

Antisocial Behaviour Policy

Purpose

This policy explains how we, Foundation Housing, will deal with antisocial behaviour and explains how we manage all types of antisocial behaviour. It covers what antisocial behaviour is, our approach to dealing with it, what actions we may take and the role of other agencies in tackling antisocial behaviour. It also explains the role of the victim or witnesses in tackling the problem of antisocial behaviour, along with details of the support we can offer to people who suffer as a result of antisocial behaviour. The policy will also advise how we will work with a perpetrator/s of antisocial behaviour.

Definition of antisocial behaviour (ASB)

ASB is behaviour by any person, including tenants, members of their household, or their visitors (invited or uninvited), or pet, which causes, or is capable of causing, annoyance, nuisance or disturbance. ASB includes any form of intimidation or persecution of a person or group of people.

Everyone has the right to their chosen lifestyle as long as this does not spoil other people's quality of life. This means that being tolerant, considerate and respectful of others is important.

Policy

Timescales for responding to reports of antisocial behaviour

We will contact a victim as quickly as possible after they report ASB. Our targets for responding to ASB will depend on how serious the matter is. Our target response times are as follows.

Category one – we will respond within 24 hours

This is for the most serious types of ASB, including:

- violence or threatened violence towards a person;
- destruction of property; or
- a situation where there is real risk of harm to a person or property (for example, if someone is storing explosive materials).

Category two – we will respond within five working days

This is for moderate to low ASB, including:

- any other complaint not covered above such as noise nuisance, nuisance caused by pets or animals, or criminal behaviour.

Our commitment

We will respond to all complaints of ASB, wherever they may come from, if they are about our tenants, their families or visitors to our tenants. We will take all reports of ASB seriously and investigate them.

At the beginning of, and during, an ASB case, we will discuss with the victim options available and what we and other agencies can do to deal with the situation. We will be honest about what we can and cannot do and the victim's role in working with us. We will not raise expectations unreasonably or make promises that we cannot keep. We will agree a course of action and will regularly monitor this .

We will not reveal the identity of the victim unless it is agreed that we can. We may need to share information with other agencies but will ask for permission before we do this.

What a victim can do to help us ASB

If the person reporting ASB or others witness ASB in their home, they are very important in helping to solve the problem and in preventing ASB from happening again.

- **Talk**

Talk to the person causing the ASB, this is often a good way to stop it happening again. Sometimes neighbours don't realise the effect their behaviour, or their visitors' behaviour, has on others. Sometimes the problem can be solved simply by explaining, calmly and politely, the effect their actions are having on you.

- **Tell someone**

Sometimes the ASB is so serious that talking to the person involved is not appropriate, and the behaviour may need to be reported to someone else. Who to report the behaviour to will depend on what has happened. For example, if there has been threatening behaviour or criminal action, the police should be contacted; if there is persistent and regular noise nuisance, this should be reported to the local council's environmental health department, or if someone has broken the conditions of their tenancy agreement, tell us. Please contact us as we will be able to advise about who to speak and what may need to happen next.

- **Collect information**

If we, or any of the other agencies, want to take action such as legal action to stop the ASB, we will need details about what has happened, who was involved, whether there were any witnesses and so on. It is important that those details are accurate and clear and we will ask the victim to help us collect evidence if they want us to take action.

- **Keep in touch**

Whichever agency is involved in helping to deal with ASB, they will need to know what is happening and whether the behaviour has stopped or is continuing. If we are working with the victim to solve a case, we will also keep in touch with them and let them know what action we can take, when we will take that action and what they can do to help us.

Tenants' responsibilities

Under their tenancy agreements, our tenants have a legal responsibility to:

- not use the premises, or cause or permit the premises to be used, for any illegal purpose; and
- not cause or permit a nuisance.

We expect our tenants to show consideration to their neighbours and not to cause, or allow their family or visitors to cause, a nuisance to or annoy others. This includes harassment, noise nuisance, annoyance or disturbance, whether to other residents and their visitors, or other people in the area, such as our staff and contractors.

Our responsibilities

Whenever we receive a report of ASB, we will act quickly (within the timescales set out in this policy) to give advice to the person reporting it.

If the behaviour is either serious or criminal, or other action has failed to stop or prevent persistent ASB, we may take legal action. We will evict a tenant only as a last resort or where there is serious risk to others. The actions we take will depend on:

- the type of behaviour and its effect on others;
- whether the tenant is vulnerable or has a disability;
- whether the tenant is willing to engage with support ; and
- the evidence we have to support the case.

If a tenant has a support agreement in place with a support provider, we will work with the support provider to deal with the ASB.

We are unable to take action on reports of behaviour that does not directly break the terms of a tenant's tenancy agreement.

We are not responsible for carrying out criminal investigations.

We will work within the legal framework of the Residential Tenancies Act 1987.

Early action when antisocial behaviour is reported

When we receive a report of ASB, we will offer a number of possible ways of dealing with it, including the following.

- **Negotiation** – This is where we speak with people informally to explain how the behaviour is causing problems and help improve relationships.
- **Mediation** – This is where the victim and the person they feel is responsible for the ASB meet with an independent person from a mediation service. The independent person will aim to encourage both sides to reach an agreement. Mediation is voluntary, confidential and avoids legal action. It works in a high number of cases.
- **Support** – We will provide advice and help in dealing with ASB. This may mean making a referral to a support agency which will provide help and support to either the victim or the alleged perpetrator. This could be someone who can help with language issues or other needs.
- **Referrals to other agencies** – We may refer the victim to other agencies or organisations which should be able to deal with that type of ASB. For example, we will refer reports of noise nuisance to the environmental health department at the local council as this department is legally responsible for investigating complaints of statutory noise nuisance.

Working with the perpetrator to address their behaviour

We will take action to protect the wider community, but will always try to balance the rights of the community against those of the perpetrator.

We will support perpetrators to change their behaviour where this is a reasonable remedy to addressing the ASB concerned. This may be linked to enforcement action where appropriate.

If the ASB is being caused by a visitor to a tenant's home who has the tenant's permission to be there, the tenant is responsible for their behaviour whilst at the property. We will help tenants by giving advice and support regarding visitors causing ASB.

Tenants with support needs

We recognise that tenants with support needs could be alleged perpetrators or victims of ASB and that they may need help and support to sustain their tenancy.

The ASB may be a consequence of a customer's vulnerability, for example it could be a consequence of substance misuse, mental health or a tenant's experience of homelessness. We will ensure that any action we take is appropriate and sensitive to the particular vulnerability of the tenant.

Where appropriate we will work with external specialist agencies to seek to moderate the ASB. We recognise that in these circumstances changes in behaviour may be gradual and not immediately achieved. We will encourage and support long-term changes in the behaviour of perpetrators

We may arrange for perpetrators to receive support in the following ways:

- referral to tenancy support programmes
- referral to social services
- referral to community mental health teams
- referral to substance misuse programmes

Alleged perpetrators of ASB may be part of a vulnerable household, with children, young people or adults who are in need of support; the ASB case may be a trigger which alerts us to wider problems the household is experiencing. This may include child protection issues. We will respond to these situations sensitively and with the support of other agencies.

Appealing

If a person reporting antisocial behaviour or a tenant does not agree with any of our decisions or actions, they can appeal against them under our Appeals Policy.

Monitoring and reporting

We will monitor and report on antisocial behaviour cases to the Tenancy Management and Enrichment Committee and the Board when necessary.

Relevant Legislation

Residential Tenancies Act 1987 (WA)

Related Documents

Procedure: HS_AntiSocialBehaviour_1_PRO_Ver1

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