

## **ANTI-SOCIAL BEHAVIOUR POLICY STATEMENT**

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Arcon Housing Association (Arcon) understands the importance of tackling anti-social behaviour and harassment and fully recognises the detrimental effect that this has on tenants and the wider community.

### Definition of Anti-Social Behaviour

Arcon has taken a hard line towards any form of anti-social behaviour and harassment and intends to make full use of the new Anti-Social Behaviour Act. Arcon will consider taking action against any conduct which is capable of causing a nuisance or annoyance to any person which directly or indirectly relates to or affects housing management functions.

Arcon will take action against all types of nuisance, the most common nuisance complaints being recurring noise particularly between the hours of 11.00pm and 7.30am, noisy parties, the running of a business which causes a nuisance, vandalism and other criminal damage, drug dealing and nuisance by children. In addition, Arcon will take action to ensure that common areas are free of hazards to health and safety. They will also consider action against tenants who fail to keep pets under control. Arcon take a hard line approach and in particular, they will not tolerate drugs at any of their properties.

### Key Principles to the General Policy

Arcon will respond to complaints involving anti-social behaviour quickly and efficiently within a set time limit. We will keep the complainant regularly informed of developments both verbally and in writing.

Whenever new tenants sign a tenancy agreement, the relevant clauses relating to anti-social behaviour will be specifically discussed with them. A Housing Officer will also explain in detail the fact that tenants are responsible for actions of other residents and visitors to the property.

Once a complaint is made in respect of anti-social behaviour attempts will be made if possible, to try and resolve the matter at an early stage. If this is not successful, then the Complainant will be interviewed and a nuisance complaint form completed. Arcon will carefully consider what action the Complainant wants to be taken and the Complainant's wishes will be clearly noted on file.

In cases of statutory nuisance, the Complainant will be advised on how the matter can be referred to the Environmental Health Department. In other cases, Arcon will consider mediation particularly where communication between the parties appears to be the crux of the problems. In addition, mediation may be appropriate when there are allegations and counter allegations. If these approaches are not appropriate, however, Arcon will carefully consider legal action, the most common forms being injunctions and possession proceedings. Arcon

will however consider acceptable behaviour contracts, anti-social behaviour orders and demotion of tenancies.

Arcon is committed to using a wide range of approaches to tackle anti-social behaviour. Only when a preventative and management approach has failed will Arcon consider using legal remedies. There is no standard approach to considering legal remedies and Arcon will carefully consider the options available and will be guided by legal advice to ensure that they use only the most appropriate and effective remedy in the circumstances of each case.

### Strategic Context

Arcon's strategy on anti-social behaviour is to take a hard line approach. They have a commitment to providing a reasonable living environment for tenants and recognise that if allowed to persist, nuisance can significantly affect quality of life. The legal action taken will be in line with statutory obligations.

Arcon will consider Section 153 of the Anti-Social Behaviour Act prior to making injunction proceedings. In respect of possession proceedings, the grounds of the Housing Act 1985 and Housing Act 1988 (as amended by the Housing Act 1996) will carefully be considered and usually only discretionary grounds will be relied upon.

### Obligation of Tenants

Arcon expects their tenants, those who live with them and their visitors not to do any act or thing which results in serious disruption of the right to another tenant or owner or occupier of adjoining or neighbouring property to peacefully use and occupy any such property. In addition they expect that such persons will not commit any act that results in harm or loss to any other tenant, occupier, members of their household visitors or neighbours. Arcon also expects the tenants, other residents and visitors not to commit any harassment on the grounds of race, colour, religion, sex, sexual orientation or disability. It is clear in Arcon's tenancy agreement that the tenant is responsible for the behaviour of the people who live with them or visit them. The relevant clauses of the tenancy agreement are clauses 3 (5) Nuisance or Disruption and 3 (6) Racial or Other Harassment.

Arcon will take a zero tolerance approach towards drugs and tenants are expected to comply with Clause 3 (a) of their tenancy agreement which states that they must not use or supply or allow uninvited visitors or members of the household to use, supply illegal drugs in or at the premises.

#### 1. Specific Policies

##### Support of Witnesses

Complainants will be fully supported by Arcon and complaints will be dealt with promptly. Each complainant will have access to a named offer to discuss their case. Arcon will provide information on counselling services and witness support if appropriate and in the extreme cases may consider temporary or permanent rehousing. If appropriate, Arcon will carry out regular visits to witnesses, supply a mobile phone for emergencies and if necessary in extreme cases move them out of the area. Arcon

will be guided by the wishes of the witness. Arcon will also if appropriate involve victim support, CRE, interpreters or any other external agencies that may be required. In certain cases, the use of professional witnesses will be considered. If appropriate, Arcon staff will give hearsay evidence at Court relieving Complainants of the burden of doing so themselves.

## 2. Racial Harassment Policy

Arcon considers violence, verbal or physical, actual or threatened which is suffered by a minority of individuals or groups because of their race, colour or religion to be racial harassment. This will not be tolerated and any form of racial harassment is a breach of tenancy which will be treated as priority and investigated with urgency.

The initial report of any harassment will normally be made to a Housing Officer who will then complete a Racial Harassment Initial Report Form. It will then be passed to the Housing Director who will visit the victim and complete the registration form to identify the problem and the tenant's wishes. The alleged perpetrator will also be interviewed by Arcon if possible.

The victim will be asked to keep a diary. The Housing Director will then make a report to the Housing Management Committee for recommendations for further action which may be either Notice Seeking Possession or Injunction or, in some cases both. Consideration will also be given to transfer of the victim if appropriate. The victim will be given assistance when reporting the matter to the Police, support group, Social Services Commission for Racial Equality or any other appropriate agencies.

## 3 Domestic Violence Policy

When a relationship breaks down, tenants are expected to make their own arrangements to resolve any conflicts over the occupation of the home. They are however required to seek approval from the Association for those arrangements. Tenants suffering from domestic violence may be assisted by referral or assistance in contacting specialist advice and support agencies and apply for assistance in applying to the local authority for rehousing. Housing Officers are not expected to give advice on the legal protection available to persons suffering from domestic violence. Occupiers will be referred to specialist advice agencies such as Woman's Aid, Citizens Advice Bureau and solicitors.

A person who is suffering from domestic violence and who requires a move may be offered an urgent permanent transfer where the following applies:-

- a. They are the sole legal tenant;
- b. The property will be completely vacated if the tenancy is moved;
- c. They can show that there has been either repeated acts of harassment by a spouse or ex-spouse, partner or ex-partner and/or violence or a serious threat of violence and;
- d. The Housing Director has approved the case for an urgent transfer.

Arcon have in place a detailed policy on relationship breakdown and domestic

violence, copies are available if required.

#### 4 Prevention of Anti-Social Behaviour

Arcon is involved in the Gorton Warden Scheme and contributes towards its funding. Wardens patrol the estates with a view to reducing anti-social behaviour. A mediation service is also offered to our tenants either through the Housing Officer or an appropriate external agency. Arcon consider that mediation is useful in cases where communication between the parties is the centre of the problem. It is also useful where there are allegations and counter allegations.

Arcon will also use Acceptable Behaviour Contracts if appropriate. Arcon take the view that these contracts are important in encouraging perpetrators to take on responsibility for their actions.

#### 5 Rehabilitation of Perpetrators

Although Arcon does not have a specific policy in place in support of perpetrators it will consider in each case whether or not assistance could be offered and the positive effect that any support might have on a perpetrator. Arcon does work closely with external agencies such as the drug and alcohol team, mental health team, community psychiatric nurses, social services, probation services, the youth offending team, supported tenancies by external agencies and any other agency that can assist. Perpetrators will be treated fairly and equitably when allegations of anti-social behaviour are made and the Association will always consider the impact of the Disabilities Discrimination Act 1995. With regard to young offenders, it will consider involving parents/guardians and if appropriate, obtaining information from their school and other appropriate agencies. As stated above, Arcon will consider the use of Acceptable Behaviour Contracts.

#### 6 Multi Agency Partnerships

Arcon tries to take a multi agency approach to anti-social behaviour cases and details of some of these agencies have already been referred to above. In addition, Arcon work with the Police and Manchester City Council's nuisance team and any warden services.

#### 7 Data Protection, Information Exchange and Confidentiality

Arcon recognises that during the course of the case they may need to share information. Arcon recognises that there are two main categories of information that agencies may need to share and exchange. The first is de-personalised information which does not specifically identify an individual. It may be necessary to share information with a Crime Disorder Reduction Partnership to provide information to assist in matters such as analysis regarding crime and disorder rates and anti-social behaviour.

The other type of information is personalised information which identifies a specific

individual or individuals. Sharing information with agencies such as the Police - assists in targeting early intervention of the people that need them and also enabling enforcement action to be taken. In cases involving juveniles, information may need to be shared with agencies such as the youth offending team, youth inclusion support panels. Again, this can be to target early intervention and to enable enforcement action to be taken.

Arcon recognises that the Data Protection Act 1988 can be allowed for the exchange of information where it is for the purpose of prevention or detection of crime, apprehension or prosecution of offenders and failure to disclose would be likely to prejudice those objectives.

Arcon is aware that complainants may be concerned that their complaint could lead to retaliation by the perpetrator and it therefore initially treats all information provided as confidential. Arcon ensure that the victim's permission to share any information provided is obtained before doing so. If complainants wish to remain anonymous then Arcon will ensure that they are not referred to in any documents and that any information given regarding incidents of anti-social behaviour would not be able to be interpreted in such a way to be able to reveal the identity of the complainant.

In relation to perpetrators, only information that is relevant to the case will be shared and released on an understanding that this is on a need to know basis. Arcon does have in place signed protocols with Macclesfield Police and Greater Manchester Probation Service.

#### 8 Training of Staff who deal with anti-social behaviour

All new staff are given Arcon's Policy and Procedure manuals to read so that they are fully aware of the Association's position. Any new member of staff on a nuisance case would work alongside a more experienced member of staff during the term of the first case. In addition, staff are sent on appropriate training course as and when required.

#### 9 Information on other relevant policies

Arcon has in place the following further policies and procedures:-

##### Policies

- Customer care policy
- Vulnerable tenants policy
- Neighbour dispute policy
- Tenant participation and consultation policy
- Equal opportunities policy
- Data protection policy

## Procedures

Neighbour disputes procedure

Racial harassment procedure

Tenant's association procedure

Relationship breakdown procedure

Vulnerable tenants in general housing procedure

All of these are available for viewing if required.