



Birmingham Civic Housing Association
Anti Social Behaviour

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POLICY AND PROCEDURES DOCUMENT NO. 40 – ANTI-SOCIAL BEHAVIOUR

This document outlines Birmingham Civic Housing Association's (BCHA) Policy and Procedure for dealing with nuisance and anti social behaviour and describes our commitment to tackling nuisance and anti social behaviour.

Legislative Requirements

BCHA policy and procedure is to comply with section 218A of the Housing Act 1996 which places a duty on social landlords to publish anti social behaviour policies and procedures. Other relevant legislation includes, but is not limited to: Housing Act 1996; Civil Evidence Act 1995, Crime and Disorder Act 1998, Data Protection Act 1988, Housing Act 1988, Children's Act 1989, Anti social Behaviour Act 2003, Equality Act 2010 and Anti social Behaviour, Crime and Policing Act 2014.

1. Introduction

BCHA is a registered provider of social housing. We are required by section 218A of the Housing Act 1996 to publish policies and procedures for dealing with anti social behaviour. BCHA is committed to tackling anti social behaviour as we know that it has a devastating impact on the lives of our customers and the communities where we work. Anti social behaviour covers the range of behaviours from low level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their home and/or community.

BCHA is committed to tackling anti social behaviour and has housing managers who will deal with the many varied problems that constitute anti social behaviour.

2. Policy Statement

BCHA will not tolerate nuisance or anti social behaviour directed towards our customers, their visitors or any others engaged in a lawful activity in the locality of our homes, including our colleagues, contractors and others acting on our behalf. This policy sets out:

- Our commitment to tackling anti social behaviour;
- Our overall approach in relation to anti social behaviour;
- The methods we will use to tackle anti social behaviour.

Our aim is to achieve a balance between:

- Prevention
- Enforcement
- Support

We will use a range of ways to resolve anti social behaviour:

- Early intervention and prevention to resolve the problem as quickly as possible and consider mediation, if appropriate, early in the process;
- Use the full range of non-legal and legal tools available
- Partnership working where appropriate.

3. Definition of anti social behaviour

The Crime and Disorder Act 1998 outlines anti social behaviour in terms of its impact or likely impact on victims, as well as the actions of the perpetrators, specifically where a person is found to have;

“acted in an anti social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household.”

Some examples of anti social behaviour are:

- Rowdy behaviour including verbal abuse, insults, bullying, shouting, swearing
- Noise
- Pets and animal nuisance
- Garden nuisance
- Graffiti
- Drugs related incidents
- Alcohol related incidents
- Litter /rubbish/fly tipping
- Misuse of communal areas

4. Our Tenant responsibilities

Our tenancy agreement has clauses regarding anti social behaviour and clearly sets out what is expected of our customers. We expect our customers to comply with these terms and conditions and to:

- Ensure that they, their family and visitors, act in a considerate and reasonable way to others living in their community.

5. What we will not investigate

We expect a reasonable level of tolerance between neighbours and will seek to make a fair evaluation on whether complaints made are reasonable. An important factor of sustaining communities is the recognition and acceptance by our customers that the initial responsibility to resolve disputes with others may lie with them. BCHA will therefore not investigate the following although we will provide advice and support to parties involved to prevent the nuisance getting more serious.

- Actions which amount to no more than customers going about their normal everyday activities, for example children playing;
- Complaints which are not a breach of the terms of tenancy, for example, complaints of people staring;
- Actions which amount to people not being pleasant to each other but are not sufficiently serious to justify our involvement;
- Complaints about people being inconsiderate or thoughtless where there is no breach of tenancy.

6. Preventing Anti Social Behaviour

We aim to prevent anti social behaviour from happening by adopting a number of approaches including;

- In some cases, in line with set criteria outlined in our lettings policy, we refuse access to our homes or refuse nominations made from other organisations.
- Ensuring that all new customers are made aware of their rights and responsibilities in relation to anti social behaviour harassment and intimidation.
- Taking an active role in local crime and disorder partnerships and other local multi agency groups and initiatives. This may include contributing to funding for certain and specific projects.

7. Tackling anti social behaviour

How each case is dealt with will depend on the specific circumstances of the complainants/victims and the perpetrators. Our aims are to:

- Make sure colleagues are trained and supported to deal confidentially with anti social behaviour complaints and are able to prioritise these complaints based on the seriousness of the case and risk of harm.
- Ensure incidents of anti social behaviour can be easily reported, for example during a home visit or interview with a member of our team, observations made by partner agencies alerting us to problems, by letter, telephone, email, via the BCHA website or by text, as well as via an out of hours service.
- Ensure compliance with the appropriate and relevant policies and procedures;
- Deal with incidents sensitively and appropriately taking into account the impact the behaviour is having.
- Investigate complaints fairly and impartially.
- Ask at the outset what the complainant is expecting and what would be a satisfactory outcome for them, giving us the opportunity to be honest with them about what can and cannot be achieved.

- Develop an action plan with the complainant and keep complainants informed of progress during the case in accordance with the agreed procedure.
- Maintain appropriate confidentiality and act in accordance with data protection legislation.
- Ensure actual or potential perpetrators of anti social behaviour are fully aware of the consequences of their actions. Where appropriate, identify any support needs and engage the appropriate support services to assist the perpetrator in modifying their behaviour.
- Where appropriate work in partnership with other agencies to find possible solutions.
- Consider the most appropriate tools to use, including non-legal and legal remedies to resolve the problem according to the available evidence.
- We may also, in appropriate cases, liaise with external agencies for example the police and local authority in relation to securing other legal tools that are available for example:
 - Community protection notice;
 - Public Space Protection orders
 - Criminal Behaviour orders
 - Closure notices and orders
 - Dispersal powers
- On a case by case basis tailor the support to victims, their families and any witnesses and identify an external support/witness services provided by other agencies e.g. police, victim support or community support schemes and help them to access these.
- Take swift and effective action against perpetrators in conjunction with other agencies where necessary.
- In very serious cases and where this is the most appropriate solution, attempt to facilitate a move for the victim. This is subject to recommendations from statutory agencies such as the police.
- Monitor performance on how we deal with anti social behaviour and to regularly report incidents to the Board of Management.

8. Support for Complainants, Victims, their Families and Witnesses

In all anti social behaviour cases we shall take into account the wishes of complainants, victims and witnesses. We shall keep in touch and review the case with them on a regular basis. We will consider at an early stage and on an ongoing basis what we can do to support them, considering each case individually. We shall consider how we can work with other agencies, if available in their community, to ensure the appropriate support is available. If the anti social behaviour is caused by a customer of another landlord but one of our customers is the victim, we will work to share information and support our customer.

We will ensure all incidents of anti social behaviour are dealt with in line with these guidelines:

- Investigate every reported case of anti social behaviour including domestic violence, racial harassment and hate crime;
- Take immediate and urgent action (within 24 hrs) in very serious cases, for example where attacks have taken place. This may include taking out injunction/s or commencing possession proceedings.
- Aim to complete any urgent maintenance work within 24 hrs
- For non emergency cases we will contact the complainant within 5 working days;
- Agree an action plan
- Agree a contact housing manager to keep in touch with you at regular intervals decided by you;
- Support you if you are required to give evidence or attend court;
- Remove offensive graffiti within 24 hours of it being reported, if it is on our land.

9. Support for Perpetrators

We appreciate that some perpetrators may be vulnerable and will need help and support to enable them to sustain their tenancy and reduce the risk of losing their home. If appropriate, we will work with both internal and external support services and external specialist agencies.

10. Multi Agency Working

Multi agency working is vital for a successful response to anti social behaviour. We are members of Community Safety Partnerships who are made up of organisations such as the Police, Local Authorities, Local Authorities ASB teams, Health, Probation, the Youth Offending Service, Social Services, Education, Fire Services and other social housing providers in specific areas. We are also signed up to Safer Estates and Information Exchange Protocols and Agreements.

11. Using professional witnesses

We may employ external contractors to collect evidence on our behalf where there are concerns for the safety of witnesses or the complainant or victim who may not want to appear in court for fear of reprisals. The term 'professional witness' is used to describe anyone who is working in a formal capacity by observing, recording incidents, making witness statements and giving evidence in court when required. This includes contractors that provide and install CCTV surveillance equipment, whose evidence and findings may be used in legal proceedings.

12. Training our colleagues

BCHA sources training and development activities to ensure that all relevant colleagues with the association are:

- Aware of and can use effectively the anti social behaviour policy, summary and procedures and other related policies and procedures;
- Ensure all relevant colleagues are trained in all aspects of dealing with anti social behaviour, domestic abuse, hate crime, harassment and intimidation. An overview will be given to any temporary colleagues;
- Able to apply and share good practice.

13. Protecting our colleagues

We will not tolerate abuse or threats towards our colleagues and/or contractors. Legal action may be taken against customers and/or other members of the community, who assault, threaten to harm or who verbally abuse our internal or external colleagues.

14. Data Protection

We will maintain appropriate records of anti social behaviour, harassment and intimidation. All information is confidential and not released to a third party unless either agreed by the people concerned or under the terms of the data exchange / sharing protocols and agreements. The following table is extracted from the Data Protection Act, and provides a summary of the circumstances of when information may be exchanged.

Type of Recipient	Circumstances for disclosure
Data Subjects themselves	A written request to view data must be received from the Data subject and treated in accordance with the Right of Access.
Relatives, guardians or other persons associated with the data subject	Information can only be given on receipt of the Data Subject's written consent. Steps should be taken to verify the identify of the individual to whom information is to be disclosed.
Healthcare, social and welfare advisers or practitioners	Specific limited information can be given to named contacts/advisers, e.g. for case conferences, social services.
Local Authorities	Specific information on a need to know basis through a joint protocol for data exchange.
Police Forces and other statutory agencies	Specific information on a need to know basis through a joint protocol for data exchange.

15. Making a complaint about how we have conducted cases and the community trigger

If customers are not happy with the way we are handling cases they can be referred to our complaints policy and procedure. This policy is available separately and free of charge. If a complaint is received under the 'community trigger' (Anti Social Behaviour, Crime and Policing Act 2014) this will be dealt with by the Community Safety Team and in accordance with the relevant local policing bodies process and will not be dealt with via the Association's complaints' policy.

16. Monitoring of anti social behaviour policy, summary and procedures

We will routinely monitor our performance and report these results to the Board of Management.

17. Review of anti social behaviour policy, summary and procedure

We will review our policy, summary and procedures annually to ensure they are effective and comply with current legislation and good practice.