

Hexagon

Anti-Social Behaviour Policy

POLICY DOCUMENT

Anti-Social Behaviour Policy

This policy aims to set out what Hexagon's approach to anti-social behaviour is, and what Hexagon will do about it.

Our aim

There is a legal framework that determines our responsibilities as a landlord. This policy will also outline our approach in areas not determined by law.

Although there are a number of legal and other remedies available, our aim is to prevent and stop antisocial behaviour occurring without causing the loss of tenancies. Court proceedings for possession or other formal legal remedies will usually only be used in a minority of serious cases where other intervention actions have not been successful in stopping or reducing the nuisance occurring.

The aim of this policy is to show how we will

- Prevent or reduce the incidence of anti-social behaviour.
- Create a safe environment for residents to report anti-social behaviour
- Ensure that cases of anti-social behaviour are treated in a timely, consistent and effective manner
- Work in partnership with other agencies
- Assist residents and witnesses to obtain support

Scope

This policy and the associated procedure are intended to deal with anti-social behaviour that directly affects the housing management functions of Hexagon. It will deal with incidents or reported incidents where one or more of the alleged perpetrators or complainants live in a property or on an estate managed by Hexagon. It also applies when the anti-social behaviour affects our staff, contractors, partners or agents. We will take reports of anti-social behaviour from residents, those supporting them (relatives or support providers) and neighbours. We will get the agreement of the complainant before taking action.

1. What is Anti-Social Behaviour?

Hexagon will use the definitions of anti-social behaviour in relation to tenancy management contained in the Anti-social Behaviour, Crime and Policing Act 2014 that it is:

“Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises,” and

“Conduct capable of causing housing related nuisance or annoyance to any person.”

1.1 Examples of anti-social behaviour may include:

Damage to property; fly tipping and littering; violence or threats of violence; abusive behaviour and abuse of staff; criminal activity and excessive noise.

1.2 The tenancy agreement signed by the tenant sets out their obligation not to carry out anti-social behaviour, and to be responsible for the behaviour of their family and visitors.

1.3 Not all behaviour that is reported will necessarily be considered anti-social behaviour. We do expect our tenants to show tolerance of their neighbours' normal living activities and therefore do not consider the following, (even though they may cause annoyance to some people) to be anti-social behaviour:

- Children playing, (unless in areas where this is not allowed), normal household sounds, (cleaning, footsteps, doors closing), smoke and cooking smells;
- DIY; a private one-off party or BBQ, (having informed neighbours in advance) instrumental music practice, all these activities within acceptable hours.

1.4 We accept that some of these activities where **repeated or extreme** could be considered anti-social behaviour and each case will be assessed on its own merits. Not all activity that a complainant might consider to be anti-social behaviour will be a tenancy breach, and this may limit the intervention action which is possible.

1.5 Other activities that could be considered anti-social behaviour will be assessed on their merits.

1.6 We will not get involved in behaviour that is not related to our housing management function, (unless it is also connected to harassment, see Harassment/Hate Crime Policy) for example: Neighbour disputes, rudeness, staring or disputes on social media.

What we will do

2. Prevention and early intervention

2.1 Design of estate and accommodation. We endeavour to design estates and accommodation that will minimise the likelihood of anti-social behaviour.

2.2 Pre-tenancy work. We endeavour to carry out pre-tenancy checks and house people appropriately.

2.3 Starter Tenancies. We sign up new tenants on 12 month Starter Tenancies, unless the applicant already holds a social housing tenancy with Hexagon or any other landlord. These convert to a full Assured Tenancies after a year if

the tenancy has been conducted satisfactorily. However, if there is a breach of the tenancy agreement, including antisocial behaviour, and following appropriate warnings, the tenancy can be ended more easily than an Assured Tenancy.

- 2.4 Tenancy Conditions.** Our Tenancy Agreement states “You are responsible for the behaviour of every person (including children and lodgers) living in or visiting your home. You are responsible for them in your home, on surrounding land, in shared parts or communal areas, and in the locality around your home. You, and they, must not cause a nuisance, annoyance or disturbance to any other person.” (Older versions of the tenancy may have a variation on this.
- 2.5 Sign up.** We use the sign-up process and Good Neighbour Agreements to give a clear message on our expectations of tenant behaviour.
- 2.6 Estate inspections.** We carry out estate inspections so that we are aware of, and can take action on, unreported early problems.
- 2.7 Estate Champions.** We involve Estate Champions and other residents in informing us of concerns.
- 2.8 Estate improvements.** We carry out estate improvements that help us address anti-social behaviour, subject to funding.
- 2.9 Community Investment.** We carry out Community Investment activities on estates to encourage an atmosphere where neighbours are more likely to work together to resolve concerns. This may include activities for young people with the aim of diverting them from behaviour that may be anti-social.

3. Dealing with a report of anti-social behaviour

- 3.1 Reporting anti-social behaviour.** We will accept reports of anti-social behaviour by any means – a phone call, email, letter or conversation with a member of Hexagon staff. Reports will be logged and the complainant sent a copy of the Anti-Social Behaviour Pack.
- 3.2 Risk Assessment.** We will carry out a risk assessment of the situation reported to us. This will include an assessment of the nature of the incidents being reported and their impact on the complainant, taking account of any issues which may make the complainant particularly vulnerable. The outcome of this will determine the urgency and priority we will give to dealing with the issue and therefore the timeframe for our actions.
- 3.3 We will adopt a positive attitude to reports of anti-social behaviour,** but may advise you at an early stage if we do not consider the activity or behaviour that you describe to be anti-social behaviour.

- 3.4 Confidentiality.** We will not disclose the complainant's name to those complained about without the complainant's permission
- 3.5 Investigation.** We will investigate reports of activities that may be anti-social behaviour. Initial actions will take place between 24 hours and 10 days of the first report, depending on the risk assessment.
- 3.6 Evidence.** We will assist you to provide, or we will obtain, further evidence of anti-social behaviour e.g. diary sheets, statements.
- 3.7 Informal Measures.** Unless the behaviour is so serious that other measures must be taken immediately we will initially deal with reports of anti-social behaviour by informal means, for example:
- **Warning letters**
 - **Meetings**
 - **Mediation**
 - **Good Neighbour Agreements**
 - **Contact with Youth Services**
 - **Acceptable Behaviour Contract**
- 3.8 Updating the complainant.** We will keep the complainant informed of our actions. (See Service Standard for time scales.)

4. Legal Measures

- 4.1 Legal action criteria.** When we consider it necessary and proportionate, having tried other measures, and if there is sufficient evidence, we may take legal action. The majority of cases do not require legal action. We can only consider applying to court if we are confident that the strength of the evidence is such that a court is likely to agree to our request.
- 4.2 Tenancy Injunction.** We may apply for a Tenancy Injunction: this is a court order requiring the tenant to do or stop doing something.
- 4.3 Possession Order.** We may apply to court for a possession order, having served a Notice Requiring Possession on the tenant. In making this decision, we will consider the likelihood of the court deciding to allow us to repossess a home because of the behaviour in question.
- 4.4 Tenancy Demotions.** We will not use Tenancy Demotions, as other options are quicker and more effective.
- 4.5 Civil Injunction.** We may consider taking out a civil injunction (An Injunction to Prevent Nuisance and Annoyance IPNA – replacing Anti-social Behaviour Orders) if a tenancy remedy is not appropriate.

4.6 Actions by other agencies. In many cases, other agencies may be better placed to take action to address the problem, for example by taking out IPNAs or Community Protection Orders, Closure Orders or Public Spaces Protection Orders, and we will work with them to support their action.

4.7 We will decide what action to take having considered the circumstances of each case, and whether the proposed action would be proportionate to the behaviour taking place.

5. Multi-agency work

5.1 Partnership Working. Many anti-social behaviour cases will require partnership working or referrals to other agencies to resolve them. We will work with enforcement agencies such as the police, environmental health service, and the local authority, and with commissioners such as Health and Social Care, education, youth services and support providers and voluntary organisations on a case-by-case basis.

5.2 We will also take part in multi-agency forums such as:

- Action Planning meetings to discuss victims and/or perpetrators
- Community safety partnership meetings
- MARAC (Multi Agency Risk Assessment Conference - in cases involving domestic abuse)
- MAPPA (Multi Agency Public Protection Arrangement – in cases involving violent or sexual offenders)
- Child protection conferences
- Ad-hoc meetings to discuss individual cases
- MASH (Multi Agency Safeguarding Hub – for cases involving vulnerable people)

6 Support for residents reporting and/or experiencing anti-social behaviour.

6.1 Individualized support. Support for residents should be tailored to their needs, for example, an elderly or vulnerable resident may require more reassurance via face-to-face contact than others.

6.2 We will put residents experiencing anti-social behaviour in touch with Victim Support or other sources of support

6.3 Timescales and information. We will be clear with all residents what time scales we have for dealing with anti-social behaviour reports, and how we will keep them informed of our actions, the progress of the case and our decisions.

- 6.4 Resident witnesses.** Where residents agree to act as witnesses, e.g. in a court case, we will talk to the police about the level of risk involved and how necessary support can be put in place.
- 6.5 Moving home.** We are not able to give additional priority for transfers to residents suffering anti-social behaviour.

7. What we expect from our residents

We expect our residents to work in partnership with us to resolve anti-social behaviour.

- 7.1 Talk to your neighbour** - Where a problem arises from an identified neighbour, in the first instance you should try to resolve issues with your neighbour yourself, before approaching us. Following this, if you ask us for assistance, we will also, depending on the seriousness of the anti-social behaviour, expect you to use our advice to resolve issues with your neighbour.
- 7.2 Records (also see 8)** If this is unsuccessful, we may need you to keep diary sheets or other records, or have a noise nuisance recorder in your home. Everyone has a different tolerance to noise. The noise nuisance recorder enables us to establish if the noise being experienced is 'everyday living noise' or if it could be classified as anti-social behaviour.
- 7.3 Mediation** - We may propose mediation with the perpetrator of the anti-social behaviour and would expect you to take part in this, subject to a risk assessment. Refusing mediation, in the absence of violence/threats of violence, may limit the action we can take and indicates that you are not serious about resolving the issue.

8. Evidence

Much anti-social behaviour is reported to us by tenants rather than directly observed by Hexagon staff. Allegations of antisocial behaviour are often disputed and in order to be able to take any action, evidence gathering will be necessary.

- 8.1 Diary Sheets.** Residents may be asked to complete diary sheets so that more precise details of the behaviour can be recorded.
- 8.2 Noise nuisance.** A noise nuisance recorder may be installed in a complainant's home for a short period so that the frequency and level of disturbance can be accurately recorded.
- 8.3 Other evidence provided by residents.** We will also review other records such as video and sound recordings or photographs made by residents.

8.4 Other sources of evidence. We may also investigate incidents by interviewing other residents or witnesses, by checking CCTV and by asking partner agencies for information.

8.5 Where it is not possible to gather sufficient evidence to verify what has been occurring, it may not be possible to take any formal enforcement action. This does not mean that Hexagon disbelieves the complainant must be realistic about what is possible in the absence of evidence.

9. Support needs.

We are aware that residents with support needs may behave in ways which cause nuisance to their neighbours.

9.1 We will continue to put the needs of the complainants first, and follow our Anti-social Behaviour Policy and Procedure. However, in addition, we will consider what role the support needs of the person complained against may have played in their behaviour and take steps to obtain, or refer them to, support.

9.2 Our actions must take into account the provisions of the Equality Act 2010. This includes considering whether the impact of the behaviour on the complainant outweighs the impact of potentially losing a tenancy on the person being complained about, if the alleged perpetrator has a disability which may have contributed towards the nuisance being caused.

10. Information sharing and confidentiality

We will follow our own policies on information sharing and confidentiality. This means we will not share information that you have given us, or about you, without your consent. However, we will share information with the police when it relates to a criminal investigation, and in line with the information sharing protocol that we have agreed with them. We will also share information with Social Services where we have safeguarding concerns.

11. Training

We will provide training, and refresher training, for our staff.

Front line housing management staff will receive training in the Hexagon Anti-Social Behaviour Policy and Procedure and be kept up-to-date with current legislation and best practice.

12. Communications

We will regularly publicise our expectations of resident behaviour, ways residents can get involved to improve their estates or areas, ways of reporting anti-social behaviour and information about our policy, procedure and service standards.

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