



Warwick District Council

Housing

Statement of Policy and Procedures on Anti-Social Behaviour

1. OBJECTIVES

The Council recognises the importance that tenants place on the ability to live peacefully in their homes. Anti-social behaviour and neighbour nuisance includes a broad range of disruptive behaviour and often causes misery and distress. The objectives of this policy are:

- 1.1 To enable Council tenants and their families to live peacefully in their homes.
- 1.2 To take all possible steps to tackle and prevent behaviour that causes problems for others in order to create a safer environment.
- 1.3 To take prompt and effective action to investigate all allegations of harassment, nuisance and anti-social behaviour and establish clear guidelines and procedures for staff.

2. POLICY STANDARDS

The scope of this policy covers all forms of anti-social behaviour within and in the locality of Council-owned homes.

2.1 Definitions

2.1.1 Nuisance

Tenants, other persons living in the tenants' home, and visitors behaving in a way which causes or is likely to cause danger, nuisance, annoyance or disturbance to other tenants, Council staff, contractors or any other persons residing in or visiting the locality.

2.1.2 Anti-Social Behaviour

A person acting in an anti-social manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as himself.

This includes conduct which:

- is capable of causing nuisance or annoyance to any person and
- directly or indirectly relates to or affects the housing management functions of a relevant landlord; or
- consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.

2.1.3 Harassment

Harassment is an extreme form of nuisance and anti-social behaviour against groups or individuals and may be specifically described as:-

Racial Harassment

Harassment which is racially motivated, defined by the Commission for Racial Equality as "may be verbal or physical and which includes attacks on property

as well as the person, suffered by individuals or groups because of their colour, race, nationality or ethnic origin, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism". There is a separate policy and procedure for dealing with incidents of racial harassment.

Sexual Harassment

The interference with a person's comfort or safety on grounds of gender or sexual orientation.

Disability Harassment

The interference with a person's comfort or safety on grounds of their disability.

2.1.4 Domestic Violence

Incidents of domestic violence are managed by the Housing Advice Section. Effective liaison with the Domestic Abuse Multi-Agency Team (DAMAT) ensures that victims are supported in accessing appropriate remedies. Measures available to deal with associated anti-social behaviour and prevent impact on the wider community are considered only after consultation with DAMAT.

2.1.5 Publicity

The Statement of Policies and Procedures and the Summary or current policy and procedures will be published on the web site. Printed hard copies will be available at public access points and one stop shops across the District. Translated, Braille and large print copies will be made available if requested. The availability of anti-social behaviour policies and procedures will be published in 'Home News'.

Successful resolution of cases will be publicised and press releases will be made in specific cases of enforcement action e.g. obtaining possession orders, anti-social behaviour orders, and securing evictions. The identity of those individuals involved, both victims and perpetrators, will not be made public by the Council.

2.1.6 Protection of Staff

- The Council will ensure that the list of potentially violent members of the public available under the Sharing of Information Protocol (SIP list) is regularly updated and distributed to appropriate members of staff likely to have contact with members of the public.
- The Council will be represented on the multi-agency Risk Assessment Management Panel (RAMP) and relevant members of staff will be advised appropriately by a senior officer in respect of visiting and interviewing arrangements.
- The approved recommendations of the Staff Safety Working Group will be supported and implemented.

- All members of staff dealing with anti-social behaviour will receive training for lone working and dealing with people in stressful and difficult situations where conflict may arise.
- Appropriate legal action will be taken against those individuals who threaten, abuse or harm staff. This may include the enforcement of the Council's conditions of tenancy via possession proceedings, the seeking of injunctions to restrain individuals, or supporting criminal proceedings, where appropriate.

2.2 General Principles for Tackling Anti-Social Behaviour

2.2.1 Pre-tenancy

- An effective strategy for controlling anti-social behaviour should aim to prevent such behaviour occurring by minimising the conditions which encourage it to start. The Council will develop and sustain arrangements with the appropriate agencies to ensure that any support packages for new tenants are in place, any relevant agencies are involved and consulted, and the approach to the management of a tenancy has been agreed prior to the start of the tenancy. The Council will expect to be provided with all relevant information needed to allow effective management of tenancies as part of any negotiated nomination agreement. This ensures that perpetrators from vulnerable groups are appropriately supported and rehabilitated before enforcement action is taken. It is acknowledged that the majority of people who fall within vulnerable groups are not perpetrators of anti-social behaviour and may be victims.

Similarly, the Council will develop and sustain arrangements with the appropriate agencies for existing tenants who develop the need for care and support packages during the course of a tenancy. Adopting effective interventions by specialist agencies will ensure that key professionals are involved at the earliest possible stage to prevent or manage issues as they arise. Specialist agencies may include drug action teams and mental health services.

2.2.2. Post Allocation

- The "sign-up" of new tenants is the ideal opportunity to explain and reinforce the rights and obligations of the tenant as set out in the tenancy agreement; especially not to cause, or allow to be caused nuisance to neighbours or those living nearby.

Staff will ensure the tenancy agreement is explained to the tenant clearly so that they fully understand the terms of the agreement and the way the Council will approach any breaches of the tenancy agreement

- Following the commencement of a new tenancy, an appointment is made by a housing officer for a home visit to take place within the first 6 weeks of the tenancy start date. The purpose of this visit is
 - to provide an opportunity for the tenant to resolve any outstanding issues, particularly with regard to housing benefit

- enable a check for the correct use of decorating vouchers
- to check that relevant agencies remain engaged with the new tenant if support packages have been identified
- address any early signs of anti-social behaviour or any other potential breach of conditions of tenancy.

2.3 Responding to complaints of Anti-Social Behaviour

- Clear information will be provided to residents on how to report harassment, nuisance and anti-social behaviour, irrespective of tenure. All reports will be treated confidentially and formally acknowledged. On receipt of the complaint all possible remedies will be explored including the use of mediation, injunctions, Anti-Social Behaviour Orders, possession proceedings, Acceptable Behaviour Commitments, and all other available legal remedies. Often underlying causes of anti-social behaviour are very complex and this requires the policy to be flexible in its approach. Decision making tailored to the individual circumstances is crucial.
- The Council will ensure that a prompt and sympathetic approach is adopted when dealing with cases of alleged harassment, nuisance and anti-social behaviour. The Council will endeavour to provide the victim(s) and/or witnesses with the appropriate level of support and guidance to enable them to co-operate fully with any investigation.
- All of the remedies used by the Council will be subject to Human Rights considerations. There will be a balancing exercise between the rights of the victim and the perpetrator, and an assessment of whether the remedy is proportionate to the outcome sought.
- Where the alleged perpetrator is a child, the Council will ensure that Social Services undertake an assessment under S17 of the Children Act 1989 to identify whether a child is 'in need', necessitating the provision of services to that child and the family to meet those needs.

2.4 The Council is committed to adopting best practice in the management of harassment, nuisance and anti-social behaviour, and will ensure that the adopted definitions of nuisance and anti-social behaviour are the same as those developed by lead agencies such as the Government's Anti-Social Behaviour Unit.

2.5 It is recognised that anti-social behaviour is not just a housing management problem and that a strategic and holistic approach must be adopted. The Council will work in partnership with Police, other responsible authorities and agencies to reduce crime and disorder, anti-social behaviour and the fear of crime in Warwick District. The Council will support the local Crime and Disorder Reduction Partnerships and Community Safety Initiatives and any other relevant partnership arrangements where these add value.