



Anti-Social Behaviour Policy

Version 1.0

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Version Control

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Policy

1. Introduction

Yarlington's customers have told us that dealing with nuisance and anti-social behaviour is an important issue for them. By stating our aims and objectives in response to the issue of nuisance and anti-social behaviour (ASB) we believe we will be able to build on the work we have done in this area so far. We are committed to promoting understanding, tolerance and respect within our communities. We encourage customers to resolve issues themselves wherever possible. Where problems escalate into more serious and wide spread issues, we will proactively work with partners and customers to tackle such behaviour. This is reflected in this policy and the methods that we have adopted in tackling anti-social behaviour.

2. What is Anti-Social Behaviour?

Anti-social behaviour as defined by the Crime and Disorder Act (1988) is:

'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 (the defendant)'

And is defined as conduct which:

- Has engaged or threatens to engage in conduct capable of causing nuisance or annoyance to any person
- Directly or indirectly relates to or affects the housing management functions of the Company.
- Consists of, or involves using or threatening to use housing accommodation owned or managed by the Company for an unlawful purpose.

A list of examples of anti-social behaviour includes (not an exhaustive list):

- Noise nuisance
- Intimidation and harassment
- Aggressive and threatening language and behaviour
- Actual violence against people
- Damage, or threat of damage, to property
- Hate behaviour that targets members of identified groups because of their perceived differences
- Using housing accommodation to sell drugs, or for other unlawful purposes
- Writing graffiti and, in particular, graffiti which is abusive, threatening or insulting

3. Policy Objectives

Yarlington has adopted the Chartered Institute of Housing's Respect ASB Charter for Housing and is committed to tackling anti-social behaviour to provide a better quality of life for its customers and to improve areas and create sustainable communities. This will be achieved by the following range of objectives and core commitments:-

- Demonstrating leadership and strategic commitment

Providing strong leadership, corporate commitment and accountability about preventing and tackling ASB. This is embedded throughout our business and across key partners.

- Providing an accessible and accountable service

Ensuring our customers can easily report ASB and access the service. Customers are provided with useful and timely information and are actively encouraged to influence how we deliver the service.

- Taking swift action to protect communities

Ensuring we take prompt, appropriate and proportionate action to deal with ASB before it escalates. In doing so, we adopt a problem-solving approach and have regard to the full range of tools and legal powers available.

- Adopting a supportive approach to working with victims and witnesses

Ensuring our approach to case working demonstrates a strong focus on identifying and minimising risk

- Encouraging individual and community responsibility

Ensuring we will work with community groups and partners to promote tolerance and responsibility amongst our tenants and the wider community (Refer to 5).

- Having a clear focus on prevention and early intervention

Demonstrating the preventative measures we use are tailored towards the needs of our customers and their families. We will also provide, whether directly or via our partners, effective support to enable perpetrators to change their behaviour.

- Ensuring a value for money approach is embedded in the service

By ensuring we can demonstrate a strong focus in securing efficiency and effectiveness by balancing cost and quality.

4. Our Approach to Anti-Social Behaviour (ASB)

Working independently, and in partnership with the Police, the Community Safety Partnerships, Anti-Social Behaviour Steering Groups and in liaison with other statutory and voluntary agencies. Yarlington will assist those who are affected by, or who are victims of Anti-Social Behaviour. All parties will be advised of their responsibilities and of the legal measures available to Yarlington.

Yarlington will, where deemed appropriate, fairly investigate reports of ASB and its approach will be proportionate and flexible to deliver the most appropriate response to the behaviour reported. We will signpost to other agencies ie the Police, Local Authority where there is a statutory duty.

Where appropriate this response should be tailored to reflect the individual circumstances of each case. This will involve addressing the needs of both the perpetrator and their victim to ensure that wherever possible no-one loses their home through court action or is forced to leave their home due to deterioration in their quality of life.

Where appropriate a perpetrator's behaviour will be addressed by offering support, with court action being a last resort when all other interventions have failed. However, this will not be the case in instances of ASB which endanger life or property. These will be dealt with as emergencies and appropriate legal action will be pursued as a matter of urgency.

Perpetrators will be encouraged to address their unacceptable behaviour and to comply with their tenancy conditions through the involvement of support agencies and specialist support backed by the use of restorative justice, mediation, acceptable behaviour contracts, family intervention projects, community orders, injunctions and demoted tenancies. Only where the perpetrator shows no willingness to address their behaviour Yarlington will resort to possession action. Following any court action where possession has been granted to Yarlington, before any warrant is applied for, authorisation will be sought from the Leadership Team through the completion of a pre eviction assessment form which will be saved in the document management system.

ASB will be dealt with by trained Tenancy Compliance Specialists working in the Tenancy Performance Team who will work closely with other teams within Yarlington to ensure a joined up approach aimed at the prevention of ASB and/or its escalation.

Yarlington will work with communities throughout the areas in which it holds stock to identify the causes of Anti-social Behaviour and will work with those communities and both statutory and voluntary agencies to find long term solutions to prevent the causes for such behaviour occurring wherever this is possible.

5. Prevention and Early Intervention of Anti-Social Behaviour

In terms of actions and remedies, Yarlington uses an incremental approach depending on the severity and type of anti-social behaviour. We will use prevention and early intervention measures as our first approach to dealing with ASB.

We will not hesitate to use legal actions when reasonable and proportionate to do so, these measures include:-

- Injunctions
- Community Protection Orders
- Demotion Orders
- Possession Orders
- Mandatory Possession (7a)
- Mandatory Possession (S21)
- Eviction

6. Support of Victims and Witnesses

Where appropriate, residents experiencing anti-social behaviour or crime, will be signposted to other agencies and support services. As appropriate we can support victims and witnesses in a number of ways including:-

- Providing personal alarms, installing dispersed alarms within their home, target hardening property by providing security lighting, door and window locks. We can arrange for screens to be used in court so that a victim/witnesses identity is hidden.
- Cross tenure issues. Yarlinton recognises that ASB can occur outside its own stock. In these cases we will signpost to the relevant authorities. We advocate partnership working with other Registered Providers, the Police and Local Authorities where they are appropriately placed to deal with anti-social activity and crime.

7. Demotion of Assured Tenancy

A Demoted Tenancy provides Yarlinton and the customer the chance to work together to improve behaviour.

The Demotion Order gives a serious warning to the customer that if they continue to misbehave swift action can be taken to end their tenancy. It also removes a number of tenancy rights including:-

- security of tenure
- the right to buy or acquire
- unable to assign or have the the right to exchange

This provides a clear link between the enjoyment of the benefits and rights of security, and responsible behaviour, thereby acting as a positive incentive to the customer to change their behaviour.

The demotion is in place for a period of 12 months and if there are no identified breaches within the period the tenancy will automatically convert back to an Assured Tenancy. Customers have the right to appeal a decision to Demote their tenancy.

8. Starter Tenancies

The Starter Tenancy is a trial tenancy. It is not created by law but is an Assured Shorthold Tenancy which has less rights and protection from eviction than an assured tenancy. The introduction of Starter Tenancies forms an essential part in tackling anti-social behaviour and achieving sustainable communities. The Starter Tenancy will be of twelve months duration at the end of which there will be three options:-

- Grant a new Fixed Term Tenancy.
- Extend the Starter Tenancy period by a period of six months.
- Terminate the Starter Tenancy.

9. Professional Witness Schemes

The use of witnesses is very important for supporting evidence however it is recognised that sometimes witnesses are reluctant to give evidence for fear of reprisals, therefore, Yarlington may use other methods for the collection of evidence. These methods may include the collection of evidence by Yarlington's Tenancy Compliance Specialists, who can then appear in Court to give management statements or, in cases requiring anonymity or sustained evidence gathering, then Yarlington may use professional witnesses who may include for example Independent Investigators, Police Officers or Local Authority Officers.

10. Data Protection, Information Exchange and Recording

Yarlington has entered into a Housing Information Agreement for information sharing with the Police through the Community Safety and Crime and Disorder Partnership. Information may be shared with the Police, and other partner organisations, provided it relates to the prevention of ASB and the disclosure of information form is signed off by the Head of Operations and Customer Experience or the Tenancy Sustainment Manager.

All information relating to non-personalised or personalised data is recorded within our IT case management systems. We will adhere to Yarlington's GDPR policy and:-

- review the length of time we keep personal data;
- consider the purpose or purposes we hold the information for in deciding whether (and for how long) to retain it;
- securely delete information that is no longer needed for this purpose or these purposes; and
- update, archive or securely delete information if it goes out of date.

11. Publicising

Yarlington will publicise selected cases where legal action has been pursued successfully to make all of its customers aware of the consequences of tenancy breaches.

12. Confidentiality

Yarlington recognises that many complainants are very concerned that, when they complain about ASB, or provide evidence relating to ASB, they may become a target for retaliation by the perpetrator. Yarlington will, therefore, treat all information disclosed to it as confidential and will only use or disclose that information whether in court proceedings, through the information sharing agreement or to third parties such as the perpetrators legal representatives with the permission of the complainant. The identity of a complainant will not be disclosed to the alleged perpetrator at any stage of the ASB process without their consent.

13. Training of Staff in Dealing with Anti-Social Behaviour

Staff throughout the whole organisation will be made aware of the contents of the ASB policy and procedure so that they understand Yarlington's approach and can give advice to customers about how the process works and who should be contacted to deal with incidents of ASB.

14. Complaints Process

We are committed to ensuring all customers have a brilliant experience; however we recognise that sometimes this does not happen. If we have failed in our delivery of service, we will:

- Be Fair
- Put it right
- Learn from the outcome

If you are dissatisfied with the service, behaviour, standards, action or lack of action provided by Yarlington or those acting on our behalf you can make a complaint through MyYarlington, by Email, In Writing, Telephone or via the Yarlington Housing Group Website. You can also obtain a copy of our Customer Engagement Policy which outlines how to make a complaint.

15. Equality and Diversity

In dealing with ASB Yarlington will ensure that all customers and others are dealt with fairly and equitably, and in accordance with Yarlington's policy on Equality, Diversity and Inclusion.

16. Review

This policy should be reviewed annually or in accordance with legislative changes, Government initiatives or changes in best practice