

Anti Social Behaviour Policy



Introduction

Tai Cymdogaeth's anti social behaviour policy aims to:

- provide a structure for dealing effectively with anti social behaviour (ASB)
- be informative for our residents and applicants
- enhance the services provided by our highly trained staff in dealing with all cases of anti social behaviour.

"We will continue to assist tenants experiencing anti social behaviour and harassment by providing quality information, advice and support."

"help people speak out against nuisance and intimidation"

"maintain and sustain communities"

"actively pursue better links with partner organisations, such as the Police and Social Services"

Tai Cymdogaeth Business Plan 2005-2006

All aspects of ASB, including harassment and racial harassment, have been taken into account. The policy has been developed in line with legislative measures contained within the Housing Act 1996 and the Anti Social Behaviour Act 2003.

The policy applies to all tenants of Tai Cymdogaeth Cyf, members of their household and visitors. It deals with victims and perpetrators living in our properties.

Where ASB is caused by those living in any other property in the neighbourhood, for example home owners or private rented households, or

our tenants actions affect them, we will work with the Crime and Disorder Partnerships and other organisations to deal with the ASB.

We expect that tenants, members of their household and visitors should do nothing, which causes a nuisance or annoyance to any person residing in, visiting or otherwise engaging in lawful activity in the locality of the premises. We are fully aware of the damaging effect that nuisance can have on the quality of life for those who are victims of anti-social or thoughtless behaviour.

All advice given and action taken reflects our commitment to doing all within our powers to deal with complaints about nuisance, including seeking legal possession of the property in cases of persistent and / or serious breach of tenancy conditions.

Key Definition

Within recent legislation and guidance, ASB has been defined as:

“Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself”.

Anti Social Behaviour Act 2003

“behaviour that unreasonably interferes with other people’s right to the use and enjoyment of their home and community”.

Chartered Institute of Housing

Anti social behaviour and how we manage our housing stock is high on the tenant agenda and ASB can be seen in many forms.

Examples of anti-social behaviour could include:

- noise nuisance
- intimidation and harassment
- pets fouling public areas
- aggressive and threatening language and behaviour
- violence against people and property
- hate behaviour of targeted groups because of their differences
- the unlawful use of the property to sell drugs and for other purposes

Policy Statement and Objectives

Policy Statement

Tai Cymdogaeth is concerned with incidents of ASB affecting our tenants and those living in any other property within the neighbourhood. We are committed to dealing with complaints from the victims of anti social behaviour and taking effective action, which is within our power against the perpetrators with the aim of protecting the victim, stopping the nuisance and preventing re-occurrence.

Tenancy Agreement

Responsibilities of a tenant are set out in the Tenancy Agreement. The Tenancy Agreement is a legally binding contract between a tenant and Tai Cymdogaeth. The Tenancy Agreement contains clauses setting out a tenant's responsibilities. We expect all tenants to conduct their tenancy in a manner that does not cause a nuisance or annoyance to others.

Tenant Information Pack

The Tenant Information Pack also provides useful information about living in your home and your tenancy.

Dealing with Complaints

As a Registered Social Landlord (RSL), we tackle nuisance behaviour because it is good practice to do so, rather than because it is a legal requirement.

The Regulatory Requirements issued by the Welsh Assembly Government recommend good practice for dealing with nuisance.

The Anti Social Behaviour Act 2003 requires that we publish our policy and procedures for dealing with nuisance.

If we fail to meet the Regulatory Requirements or comply with our policy and procedure, the complainant would have the right to complain through our organisational complaint procedure and ultimately to the Public Services Ombudsman Wales.

- The landlord is entitled to make its own decision about whether a case of nuisance is serious enough to merit further action
- A tenant cannot force a landlord to evict another tenant for causing nuisance
- A landlord cannot be compelled to enforce a clause in the Tenancy Agreement
- The landlord may be held liable for the nuisance if we have 'authorised' it or 'adopted' it. Case law suggests that a landlord will not be held liable for nuisance caused by anti social tenants, as the landlord is not deemed to have 'authorised' the conduct.

Sometimes the best way to resolve a nuisance problem is to talk about it with the people involved. With most noise or nuisance problems we would expect tenants to have taken reasonable steps to speak to neighbours before contacting us.

Our specialist Tenancy Management Team will investigate all reported incidents of ASB.

The Tenancy Management Team deal with problems on our estates, neighbours, anti social behaviour, harassment, racial harassment or abuse and abandoned properties.

Each reported case will receive a category which determines how serious the incident is and how quickly we will investigate.

Complaint Banding

Category of Complaint	<i>(Excluding Weekends and Bank Holidays)</i>
Band A	48 hours
Harassment Violence Assault Abandoned Property	
Band B	10 working days
Public Annoyance Noise Condition of Property Children Abandoned Vehicles Fraudulent Applications	

Band C	15 working days
Vehicle Repairs Pets and animals Use of Property	

Multi Agency Approach

We work with other agencies to be more effective in dealing ASB.

We endeavor to liaise appropriately with the Police, the local authority Social Services and Environmental Health departments and other agencies that have powers and services to deal with nuisance.

Examples of the agencies we work with are the Crime and Disorder Partnerships, City & County of Swansea Neighbourhood Support Unit, Women's Aid, Victim Support Groups and Abandoned Car schemes.

We will start new, or liaise with existing, community development projects in order to address problems of social deprivation, crime and vandalism on our estates and encourage tenant involvement in matters relating to the management of their homes.

Examples of who we work with are our Resident Partnership, Key Tenants, 104 Project in Blaenymaes, Swansea and the Nemo Family Centre, Llangwm, Swansea.

We will work with other housing providers and exchange relevant information in order to assist officers who are letting homes.

We actively participate in special initiatives or groups such as the Neath Port Talbot Community Housing Agreement, Swansea Move On Strategy, Carmarthenshire Housing Choice Register, local Homelessness Groups and Anti Social Behaviour Partnerships.

Tai Cymdogaeth is committed to supporting black and minority ethnic (BME) communities. As part of Grwp Gwalia Cyf, we have a robust BME Strategy and Action Plan. We work in partnership with Police Minorities Support Units, Hate Crime Officers and Swansea Bay Race Equality Council

Preventative Measures

We utilise security patrols and Community Warden services. For legal actions we can use surveillance technology, where appropriate, in order to reduce instances of ASB.

Our developments are subject to Secure by Design by the Welsh Assembly Government, which is a national scheme to encourage crime prevention measures in the planning and design of our homes.

Our lettings and transfer policies take into consideration any acts of ASB and prospective tenants are made aware of their obligations regarding the conduct required in any future tenancy.

Mediation Heddfan

We are working in partnership with Tai Hafan and Tai Trothwy on a pilot project to evaluate the effectiveness of mediation when dealing with nuisance and anti social behaviour.

Our aim is to create a quality, skilled and confidential mediation service that can be used by neighbours in dispute, or where communication has broken down.

Staff can make referrals. Tenants and service users can make self-referrals, especially where tenancies are at risk from anti social behaviour and where community safety and sustainability is under threat.

It may simply be that a person's ability to live in their home in an enjoyable way is aggravated, for example, by noise, children's behaviour, car parking, dog mess.

We have trained mediators in all three organisations who will step outside of their normal duties to mediate for each others tenants, thus pioneering and modeling working in partnership and ensuring impartiality and confidentiality for service users.

Victim Support

We realise that the strongest evidence in ASB and nuisance cases is from the neighbours. We appreciate that victims have reservations and anxieties when they become witnesses. We will provide support to witnesses and keep in regular contact. We provide a Witness Support Information Booklet, which explains about being a witness, contains

information about the court and relevant contacts for support of victims of ASB.

Witness Protection

Intimidation of witnesses is illegal and we work closely with the Police, who operate a Witness Protection Scheme. The Witness Protection Scheme offers support packages and initiatives, including panic buttons. We will apply for an Injunction against any person intimidating a witness. We will also consider, on a case by case basis, the need to increase security to the witness property, including cameras and security lighting.

Action and Advice

We will train members of staff to ensure that appropriate advice is given verbally and in writing to both the victim and perpetrators of anti social behaviour.

If the perpetrator is one of our tenants, then action can be taken to enforce the conditions of the Tenancy Agreement. In more serious cases this could mean possession of their property, an Injunction and, if a criminal offence, the matter will be referred to the Police.

In-House Legal Team

Our in house solicitor provides a legal advice service and works closely with Tai Cymdogaeth staff in dealing with breaches of tenancy. We can use the following legal remedies:

- *Possession Orders*
- *Injunctions*
- *Third party injunctions*
- *Starter Tenancies*
- *Demoted Tenancies*

The following legal remedies are in conjunction with Partnership agencies and the Police:

- *Anti social Behaviour Orders (ASBO's)*
- *Acceptable Behaviour Contracts (ABC's)*

Language Line

We have access to the translation and interpretation service 'Language Line' and to locally based groups and organisations to assist those who need to communicate with us in their own language.

Confidentiality

Information provided by the complainant will be treated in confidence at all times and will only be passed to other external agencies with your consent.

Perpetrator/complainant: Information will be shared by staff on a strictly need-to-know basis.

Files and computer records containing sensitive information will not be taken by officers when visiting the perpetrator of anti social behaviour.

We have a separate policy on Confidentiality and Leaflet 6 in the Tenant Information Pack also provides more detail.

Monitoring and Reporting

Casework is supervised by a senior member of staff on a regular basis.

We monitor and regularly report to the Board of Tai Cymdogaeth on the number of cases being dealt with and action being taken by the Tenancy Management Team.

We provide statistical information on a regular basis to local authorities and the Welsh Assembly Government regarding the number of cases of anti social behaviour and the outcomes of legal actions taken.

Partnership

We work closely with the Crime and Disorder Partnerships within the unitary authorities of Swansea, Neath and Port Talbot, and Carmarthenshire. We are party to information sharing protocols or are actively working towards these to facilitate the exchange of sensitive information in accordance with the Data Protection principles.

We participate in case conferences, MARAC (Multi Agency Risk Assessment Conference), POVA (Protection of Vulnerable Adults) and MAPP (Multi Agency Public Protection) forums.

We consult with the partnerships and partner agencies to ensure that appropriate remedies are pursued in serious and complex cases of anti social behaviour.

Publicity and Prevention

We regularly publicise our commitment to tackling anti social behaviour in our tenant magazine 'News 'n' Views'. We publicise successful action against perpetrators in order to deter future incidents of ASB.

Our early intervention with the removal of graffiti, rubbish, abandoned cars, vandalism and minor noise helps to lessen problems.

Training

We ensure that members of staff undertake appropriate training to deal with all aspects of ASB.

Appeals

Where a tenant is not satisfied with the level of service they have received they can make a complaint through our formal Complaints procedure. A copy of the Customer Feedback Policy and Form is available on our website www.cymdogaeth.com and can be provided by any of our offices, on request.

Key Roles

Set out below are details of each officer's responsibility during any claim of ASB.

Team Administrator - administrative support to the team; production of statistical and monitoring information.

Community Warden -	providing visible presence on our states, estate inspections, support to witnesses or victims of crime, dealing informally with low level breach of tenancy.
Tenancy Management Officer -	investigating complaints of breach of tenancy and taking appropriate action to resolve the problem, liaising with partner agencies, obtaining evidence, supporting witnesses and victims.
Senior Case Officer -	preparing cases for legal action, presenting evidence to court.
Head of Tenancy Management -	responsible for the delivery, monitoring and ongoing improvement of the service.

Monitoring and Review

- *This policy and procedure will be reviewed every 3 years*
- *Consultation will take place with the Board, Senior Management, staff, tenants and relevant external organisations. Tai Cymdogaeth has a Best Value Review Programme, covering all aspects of its work*

October 05 (Review) Oct 08

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