



POLICY DOCUMENT

Anti Social Behaviour Policy

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LEAD OFFICER:	Dave Abbott
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APPROVED BY:	Executive Management Team
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DOCUMENT CONTROL

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2.0	Sep 06		Approved by Board
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3.1	Sep 2010	Ruth Leech	Updated with 2010 Tenancy Agreement
3.2	Sep 2010	R. Leech / N. Giles Staff & Tenants focus groups	Amendments made to some of the document to make it easier to understand
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4.1	Mar 2013	Ian Bateman	Internet research including other housing provider's policy and procedures - minor amendments
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4.7	Mar 2013	Ian Bateman	Dave Abbott Head of Service reviewed policy – minor amendments made
4.8	Mar 2013	Ian Bateman	Paul Ranns DMBC Legal Team – minor amendments made
5.	2 April 2013	EMT	EMT Approved
5.1.	Oct 2014	Ian Bateman	Updated the policy with new tools & powers
5.2.	Dec 2014	Dave Abbott	Reviewed policy and amended document & added several sections
5.3.	Dec 2014	Dave Abbott	Simon Riley, ASB Manager for DMBC reviewed policy and suggested amendments.
6.0	April 2015	EMT	Policy Approved

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Anti Social Behaviour

1. Introduction

1.1 This policy sets out St Leger Homes of Doncaster's (SLHD)'s approach to anti-social behaviour (ASB). It specifically aims to deal with ASB where SLHD tenants or leaseholders are involved in a dispute either as a victim or perpetrator. It is based upon principles set out in the Safer Doncaster Partnership (SDP) Anti-Social Behaviour Strategy and seeks to adopt a joint approach with DMBC in dealing with ASB. This policy applies to all customers of SLHD regardless of tenure or property type.

2. Purpose

2.1 The purpose of this policy is to inform our customers, staff and key partners of our approach towards ASB. It also ensures SLHD has a fair, transparent and consistent approach to how we react to, tackle and prevent reports of ASB. This document sets out the standards we expect from ourselves and outlines what we expect from our partners and customers. Preparation and publication of this policy is a requirement of the Anti-Social Behaviour Act 2003. The document draws on good practice developed from a range of sources.

- Social Landlords Crime and Nuisance Group (SLCNG)
- Department for Communities and Local Government (DCLG)
- Housemark
- Tenant Services Authority (TSA)
- Chartered Institute of Housing (CIH)
- Office for the Information Commissioner (OIC)
- Northern Consortium of Housing Authorities
- ASB Help (registered charity)
- www.asbtools.co.uk

3. Responsibilities

3.1 SLHD will do all within its power as an Arms Length Management Organisation (ALMO) to create and sustain communities, by preventing ASB from occurring in the first instance. When ASB does occur it will deal with it in a timely, fair, firm and consistent manner, ensuring that a victim centred approach is taken and that enforcement and habilitation are pursued where necessary and appropriate. For risk ratings and response times please refer to section 4.9 of this policy.

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4. Policy

4.1 Vision

The SLHD vision is to create sustainable communities where our customers and their families can enjoy a quality of life free from crime and ASB. To realise this vision we will empower customers to work with us to tackle and reduce instances of crime and ASB. We will treat all reports of ASB seriously making full use of the tools and powers available to us. We will work with key partners at both strategic and local levels to identify multi-agency solutions. For details of key partners please refer to section 4.8 of this policy.

SLHD's approach to ASB is a balanced one:

- Support where necessary
- Enforcement when needed
- Rehabilitation when appropriate
- Investment where appropriate
- Early Intervention and prevention as a priority

SLHD is committed to tackling ASB in a strategic, responsive and robust manner, to minimise the amount of ASB that our customers suffer and which impacts adversely in the neighbourhoods in which we work. We will balance enforcement action and intervention with programmes, which aim to prevent ASB and help our customers to become more involved in the resolution of ASB. SLHD will give feedback to complainants at regular stages throughout the process.

SLHD recognises the strong connection between the effective management of the estate environment and ASB. It will always seek to deliver a high quality estates service and the details of this service are contained within the Tenancy and Estate Management Policy.

4.2 Definition of ASB

SLHD acknowledges that there is no one definition of ASB, but it favours the definition as stated in Section 153A of the Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003:-

“Conduct which is capable of causing nuisance or annoyance to any person and which directly or indirectly relates to, or affects the housing management of a relevant landlord”

In acknowledging that other partners make use of other definitions of ASB, SLHD will ensure that its approaches support any activities that are aligned to these definitions. For example, the Crime and Disorder Act defines ASB as ‘behaviour that is likely to cause alarm, distress or harassment to someone not of the same household’. This definition is relevant when taking action in respect of powers contained within the ASB Crime and Policing Act 2014. SLHD will therefore ensure that when gathering evidence to support applications being made by relevant authorities such as the local authority or the police, it is done so in ways which are consistent with this definition.

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Examples of Anti-Social Behaviour include but are not limited to:

Neighbour Problems – these are disputes which can happen between two neighbours and cover complaints about noise; verbal abuse; boundary disputes; harassment and intimidation; nuisance children; car repairs; damage to property, and barking dogs.

Neighbourhood Problems – these problems affect more people living in a neighbourhood such as graffiti; dog fouling; fly tipping; nuisance youths, off - road motor cycling, abandoned vehicles and untidy gardens.

Crime Problems – such problems include burglary of dwellings; criminal damage, drug dealing; car crime; arson; hate related incidents; public order offences, violence against people and metal theft.

St Leger Homes Tenancy Agreement 2010 has been strengthened to tackle ASB and the following section specifies the tenant's obligations:-

Section 2. The Tenants Obligations.

Part 2.3 - Nuisance Harassment, Anti-social Behaviour, Hate Crime, Domestic, Violence and Unlawful Activities

It is your responsibility to make sure that every person living in or visiting your property does not do anything which is likely to cause nuisance to, harass, annoy, or distress any person who either lives in or has lawful business in the neighbourhood for any reason.

(a) "You, your friends, relatives and any other person living in or visiting the property must not act in any way which causes or is likely to cause nuisance, alarm or distress to any person, or act in any way, which is anti-social.

4.3 Domestic Violence and Abuse

SLHD introduced the following definition for domestic violence and abuse in March 2013, this includes young people under 18 and is one of a number of active steps the government has taken to protect and support women, girls and men facing domestic abuse.

The new definition of domestic violence and abuse now states:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- *psychological*
- *physical*
- *sexual*
- *financial*
- *emotional*

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Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

4.4 Hate Crime and Harassment

Hate Crime

St Leger Homes will use a robust approach to deal with discrimination on the grounds of:-

- race, colour, ethnic origin, nationality or national origins
- religion or belief
- gender
- gender identity
- sexual orientation
- disability
- age

Hatred is a strong term that goes beyond simply causing offence or hostility. Hate crime is any criminal offence committed against a person or property that is motivated by an offender's hatred of someone because of any of the above factors. St Leger Homes will work within Doncaster's partnership arrangements to tackle such behaviours.

It is recognised that a victim of hate crime does not necessarily have to belong to any of the above strands but is perceived to be by the perpetrator. It is further recognised that unacceptable behaviour, motivated by hatred in respect of any of the above equality strands, may not always be a criminal offence.

Therefore, the partnership of agencies dealing with hate crime has adopted the definition highlighted in the Home Office Report '*Hate Crime: Delivering a Quality Service*':

“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”

Harassment

St Leger Homes will not tolerate any form of harassment on its estates. We are committed to tackling swiftly and efficiently those individuals or groups who are involved in harassment.

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Harassment is defined as any unwanted behaviour directed at an individual or group which is offensive or objectionable to the recipient. It is behaviour or conduct which will interfere with the peace and comfort of individuals or groups which has the effect of hurting, intimidating, humiliating, ridiculing and/or undermining confidence.

We consider that the main types of harassment are:-

- Racial Harassment
- Sexual Harassment
- Disability Harassment
- Age Harassment
- Harassment because of sexuality. (e.g. gay, lesbian, bi-sexual)
- Gender Harassment
- Religious Harassment
- Physical Harassment
- Verbal Harassment
- Gender Identity Harassment

SLHD also has clear prohibitions in its Tenancy Agreement which states:

Section 2. The Tenants Obligations

Part 2.3(b) Nuisance, Harassment and Anti-Social Behaviour

(b) “You, your friends, relatives and any other person living in or visiting the property must not harass or discriminate against anyone because of their gender, gender identity, race, religion, sexuality, disability or age. You must not threaten to harass, use or threaten to use violence to anyone in the neighbourhood, or incite others to do so. Examples of harassment include but are not limited to: Racist behaviour or language, using or threatening to use violence; using abusive or insulting words or behaviour; damaging or threatening to damage another person’s home or possessions; writing threatening, abusive or insulting graffiti, letters or emails; doing anything that interferes with the peace, comfort, convenience and enjoyment of others”.

4.5 Violence and aggression towards staff

St Leger Homes operates a zero tolerance policy towards any form of violence, aggression or abusive language towards its staff, Council employees, appointed contractors, agents or elected Councillors. We will take swift action against those individuals or groups who are involved in causing violence and or aggression.

Where permitted to do so we will share our knowledge of violent individuals and groups with partner agencies.

4.6 Legal Framework

The following legal documents contain legislation and guidance upon which this policy is based and which can be accessed via the Internet for further, more detailed information:

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- Environmental Protection Act 1990
- Civil Evidence Act 1995
- Housing Act's 1985, 1988, 1996,
- Confiscation of Alcohol (Young Persons Act) 1997
- Sex Offenders Act 1997
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Data Protection Act 1998
- Police Reform Act 2002
- Homelessness Act 2002
- Anti-Social Behaviour Act 2003
- Serious Organised Crime & Police Act 2005
- Police and Justice Act 2006
- Landlord and Tenant Act 1975
- Equality Act 2010
- Localism Act 2011
- Anti-Social Behaviour, Crime and Policing Act 2014

4.7 **Customer Involvement**

SLHD understands that only by working with and involving our customers will we be successful in tackling and reducing instances of ASB whilst continuing to deliver a Value For Money (VFM) service which meets the regulatory framework of the Localism Act 2011. Customer representatives are involved in the review and monitoring of this policy. Where appropriate we will provide training, advice and support for customers to equip them with the skills to carry out this role. We will carry out regular consultation with our customers through Tenants and Residents Associations and focus groups and we will survey our customers on a regular basis to assess satisfaction with services dealing with ASB. Satisfaction with the service provided in respect of ASB will be assessed through a customer survey on the closure of ASB cases. This information will be made available to the Executive Management Team (EMT) and The Board.

4.8 **Equalities and Diversity**

SLHD is committed to equal opportunities and values diversity. We will ensure that in all cases the application of the policy is fair and transparent irrespective of race, refugee/asylum status, religion, age, sexual orientation, disability, gender & gender identity. We will provide copies of this policy in an accessible manner; for example in large print and other languages upon request. SLHD is opposed to discrimination on any grounds.

Under Article 8 of the Human Rights Convention, as applied to public sector landlords by the Human Rights Act 1998, everyone has a right to respect for his private and family life, his home and his correspondence. This is not an absolute right, therefore we are entitled to seek possession where we reasonably believe that tenancy conditions have been breached to an extent that neighbours are affected and unable to achieve peaceful enjoyment of their homes.

However, we will ensure that the correct legal process is followed to ensure that the Human Rights legislation is not breached.

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4.9 Multi Agency and Partnership Working

SLHD recognises that any one agency cannot solve the problems of communities or ASB on its own and will adopt a multi-agency approach to prevent, combat and reduce instances of ASB.

In particular, we will seek to work closely with our partners at Doncaster Council and the Police. Where possible and appropriate we will work with partnerships, services and agencies such as:-

- Safer Doncaster Partnership (SDP)
- Environmental Services
- Social Services
- Neighbourhood Response Team (NRT)
- Health and Education Services (such as education welfare)
- Voluntary and Support Agencies (such as drug action teams, M25, Stonham Housing, Age Concern, Green Gables etc)
- Victim Support
- Doncaster Domestic Violence Forum
- Safer Neighbourhood Teams (SNTs)
- Fire and Rescue Service
- Citizens Advice Bureau (CAB)
- Neighbourhood Action Groups (NAGs) and lower level multi-agency Case Identification Meetings (CIMs)
- The multi-agency Anti-Social Behaviour Panel (this Panel manages the cases of the most vulnerable victims of ASB)
- The National Probation Service (NPS) & Community Rehabilitation Companies
- Rotherham, Doncaster and South Humber (RDASH)
- Integrated Family Support Services (IFSS)
- Youth Offending Services (YOS)
- Stronger Families Agenda
- Creative Support
- Doncaster Safeguarding Children Board
- Doncaster Community Justice Panel

This multi-agency approach will enable a long-term, joined-up solution to tackling ASB within our communities and recognises the importance of broadening our involvement with the wider community outside our physical estates and tenanted properties.

4.10 Consistent Approach

SLHD aims to achieve a level of consistency in dealing with ASB. This means having consistency in the way ASB is reported and recorded through the use of categories, risk ratings and definitions to enable effective benchmarking and sharing of best practice.

Risk Ratings – A risk rating is applied to each reported case of ASB or Neighbour Nuisance. This rating denotes the urgency of the case and determines how quickly an initial visit or contact should be carried out by the Estates Officer.

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These targets are a minimum standard and we will always seek to achieve a higher standard.

RISK RATING/RESPONSE TIME	TYPE OF NUISANCE
LOW Risk Cases (within 10 working days)	Minor neighbour disputes, minor breaches of tenancy, boundary and land issues
MEDIUM Risk Cases (within 5 working days)	Allegations of criminal activity, drug dealing, verbal abuse, youth nuisance, noise nuisance
HIGH Risk Cases (within 24 hours)	Threats of physical assault, serious intimidation or harassment, hate motivated incidents (due to race, religion/belief, sexual orientation, gender, gender identity, disability, age or any other factor, perceived or otherwise, by the offender), domestic violence, serious damage to St Leger Homes property, insecure or abandoned premises. Abandoned vehicles and graffiti report to FLAG within 24 hours

Categories and Definitions of ASB

SLHD will adopt Housemark's definitions and categories of ASB and will record cases under 16 primary categories. An additional category has been added to enable SLHD to record Tenancy Breaches under a separate category for its own monitoring purposes.

(Housemark is a joint venture by the Chartered Institute of Housing and the National Housing Federation. It is a non profit making organisation which is dedicated to improving performance and efficiency in social housing and works in partnership with the Audit Commission, the National Federation of ALMOs and the Housing Commission).

ASB Categories

Primary Category	Types of Nuisance in Category (Sub Category)
1. Noise	Music, DIY noise, cars, motorbikes and other noise
2. Harassment/Intimidation	Verbal abuse, written abuse, nuisance phone calls and menacing gestures
3. Hate Related Incidents	Racist, homophobic, gender, gender identity, religious/belief, disability or age related intimidation and community tension
4. Criminal Damage	Vandalism, graffiti, damage to property, damage to shelters street furniture, and damage to plants/hedges
5. Animal Nuisance	Animal noise, breeding, dangerous dogs, condition/smell, animal fouling, dogs in flats, and

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	general animal nuisance
6. Vehicle Nuisance	Motorbikes, abandoned vehicles, un-roadworthy vehicles, joy riding, vehicle repairs, shared drive dispute, and parking issues
7. Drugs	Drug dealing, paraphernalia, frequent visitors, and presence of dealers/users
8. Alcohol Related	Street drinking, and drunken behaviour
9. Domestic Abuse	Domestic abuse (physical, mental, verbal, financial)
10. Physical Violence	Physical intimidation, assault, and fighting
11. Litter/Rubbish/Fly Tipping	Fly tipping, general litter/rubbish, and fly posting
12. Garden Nuisance	Overgrown gardens, rubbish in gardens and bonfires
13. Communal/Public Area Misuse	Condition of communal area, misuse of area, youth nuisance, begging, nuisance children, ball games, and urinating
14. Sexual Acts	Sex acts in public, kerb crawlers, prostitution, and paedophile activity
15. Other Criminal Behaviour	Theft/robbery, damage to vehicles, handling/storing stolen goods, illegal weapons and firearms
16. Tenancy Breaches	Minor neighbour disputes, boundary disputes, unauthorised alterations, land issues, illegal occupation, non occupation, overcrowding, no access, running a business, condition of property, illegal structures, garage sites, no hard standing/dropped kerb, caravan/trailer in garden, storing dangerous/flammable materials, and abandoned properties

4.11 Continuous Improvement

SLHD will continuously improve upon its range of ASB services by listening to its customers and other key partners and by being aware of good practice in this field. We will also set challenging targets for all areas of ASB and review these annually.

Good Practice will be identified through the following information resources (not exhaustive):

- Department for Communities and Local Government (DCLG)
- Social Landlords Crime and Nuisance Group (SLCNG)
- Housemark (Estates & ASB Clubs)
- Chartered Institute of Housing (CIH)
- Race Action Net
- Housing Quality Network (HQN)
- Learning from groups established to support victims such as “ASB Help”

SLHD will strive to incorporate good practice into our strategy, policy and procedures.

4.12.1 Data Protection and Information Management

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SLHD will ensure that its intention to store personal data is notified to the Information Commissioner and seeks to fully comply with the eight Data Protection principles as below:-

- Information must be fairly and lawfully processed
- Information must be processed for limited purposes
- Information held should be adequate but not excessive
- Information should be accurate and up to date
- Information must not be kept for any longer that is necessary
- Information must be processed in line with the individual's rights
- Information must be securely stored
- Information must not be transferred to other countries without adequate protection

The act also provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records about them.

SLHD will provide this information in line with statutory timescales.

Any personal information provided to SLHD regarding residents personal or financial circumstances will be dealt with in the strictest confidence.

All data held in respect of residents will be processed in accordance with the Data Protection Act 1998.

Any party not included on a tenancy, introductory tenancy, licence agreement or other such contract will be required to provide written authority from the resident, service user or customer to discuss their details. This includes any partner, spouse, relative or agency where not named on the contract but excluding any named advocate or appointed person. In the first instance telephone authorisation by the resident, service user or customer will be accepted, once their identity has been verified through confirmation of personal information.

4.12.2 Information Sharing Protocol

SLHD will exchange information in line with the Safer Doncaster Partnership's Standard Data Sharing Protocol dated February 2012 of which it is a signatory along with; Chair of Safer Doncaster Partnership; South Yorkshire Police; South Yorkshire Police Authority; Doncaster Council; South Yorkshire Probation; Doncaster PCT; South Yorkshire Fire and Rescue Service, and the Voluntary Sector.

4.12.3 Freedom of Information

Under the Freedom of Information Act 2000 any individual has the right to request information held by public authorities. This includes central government, government departments, hospitals, doctors, schools, police and prison services. The Act allows access to recorded information, such as emails, meeting minutes, research or reports held by public authorities in England, Northern Ireland and Wales. Requests must be made in writing and will be responded to within statutory timescales. A schedule of charges and further information is available upon request from freedomofinformation@stlegerhomes.co.uk

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4.13 Prevention & Intervention Measures

SLHD recognises that one of the most effective ways to tackle ASB is to take a preventative approach and early intervention is the key. SLHD will use a range of prevention measures as it feels appropriate which could include the following:-

- Introductory Tenancies
- Civil Injunction
- Utilising Local Lettings Policies
- Giving clear messages to new tenants at sign up including viewing of the DVD titled “St Leger Homes, Information for New Tenants”
- Designing out crime as part of improvement programmes such as the use of strategic fencing, parking areas and lighting
- Use of Mediation
- Acceptable Behaviour Contracts (ABCs & ABC+ Scheme)
- Youth Diversionary Schemes
- Decency Contractors – supporting multi agency initiatives
- Good Neighbour Agreements
- Mobile CCTV van
- Target Hardening Works
- Sanctuary Scheme Referrals
- Regular Estate Walks
- Promoting positive images about all sections of the community
- Publicising successful cases and actions taken against ASB on the SLHD website, in tenants’ newsletter ‘Houseproud’ and in the wider media
- Making information accessible to all including translations, Braille etc.
- Multi Agency Partnerships (Neighbourhood Alliance or Operation Anticipate)
- Positive Activities
- Case Identification Meetings (CIM’s)
- Anti Social Behaviour Panel
- Neighbourhood Action Group (NAG)
- Joint Action Group (JAG)
- Integrated Family Support Services (IFSS)
- CCTV (Dome Hawk and Nomad Cameras)
- Ensure suitable families are directed towards opportunities within the ‘Stronger Families Agenda’ such as Parenting Support Projects
- Making use of the Council’s and Police’s co-located Neighbourhood Response Team

4.14 Restorative Justice

SLHD will support the Doncaster Restorative Justice Project where victims of ASB are given the chance to meet or communicate with their offenders to explain the real impact of their actions. This empowers victims by giving them a voice and holds offenders to account for what they have done. The project will also provide a mediation service for low risk neighbour disputes. We will assist with the recruitment of volunteers, case referrals for mediation, opportunities for reparation work in our communities and where possible financial support.

4.15 ASB and the Estate Environment

SLHD recognises the strong connection between poor estate environment and ASB, therefore it will promote initiatives to maintain and improve the quality and appearance of the estates it manages by:-

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- Working in close partnership with DMBC to deliver a high quality grounds maintenance service.
- Offering an enclosed garden maintenance service to any SLHD tenant with charges based on the size of the garden & specification of work
- Delivering a high quality Community Caretaker Service
- Providing more intensive management on estates with a poor estate environment and high levels of ASB
- Programmed inspections of the estate environment and communal areas
- Delivering environmental improvement schemes like parking areas, fencing and tree planting
- Encouraging our tenants to get involved in projects that improve the estate environment

4.16 Legal Measures

SLHD will use a wide range of legal measures to combat ASB. We will work in partnership with the Safer Doncaster Partnership which includes South Yorkshire Police, Doncaster Council, Fire & Rescue Service, Health Service, Youth Services and voluntary support organisations. Legal action will only be considered in serious cases of ASB when all other types of intervention have failed to, or if it is strongly believed will not, solve the problem.

Proportionality

SLHD will always take into consideration the proportionality of any enforcement action it takes. This is a careful consideration of the circumstances of the case to ensure that the action we take is both appropriate and the best course of action. We will always take into consideration any vulnerability of both the victim and perpetrator including mental health.

Powers available to St Leger Homes or other partners include:-

- Demoted Tenancies
- Introductory Tenancies
- Notice of Intention to Seek Possession (NOSP) & Possession Proceedings
- Notice to Quit
- Eviction
- Enforcement of the Environmental Protection Act
- Notice of Possession Proceedings (NOPP)
- Notice of Extension (NOE)
- Criminal Behaviour Orders (CBO's)
- Community Protection Notices (CPN's)
- Public Space Protection Order
- Dispersal Power
- Closure Power
- Civil Injunction
- Absolute Ground for Possession

4.17 Community Triggers

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A Community Trigger is the process where a member of the community can request a review of their case, to ensure that **a group of agencies** have provided an appropriate response to the reported anti-social behaviour.

The Community Trigger is designed to ensure that agencies work together to investigate how the case was dealt with. They will do this by talking about the problem, sharing information where required and acting together to reach a satisfactory conclusion.

It is important to note that the Community Trigger **does not** replace the complaints procedures within individual organisations and should not be treated as such.

For simplicity all the partners involved in the Community Trigger process have agreed that the whole process will be co-ordinated by the local Council

4.18 **Vulnerable People**

SLHD will support customers who have difficulty in managing their home and require extra help to maintain their tenancies. This may be because of mental health issues, domestic abuse, special needs, learning or physical disabilities or because tenants are elderly. Other vulnerable groups may also include young tenants, ex-offenders and those who are misusing drugs and alcohol and those who have been in care.

SLHD will work in conjunction with the voluntary and support sector agencies to help provide support, guidance and information to these vulnerable tenants to help them stay in their home and prevent incidents of ASB. SLHD will however take action for breach of tenancy if joint working with support agencies fails to resolve the problems as it has a duty of care to its other tenants.

4.19 **Approach to Witnesses and Complainants**

SLHD understands the crucial role which complainants and witnesses play in coming forward to report instances of ASB and will ensure that all our strategies, policies and procedures reflect this importance. We will build an environment within our neighbourhoods where witnesses and complainants feel secure and safe in coming forward to report incidents of ASB and we will use such measures as injunctions to stop intimidation and target hardening schemes to make witnesses and complainants feel safe in their homes. We can also deploy the Neighbourhood Response Team (NRT) to give reassurance and/or be professional witnesses. On more serious cases where criminality has been committed SLHD will work closely with the Safer Neighbourhood Team (SNT) and take a lead from any actions they may take to bolster the effectiveness of convicting in court for tenancy breaches. This can include the use of the absolute ground for possession where the tenant has been convicted of a serious offence in the neighbourhood.

Sometimes complainants and witnesses may not be a tenant of SLHD but an owner occupier, leaseholder or tenant of another landlord. In these cases we will work with our partner organisations to support and protect these witnesses and take appropriate action to stop intimidation so that they feel safe.

SLHD will protect the identity of witnesses and complainants where possible and take their views into consideration when taking further action, including the use of consent

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forms and action plans to keep the complainant involved in the decision making process. There are circumstances where SLHD is required to disclose information.

These are highlighted in the table below:-

Main Lawful Grounds For Sharing Information Without Consent

Prevention and detection of crime	Crime and Disorder Act 1998
Prevention and detection of crime and/or the apprehension or prosecution of offenders	Section 29, Data Protection Act (DPA)
To protect vital interests of the data subject; serious harm or matter of life or death	Schedule 2 & 3, DPA
Child protection – disclosure to social services or the police for exercise of functions under the Children Act, where the public interest in safeguarding the child’s welfare overrides the need to keep the information confidential	Schedules 2 & 3, DPA
Right to life Right to be free from torture or inhuman or degrading treatment	Human Rights Act, Articles 2 & 3

SLHD will explain the investigation process to the witness or complainant and explain how the information they provide will be used and what their rights are.

Where appropriate and where the witness or complainant agrees, SLHD will refer them to support agencies such as Victim Support or the Domestic Violence Advocate for specialist help.

In suitable cases SLHD will offer a free appropriate target hardening service to St Leger Homes tenants to improve security for complainants and witnesses who are suffering harassment. We can also help with transport to court, familiarisation with the court environment and access to our legal representative to discuss the case if required.

SLHD will work in conjunction with the Safer Doncaster Partnership to make improvements to properties under the Sanctuary Scheme for those suffering domestic violence and hate crime. SLHD will also share good practice with our partner agencies and on specialist internet sites such as Housemark. Where appropriate we will work with Police and other agencies where the customer is a witness in a criminal case.

SLHD will ask complainants and witnesses to complete a satisfaction survey on closure of an ASB case to gain an insight into their experiences which will help future service improvements. In suitable cases we may ask victims and witnesses if they wish to support others who have been through a similar experience by working with Victim Support as a volunteer.

SLHD will also ensure that employees are fully trained on how to manage and support complainants and witnesses, interviewing techniques, preparation of witness

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statements and all associated work which is required in the full investigation and management of ASB cases.

SLHD will participate in Safer Doncaster Partnership's approach to supporting and managing vulnerable victims of anti-social behaviour. This includes identifying those who are vulnerable as a consequence of experiencing ASB (for example making use of the Partnership's Vulnerable Victim Assessment Matrix) and participating in the multi-agency ASB Panel.

4.20 Persistent or Multiple Complaints

SLHD reserves the right to refuse to deal with complaints that are pursued in an unreasonable manner or can be categorised as habitual or vexatious (malicious and unwarranted) and fall into one or more of the following categories:-

- The complainant persists in pursuing an ASB or neighbour nuisance complaint when the investigation procedure has been fully and properly implemented and there is insufficient evidence to pursue further.
- The complainant focuses on a trivial matter which cannot be classed as antisocial behaviour or neighbour nuisance to an extent that it is out of proportion to its significance.
- The complainant has made an excessive number of contacts whilst pursuing a complaint and has placed unreasonable demands on officer time and resources.
- The complainant has harassed or been personally abusive or verbally aggressive towards staff dealing with their complaint on more than one occasion.
- The complainant has threatened or used actual physical violence towards staff investigating their complaint.

A complainant who fulfils one or more of the above criteria will have his/her file passed to a Senior Officer for a decision on future actions and contact arrangements. The complainant will be advised in writing of the officer's decision.

4.21 Rehabilitation of Perpetrators

We appreciate that some perpetrators will need help and support to enable them to sustain their tenancy and reduce the risk of losing their home. SLHD will work in partnership with support agencies when considering issues of ASB that are a consequence (directly or indirectly) of drug abuse, alcohol abuse, mental health or disability. Some examples of support agencies are listed below:-

- **Action Housing Association** – floating support for those with mental health problems and tenants who have a history of offending and drug abuse
- **Doncaster Mind** – support packages for those with mental health problems
- **M25 Housing and Support Group** – support for homeless and floating support provided for any client group to help maintain their tenancy
- **Stonham Housing Association Ltd** – support for teenage parents to help maintain their tenancies and also single vulnerable people.
- **Doncaster Women's Aid** – provides support and shelter for women fleeing domestic violence.

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- **Doncaster Community Drugs Team** – help and support for adults experiencing drug misuse problems
- **Doncaster Alcohol Services** – services for people with alcohol problems
- **Citizens Advice Bureau (CAB)** – financial, legal and signposting service for all.
- **Doncaster Advocacy** – services for adults with learning disability.
- **Keyring** – services for adults with learning difficulties to enable them to live independently in the community in their own home.
- **National Health Service (NHS)**
- **Probation Services**
- **Green Gables** – Tenancy support for all tenants who have children resident at the property.
- **Re-Think** – National Mental Health Charity
- **Framework** – Charity for Homelessness and Vulnerable People

SLHD will work with vulnerable tenants to help them maintain their tenancies but we will take the appropriate action for breach of tenancy if joint working with support agencies fails to resolve the problems.

4.22 **Suspensions from the Housing Register because of ASB**

The Allocation of Accommodation: Guidance for Local Housing Authorities June 2012 states “Authorities may frame their allocation scheme to take into account factors in determining relative priorities between applicants in the reasonable preference categories (Section 166A(5) of the Housing Act 1996). Examples of such factors are given in the legislation which includes any behaviour of a person (or a member of his household) which affects his suitability to be a tenant.

This effectively means that certain applicants may be determined as having a lesser priority if they fulfil one or more of the following criteria, although this list is not exhaustive:-

- They have committed a serious breach of Tenancy
- They have caused serious nuisance, harassment, alarm or distress
- They have been convicted of using the accommodation or allowing it to be used for immoral or illegal purposes such as drug dealing
- They have caused serious damage to a property
- They have convictions for arrestable offences committed in or in the immediate locality of the property
- They have threatened or caused violence to a former partner
- They have made a false statement to a former landlord, or provided false information on a Housing Register application form
- They have been served with a Notice Of Seeking Possession (NOSP) where anti-social behaviour is a factor in serving the Notice
- They have been served with a court order or been evicted where anti-social behaviour has been a factor in obtaining the court order or eviction.

Applicants are suspended from the register for a period of 12 months, they have the right of appeal and applications for appeal can be made to the Housing Assessment Panel.

Following a period of 12 months suspension from the register the applicant may apply to have their case reviewed. To lift a suspension, they must be able to demonstrate a period of good behaviour, with another housing provider, to show that they can conduct

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a tenancy in a satisfactory manner. It is the duty of the applicant to provide this information and to reapply at any time after the initial 12 months' suspension (in the future).

4.23 Closure of Cases

SLHD understands that to retain the confidence of its customers in its approach to ASB, no case should be closed unless it has been thoroughly investigated. Cases can be closed for one of the following 10 reasons:-

1. **Complainant satisfied** – case investigated and complainant satisfied that the nuisance/problem has been resolved. **(resolved)**
2. **No complaints for 3 months** – the case has been closed because the nuisance has ceased and no further complaints have been received for 3 months **(closed)**
3. **Case resolved to landlord satisfaction** – the case has been resolved to the satisfaction of the landlord but not necessarily to the satisfaction of the complainant (e.g. no further action can be taken, all reasonable actions exhausted) **(closed)**
4. **Case withdrawn by the complainant** – the complainant no longer wishes to pursue the complaint **(closed)**
5. **Unsubstantiated complaint** – the complaint has been investigated but no evidence can be found to substantiate the complaint **(closed)**
6. **Property Terminated** – the perpetrator gives up their tenancy so the nuisance ceases or the complainant is relocated via the Housing Assessment Panel (HAP) **(resolved)**
7. **Property Abandoned** – the perpetrator abandons their tenancy so the nuisance ceases **(resolved)**
8. **Eviction for ASB** – the perpetrator is evicted from their tenancy so the nuisance ceases **(resolved)**
9. **Other (please specify) Resolved** – the case has been successfully resolved to landlord satisfaction when the ASB has ended for any other reason than those listed above (e.g. intervention by another agency).
10. **Other (please specify) Closed** – the case has been closed for any other reason other than those listed above. (e.g. information requested by the landlord has not been provided)

When closing a case we will always let the complainant know in writing giving 7 days notice of the intention to close the case. This gives them the opportunity to make a further complaint if they disagree with the case being closed. On closure of the case the complainant will be contacted by a member of staff not associated with the case or an external organisation employed by SLHD for this purpose to complete a satisfaction survey. This gives them the opportunity to feed back on how their case was handled, what else could have been done and their overall satisfaction. The comments and ratings from these satisfaction surveys will aid service improvement in the future.

4.24 Publicity

SLHD believes that publicising cases can act as a deterrent for those who may consider acting in an anti-social manner and can also reassure and encourage others to come forward to report ASB. Where appropriate, successful cases and initiatives will

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be publicised in the tenants' newsletter 'Houseproud', on the SLHD website and in the local media.

Information fact sheets on ASB will be made available in local area offices, electronically on the website and through Estates Officers dealing with individual cases.

Current fact sheets are as follows:-

- Anti-social Behaviour and Neighbour Nuisance
- A Guide for Witnesses attending Court
- Domestic Abuse

4.25 **Staff Training**

SLHD's policy on ASB will be well publicised and promoted internally and a summary provided for customers. All relevant staff who manage ASB will be trained on ASB policy and procedures and an ongoing development program will be provided.

Staff will be professional in their approach towards tackling ASB and will be trained in the complexities of working with victims; perpetrators; internal procedures; external partners, and voluntary agencies.

Staff will be trained in the processes involved in tackling ASB, including investigation; gathering evidence; keeping complainants informed (including ensuring victims are fully supported): maintaining agreed timescales, and adhering to data protection.

4.26 **Supporting Staff**

SLHD takes a serious view of any incident or assault against its employees and of its duty of care under the Health and Safety at Work Act. It will provide a safe place of work and safe system of work to ensure that employees are protected from the risk of violence at work so far as reasonably practical. Officers and assistants will follow the procedure for visiting officers at all times.

Support will be provided to any employee who is assaulted, threatened or verbally abused in the course of their duties. This support may involve assistance from legal services, time off with pay to attend interviews, court or for counselling and training. SLHD will take appropriate action against perpetrators which could include Police cautions, legal notices or injunctions.

5. **Monitoring and Review**

5.1 **Recording**

SLHD will record the following information on each case of ASB, Tenancy Breach or Neighbour Nuisance. SLHD may share depersonalised information only with external organisations. Other information will be shared in accordance with the Safer Doncaster Partnership Data Sharing Protocol and the Data Protection Act.

- **Primary Category** – incidents will be recorded under 16 categories as listed on page 8.
- **Sub Category** – allows the primary category to be split down further into the

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different types of nuisance

- **Complainant details** – name, address, age, gender, ethnicity, religion, disability (facility to record other complainants)
- **Perpetrator details** - name, address, age, gender, ethnicity, religion, disability (facility to record other perpetrators)
- **Case details** – date reported, officer assigned to case, case description
- **Risk Rating** - A risk rating is applied to each reported case of ASB or Neighbour Nuisance this rating denotes the urgency of the case and determines how quickly an initial visit or contact should be carried out by the Estates Officer. (See page 7 for details.)
- **Action stages** – details are recorded of every action taken on a case e.g. visit, letter, contact with other agencies, telephone calls, legal actions, referrals to support agencies etc.
- **Case Closure Details** – cases will be closed as per the 10 closure reasons on page 14 /15.
- **Satisfaction** – on closure of each case for ASB and where appropriate a satisfaction survey will be sent to the complainant and returned questionnaires will be recorded and assessed.

6. Performance Standards

- 6.1 SLHD will record the following Performance Indicators for ASB and will report on these to the SLHD board and the area forums.

Key Performance Indicator 5

- ASB - % of repeat perpetrators

A repeat perpetrator is a tenant that has been the cause of more than one ASB case in the preceding 12 months. This indicator compares the number of closed repeat perpetrators with opened cases in a given month.

Strategic Objective 2014/15

- Supporting communities and individuals by tackling crime and anti-social behaviour, and providing support to sustain tenancies.

7. Feedback

- 7.1 SLHD welcomes suggestions, compliments and complaints from people who use our services, we believe that your comments are invaluable and help us improve our services for everyone. If you have something to say about SLHD's policies and procedures or wish to make a complaint about anything else please ring our Customer Care Team on 01302 862726 or contact us at the address below.

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