













ANTI-SOCIAL BEHAVIOUR POLICY

UK legislation relating to this policy:

-  Housing Act 1988
-  Crime and Disorder Act 1998
-  Police Reform Act 2002
-  Anti-social Behaviour Act 2003
-  Housing and Regeneration Act 2008

Additional documents/policies referred to in this policy:

-  Procedure MG11: Managing Anti-social Behaviour
-  Equality and Diversity Policy
-  Complaints Procedure
-  Tenancy Support Policy
-  Victim Support Policy
-  Procedure MG22: Starter Tenancies
-  Procedure MG33: Domestic Abuse

Aim:

1. This policy is intended to ensure that the Association is equipped to deal with occurrences of anti-social behaviour (ASB) when they are reported and is compliant with the requirements of the Anti-Social Behaviour Act 2003 and the Housing Act 1988.
2. It is the policy of Kingfisher Housing Association (KHA) to deal with all complaints of ASB in accordance with our published procedure. Our aim is to thoroughly investigate all complaints of ASB and take early and appropriate action to tackle these problems effectively.
3. This policy should be read in conjunction with the detailed operational procedures listed above.
4. This policy and related procedures will be reviewed on an annual basis.

Introduction:

5. KHA is committed to working to improve the quality of life for all its residents. We want to:
 - Maintain and improve the quality of life for residents and the wider community
 - Contribute to community safety and crime reduction
 - Protect individuals from the effects of ASB
 - Promote good neighbour relations and tolerance of lifestyle differences
 - Create communities where people want to live and can do so peacefully, enjoying their homes without the fear of crime or ASB

Definition:

6. ASB is: acting in a way that causes or could cause harassment, alarm or distress to one or more persons not of the same household.

Examples include, but are not limited to:

- Hate crime
 - Criminal behaviour
 - Drugs, alcohol and solvent misuse
 - Noise nuisance
 - Overgrown and neglected gardens
 - Excessive litter
 - Intimidation
 - Graffiti and damage to property
 - Nuisance from pets and animals
 - Fly tipping and misuse of communal areas
 - Harassment
 - Motor vehicle nuisance and abandonment
 - Boundary disputes
 - Nuisance from businesses
7. KHA considers hate crime to be completely unacceptable and has a separate policy dealing with equality and diversity. All staff receive equality and diversity training.

The definition of racial harassment, which we are using is the definition borne out of the McPherson Inquiry Report into Stephen Lawrence case 1999, which states

- **Racial harassment** “is an incident or a series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion or nationality”.

Furthermore, the definition of a racist incident is also adopted from the report:

- **Racist incident** “A racist incident is any incident that is perceived to be racist by the victim or any other person”.

Using this definition of a racist incident during an investigation does not prejudice the perpetrator’s intention. After a thorough investigation of an incident it may be clear that the harassment is not racially motivated. But using a survivor-centred definition for report taking and investigation ensures that any racial motivation is fully considered while the incident is investigated. (Tackling Racial Harassment: Code of Practice for Social Landlords, 2.1.3)

8. KHA considers domestic abuse to be completely unacceptable and has a separate policy and robust procedure to deal with incidents of domestic abuse.

Obligations of residents:

9. All residents are bound by the terms of their tenancy agreements not to cause a nuisance and annoyance to neighbours. The key tenancy clauses on the most recent tenancy agreements are summarised below:
- To use the Premises for residential purposes as your only or principal home and not to use the Premises for immoral or illegal purposes and not to operate a business at the Premises without both the written consent of the Association and any planning permission that may be required by the Local Authority. Not

to exhibit any business or trade sign on or around the Premises. To use the communal facilities with due regard for the convenience and safety of others.

- Not to cause or allow members of your household or invited visitors to cause a nuisance or annoyance of whatever sort, including noise, to neighbours or other tenants of the Association.
- Not to commit or allow members of your household or invited visitors to commit any form of harassment on the grounds of race, colour, religion, gender, sexual orientation or disability which may interfere with the peace and comfort of, or cause offence to, any other tenant, member of the household, visitors, neighbour or employee of the Association.
- Not to play or allow to be played any radio, television, record or tape recording or musical instrument so loudly or create other noise so as to cause a nuisance or annoyance to neighbours.

10. As part of its overall approach to dealing with ASB, the Association will enforce the conditions of tenancy, using court action if necessary, including taking possession of the property where this is the most appropriate course of action.

Policy Statement:

11. The Association will:

- Treat instances of ASB seriously
- Train its staff to deal with ASB effectively, within agreed procedures
- Act in accordance with statutory requirements
- Prioritise cases according to the traffic light system agreed with resident representatives
- Remain supportive and enable residents to sustain their tenancies. Enforcement action should be seen as a last resort
- Work jointly with the Police, local authorities and other outside agencies to find effective solutions to ASB
- Have regard to its equal opportunities policy when dealing with ASB
- Enforce its tenancy conditions and use all other informal and legal tools as appropriate to achieve the objectives of this policy
- Consider the vulnerability of residents involved in ASB and seek to promote and support rehabilitation, in conjunction with other support agencies
- Take severe action against the perpetrators of ASB where this is justified
- Support witnesses in cases of ASB and maintain witness confidentiality
- Decline to act, or close cases where this is the most appropriate course of action. In this event, all parties will be notified of the decision, and reasons will be given in writing. Details will be given of how the decision may be challenged via the Association's Complaints Procedure
- Report its performance on dealing with ASB as part of its key performance indicators

Domestic Abuse:

1. The Association will:

- Take a victim centred approach in responding to cases of domestic violence or abuse
- Work in partnership with the local authority, the Police and other statutory and voluntary agencies to provide a consistent and holistic response which takes account of the varying circumstances of victims of violence and the different course of action which may be possible and appropriate
- With victims consent, to refer to the Domestic Violence Outreach Service.
- Comply with all relevant legislation, regulatory guidance and Codes of Practice, and seek to learn from good practice examples
- Take action to evict the perpetrators of domestic violence using the powers available under the Housing Act 1996 and other relevant legislation, subject to the wishes of the victim
- Work with the local authority and other agencies to re-house victims where appropriate, using executive discretion to make exceptions to existing rehousing policies where necessary in order to achieve this. Such exceptions to be reported to the board.

Responsible Manager:

12. Operations Manager.

Policy Audit trail:	
Details of any policy superseded by this document:	This document replaces the document: Anti-social Behaviour Policy, 2004 Anti-social Behaviour Policy, 2005 Anti-social Behaviour Policy, 2006 Anti-social Behaviour Policy, 2007 Anti-social Behaviour Policy, 2008
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