

Anti-Social Behaviour Policy



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1. MANAGEMENT INFORMATION

Date Policy approved by LMH Board / Committee	12th February 2015
Replacing / Updating	ASB Policy – August 2012
Next Review Date	November 2018
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Circulation list	Available to all LMH staff via intranet

2. POLICY AIMS AND KEY OBJECTIVES

OUR COMMITMENT TO TACKLING ANTI-SOCIAL BEHAVIOUR (ASB)

LMH believes that all residents have the right to enjoy the peace and quiet of their home and community, free from disturbance or intimidation.

LMH recognises that ASB can have a serious impact on people's lives and is fully committed to dealing firmly and fairly with all forms of Anti-Social Behaviour (ASB) in the neighbourhoods where we manage homes.

LMH take all reports of ASB seriously, making full use of the powers available and adopting a 'victim centred approach' to managing ASB cases. The victim centred approach utilises a national standard vulnerability risk assessment matrix to tailor our response and case management to the individual circumstances and needs.

We will work with our key partners at both operational and strategic levels to prevent ASB where possible and to identify a swift and co-ordinated response to tackle and resolve ASB issues when they arise. LMH's approach is a balanced one:

- Prevention and diversion where possible;
- Enforcement when necessary;
- Rehabilitation when appropriate.

The aims and objectives of this policy are summarised as follows:

- Ensure compliance with the Housing & Community Agencies (HCA) regulatory framework
- Demonstrate our commitment to the RESPECT ASB Charter for housing:
 - Demonstrating commitment and strategic leadership
 - Providing an accessible and accountable service
 - Taking swift action to protect communities
 - Adopting a supportive approach to working with victims and witnesses
 - Encouraging individual and community responsibility
 - Having a clear focus on prevention and early intervention
 - Ensuring value for money approach is embedded in the service
 - Outline LMH's case management processes and service standards in dealing with ASB
 - Outline LMH's sensitive, supportive, confidential, consistent and prompt ASB service for victims, witnesses and the wider community
 - Promote confidence in customers reporting ASB Incidents as well as access to and take-up of witness support

- Promote 'justice seen, justice done' principles (including publicity) to
 - i. keep victims and witnesses informed on progress
 - ii. increase confidence and re-assurance in reporting ASB amongst customer's and the wider community
 - iii. deter perpetrators of ASB, harassment and hate crime

Examples of ASB categories in terms of LMH target response times:

Serious:	General :
<ul style="list-style-type: none"> • harassment, intimidation or threatening behaviour • hate related incidents • domestic violence/abuse • physical violence • threats to staff 	<ul style="list-style-type: none"> • vandalism and damage to property • loud and frequent noise disturbances • pets and animal nuisance, including dangerous dogs and irresponsible dog ownership • nuisance from vehicles • substance misuse, drug dealing & cultivation* • litter, rubbish and fly tipping • alcohol related nuisance • verbal abuse • criminal behaviour/crime* • garden nuisance • misuse of communal areas & public spaces <p>*criminal offences should be reported to police in the first instance</p>

What we don't class as ASB:

Not all complaints LMH receive are classified as being ASB and considered to be everyday living noises and lifestyle differences. Examples include:

- one off parties, unless such a party leads to any of the ASB conduct set out in the table above
- children playing out with each other playing in their own gardens/homes
- general household noise such as vacuuming, using a washing machine
- cooking smells
- people walking across wooden floors whilst wearing shoes
- DIY at reasonable hours of the day

Every Tenants Responsibility:

It may be possible for a customer to deal with an ASB problem directly, depending on circumstances:

- We encourage customers to consider if the neighbour causing the problem as a different lifestyle or culture and whether their actions are unreasonable.
- If the customer feels confident and safe to do so, we encourage speaking to neighbours directly to find an neighbourly/amicable solution.
- If the above approaches are not suitable or working, we advise customers

to report the ASB to LMH

By signing a tenancy agreement, in line with the 1996 Housing Act, tenants accept full personal responsibility for their own behaviour and the behaviour of Children and anyone else living at the tenancy and visitors (whether invited or not)

The tenancy agreement makes it clear that ASB and criminal activity is unacceptable to LMH, immediate neighbours and the wider community.

In line with the ASB, Crime and Policing Act 2014, LMH will take action against customers (tenants/leaseholders), household members and visitors (invited or not) who commit anti-social behaviour or crime affecting our landlord function, even if it occurs elsewhere in the neighbourhood (where permitted by law).

3. SCOPE OF POLICY

LMH is committed to providing excellent customer services that represent value for money to our customers* and partners. This policy outlines Liverpool Mutual Homes (LMH's) approach to tackling anti-social behaviour (ASB).

LMH acknowledges that there is no one definition of ASB but favours definitions as stated in the ASB Crime and Policing Act 2014:

'conduct that has caused, or is likely to cause, harassment, alarm or distress to any person; conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or conduct capable of causing housing-related nuisance or annoyance to any person'.

For the purposes of injunctions, the meaning of ASB is defined in the Anti-social Behaviour, Crime and Policing Act 2014 as:

- a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,***
- b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation or residential premises, or***
- c) conduct capable of causing housing-related nuisance or annoyance to any person.***

LMH's housing management, supported housing and community safety teams are principally, but not exclusively, responsible for managing and delivering this policy. All references in the policy where action is required would be taken by LMH, or appointed agents/contractors.

LMH's tenancy agreement includes a wide range of robust clauses with regard to ASB. We will enforce conditions within our tenancy agreement and work with other agencies to take action if a customer fails to stop ASB towards others.

LMH is committed to promoting a culture where:

- ASB of any description is not tolerated in our communities and
- our customers, other residents and people working in our communities are confident in reporting ASB to LMH.

We recognise that the ability to take enforcement and legal action against perpetrators of ASB is strengthened and more effective where residents provide witness evidence. We therefore encourage and support customers and other residents in providing witness statements and helping LMH take action to resolve ASB issues.

NB: *For the purpose of this policy, tenants and leaseholders are referred to as customers

4. DETAIL

The key aspects of our ASB policy are:

LMH staff adopt a 'victim centred' 5 stage best practice model in managing ASB cases and work with individuals, partner organisations and the wider community in:

- Preventing ASB;
- Completing vulnerability (risk) assessments with victims of ASB to identify vulnerability and additional support needs;
- Supporting victims and witnesses;
- Taking swift and effective action against perpetrators of ASB with the aim of protecting the victim and witnesses;
- Stopping/tackling the ASB and preventing further incidents;
- Working with all appropriate agencies at operational and strategic level to deal with the ASB;
- Providing clear and accurate information to all customers and the wider community on how to report ASB to LMH and signposting customers to appropriate support services and agencies where necessary;
- Providing clear and accurate information to all customers and the wider community on how LMH will deal with reports of ASB and where appropriate, publicising actions (including legal interventions) taken against perpetrators

Prevention may include (but not limited to):

- Dealing with reported incidents quickly and effectively;
- Arranging for target hardening or additional security work to be carried out where appropriate and where budget allows;
- Writing to all customers/residents in the immediate neighbourhood, street block or estate to inform of incidents (this may also help to gather information) and remind tenants about conditions of tenancy;
- Publishing articles on local media and internet as well as in community newsletters/leaflets delivered to customers/residents;
- Working with customers, residents, partner agencies and local community groups to promote and encourage community resilience and cohesion in the neighbourhoods where we work;
- Supporting diversionary and capacity building activities within our communities;
- Making referrals to the appropriate support, partner, safeguarding agencies

Taking action may include (but is not limited to):

- Asking victims and witnesses to keep diaries of events using ASB diaries or other methods of recording incidents;
- Working with partner agencies in supporting perpetrators to correct their anti-social behaviour;
- Considering use of surveillance to gather evidence;
- Interviewing alleged perpetrators (with parents if minors) and explaining the policy and consequences of the anti-social behaviour;
- Using training/education as a tool to tackle perpetrators perceptions to help modify their behaviour;
- Giving verbal warnings;
- Sending warning letters and tenancy enforcement notices;
- Using Acceptable Behaviour Contracts (ABC's), Parenting Orders, estate agreements;
- perpetrators/households causing or responsible for ASB being made ineligible to apply to the housing waiting list;
- current housing waiting list applications being made ineligible or given reduced preference/priority where perpetrators/households are causing or responsible for ASB;
- Applying for injunctions / tenancy demotion/possession
- Absolute ground for possession may be considered where appropriate and in accordance with the ASB Crime and Policing Act 2014, where there has been:
 - a serious criminal offence,
 - breach of asb related injunction, criminal behaviour order, noise abatement notice or closure order for more than 48 hours.

In such cases, written notices will be served with an offer to review the decision, in line with best practice recommendations relating to the ASB, Crime and Policing Act 2014.

NB: The tenant(s) defending absolute ground for possession must submit a review request in writing within a maximum of 7 days of service of the absolute ground possession notice.

- Where appropriate and proportionate, we will work with agencies such as the police and local authority to utilise tools available to them from the ASB, Crime and Policing Act 2014, such as criminal behaviour orders, community protection notices, community protection orders, public spaces protection orders and closure orders on premises.
- In exceptional circumstances and at the discretion of an Assistant Director, perpetrators of ASB may be considered for and supported in rehousing* (refer to allocations policy) i.e. where perpetrators are dependent children and intensive family intervention is required and accepted (e.g. FIT Tenancies / Dispersed Tenancy) or where the perpetrators mental health or mental capacity issues are identified and proven.

NB: *Offers of support in rehousing perpetrators does not necessarily mean a move to another LMH property and can include a move to property other than those managed by LMH

Working with other agencies may include (but is not limited to):

LMH working within the local community safety partnership (Citysafe) at operational and strategic levels and participating in and supporting the multi agency approach to asb cases where appropriate:

- Attending meetings to enable a strategic Community Safety Partnership (Citysafe) approach to be taken;
- Attending multi-agency meetings Information Sharing and Joint Action Group (JAG) meetings across the neighbourhood and the city;
- Information sharing - Mindful to the Data Protection Act (DPA) guidelines and information sharing agreements that may be in place between LMH and other agencies.
- Responding to and co-operating with Community Trigger enquires/requests;
- Supporting Community Remedy implementation and solutions

Recording ASB:

All reports of ASB are recorded and monitored on LMH's Anti-Social Behaviour Software (CRM) System. This enables LMH to monitor performance measures on dealing with cases as well as assisting in managing cases in a timely and consistent manner.

LEGAL REMEDIES

Where appropriate and proportionate and where evidence has been obtained to support the case, LMH will seek to take legal action against the perpetrator(s) of ASB incidents committed against our customers, residents, staff or contractors. The nature of the action will depend upon the seriousness of the case, the level of evidence and in line with the ASB, Crime and Policing Act 2014, Housing Act 1988 and any other relevant legislation and guidance and appropriate review mechanisms cited within the act. See above section on taking action.

ASSURED SHORTHOLD (STARTER) TENANCIES:

LMH has assured shorthold (starter) tenancies for new tenants which last for a period of 12 months before conversion to an assured tenancy. The rights and obligations relating to ASB are emphasised at sign up and further reinforced at regular visits made throughout the starter tenancy period. Conversion of the starter tenancy to an assured tenancy can be delayed and the starter tenancy extended by a further six months if the tenancy obligations are breached. If the evidence gathered demonstrates breaches of the tenancy, LMH can serve a 2 month notice and terminate the tenancy at any time up to the last day of the starter period. A review of the decision will be offered to the tenant. (Refer to assured shorthold tenancy agreement)

OTHER RELATED POLICIES:

Separate detailed domestic abuse, hate crime, drugs, witness support and allocations policies operate in conjunction with this ASB policy.

This policy contributes positively to LMH's group design principles and particularly supports/strengthens LMH's key focus on Communities and Customers. This policy also supports LMH's equality and diversity policy and contributes to LMH's VFM principles in delivering cost effective services that protect LMH's investment in homes and neighbourhoods where people chose to live and work as well as enabling customers to have the quiet enjoyment of their home and community.

LEGISLATION

LMH recognises its duty to comply with legislation and will operate this policy within the relevant statutory framework. We also recognise our obligations to comply with current good practice guidelines.

Relevant legislation in relation to this policy includes, for example, the following:

- ASB, Crime & policing Act 2014
- The Equality Act 2010
- The Mental Capacity Act 2005
- The Housing Act 1996
- The Housing Act 1988
- The Housing and Regeneration Act 2008
- Human Rights Legislation
- Disability Discrimination Act 2005
- Data Protection Act 1998;

LMH will also adopt any new 'tools and powers' introduced by Government.

5. PERFORMANCE MANAGEMENT

We have a 5 step best practice model for ASB Case Management. We monitor our performance and KPI's via a specialist ASB (IT) software system. Monthly and quarterly ASB performance reports are produced and discussed at operational and strategic levels. We also benchmark ASB KPIs as well as reporting via Regulatory Statistically Return (RSR).

KPI's for our community safety service are:

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| i) Cases closed as resolved | 85% |
| ii) Follow up contact within target timescale
(1 day for serious cases/5 days on general cases) | 95% |
| iii) Customer satisfaction with case management | 70% |

Performance KPI's are shared with tenants via newsletters and web services as well as via our involvement structure.

6. POLICY REVIEW AND IMPROVEMENT FRAMEWORK

This policy has been reviewed in line with LMH Policy Review Framework. The next review will be completed in November 2018. In line with LMH continuous improvement strategy the policy review will incorporate an assessment of key internal and external influencers to ensure the policy reflects best practice together with all legal and statutory requirements.