



ANTI-SOCIAL BEHAVIOUR POLICY

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1. Policy Statement

- 1.1 The following document sets out Rochdale Boroughwide Housing's ("RBH") Anti-Social Behaviour ("ASB") policy in relation to the management of its housing stock, neighbourhoods and the wider community.
- 1.2 RBH recognises that all residents have a right to the peaceful enjoyment of their home. Equally, every resident has the responsibility not to interfere with their neighbour's right to the peaceful enjoyment of their home.
- 1.3 This policy outlines the society's commitment, aims and approach to preventing, addressing and tackling anti social and nuisance behaviour, through working with its tenants, members and partner agencies.

2. Introduction

- 2.1 RBH is committed to taking positive action, working in conjunction with other agencies within the Rochdale Safer Communities Partnership ("RSCP"), of which it is a member, in order to address not only ASB but also the underlying causal factors.
- 2.2 This policy recognises the relationship between ASB, the demand for housing and the sustainability of neighbourhoods. The policy demonstrates a commitment to proactive actions to combat ASB in the interests of individual residents, our neighbourhoods and the wider community in general and considers that such actions have a direct impact on the sustainability of our communities.
- 2.3 RBH's tenancy agreements (Clause 6 - 'Nuisance and Anti-social Behaviour') sets out the type of behaviour which is deemed to be unacceptable and we will make use of the powers, orders and mechanisms contained in legislation and regulation to deal with problems appropriately. We will make use of the powers made available to us through relevant legislation which includes;
 - Housing Act 1996 (as amended)
 - Crime and Disorder Act 1998 (as amended)
 - Housing Act 1988 (as amended)
 - ASB, Crime and Policing Act 2014:
- 2.4 As part of our commitment to tackle nuisance and ASB a dedicated multi-disciplinary service comprising Legal, Enforcement and Witness Support Officers, is in place to provide a co-ordinated and timely response to these issues.
- 2.5 We recognise that the causes and effects of ASB are wide ranging and varied, and can affect all members of the community. We will therefore always seek to work in partnership with other agencies, whenever it is practicable and appropriate, to ensure that all the measures available are used effectively to tackle ASB problems. Our partners include:

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- Rochdale Borough Council
- Greater Manchester Police
- Youth Offending Team
- Probation Services
- Greater Manchester Fire and Rescue Service
- Victim Support
- Children and Young Adults Mental Health Service
- Rochdale Primary Health Care Trust
- Registered Providers of housing and Private Landlords

- 2.6 The society will ensure that our policy and procedures comply with and compliment Rochdale Borough Council's ("RBC") strategic objectives and in particular, will have regard to, and play a part in, the delivery of the RSCP's Anti-Social Behaviour Strategy.
- 2.7 This policy has regard to RBC's Housing Strategy and in particular the impact that this policy has on achieving the strategic housing aim of creating sustainable neighbourhoods.
- 2.8 This policy also has regard to RBC's wider obligations, including the prevention of Homelessness, the protection of children and young people and the care of vulnerable people.
- 2.9 This policy recognises and actively promotes diversity within the community and will therefore ensure that when taking any action it will consider the needs of disadvantaged groups.
- 2.10 This policy seeks to ensure that everyone has equal access to the services available, regardless of who owns their home.
- 2.11 This policy recognises the rights of individuals to a fair hearing and, that there should be a presumption of innocence until the facts about any complaint of ASB have been established.

3. Equality and Diversity

- 3.1 RBH recognises that our customers, employees, Members, Board Members and partners come from many diverse backgrounds, bringing with them different experiences and needs.
- 3.2 We also recognise that some people experience discrimination, harassment and victimisation which can be as a result of, amongst other factors, their age, disability, ethnicity, race or national origin, gender, gender identity, sexual orientation, religion or belief. We also acknowledge that some people face multiple forms of discrimination.
- 3.3 We will work towards eliminating discrimination and promoting equality of opportunity. Our aim is that all customers, employees, Members, Board Members, housing applicants, job applicants and partners are valued and respected and their differences valued.

4. Definitions

4.1 For the purposes of this policy ASB is defined as;

- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises
- Conduct capable of causing housing-related nuisance or annoyance to any person. (meaning directly or indirectly relating to the housing management functions of the society)
- Conduct by the tenant, a member of his/her household, a family member or visitor at the dwelling house which has caused or is likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, has been guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions."

4.2 Many kinds of criminal behaviour can be classified as ASB, these include:

- Assault
- Threatening, abusive or insulting behaviour
- Criminal damage
- Vehicle crime
- Drug cultivation or dealing

4.3 Behaviours that are classed as ASB by the Crime Survey for England and Wales include, but are not limited to:

- Vandalism, criminal damage or graffiti
- Loud music or other noise
- Drink related behaviour
- People using or dealing drugs
- Groups hanging around on the streets
- Litter, rubbish or dog fouling

4.4 Other ASB includes, but is not limited to:

- Aggressive Begging
- Prostitution
- Setting of fireworks late at night
- Uncontrolled pets and animals
- Trespassing

4.5 As is apparent from the above lists, not all ASB is criminal. That is not to under estimate the effect ASB can have on people's lives but instead to create an awareness of this issue when trying to find solutions to the problem.

5. Putting the Policy in Context

- 5.1 This policy exists in the context of both national legislation and local strategies and policies. The policy is designed and intended to assist RBH in meeting its duties and commitments, and to compliment and support the relevant legislation, policies and strategies, which include:

Housing Act 1988

- 5.2 The Housing Act 1988, as amended by Section 151 of the Housing Act 1996 and section 97 of the Anti-social Behaviour, Crime and Policing Act 2014 sets out the basis upon which RBH grants and terminates its tenancies. It provides the grounds on which RBH may seek to terminate tenancies for crime and ASB.

ASB, Crime and Policing Act 2014

- 5.3 The Act provides tools and powers to a range of agencies in order to address anti-social behaviour, crime and disorder. It amends several existing pieces of legislation including the Housing Act 1988 and Housing Act 1996. With specific reference to RBH it provides the basis for taking injunction action and sets out certain provisions for the recovery of possession of our tenancies.

Crime and Disorder Act 1998

- 5.4 Section 17 of this Act contains the overriding duty imposed upon local authorities and those acting as public authorities, in line with the case of *Weaver*, to have due regard in all its actions and in the exercise of its various functions, to the likely effect of the exercise of those functions and the need to do all that it reasonably can to prevent crime and disorder in its area. This is of fundamental importance to the Safer Communities Partnership and Community Safety Service.

Homelessness Act 2002

- 5.5 This Act places a duty on the local housing authority to review homelessness in its area and produce a strategy for tackling it. This should set out how it will work together with its statutory partners, which includes RBH, to prevent homelessness and provide support for those who are or may become homeless. This obligation will inform this policy both in relation to the actions which may be attempted to remedy ASB before a possession order will be sought and in relation to the action which will be taken to combat behaviour which might otherwise drive residents from their homes.

Equality Act 2010

- 5.6 This Act aims to protect people against discrimination and unfair treatment due to their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation. It provides that public authorities must have regard to the potential inequalities resulting from their decisions as to how to exercise their functions.

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Human Rights Act 1998

- 5.7 This Act defines basic human rights and protects these rights from abuse. Particularly relevant is the fundamental right to respect for private and family life and the home which must not be interfered with unless the interference is in accordance with the law and necessary in the interests of national security, public safety, for the prevention of crime and disorder, protection of health or morals, or the protection of the rights and freedoms of others.

Rochdale Safer Communities Partnership Anti-Social Behaviour Strategy

- 5.8 This is designed to provide a balanced and co-ordinated approach to identification, prevention, intervention and enforcement around anti-social behaviour throughout the Borough of Rochdale.

Rochdale Borough Council Housing Allocations Policy

- 5.9 RBH has adopted the allocations policy of RBC which considers the eligibility of all applicants for re-housing. The criteria states that applicants are ineligible if:

- The applicant or any member of his/her household has been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant. This includes those owing housing related debt (rent arrears, court costs and/or costs involved in repairing residential property) and those involved in anti-social behaviour/nuisance/harassment;
- They have been guilty of unacceptable behaviour which has been serious enough to lead to the granting of an outright possession or (or the equivalent serious legal action); the behaviour is the fault of the applicant or members of the household applying for re-housing and is/was not caused by factors outside his/her control; and the circumstances and behaviour have not changed and improved since the unacceptable behaviour occurred.
- At the time of publishing this policy RBH is undertaking work to develop its own Allocations Policy to sit along that of RBC. As an element of this work consideration will be given to the eligibility criteria in respect of unacceptable behaviour which may deem an applicant unsuitable to be placed on the housing register. An amendment to the ASB policy will be made once the new Allocations Policy has been finalised.

- 5.10 In such cases, re-housing will be refused although under some special circumstances this may be waived.

6. Our Approach

- 6.1 RBH will seek to deal with all forms of ASB and, where appropriate, will work in conjunction with partner agencies to resolve these matters.

The Neighbourhood Housing Team (“NHT”)

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6.2 In most circumstances the NHT will manage nuisance cases and seek to find a prompt and satisfactory solution to the issue. They will:

- Confirm the details of what has happened with you and tell you the name of the officer who will work on your case and keep you informed of progress.
- Carry out an initial assessment of your complaint and assign it to a priority response level.
- Contact you to agree a plan of action to deal with the anti-social behaviour within 1, 2 or 5 working days, depending on the priority level assigned.
- Give you advice and support in resolving the issue yourself if you feel able to.
- Carry out an investigation into your complaint on your behalf.
- With your consent, share your information with other agencies who may be able to help with resolving the issues.
- Help you to gather evidence to prove anti-social behaviour has occurred and give you diary sheets to record details of further incidents.
- In some cases, arrange for extra security measures to be fitted to your home and offer personal protection measures (like panic alarms) when it is necessary.
- Arrange the removal of any abusive, obscene or threatening graffiti.
- Provide, or organise emotional and practical support for you throughout the case.
- Take action to tackle the behaviour if there is evidence to do so.
- Keep you informed of progress and monitor your satisfaction with the way we have dealt with your case.

Enforcement, Witness Support and Legal Officers

6.3 Where complaints are more serious or involve complex case work Enforcement, Witness Support and/or Legal Officers may be involved. Further to the work undertaken by the NHT we will:

- Carry out more detailed investigations into the most serious cases.
- Identify the full range of legal and other actions that might be taken against the individuals or group causing the problem.
- Utilise surveillance equipment and/or professional witnesses where it is required and also proportionate to do so.
- Where we can, where necessary and with enough evidence, we will seek to take enforcement and / or legal action
- Prepare and present court cases.
- Keep you informed about progress with the case and provide you with the updates (within timescales agreed with you).
- Support witnesses and complainants reporting ASB.
- Offer you a tour of the court that you are attending prior to any hearing.
- Offer you the use of a private room (subject to availability) while at court.
- Monitor those people who have had warning letters, have signed contracts about acceptable behaviour, or who have been given a court order because of their ASB.
- Monitor your satisfaction with the way we've dealt with your case.

Use of Available Measures

- 6.4 A set of procedures has been developed in conjunction with this policy. The procedures outline the type of actions that can be taken and the likely timescales for such actions.
- 6.5 The actions, which include fast track responses in serious cases, are incremental in nature, with the emphasis being on bringing about real changes and improvements in the behaviour of those who commit ASB. However, if there is no change and/or improvement in the behaviour we will have no hesitation in taking further appropriate action. We will work alongside our partners and give consideration to the powers available to a range of agencies including:
- Approaching the perpetrator and discussing the problem behaviour
 - Mediation
 - Community Remedy
 - Restorative Justice
 - Warning interviews / letters
 - Acceptable Behaviour Contracts
 - Parental Control Agreements
 - Undertakings
 - Injunctions (including without notice Injunctions, and attached powers of arrest where appropriate)
 - Possession Proceedings
 - New Absolute (Mandatory) Ground for Possession
 - Criminal Behaviour Orders
 - Dispersal Powers
 - Community Protection Notices
 - Public Space Protection Orders
- 6.6 This is not an exhaustive list and we will always work with our partners to look at the whole range of options available to us.

7. Support of Witnesses and Complainants

- 7.1 We recognise the important role our complainants and witnesses play in assisting us to tackle ASB problems. The success of any action to deal with a problem is often dependent on the participation of the witnesses involved.
- 7.2 Witness Support Officers are employed by RBH and will work with victims and witnesses, providing emotional and practical support throughout cases. They will act as a liaison between service users and RBH and are a dedicated resource in this area of work.
- 7.3 RBH will make use of the locally agreed Risk Assessment Matrix in order to assist us in identifying the vulnerabilities and needs of victims and witnesses. Where it is appropriate to do so, referrals will be made to the Anti Social Behaviour Risk Assessment Conference (“ASBRAC”).

- 7.4 Having ensured that witnesses have the confidence to come forward with complaints we will ensure that confidence is maintained by dealing with their complaint promptly, keeping them informed about action taken and providing support where this is appropriate, or ensuring that support is provided by other agencies.
- 7.5 Complaints will be categorised into three levels: high priority, medium priority, and standard priority.
- For a standard priority complaint, which will typically concern issues such as environmental crimes and nuisance, we will contact you within five working days.
 - For a medium priority, which will typically concern ASB causing disruption, damage to property or possessions we will contact you within two working days.
 - For a high priority complaint, which will typically be reports of serious ASB involving violent acts, threats of violence or hate crime we will contact you within one working day.

8. ASB Case Review / Community Trigger

- 8.1 Under the provisions of the ASB, Crime and Policing Act 2014 complainants may request that a case review is undertaken if they are dissatisfied about the way in which their case has been dealt with.
- 8.2 In order for a request to qualify there are legislative and local criteria which need to be met. An applicant must have complained 3 times in a period of six months about separate incidents or 5 people complained separately in the same period about similar incidents.
- 8.3 The review process is facilitated and monitored by RBC who will co-ordinate with relevant partners in each individual case. The process will see a thorough review undertaken of each agency's involvement and an action plan will be agreed upon in order to move the case forward.
- 8.4 A report of the review's findings and recommendations will be provided to the person who has initiated the review.

9. Prevention, Rehabilitation and Support for the Vulnerable

- 9.1 When tackling ASB the overall aim for RBH, and its partners, is to challenge the unacceptable behaviour and bring about real changes, without recourse to legal action wherever possible. If perpetrators can be deterred or prevented from committing ASB this is preferable to having to deal with the consequences of their behaviour. Opportunities to prevent ASB from arising will be taken whenever and wherever they arise. We will have regard to the need to prevent and deter ASB in all aspects of our work and do this in conjunction with partners. This may be by the provision of alternative or diversionary activities or by the design and development of the environment so as to improve security and discourage ASB. Where perpetrators of ASB show a willingness to address the underlying causes of their conduct we will offer them assistance and support in this.

- 9.2 These considerations are particularly important when dealing with perpetrators who are vulnerable due to factors such as:
- Drug or alcohol misuse and/or dependence
 - Mental health issues
 - Disability
- 9.3 Young people may also be considered to be vulnerable by reason of their age or home and family circumstances. Research and experience shows that, contrary to popular belief, young people are more likely to be the subject of ASB than to be the perpetrators of it.
- 9.4 We will engage with a wide range of processes and agencies to ensure that support, prevention and rehabilitation is offered appropriately in each case
- 9.5 However, when dealing with all cases of ASB, the needs of the community will always be our primary concern. Therefore, if interventions have been tried and failed or are considered inappropriate we will seek to resolve the problem through taking enforcement action as outlined above and as a last resort, legal action.

10. Prevention and Publicity

- 10.1 We will publicise, where appropriate to do so, work which is undertaken by RBH, and its partners, in respect of both preventative and enforcement / legal action.

11. Multi Agency Working

In order to promote and encourage a partnership approach to dealing with nuisance and ASB RBH participate in a range of multi agency forums and bodies, these include;

Police Liaison Meetings (Joint Action Group “JAG”)

- 11.1 RBH will meet monthly with officers from the Integrated Neighbourhood Policing Teams and other partners. At the JAG meetings specific problems will be discussed, trends identified and a planned response agreed, according to which agency has the most appropriate means to address the issue.

Threshold Panel

- 11.2 Where required RBH will refer individuals to the Threshold Panel, for the purpose of consultation, when it is deemed that application for an injunction is required in order to address an individual or group’s anti social behaviour.

Anti-Social Behaviour Risk Assessment Conference (“ASBRAC”)

- 11.3 RBH will attend and refer cases to the ASBRAC meeting in order to provide a multi agency approach to assisting victims and witnesses in cases of ASB.

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Rochdale Safer Communities Partnership (“RSCP”)

- 11.4 RBH will maintain its position as a key partner within the RSCP, working alongside all other agencies in developing the borough’s strategic and operational approach to preventing and tackling crime, disorder and ASB. RBH will contribute to the action plans of the RSCP via the main business group and its various sub-groups.

12. Data Protection, Information Exchange and Confidentiality

- 12.1 We will, where appropriate, share information with our partners for the purposes of prevention and detection of crime and disorder in accordance with the provisions of the Data Protection Act 1998 and other relevant legislation.
- 12.2 RBH has entered into an Information Sharing Protocol with Greater Manchester Police, RBC and other bodies which provides for the exchange of information within the parameters of legislation. Information will only be shared in line with the Information Sharing Protocol.
- 12.3 Confidentiality is a fundamental element in developing a relationship of trust with complainants. We guarantee that, within the law, any information given to us will not be disclosed to any other party or agency without their consent.
- 12.4 We understand that this is particularly important so far as disclosure of complaints to the perpetrator is concerned. We understand the fear of retaliation which complainants experience and we undertake to respect the complainant’s wishes about what is disclosed and to whom.
- 12.5 We guarantee to complainants that they can specify what level of disclosure we may make of the information they give to us:
- If they give us information but do not want us to disclose it we will guarantee that we will not do so.
 - If they give us information and agree that we may disclose it, but not disclose their identity as the informant, then we will guarantee that we will not disclose their identity.
- 12.6 In this way complainants can speak to us with the confidence that their complaints will go no further unless they have explicitly agreed.

11. Training our Employees

- 11.1 To ensure that we are able to fulfil all our commitments outlined in this policy, we will provide a comprehensive training programme to our employees.

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11.2 The training programme ensures all employees:

- Are aware of the issues surrounding ASB, harassment and hate incidents
- Understand the legislation surrounding ASB, harassment and hate incidents and the powers available to us
- Understand the importance of dealing with such problems promptly
- Are able to record details of reported incidents fully and accurately
- Understand the need to pass the details to the appropriate employee promptly
- Are able to provide the complainant with practical information, advice and support
- Are fully aware of the need to treat the complaint sensitively and confidentially.
- Understand and have due regard to issues of equality and diversity.

11.3 It also ensures that employees who are responsible for investigating reports of ASB:

- Are able to effectively prioritise complaints and deal with them appropriately
- Understand the need to act promptly and fully investigate a complaint
- Are aware of all the options available to them and are able to use these to deliver an effective, proportionate and timely response to problems.
- Are aware of the options available to support victims and witnesses and are able to utilise these effectively.

11.4 RBH also strives to raise awareness of the issues surrounding ASB across Rochdale by providing training and participating in briefing events with Tenants and Residents Groups, Councillors, Greater Manchester Police and other agencies/departments as may be required.

12. Protecting our Employees

12.1 Employees of RBH are at the forefront of our service. It is acknowledged that they are frequently asked to deal with people who are under pressure and in stressful circumstances. They will always deal with such situations in a patient tactful and diplomatic manner. Nevertheless it is unfortunately the case that they occasionally face behaviour which exceeds anything which they might reasonably be expected to endure. In these circumstances we will not hesitate to take action to protect our employees. We consider that verbal and physical threats, foul and abusive language or behaviour, damage to property and above all physical violence are unacceptable and will be met by an appropriate level of response.

12.2 At a lower level such behaviour may be met with a ban from relevant RBH premises. At more serious levels and where necessary such conduct on the part of anyone will be tackled by the use of injunction proceedings in order to protect that or those employees. Additionally, consideration will be given as to whether the incident constitutes a breach of the tenancy agreement and may result in possession proceedings being instigated.

13. Monitoring and Review

- 13.1 RBH will monitor and review its ASB service on a regular basis seeking to ensure continuous development and improvement and to ensure that it meets any legislative or regulatory changes. Monitoring of both this policy and the associated service standards will be undertaken through the Communities Panel, commencing at their meeting on 15th December 2016.
- 13.2 All RBH strategies, policies and procedures are reviewed on a regular basis in order to ensure that they are 'fit for purpose' and comply with all relevant legislation and statutory regulations.
- 13.3 This policy, including any other related procedures will be reviewed annually in order to ensure its continued appropriateness and formally reviewed and submitted to the appropriate 'approving body' at least once every three years.