



ANTI SOCIAL BEHAVIOUR (ASB) POLICY

OVERALL PURPOSE

West North West homes Leeds (WNWhL) is committed to reducing anti social behaviour (ASB), protecting victims and witnesses of ASB and to using all the available tools and powers available at our disposal to achieve this.

This policy sets out the key principles we will follow to ensure all our tenants and residents enjoy a decent quality of life and explains how we will challenge those responsible for causing ASB within our neighbourhoods.

We aim to create better neighbourhoods, confident and stable communities, and to contribute to the wider Leeds City Council (LCC) objectives of achieving sustainable reductions in crime and disorder

WNWhL fully supports the Government's Respect programme and has signed up to the new Respect Standard for housing management and will work to meet these aims through this and associated policies, and our Community Safety Strategy.



This policy compliments other policies in operation within the LCC area, in particular the LCC Anti Social Behaviour Policy and Procedure and those of other Community Safety Partnership members.

The Policy also links to our own guidance for the protection of staff.

INTRODUCTION

WNWhL seeks to ensure that the Policy does not discriminate against customers on grounds of race, gender, sexual orientation, ethnic origin, religion or belief, disability/illness or age.

WNWhL is committed to the highest standards of customer care and will apply this policy in accordance with our Customer Care Policy and the Anti- Social Behaviour Service Standards agreed with customers in 2009.

If Customers are dissatisfied with the service that they have received or with the application of this policy then they should refer to our Complaints and Compliments Policy.

WNWhL will ensure customer care is delivered at all times and that we comply with our mission statement "Putting Customers First".

Service Standards

1. We will contact you within 1 working day of your report on very serious cases involving actual, or threats of, violence
2. We will contact you within 3 working days on all other anti-social behaviour issues.
3. We will contact you at least every 28 days to keep you updated on your case.
4. We will contact you again within 28 days of your case closing.
5. We will contact you within 1 working day of you reporting your complaint via the 24 hour reporting service.
6. We will contact you within 1 working day of you reporting your complaint via our website.
7. We will offer mediation services to all our customers where appropriate.

PERFORMANCE MEASURES

We will monitor a range of indicators to ensure the effective delivery of this policy, including:

- How we meet our agreed Service Standards
- Appropriate local indicators as outlined in the Audit Commission's library of indicators
- Local indicators agreed with the Council landlord to assist in the delivery of other strategies, for example the local Crime and Disorder Strategy.

We will also monitor local Performance Indicators developed by WNWhL to measure the performance and effectiveness of the service(s) provided by us and other providers. These are:

- Number of new ASB cases each month
- Total number of current cases each month
- Total number of resolved cases closed each month
- Total number of unresolved cases closed each month
- Number of closed resolved cases for each main intervention that led to case

resolution

- Number of closed resolved ASB cases where ASB re-occurs by the same perpetrator within 12 months
- Number and percentage of starter/introductory tenants perpetrating ASB
- % of follow up visits within 30 days after the case is closed
- Number of early intervention actions taken for ASB
- Number of enforcement actions for each action type
- Number of perpetrator supportive actions taken for each type
- % of respondents satisfied with the way their ASB complaint was dealt with
- % of contact within 1 working day on serious cases
- % of contact within 5 working days on all other cases
- % of cases contacted monthly
- % of respondents satisfied with the outcome of their ASB complaint
- Number of complaints
- % of complaints responded to within 10 days
- Number of compliments

ANTI SOCIAL BEHAVIOUR POLICY

1.0 Statement of Intent

- 1.1 West North West Homes Leeds (WNWhL) firmly believes that everyone has the right to live peacefully in their home without disturbance or nuisance from others; and that all tenants, including household members, lodgers and visitors, must not act in anyway which is anti social or which is likely to cause nuisance to any other person. This principle applies both to the area around people's homes and to the communities where they live.
- 1.2 We believe that we cannot succeed in reducing the incidence of ASB without working closely with our partners, Leeds City Council, the Police, our communities, our staff and other agencies.
- 1.3 We believe that eviction (the loss of a person's home) should only be resorted to as a last option after all other reasonable interventions have been exhausted.
- 1.4 We will not tolerate hate crime such as racial and homophobic harassment in council tenancies and local communities and will take appropriate legal action to combat such incidences.
- 1.5 We have adopted a zero tolerance approach to the verbal or physical abuse of staff and will always take appropriate legal action to combat any such cases.

Definitions

- 1.6 For the purposes of this policy, we endorse the definition set by Leeds City Council in 'Safer Leeds'
- 1.7 '**Anti Social Behaviour**' includes "Behaviour that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household".
- 1.8 This includes a wide range of activities, ranging from those that cause minor nuisance and annoyance, to those which cause significant alarm, fear or distress to those affected and can be motivated by a number of factors.
- 1.9 For the purposes of the duties imposed by section 218A of the Housing Act 1996, ASB is any conduct to which sections 153A (1) and 153B (2) of the 1996 Act apply.
- 1.10 These sections apply to conduct which:
- is capable of causing nuisance or annoyance to any person; and
 - directly or indirectly relates to or affects the housing management functions of a relevant landlord; or
 - consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose
- 1.11 **Person**' in this definition includes anyone who has a right to live in property owned or managed by WNWhL, those living in any other property in the neighbourhood (for example, owner occupiers, leaseholders, tenants of other landlords) and anyone else lawfully in such property or in the locality.
- 1.12 The '**housing management function**' covers any activity that WNWhL would undertake in the day-to-day management of our properties and neighbourhoods. This includes:
- Environmental Services
 - Repairs and maintenance
 - Lettings & Support Services
 - Housing Services
 - Neighbourhood Services
- 1.13 Matters that might '**indirectly**' affect the housing management function could include rent collections, social care and mental health professionals, environmental health, refuse collection and other services provided that help with the efficient operation of the landlord function.
- 1.14 WNWhL classes, *but not exclusively*, the following as ASB, some of which may also be a criminal offence:
- Damage to property or land
 - Domestic violence
 - Alcohol abuse which leads to ASB

- Noise nuisance (for example, loud parties, shouting, noise from TVs, radios, Hi-fi's and burglar alarms);
- intimidation and harassment;
- local environmental quality issues (for example, litter, dog fouling, graffiti, fly tipping and nuisance vehicles);
- aggressive and threatening language and behaviour;
- actual violence against people and property;
- Hate Crime which is behaviour that targets members of identified groups because of their perceived differences (for example, race, religion, sexual orientation, disability); and
- using housing accommodation to sell drugs, or for other unlawful purposes such as storing stolen goods or prostitution

1.15 Domestic Violence” is defined as:

“Any incident of threatening behaviour, violence or abuse, (physical, psychological, sexual, financial or emotional) between people who are or have been intimate partners or are family members, regardless of gender or sexuality” (Home Office 2004)

Our approach to dealing with cases of Domestic Violence and abuse is contained within a separate ‘Domestic Violence and Abuse’ policy.

1.16 Harassment” is defined as:

“Any unwanted conduct, which is perceived as unwelcome and unacceptable by the recipient and affects the dignity of the individual whether at work or in a social situation. It can include harassment based on sex, race, disability, age, gender, sexual orientation, other personal characteristics, bullying or any behaviour which creates an intimidating, hostile or offensive environment”.

2. Outline of Service

WNWhL will:

- 2.1 Work to develop safe and confident neighbourhoods, as outlined in our Community Safety Strategy, alongside our partners including the Council, West Yorkshire Police, other RSLs and community groups.
- 2.2 Be responsible for making sure that all tenants, including their family members, lodgers and visitors, comply with the full terms of the Tenancy Agreement to ensure that all residents can enjoy their homes without fear of persistent nuisance, anti-social behaviour (ASB) or hate crime.
- 2.3 Make available for inspection the Statement of Policy and Procedures in relation to ASB and provide copies (for which a reasonable fee may be charged) at our head office (in compliance with s.218A (5) (a) and (b) of the 1996 Housing Act). The Statement of Policies should outline our general approach to ASB and also include specific policies. For example our commitment to eradicating ASB, the obligations of tenants, support for witnesses of ASB, hate crime, domestic violence, multi-agency partnerships

and the use of available legal remedies.

- 2.4 Ensure the ASB Customer Information Leaflet outlines our procedures when dealing with occurrences of ASB. For example, information on how and to whom a complaint of ASB should be made, how contact will be maintained with the complainant, and how the progress of the case will be monitored. It contains sufficient information to enable a tenant to understand how WNWhL will deal with a complaint of ASB and what is expected of the tenant. The ASB Customer Information Leaflet will include the types of legal and non-legal actions, WHWhL could take and explain the circumstances in which each might be appropriate. These include, but are not limited to:
- Mediation
 - Acceptable Behaviour Contracts (ABCs)
 - Anti-Social Behaviour Orders (ASBOs)
 - Injunctions and exclusions orders under sections 153A, 153B, 153C or 153D of the 1996 Housing Act
 - Injunctions under section 222 of the Local Government Act 1972
 - Parenting orders
 - Possession proceedings leading to possible eviction
 - Demoted tenancies
- 2.5 Distribute the ASB Customer Information Leaflet to tenants and publicise in newsletters and on our website). No charge will be made for this (in compliance with s.218A (6) (a) and (b) of the 1996 Housing Act).
- 2.6 Explain the principles of the ASB policy and procedure with new tenants at the time of their signing up for a new tenancy and provide a copy of the ASB Customer Information Leaflet.
- 2.7 Use preventative approaches to combat the incidence of ASB including work in partnership with West Yorkshire Police, the Council's youth services and other community stakeholders. Prevention is an essential part of our approach to ASB. We are already involved in initiatives that focus on prevention of ASB. Where these exist, WNWhL will set out the range of initiatives and the general purpose of those initiatives.

For example:

- Introductory tenancies
- Mediation services
- Uniformed warden patrols;
- Diversionary projects for youths such as football clubs or IT drop-in centers;
- Reward schemes for tenants with a record of a well conducted tenancy;
- Structured interviewing of juveniles to establish ways forward in tackling their behaviour;
- Use of Acceptable Behaviour Contracts;
- Multi-agency partnerships;

- Signpost to relevant support services via Tenancy Support Team and
 - Designing out Crime.
- 2.8 Accept complaints of nuisance or ASB, hate crime and domestic violence from a number of sources, e.g. nuisance complaint form, requests for rehousing, elected Members and MPs, Police, telephone calls, letters and via our website, or in person at any Neighbourhood Housing Office and the One Stop Centres.
- 2.9 Ensure that all incidents of ASB and hate crime are thoroughly investigated and provide an early intervention to all complaints of nuisance behaviour and ASB in line with our publicised service standards.
- 2.10 Respond quickly to complaints and agree action plans with the complainant. Where appropriate, this can be vital to effectively dealing with ASB, helping to build trust and confidence. Effectively processing a complaint of ASB gives credibility to WNWhL's ASB service and assists the relationship between the complainant and WNWhL.
- 2.11 Provide clear lines of communication between the complainant and WNWhL. These should be established at the earliest opportunity. The contact point or points for complaints of ASB are set out in the procedures. Each complainant should have access to a named officer to discuss their case, and any changes in personnel should be communicated to the complainant as soon as possible. It is important that WNWhL keep the complainant informed, as far as permissible, about the progress of their case.
- 2.12 Support victims and witnesses by regularly keeping them informed of progress in their complaint. WNWhL will always consider the support needs of complainants, including how best to assess and meet their needs. The methods of, and triggers for, referring complainants to external sources of support, may also be included in the Statement of Procedures with a list of the available support services. The support mechanisms to the complainant may include:
- risk assessment of home environment, installation of appropriate witness protection measures, alarms, new locks, panic buttons etc;
 - access to counselling services;
 - allocations and lettings policies that are both sympathetic to complainants and effective, where it is appropriate to do so, providing temporary and/or permanent rehousing;
 - witness support;
 - access to telephone and/or face-to-face interpreters; and
 - regular visits or patrols by housing officers, community support workers or neighbourhood wardens.
- 2.13 Provide a facility for those wishing to report hate incidents as an alternative to visiting a local Police station by designating all Neighbourhood Housing offices as Hate Incident Reporting Centres as part of the ongoing work within West Yorkshire for multi-agency reporting of hate incidents.

- 2.14 Implement a full investigation of any reported Hate Crime incident, with the victim's consent where a WNWhL tenant is the victim of Hate Crime. If the victim is not a tenant of West North West Homes we will pass on information to the police and Council.
- 2.15 Help resolve disputes through mediation where appropriate using 'Mediation Leeds' which provides an independent mediation service.
- 2.16 Work with Leeds City Council and the Anti-Social Behaviour Unit (ASBU) to improve early intervention work and enforcement action and direct resources to where they are most needed including providing audio recording equipment, video cameras, CCTV, cameras or photographic equipment for residents who are willing to help gather evidence and will ensure the appropriate legislative requirements are met.
- 2.17 Where necessary, work with other agencies to pursue the full range of enforcement action against persistent nuisance offenders. This can include Demotion orders, Anti-Social Behaviour Orders (ASBOs), Injunctions, ABC's and Possession Orders.
- 2.18 Seek to offer appropriate support to perpetrators, establishing a balanced approach that addresses the causes of ASB and the effects on others. We will do this through:
- Our in-house Tenancy Support team
 - the Family Intervention Project – Family Intervention Tenancies
 - Parenting support and Orders
 - Common Assessment Framework (CAF) referrals
 - Other external agencies

Confidentiality

- 2.19 Where protocols on information sharing exist, we will comply with relevant legislation. Tackling ASB depends upon robust information exchange between all agencies (both statutory and non-statutory) involved. Whilst staff should be mindful of their responsibilities under Data Protection Act 1998 it should not be seen as a complete barrier to sharing any information. If staff are unclear about their obligations and responsibilities under the Act they should contact the Information Commissioner: www.informationcommissioner.gov.uk
- 2.20 We will seek to protect the identity of complainants and always seek their permission prior to the disclosure of information to the alleged perpetrator, legal representatives or other interested parties. Information relating to complainants and perpetrators may be shared with other agencies for the purpose of the preventing ASB or crime.

3.0 Specific Needs

- 3.1 WNWhL will take into account the specific needs, which may arise, of older and vulnerable people, disabled people, and Black and Minority Ethnic groups, in a manner that promotes equality and inclusiveness ensuring all customers are treated equally and fairly taking into account race, disability, gender, gender identity, sexual orientation, age and religious belief.

- 3.2 Where WNWhL identifies specific support needs for the tenants that are perpetrators of anti-social behaviour or hate crime or domestic violence, a referral will be made to the Tenancy Support Team and the Cohesion and Diversity Team or other appropriate agency.
- 3.3 WNWhL will always consider issues of vulnerability where, for example, it is felt that ASB or hate crime or domestic violence is associated with a person's disability, mental health capacity or drug and alcohol dependency. In such cases we will apply the relevant provisions of the Disability Discrimination Act and other legislation, seeking the intervention and support of partner agencies, as appropriate.
- 3.4 If the victim feels more comfortable to meet in an alternative environment to their home or at one of our offices, then we will offer this service.

4.0 Consultation

- 4.1 WNWhL will seek the views of customers on this policy at least annually in a variety of different ways through our Customer Involvement mechanisms.

5.0 Implementation

- 5.1 The Board of WNWhL and Head of Customer Services are responsible for ensuring that this policy is implemented
- 5.2 It is the responsibility of all WNWhL staff to ensure that their work is carried out in line with this policy and the procedures relating to it.
- 5.3 We will ensure all our staff will be trained at induction and at team meetings to ensure they are aware of the requirements of this policy.

6.0 Monitoring

- 6.1 In order to establish the effectiveness of this policy and our approach to dealing with ASB, we will monitor and report to Board our performance against the range of measures outlined under 'Performance Measures'.
- 6.2 We will also:
- Collate other relevant information and statistics and will use these when we undertake reviews of this policy and service delivery.
 - We will evaluate the effectiveness or otherwise of particular initiatives; identifying key priorities and issues of concern; helping understand the nature and location of problems and hot spots; and distinguishing between different types of behaviour.
 - Undertake surveys to monitor the satisfaction of our tenants with the service provided and will publish the results to our tenants annually and report to our customer sounding board quarterly.

- Benchmark our performance against other organisations to ensure the highest standards of service delivery and publish the results to tenants and report to our customer sounding board annually.

7.0 Review

In preparation for delivering this policy during 2009 West North West homes Leeds has reviewed and taken into account new or emerging government legislation and government and council policies.

As a result, this policy now fully reflects, and is inclusive of the issues arising from those policies and legislation, and considers the impacts arising.

- 7.1 The Tenancy Enforcement Team will be responsible for ensuring that reviews of this policy are carried out – the next review will be in June, 2010.
- 7.2 We will undertake a review of this policy annually or whenever there are any relevant changes to legislation, case law or good practice that would impact on this policy or in the light of any required service improvements identified through our Complaints and Compliments Policy.
- 7.3 In carrying out any such review account will be taken of the organisational commitment to Cohesion and Diversity and any impact this policy may have on our diverse communities. For further information please refer to our policy on Cohesion and Diversity Strategy.
- 7.4 All risks that fall within the scope of this policy and its service areas have been identified and contained within WNWhL Risk Assessment Template with controls in place to ensure that the risks are managed effectively.
- 7.5 When reviews of this policy are undertaken, checks will be made against WNWhL Risk Register to ensure that the policy takes account of and addresses any relevant risks. Where the policy review identifies a material risk that is not contained within the Risk Register the risk will be notified to the Head of Customer Services and the Services and Investment Committee, and appropriate controls put in place.

For further information please refer to our Risk Map and Management Plan.

8.0 Legislation

- 8.1 The Board of West North West Home Leeds will ensure that this policy complies with all relevant legislation and takes account of current best practice
- 8.2 For the purposes of the duties imposed by section 218A of the Housing Act 1996, anti-social behaviour is any conduct to which sections 153A (1) and 153B (2) of the 1996 Housing Act apply. These sections apply to conduct which is capable of causing nuisance or annoyance to any person; and directly or indirectly relates to or affects the housing management functions of a relevant landlord; or consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an

unlawful purpose. This definition is contained in section 218A (8) of the Housing Act 1996 inserted by the Anti-social behaviour Act 2003.

- 8.3 218A of the 1996 Act requires local housing authorities and HATs ('the landlord') to prepare a policy and procedure on ASB and publish (a) Statement of Policy and (b) Procedures on ASB ('the statement'); and (c) Summary of current policy and procedures on ASB ('the summary'). Landlords are required to publish the Statement and the Summary within 6 months of the commencement of section 12 of the 2003 Act, that is, 30 December 2004.
- 8.4 Section 218A does not specifically refer to consultation in connection with landlords' policies and procedures on ASB. However under s.105 of the Housing Act 1985 (the 1985 Act), landlords are required to consult their secure and demoted tenants about matters of housing management, and changes in the practice or policy of the authority. This will include the management of anti-social behaviour which directly or indirectly affects the landlord's management of its stock, and therefore the production of policies and procedures under s.218A of the 1996 Act. Similar provisions apply to introductory tenants by virtue of s.137 of the 1996 Act.
- 8.5 If a review of the Statement under 218A (4) results in proposed changes to the policies and procedures, these will also be subject to consultation under 105(3) (b) of the 1985 Act and s.137 of the 1996 Act. There is no requirement to consult on changes to the Summary resulting from changes to the Statement, however it is good practice to involve the community in any changes that might be made.
- 8.6 New or emerging legislation and new policy for 2009 include:

- Housing and Regeneration Act 2008

Other legislation with relevance to ASB includes:

- Housing Act 1985
- Housing Act 1996
- Crime and Disorder Act 1998
- Protection from Eviction Act 1977
- Regulation of Investigatory Powers Act 2000
- Anti-Social Behaviour Act 2003
- Disability Discrimination Act 1995 & 2005
- Police Reform Act 2002
- Serious Organised Crime and Police Act 2005
- Home Office ASBO Guidance (August 2006)
- Home Office ABC Guidance (August 2007)

- Mental Health Act 1983
- Domestic Violence, Crime & Victims Act 2004

