Anti-Social Behaviour & Harassment Policy

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Confidentiality	C1
Distribution list	HSH Operational Staff, HSH Board of Trustees, HSH Tenants
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1. Overview

The Anti-social Behaviour (ASB) and Harassment Policy sets out our approach in preventing, managing and resolving ASB within our accommodation and communities.

Hawes Street Housing believe that occupants, employees, the general public and the local community should feel safe in our homes and the neighbourhood which they are located.

Hawes Street Housing promote the view that individuals have the right to their chosen lifestyle providing it does not impact adversely on the quality of life of other people or our properties.

2. Introduction

As a responsible Registered Provider of Social Housing, we recognise our role in responding to concerns about anti-social behaviour. We understand our responsibility to ensure that tenants can enjoy their home in peace, free from the fear or threat of intimidation, harassment or abuse of any kind. We also recognise our responsibility to make sure, as far as possible, that the actions of our tenants do not interfere with their neighbours' quiet enjoyment of their home.

We believe that to be effective in our approach we need to have a balance of preventative, enforcement and supportive measures in place. This involves working with a range of partners making the best use of the powers available as well as using our own internal resources in the most effective way.

3. Regulatory & Legal Framework

- Housing Act 1985
- Housing Act 1988
- Housing Act 1996
- Localism Act 2011
- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime and Policing Act 2014
- Human Rights Act 1998
- Equality Act 2010

4. Policy Aims

The aim of our Anti-Social Behaviour and Harassment Policy is to set out Hawes Street Housing's position to prevent the occurrence of anti-social behaviour where possible, and where cases arise, to deal with them promptly and professionally under the requirements of the Anti-Social Behaviour, Crime and Policing Act 2014.

We will do this by:

- Raising awareness of how to report ASB and what Hawes Street Housing and others can do to address it
- Ensuring that the relevant employees of Hawes Street Housing are trained to respond swiftly and effectively to reports of ASB and to prevent escalation into more serious incidents
- Developing and maintaining effective partnerships with other agencies with whom we work with to tackle ASB
- Minimising the amount of ASB that our tenants and communities experience through preventative action, rehabilitation of perpetrators and community cohesion activities
- Encouraging and supporting neighbours to resolve issues between themselves where appropriate
- Responding proportionately
- Putting victims first by considering from the outset the effect of ASB on victims and any risk to them
- Taking a problem-solving approach for each individual case in order to deliver effective case management
- Assessing the potential risk for ASB with new occupants and putting appropriate preventative measures in place
- Adhering to all relevant legislative and regulatory requirements

5. Obligations

Responsibilities of both Hawes Street Housing and tenants are set out in the Tenancy Agreement.

In addition, we positively encourage all tenants to:

- Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in the first instance in a reasonable manner
- Respect other people at all times
- Co-operate with Hawes Street Housing when seeking to resolve problems

Hawes Street Housing tenants can enjoy occupation of their homes regardless of ethnicity, religion, sexuality, age, gender, disability or any other protected characteristic. All tenants are treated in a fair, equitable and consistent manner and we consider the needs and vulnerabilities of our tenants when we respond, investigate or take enforcement action during the management of ASB complaints.

Hawes Street Housing are committed to working with others to make the areas within which we operate places that people can live comfortably. Preventing and resolving ASB is a key action in achieving this objective.

6. Prevention

Hawes Street Housing will endeavour to prevent anti-social behaviour from occurring in the first place where possible. We will do this by:

- Ensuring all new tenants are made aware of their rights and responsibilities in relation to anti-social behaviour.

- The potential use of mediation services to promote resolutions where there are allegations of ASB by neighbours
- Reserve the right to refuse accommodation to applicants who have committed ASB
- Issuing all new tenancies with Starter Tenancies and ensuring tenant conduct has been appropriate before extending the tenancy
- Support for vulnerable tenants through local support services available
- Partnership working with local authorities, the police and other agencies
- Identify and take appropriate action of repeat cases through Hawes Street Housing case management

7. Definition of Anti-Social Behaviour

We use the following definition of Anti-Social Behaviour as defined in the Anti-Social Behaviour, Crime and Policing Act 2014 as conduct that:

- Has caused, or is likely to cause, harassment, alarm or distress to any person
- Is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises
- Is capable of causing housing-related nuisance or annoyance to any person

8. Harassment

Harassment is defined as a person's behaviour that makes another person feel distressed, humiliated or threatened. We have a zero-tolerance approach to harassment and manage all reports of harassment in line with this policy.

9. Hate Crime and Hate-Related Incidents

Hate crime and related incidents are those perceived by the victim, or any other person, to be motivated by hostility or prejudice based on a personal characteristic. Incidents may manifest themselves in low-level forms of anti-social behaviour but the impact on the victim may be devastating.

Hate crimes are crimes committed against someone because of their: disability, gender identity, race, religion or belief, or sexual orientation and should be reported to the police. We have a zero-tolerance policy to hate crime and hate related incidents and manage all reports in line with this policy.

Anti-social behaviour (ASB), harassment and hate-related crime can have devastating effects on communities and individuals. Hawes Street Housing will put victims at the heart of our response, take a flexible approach to managing incidents and work in partnership with other agencies to tackle it.

10. Local Authority Nominations

Every local authority has an allocation policy or scheme which is used to determine the priorities between people applying for housing and for setting out the procedure to be followed in allocating housing accommodation.

Registered social housing providers/landlords, such as Hawes Street Housing, are expected to co-operate with local authorities' strategic housing function, and their duties meet identified local housing needs. Local authorities meet the legal requirements in the Housing Act 1996 to ensure those with priority housing need are given preference for homes.

All Hawes Street Housing's properties are within the local authority, Stoke on Trent City Council. A nominations agreement is in place between HSH and SOTCC.

11. Categories of Anti-Social Behaviour

Anti-social behaviour includes a range of activities (including harassment and hate-related crime) and has many causes;.

Anti-social behaviour can include the below categories; this list is not exhaustive:

- Alcohol-related anti-social behaviour
- Drugs/substance misuse/drug dealing
- Other criminal behaviour
- Domestic violence
- Garden/yard nuisance (e.g. not keeping the garden/yard maintained or dumping goods in the garden/yard)
- Hate-related incidents (based on age, disability, gender, race, religion, sexual orientation)
- Fly-tipping
- Misuse of communal areas or public spaces/loitering
- Noise
- Nuisance from vehicles
- Pets and animal nuisance
- Other physical violence
- Prostitution/sexual acts/kerb crawling
- Vandalism and verbal abuse

We would also not consider everyday living noises as anti-social behaviour. Examples of living noises include:

- Doors closing
- Toilets flushing
- DIY noise that is taking place at reasonable hours (7am to 11pm)
- Walking across a floor

Although we understand that this may annoy some residents, unfortunately, this sort of noise is a part of everyday life and we will not investigate it as anti-social behaviour.

While everyday living noise will not be investigated as an ASB case, the Housing Officer may be able to resolve issues in other ways, for example, conducting more frequent property visits and providing advice and support around reducing noise levels.

Hawes Street Housing will categorise ASB complaints as follows:

- Very Serious – this includes (but is not limited to) hate-related incidents, physical violence, threatening behaviour and drug production or supply.
- Serious – this includes (but is not limited to) verbal abuse, harassment, alcohol/drug related ASB, noise nuisance and criminal behaviours.
- Minor – this includes (but is not limited to) vandalism, garden nuisance, vehicle nuisance, animal nuisance and fly tipping.

12. Dealing with Anti-Social Behaviour

Hawes Street Housing firmly believes that in many incidences, anti-social behaviour can be addressed when challenged early enough. The vast majority of ASB reports will not require enforcement action and will be effectively resolved through early intervention by our staff. Early intervention may include mediation, verbal and written warnings or the use of a rolling notice of eviction, which is a behavioural agreement.

Our response to allegations of anti-social behaviour will, at all times be reasonable and proportionate in the circumstances. Each case will be dealt with on a case-by-case basis depending on individual circumstances. What we do in one case does not automatically mean that we will adopt the same approach in another.

We also aim to provide a balanced approach, protecting the quiet enjoyment of the community while helping individuals to sustain their occupancies by addressing their behaviour.

To tackle ASB effectively, we will take the following actions.

- Demonstrate leadership, accountability and commitment in working with statutory partners to tackle ASB so that we all fulfil our respective responsibilities
- Ensure staff are well trained, have the knowledge and confidence to identify and investigate incidents/reports of ASB and work collaboratively alongside appropriate agencies who are leading on such cases
- Assess each report of ASB on its own merits and specific circumstances when deciding whether, or not, to classify it as ASB
- Respond to ASB in line with the severity of the incident
- Be clear about what action we can or cannot take
- Provide advice and information
- Log all reports of ASB and any referrals to statutory bodies and monitor the outcomes
- Respond sensitively to the victim and adopt high standards of confidentiality when dealing with victims and witnesses
- Adopt a victim-centred approach in responding to harassment and hate crime
- Offer advice and signposting to appropriate third-sector support for witnesses and victims of ASB
- Ensure we consider a range of interventions (e.g. education, intensive support, verbal/written warnings, rolling notice of eviction – this list is not exhaustive) to deter ASB
- Ensure vulnerable perpetrators understand the impact of their actions and give them an opportunity to change their behaviour via provision of ongoing support to help them make the changes necessary to prevent a re-occurrence of the ASB
- Take action to evict a perpetrator where it is reasonable and proportionate to do so and the evidence is sufficient and robust
- Use information and performance data against targets to ensure continuous improvement

13. Reporting Anti-Social Behaviour

ASB can be reported to the Housing Officer in the following ways:

- Phone: 01782 207200
- Email: hawesstreethousing@saltbox.org.uk
- In person or in writing: 3 Goodfellow Street, Tunstall, ST6 5AX
- In person to a member of staff

HSH is committed to making the reporting process as easy as possible for tenants, to ensure that any issues can be addressed efficiently and effectively.

Tenants can also report anti-social behaviour to the council's anti-social behaviour team in the following ways:

- Email: ASB@stoke.gov.uk
- Phone: 0800 561 5610
- Online: www.stoke.gov.uk

In situations where ASB is reported through the local authority, HSH will endeavour to work in partnership with the anti-social behaviour team to resolve the issues.

14. Re-housing complainants, witnesses or perpetrators

The focus of this policy is on stopping anti-social behaviour rather than moving a complainant, witness or perpetrator. Hawes Street Housing will seek to resolve the situation by tackling the perpetrator about their anti-social behaviour and securing an end to the behaviour. However, in some cases, it may be necessary to re-house tenants who are complainants, witnesses or perpetrators on a temporary or permanent basis.

Such circumstances are where we believe that continued occupation may cause further problems or serious risk of harm, supported by evidence from other agencies or the police where required.

Where we deem it necessary to re-house service users, it will be via a management transfer/internal move within HSH accommodation or provision of advice regarding other possible options.

15. Support for Perpetrators

We will provide ongoing support to vulnerable tenants who are or have been perpetrators of anti-social behaviour and signpost to specialist services to prevent or manage issues as they arise.

Specialist services may include community-based organisations such as drug and alcohol support and mental health services.

16. Confidentiality, Data Protection & Information Sharing

Whilst we respect privacy, confidentiality, and are mindful of our obligations under the Data Protection Act 1988, tackling anti-social behaviour requires robust information exchange between statutory and non-statutory agencies.

We will also share information with other relevant agencies where appropriate and will actively participate in partnership arrangements to safeguard vulnerable adults.

When dealing with anti-social behaviour, hate crime and domestic abuse, full consideration will be given to our safeguarding responsibilities.

Information will be handled and disseminated on a need to know basis. The correct information will be stored securely with limited access to the designated people and for the required time period in line with General Data Protection Regulations and the confidentiality policy.

17. Performance Review

Hawes Street Housing will review the number of complaints about anti-social behaviour to ensure the effectiveness of this policy on a regular basis. As part of our commitment to continuous improvement, we will use data and feedback to review and improve the service offered. We will also report the anonymised data as required to The Regulator of Social Housing regarding The Tenant Satisfaction Measures.

18. Responsibility

It is the responsibility of the Board of Trustees to approve this policy.

The Company Secretary is responsible for the monitoring and review of this policy.

The Hawes Street Housing Operations Manager is responsible for ensuring the implementation of this policy and supporting procedures for the maintenance of all necessary records on the CRM system to enable the compilation of regular reports on performance and for the monitoring of performance.

The Housing Officer of Hawes Street Housing is responsible for the day-to-day management and oversight of this policy.

19. Associated Policies

- Tenancy Breach Policy
- Equality, Diversity and Inclusion Policy
- Succession Policy
- Privacy Policy