaviour on victims and on their needs, ensuring that the relevant legal tests are met before the powers are used, underlining the importance of ensuring that the use of the powers are focused on specific behaviour that is anti-social or causing nuisance, and ensuring that the issues of local consultation, accountability and transparency are addressed.

The tools and powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (including, but not limited to, civil injunctions, criminal behaviour orders and closure powers, absolute orders for possession and the community trigger) form part of this policy.

Pursuant to this statement of policy, are aims are to:

- Provide a high-quality service to tackle and resolve anti-social behaviour within our communities
- Communicate effectively with partners by sharing intelligence and where appropriate use 'joint working' to tackle anti-social behaviour
- Pay attention to protect those most vulnerable from the effects of anti-social behaviour
- Manage those who cause anti-social behaviour using appropriate and proportionate intervention, rehabilitation, support and/or enforcement depending on the facts of the case with the aim of preventing anti-social behaviour, promoting community resilience, and deterring and rehabilitating perpetrators
- Help individuals and groups to reach a common understanding about what does and does not constitute anti-social behaviour and how minor lifestyle differences or everyday living noise may not constitute anti-social behaviour
- Provide safe neighbourhoods and communities
- Provide consistent and clear information through our website and other published means to enable customers to understand our policies and procedures, who to contact with any query or report of anti-social behaviour and to help customers to understand how and by whom a report will be investigated and managed

4. Expected Standards of Behaviour

We expect our tenants to behave with respect to others and in a manner which does not interfere with the comfort or well-being of other individuals / neighbours.

In addition to these standards of behaviour generally expected, our tenants are bound by the specific terms of their Assured Shorthold tenancy agreement which is a legal contract between the tenant(s) and Hilldale. The specific terms in relation to this policy are:

USE OF PREMISES

(21) To use the premises for residential purposes as the Tenant's only or principal home and not to operate a business at the premises without the written consent of the Landlord, nor to use the premises for any illegal purposes.

NUISANCE

(22) Not to cause or allow members of his / her household or invited visitors to cause a nuisance or annoyance to neighbours, staff or other tenants.

ILLEGAL OR IMMORAL

(23) Neither to use, or to allow members of his or her household to use the premises for illegal or immoral purposes.

RACIAL AND OTHER HARRASSMENT

(24) Not to commit or allow members of his / her household or invited visitors to commit any form of harassment on the grounds of race, colour, religion, sex, sexual orientation, or disability which may interfere with the peace and comfort of, or cause offence to any other tenant, member of his/her household, staff, visitors or neighbours.

THE LANDLORD'S AGENTS AND STAFF

(25) Neither to hinder, obstruct, threaten, abuse or assault any employee, agent or contractor of the Landlord whilst they are carrying out their duties, and not to allow any member of his or her household or invited visitors to do so.

DISRUPTION

(26) Not to commit or allow members of his/her household or invited visitors to commit any act which results in serious disruption of another tenant's occupation of the premises or to commit any act which results in physical harm to any other tenant, member of his/ her household, staff, visitor or neighbour.

NOISE

(27) Not to play or allow to be played any audio equipment or musical instruments so loudly that it causes a nuisance or annoyance to neighbours or other tenants.

PETS

(28) Not to keep a pet without prior written permission of the Landlord. Consent will not be given if it is felt that pets would cause a nuisance to neighbours.

INTERIOR OF PREMISES

(29) Keep interior of property reasonably tidy, not to damage or remove furniture and decorate rooms as often as necessary for good decorative order.

5. Strategic Context

This statement of policy and its delivery is also intended to be compatible with, but not limited to the:

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime and Policing Act 2014
- Crime and Disorder Act 1998
- Data Protection Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Freedom of Information Act 2000
- Housing Act 1985
- Housing Act 1996
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Race Relations Act 1976 (s71)
- Criminal Justice and Immigration Act 2008

6. Procedures and Processes

We will utilise several processes when dealing with issues of anti-social behaviour.

These include:

Proportionality & Risk Assessment

At Hilldale, we understand and acknowledge that as our tenants have a mental health issue or/ and a learning disability then due consideration needs to be given to each individual complaint.

In all cases, we will ensure that we have considered whether the tenant suffers from a physical or mental health condition. If they do, whether that condition is causing them to act in the manner complained of, and if so whether the action proposed by Hilldale is necessary and proportionate in the circumstances.

Where more formal/ legal action is to be considered, we will always undertake a 'Proportionality and Risk Assessment' (in accordance with the Equality Act 2010) to identify and determine these and that any action we will take will be in the 'best interest' of the parties involved.

Where it can be argued the nuisance results from a mental health problem or learning disability, the tenant may be assisted by considering whether the provision of care, social or medical services would be sufficient to reduce or alleviate the nuisance so that eviction is not necessary to achieve the legitimate aim of bringing the nuisance to an end.

Supporting complainants and witnesses.

We aim to effectively support complainants and witnesses. By doing this we aim to boost the confidence of witnesses, the agencies involved and the wider community in a context where the safety and well-being of victims and witnesses is a primary consideration. Practical steps to support complainants and witnesses may include:

- Using effective communication skills, including active listening and use of restorative language to validate the person's experience and show understanding.
- Being clear through our updated website page about how incidents of anti-social behaviour may be reported and making reporting channels as simple as possible
- Dealing with reported complaints promptly and keeping complainants and witnesses informed of relevant developments
- Referring individuals to support services where necessary
- Agreeing a realistic action plan with individuals where appropriate and communicating with them on a regular basis by an agreed method of communication throughout the investigation and any subsequent action
- Risk assessing and using physical measures in appropriate cases to reassure complainants or witnesses
- Providing details of emergency out of hours contacts in appropriate cases
- Informing relevant officers such as Care Providers they can keep a 'look out'
- In cases where enforcement action is taken, discussing, and explaining the processes involved and supporting complainants and witnesses through the process
- Agreeing the provision of ongoing support and/or support referrals following the conclusion of enforcement action or other steps Professional witnesses and covert surveillance.

Racial and other harassment

We take harassment or hate crime in any form extremely seriously. Harassment and hate crime may include, but is not limited to, intimidation of a person or group of people because of their race, colour, ethnic or national origin, gender including transgender, sexual orientation, marital status, disability, age, or religion.

We are committed to:

- Eliminating unlawful discrimination and harassment
- Promoting good relations between people of different racial groups
- Maximising the reporting of incidents that are racially motivated
- Supporting complainants and their families

Prevention of anti-social behaviour

Prevention is an integral part of our approach to anti-social behaviour. We utilise a range of initiatives in appropriate cases which are designed to prevent anti-social behaviour from occurring using a mix of education, engagement, communication, and support.

The initiatives we use or can access in appropriate cases include:

- Robust and challenging assessments of 'New Tenancy Referrals' to ensure suitability and compatibility for tenancies, prior to an actual tenancy offer.
- Diversionary activities
- Multi-agency partnerships
- Education and raising awareness
- Advisory letters
- Acceptable Behaviour Contracts

In the most extenuating circumstances, possession proceedings will be considered. When such an option is to be sought, we will not only give the tenants a written explanation of why we intend to seek this action. This will accompany an attached Notice of Possession Proceedings.

In the event that the tenant wishes to submit an appeal of defence, this will be heard and considered before any application to Court is made.

Specialist support

When looking at issues of the protection of actual or potential victims of anti-social behaviour, we consider the positive impact that support might have on victims of anti-social behaviour.

We also consider the positive impact that support might have on perpetrators who might themselves be vulnerable. Whilst each case turns on its own facts there may be scope for support in cases including, but not limited to, those directly or indirectly caused by drug use, alcohol use, mental health, learning difficulties, relationship breakdown and/or disability.

Support may take many forms. For example, it may assist tenants who are responsible for causing anti-social behaviour to sustain their tenancies. Supporting victims may involve looking at ways to mitigate the effects of anti-social behaviour whilst steps are taken to tackle the perpetrator(s) of the anti-social behaviour.

Effective interventions can help ensure that key professionals are involved at an early stage to prevent or manage issues as they arise. Specialist agencies may include, but are not limited to, the local community

mental health team, drug action teams, local drug and/or alcohol support organisations and local mental health services.

Multi-agency partnerships

Hilldale does not work in isolation. We have a Service Level Agreement with a commissioned Care Provider and work closely with other appropriate agencies. Often the causes of anti-social behaviour and the solutions to anti-social behaviour do not lie within the remit of a single organisation. Partnership working is vital if we are to deal effectively with the incidence of, causes of and consequences of anti-social behaviour. Working in conjunction with other agencies and organisations gives us the best chance of swiftly and robustly targeting resources effectively with the aim of preventing anti-social behaviour.

Multi-agency partnerships can provide a co-ordinated approach driven by specialist agencies which can support perpetrators to get any assistance they may need to support their rehabilitation whilst at the same time assisting victims to obtain the support they may need.

7. Confidentiality, Data Protection, and Information Exchange

Whilst we respect privacy and confidentiality and are mindful of our legal obligations under the Data Protection Act 1988, tackling anti-social behaviour requires robust information exchange between statutory and non-statutory agencies.

Where necessary we will share information with (examples, but not limited to):

- Police
- Local Authorities
- Care Providers

We will share information with other agencies where it is lawful to do so. The type of information which might be shared includes, but is not limited to:

- The nature and location of incidents of anti-social behaviour
- Personal information as to complainants and witnesses
- Details of convictions

The key aims of sharing and storing information where lawful to do so are to detect and prevent anti-social behaviour and to protect people. We have robust working arrangements in place covering procedures for information sharing / handling, monitoring complaints, and dealing with perpetrators.

Complainants may seek to provide information confidentially. This may be for a variety of reasons, for example because they are fearful of retaliation by the perpetrator if they are identified. Our policy is to seek permission before disclosing the identity of complainants and witnesses to perpetrators, their legal representatives, or other interested parties. Information relating to complainants and perpetrators may however be shared with other agencies for lawful purposes such as the purpose of preventing anti-social behaviour or crime.

8. Transparency and Publicity

We may decide to publicise outcomes of cases to pursue legitimate aims including, but not limited to supporting and reassuring residents to protect them and the prevention of antisocial behaviour by providing a deterrent effect to known and/or potential perpetrators of anti-social behaviour.

Publicity may take many forms including, but not limited to, media coverage, targeted leafleting or use of the internet. When considering whether to publicise and, if so, when, by what means and over what time period, we take account of the particular circumstances of each case and ultimately ask, in light of those circumstances, whether the proposed publicity is necessary and proportionate having regard to the identified aims of the publicity.

9. Protection and Training of Staff

We will not tolerate anti-social behaviour directed towards staff or anti-social behaviour committed in the presence of staff. This includes, but is not limited to, situations where staff are verbally or physically abused, intimidated, or threatened. We will take a robust approach to such incidents and will look to take proportionate enforcement action against perpetrators in such circumstances to protect our staff wherever appropriate. This may include, but is not limited to, the use of injunctions (with or without powers of arrest) and/or possession proceedings and/or referral of conduct to the police for investigation.

Training of staff dealing with anti-social behaviour We train our staff to be confident and knowledgeable so that they can identify and investigate anti-social behaviour and take appropriate action.

We review the training provision for staff using processes including, but not limited to, regular one to one conversation between staff and managers and Quality Assurance through the dip sampling of cases.

10. Further Information

For further information on this Policy, you can contact us by visiting our website at hilldale.org.uk or by writing to us at Quays Reach, 16 Carolina Way, Salford, M50 2ZY.