



# Anti-Social Behaviour, Nuisance & Harassment Policy

## 1. General

Moseley and District Churches Housing Association (M&D) *has a duty under the Anti-Social Behaviour Act 2003 to publish and commit to proactively tackling anti-social behaviour, nuisance and harassment wherever it occurs. The Association has made a commitment of delivery by signing up to the Respect Standard for Housing Management.* We recognise that whilst most residents are good neighbours, the behaviour of some causes nuisance and misery to others. This will not be tolerated and M&D will take firm action against perpetrators, to ensure that individual residents and local communities are able to live in peace.

We work in partnership with other agencies and the wider community in tackling crime, disorder and anti-social behaviour.

In implementing this Policy, we will work with residents and partners such as the Police, Birmingham City Council and other Registered Social Landlords to actively pursue remedies which:

- Ensure swift action is taken to deal with anti-social behaviour.
- Adopt a multi-tenure approach to deal with incidents of anti-social behaviour.
- Safeguard estates and local communities from acts of anti-social behaviour.
- Encourage changes of behaviour to ensure the health, safety and well being of residents, their visitors and others, enabling communities to be sustained and grow.

We will regularly review this policy, our procedures and information for customers to ensure that we follow best practice. We aim to continually improve the services we provide, consistently deal with anti-social behaviour and use the powers available to us appropriately. We will ensure that our staff receive regular training to enable them to deal with anti-social behaviour effectively.

Throughout this policy when we refer to anti-social behaviour, we mean anti-social behaviour, nuisance and harassment.

We will provide an information leaflet for customers explaining what they can do to tackle anti-social behaviour, what we can do, and how other agencies can help.

When we consider issues and reports of anti-social behaviour, we will balance the action we take against what has happened. This ensures that action is appropriate and we have considered the rights of all individuals involved in the matter.



## **2. What is Anti-Social Behaviour**

We define Anti Social Behaviour as:

- Behaviour which is capable of causing nuisance, or annoyance, to any person, and directly or indirectly relates to, or affects, our housing management functions; or
- Behaviour which consists of or involves using or threatening to use housing accommodation owned or managed by M&D, for an unlawful purpose.

The following are examples of anti-social behaviour: -

- Using or threatening violence.
- Racist behaviour, including literature, letters, verbal abuse.
- Harassment or hate behaviour, for example, because of a person's colour, race, sexual orientation, gender, age, disability, mental illness.
- Prostitution
- Dealing in pornography.
- Criminal activity in properties, e.g. handling stolen goods or dealing drugs.
- Drug abuse or substance misuse.
- Verbal abuse and offensive gestures.
- Domestic violence.
- Damaging property including cars and bikes.
- Arson or attempted arson.
- Dumping rubbish and furniture.
- Putting offensive materials through letterboxes.
- Malicious phone calls.
- Writing and spraying graffiti.
- Storing or repairing any vehicles, which are powered by petrol, diesel or paraffin in shared areas.
- Throwing things off balconies or out of windows.
- Breaking shared security, for example, allowing strangers to get into the building.
- Causing a nuisance in shared areas, e.g. blocking bin chutes, fouling in lifts.
- Playing ball games in areas where this is prohibited.
- Allowing dogs to foul in shared areas.

This list is not exhaustive.

The following examples are anti-social behaviour when they cause a nuisance:

- Not exercising adequate parental control.
- Playing loud music.
- Banging and slamming doors.



- Playing ball games close to people's homes or buildings.
- Skateboarding, roller-skating and cycling on footpaths, balconies and in communal areas.
- Being drunk in public.
- Not keeping pets under control, e.g. dogs barking excessively.
- Unfounded complaints.

This list is not exhaustive.

### **Prevention of anti-social behaviour**

M&D seeks to prevent anti-social behaviour by clearly informing customers of our expectations:

- Through the housing application process before they become a tenant
  - Through their standard terms and conditions of tenancy
  - At the letting
  - At the post allocation visit
  - Through our publications.
  - *We will work with other agencies to obtain support for parents to improve their parenting skills and signpost accordingly.*
  - *We will work with other agencies to contribute to the provision of diversionary activities to engage young people into meaningful activities.*

At these times, we will tell customers what behaviour is acceptable what will happen if they behave in an anti-social way.

Our aim is to support tenants to sustain tenancies, by preventing anti-social behaviour wherever possible and using a range of tools to tackle anti-social behaviour. We will only evict tenants as a last resort, in very serious cases or where other actions have failed.

### **3. Early Intervention**

We will do all we can to promote harmony in local communities, and to deal with problems at an early stage.



## **Timescales**

All reports are investigated and our approach depends on the seriousness of the case. In cases of harassment or where violence is threatened or has taken place, we will contact complainants within one working day. In other less urgent cases we will contact complainants within five or ten working days, depending on what has happened.

## **Mediation**

We will offer mediation as a way of resolving disputes, where it is safe and appropriate to do so. M&D has access to an established free mediation service. Experienced and qualified mediators are able to tackle low level disputes by getting those involved to discuss what has happened and agree a way forward. The mediators are independent and trained not to take sides. Mediation can also be successful in preventing disputes from escalating.

Choosing to take part in mediation does not affect a person's right to take their own legal action in future if they want to. The mediation service is confidential.

## **Acceptable Behaviour Contracts**

Acceptable Behaviour Contracts form part of our commitment to early intervention. Acceptable Behaviour Contracts are aimed primarily at young people who are actively involved in anti-social behaviour, but they can also be used with adults. They are informal voluntary agreements that are drawn up by M&D, Birmingham City Council or the Police. Other agencies and parents may be asked to sign up too where appropriate.

## **Referral to Other Agencies**

M&D will work with other agencies, such as:

- Environmental Services – loud music, rubbish dumping
- Planning – property being used to run a business
- Social Care & Health – Mental Health issues, supporting families
- Education – truancy
- Police – criminal Activities, harassment

This list is not exhaustive.



We will act quickly against tenants who ignore their tenancy conditions, and we will work with Birmingham Anti-Social Behaviour Unit and other agencies to resolve nuisance caused by people who are not M&D Tenants.

We recognise that complainants and perpetrators whose behaviour is influenced or adversely affected by drug or alcohol misuse, mental impairment, or disability may benefit from some support. We will work with specialist agencies that can assist in offering support where this is required. M&D offers a tenancy support service, which is available to assist our more vulnerable tenants who may have difficulties in managing their tenancies.

M&D will make referrals and actively seek the involvement of Social Care and Health and other relevant agencies to avoid eviction wherever possible.

#### **4. Working in partnership**

There is a Safer Estates Agreement between the M&D, Birmingham City Council, other Registered Social Landlords and the Police, which has the following key objectives:

- To co-operate in the development of policies to improve the effectiveness of both the Police and Social Landlords in tackling the problems of crime and harassment.
- To pursue in partnership, all available legal remedies through both the criminal and civil courts, with a view to modifying the behaviour of offending individuals and effecting a lasting solution.
- To increase the confidence of residents in the ability of the Police and Social Landlords to combat these problems and to encourage their support in combating crime and harassment.

All partners to the safer estates agreement meet regularly to consider issues related to crime, disorder and antisocial behaviour on a local basis, and exchange information in accordance with an Information Exchange Protocol.

#### **5. Firm action to tackle serious anti-social behaviour**

##### **Harassment is a Crime**

M&D is a responsible landlord and will not tolerate harassment. We take all reports of harassment seriously, and are committed to tackling all forms of harassment (including racial harassment), promptly and effectively.



We define harassment as personalised, deliberate, unwanted acts of verbal or physical violence or other behaviour which is intended to cause harm, distress or damage to people or property. Harassment may be suffered by people or groups because of their race, ethnic or national origin, gender, sexuality, HIV status, religious beliefs, disability, age or family circumstances.

We define a racist incident as any incident which is perceived to be racist by the victim or any other person.

We will adopt a victim-centred approach to dealing with harassment, and the victim's wishes will determine what action will be taken. Anonymous reports of harassment will not be ignored.

The extent to which the M&D can assist and take action on behalf of people experiencing harassment will vary greatly and be strongest where the perpetrators of the harassment are M&D tenants, their relatives or visitors. The range of tools we can use to tackle harassment, are explained below. We can also work in partnership with the Police to obtain remedies for criminal offences of harassment.

## Legal Action

We have a range of tools that we can use to tackle anti-social behaviour and harassment such as:

- **Injunctions.** These are powerful tools to tackle anti-social behaviour quickly. An injunction is an order that may require a person to do something or prohibit them from doing something. Breach of an injunction can result in a fine or up to two years imprisonment. Injunctions cannot be used for children.
- **Anti-social behaviour orders.** These are orders to protect the public from anti-social behaviour. They work in a similar way to injunctions, but can be used for anyone over the age of ten years. Breach of an anti-social behaviour order is a criminal offence and can result in either a fine or up to five years imprisonment.
- **Demotion.** This demotes a secure (fair rent) or assured tenancy to an assured shorthold tenancy for twelve months. A demotion order gives an anti-social tenant a second chance. During the twelve months, the tenant has reduced rights and can be evicted more easily if the behaviour continues. Secure tenants who are demoted will lose their



- right to buy their home as after the twelve month period the tenancy becomes assured.
- **Possession.** This is the last resort and can lead to the tenant being evicted. We use this action in very serious cases or if everything else fails to stop the anti-social behaviour.

We have to go to court to obtain all of these legal remedies. Our chances of being successful in court are greatly improved if we have witnesses who can give evidence.

There are a range of other legal remedies that we can consider, jointly with the Local Authority and/or the Police, if appropriate, such as:

- Child Safety Order – places a child under supervision for a period of time.
- Local Child Curfew Order – used to deal with unsupervised children on the streets at night.
- *Parenting Contracts – is a voluntary supportive tool that measures and provides a structured and balanced way for agencies to work with parents on a voluntary basis to improve the behaviour of a child or young person up to 17 years old. This would involve the voluntary signing of a written contract between the parent, the Trust and other agencies involved. The contract will normally require the parent to engage in a parenting programme and/or specify particular ways in which the parent is required to exercise control over their child's behaviour.*
- Parenting Order - may be used with an Anti-Social Behaviour Order, for parents or guardians of children aged between 10 and 17 years of age. A parenting order states what the parent/guardian has to do to prevent their child from causing any further nuisance.
- Reparation Order – requires a young offender to make amends with their victims or the community at large.
- Dispersal Order – gives the Police, working with us and the local authority new powers to target action in problem areas to help communities, remove intimidation and anti-social behaviour from the streets.



### **Exclusion from the Waiting List**

M&D will exclude known perpetrators of anti-social behaviour from our housing waiting list, in line with guidance from our regulator (the Housing Corporation). An excluded person can ask for the decision to be reviewed after 12 months, or sooner if a request is made and evidence of change of behaviour is offered.

### **Home Owners and Leaseholders**

We will work with Birmingham Anti-Social Behaviour Unit and other landlords in taking action against perpetrators, whether they own or rent their home. Home owners and leaseholders that have purchased properties previously owned by the Birmingham City Council will have a clause in their lease or sale covenant, preventing them from engaging in anti-social behaviour.

M&D will investigate complaints of anti-social behaviour against home owners in partnership with other agencies. There may be limits to the action that we can take on our own.

## **6. Providing support**

### **Supporting complainants and witnesses**

M&D understands the importance of supporting complainants and witnesses of anti-social behaviour.

We will respond promptly to reports of anti-social behaviour, and keep complainants regularly informed of progress whilst we are dealing with the case.

If we do go to court, witnesses will be asked to give evidence. We can provide a range of support including; escorting witnesses to court and providing additional property security. Other measures are available, depending on the severity of the case.

M&D will not generally re-house complainants or witnesses, but will seek to resolve the anti-social behaviour by tackling those causing it and taking enforcement action where necessary.



## **Rehabilitation of perpetrators**

We will work with people who cause anti-social behaviour (perpetrators) to change their behaviour through specialist support, for example where

perpetrators suffer from drug or alcohol abuse, have a mental health impairment, or are disabled.

We will try to agree with perpetrators how they can change their behaviour, before we take legal action. This is likely to be through the use of acceptable behaviour contracts.

*The Association recognises the importance of diversionary activities for young people and the benefits that supporting parents to improve their parenting skills can have on preventing and dealing with Anti-Social Behaviour. We will work with other agencies who can provide this support and signpost appropriately.*

## **Recharging for work we have to carry out to stop nuisance**

M&D will charge tenants for any remedial work we have to carry out to stop nuisance, such as removing rubbish. If the person responsible for the nuisance doesn't pay the charges for this we may take them to court and get a Money Judgement Order to recover the costs. Examples of when we will carry do this are: -

- Removal of rubbish constituting a statutory nuisance.
- Removal of rubbish discarded in communal areas.
- Clearing blocked drains due to misuse.
- Overgrown and untidy gardens causing statutory nuisance.
- Removal of unauthorised structures/fencing.
- Removal of offensive graffiti.
- Repairing damage caused by perpetrators i.e. broken windows, doors.

## **Monitoring and Reporting our performance on anti-social behaviour**

Our performance in dealing with anti-social behaviour will be regularly monitored by Senior Managers and reported on a quarterly basis to our Committee. We will also seek the views of complainants on:



- The effectiveness of the process
- Whether they were kept fully informed
- Whether timescales and deadlines were achieved
- Whether the outcome was satisfactory
- Whether sufficient support was provided during the process.

## **Confidentiality**

Everybody involved in a complaint of anti-social behaviour has the right to expect that personal information will be dealt with in a sensitive and confidential manner.

Wherever possible, M&D will maintain confidentiality as a fundamental principle, however, we may not be able to do this where:

- (i) There are child protection issues; a person is at risk of violence or harm.
- (ii) There is information relating to a crime or act of terrorism.
- (iii) There is a court subpoena/summons.
- (iv) There is suspected fraud.

Any information provided is subject to the requirements of The Data Protection Act. Personal data will be held and processed by M&D when dealing with anti-social behaviour.

Any personal details provided may be shared with certain external agencies that work with us in tackling anti-social behaviour, and also as part of any statutory duties requiring such a disclosure.

Individuals may request a copy of their personal information by sending a request to M&D.

## **Appeals Process**

M&D will ensure that residents have the right to appeal against decisions at every stage of the procedure..

Residents also have recourse to the Complaints Procedure if they are dissatisfied with services they have received or have failed to receive from the staff of M&D.

The Appeals Procedure will have three stages:

Appeals, at each stage, should be made in writing within 14 calendar days of receiving M&D's decision.



### Stage 1

- The resident has the right to take up their case with the Housing Services Manager. Appeals will be acknowledged within two working days, and investigated and replied to within 10 working days.

### Stage 2

- If the resident is still not satisfied and believes their appeal or case has been dealt with incorrectly, an appeals panel made up of senior management will meet. The appeal will be acknowledged with two working days and the panel will sit and provide a written reply within 10 working days.

### Stage 3

- If the resident is still not satisfied, they may take their case to the Independent Housing Ombudsman.

Residents also have recourse to the Complaints Procedure if they are dissatisfied with services they have received or have failed to receive from the staff of M&D.

### Publicity

Where appropriate M&D will publicise the successful action we have taken against perpetrators of anti-social behaviour.

### Policy Statement Review

Our policy and procedures will be reviewed on a regular basis to ensure they are relevant and reflect best practice.

### Conclusion

Anti-social behaviour, nuisance and harassment can have a detrimental affect on victim's mental and physical health, and on the environment. This Policy seeks to reduce these behaviours and alleviate the fear of crime and anti-social behaviour.

Customers who are unhappy with the way a report of anti-social behaviour has been dealt with can use our complaints procedure.

<b>Name of Policy</b>	Anti Social Behaviour	<b>Reviewing cycle</b>	2 years
<b>Introduced</b>	29 April 2008	<b>Reviewing Body</b>	Board
<b>Author</b>	Mustafa Ramji	<b>Date Reviewed</b>	
<b>Approved by Board</b>		<b>Next Review due</b>	March 2010