



Anti-social behaviour policy

September 2015



Responsible officer: **Head of Operations (Triathlon Homes)**
(Responsibility for proposing final draft, implementation and review)

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Approved by: Triathlon Homes Executive Directors Group

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Policy Review Statement - This policy will be reviewed at the date mentioned above or following legislative, organisational, or changes to good practice if sooner.

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1. Introduction

Triathlon Homes is committed to building a safe, strong and sustainable community where residents can live free from anti-social behaviour (ASB) and have opportunities to develop and realise their potential.

This policy covers all ASB, including domestic violence and Hate Crime (see glossary) and states how we will work to prevent and respond to ASB on the East Village and how we will work to ensure it is a safe place for residents, staff and our partners.

The policy is designed to cover all tenures managed by Triathlon Homes unless otherwise indicated.

Triathlon Homes LLP ('Triathlon Homes') is the owner of 1,379 homes within East Village and is landlord to the occupiers of these properties and has appointed a Managing Agent to manage the properties on its behalf. The Managing Agent is also a member of the Housing Ombudsman Service.

All of Triathlon Homes' policies are its own, but are implemented by the Managing Agent on its behalf. Triathlon Homes' policies are required to comply with the Regulatory Standards of the Homes and Communities Agency.

Triathlon Homes will work closely with all stakeholders involved in managing the East Village in order to deliver this policy.

Residents are responsible for their own behaviour, including other household members and visitors, as set out within the terms of tenancy and lease agreements.

2. Policy Statement

Our aim

Triathlon Homes' aims are to

- Prevent ASB before it starts,
- Intervene appropriately where we can
- Use non legal interventions where appropriate
- Ensure residents are aware of their rights and responsibilities, enforcing tenancy and lease conditions relating to ASB when required.

In addition to non-legal interventions and preventative action we will consider all legal options open to us (see section 4.7), including possessions proceedings and injunctions.

3. Context

Legislative & Regulatory Code

- Homes and Communities Agency (HCA) Neighbourhood and Community Standard
- Hidden in Plain Sight (Equality and Human Rights Commission)

- Challenge it, Report it, Stop it: The Government's Plan to tackle Hate Crime
- The Crime & Disorder Act 1998
- Noise Act 1996
- Anti-social Behaviour, Crime and Policing Act 2014

Links to other Triathlon documents

- Tenancy Management Policies
- Estate Regulations
- Lease and Tenancy Agreements
- Resident Charter (see definitions)
- Service Standards
- Residents Handbook

4. Method Statement – The process

4.1.1 What is Anti-Social Behaviour

Anti-Social Behaviour can be defined as when someone behaves in a manner that has caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household.

Each person's perspective on what is ASB is different. Examples may include nuisance or annoyance including: loud music, arguing, door slamming, dog barking and fouling, being drunk and disorderly, playing ball games in unsuitable places and abandoned vehicles.

To assist further and to make it easier for our staff and residents to understand what is appropriate to report, the following list of incidents will always be considered ASB by us:

- Violence or threats of violence by residents, their family or visitors including domestic violence;
- Any other person causing nuisance or annoyance which directly or indirectly affects our housing management and the wider East Village;
- Harassment and intimidation including Hate Crime;
- People congregating in groups creating a threatening and intimidating atmosphere within the buildings, common parts or within the East Village;
- Illegal drug use and supply within the buildings, common parts or within the East Village;
- Noise nuisance;
- Graffiti, fly posting, overgrown gardens, animals/pets causing a nuisance;
- Use of motor vehicles in an anti-social manner within the East Village; and
- Abandoned and untaxed vehicles on the East Village

This is not an exhaustive list and we will assess and investigate thoroughly all reports of ASB.

4.1.2 What we are not likely to consider Anti-Social Behaviour

We are not likely to consider as ASB residents' lifestyle differences examples of which include:

- Children playing in their own home;
- Normal living noises such as opening and closing doors, flushing toilets, babies crying, people walking across their floor in shoes, loud talking and snoring;
- Cooking smells; and
- Disputes between children.

4.2 A Summary of our Approach

We will fully investigate all allegations of ASB taking a balanced approach to dealing with ASB, focusing on prevention, intervention and enforcement.

All cases will be assessed using the Risk Assessment Matrix. The vulnerability of complainants should be assessed at the earliest opportunity considering case history, including previously reported incidents and support provision.

4.2.1 Respect Standard

We will have regard to the Respect – ASB Charter for Housing and its core commitments.¹

4.2.2 A Thorough and Timely response

We will respond swiftly and effectively to any report of ASB that we receive with the aim of protecting the complainant, stopping the harassment and preventing further incidents.

We will investigate and establish the facts and act based on the balance of probabilities.

Where we believe a criminal offence has taken place they will either report it to the Police or encourage the resident to do so.

4.2.3 Training

We will ensure that all relevant staff receive appropriate training to enable them to deal with ASB including domestic violence and Hate Crime effectively and increase their awareness of the subject.

4.2.4 Recording and Monitoring

We assess the needs of each case at both first contact and throughout the duration of the case making necessary referrals where appropriate.

Although we will adopt a similar approach to dealing with both ASB and Hate Crime, we will record and monitor Hate Crime separately to ensure appropriate action is taken

¹ see <http://www.cih.org/resources/PDF/Policy%20free%20download%20pdfs/Respect%20-%20ASB%20charter%20for%20housing%20June%202011%20-%20final.pdf> for further details

and relevant support is provided to the victim to enable us to monitor the effectiveness of the service.

Recording will follow the Risk Assessment Matrix approach in order to ensure support is in place and vulnerability is considered.

4.2.5 Resident Charter

In addition to the tenancy/lease agreements we will also require new residents to commit to a Resident Charter further setting out our expectations of residents' behaviour and the keeping of obligations.

4.3 Reporting ASB

We will accept reports of ASB including domestic violence and Hate Crime from our residents, members of the East Village community, our partners, the police and other agencies.

Residents will be able to report ASB and Hate Crime by phone, letter, e-mail, through a member of staff, an advocate, residents' groups or any organisation working jointly with Triathlon Homes to manage the East Village. We will acknowledge all reports received.

Triathlon Homes will deal sensitively with all reports of ASB and Hate Crime and also promote a culture that encourages victims to report any incidents that affect them. We will remain professional and non-judgemental when we are working with both victims and alleged perpetrators of ASB and Hate Crime.

We will investigate all reported incidents and deal with incidents of ASB appropriately and within the timescales set out in our Service Standards.

We will provide positive support and advice to all residents who ask for help or assistance or where a member of staff identifies someone who is experiencing harassment or abuse including domestic abuse and may need to be safeguarded due to vulnerability, frailty or disability.

We will seek to support victims of ASB and Hate Crime by working with them to find and agree an approach with which they are comfortable.

We will identify a named officer who will ensure victims of ASB and Hate Crime are kept up to date with issues relating to them. We will agree with victims when and how they would like us to communicate with them.

4.4 Prevention

We understand the importance of preventing ASB before it starts and addressing it as soon as we can. This is valuable not only in terms of making our neighbourhoods safer places, but also in the added value and cost effectiveness that this has in preventing homelessness and avoiding potential costly and lengthy court cases.

We will ensure that residents are made aware of their responsibilities with regards to ASB and the support that they can receive, if needed, at tenancy sign up or lease commencement and through subsequent visits. Our tenancy and lease agreements will clearly state resident responsibilities with regards to ASB and Hate Crime including nuisance, harassment and noise.

We will make factsheets and/or leaflets on ASB available to all residents and our website will be kept up to date detailing residents' rights, responsibilities, how to report incidents of ASB and information on what we can do.

Triathlon Homes' adopts a range of preventative measures including:

- Assessing residents needs at tenancy sign up;
- Starter/Probationary Tenancy Policy including undertaking regular visits within the first year of tenure at 3, 6 and 9 month intervals;
- Clear tenancy and Lease obligations and responsibilities in respect to ASB which includes domestic violence and Hate Crime;
- Setting out standards of behaviour in our Resident Charter;
- Forming links and developing positive relationships with partners;
- Ensuring our Allocations Policy Social Rented Homes has regard to Sensitive Lettings (see glossary);
- Ensuring all residents commit to the Resident Charter;
- Close working with the other stakeholders involved in the East Village;
- Safety and security measures;
- Publicity;
- Reviewing our performance;
- Referral to support programmes and initiatives; and
- Ensure we establish relationships with residents to facilitate local solutions to local issues.

4.4.1 Working with young people

We support the view that positive activities can help reduce the risk of young people getting involved in ASB. Triathlon Homes will use its expertise working with other partners and will promote diversionary activities.

4.4.2 Developing links with partners

Triathlon Homes will develop links in our local borough to enable our residents to have access to a range of support services.

We will work with the Chobham Academy and other local schools, the London Borough of Newham and other local authorities, Safer Neighbourhoods Teams, Youth Offending Teams, the Probation Service, Police and Community Organisations. Where we are unable to support a resident we will aim to signpost them and work with a partner who can.

4.5 Intervention

Where we are committed under this policy we will intervene to address issues of ASB and Hate Crime. We will assess each case individually to ensure that we are offering

appropriate support to the victim and to the perpetrator. We will work with our partners to deliver a wide range of interventions including:

- Early robust responses to initial reports;
- Written and Verbal warnings;
- Mediation;
- Family Intervention Projects and where appropriate;
- Acceptable Behaviour Agreements;
- Parenting Contracts ;
- Referral to support programmes (Floating Support Services) and initiatives;
- Professional witnesses and surveillance;
- Witness Support (see 4.6);
- Access to additional security;
- Legal action;
- Multi-agency working including information sharing protocols; and
- Working with our partners to respond quickly to environmental nuisance.

4.6 Victim/Witness Support

We recognise that witnesses are crucial to tackling ASB including domestic violence and Hate Crime, whether they are victims of ASB or Hate Crime or residents who have seen ASB directed against someone else or in the East Village generally.

We understand that the needs of a witness will differ from person to person. We will ensure that the support provided is tailored to meet each individual's needs. We have a Witness Information Pack which includes a Witness Charter, Witness Guide and emergency contact numbers. The charter sets out our commitments to the witness and the standards that they can expect.

We realise that a witness needs to feel supported from the time they agree to be involved in taking court action. The Charter outlines the standards we aim to meet in supporting and guiding witnesses through all the court process stages, from the initial complaint to preparing a case and attending court. We will continue to support witnesses after legal action has been concluded.

Working with our partners we are supporting London Borough of Newham's Peer Support Group for victims and witnesses of ASB in Newham. Peer Support uses previous witnesses to offer support and encouragement to new witnesses.

Where appropriate, we will use professional witnesses with residents who are particularly vulnerable or at risk.

4.7 ASB case review

The ASB case review has been put in place to ensure that where there is persistent ASB that this is dealt with. Eligible complainants will have a right to request a review by their Local Authority (usually the Community Safety Partnership). Triathlon will have regards to the policies that Newham, our partner Local Authority has in place with regard to the ASB case review. Where our residents have applied to Newham under the Community Trigger we will cooperate fully and work with them to seek a resolution.

We will ensure that we publicise the ASB case review to our residents.

4.8 Enforcement

We take enforcement very seriously. Before taking any enforcement action we will thoroughly investigate an incident and gather all available evidence. There is a range of enforcement measures that we can use for all tenures unless indicated including:

- Refusing a mutual exchange (Social Rent Tenants only);
- Adding ASB to rent possession orders;
- Possession proceedings;
- Demotion (Social Rent Tenants only);
- Starter/Probationary Tenancy extension (Social Rent Tenants only); and
- Injunctions

We may also work in partnership with local authorities, the Police and others to obtain:

- Community Protection Notices
- Criminal Behaviour Orders
- Closure Orders
- Community remedies
- Dispersal Orders
- Public Space Protection Orders

(See Triathlon glossary for more information)

Where we can, we will aim to reach a satisfactory resolution without resorting to enforcement but there will be times when this is not possible. Eviction will always be a last resort. Before taking any enforcement action, we will thoroughly investigate the incident and gather all available evidence. We will consider all enforcement measures on a case by case basis.

4.9 Absolute possession

Absolute possession of a tenant's home will always be a last resort but there will be situations where the nature of the ASB means that we have to pursue this route. Before applying for absolute possession, we will ensure the case satisfies the required legal conditions and that we have carried out checks to identify whether the tenant is vulnerable and has capacity. If following our internal checks, we believe that we do not have the right resources to support a tenant we will contact the relevant Local Authority. There may be situations in which we are not able to engage with the tenant and information provided in these cases will be to the 'best of our knowledge'.

All requests for absolute possession will require sign off from the Delegated Authority Panel for social rented units only.

Tenants have a legal right to request a review of the decision to pursue absolute possession and this will be carried out by the Triathlon Homes Managing Director.

4.10 Working with perpetrators

We acknowledge that some perpetrators of ASB may themselves be vulnerable or have been victims of ASB in the past. We will work with vulnerable residents to ensure that they have access to appropriate support either directly through ourselves or through our partners.

Where appropriate we will work with perpetrators to understand the reasons behind their behaviour and give them an opportunity to change.

4.11 Challenging behaviour

We will work with some residents who have challenging behaviour. It is important to identify where a resident's behaviour may be a result of a learning disability or mental illness and to respond accordingly.

We encourage positive risk taking for residents who present challenges and will support them to have an active part in their neighbourhoods.

4.12 Knives, guns and other offensive weapons

We will work with local Crime and Disorder Reduction Partnerships and housing association forums to address crimes involving knives, guns and other offensive weapons.

4.13 Pets

Triathlon Homes does not allow pets or other animals at the property, block or village with the exception of small caged animals (excluding dangerous or prohibitive species) and assistance dogs. Where one of these exceptions applies residents will need our written permission.

Where a pet who we have given written permission for causes damage or is a nuisance or annoyance to neighbours, other tenants, leaseholders, our staff, contractors or agents, whether permission has been granted or not, we will consider all enforcement action options including the withdrawal of permission previously granted.

Dangerous dogs

Should we find that, despite Triathlon Homes policy on pets, a dangerous dog is being kept on East Village we will take action to rectify this. We will treat the keeping of banned breeds as defined by the Dangerous Dogs Act 1991 extremely seriously: These include:

- Any dog known as a pitbull type (eg American Pitbulls, Blue Nose Pitbulls, Red Nose Pitbulls);
- Japanese Tosa;
- Fila Brasileiro;
- Dogo Argentino; and
- And any dog who in the opinion of the Secretary of State was bred for fighting, or has the appearance of a dog bred for fighting

We will take action against any tenant who keeps a banned breed under the Dangerous Dogs Act and/or the Anti-social Behaviour Crime and Policing Act.

4.14 Hate Crime (see glossary for different definition elements)

4.14.1 In considering whether anti-social behaviour is a hate crime it should be noted that it is the victim, or someone else who witnessed the incident, who decides whether an incident is motivated by hate.

A hate crime is “any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.” MacPherson report, February 1999.

4.14.2 Hate incidents and hate crimes may include (but are not limited to):

- Physical attacks - such as physical assault, damage to property;
- Offensive graffiti, neighbour disputes and arson;
- Threat of attack - including offensive letters, abusive or obscene telephone calls;
- Groups hanging around to intimidate and unfounded malicious complaints;
- Verbal abuse or insults including offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes;
- Bullying at school or in the workplace; and
- Stalking and cyber bullying.

4.15 Closing cases

We will close the case when the incident has been successfully resolved. We may also close cases in the following circumstances:

- The complainant fails to provide information requested to enable us to progress the case; and
- No further action is possible.

We will always try to contact the complainant before closing a case to discuss it with them. If we are unable to make contact, we will write explaining why we are closing the case.

We record the incident type when closing the case to analyse trends.

4.15 Data sharing

Information Sharing Protocols are in place with key local agencies, designed specifically to facilitate and govern the effective use of information sharing relating to the prevention, detection and reduction of Crime and Disorder and, in particular, ASB.

5. Monitoring the policy

5.1 This policy will be monitored by the Head of Operations who will review this policy periodically as set out above capturing best practice, customer feedback and legislative changes to inform this review.

In addition we will compare a range of measures with other similar organisations using this comparison to drive service improvements.

5.2 Measure of success

The success of this policy will be determined through surveys measuring the following:

- The percentage of respondents satisfied with anti-social behaviour case handling;
- The percentage of respondents satisfied with the outcome of their anti-social behaviour case;
- The number of new ASB cases reported; and
- The number of cases successfully resolved.

6. Equality Needs Impact Assessment

An equality impact assessment of this policy will be undertaken at the next policy review.

8. Accessibility of information

The key information from this policy will be available in a Frequently Asked Questions and/or leaflet format with this policy available on request.

Appendix 1: Definitions

ASB Case Reviews - The Community Trigger gives victims and communities the right to require action is taken where an ongoing problem has not been addressed. Anyone can use the Community Trigger if their concern is about anti-social behaviour or a hate incident / crime. Any individual, community or business can make an application for a case review, and the local authority must carry out a case review if the threshold is met. The threshold will be set by the local authority and could, for example, be three reports of separate incidents of anti-social behaviour in a six month period, where there has not been an adequate response to that behaviour.

Local authorities and other relevant bodies will make and publish arrangements for review procedures.

If you think you that your issue or concern is relevant to the Community Trigger and meets the criteria, you will need to contact your local authority and follow their policy and procedure.

Closure Orders: these are premises closure orders that can be used to offer communities immediate respite by temporarily closing premises for three months. Examples of these premises are those that are responsible for:

- significant and persistent disorder or
- persistent serious nuisance to a community.

Community Remedy: A community remedy can be sought further to initiating an ASB case review. The remedies are suggested by the community in each police force area and may include remedies such as mediation or community service. Please contact your local authority and/ or police station for further details.

Criminal Behaviour Order: This applies to an individual that has been convicted of an offence. The court may make a criminal behavior order to prevent the offender engaging in behaviour that caused or was likely to cause harassment, alarm or distress to any person.

Delegated Authority Panel: Consists of senior Managers who review a housing management request to evict a resident and either approve or decline the request. The decision is based on evidence, legal action and recommendations provided by the investigating officer.

Demoted Tenancies - A demoted tenancy is a reduced level of tenancy. It removes a number of tenancy rights, lowers security of tenure and makes it easier for a landlord to seek possession or evict a tenant if they do not improve their behaviour. This applies to Assured Lifetime tenants.

Dispersal Orders: this is to reduce anti-social behaviour problems in defined areas. By empowering the police and police community support officers (PCSOs) to take action to disperse groups of two people or more, if they believe that their presence or behaviour has resulted, or is likely to result, in any member of the community being harassed, intimidated, alarmed or distressed. Individuals can be directed to leave the

locality and may be excluded from the area for up to 24 hours. A dispersal order does not prevent people from entering the designated area.

Residents Charter – The Residents Charter is used to back up clauses in the tenancy/lease agreements regarding anti-social behaviour. The Charter highlights what is expected of good neighbours, outlines examples of neighbour nuisance to make clear what activities are considered anti-social, it also makes clear what the landlord will do in response to anti-social behaviour and explains what legal action can be taken.

Hate Crime – the following are definitions of different elements and incidents of Hate Crime:

- **A hate incident is:**
 “any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.”
- **A homophobic hate incident is:**
 “any incident which is perceived to be homophobic by the victim or any other person.”
- **A transphobic hate incident is:**
 “any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice against a person who is transgender or perceived to be transgender.”
- **The definition of disability related harassment is:**
 “unwanted exploitative or abusive conduct against disabled people which has the purpose or effect of either:
 - violating the dignity, safety, security or autonomy of the person experiencing it; or
 - creating an intimidating, hostile, degrading or offensive environment”.

It includes harassment of the friends and family of disabled people and of people to be perceived to be disabled.
- **The definition of racial harassment is:**
 ‘any incident that is perceived to be racist by the victim or any other person’.
 (Macpherson Report February 1999).

Public Space Protection Orders: these are intended to deal with a particular nuisance or problem in a particular public space that is detrimental to the local community’s quality of life. The local authority can apply to the courts to impose conditions on the use of that area which must be complied with by anyone that enters that particular area, for example, prohibitions on consuming alcohol or bringing dogs into the space.

Risk Assessment Matrix – A set of questions that assists Triathlon Homes in identifying risks and prioritising cases according to severity. It is also used to guide staff in taking the most appropriate action to protect the complainant from further harm.

Sensitive Lettings - While all allocations need to be managed sensitively, some allocations may be extremely sensitive due to the behaviour of previous residents or the specific circumstances of immediate neighbours. From time to time Triathlon Homes will need to make particularly sensitive lettings in order to ensure that future tenancies are sustainable and the immediate environment has an opportunity to recover from previous difficulties

Policy Controls sheet

Date of last review, who reviewed and date approved	Main changes (i.e. change in legislation, change in internal processes)
March 2015	The use of the Panel that reviews all eviction cases. We agreed that the Panel should not be used for the IMR cases..
Head of Operations	Review of the decision to pursue possession will now be carried out by TH Managing Director
03 August 2015	Style changes such as standard introduction and glossary and policy controls sheet.

Date of last review, who reviewed and date approved	Main changes (i.e. change in legislation, change in internal processes)
August 2013	Original policy