



Housing Management

Antisocial Behaviour

Scope:	This policy applies to Circle 33 Housing Trust, Commercial and Leasehold, EPIC Trust, Invicta Telecare, Mole Valley Housing Association, Old Ford Housing Association, Roddons Housing Association, Russet Homes, South Anglia Housing, Wherry Housing Association
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Regulatory Code:	3.5

Antisocial Behaviour

1 Scope

1.1 This policy applies to all Circle Anglia group partners including:

- Circle 33 Housing Trust
- Commercial and Leasehold
- EPIC Trust
- Invicta Telecare
- Mole Valley Housing Association
- Old Ford Housing Association
- Roddons Housing Association
- Russet Homes
- South Anglia Housing
- Wherry Housing Association

1.2 It sets out our commitment to tackling antisocial behaviour in and around the homes that we own and manage, including antisocial behaviour experienced by:

- Circle Anglia residents or service users
- Circle Anglia staff or contractors
- Other residents in a neighbourhood (where a Circle Anglia resident is the alleged perpetrator, or where Circle Anglia residents are also affected by the behaviour)

1.3 This document comprises two of the three documents we are required by the Antisocial Behaviour Act 2003 to publish, the Statement of Policies and the Statement of Procedures. A summary [Statement of Policies and Procedures](#), the third required document, is published separately. These documents are available for residents to access from their landlord, and on the website. In addition there is a customer leaflet available which sets out how residents can report antisocial behaviour, and how they can expect us to respond. Similar information is also available in the tenant handbook.

1.4 There are separate policies and procedures covering [Harassment](#) and [Domestic Abuse](#). These three policies and procedures are closely linked.

1.5 Complaints about the behaviour of staff or contractors will be taken forward through the [Complaints policy and procedure](#).

2 Policy (“Statement of Policies”)

Summary of policy

- 2.1 Circle Anglia works to improve people’s life chances through providing great homes and reliable services to residents, and through helping build sustainable communities where people want to live and work.
- 2.2 Tackling and preventing antisocial behaviour with residents and partners is at the heart of Circle Anglia’s sustainable communities strategy, within our commitment to develop Safer and Stronger communities. We believe that residents have the right to live free from concern about antisocial behaviour. Our approach includes:
- Prevention of antisocial behaviour through a variety of physical and social interventions, including clear communication of our expectations
 - Dealing promptly, proportionately, flexibly and effectively with incidents of antisocial behaviour using a partnership approach, offering support to victims, keeping complainants and the wider community regularly updated where appropriate, and using legal remedies where necessary
 - A commitment to working with perpetrators to change their behaviour wherever possible, seeking possession as a last resort
- 2.3 We will comply with and use the following legislation as part of our antisocial behaviour approach:
- **Housing Act 1985, 1988, 1996 and 2004** which set out tenancy rights and responsibilities, and provide remedies to deal with problems of antisocial behaviour
 - **Antisocial Behaviour Act 2003** which requires us to prepare and publish statements of our policies and procedures on antisocial behaviour, and builds on the provisions in the 1996 Housing Act around antisocial behaviour 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** which 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**, which 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** which cover action that can be taken to deal with noise nuisance, littering and fly tipping, and control of dogs
- **Homelessness Act 2002** which 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
- **Disability Discrimination Act 1995 and 2005** which requires us to ensure that in dealing with allegations of antisocial behaviour we do not discriminate against an individual because of a disability that they have
- **Race Relations Act 1976 and 2000**, which requires us to ensure that we do not discriminate against an individual because of their race
- **Regulation of Investigatory Powers Act 2000** which regulates the interception of communications, the acquisition and disclosure of communication data, the carrying out of covert surveillance in private premises or vehicles ('intrusive surveillance') or in public places but likely to obtain private information about a particular person ('directed surveillance').

2.4 We will also comply with our regulatory requirements, currently set out in the former Housing Corporation documents:

- Regulatory Code
- Statutory Housing Management Guidance on antisocial behaviour policies and procedures
- Good Practice Note 13: Promoting Respect
- Promoting Respect: Tackling antisocial behaviour guidance

Structure of the document

2.5 The first section of this document sets out Circle Anglia's policy on some cross cutting issues.

- [Defining antisocial behaviour](#)
- [Resident responsibilities](#)
- [The Respect standard](#)
- [Partnership working](#)
- [Data protection and confidentiality](#)
- [Staff training](#)

- 2.6 The second part of the Statement of Policies summarises our [response to reports of antisocial behaviour](#), including an overview of what response options we will use, and support considerations.
- 2.7 The [Statement of Procedures](#) sets out details of these response options and our procedures for responding to reports of antisocial behaviour. Appendices are available separately for full staff guidance.

Defining Antisocial Behaviour

- 2.8 Antisocial behaviour can be anything from low-level nuisance to serious violent behaviour. It includes all behaviour that impacts negatively on residents' quality of life in and around their homes.
- 2.9 The Housing Act 1996 as amended set out the following definitions of antisocial behaviour in the context of applying for an injunction. These definitions can be used more broadly as well in the definition of antisocial behaviour that we can take action against as a social landlord:
- 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
- 2.10 The antisocial behaviour may occur within the neighbourhood of the perpetrator or victim, or in any other vicinity. Antisocial behaviour experienced in an area where we have no stock where a resident of a Circle Anglia partner is not involved may fall outside of our jurisdiction. However, when we receive reports that fall into this category we will still signpost complainants to the police and the Local Authority.
- 2.11 People to whom the conduct may cause a nuisance include anyone who has a right to live in property that we own or manage, those living in the locality of property that we own or manage, and anyone else lawfully in the area who is affected by the behaviour of a resident of a Circle Anglia partner.
- 2.12 We can take action to deal with antisocial behaviour perpetrated by residents regardless of their tenure, choosing appropriate response options in order to do so, and working in partnership where necessary.
- 2.13 Where residents are leaseholders or shared owners, much of this policy and procedure will still apply, including the early interventions. We will take legal

action in accordance with the terms of the lease, as these may differ from case to case.

2.14 Some of the common types of antisocial behaviour listed by Communities and Local Government include:

- harassment (see [Harassment](#) policy) and intimidating behaviour
- hate crime, for example racist or homophobic abuse
- behaviour that creates alarm and fear
- noisy neighbours and loud parties
- problems associated with people dealing or using drugs
- people being drunk or rowdy
- vandalism, graffiti and other deliberate damage to property
- rubbish or litter lying around, abandoned cars etc

2.15 These types of behaviour may involve serious criminal activity. The main thing to consider is the impact of the behaviour on others. Further information about defining antisocial behaviour is available in the [appendices](#).

2.16 Under new smokefree legislation, residents who persistently smoke while staff members or contractors are present may be considered to be perpetrating antisocial behaviour. More details can be found in the [Smokefree policy](#).

Resident responsibilities

2.17 We expect residents and their visitors to behave in a responsible way and to respect other tenants and residents in the local area. Tenancy agreements across the group contain nuisance clauses which prohibit tenants from engaging in antisocial behaviour.

2.18 Leaseholders and shared owners are also covered by this policy, and are expected to refrain from antisocial behaviour. Leases also contain references to nuisance, but these will vary from case to case. We will take enforcement action according to the terms of the individual lease.

2.19 Tenants are responsible for the actions of other members of their household and any visitors, and we may take action against them as a result of antisocial behaviour perpetrated by any members of their household or visitors.

2.20 We encourage residents who have experienced or witnessed antisocial behaviour to report it to us promptly, and to engage with us to resolve problems. We encourage communities to take ownership of their areas, and to play a part in preventing and responding to antisocial behaviour.

The Respect Standard

- 2.21 All Circle Anglia group partner Registered Providers are signed up to the Respect Standard. This standard was created in 2006 around six core components:
- 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 antisocial behaviour
- 2.22 Although the Respect Taskforce was absorbed into the Youth Taskforce during 2008 the Respect Standard continues to be supported by Communities and Local Government. Over 70% of social landlords are now signed up.
- 2.23 Each group partner will therefore locally carry out a self assessment in line with the 2008 HQN publication “The Respect Standard: what social landlords should be doing and what inspectors are looking for” to make sure that their antisocial behaviour services fully align with the requirements of the Respect Standard. These self assessments will be reviewed on a regular basis, and the results will be publicised to residents.
- 2.24 The Circle Anglia Respect website www.circleangliarespect.org provides information about our ongoing work to tackle antisocial behaviour, including success stories.

Partnership working

- 2.25 Successful outcomes in dealing with antisocial behaviour rely on partnership working. We will partner with the police, local housing and education authorities, social services, support providers, Crime and Disorder Reduction Partnerships (CDRPs) or Community Safety Partnerships (CSPs), Multi Agency Risk Assessment Committees (MARACs), Drugs and Alcohol Action Teams (DAATs), youth offending teams, probation services, family intervention projects, mediation services, voluntary sector organisations and all other relevant bodies. This is particularly important when considering:
- Different powers available to different agencies
 - Information sharing about individuals and cases where data protection law allows

- Providing appropriate support to victims, witnesses and perpetrators
- 2.26 Antisocial behaviour can affect residents of any given neighbourhood regardless of tenure or landlord. We will work with other owners and managers of property within neighbourhoods where we own or manage property to find neighbourhood appropriate solutions, including private landlords. Wherever possible we will implement consortium management agreements on mixed tenure / landlord estates in an effort to prevent further antisocial behaviour.
- 2.27 Where managing agents manage properties on our behalf they will be required to meet the requirements of this policy and procedure.
- 2.28 We will play an active role in local Crime and Disorder Reduction Partnerships (CDRPs) or Community Safety Partnerships (CSPs) and other local and regional forums which work to reduce antisocial behaviour in areas where we own and manage stock. Where appropriate we will take a leading role in such partnerships, proactively working to make them effective, improving outcomes for individuals, and linking in to wider local, regional and national agendas.
- 2.29 We will develop effective information sharing protocols with all relevant partners to facilitate the straightforward exchange of pertinent information, for the purposes of tackling antisocial behaviour, within the requirements of Data Protection law.
- 2.30 We will set up partnership arrangements with relevant advice and support providers to facilitate easy referrals and improve the overall service received by victims, witnesses and perpetrators. Registered Providers are responsible for establishing links with relevant organisations locally, and make details of the arrangements available to staff for use in antisocial behaviour cases.
- 2.31 We will work closely with other organisations to ensure a holistic and coordinated approach to dealing with problems of antisocial behaviour, avoiding duplication of effort. We will work together to use powers available to different organisations. Details of these powers are included in the [Statement of Procedures](#) and the guidance for staff in the [appendices](#).
- 2.32 We will work with other organisations to ensure efficient use of resources, for example by buying into a local mediation service.

Data Protection and Confidentiality

- 2.33 The Data Protection Act 1998 set out requirements for ensuring that data about individuals is properly protected, and only shared in a lawful way. We will comply with the best practice guidance set out in the Framework Code of

Practice for Sharing Personal Information published by the Information Commissioner. Any information shared:

- will be necessary, relevant and not excessive
- will be shared fairly and transparently
- will be accurate and up-to-date
- won't be kept any longer than is necessary
- will be kept secure
- will be able to be accessed by the individual that it relates to on request

2.34 Information sharing agreements will be created with guidance from a solicitor or ASB Specialist, including as a minimum:

- Details of the type of information that will be shared, and how it will be identified
- Details about how the information should be transmitted and stored
- Details about the circumstances under which information will be shared with a third party

2.35 Where there isn't an information sharing agreement in place information will only be shared after confirmation from a solicitor, ASB Specialist or the Data Protection Officer that it is lawful to do so.

2.36 Staff will at all times be vigilant to ensure that they maintain confidentiality, and do not give details of cases they are involved in or aware of to any person inappropriately.

2.37 We will be sensitive to the effect that disclosure of identity to a perpetrator or any other party could have on a complainant. We will only disclose the complainant's identity to the perpetrator and any other parties including doctors and teachers with their explicit written permission.

2.38 In some cases we will make referrals to social services or to the police without the permission of the complainant, where the situation justifies it.

2.39 Under section 35 of the Data Protection Act information disclosed as a requirement of law or in connection to legal proceedings or obtaining legal advice is exempt from the non-disclosure provisions.

Staff training

2.40 All staff receive data protection training as part of their induction.

2.41 All front line staff will receive basic antisocial behaviour awareness training.

2.42 Staff responsible for responding to reports of antisocial behaviour and finding solutions will receive additional training, as needed. Wherever possible we will provide specialist case management training.

3 Tackling antisocial behaviour

3.1 We are committed to tackling antisocial behaviour through prevention, early intervention, support options, working in partnership to use other agencies' powers, and where necessary taking legal action.

3.2 Circle Anglia is committed to working proactively to prevent the incidence of antisocial behaviour in all of our neighbourhoods. Further detail on these commitments is available in the [Statement of Procedures](#). In summary, we will do the following (hyperlinks will take you to the detail in the Statement of Procedures on each section):

- [Work to make sure that tenancies start on the right note](#), including making appropriate lettings where possible, and setting out our expectations of behaviour clearly before and at the beginning of the tenancy. In many areas we use starter tenancies as a tool to manage any antisocial behaviour which occurs at the beginning of a tenancy. We will work to identify any support needs before and at the beginning of a tenancy, and make appropriate referrals to support providers.
- [Promote the use of Good Neighbourhood Agreements](#) on our estates, specific to local issues, setting agreed standards of behaviour with residents in specific areas.
- [Consider what physical improvements could reduce antisocial behaviour](#) and increase safety and perception of safety, including carrying out regular estate inspections and managing maintenance contracts; carrying out estate improvements and planned property upgrade programmes, including in some cases the installation of crime deterrents; and developing new properties or major refurbishments to Secured by Design standards.
- [Use a range of other antisocial behaviour reduction initiatives at a local level](#), including proactive involvement in the local community, partnership working with other agencies working in the area, and publicising results of successful antisocial behaviour interventions.

3.3 Where antisocial behaviour does occur, we will respond quickly, working in partnership as appropriate. Taking action against perpetrators of antisocial behaviour sends a clear message to other residents that we will not tolerate such behaviour.

- 3.4 The response to any situation will vary from case to case and can depend on:
- The type of behaviour and its impact on others
 - The evidence available to support a case
 - The age of the perpetrator
 - Any vulnerability suffered by the victim, complainant or perpetrator, including whether the victim, complainant or perpetrator has a disability under the Disability Discrimination Act
 - Whether the victim or perpetrator is a resident or non-resident
- 3.5 The action that will be taken in any particular instance will be detailed in the case action plan when it is formulated. This will be regularly reviewed.
- 3.6 We reserve the right to respond to individual cases as we consider appropriate. This may involve using the response options set out in this policy and procedure in the order they are suggested, or in any other order. We also reserve the right not to use any of the response options if we do not think they are appropriate.
- 3.7 Where the alleged perpetrators are children or young people we will involve parents and guardians to resolve the problem. We will also liaise with social services, schools, youth offending teams, and any other relevant bodies.
- 3.8 All action that we take to deal with antisocial behaviour will be communicated clearly to complainants, witnesses and perpetrators in a language and format appropriate to their needs. We will keep all parties regularly updated about progress.

Early interventions

- 3.9 Circle Anglia is committed to intervening at an early stage in antisocial behaviour cases in order to resolve problems and prevent their escalation. When a report is made of antisocial behaviour, we will consider the use of the following early interventions (hyperlinks will take you to the detail in the Statement of Procedures):
- [Support and multi-agency referrals](#)
 - [Written and verbal warnings](#)
 - [Mediation](#)
 - [Acceptable Behaviour Contracts \(ABCs\)](#)
 - [Parenting Contracts](#)

- 3.10 Sometimes antisocial behaviour may be caused by or exacerbated by the perpetrator's vulnerabilities or disabilities. We will be vigilant to consider whether this may be the case. However, we will still take action to deal with antisocial behaviour perpetrated by someone with vulnerabilities or disabilities.
- 3.11 We will use a verbal and written warning system to deal with complaints about substantive breaches of tenancy or antisocial behaviour at an early stage. We will not send a written warning unless we have some level of confirmation that the person involved has in fact carried out the antisocial behaviour they are accused of.
- 3.12 Circle Anglia will promote mediation to resolve minor disputes between two neighbours around issues such as car parking, boundary disputes, dogs barking, lifestyle conflicts and noise nuisance.
- 3.13 Acceptable Behaviour Contracts are an effective tool for dealing with antisocial behaviour. If breached, these contracts provide support for further action, for example through the courts. Circle Anglia will promote the use of Acceptable Behaviour Contracts as an effective early intervention where there is clear evidence of antisocial behaviour.
- 3.14 Further detail about early interventions is available in the [procedures](#). Staff guidance is in the [appendices](#).

Enforcement action

- 3.15 The law has created tools that can be used by a social landlord to deal with cases of antisocial behaviour. We will use legal action where necessary, but in general we will try to work with perpetrators and complainants to resolve the situation without resorting to legal action. Early interventions as listed in the section above are our preferred first approach.
- 3.16 Where these early interventions fail to achieve desired outcomes, or where incidents are of a serious nature, we will consider applying for the following (hyperlinks will take you to the detail in the Statement of Procedures):
- [Injunctions](#)
 - [Antisocial Behaviour Orders \(ASBOs\)](#)
 - [Demoted Tenancies](#)
 - [Possession](#)

- 3.17 We will decide what enforcement action is most appropriate on a case by case basis. We reserve the right to take whatever action we consider to be most appropriate in each circumstance.
- 3.18 In general, our preferred legal remedy is a housing injunction against a perpetrator under Section 153 of the Housing Act 1996, as amended by the Antisocial Behaviour Act 2003. In serious cases we may apply for an injunction in conjunction with applying for possession or a demotion order. An injunction can only be sought against a perpetrator over the age of 18.
- 3.19 We will apply for ASBOs where other measures such as injunctions (which are generally quicker and easier to obtain) are not appropriate. We will only use ASBOs where it is felt that they are the most effective tool to deal with the behaviour, rather than as a standard procedure.
- 3.20 We may use demoted tenancies or possession action as standalone remedies or in conjunction with applying for an injunction or an antisocial behaviour order.
- 3.21 We will only take possession action as a last resort where there is serious antisocial behaviour, and where we have a real intention of seeking possession. Our priority as a social landlord is to ensure tenancies are sustained in a way compatible with the needs of others not to suffer antisocial behaviour, and to avoid simply moving problems elsewhere. However, when we apply for possession we will follow through on it. We will follow the standard process for approving evictions.
- 3.22 At the moment Circle Anglia does not intend to use Family Intervention Tenancies as established by the Housing and Regeneration Act 2008. We will review this position periodically in line with any developments in case law or best practice from other organisations in the sector.
- 3.23 We will get legal advice and guidance at an early stage and throughout all cases where we take legal action. We will ensure that we use appropriate legal advisors who are experts in their field. We will be clear about what we want our legal advisors to do to ensure we get an effective, value for money service. Staff will carry out as much of the legal process as possible, including gathering evidence and completing application forms, according to the level of expertise available within teams at each Registered Provider.
- 3.24 Further detail about legal options are available in the [procedures](#). Staff guidance is in the [appendices](#).

Support for victims, witnesses and perpetrators

- 3.25 We will consider whether victims, witnesses or perpetrators have any support needs right from the beginning of any case that we are dealing with.
- 3.26 Antisocial behaviour can cause significant distress to victims and witnesses. Circle Anglia will work with local agencies and community groups to help provide appropriate support for victims of antisocial behaviour. We may provide this support from within the group or work with external partners or agencies. We will refer to specialist agencies, where relevant, to provide specialist help and support to help tackle antisocial behaviour.
- 3.27 We will make the reporting process, interviewing, creation of an action plan and evidence collection mechanisms as straightforward as possible to minimise the burden on complainants. Staff dealing with reports initially and on an ongoing basis will be considerate and sensitive to the potential distress of the victims and witnesses.
- 3.28 We will consider the safety and perception of safety of victims and witnesses, and where appropriate we will work with partners to provide additional safety measures such as regular patrols, visits by officers, provision of personal alarms and CCTV systems. We will liaise with Crime Prevention services where necessary to protect witnesses.
- 3.29 In severe cases, for example where physical violence has been experienced, or there is irresolvable damaging conflict between two parties, we may consider whether a voluntary move on management grounds would be appropriate. The group [Lettings policy](#) has further detail on management moves.
- 3.30 Where we are considering proceeding to legal action against perpetrators of antisocial behaviour, we will make sure we are not discriminating against the perpetrator because of a disability that they have, in accordance with the Disability Discrimination Act 1995 and 2005.
- 3.31 We will make every effort to protect and support witnesses during court proceedings. We will cover reasonable expenses.

4 Service Standards

- 4.1 These are the current group service standards, which are due for review. Some group partners work to tighter timescales than those listed here. These are minimum commitments; wherever possible we will work to faster timescales.

4.2 We will:

- Use a range of prevention measures to reduce antisocial behaviour
- Take a victim-centred approach
- Investigate all complaints of anti social behaviour
- Always have someone available to deal with antisocial behaviour during office hours
- Respond to racial harassment and domestic violence within 24 hours
- Remove offensive or discriminatory graffiti within 24 hours of it being reported
- Support and work with the complainant in trying to resolve the complaint
- Agree an action plan within two weeks of receiving a report and review this every month
- Offer clear advice and support when an incident is reported
- Use a range of legal and non-legal remedies to resolve antisocial behaviour, taking an approach that is appropriate to the case
- Review all open cases after three months
- If we feel a case should be closed, discuss this with the complainant and give them an opportunity to appeal
- After a case is closed we will ask for feedback on how we dealt with the case.

5 Monitoring

5.1 We will collect data on antisocial behaviour in order to:

- Make sure we meet our targets
- Make sure we don't discriminate against anyone in any individual case
- Find out about customer satisfaction and work to improve our services accordingly
- Identify hotspots of antisocial behaviour and specific problems; and
- Target resources to tackle antisocial behaviour appropriately

5.2 Some of the particular things we will monitor are:

- number and type of incident reported
- response against target time
- support offered and referrals for further support
- number of cases resolved on time and at all

- level of resident satisfaction with outcome and handling
- actions taken and response options used
- equality and diversity information relating to the complainant, victim and perpetrator
- method of reporting ASB cases
- cost of externally-procured ASB legal services
- cost of externally-procured non-legal services such as mediation, and specialist victim and witness support services
- repair and clean-up costs associated with ASB

5.3 We will report on our progress, performance and costs regularly to partner boards.

6 Equality and Diversity

6.1 It is essential to recognise that customers of all races, ages, religions, gender, sexual orientation, literacy levels and disability should be treated equally and fairly.

6.2 We recognise that antisocial behaviour can be caused or exacerbated by vulnerability or disability. We will work with perpetrators of antisocial behaviour to ensure they have the support they need.

6.3 We will ensure that any enforcement action taken, including legal action complies with the requirements of the Disability Discrimination Act 1995 and 2005.

6.4 We recognise that perception of antisocial behaviour may also be affected by vulnerability or disability. We will work with complainants to ensure that they have the support they need.

6.5 We will not tolerate harassment, including discriminatory graffiti. Action to tackle harassment will be taken in line with our [Harassment](#) policy.

6.6 In line with section 49 of the Disability Discrimination Act 1995 as amended we will comply with the duty on public authorities to eliminate harassment of disabled persons that is related to their disabilities.

6.7 All customers will have access to this document upon request or from our website www.circleanglia.org/customers

6.8 This document and accompanying leaflet can be translated or provided in alternative formats (e.g. Braille, large print, audio) upon request.

6.9 Equality and Diversity training is mandatory for all staff.

7 Publicising the Policy

7.1 Circle Anglia publicises its policies and procedures on antisocial behaviour to residents and staff in a number of ways:

- Resident Handbook
- Leaflets
- Resident Newsletter
- Resident Website
- CIRANO
- Policy Briefings and
- Training

7.2 We comply with the requirements of the Antisocial Behaviour Act 2003 to publish a Statement of Policies (included in this document), a Statement of Procedures (included in this document) and a summary [Statement of Policies and Procedures](#). We will publish these documents on our website and make them available in our reception areas and on request.

7.3 We will publicise to residents the ways that antisocial behaviour can be reported, and encourage residents to use them.

7.4 We will communicate clearly with residents at the outset of their tenancies and throughout our expectations around antisocial behaviour.

7.5 Where we are taking action to deal with antisocial behaviour in an area we may publicise our actions, including the outcomes of any legal action. We will use personal data appropriately and in line with the law.

Procedure (“Statement of Procedures”)

8 Prevention

8.1 Circle Anglia is committed to working proactively to prevent the incidence of antisocial behaviour. We will:

- [Work to make sure that tenancies start on the right note](#)
- [Promote the use of Good Neighbourhood Agreements](#)
- [Consider what physical improvements could reduce antisocial behaviour](#)
- [Use a range of other antisocial behaviour reduction initiatives at a local level](#)

Beginning on the right note

8.2 Wherever possible we will make appropriate lettings, including consideration of:

- Age, ethnicity, gender, disability and other profiles of the proposed tenant and their household in relation to any one neighbourhood
- Ensuring residents are housed in appropriate accommodation for their needs, and have any support that they need from the outset
- Facilities available in the neighbourhood e.g. considering whether there are suitable play areas available in the neighbourhood when housing households with children

8.3 To a large extent we are dependent on the Local Authority to make appropriate lettings. Where possible we will seek to influence them to make appropriate lettings.

8.4 We will use starter tenancies in some Local Authority areas in line with our [Starter Tenancy policy](#) to enable us to deal more effectively with tenants causing antisocial behaviour early in their tenancies. Where we use starter tenancies we will rigorously monitor tenancies during their first year to make sure that residents understand and comply with their rights and responsibilities, and to deal promptly with any problems that might arise.

8.5 We will communicate clearly with all residents before and at the beginning of their tenancies about our expectations around antisocial behaviour. This includes:

- Explaining the clauses in our tenancy agreements which relate to antisocial behaviour and the implications of breaching the agreement

- Providing residents with the tenant handbook which includes a section on antisocial behaviour, the antisocial behaviour customer leaflet, and any other relevant local publications about antisocial behaviour
- Encouraging residents to report any antisocial behaviour using the contact information in the above documents

8.6 We will respond appropriately to any concerns around support needs identified before the beginning of the tenancy, during sign up interviews and early tenancy visits (see [Support](#) section below).

Good Neighbourhood Agreements

8.7 We will encourage the use of Good Neighbourhood Agreements on our estates. These agreements involve the community in setting standards and expectations for behaviour in their area. They can be particularly useful:

- on new developments or after major refurbishments, where residents are moving together into new or newly refurbished environments
- where there is a general pattern of low to medium level antisocial behaviour perpetrated by more than one person and experienced by more than one person

8.8 They can be effective as a voluntary commitment made by individuals to the community they live in. In general, we won't use an incentive system with the agreements to reward or punish behaviour.

8.9 We will use Good Neighbourhood Agreements in conjunction with a range of other enforcement and preventative measures. We will provide clear information about why we are using Good Neighbourhood Agreements and how they work, so that residents feel confident in signing up to them.

8.10 We will work together with communities to develop Good Neighbourhood Agreements, seeking to engage local residents and to encourage them to share some of the responsibility for tackling nuisance behaviour and promoting positive behaviour.

8.11 We will develop Good Neighbourhood Agreements that are easy to understand, attractively presented, concise, reflect our overall policy approach, and focus on local priorities. Guidance for staff around developing Good Neighbourhood Agreements is available in the [appendices](#).

Physical interventions

8.12 We recognise that the physical environment of a neighbourhood can affect the likelihood of antisocial behaviour occurring. For example, maintaining neat and

tidy estates can reduce the incidence of graffiti, fly tipping and vandalism. In addition these interventions can increase resident safety and perception of safety in the area.

8.13 In line with our [estate management policy](#) we will:

- Carry out regular estate inspections to check maintenance standards and note any repairs that are needed
- Ensure that appropriate cleaning, gardening and maintenance contracts are procured and managed
- Deal promptly with any reports of graffiti, fly tipping, abandoned vehicles and repairs (any discriminatory graffiti will be removed within 24 hours)
- Carry out estate improvements, particularly on estates where specific problems have been identified (for some group partners this comes under the Excellent Estates programme)

8.14 We will consider whether crime deterrents would be effective, bearing in mind overall costs of installation, maintenance and monitoring. These deterrents might include:

- Improving lighting arrangements
- Changing the layout of vegetation or landscaping, or carrying out alterations to walls, passageways and entranceways etc. to remove troublespots
- Installation of signage
- Installation of CCTV cameras where there is a clear benefit to be gained and there is an arrangement to monitor the tapes, or installation of dummy CCTV cameras
- Installation or improvement of controlled door entry systems, particularly in blocks with communal entries, or other security systems
- Installation of 'mosquitos', pink tube lighting, classical music outlets or other creative approaches to tackling antisocial behaviour

8.15 When we carry out estate improvements or install crime deterrents we will, where appropriate, involve the local community in considering the most appropriate solutions to local problems, where possible including them in design and layout planning.

8.16 On new developments and when we carry out major works we will work to "Secured by Design" principles wherever possible.

8.17 Where there are particular problems on estates which exacerbate antisocial behaviour (for example poor sound insulation) we will consider whether we could carry out a planned programme of work to remove or reduce the problem.

Other antisocial behaviour reduction initiatives

8.18 At a local level, individual group partners will work proactively and creatively to find effective ways to preventing antisocial behaviour occurring, within the framework of the Sustainable Communities strategy, including for example:

- Running youth diversionary activities such as football clubs, and considering providing transport where needed to attend the activities
- Setting up community development activities, including regular clubs and societies as well as one-off events, and considering running events such as good neighbour award ceremonies.
- Involvement in local schools, including participating in workshops and assemblies to improve understanding of antisocial behaviour and its consequences
- Working in partnership to increase the presence in neighbourhoods of community wardens and community police
- Setting up neighbourhood watch or other equivalent schemes where appropriate

8.19 We will work to develop good community spirit, promoting respect and pride in the community.

8.20 We may publicise results of successful antisocial behaviour interventions using a range of media, including:

- The Circle Anglia Respect website
- Resident newsletters
- Local newspapers
- Community noticeboards
- Mailshots

8.21 We will use the publicity of cases wisely as although it can act to deter others from engaging in such conduct, “naming and shaming” may have the adverse effect. Any publicity will comply with data protection law, and where necessary will be checked with a solicitor or our data protection officer. In some cases we may be instructed by the court or the police that publicity is not advisable.

8.22 We will use similar mechanisms to publicise to residents our expectations around antisocial behaviour, and how residents can report problems.

8.23 We will work in partnership to offer surgeries in local areas with representatives from relevant organisations such as the police and local authorities, where concerns can be raised at an early stage. Other Partners and Communities Together (PACT) mechanisms such as public meetings, panel meetings, Environmental Visual Audits (EVAs), surveys, postcards and response mailings will also be supported.

9 Responding to reports of antisocial behaviour

Initial response

- 9.1 Antisocial behaviour can be reported by victims or witnesses by phone, e-mail, letter, in person or on our website. Contact numbers are advertised on the Circle Anglia Respect website, in the Tenant's Handbook, and in customer leaflets. Most group partners now operate a 24-hour antisocial behaviour hotline.
- 9.2 The timescales set out in this section are those agreed as a minimum standard across the group. Some group partners individually work to shorter timescales.
- 9.3 In all cases we will provide an initial response to the report within 24 hours, acknowledging its receipt and informing the complainant who will be dealing with the case, and when they will next be contacted.
- 9.4 The officer responsible for the case will contact the complainant within five days of the initial report. Where there is violence or threat of violence involved we will respond more quickly.
- 9.5 Where there are emergency repairs or discriminatory graffiti we will rectify within 24 hours of the report.
- 9.6 We will be aware of complainant's vulnerabilities, and provide a quicker response where possible to meet their needs.
- 9.7 We will at all times be considerate of the disturbance and upset that antisocial behaviour can cause for victims, witnesses and the wider community. We will be quick to offer support options where they may be appropriate.
- 9.8 We will report any criminal behaviour to the police. We will report any concerns about the safety or wellbeing of any children to social services.
- 9.9 Complaints which do not fall under the category of antisocial behaviour (for example complaints about a staff member's conduct) may be referred through

the Complaints process instead of following the antisocial behaviour procedure. Please see the [Complaints policy and procedure](#) for more details.

- 9.10 Staff members will be aware of the possibility of unfounded or libellous reports being made, as well as racist or other discriminatory motivations behind accusations. All such reports will be investigated, but it may be decided to close the case at an early date. Where it is considered that the complainant is in fact perpetrating harassment, we will take action in line with our [Harassment policy and procedure](#). We will be sensitive about allegations against those that already feel stigmatised or victimised.

Ongoing contact with the complainant

- 9.11 An interview with the complainant will be carried out within ten days of the report, unless we are not able to agree an appropriate time with the complainant within that timescale. Where possible and if it is practical or helpful to do so we will also interview the alleged perpetrator and any other witnesses or victims. Where there is violence or a threat of violence involved we will act more quickly.
- 9.12 In all cases the security of staff is paramount. Staff health and safety is covered by the [Health and Safety policy](#) and the [Lone Working policy](#).
- 9.13 Where it is evident that antisocial behaviour has occurred an action plan for dealing with the problem will be finally agreed within 14 days of the initial report, or more quickly if there is violence or a threat of violence involved. The action plan will set out what the complainant will do and what the landlord will do including agreeing timescales for communication with the tenant in relation to updates on the case. We will give the complainant a copy of the action plan within three days of its creation, as well as a copy of the antisocial behaviour customer leaflet which sets out our overall commitments.
- 9.14 We reserve the right to respond to individual cases as we consider appropriate. This may involve using the response options set out in this policy and procedure in the order they are suggested, or in any other order. We also reserve the right not to use any of the response options if we do not think they are appropriate.
- 9.15 Where there is no evidence that any antisocial behaviour has taken place (taking into consideration the definitions of antisocial behaviour set out at the beginning of the policy and in the [appendices](#)), we may take the decision to close the case without creating an action plan. Where appropriate we may

- refer complainants to a mediation service, where there is misunderstanding between two parties that doesn't amount to antisocial behaviour.
- 9.16 At this early stage we will discuss the complainant's expectations with them, explaining what we are able to do, what we need to work in partnership to do, and what we can't do. We will explain to them how long we would expect any of the response options we are using to take.
- 9.17 We will be vigilant throughout to consider any support needs that the complainant or victims may have and to refer them to any appropriate support routes as necessary. Where the complainant has a physical or mental disability we will proactively work to ensure we accommodate their needs. Sometimes an individual's perception of behaviour to be antisocial may be affected by vulnerability or disability. Where this is considered to be the case we will ensure that appropriate support is provided to overcome these perceptions.
- 9.18 Regular review of the case and communication with the victim(s) and/or witness(es) is key to managing satisfaction levels and achieving a positive result. We will carry out an initial review of the action plan within 15 days of its creation to check the approach is still appropriate in light of any new evidence. We will contact those involved every 15 calendar days, unless the case action plan states otherwise and review the action plan on a monthly (30 calendar days) basis. After the action plan is reviewed we will issue the updated version to the complainant within three days.
- 9.19 Cases will be closed when the complainant is satisfied with the outcome. Cases may also be closed:
- If the complainant withdraws their complaint
 - If there is no further action that can be taken, and the problem is not considered serious enough to follow through to possession
 - Where new evidence changes the case, for example where it becomes apparent that antisocial behaviour has not taken place
- 9.20 Where we feel a case should be closed we will offer the resident opportunity to present new or further evidence that would justify the case remaining open. However we reserve the right to close cases where there is no further action that we can reasonably take, even if the resident is not satisfied with the outcome.
- 9.21 We will aim to resolve 80% of cases within three months of the initial report. However where we take legal action it is likely that cases will take longer than

three months to resolve. Cases which have not been resolved after three months will be taken to an appropriate review panel at the relevant Registered Provider for their direction.

- 9.22 We aim to provide an excellent service in responding to reports of antisocial behaviour. We aim to achieve satisfaction levels of 80%. However if complainants are not satisfied they can raise a complaint through our [Complaints policy and procedure](#).

Evidence gathering

- 9.23 We will use a range of methods to gather evidence. As a start, we will interview the complainant(s), any witnesses, and where appropriate the perpetrator. Where their evidence would be valuable in court we will provide support as set out in [Support for victims and witnesses](#) below. Where appropriate we will also use professional witnesses, and specialist investigations.
- 9.24 Where necessary we will ask complainant(s) to complete diary sheets of their experience. This may be particularly relevant when dealing with noise nuisance and other environmental antisocial behaviour. We will agree timescales with the complainant for completing the evidence collection, and when we will have reviewed the feedback by. This will be detailed in the action plan.
- 9.25 Staff may carry out scheduled and unscheduled visits to the area to gather evidence, as well as door knocking residents in the area.
- 9.26 We will liaise with partners, such as the police, Local Authority, and any support agencies, to gather information relevant to the case. In all situations we will comply with Data Protection law, as stated in our policy.
- 9.27 We will consider the use of monitoring equipment such as CCTV where appropriate to gather evidence of antisocial behaviour and crime subject to the principles set out in the Regulation of Investigatory Powers Act 2000, the Data Protection Act 1998 and the Code of Guidance prepared by the Information Commissioner. Where appropriate we will consult with residents about the installation of monitoring equipment.

10 Early interventions

10.1 Circle Anglia is committed to intervening at an early stage in antisocial behaviour cases in order to resolve problems and prevent their escalation. This section sets out the early interventions that we will use:

- [Support and multi-agency referrals](#)
- [Written and verbal warnings](#)
- [Mediation](#)
- [Acceptable Behaviour Contracts \(ABCs\)](#)
- [Parenting Contracts](#)

10.2 In some cases where the antisocial behaviour is of a particularly serious nature, or where it has re-occurred some time after a previous incident we may proceed straight to considering [legal action](#) such as an injunction, ASBO or possession action. We may also work in partnership to use [other authorities](#)' powers.

10.3 We can use these early interventions with tenants and non-tenants. We will work with other agencies to coordinate action, agreeing a lead agency according to which is most appropriate. Where the perpetrator is our tenant and the behaviour affects a housing management function, it is likely that we will take the lead.

10.4 Guidance for staff on use of these interventions are available in the [appendices](#).

Support and multi-agency referrals

10.5 Sometimes antisocial behaviour may be caused by or exacerbated by the perpetrator's vulnerabilities or disabilities. We will be vigilant to consider whether this may be the case. Where appropriate we will provide additional support from within Circle Anglia, through a tenancy sustainment team or a specialist support team.

10.6 In other instances we may refer individuals to appropriate other agencies such as social services, or private and voluntary sector organisations that provide support. As well as supporting victims, these agencies have the expertise to deal with the wider problems that often fuel anti social behaviour such as social exclusion, unemployment, family breakdown, truancy, exclusion from school, and drug and alcohol dependency. Registered Providers are responsible to establish links with these organisations locally, and make

details of the arrangements available to staff for use in antisocial behaviour cases.

- 10.7 Perpetrators may also be able to be referred to structures such as youth offending teams or family intervention projects to provide specific targeted support.
- 10.8 Support offered will be done in consultation with our partners, to ensure that a holistic and effective approach is taken, avoiding duplication of effort.

Written and verbal warnings

- 10.9 After a report of antisocial behaviour has been substantiated and a perpetrator identified we will usually give the perpetrator a verbal warning, followed up by a written warning. Where we are unable to contact the perpetrator in person or on the phone, we will just send the written warning.
- 10.10 The verbal warning can be a good opportunity to talk to the perpetrator about the situation and perhaps identify early solutions. However, a warning may not always be appropriate, and other response options should also be considered.
- 10.11 We will use a verbal and written warning system to deal with complaints about substantive breaches of tenancy or antisocial behaviour at an early stage. We will not send a written warning unless we have some level of confirmation that the person involved has in fact carried out the antisocial behaviour they are accused of.
- 10.12 The warning will include details of the antisocial behaviour in question, who to contact with any enquiries, and what further action will be taken should the behaviour continue. We will include with the warning our antisocial behaviour leaflet, as well as any relevant documents such as Good Neighbourhood Agreements.
- 10.13 We will be aware of issues which may make a written warning less effective such as learning difficulties, visual impairment, low literacy levels or low understanding of English.
- 10.14 We will take into account action being taken to refer an individual to support services, and any other action already underway.
- 10.15 Written and verbal warnings can be made to any perpetrator of antisocial behaviour, regardless of whether they are a Circle Anglia resident or not.

Mediation

- 10.16 Many neighbour disputes could be addressed early on if the victim were to speak with the person causing the nuisance and raise the issue with them. We will encourage complainants to talk to the other person / people involved to find a solution to the problem.
- 10.17 In line with resident feedback, we will work with residents to hold coffee mornings or informal meetings to discuss issues in a community in a neutral space. These sessions can be effective in solving low level neighbour disputes.
- 10.18 If informal discussions between neighbours fail to resolve problems, referral to a mediation service may be appropriate. It is less damaging, stressful and expensive than legal action and often quicker to reach a solution. As well as resolving disputes it may actually strengthen relationships between parties involved.
- 10.19 Circle Anglia will promote mediation to resolve minor disputes between two neighbours around issues such as car parking, boundary disputes, dogs barking, and noise nuisance. We will not use mediation if:
- One party seeks the punishment of the other
 - There is a fear or threat of violence, or racial or sexual abuse or harassment

It is difficult, however not impossible for mediation to be undertaken with just one party if others are unable or unwilling to negotiate or communicate.

- 10.20 We will decide on a local basis whether to use a local authority mediation service or one provided by a different public or private organisation, as well as whether to buy into a service annually or on a one-off basis. In general we won't provide mediation services ourselves. Any mediators we use will be appropriately trained and experienced.
- 10.21 In some situations mediation services may use restorative justice, in order to give those directly affected by antisocial behaviour an opportunity to try and put things right and heal relationships. Restorative justice may be used as an early intervention as well as after enforcement action has been taken, and it may be used in conjunction with other action such as Acceptable Behaviour Contracts.

10.22 Mediation may be appropriate for use between two Circle Anglia residents, or between a Circle Anglia resident and a neighbour who is not a Circle Anglia resident.

Acceptable Behaviour Contracts (ABCs)

10.23 An Acceptable Behaviour Contract is a voluntary agreement made between an alleged perpetrator of antisocial behaviour and partnering agencies (e.g. ourselves, local police, schools etc). It is most commonly used with young people between the ages of 10 and 18 years old, but can be used for all age groups.

10.24 The flexible nature of ABCs means that they can be used incrementally to tackle issues from minor misdemeanours to more serious problems. Where behaviour is persistent or serious support to address the underlying causes of the behaviour will be offered in parallel to the contract. This may include diversionary activities (such as attendance at a youth project), counselling or support for the family.

10.25 The contract should be drawn up with the perpetrator, taking into account their views. It should identify specific antisocial acts in which the person can be shown to have been involved, and which they agree not to continue. The contract can also include positives, i.e. activities that will help prevent recurrence, such as attending school.

10.26 They usually last for a period of six months, and will be monitored on at least a monthly basis during that time. Where there are breaches the contract may be extended or amended. Breaches will be followed up on appropriately, and where necessary further enforcement action may be taken, including using legal action.

10.27 Acceptable Behaviour Contracts can be an effective tool for dealing with antisocial behaviour. If breached, these contracts provide support for further action, for example through the courts. Circle Anglia will promote the use of Acceptable Behaviour Contracts as an effective early intervention

10.28 Where we use ABCs with children under the age of 18 we will involve parents and guardians as much as possible, and we will notify social services. We will notify and work with any relevant youth offending team or other agencies. We will consider whether a parenting contract would be more appropriate, particularly for children under the age of ten.

10.29 ABCs can be used by different agencies. Where appropriate we will act as the

lead agency for the contract where it is with one of our residents, but we will also support other agencies such as local authorities or youth offending teams using contracts with perpetrators, where our residents are affected.

Parenting Contracts

- 10.30 Parenting contracts are a two-sided arrangement where both the parent and the agency play a part in improving the child's behaviour. Parenting contracts offer a method for agencies to work with parents on a voluntary basis, in a structured and balanced way.
- 10.31 The Police and Justice Act 2006 amended the Antisocial Behaviour Act 2003 to allow Registered Providers to enter into Parenting Contracts with a parent of a child to prevent that child engaging in antisocial behaviour.
- 10.32 They can consist of two elements.
- A parenting programme designed to meet parents' individual needs to help them address their child or children's misbehaviour. This is not a punishment but a positive way of bolstering parental responsibility and helping parents develop their skills so they can respond more effectively to their children's needs
 - A second element specifies ways in which parents are required to exercise control over their children's behaviour to address particular factors associated with their behaviour or offending. Examples might be escorting their children to and from school every day to ensure attendance, or ensuring that a child is at home during certain hours.
- 10.33 It is not an offence for parent(s) or carer(s) to refuse to enter into a parenting contract or fail to comply with its terms but both of these actions may be used by agencies to support an application for a parenting order which will make the requirements of the parenting contract compulsory.

11 Enforcement action

- 11.1 The law has created tools that can be used by a social landlord to deal with cases of antisocial behaviour. We will use legal action where necessary, but in general we will try to work with perpetrators and complainants to resolve the situation without resorting to legal action. Early interventions as listed in the section above are our preferred first approach.
- 11.2 Where these early interventions fail to achieve desired outcomes, or where incidents are of a serious nature, we will applying for the following:
- [Injunctions](#)
 - [Antisocial Behaviour Orders \(ASBOs\)](#)

- [Parenting Orders](#)
- [Demoted Tenancies](#)
- [Possession](#)

11.3 Further guidance for staff on legal action is available in the [appendices](#).

11.4 We will decide what enforcement action is most appropriate on a case by case basis. We reserve the right to take whatever action we consider to be most appropriate in each circumstance.

Injunctions

11.5 Our preferred legal remedy is a housing injunction against a perpetrator under Section 153 of the Housing Act 1996, as amended by the Antisocial Behaviour Act 2003. In serious cases we may apply for an injunction in conjunction with applying for possession or a demotion order. The combination may succeed in stopping the nuisance behaviour, in which case we would not proceed to possession.

11.6 Injunctions are civil orders obtained from the County Court, prohibiting the person concerned from engaging in the behaviour detailed in the injunction. We will use them to prevent a range of antisocial behaviour relating to housing such as playing loud music at night, barking dogs, verbal abuse and vandalism. An injunction can only be sought against a perpetrator over the age of 18.

11.7 The evidence required to obtain an injunction is civil (balance of probabilities) which can mean they are easier to obtain than an ASBO.

11.8 Section 153 A allows landlords to apply for an injunction to prohibit anti-social behaviour that affects their management of their housing stock. In considering whether to grant the injunction under Section 153 A, the Court must be satisfied that the alleged anti-social behaviour meets the following 'Conduct Test'

- is capable of causing nuisance or annoyance to any person (who need not be a particular identified person)
- directly or indirectly relates to or affects the housing management functions of the landlord (in general this is any activity that the landlord would undertake in the day to day, and strategic management of the stock)

11.9 In addition to the need for the Court to be satisfied that the alleged anti-social behaviour meets the 'Conduct Test' outlined above, the Court must also be satisfied that the following two conditions are met:

- That the defendant has engaged, is engaging or is threatening to engage in conduct that meets the conduct test outlined above.
- That the conduct of the person against whom the injunction is sought is capable of causing nuisance or annoyance to any of the following:
 - a person with a right (of whatever description) to reside in or occupy housing accommodation owned or managed by the landlord
 - a person with a right (of whatever description) to reside in or occupy other housing accommodation in the neighbourhood of the above housing accommodation
 - a person engaged in lawful activity in or in the neighbourhood of the above housing accommodation
 - a person employed (whether or not by the relevant landlord) in connection with the exercise of the relevant landlord's housing management functions.

11.10 These injunctions are a quick and flexible tool that can be used against perpetrators that are residents of Circle Anglia as well as those that are not (as long as their behaviour affects our housing management functions). They are aimed at stopping the antisocial behaviour rather than punishing the perpetrator. They are targeted directly to the problem, listing specific behaviour that is prohibited or required, and can apply for a limited period or indefinitely as appropriate.

11.11 Where properties are being used illegally (for example drug dealing, running a brothel, handling stolen goods) we may use a Section 153B injunction instead to prohibit any illegal conduct. The 'Conduct Test' and the two conditions which apply under Section 153 A do not apply to Injunctions under Section 153 B. The Court must only be satisfied that the person has used or threatened to use their property for an unlawful purpose.

11.12 Section 153 C refers specifically to an Exclusion Order and/or Power of Arrest. This can be attached to 153 A, 153 B and 153 D of the Act. The Court may decide to attach a power of arrest to one or more provisions of the Injunction or to exclude the defendant from any premises or area specified within the terms of the Injunction, including his or her own place of residence, where the there is either:

- a use or threat of violence or

- a significant risk of harm to any of the classes of person specified under Section 153A of the Housing Act 1996

11.13 Where there isn't a direct link to the housing management function, we may use Section 153 D to obtain an injunction to deal with specific breaches (or anticipated breaches) of clauses in the tenancy agreement. They can only be applied to a tenant, and must relate to a clause in the tenancy agreement. If we proceeded to possession, this type of injunction would cease to be in force at the point of eviction. The Conduct Test for Section 153 D is on the grounds that the tenant is:

- engaging or threatening to engage in conduct that is capable of causing nuisance or annoyance to any person, or
- allowing, inciting or encouraging any other person to engage or threaten to engage in such conduct

11.14 In cases involving the use or threat of violence, we will consider applying for an urgent injunction without giving the individual prior notice. In all other cases Section 153 injunctions require prior notice to the individual involved, and the notice must be personally served on the individual.

11.15 A defendant may ask the court to accept an "undertaking" instead of giving an injunction. In theory this will have the same force as the injunction, but it doesn't establish a "finding of fact" which can make it preferable for the defendant.

11.16 In general breach of an injunction is considered to be a contempt of court and is punishable by up to two years' imprisonment and/or a fine. We can also apply for the injunction to come with a power of arrest or an Exclusion Order (including to their own residence) where there has been use or threatened use of violence, and/or there is a significant risk of harm (including emotional or psychological harm) to a person mentioned in the injunction.

11.17 Where a power of arrest is attached to an injunction the role of the police in enforcing it is vital. We must ensure that the police are aware of the injunction and the power of arrest, and that we require their support.

11.18 Injunctions can only be used to control the behaviour of those with the mental capacity to understand what they are doing and how to modify their behaviour.

11.19 Residents can also seek their own injunctions.

11.20 Other organisations can also seek injunctions, including different types of injunction. For example, local authorities can serve an injunction under the Local Government Act 1972. Police can serve injunctions to deal with gang

related violence, in line with the Criminal Justice and Police Act 2001.

Antisocial Behaviour Orders (ASBOs)

- 11.21 Antisocial behaviour orders (ASBOs) were introduced by the Crime and Disorder Act 1998 and amended by the Police Reform Act 2002. Breach of an ASBO is a criminal offence, and the standard of evidence required is criminal (beyond reasonable doubt), higher than for an injunction.
- 11.22 We will apply for ASBOs where other measures such as injunctions (which are generally quicker and easier to obtain) have failed, or where they are not appropriate. We will only use ASBOs where it is felt that they are the most effective tool to deal with the behaviour, rather than as a standard procedure. They are most useful when there is clear evidence available, and there are serious issues to tackle such as criminal or sub-criminal behaviour.
- 11.23 ASBOs can be used to tackle a wide range of antisocial behaviour, tailoring the terms of the order to each specific case. The orders are tenure-neutral and can be used against perpetrators living in any type of housing (not just social housing). This means that should we proceed to eviction of a perpetrator, any ASBO would remain in force.
- 11.24 We will use clauses in ASBOs which are realistic and achievable, not those which will set the perpetrator up to fail.
- 11.25 ASBOs apply for a minimum of two years from the date of service (injunctions can apply for any fixed term or indefinitely), in a named location of any size (injunctions are usually limited to a specific local area). They can be used with anyone over the age of ten – unlike injunctions which are limited by mental capacity.
- 11.26 ASBOs can be applied for by a range of agencies, and it is particularly important to work in partnership with other agencies when considering and applying for an ASBO. As a minimum we are required by the Crime and Disorder Act 1998 as amended to consult with the police and Local Authority.
- 11.27 Where the defendant is under 18 we will work with the Youth Offending Team, including requesting an assessment of the young person's needs. Where relevant we will apply for an Individual Support Order (ISO) to be attached to the ASBO (only when making a standalone application). ISOs can last up to six months and require a young person to comply with certain requirements designed to tackle the causes of the antisocial behaviour, such as participation in certain activities (up to two days a week). The Youth Offending Team is

responsible for co-ordinating delivery of the ISO and also has a role in ensuring that the terms and conditions of both the ASBO and ISO are understood by the defendant.

- 11.28 Where drugs offences are involved we can apply for a Drug Intervention Order alongside the ASBO to require the root causes of the behaviour to be tackled.
- 11.29 In some situations we may apply for an interim ASBO (where necessary without notice), which has the same prohibitions and penalties for breach as the full order. A without notice interim order must be served on the defendant within seven days, and will only take effect after it has been served.
- 11.30 Where groups of people are engaged in antisocial behaviour, a case needs to be made against each individual against whom an order is sought. However, the cases can be heard together by the court.
- 11.31 Where legal action is already underway against an individual or group of individuals in the county court, where relevant we may apply to add an Antisocial Behaviour Order under the Crime and Disorder Act 1998 as amended. For example, if we are taking possession action against a tenant we might apply for an ASBO to prevent them or a relevant party engaging in antisocial behaviour in the area after their eviction.
- 11.32 We can also apply for an order on conviction if criminal proceedings are underway. The order on conviction is considered at a civil hearing after the verdict. It is not part of the sentence the offender receives for the criminal offence, and after its issue operates in the same way as an ASBO obtained through the standard route.
- 11.33 When we obtain an ASBO we will make sure that the defendant fully understands its requirements as soon as possible after the order is given, preferably before they leave the court.
- 11.34 We will monitor ASBOs carefully and take swift action to deal with any breaches, in order to ensure they are an effective tool for tackling antisocial behaviour. ASBOs issued to under 18s will be reviewed annually.
- 11.35 Should the ASBO be breached the Crown Prosecution Service should carry out the prosecution. The maximum penalty on conviction in the magistrates' court is six months in prison or a fine not exceeding £5,000 or both; at the Crown Court the maximum penalty is five years in prison or a fine or both. Community penalties are available but a conditional discharge is not. Breach proceedings for children and young people will be dealt with in the youth court.

11.36 An ASBO can be varied on application to the court, but it can't be discharged without the consent of both parties.

Parenting Orders

11.37 Parenting orders can be applied to court for where a parenting contract is repeatedly breached, or parents are unwilling to voluntarily agree to the contract and support that is offered. A Registered Provider can apply for a parenting order:

- if we have reason to believe that child or young person is engaged in anti-social behaviour and;
- where that child or young person's behaviour affects our housing management functions

11.38 We must first consult with the local authority in the area to ensure that any action is consistent with existing or other planned interventions, including any existing parenting contracts or orders by a school or a youth offending team (YOT).

11.39 Parenting orders can be made for children and young people up to 17 years old. They last up to a maximum of 1 year and any course or programme specified in the order can last up to 3 months.

11.40 The courts can also require parents to attend a residential parenting course, provided that it is likely to be more effective than a non-residential course, and that any interference with family life is proportionate (section 18 Anti-social Behaviour Act 2003).

11.41 The court will specify the responsible officer at the Registered Provider, or a person nominated by them who has agreed to their role.

11.42 Breach of a parenting order can be punishable by:

- In the first instance parent(s) or carer(s) will be given a written warning if they fail to comply with the terms of the order.
- If they still fail to comply with the conditions of the order a meeting will be called to review the situation.
- If after these procedures, the parent(s) or carer(s) do not comply with the order and cannot give a genuine reason for doing so, they will be in breach of the order and may be fined up to £1,000.

Demoted Tenancies

11.43 Demoted tenancies were introduced by the Antisocial Behaviour Act 2003, and are a similar concept to a starter tenancy. Social landlords can apply to court

to reduce the security of tenure on an assured or secure tenancy to become a demoted assured shorthold tenancy. This is an ordinary assured shorthold tenancy except that there is no restriction on the landlord obtaining a Possession Order during the first six months of the tenancy.

- 11.44 A number of tenancy rights such as Right to Buy and the right to exchange are temporarily removed, and if antisocial behaviour continues landlords can take action to quickly end the tenancy completely. Tenants can regain former levels of security if the antisocial behaviour stops. However, a secure tenant who has their tenancy demoted will not regain a secure tenancy but will become an assured tenant.
- 11.45 We will use demoted tenancies as a standalone remedy instead of possession where we want to work with the perpetrator to resolve the issue. We may sometimes use them at the same time as applying for the possession order, and the court will decide which remedy is the most appropriate. We may also use them in conjunction with an injunction or an antisocial behaviour order, where it is felt that the combined approach will be most effective in stopping the behaviour.
- 11.46 We will serve notice on the tenant when we intend to apply for a demotion order.
- 11.47 The Court may only make the order if the tenant, another resident of or visitor to the tenant's home has behaved or threatened to behave in a way which is capable of causing nuisance or annoyance or includes using the premises for unlawful purposes. In addition the Court must be satisfied that it is reasonable to make the order.
- 11.48 The period of demotion will initially be for 12 months but may be extended if we serve notice to seek possession of the property during this period. Should we decide to end a demoted assured tenancy a tenant can be evicted as in any normal assured shorthold tenancy possession grounds.
- 11.49 If at the end of the demotion period we are satisfied with the conduct of the tenant and we have not served notice to seek possession of the property then the demoted tenancy will become an assured tenancy.

Possession

- 11.50 We will only use possession as a last resort, when other attempts to resolve antisocial behaviour problems have failed. Appropriate situations would be

where there have been violent attacks, or criminal activity. When we apply for possession we will follow through on it.

- 11.51 Permission to evict a general needs tenant will be authorised by the relevant Team Manager acting in tandem with either the Regional Manager, the Head of Neighbourhood Management, or the Housing Services Manager.
- 11.52 Permission to evict a Supported Housing tenant will be authorised in the first instance by the team manager, then referred to the Assistant Director of Supported Housing for checking. It will pass for final authorisation to the Director of Supported Housing.
- 11.53 Every eviction will be reported to the group member's board who will receive an outline report based on the number of evictions in that period and the type of antisocial behaviour in each case.
- 11.54 We will only carry out an eviction where a county court bailiff is present and we will work with the bailiff to ensure that it is done as sensitively as possible under the circumstances. Goods belonging to a tenant that have been left in the property will be dealt with according to the terms of the tenancy agreement.
- 11.55 The nuisance grounds for possession are discretionary, and the court will only award possession if it is reasonable to do so.
- 11.56 Full details about the process for ending a tenancy are set out in the [Ending a Tenancy policy and procedure](#).
- 11.57 Schedule 2 of the Housing Act 1985 includes the following discretionary grounds for possession (Ground 2):
- The tenant or a person residing in or visiting the dwelling-house–
- has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
 - has been convicted of using the dwelling-house or allowing it to be used for immoral or illegal purposes, or an arrestable offence committed in, or in the locality of, the dwelling-houses.
- Other discretionary grounds that might be used to tackle antisocial behaviour include Ground 3 relating to tenant neglect of the property.
- 11.58 Schedule 2 of the Housing Act 1988 includes the following discretionary grounds for possession relating to assured tenancies (Ground 14):

- The tenant or any other person residing in the dwelling-house has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or
- convicted of using the dwelling-house or allowing the dwelling-house to be used for immoral or illegal purposes.

Other discretionary grounds that might be used to tackle antisocial behaviour include Ground 13 relating to tenant neglect of the property.

11.59 Courts must give particular consideration to the actual or likely effect which the antisocial behaviour has had or could have had on others when considering whether it is reasonable to grant a possession order on the grounds of nuisance or annoyance. If it is satisfied that a ground for possession has been proved and that it is reasonable to make an order, it will make an outright or suspended order for possession.

11.60 Section 22 of the Disability Discrimination Act, 1995 (“the DDA”) provides that a landlord may not take proceedings against a tenant on the grounds of any activity by the tenant which is a result of the tenant’s disability, and that to do so would constitute discrimination. If the tenant’s conduct is such that it endangers the health and safety of any person (which may include the disabled person), we can justify taking proceedings against the tenant. We need only demonstrate to the court that the tenant’s disability has been taken into consideration before proceedings are issued. This includes service of any Notices.

12 Other authority powers

12.1 As well as using early interventions and legal action, we will proactively partner with other organisations who have other powers to deal with antisocial behaviour. In particular, we will work closely with local police, environmental health and housing authorities. Further details about powers available to other authorities are available in the [appendices](#).

12.2 At an early stage we will work with police to ensure that appropriate warnings are issued to perpetrators of antisocial behaviour. This may include:

- Juvenile reprimands and final warnings
- Police cautions and conditional cautions
- Prostitutes cautions
- Fixed Penalty Notices (FPNs)
- Penalty Notices for Disorder (PNDs)

- 12.3 Police may also arrest people who engage in disorderly, threatening or insulting behaviour under the Public Order Act 1986, after they have been warned about the behaviour.
- 12.4 Where antisocial behaviour is criminal and is taken to court, the court may give a prison sentence, apply a fine, a conditional discharge, a suspended prison sentence, a probation order, or a community service order.
- 12.5 Where there are specific problems around antisocial behaviour associated with a particular locality, we will work proactively with the police and/or local authority to put into place:
- Dispersal orders
 - Designated Public Places Orders
 - Premise closure notices
 - Crack house closure orders
- 12.6 Constables in uniform can also issue a direction to an individual aged 16 years or more to leave a public locality, where they believe the individual's presence is likely to contribute to alcohol related crime and disorder. These directions to leave can be used alongside a Public Notice for Disorder.
- 12.7 There are specific powers particularly available to the Local Authority to tackle environmental antisocial behaviour. We will proactively work with Local Authorities to use these powers where appropriate:
- Serving a noise abatement notice, or using powers under the Noise Act 1996
 - Establishing Audible Alarm areas
 - Seizure of property that is being used to create a nuisance
 - Dog control orders
 - Litter clearing notices
 - Gating orders
 - High hedges notices

13 Support for victims, witnesses and perpetrators

Support for victims and witnesses who have experienced antisocial behaviour

- 13.1 Antisocial behaviour can cause significant distress to victims and witnesses. Circle Anglia will work with local agencies and community groups to help provide appropriate support for victims of antisocial behaviour. We may

provide this support from within the group or work with external partners or agencies. We will refer to specialist agencies, where relevant, to provide specialist help and support. We will make counselling services available to those who would find it helpful.

- 13.2 We will make the reporting process, interviewing, creation of an action plan and evidence collection mechanisms as straightforward as possible to minimise the burden on complainants. Staff dealing with reports initially and on an ongoing basis will be considerate and sensitive to the potential distress of the victims and witnesses.
- 13.3 We will consider the safety and perception of safety of victims and witnesses, and where appropriate we will work with partners to provide additional safety measures such as regular patrols, visits by officers, provision of personal alarms and CCTV systems. We will liaise with Crime Prevention services where necessary to protect witnesses.
- 13.4 Where appropriate we will carry out a risk assessment of victim and witness homes and install any necessary alarms, new locks or panic buttons.
- 13.5 Where possible we will use mentor schemes to put the witness in touch with other residents who might be available to offer support.
- 13.6 In severe cases, for example where physical violence has been experienced, or there is irresolvable damaging conflict between two parties, we may consider whether a management move would be appropriate.

Support for witnesses in court proceedings

- 13.7 The role of witnesses in court proceedings is invaluable as they can provide pertinent evidence about antisocial behaviour that has occurred.
- 13.8 We will be sensitive when taking witness statements, and ensure that the witness is happy with the statement before it is finalised.
- 13.9 Where attendance at court is required full explanations of the procedures and pre-visits to court will be offered to witnesses in advance and support offered throughout, including escort to court and mentoring. We will liaise with court services to minimise the stresses of a hearing. Guidance about the court process can be found in the document "[Supporting victims and witnesses in antisocial behaviour court cases](#)".
- 13.10 Where witnesses have a physical or mental disability we will ensure that appropriate adjustments are made in order for them to participate as fully as

possible, including the provision of a support worker during the court session if needed.

Support for perpetrators

- 13.11 We will consider whether perpetrators have any support needs right from the beginning of any case that we are dealing with. Information on [support referrals as an early intervention](#) is available above.
- 13.12 Where we are considering proceeding to legal action against perpetrators of antisocial behaviour, we will make sure we are not discriminating against the perpetrator because of a disability that they have, in accordance with the Disability Discrimination Act 1995 and 2005.
- 13.13 We will also consider any additional support needs that they may have at this stage, and where appropriate make a referral to the relevant local authority. Local authorities have a duty under the NHS and Community Care Act 1990 to assess any person who may be in need of community care services.
- 13.14 If there is any evidence to suggest that the person against whom legal action is being taken may be suffering from drug, alcohol or mental health problems or an autistic spectrum disorder, the necessary support should be provided by social services or other support agencies. Such support should run parallel with the collection of evidence and application for legal action. This ensures that the court can balance the needs of the community with the needs of any alleged perpetrator.
- 13.15 We will ensure that all communication with the perpetrator about any legal action that we are taking is in an appropriate language and format for the perpetrator to understand. Where required we will meet the perpetrator to explain action that is being taken.

Glossary

Term	Definition
Crime and Disorder Reduction Partnerships (CDRPs) or Community Safety Partnerships (CSPs)	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.
Multi Agency Risk Assessment Committees (MARACs)	A forum where multiple agencies get together to provide a co-ordinated response
Drugs and Alcohol Action Teams (DAATs)	The partnerships responsible for delivering drug and alcohol strategies at a local level
Youth Offending Teams	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.
Family Intervention Projects	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.
Information Commissioner	The Information Commissioner's Office is the UK's independent authority set up to promote access to official information and to protect personal information
Secured by Design	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.
Family Intervention Tenancies	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.
Partners and Communities Together (PACT)	PACT (Partners and Communities Together) brings together the main public, private, voluntary and community organisations in an area. Meetings seek the views and involvement of local communities.

Related Documents

Document	Link
Connected Policies:	Domestic Abuse Harassment Complaints Smokefree Starter Tenancy Estate Management Health and Safety Lone Working Ending a Tenancy
Forms and Letters:	Forms and letters are linked to from the antisocial behaviour appendices .
Leaflets:	Antisocial Behaviour
Other:	Supporting victims and witnesses in antisocial behaviour court cases The Respect Standard: what social landlords should be doing and what inspectors are looking for (HQN)

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Resident consultation:	<p>Wherry resident policy review day: 11th May 2009 Mole Valley resident's group set up specifically for this purpose: 29th April 2009 Russet resident consultation by email sent on 30th March 2009</p> <p>Resident input included:</p> <ul style="list-style-type: none"> ▪ Use of the term 'complainant' to refer to the person reporting the problem ▪ Emphasis on acting faster than target timescales where required ▪ Suggestions about creative solutions included ▪ Regular contact with complainant every two weeks ▪ Adjustment of three month case closure target 		

Signed off by:	Group Policy Forum, 25 th June 2009
Author:	Abi Patience, Policy Officer