



## **Anti-Social Behaviour at our Almshouses Policy and Procedure**

### **1.0 Policy**

- 1.1 Anti-social behaviour is defined as conduct which is capable of causing nuisance, annoyance, harassment, distress or alarm to any person not residing in the same household. This definition may apply to behaviour which affects any person, neighbour, Charity staff or operatives carrying out a maintenance function on the Charity's behalf.

The aim of this policy is to make our almshouse communities peaceful, safe and desirable places to live. We will provide training to staff to ensure that they have the skills and knowledge to achieve the Charity's objectives.

### **2.0 Definitions**

- 2.1 We consider that the following acts, though not exclusively, constitute anti-social behaviour.
- Excessive noise
  - Threatening and abusive language
  - Racist behaviour
  - Fly-tipping / abandoned vehicles / car repairs
  - Criminal activity
  - Drug and alcohol related incidents
  - Intimidation and harassment
  - Vandalism, graffiti and damage to communal areas
  - Nuisance caused by pets and other animals
- 2.2 A resident will be guilty of anti-social behaviour if
- he or she causes it; or
  - if invited friends are guilty of such behaviour and the resident was aware of it or could have been reasonably expected to be aware of it ; or
  - if the resident incites, encourages or fails to try to stop such behaviour

### **3.0 Our Approach**

- 3.1 We recognise that preventative measures are fundamental to minimising the impact of anti-social behaviour. We will ensure that all new residents are aware of their responsibilities to conduct their appointments in a satisfactory manner.
- 3.2 Our approach will allow appropriate action to be taken to deal effectively with instances of anti-social behaviour. Our housing team will follow procedures that will enable them to deal with instances of anti-social behaviour. These will include:
- appropriate and sensitive investigation
  - actions to modify the person's behaviour

- where appropriate, referral to a support provider
  - warning letters
  - Legal action to seek possession on residents who are guilty of anti-social behaviour or allowing such behaviour
  - acceptable behaviour contracts
- 3.3 We recognise that victims of anti-social behaviour may be vulnerable or feel vulnerable and as such, actions taken to eradicate such behaviour will take account of particular sensitivities, whilst at the same time dealing expeditiously with the problem. We will take steps to support victims and witnesses whilst undertaking any action against people who are guilty of anti-social behaviour. We will keep victims and witnesses informed of the progress of any action.
- 3.4 We will be mindful that the victim or perpetrator may be vulnerable or disabled or whose language, religion or culture are issues which influence behaviour or provide a particular perspective on behaviour. We will have regard for these factors in any action that we take
- 3.5 We will treat any complaint or information confidential and will only disclose it with the permission of the complainant or victim.

#### **4.0 Procedure**

##### **4.1 Handling reports of ASB**

- 4.1.1 Reports of anti-social behaviour can originate from a number of sources, such as residents, other neighbours, the police or our staff. Any initial report of ASB will usually be handled by the Housing and Support Manager based locally in the almshouse. Residents can report incidents of ASB directly to their local office or to the Head of Housing at the head office.
- 4.1.2 We recognise that a speedy response may prevent the behaviour worsening and as such will make its initial response within:
- a) one working day for incidents where a person's welfare is at risk, such as in incidents involving intimidation and harassment. In such cases we may wish to secure alternative accommodation for the victim;
  - b) one working day for incidents involving other forms of criminal activity;
  - c) three working days for any other reports.
- 4.1.3 We will investigate any incident of anti-social behaviour by:
- a) speaking to the complainant and any other person affected by the behaviour and keeping them informed of the progress of the investigation and subsequent action;
  - b) speaking to the person whom it is alleged is guilty of anti-social behaviour. We will be cautious in this as it is possible that such behaviour is a criminal offence and as such may be subject to police investigations. In such cases we will seek guidance from our solicitor and the police;
  - c) Prior to taking any action we will assess whether the victim or perpetrator is vulnerable and has the capacity to understand the behaviour or any action that we may take. Where appropriate we will seek advice about capacity and if there is an issue we will seek the support of an appropriate organisation to support the victim or perpetrator

- d) Where there are language, religious or cultural matters that are impacting on behaviour or on how that behaviour is perceived we will take appropriate advice and seek the assistance of appropriate organisations in order to resolve the problem.
- e) contacting the police and local authority where appropriate to determine any action undertaken, for advice or to obtain help in identifying the culprits
- g) installing CCTV, when appropriate, to help in gathering evidence.
- f) employing a professional witness, when appropriate, to help in gathering evidence

4.1.4 The Head of Housing will oversee the handling of each complaint of ASB. They will be responsible for managing the action taken and keeping the complainant informed of what is going on. At the outset the Housing and Support Manager will inform the complainant of the steps that will be taken, how the complainant can contact the Charity and any matters, including possible court action, which may involve the complainant. The Head of Housing will establish if the victim or any witnesses are facing any safety issues as a result of this anti social behaviour. In very serious cases we may provide alternative accommodation for victims or look to enlist the help of other social landlords in the provision of alternative accommodation.

4.1.5 We recognise that some complainants may have difficulty in expressing themselves, for example because of disability or language. In such cases the Charity will try to assist the complainant with appropriate support.

4.1.6 In addition, when dealing with the people causing the anti-social behaviour as set out below, we will also consider other measures to discourage such behaviour. These measures may be undertaken at the same time as any legal proceedings. Such measures may include:

- a) installing extra lighting
- b) installing CCTV
- c) removing or enhancing walls, fencing or planting
- d) ensuring that any open space is properly maintained
- e) removing rubbish and abandoned cars as quickly as possible
- f) providing or increasing the housing support service

4.1.7 Following the investigation of an allegation of anti-social behaviour, it may become apparent that there is an on-going dispute between two or more neighbours. In this instance the Charity will consider the option to provide a neighbour mediation service which may be provided by an independent mediator.

## **4.2 Perpetrators who are residents of the almshouse**

4.2.1 Residents are responsible for complying with the rules set out in their Letter of Appointment. They are also responsible for the behaviour of members of their household and visitors.

4.2.2 Where we consider that anti-social behaviour has occurred and are satisfied that the resident or a member of the resident's household or visitor is guilty of this anti-social behaviour, the Housing and Support Manager will, in the first instance, speak to the resident. This will enable the resident to counter any allegation, if it is untrue. It is our objective to resolve these problems as quickly and as fairly as possible.

- 4.2.3 We will ascertain whether there are matters that fall within the Equality Act. If the resident is possibly vulnerable will take steps to ensure that appropriate checks and referrals are made. We will also take steps to satisfy ourselves that the resident has capacity to understand the behaviour and any action that needs to be undertaken.
- 4.2.4 We will confirm in writing any undertaking made by the resident or decision made by the Charity about the anti-social behaviour. We will also notify any person who has been affected by the behaviour of the status of the investigation and decision made. Witnesses should be asked to keep diaries.
- 4.2.5 We will ensure that the perpetrator understands the course of action or what needs to be done to resolve the problem. This may require use of other languages (both written and spoken) and different forms of media.
- 4.2.6 We will monitor the behaviour of the resident and will liaise with any person who has been involved in the incident and the subsequent action. In the early stages of this procedure it may be necessary to speak to the other parties daily. Where the behaviour has improved monitoring may occur less frequently, depending on the nature of the behaviour. Housing and Support Managers should inform all parties when a review of the matter is to take place and the review should involve the views of these people. In cases of severe anti-social behaviour it is reasonable to start all legal proceedings as soon as the Charity is satisfied that the resident is responsible either directly for the behaviour or is allowing such behaviour to take place.
- 4.2.7 Where the resident fails to comply with any undertaking or continues to be responsible for anti-social behaviour, the Head of Housing will ask the CEO to approve one of the following steps:
- write to the resident informing them of our intention to commence legal proceedings to set aside the almshouse appointment.
  - seek an injunction in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014. Injunctions may be sought in accordance with Part 1 of the Act.
- 4.2.8 The Charity may pursue possession proceedings if it is of the opinion that the injunction will only provide a temporary solution or that the behaviour is so unacceptable that those affected will only be safe if the resident is removed from the property.
- 4.2.9 We will establish a review process, which will consider all matters prior to initiating any further action.
- 4.2.10 We will report incidents of anti-social behaviour to the Board of Trustees and will also meet any reporting criteria for the Crime and Disorder Partnership in Southwark or Croydon.
- 4.2.11 In cases where we consider that a resident's behaviour could improve with the provision of support it will look to provide an enhanced support package.
- 4.2.12 Where we have identified that the resident has problems related to issues such as mental health, drug or alcohol abuse, then the Housing and Support Manager should

consider seeking the assistance of specialist agencies to provide support to the support. Any support could be in addition to other measures.

#### **4.3 Perpetrators who are not our residents**

- 4.3.1 We are unable to impose contractual obligations on people who are not our residents. However, we will take all reasonable steps to safeguard our residents, employees and agents and bona fide contractors who are victims of anti-social behaviour in or around our land or housing.
- 4.3.2 Where we are satisfied that a person is guilty of anti-social behaviour we will where appropriate seek the assistance and advice of the police or Local Authority in resolving the matter.
- 4.3.3 We will look to use the injunctions as set out in the Act to prohibit a person guilty of anti-social behaviour from entering our property or onto our land. We may assist an individual in preventing a person who is guilty of anti-social behaviour from entering onto their property where we are prevented from taking such action itself.
- 4.3.4 We will establish a review process and will keep people affected by the behaviour informed about the status of any action we are taking or are involved in.

#### **5.0 Monitoring**

- 5.1 We will regularly review the effectiveness of this Policy and Procedure by:
  - 1. reviewing the procedures with victims to establish what worked well and did not work so well;
  - 2. reporting incidents to the Board of Trustees and analysing categories of ASB and levels of occurrence and analysing this data annually.
  - 3. undertaking a full policy review at least every two years or in the light of any legislative changes.