

Anti-Social Behaviour and Harassment Policy

1. Introduction

Crown Simmons Housing recognises that anti-social behaviour (ASB) is an important issue which can have a negative impact on individuals and communities. Crown Simmons Housing, in conjunction with the Police, local residents and other local agencies, take ASB seriously. We are committed to tackle it as efficiently and effectively as possible using a flexible and varied approach.

Crown Simmons Housing will not tolerate ASB to or from our residents. We aim to investigate and deal fairly with any reported incidents of ASB which may involve or affect our residents. Our strategy aims to reduce nuisance and harassment to ensure our homes, neighbourhoods and estates are peaceful and safe places to live.

2. What is Anti-Social Behaviour?

The Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour 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 of residential premises
- (c) Conduct capable of causing housing-related nuisance or annoyance to any person

ASB covers a wide range of behaviours which negatively impact on the quality of an individual's life or that of a community. The list below is not exhaustive.

- Actual or threatened violence or abuse towards any person
- Verbal abuse, intimidation, threatening behaviour or loitering
- Stalking, harassment, hate crime and hate related incidents
- Domestic abuse
- Behaving in an anti-social manner e.g. shouting, screaming, swearing, making indecent/offensive gestures, misuse of communal areas
- Pets/animals behaving in a threatening manner
- On-going neighbourhood nuisance – dumping litter, fly-tipping

Behaviours which are not considered to be Anti-Social Behaviour include, one off parties or celebrations, cooking odours, children playing, minor disputes between neighbours and DIY during reasonable hours.

3. Policy

ASB is not just a housing management issue. To tackle it effectively we adopt a holistic approach. We are active members of community safety partnerships (for example, Community Harm and Risk Management, known as CHArMM) and are constantly striving to

develop ways of working with other agencies in the areas in which we work. We are committed to information sharing protocols with the Police and local agencies.

Our ASB policy works in conjunction with our other policies, in particular,

- Racial Harassment Policy
- Corporate Commitment to Equality and Diversity Policy
- Formal Complaints Procedure

4. Obligations of Residents

Our tenancy agreements and leases set out what is required of our residents. We also issue all new residents with a handbook which states what action we will take if anyone causes a nuisance or harassment.

Some residents may feel they are experiencing ASB but is behaviour that should be dealt with between neighbours and is not enforceable under the terms of the tenancy agreement. Residents are referred to the Crown Simmons Housing Unwelcome Behaviour Policy.

5. Support of Complainants

We will investigate every report of ASB and keep the complainant informed of progress and action taken during the course of the investigation. If we proceed to court action we will provide ongoing support for all complainants whilst action is being taken.

If we do not have the evidence or the power to resolve your situation, and are therefore unable to resolve your complaint, we will provide you with advice.

6. Prevention

Preventative action is key to an effective strategy. We will endeavour to design out crime on all new development schemes, by working in partnership with the local Crime Prevention officer, residents and relevant staff. Residents are consulted in decisions concerning security improvements.

Dealing with lower levels of ASB at the outset of the problem can prevent problems escalating. We will always try to take early intervention to tackle problems before they become more serious.

When we sign up new residents we explain the conditions on of the tenancy or lease in detail. The consequences of ASB and harassment are explained to new residents.

We offer mediation as a way of resolving disputes between neighbours where both parties are willing to attend. This is a voluntary process that provides independent people to talk to those involved in a dispute.

7. Training

Staff are given training on how to investigate and tackle nuisance effectively and are kept up to date on the latest initiatives and legislation.

8. Enforcement

Despite measures in place to prevent ASB and find early resolutions to situations, as a last resort, we will take enforcement action where appropriate.

We encourage the reporting of incidents and offer witness support.

We will assess each situation and where appropriate seek legal advice to agree the most suitable legal remedy to tackle the situation, and where necessary repossess the property in cases of serious or ongoing ASB.

9. Crown Simmons Housing Procedures for Dealing with Anti-Social Behaviour

In tackling ASB we will:

- Investigate all reports of ASB, obtain all relevant facts about the incident, time, date, place, identities of individuals involved, etc.
- Record the information about the incident and keep a copy on the residents file
- Acknowledge quickly and formally any report of ASB. We aim to initially respond to all new cases of antisocial behaviour within one working day.
- Where feasible, encourage complainants to resolve difficulties themselves
- Start investigations at the earliest possible time after receipt of the complaint and conduct it at a reasonable speed
- Seek to identify and interview all interested parties
- Initial action taken will depend on the outcome of the interview with the alleged perpetrator
- If the alleged perpetrator admits the ASB and he/she is our resident they should be issued with a written warning to be held on their resident's file, depending on the nature and seriousness of the incident
- If there is still no improvement, we will consider eviction action. A decision to evict under these circumstances must be subject to a Court order and must be approved by the Board of Management
- If the alleged perpetrator denies responsibility a file note will be kept of the meeting held and the situation should be monitored to see if there are any further incidents involving the resident
- The complainant must be kept informed of any interviews held and action taken, whether further action is being taken or not. In some circumstances it may not be possible to take any further action if we are unable to prove the ASB and the complainant must be advised of this
- The complainant should be advised to keep a record of any further incidents and to report them to the office or a member of staff
- If an incident of a serious or illegal nature is reported, e.g. drug dealing or actual violence, the complainant must be encouraged to report the matter to the Police
- We will work closely in partnership with the Police to tackle ASB from or to our residents
- Where appropriate we will consider offering the services of a professional mediation service to help overcome neighbour nuisance problems

- Where we have evidence of ongoing ASB by our residents we will take appropriate legal action. This may include seeking an injunction and/or seeking possession of the property
- We will also contact the complainant at least once a month while the complaint remains open with us
- Where our residents are experiencing ASB from someone who is not a tenant of the Association, we will work with other organisations and the Police to try and resolve the problem as quickly and effectively as possible

10. What is Harassment?

Harassment is when someone behaves in a way which makes another person feel distressed, humiliated or threatened. Harassment has been the subject of a number of pieces of legislation and it has more than one legal definition. If someone is being harassed because of one of the following “protected characteristics” under the Equality Act 2010, this can be reported as a hate incident or crime:

- Gender-identity
- Disability
- Race
- Religion to belief
- Sexual orientation
- Learning difficulties

Crown Simmons continually seeks to be a genuinely inclusive organisation, integrating equality, diversity and inclusion in to all aspects of our day to day work. We treat all of our residents and stakeholders with dignity and respect, tailoring our services to meet the needs of individuals. Harassment is considered a serious breach of the tenancy and is not accepted under any circumstances.

11. Reporting and Responding to Anti-Social Behaviour

Anyone can report concerns about ASB to us – victims, witnesses, staff, family members etc.

Reports of ASB can be made

- In person
- Via your Housing Services Officer if you live in our sheltered accommodation
- Via third parties
- By phone
- By email
- Through our website

We will try to maintain anonymity of complainants who do not wish for their identity to be disclosed to the alleged perpetrator, however our actions to address the matter may be limited. We may not have control over the identification of a complainant if:

- The perpetrator guesses who the complainant is
- The complainant’s identity is disclosed during the legal process

12. Contact Information

For more information or to report a complaint about anti-social behaviour please contact any member of staff at Crown Simmons Housing.

This policy is advertised to Crown Simmons residents and stakeholders on our website.

Crown Simmons Housing, First Floor, Aissela, 46 High Street, Esher, Surrey KT10 9QY

Tel: 01372 461440 Web: crownsimmons.org.uk E-mail: enquiries@crownsimmons.org.uk

13. Statutory and regulatory framework

This policy is informed by the following legislation and regulation:

- Housing Act 1985
- Housing Act 1988
- Housing Act 1996

14. Definitions

Crown Simmons (The Association)	The term refers to Crown Simmons Housing and any of its subsidiaries or associates.
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15. References

This policy should be read in conjunction with our policies on:

- Safeguarding Adults and Children Policy
- Equality and Diversity Policy
- Allocations Policy
- Unwelcome Behaviour Policy

16. Responsibilities

Those responsible for the implementation of this policy:

- Chief Executive/Leadership Team are responsible for ensuring that all aspects of the policy and procedure are properly applied, reviewed and updated.
- Directors/Managers are responsible for applying the policy and procedure in a fair and consistent manner.
- Staff members are expected to familiarise themselves with this policy and to understand Crown Simmons commitment to effective performance management.

17. Review

This policy and associated procedure will be reviewed every three years, unless;

- There are significant changes to legislation or regulation,
- There are found to be deficiencies or failures in this policy and procedure which result in complaints from managers or staff members,
- The policy and procedure is deemed to be no longer effective or in line with business values.

At which point the Customer Services Director will initiate an immediate review.

18. Timetable

Date	Changes	Sign Off	Date of Next Review
14 August 2012	Policy approved	Board of Management	By 2015
September 2014	Policy reviewed and updated following merger	Leadership Team	By 2017
December 2018	Policy reviewed and updated to reflect changes in legislation and practice	Leadership Team	By 2021