

RAILWAY HOUSING ASSOCIATION

POLICY STATEMENT

ANTI SOCIAL BEHAVIOUR & NEIGHBOUR DISPUTES

1. Statement of Intent

- 1.1 The Association is committed to ensuring that all residents enjoy their right to peace, quiet and security in their homes. The Association recognises the varied and diverse nature of the communities in which it works and respects the differences of individuals.
- 1.2 The Association appreciates that anyone has the right to their chosen lifestyle providing that this doesn't spoil the quality of life of others. This implies some degree of tolerance and respect for the requirements and needs of others.
- 1.3 The Association aims to reduce and control incidences of anti social behaviour of tenants, people living with tenants and their visitors by taking prompt and effective action. The Association will demonstrate by its actions that it will not tolerate anti social behaviour.
- 1.4 The Association aims to provide a responsive service to meet the needs of customers.
- 1.5 In dealing with anti social behaviour the Association aims to be fair and accountable, ensuring that there is no discrimination on the basis of ethnic origin, gender, sexual orientation, disability, age, religion, marital status or medical condition.
- 1.6 This policy has been prepared and published in accordance with the requirements of Section 218A of the Housing Act 1996; Section 12 of the Anti Social Behaviour Act 2003; the Audit Commission's 'Key Line of Enquiry –Tenancy & Estate Management'; and the Government's 'Respect Agenda'.
- 1.7 The Association will uphold the principles of the 1998 Crime and Disorder Act; Housing Acts 1985, 1996 and 2004; and the Anti Social Behaviour Act 2003 and will use the powers contained in these Acts where considered necessary.

2. Definitions

- 2.1 Section 218A(8) of the Housing Act 1996 (inserted by the Anti Social Behaviour Act 2003) defines anti social behaviour as -

'Conduct which is capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management function 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. Definitions, continued

- 2.2 The Crime and Disorder Act 1998 defines anti social behaviour as –

'Behaviour that caused or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator.'
- 2.3 People to whom the conduct may cause annoyance or nuisance include anyone who has a right to live in property owned or managed by the Association, those living in any other property in the neighbourhood and anyone else lawfully in such property or in the locality, for example working or using local facilities.
- 2.4 The housing management function covers the Association's day to day activities and strategic management of the stock. Examples include resident involvement, repairs and maintenance, rent and arrears collection, neighbourhood management and dispute resolution. Matters that 'indirectly affect' the housing management function could include social care and housing support, environmental health, refuse collection and other services that enable the Association to operate efficiently.
- 2.5 Anti social behaviour can be of a serious and criminal nature including racial and other harassment, physical violence, and drug dealing. It can also include loud music, barking dogs, verbal abuse and vandalism, some of which may not be criminal in nature but can be equally detrimental to the quality of life in the community.

3. Implementation

- 3.1 Domestic violence is a criminal act and will be dealt with in accordance with the Association's Domestic Violence policy and procedures.
- 3.2 Any complaints of harassment or racial harassment will be dealt with in accordance with the Association's policies and procedures on harassment and racial harassment.
- 3.3 The Association will provide each tenant with a tenancy agreement, which clearly defines their rights and responsibilities. Clauses 3 (5), 3 (6) and 3 (7) of the tenancy agreement place a clear responsibility on tenants for the behaviour of every person living in or visiting their home. This includes behaviour in the tenant's home and within the locality of their home and states that persons should not cause a nuisance or annoyance, racial or other harassment, or noise nuisance.
- 3.4 Clause 4(7) of the Association's lease for Leasehold Schemes for the Elderly states that lessees will not do or permit or suffer to be done in or upon the property or any part thereof anything which may be or become a nuisance or annoyance or cause damage or inconvenience to the landlord or the tenants of the landlord or neighbouring owners or occupiers.

3. Implementation of the Policy, continued

3.5 In accordance with good practice advice and guidelines, the Association will take measures to prevent anti social behaviour.

These will include:-

- Publicising the Association's commitment to tackling anti social behaviour, and its policy and procedures
- An exclusions policy relating to those with a history of serious anti social behaviour, crime and/or breaches of tenancy
- Sign up meetings for new tenants emphasising the Association's approach to anti social behaviour, promoting a culture of tolerance and an understanding of what constitutes 'acceptable behaviour'.
- Tenancy agreements that include clauses specifically prohibiting all forms of nuisance, anti social behaviour and harassment
- Responding to complaints quickly and effectively
- Carrying out a full and supportive investigation of the circumstances of each complaint
- Carrying out joint interviews and making referrals to support agencies as appropriate
- Using Acceptable Behaviour Contracts and Parental Control Agreements where appropriate, with the aim of changing the attitude and behaviour of young people and parents
- Promoting mediation services when appropriate
- Dealing promptly with the effects of anti social behaviour such as removing offensive graffiti and repairing damaged windows
- Considering environmental improvements such as security lighting, fencing, bollards
- Supporting residents groups to prevent and tackle anti social behaviour via neighbourhood watch schemes and other community initiatives
- Regular estate inspections of schemes with more than six properties and twice yearly visits to all schemes to identify and respond to issues such as graffiti, criminal damage, over grown gardens and abandoned cars.

3.6 The Association has procedures for dealing with complaints of anti social behaviour and staff will work within the agreed time-scales of the procedure.

3.7 Complaints may be received verbally or in writing from the complainant or someone acting on their behalf. A complaint may also be anonymous.

3.8 Every report of anti social behaviour will be recorded and acknowledged in writing. (Anonymous complaints will be recorded but not acknowledged).

3.9 Every report of anti social behaviour will be investigated (anonymous complaints will be investigated to determine whether the complaint is justified and should be investigated further). Investigations will seek to identify and interview all affected parties.

3.10 The Association will use the necessary resources and equipment to gather evidence in dealing with anti social behaviour.

3. Implementation of the Policy, continued

- 3.11 The Association's staff will remain impartial when investigating neighbour disputes.
- 3.12 All complaints and information will be treated as confidential. This will not be shared with other parties, or a complainant's identity made known to another party, without their consent. However, information may be shared with a statutory agency such as the Police if this may help to prevent or detect a crime or serious incident or if there is a child protection issue.
- 3.13 The Association will encourage people to initially try to sort the problem out for themselves in an amicable way, where feasible.
- 3.14 The Association will aim to resolve problems speedily and without recourse to legal action wherever possible. However, a firm approach will be taken against the perpetrators of anti social behaviour and if other mechanisms have failed then legal action will be taken where necessary. This may include injunctions, demotion orders, anti social behaviour orders, parenting contracts and orders, and enforcement of the tenancy conditions that may ultimately lead to repossession of the perpetrator's (or their family's) home.
- 3.15 The Association will agree an action plan with the complainant and will keep all parties informed about actions taken and the outcomes.
- 3.16 Advice and support will be provided to victims and witnesses of anti social behaviour. Referrals will be made to appropriate support services where necessary, and where possible. In all cases the Association will keep in regular contact with complainants, in accordance with the procedure.
- 3.17 The Association will work in partnership with the Police, the Council and other agencies to prevent and deal with anti social behaviour, and contribute, wherever appropriate, to Community Safety initiatives, Crime and Disorder Reduction Partnerships and Local Strategic Partnerships.
- 3.18 Where drug or other substance abuse, mental health and/or disability are causing a nuisance to neighbours the Association will work with relevant agencies and in accordance with the Disability Discrimination Act to find a resolution to the problem.
- 3.19 Generally the Association will not rehouse complainants but will seek to resolve the situation. However, in very rare and serious cases, e.g. if physical violence is likely to occur the Association will, if possible, offer alternative temporary or permanent accommodation.
- 3.20 Residents who are responsible for deliberate damage as a result of anti social behaviour will be recharged the full cost of the damage.
- 3.21 Staff will receive appropriate training to equip them to implement this policy effectively. However, because of the low level and infrequency of incidents and complaints, the Association may utilise the expertise of specialists from the relevant local authority or another locally based social landlord in order to deal effectively with more serious cases.

3. Implementation of the Policy, continued

- 3.22 The Association will not usually take action in certain cases, for example, neighbours or their children not talking to each other, children riding bikes on the pavement, family disagreements, car parking on the road in a space outside the complainant's home, personal differences or arguments. Housing staff will discuss the problem with the complainant and encourage them to talk to their neighbour or consider mediation to resolve it.
- 3.23 A satisfaction survey will be carried out with each complainant to find out if they are satisfied with the action taken by the Association and if there are any ways in which the Association's response could be improved.
- 3.24 This policy will be implemented in accordance with the Association's Equality and Diversity Policy.

4. Responsibility

- 4.1 The Director of Housing Services is responsible for the effective implementation of this policy.

5. Monitoring

- 5.1 Incidences of anti social behaviour will be monitored in order to establish the scale and type of the problem, identify any trends, develop effective strategies, target resources, assess the impact of the Association's policy, and develop effective performance measures. Complaints of anti social behaviour will be monitored by category of behaviour, target times for response, the type of action taken, incidences by estate or local neighbourhood, ethnicity, and outcome.
- 5.2 Quarterly reports will be made to the Board about complaints of anti social behaviour; and publicised in the resident's newsletter.

6. Review

- 6.1 This policy will be reviewed annually, including consultation with residents.

7. Appeal

- 7.1 There is a right of appeal against any decision made by the Association in relation to dealing with anti social behaviour or neighbour disputes. An appeal can be made through the Association's complaints procedure.

This policy also applies to the beneficiaries of Joseph Hornby Stockdale Almshouses.

January 2010

**This policy can be made available on request in other languages, large type,
Braille or in audio format.**