



Anti-Social Behaviour Policy

Reference Number:	HC 02 ASB
Date Approved by Housing and Communities Committee	22 June 2017
Date Policy Effective From:	1 July 2017
Review Date:	June 2020
Version:	3
Supporting Procedures	Procedure for the Investigation and Resolution of Complaints of Anti-Social Behaviour.
Equality Impact Assessed	<input checked="" type="checkbox"/>
Author:	Executive Director of Housing and Operations
Directorate:	Housing and Operations Department

Content of Policy

- 1 Introduction
- 2 Scope and Definitions
- 3 Policy Statement
- 4 Support
- 5 Intervention
- 6 Enforcement
- 7 Partnership working
- 8 Equality & Diversity
- 9 Feedback and Complaints
- 10 Monitoring

1. Introduction

- 1.1 This anti-social behaviour policy is in compliance with the Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 part 2 section 12 and also the Anti-Social Behaviour, Crime & Policing Act 2014.
- 1.2 Part 2 of Section 12 of the Anti-Social Behaviour Act 2003 requires housing organisations to prepare and publish a policy and procedures for dealing with anti-social behaviour.
- 1.3 The Homes & Communities Agency's Neighbourhood and Community Standard requires providers of social housing to publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour in areas where they own properties.

2. Scope and Definitions

- 2.1 This policy provides guidance on how Livin will respond to complaints of anti-social behaviour. The Housing Support Team are responsible for recording, responding to and resolving all complaints of anti-social behaviour caused by or affecting Livin tenants.
- 2.2 The term anti-social behaviour covers a wide range of behaviours and conduct. Livin uses two definitions of anti-social behaviour, the first is taken from the Housing Act 1996, S.153 A (1)

“Anti-social behaviour is conduct which is capable of causing nuisance or annoyance to any person (even if no complaint has been received) and which directly or indirectly relates to or affects the landlords management of its housing stock”.

- 2.3 The second is taken from section 153 B of the Act,

“Any conduct which consists or involves using or threatening to use housing accommodation owned or managed by the relevant landlord for an unlawful purpose”.

- 2.4 For the purposes of this policy anti-social behaviour may be experienced by anyone who has a right to live in a property owned or managed by Livin, those living in any other property in the community such as owner occupiers and tenants of other landlords and anyone else in the locality, for example those working, or using local facilities. This includes employees who work for or with Livin, including agents, contractors and partners.

- 2.5 Livin uses the term complainant to define the person or persons who make a complaint of anti-social behaviour. Livin accepts that not all complainants will wish action to be taken against the alleged perpetrator.
- 2.6 Livin uses the term victim to define a person, persons or a community adversely affected by anti-social behaviour. In many instances the Complainant may also be the Victim but this is not always the case.
- 2.7 Livin uses the term perpetrator to define a person who is accepted or demonstrated to have acted in an anti-social way towards others. The designation of perpetrator may not be applied to a person until sufficient evidence is available to demonstrate a breach of tenancy. Livin accepts that in some cases the designation of perpetrator may alter as new evidence becomes available.
- 2.8 Where an employee, agent, contractor or partner of Livin is alleged to be a perpetrator of anti-social behaviour or a victim of anti-social behaviour an investigation will be carried out in accordance with policy and procedure.
- 2.9 Where evidence suggests that an employee, agent, contractor or partner of Livin is responsible for committing anti-social behaviour connected to the management of a social, affordable or intermediate Livin tenancy the relevant Head of Service or Manager will be notified and appropriate action taken.
- 2.10 This policy applies to all social rent, affordable rent and intermediate Livin tenures.

3. Policy Statement

- 3.1 Preventing and tackling anti-social behaviour is complex and requires a range of interventions by a variety of agencies and partnerships. In line with current best practice our approach to dealing with anti-social behaviour is focussed on achieving positive outcomes, sustaining tenure and building confidence in communities and is founded on the triangular model of:
- Support for victims to minimise harm and support for perpetrators to make positive behavioural changes
 - Intervention to prevent and deter people from acting in an anti-social manner
 - Swift and decisive enforcement action when it is necessary

- 3.2 Providing a quality housing service to all residents is central to our activities as a social landlord and livin believes that everyone has the right to enjoy their chosen lifestyle providing it does not detract from the quality of life of others.
- 3.3 The Plan A Level 1 objectives relating to this policy are primarily “Enabling sustainable tenure” and “Offering a great customer experience” however providing a high quality anti-social behaviour service is central to Livin’s activities and this policy will also contribute to the delivery of the “Optimising return on assets” objective and “Enabling socially and economically balanced communities” objective by making our communities safer and more desirable places to live.
- 3.4 Livin will not tolerate anti-social behaviour and will take positive action to make communities safe and sustainable, both alone and in partnership with other agencies.
- 3.5 In line with Livin’s Customer Voice Policy Livin will exploit customer knowledge, through real time intelligence to exceed the needs and expectations of customers in service delivery.
- 3.6 Livin actively encourages reporting of anti-social behaviour. Livin will respond to anti-social behaviour sensitively and in a way that minimises the risk of harm posed to victims and witnesses.
- 3.7 This response includes communicating regularly with complainants and providing meaningful support to victims, witnesses and perpetrators of anti-social behaviour.
- 3.8 Livin will use all of the tools and powers available to tackle anti-social behaviour in the interests of maintaining the quality of life for tenants and residents in communities.
- 3.9 To provide a quality housing service that promotes sustainable tenure Livin recognises that it must be effective in tackling problems created by anti-social behaviour. Tenants have the right to live and work in an environment free from anti-social behaviour and Livin will take action against perpetrators of anti-social behaviour to protect that right.
- 3.10 Livin will seek to resolve issues at the earliest stage possible and act decisively and authoritatively. The aim is to sustain tenancies, both of perpetrators and victims of anti-social behaviour however if necessary Livin will act to end a tenancy if by doing so it will promote the sustainability of the wider community.

- 3.11 Livin will build effective partnership arrangements with local agencies to maximise the range of potential partners and services available to tenants and residents in communities in line with the Enabling Sustainable Tenure Strategy.
- 3.12 Livin will use intelligence captured from analysis of reported incidents of anti-social behaviour to inform decisions on housing demand, tenure sustainability and the regeneration of communities.
- 3.13 Livin will investigate all reports of anti-social behaviour impartially and objectively. This means that unless it would compromise the safety of a victims Livin will seek evidence to substantiate the report by contacting other residents, witnesses and the alleged perpetrators of the anti-social behaviour to enable a fact based outcome to initial investigations.
- 3.14 Where there is insufficient evidence to justify the opening of an anti-social behaviour complaint, or the continued investigation of an anti-social behaviour complaint, this will be communicated to the person making the complaint and no further action will be taken. In addressing allegations of anti-social behaviour Livin will be mindful of the impact of an investigation on those alleged to be perpetrators and will ensure that all actions are reasonable and at all times proportionate.
- 3.15 The Tenancy Agreement is issued and explained to all tenants at the commencement of their tenancy. It is a legal contract that sets out the rights and responsibilities of both Livin and Livin tenants.
- 3.16 The Tenancy Agreement places an obligation on tenants not to do anything which would cause a nuisance, annoy or disturb any person living in their area. It also emphasises that tenants are responsible for the conduct of all those who live at and visit their property.
- 3.17 Livin's Tenancy Agreements expressly state at Condition 8.1 that:
- You are responsible for the behaviour of everyone (including children and pets) living in or visiting your home. You are responsible for them in your home, in communal areas and in the locality of your home.*
- 3.18 Livin will regard any report of anti-social behaviour that is demonstrated to have been made maliciously as an anti-social act in itself and will take appropriate action against those making such an allegation.
- 3.19 Livin can act against tenants and non-tenants who cause anti-social behaviour. The Housing Support Team will work in partnership with other agencies to address cross-tenure complaints of anti-social behaviour.

4. Support

- 4.1 Livin will respond to the individual circumstances of victims of anti-social behaviour and provide appropriate support based on their needs.
- 4.2 Livin will identify the needs of the adults and children involved in an anti-social behaviour investigation and refer any safeguarding issues to the appropriate agency in line with Livin's Safeguarding Policy.
- 4.3 Livin will identify and deliver local actions best suited to resolve local concerns.
- 4.4 Livin understands that building and maintaining the confidence of witnesses and complainants is vital to tackling anti-social behaviour and services will minimise the risk of harm they face.
- 4.5 Livin will create and maintain effective partnerships with local community networks.
- 4.6 Livin will use a Vulnerability Risk Matrix to identify when victims of anti-social behaviour need specialist support and will refer victims to the appropriate agency.
- 4.7 Livin understands that offering support to perpetrators of anti-social behaviour is an important part of addressing the underlying causes of anti-social behaviour. Livin will work with perpetrators to identify and understand their support needs and will refer perpetrators of anti-social behaviour to agencies who can help.
- 4.8 Livin will identify applicants at greatest risk of committing or becoming victims of anti-social behaviour and offer advice and assistance before their tenancy commences and additional support to sustain their tenancy.
- 4.9 Livin will prioritise support and assistance to perpetrators of anti-social behaviour as a first recourse to resolving the problem and will only ever use eviction as a last resort for the most serious cases where there is a demonstrated and evidenced risk of harm to victims or where the behaviour jeopardises the sustainability of the community and the perpetrator fails to engage with offers of support.

5. Intervention

- 5.1 The focus of Livin's response to anti-social behaviour will be the protection of complainants and the wider community from harm and sustaining tenure.

- 5.2 Livin will use effective early assessment of anti-social behaviour complaints and community concerns, including identifying and responding to risk and vulnerability.
- 5.3 Livin will use a Vulnerability Risk Matrix to assess the level of response necessary to address the anti-social behaviour. This will be done at the earliest possible point in the life of a case and throughout the case if circumstances change.
- 5.4 Livin understands that early intervention to resolve concerns and prevent matters becoming worse is a key element of successful anti-social behaviour management and is critical to improving customer satisfaction with the service. Livin will respond to all allegations of anti-social behaviour in line with Service Standards. .
- 5.5 When investigating complaints of anti-social behaviour Livin will remain objective and impartial and take into consideration all evidence presented. Once persuasive evidence becomes available that indicates a breach of tenancy Livin will aim to resolve the matter at the earliest point possible
- 5.6 Livin understands the importance of communication. Livin will agree action plans with complainants as soon as possible in the life of the case and will keep the complainant and partner agencies informed of the progress of the case at agreed stages.
- 5.7 Livin will prioritise the needs of victims of anti-social behaviour and be open to challenge when our services do not meet the agreed standard.

6. Enforcement

- 6.1 Livin's first priority is to protect individuals and communities from harm. Livin will always try to resolve complaints of anti-social behaviour through support and non-legal intervention but when this is not possible enforcement action will be taken to protect victims.
- 6.2 Any enforcement action taken by Livin will be specific, proportionate and appropriate to the anti-social behaviour in question and will follow advice given by our legal team.
- 6.3 When considering enforcement action Livin will maintain regular communication with witnesses and complainants and keep their safety and welfare central to all actions.

7. Partnership working

- 7.1 Livin recognises that effective and sustainable solutions to anti-social behaviour cannot be achieved in isolation. Livin is committed to working in partnership with statutory partners, agencies in the third sector, and community representatives to find ways to address anti-social behaviour.
- 7.2 Livin will take part in local and regional forums to share information and tackle anti-social behaviour and will attend specific multi-agency case management and risk management meetings as required.
- 7.3 Livin will work in partnership to actively regenerate areas suffering from anti-social behaviour to prevent neighbourhood decline, improve the reputation of communities and promote sustainability.
- 7.4 Livin will maintain effective partnerships with local community networks, including community support organisations and victim support agencies and inform these partners when enforcement action impacts on their services.

Livin will embed and maintain a partnership approach to referring, managing and monitoring enforcement cases.

8. Equality and Diversity

- 8.1 Livin recognises and accepts that discrimination on any grounds, either intentional or unintentional can result in some members of the community being unjustifiably denied equal access to services or information about the service.
- 8.2 This policy has been subject to an Equality Impact Assessment and found to have no adverse effect on any group with protected characteristics.

9. Feedback and Complaints

- 9.1 Livin aims to provide an excellent service for customers but if it is felt that our high standards have not been met feedback and complaints will be welcomed and used to improve services and ensure customers are treated fairly.
- 9.2 Livin aims to resolve complaints quickly and satisfactorily through Livin's complaints procedure which can be accessed on the web site.

10. Monitoring

- 10.1 Livin will record and monitor all reported cases of anti-social behaviour in accordance with policy and procedure.
- 10.2 Livin will hold regular meetings to monitor the progress of cases and the actions taken. Livin will ensure that all cases of anti-social behaviour are resolved as quickly as possible with the minimum risk of harm to the complainant and the community.
- 10.3 This policy will be reviewed annually and any revisions will be reported to the Housing and Communities Committee. Performance against key performance indicators will be presented to Board on a quarterly basis.
- 10.4 Livin will review our anti-social behaviour procedures annually and train staff to ensure continuous improvement and best practice.

End of Policy