

## **Anti Social Behaviour & Harassment Policy and Procedures**

### **1.0 Introduction**

Co-op Homes and its affiliated Co-ops understand the importance of tackling anti-social behaviour and harassment including racial harassment. They fully recognise the detrimental effect this has on tenants, Co-op members and the wider community.

### **2.0 Policy Aim** Our common aim is:

- the management of anti-social behaviour and harassment within the areas where we manage housing and environs. We recognise the importance in taking effective and early action to reduce the likelihood of legal action being needed and to increase the chances of anti social behaviour issues being resolved successfully.
- To have a procedure that reflects Policy guidelines which has clear lines of responsibility, is easy to follow, understand and accessible for both staff and tenant members. Co-op Homes and its affiliated Co-operatives will ensure proper guidance is given to tenant members on their rights to live in a peaceful environment and the options open to them if they feel their peace is being affected

### **3.0 Definition of Anti-Social Behaviour**

‘a person(s) acting in an anti-social manner, that is to say, a manner that caused or was likely to cause harassment, alarm or distress, to one or more persons not of the same household as him/herself’.

**Examples of anti-social behaviour (which may be motivated by race, sexuality / homophobic hate crime, disability, religion, gender or age) include, but are not limited to:**

- Racial Harassment
- Stalking or unwanted attention
- Actual violence
- Youths congregating in an intimidating way
- Aggressive and threatening behaviour
- Intimidation and / or harassment by others
- Verbal abuse (intentional or unintentional)
- Damage to property
- Inconsiderate disposal of household rubbish
- Fly-tipping (illegal dumping of rubbish)
- Inconsiderate parking of vehicles and abandoned vehicles
- Noise nuisance
- Nuisance caused by drug dealing
- Overgrown gardens
- Nuisance caused by children
- Nuisance caused by pets
- Fouling of public areas
- Using accommodation to sell drugs or for other unlawful purposes

## **4.0 Key Principles**

Co-op Homes and its affiliated Co-operatives have based their Anti-Social/Harassment Policy on the following principles.

### **4.1 Response to Complaints**

Co-op Homes and its affiliated Co-operatives will respond to complaints quickly, efficiently, within the time limits set and will address all the points at issue. It will keep the Complainants will be regularly informed of developments both verbally and in writing. As some complaints may be unfounded or even malicious a non-judgemental approach will be taken at the early stages of investigation.

It will not always be necessary for complaints to be made in writing before action is taken, although this will be advised. Help will be given to anyone who has difficulty in writing (for example, someone whose first language is not English). In the case of anonymous complaints, which may be malicious and in themselves be considered a form of harassment will only be accepted in exceptional circumstances. An example would be where anti-social behaviour relates to serious problems and there is good reason to believe that there could be fear of reprisals.

Complainants will be referred to other support agencies if it is agreed that this will provide additional necessary support for them.

### **4.2 Preventative Action**

Obligations relating to anti-social behaviour and harassment shall be reinforced, clause-by-clause, when tenants and Co-op members sign their tenancy agreements. Staff will explain in detail what the responsibilities of the landlord and tenant/member ( and their household members and visitors) are and in what ways the tenant member can help the landlord by collecting evidence (for example - using a diary to record incidents) of anti-social behaviour.

Other preventative measures that Co-op Homes and its affiliated Co-operatives will use includes mediation and structured interviews to help tenants/members and their families establish ways of tackling their behaviour.

We will support perpetrators in attempts by them to rehabilitate themselves and mediate their behaviour where this is practical. We recognise that anti social behaviour can result from alcohol and drug abuse, mental health problems and disability.

### **4.3 Reports of Harassment**

In clear cases of harassment Co-op Homes and its affiliated Co-operatives approach will be victim centred. Investigations and solutions to the complaint will be sympathetic to the stress and needs of the tenant/member.

### **4.4 Tenant Participation**

Co-op Homes and its affiliated Co-operatives are committed to working with tenants/members and local residents to enforce intolerance of anti social behaviour. We are determined to resolve anti-social behaviour and harassment problems and realise that consultation and discussion is invaluable in achieving this.

### **4.5 Partnerships**

Co-op Homes and its affiliated Co-operatives will establish good relations with other landlords in multi-tenure situations and on mixed landlord estates. We are committed to partnership working with key agencies, such as the Police, Social Workers and Environmental Health departments.

#### 4.6 Review and Appeals

Co-op Homes and its affiliated Co-operatives have in place a clear review process for monitoring cases and an appeals process for complaints which have not been satisfied.

#### 4.7 Financial Costs

Co-op Homes and its affiliated Co-operatives recognises that there will be financial costs associated with anti-social behaviour but that the implementation of the above principles will have a positive effect on the following:-

- turnover and management of voids;
- allocation of housing;
- incidence of repairs;
- insurance costs;
- staff costs dealing with cases and absence due to stress,
- public perception of Co-op Homes and its affiliated Co-operatives

#### 5.0 Legislative Framework: Recent legislative changes include:

- **Anti-Social Behaviour Act 2003:** This new, important piece of legislation strengthens the powers of landlords to deal with anti-social behaviour in the following ways:
  - A power of arrest can be attached to an injunction obtained through the Local Government Act 1972 if there is a threat of violence or use of violence or there is significant risk of harm
  - Proceedings for Possession: the Act now allows courts to take the following issues into account when they are considering gaining possession orders:
    - The effect on those in the locality if the nuisance is repeated
    - The effect of the nuisance on those in the locality
    - The continuing effect of the nuisance
  - Anti-Social Behaviour Injunctions: the legislation now gives housing associations and local authorities the power to injunct anyone – not just tenants – who is causing a nuisance which affects the way estates are managed and gives protection to those engaged in lawful activity on the estate or members of the staff of landlord while carrying out their duties.
- **Police Reform Act 2002:** It is now possible for Interim ASBOs to be granted, for a fixed period of time, to prevent further anti-social behaviour pending the full ASBO being obtained.
- **Demoted Tenancies:** Registered Social Landlords and local authorities can apply to the County Court for a demotion order. If a secure tenancy is demoted then, for a period of 1 year, the tenant has some rights reduced and repossession during the year becomes easier. This will probably not be relevant where contractual (Co-op) tenancies apply.

#### 6.0 Legal and other Remedies

Co-op Homes and its affiliated Co-operatives are committed to using a wide range of approaches to tackle the wide range of anti-social behaviour issues and to keep up to date on current best practice. Only when preventative and management approaches have failed to resolve the problem will Co-op Homes and its affiliated Co-operatives consider using legal remedies. This is not only because of the seriousness of taking away someone's home but also because eviction may not in itself resolve the problem; it may simply move it elsewhere. There is no standard approach to when certain legal remedies will be applied but Co-op Homes and its affiliated Co-operatives will consider the options available and those that are most likely to be appropriate and effective in the circumstances of each case. The following is a list of the legal and other options available.

**Types of remedies/legal action that can be taken:**

- Issue a warning letter regarding the anti-social behaviour and/or breach of the tenancy.
- Get perpetrators to sign Acceptable Behaviour Contracts. We hope that these will encourage them to improve their behaviour.
- Undertake Parental Control Agreements and monitor a parent/carer of a child under the age of ten years to ensure that behaviour of the child is not continuing to cause distress and/or disturbance to others.
- Undertake, in partnership with the Metropolitan Police and partner agencies, an application to the court for an Anti-Social Behaviour Order (ASBO). Any breach of this type of order is a criminal offence and can result in a prison sentence of up to 5 years or a fine or both.
- Serve a Notice to Quit or Notice of Seeking Possession on those who do not address their behaviour or continue to breach their tenancy/leasehold agreement and/or commit a criminal offence
- Seek possession, through the court, of the homes of those who cause levels of distress and disturbance to others that is totally unacceptable. This will include continuous and persistent anti-social behaviour in the locality.
- Apply to the court for an injunction that will exclude individuals from their homes, or from visiting the homes of tenants, or from an area, to ensure that their behaviour stops. An injunction is a civil remedy which is obtained through the County Court and either compels a person to do something or forbids a person from doing something. The breach of an injunction is not, in itself, a criminal offence but it is contempt of court and could lead to a fine or imprisonment
- Where neighbouring owners-occupiers are involved in Anti-Social Behaviour, we may take legal action or support legal action against the owner.

**7.0 Committee Members Involved in Anti-Social Behaviour/Harassment:** A Co-op Homes or affiliated Co-operative Management Committee member involved in, or with an interest in a complaint or incident of Harassment or Anti Social behaviour:- will not be allowed to be present at any meeting which discusses the case.

**8.0 Staff Training**

Co-op Homes and its affiliated Co-operatives are committed to training and developing staff and Committee/Board members to their full potential in order to deliver a high quality of service to tenant members and the public.

**9.0 Monitoring and Reporting**

Co-op Homes and its affiliated Co-operatives are committed to continuous improvement in service delivery and standards, and understand that effective monitoring and reporting is inherent in the process of evaluating and reviewing performance.

Quarterly reports will be submitted to the Services Sub Committee. Individual cases will be monitored at relevant Co-op Management Meetings.

A central file of complaints received will be held and used as follows:-

- to record numbers of complaints received
- to categorise the types of complaints received e.g. noise, harassment, violence, pets/animals, drug/alcohol/substance abuse
- to categorise the type of action taken to resolve the complaint e.g. mediation, referral to support agency, management transfer, legal action

- to record the stages cases have reached
- to measure success - i.e. outputs/outcomes. For example - how many cases referred to mediation were resolved? What means of resolution were adopted in respect of individual anti-social behaviour cases. Which ones proved successful?
- to measure length of process to resolve complaint;
- ethnicity;
- faith;
- sexuality
- to identify trends;
- to evaluate numbers of complaints investigated within target times
- to measure performance against Performance Indicators and set benchmarks.

### **10.0 Targets, Communication and Support:**

It is recognised that early categorisation and intervention of complaints can prevent minor disputes from escalating. Therefore complaints received will be categorised by their "seriousness" and targets set are as follows:-

**Communication:** A complainant will be given the a named officer who will be responsible for dealing with and progressing the complaint. This officer will also be responsible for keeping the complainant informed of progress with their complaint.

**Support for witnesses:** Witnesses will be supported in the most appropriate manner relevant to them, this may involve helping them record and report incidents of Anti Social Behaviour by providing incident diaries etc. Encourage them to come forward with information in the knowledge that their complaint will be taken seriously.

#### **Targets: Responding to the initial report of Anti Social Behaviour**

<b>TYPE OF COMPLAINT</b>	<b>TARGET Respond within</b>
Serious anti-social behaviour – violence against the person, drug dealing/misuse, any activity considered criminal such as theft, as well as any acts of harassment that are related to existing complaints.	1 working day commence investigation within 3 working days
Anti-social behaviour – threatening and abusive behaviour, Frequent disturbances, vandalism and damage to property	1 working day commence investigation within 3 working days
Other complaints – excessive noise, family disputes affecting Neighbours and infrequent disturbance	5 working days

**Those making a complaint will be contacted and kept informed of progress and outcomes as follows:**

<b>ACTION TARGET</b>	<b>Respond Within</b>
Initial response to complaints of serious anti-social behaviour	2 working days
Initial response to complaints of anti-social behaviour	2 working days
Initial response to other complaints	As per complaints policy
Complainant: notified of outcome of complaint	As per complaints policy
If no final outcome within 10 working days, interim reports to Complainants	Every month

**Targets set for contacting the alleged offending tenant as shown:**

<b>TYPE OF CONTACT</b>	<b>TARGET Respond within</b>
Initial contact following complaint of serious anti-social behaviour	1 working day
Initial contact following complaint of anti-social behaviour	1 working day
Initial contact following other complaints	As per complaints policy

**11.0 Complaints**

Any tenant/member who is dissatisfied with the management of their case will be advised of Co-op Homes and its affiliated Co-operatives Complaints Policy.

**12.0 Review.**

This Policy will be reviewed every three years unless amendment is prompted by a change in legislation , or monitoring and reporting reveals that a change in Policy is required sooner.

**13.0 Other Policies affected:**

Racial Harassment  
Equality and Diversity  
Domestic Violence