

## Anti-social Behaviour Policy

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*Our mission is to enhance the Life Chances of residents and service users through providing great homes, first class services and working in partnership to build sustainable communities.*

### 1 Scope

- 1.1 This policy applies to Circle 33 Housing Trust, Circle Living, Circle Support, Mercian Housing Association, Merton Priory Homes, Mole Valley Housing Association, Old Ford Housing Association, Roddons Housing Association, Russet Homes, South Anglia Housing and Wherry Housing Association.
- 1.2 Anti-social behaviour can have a devastating effect on communities and individuals. It is essential that we work in partnership with all residents regardless of tenure or landlord to tackle it.
- 1.3 Where managing agents manage properties on our behalf they will be required to meet the requirements of this policy and procedure.
- 1.4 Where residents are leaseholders or shared owners, much of this policy and procedure will still apply. We will take legal action in accordance with the terms of the lease, as these may differ from case to case.
- 1.5 There are separate policies and procedures covering Harassment and Domestic Violence. These three policies and procedures are closely linked.

### 2 Policy

- 2.1 Anti-social behaviour can include a range of activities and is a problem which has many causes. It requires a wide range of responses to tackle it effectively. We take anti-social behaviour seriously and aim to balance enforcement action and intervention, with programmes which aim to prevent anti-social behaviour.

#### **Defining Anti-social Behaviour**

- 2.2 The term anti-social behaviour covers a wide range of activities that have a negative effect on the quality of community life. We use the following definition of anti-social behaviour as stated in section 218A(8) of the Housing Act 1996 (inserted by the Anti-social Behaviour Act 2003):



Conduct which is capable of causing nuisance or annoyance to any person and which directly or indirectly relates to, or affects, the housing management functions of a relevant landlord or conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.

### **Categories of Anti-social Behaviour**

- 2.3 The categories and levels of anti-social behaviour may change during the course of a case if circumstances change or new information comes to light. Full examples for each category are listed in [Appendix 1](#).
- 2.4 **Level 1:** This covers the most serious or urgent types of anti-social behaviour. E.g. Physical violence, arson and hate crime
- 2.5 **Level 2:** This covers ASB where there is no immediate threat to the complainant or others. E.g. Vandalism and damage to property
- 2.6 **Level 3:** This covers ASB that is unlikely to cause harm in the short-term. E.g. Regular loud noise or garden misuse
- 2.7 **Level 4:** This level acknowledges one off complaints and incidences where there may be insufficient information. E.g. A one off noisy party

### **The Respect Standard**

- 2.8 All Circle group partners are signed up to the Respect Standard. This standard was created in 2006 around the six core components (below) and is now run by the Chartered Institute of Housing:
- Accountability, leadership and commitment
  - Empowering and reassuring residents
  - Prevention and early intervention
  - Tailored services for residents and provision of support for victims and witnesses
  - Protecting communities through swift enforcement
  - Support to tackle the causes of anti-social behaviour
- 2.9 We are committed to the Respect Standard in how we manage anti-social behaviour.

## **3 Prevention**

- 3.1 We are committed and will take a victim centred approach to tackling anti-social behaviour aiming to work in partnership with residents, partners and other groups to prevent anti-social behaviour by using a range of methods. Where appropriate we will do this in different ways based on a case by case situation.

- 3.2 These include but are not limited to; starter tenancies, good neighbour agreements, effective neighbourhood management, street and neighbourhood patrols, community led diversionary projects and mediation.
- 3.3 Registered Providers are responsible for establishing and maintaining links with relevant organisations to ensure a coordinated approach locally. (Statement of Procedures)

### **Responsibilities**

- 3.4 We encourage communities to take ownership of their neighbourhoods, and to play a part in preventing and responding to anti-social behaviour by behaving in a responsible way, respecting other residents in the area, ensuring any visitors do the same and reporting any incidents of anti-social behaviour to us.
- 3.5 A 'consortia' neighbourhood is a specified area where more than one landlord has properties. Most will have a consortia agreement which sets out the responsibilities of each landlord. We are committed to working other landlords and all households, where possible to further prevent anti-social behaviour and taking action where appropriate against residents and any visitors committing anti-social behaviour.

## **4 Reporting and Responding to Anti-social Behaviour**

- 4.1 Where anti-social behaviour is reported to us, we aim to respond promptly whilst working in partnership where appropriate. The response to any situation will vary from case to case depending on different factors.

### **Reporting**

- 4.2 We are committed to making the reporting of anti-social behaviour as easy as possible. Anti-social behaviour can be reported by any reasonable means that will bring it to our attention.

### **Initial Response**

- 4.3 Our response to reports of anti-social behaviour will be based upon what is considered to be appropriate in all the circumstances of the case. Action taken by staff will be specific to the each situation and we are committed to reacting sensitively and proportionately. This may involve using the options set out in this policy and procedure in any appropriate order as well as using any other the response options.
- 4.4 We aim to provide an initial response to the report within **24 hours** (during normal working hours);
- acknowledging its receipt
  - informing the complainant who will be dealing with the case
  - informing them when they will next be contacted.

### **Timescales for Response**

- 4.5 Level 1: Our aim is to interview the person who made the complaint within one working day or less of receiving the complaint. With all serious complaints we aim to complete interviews as quickly as possible.
- 4.6 Level 2: Our aim is to interview the person who made the complaint within five working days of receiving the complaint.
- 4.7 Level 3: Our aim is to interview the person who made the complaint within ten working days of receiving the complaint.
- 4.8 Level 4: This level acknowledges and logs the complaint, and then closes the case due to insufficient information.
- 4.9 We will agree an action plan within two weeks or less of receiving a report and review this every month unless we are not able to agree an appropriate time with the complainant within that timescale.
- 4.10 We will review all open cases after three months

### **Under 18s**

- 4.11 Where the alleged perpetrators are children or young people we will involve parents and guardians to help resolve the problem, and may also liaise with social services to ensure any necessary assessments are undertaken, schools, youth offending teams, and any other relevant bodies.
- 4.12 We will take appropriate action in cases involving vulnerable under 18s according to our Safeguarding Children Policy under the guidance of the designated Safeguarding Children Champion from the relevant Circle Registered Provider.

## **5 Enforcement**

### **Early interventions**

- 5.1 We are committed, where possible, to intervening at an early stage in response to a reported complaint of anti-social behaviour.
- 5.2 Where appropriate we will consider but not limited to the use of multi agency referrals and support, written and verbal warnings, mediation, acceptable behaviour agreements (ABAs), parenting contracts and family intervention projects. (Statement of Procedure)

### **Legal Action**

- 5.3 We will decide what enforcement action is most appropriate on a case by case basis after taking appropriate legal advice. We reserve the right to take whatever action we consider to be most appropriate.
- 5.4 Some of the legal remedies we may use include (but are not limited to); Injunctions, Anti-social Behaviour Orders (ASBOs), Anti-social Behaviour Injunctions (ASBIs), Parenting Orders, Demoted Tenancies, Possession and Suspended Possession Orders. (Statement of Procedure)

- 5.5 In severe cases, for example where physical violence has been experienced, we may consider whether a voluntary move [for anyone considered at high risk] on management grounds would be appropriate.

### **Anti-social Behaviour occurring outside our Neighbourhoods**

- 5.6 We reserve the right to take action where appropriate against residents committing anti-social behaviour outside our neighbourhoods and will manage these situations on a case by case basis, unless we are unable to take such action due to statutory or other limitations.

## **6 Support for Victims, Witnesses and Alleged Perpetrators**

### **Victims and Witnesses**

- 6.1 We take the safety and perception of safety, of victims and witnesses seriously. Where appropriate we will work with partners to provide additional safety measures, including but not limited to, regular patrols, visits by officers, provision of personal alarms, which may be through third parties.
- 6.2 We will consider the use of CCTV in line with our CCTV policy.
- 6.3 We will make every effort to protect and support witnesses during court proceedings including covering reasonable expenses.

### **Vulnerable Residents**

- 6.4 We will consider whether victims, witnesses or perpetrators have any known support needs which may affect their case.
- 6.5 We recognise the need to support residents who may have difficulty in managing their tenancy because of mental health issues, learning difficulties, physical disabilities, special needs or because they are older people.
- 6.6 We will take appropriate action in these cases according to our Safeguarding Adults Policy.

### **Alleged perpetrators of anti-social behaviour**

- 6.7 Where we are considering legal action against an individual for anti-social behaviour, we will endeavour to make sure we are not discriminating against the perpetrator because of a disability that they have, in accordance with the Equality Act 2010.

## **7 Data Protection and Confidentiality**

- 7.1 We will adhere to the Data Protection Act and comply with the best practice guidance set out in the [Framework Code of Practice for Sharing Personal Information](#) published by the Information Commissioner to ensure that we maintain confidentiality. Data Protection Policy
- 7.2 We reserve the right to make a referral to social services or to the police without the permission of the complainant, where the situation and the provisions of the Data Protection Act 1998 (and any other relevant legislation) justify it.

## **8 Equality and Diversity**

- 8.1 Circle will treat all customers and staff with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.
- 8.2 We are committed to helping customers to access information about their homes and services in a way that suits individual needs. Please get in touch with your local provider to discuss this.

## Glossary

| Term   | Definition  |
|--|---|
| <b>Crime and Disorder Reduction Partnerships (CDRPs) or Community Safety Partnerships (CSPs)</b> | These partnerships were formed as result of the Crime and Disorder Act (1998) and there is one in every local government area, a total of 376 in England and Wales. They are accountable to the Crime Reduction Director in the relevant regional government office.            |
| <b>Multi Agency Risk Assessment Committees (MARACs)</b>  | A forum where multiple agencies get together to provide a co-ordinated response   |
| <b>Drugs and Alcohol Action Teams (DAATs)</b>  | The partnerships responsible for delivering drug and alcohol strategies at a local level  |
| <b>Youth Offending Teams</b>   | A statutory, multi-agency team that was set up following the 1998 Crime and Disorder Act with the intention of reducing the risk of young people offending and re-offending, and to provide counsel and rehabilitation to those who do offend.                                  |
| <b>Family Intervention Projects</b>  | Family intervention projects work to turn around the behaviour of families and reduce their impact on their community. In the past year the Government has worked with local authorities to establish over 50 family intervention projects across the country.                  |
| <b>Information Commissioner</b>  | The Information Commissioner's Office is the UK's independent authority set up to promote access to official information and to protect personal information  |
| <b>Secured by Design</b>   | Secured by Design focuses on crime prevention at the design, layout and construction stages of homes and commercial premises and promotes the use of security standards for a wide range of applications and products.  |
| <b>Family Intervention Tenancies</b>   | These tenancies were introduced in the Housing and Regeneration Act 2008. They are designed to be used where intensive support is being delivered to households in a different property to their original home. They are used in conjunction with Family Intervention Projects. |

## Appendix One

### Categories of Antisocial Behaviour

| Level  | Examples  |
|--|---|
| <p>Level 1</p> <p>This covers the most serious or urgent types of ASB. Examples might include:</p>                                   | <p>Racial harassment</p> <p>Domestic violence</p> <p>Other hate crime</p> <p>Arson or attempted arson</p> <p>Behaviour resulting in danger to the complainant or others</p> <p>Using the home for unlawful purpose</p> <p>Physical violence</p> |
| <p>Level 2</p> <p>This covers ASB where there is no immediate threat to the complainant or others. Examples might include:</p>       | <p>Problems associated with groups</p> <p>Criminal behaviour</p> <p>Vandalism and damage to property</p> <p>Using the home for an unlawful purpose</p>  |
| <p>Level 3</p> <p>This covers relatively low-level ASB that is unlikely to cause harm in the short-term. Examples might include:</p> | <p>Garden misuse</p> <p>Neighbour disputes arising from misuse of communal areas and public spaces</p> <p>Neighbour disputes arising from nuisance from vehicles and car repairs</p> <p>Regular loud noise</p> <p>Animals</p>                   |
| <p>Level 4</p> <p>This level acknowledges one off complaints and incidences where there may be insufficient information.</p>         | <p>A one off party</p>  |

## Appendix Two

### Legislation Summary

| Legislation  | Summary  |
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| Housing Act 1985, 1988, 1996 and 2004  | This sets out tenancy rights and responsibilities, and provide remedies to deal with problems of antisocial behaviour  |
| Antisocial Behaviour Act 2003  | This requires us to prepare and publish statements of our policies and procedures on antisocial behaviour as well as injunctions, demoted tenancies and seeking possession on antisocial behaviour grounds |
| Family Law Act 1996, Protection from Harassment Act 1997, and Domestic Violence, Crime and Victims Act 2004  | This legislate specifically around harassment and domestic abuse (as detailed further in our Harassment and Domestic Abuse policies)   |
| Public Order Act 1986, Crime and Disorder Act 1998, Criminal Justice and Police Act 2001, Police Reform Act 2002, Violent Crime Reduction Act 2006, and the Police and Justice Act 2006, | They set out provisions for combating crime and disorder, including penalties that can be applied, parenting orders and ASBOs  |
| Environmental Protection Act 1990, Noise and Statutory Nuisance Act 1993, Noise Act 1996, and the Clean Neighbourhoods and Environments Act 2005   | They cover action that can be taken to deal with noise nuisance, littering and fly tipping, and control of dogs  |
| Homelessness Act 2002  | This governs the conditions under which possession may or may not be sought  |
| Data Protection Act 1996   | which sets out principles about use and sharing of personal information covered by the Act   |

## Appendix Three

### Partners include but are not limited to:

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**Name**

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Police

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Local housing and education authorities

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Social services, support providers

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Crime and Disorder Reduction Partnerships (CDRPs) or Community Safety Partnerships (CSPs)

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Multi Agency Risk Assessment Committees (MARACs)

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Drugs and Alcohol Action Teams

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Youth offending, probation services

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Mediation services

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Voluntary sector organisations

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All other relevant partners

## Appendix Four

### Acts of nuisance listed within tenancy agreements include but are not limited to:

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Not to cause, or allow members of the household or invited visitors to cause a nuisance or annoyance to or act in such a way that is likely to cause nuisance or annoyance to any person residing, visiting or otherwise engaging in a lawful activity in the locality of the Premises

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Drug dealing or illegal use of drugs

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Actual or threatened violence or abuse towards any person

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Behaving in an anti-social manner (including, but not limited to, shouting, screaming, swearing, making indecent or offensive gestures or banging on walls or ceilings)

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Dumping rubbish outside designated areas or not in accordance with the directions for dumping rubbish within designated areas, or the dumping without the Landlord's permission of non day-to-day domestic waste (e.g. furniture or white goods)

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Carrying out repairs to any car, motorcycle or other motor vehicle on the Premises or on any other land owned by the Landlord, or in the vicinity of the Premises, which cause a disturbance or nuisance to neighbours

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Parking other than in authorised parking spaces

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Blocking roadways or communal areas

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Leaving untaxed, unlicensed or unroadworthy vehicles on the Premises, the public highway in the locality of the Premises or on land owned by the Landlord

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