



Anti-Social Behaviour Policy framework

Policy Statement

The Trust believes that all residents have the right to live peacefully in their home and is committed to providing a positive response to any complaint of anti social behaviour.

We are fully aware of the distress that anti social behaviour can have on individuals and communities and we will take a robust approach to tackling problems caused by tenants, other household members or their visitors.

This approach seeks in the first instance to support residents in changing their behaviour including a multi-agency approach where appropriate. Where this is not possible or fails, legal action including possession proceedings will be considered.

Effective Date

September 2004

Strategic Context

The Housing Management Strategy sets the strategic goal for all the overall housing management service, including anti social behaviour (ASB) which is covered predominately by the following goal:

“To work closely with residents to ensure that they fulfill their tenancy obligations and that we fulfill our obligations as a Landlord”.

As part of this strategy it was agreed to develop a policy framework that sets out the overall approach to specifically tackling problems of ASB. This policy framework sets out this approach.

We define ASB as a generic term to cover the following:

- Nuisance Behaviour
- Neighbour Disputes
- Racial Harassment

- Other harassment on grounds of sexual orientation, gender, religion, disability and age
- Incidents of Domestic Violence
- Drug related nuisance The aim of this policy framework is to find a balance between enforcement, prevention and rehabilitation.

Within this framework also sit a number of policies that set out in detail the approach we will take to tackling specific issues. These policies are attached as follows:

- Annex i - Nuisance Policy
- Annex ii - Harassment Policy
- Annex iii - Racial Harassment Policy
- Annex iv - Domestic Violence Policy
- Annex v - Drugs Policy
- Annex vi - Witness support policy

Extent of the problem

We are aware that ASB is an increasingly important issue for our tenants and the wider community.

The 2004 independent status satisfaction survey carried out asked residents to rate how serious they thought a range of problems or issues were in their neighbourhood. The results were as follows:

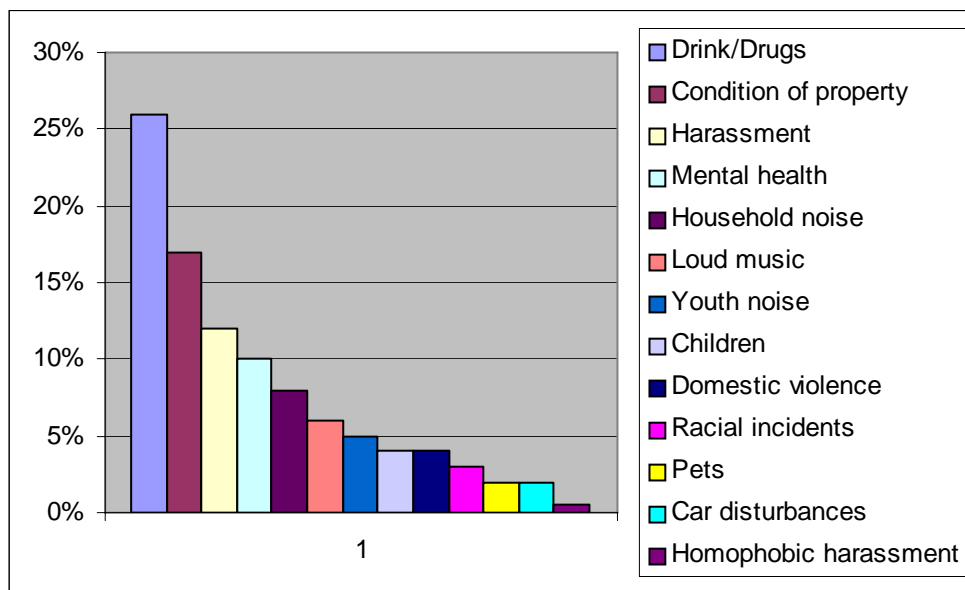
- Drugs 17%
- Vandalism 15%
- Noise from people 12%
- Neighbours 10%
- Racial harassment 4%

We also keep regular statistics of all serious or persistent cases of ASB. In the year 2003/2004 we had 194 cases.

In responding to some of these cases we carried out the following:

- 10 evictions
- 8 transfers
- 6 suspended possession orders
- 4 terminations
- 2 anti social behaviour orders awarded
- 2 injunctions

The main reason for each case can be shown as follows:



These results indicate that there are a high number of reported ASB problems and a need for clear policies and procedures for tackling different issues.

How the service is provided

Generic Housing Services Officers deal with all cases of ASB except serious or persistent cases, which are managed by specialist ASB Officers.

We also have two additional posts funded by the Community Fund. One post is an ASB Officer who specifically deals with drug related ASB cases and the second post is a Community Development Officer (drugs and alcohol) working on preventive community development projects. Both these posts are funded until 2006.

Principles

The ASB policy framework has been formulated taking into account the following guiding principles:

- We will seek to take a preventative approach. Examples of such measures include the following:
 - An allocations policy that has clear criteria for refusing applicants who have a previous history of serious ASB.
 - The use of assured shorthold tenancies for applicants who pose a high risk of ASB.
 - Making use of local lettings plans on estate that have high-levels of reported ASB.
 - Ensuring that all new tenants are made aware at sign-up of their tenancy obligations and the potential legal consequences of breaching the tenancy agreement.
 - Completing post-tenancy visits 4-6 weeks after the new tenant has moved into their new property to identify any possible support needs.

- We will respond quickly and sensitively to all complaints of ASB and follow the appropriate policy and procedures depending on the nature of the complaint.
- We will provide tenants with advice leaflets on dealing with a range of ASB problems, which include guidance on how to tackle the problem and where to find help and support.
- When investigating complaints and taking forward action we will fully support complainants and witnesses and be mindful of resident expectations.
- Where the ASB is directly or indirectly related to problems of mental health, alcohol or substance abuse or other support needs we will work closely with other specialist agencies to provide intervention to support the tenant and agree the most appropriate action, including floating support.
- In serious or persistent cases of ASB where it has not been possible to resolve the issue, we will consider and make use of the most appropriate legal and non legal remedies as follows:
 - Mediation
 - Acceptable Behaviour Contracts
 - Anti Social Behaviour Orders
 - Injunctions
 - Demotion orders
 - Possession Proceedings
- Be mindful of the rights afforded to individuals under the Human Rights Act.
- We will take a multi-agency approach to both preventing and tackling ASB through the development of key strategic partnerships. Current examples are:
 - Community Safety Partnership
 - Anti Social Behaviour Strategy Group
 - Hate Crime Partnership
- Will have in place a youth strategy that encourages youth diversionary activities.
- We will monitor of incidents of ASB, so that we are aware of the extent of the problem and can improve and develop services as appropriate. This will involve:
 - using estate management module of the integrated housing management system to follow relevant process for dealing with all ASB cases;
 - producing standard reports on the type of ASB cases and action taken;
 - developing key performance indicators that will be presented to the relevant Committee and Board;
 - designing a customer satisfaction form to be sent to all customers when an ASB case is closed, to enable us to gain feedback on the service.
- We will publicise our commitment to tackling and resolving ASB so that the wider community is aware of the work being carried out. Examples will include:

- publishing any new policies and procedures in the Trust's residents newsletter 'Somer Times';
- producing articles that promote the action being taken in relation to tackling ASB.
- We will respect the confidentiality of all parties involved in ASB cases, and will ensure that we adhere to the Data Protection legislation. We will only identify complainants if permission is sought prior to the disclosure of information to the perpetrator, legal representatives or other interested parties.
- We will have in place an information sharing protocol between the crime and disorder reduction partnership which will allow us to share information with the local council and local Police. This is fully compliant with Data Protection requirements.
- Where a tenant is dissatisfied with the service they receive from us in relation to issues of ASB we will refer them to the formal complaints policy.
- All staff dealing with complaints of ASB will be fully trained on all ASB related policies and procedures and will attend training courses as appropriate to ensure that they are kept up-to-date with relevant changes in legislation and good practice.
- We will produce a summary of this framework and all policies and procedures which will be available to all residents and other stakeholders.

Application

A set of procedures will accompany each of the individual policies to ensure that staff operate a consistent and fair approach.

Review

The policy framework and the detailed specific policies and procedures will be reviewed annually to take account of any changes in legislation, developments in good practice, operating environment and the needs and aspirations of residents.



Draft Nuisance Policy

Policy Statement

The Trust will take a positive approach to tackle problems of nuisance behaviour, work closely with residents to try and resolve issues and where appropriate make full use of all relevant legal and non-legal remedies.

Effective Date

Scope

This policy outlines the Trust's approach to tackling effectively all incidents of nuisance behaviour.

The Trust is committed to ensuring that all its residents benefit from the quiet enjoyment of their homes and that the behaviour of other residents does not adversely affect their quality of life.

The Trust's tenancy agreement explicitly prohibits a tenant, other family member or visitor from causing nuisance in their home or within the locality.

At the lettings stage, all new tenants will be made fully aware of the conditions of the tenancy agreement and the consequences of breaching their tenancy agreement.

We define nuisance as any behaviour that unreasonably interferes with another persons right to the use and enjoyment of their home such as noise nuisance, neighbour disputes, vehicle related nuisance, animal related issues, vandalism, graffiti and general unacceptable behaviour from one person or a group of people.

Housing Services Officers will deal with all cases of nuisance with the exception of serious or persistent cases which will be dealt with by a specialist Anti Social Behaviour Officer.

Principles

- We will respond to incidents of nuisance perpetrated by tenants promptly.
- We will follow a clear procedure to ensure a professional and consistent approach.
- All reports of nuisance will be treated seriously, sensitively and in a non-judgemental way.
- In the first instance, where appropriate, we will encourage residents to resolve neighbour problems between themselves.
- Where this is not possible we will liaise with both parties using diplomacy and arbitration to try and resolve the issue informally with reference to the appropriate clause in the tenancy agreement.
- In the case of irresolvable neighbour disputes we will offer access to professional mediation services. Mediation will only be considered where tenants display clear signs that they are open to resolving a dispute with the help of a third party.
- The complainant will be advised of the possible courses of action that we can take when responding to the incident and any action taken will be the result of a mutually agreed plan.
- We will make use of all relevant legal remedies to tackle problems of nuisance behaviour, such as injunctions and/or possession proceedings. Some form of evidence will be required where legal action is to be taken. This will be discussed fully with the complainant and potential witnesses.
- We will liaise with the relevant local authorities concerning noise nuisance problems to ensure that their powers under the Environmental Protection Act 1990 are utilised.
- Where noise nuisance problems continue to be irresolvable we may consider carrying out soundproofing works to a property. An internal procedure has been developed for assessing such requests and an annual budget will be set aside.
- We will work in partnership with local statutory and voluntary agencies, including the Police, Probation Service, Health Authority and the Council to develop appropriate responses to tackle nuisance behaviour.
- We will work closely with appropriate support agencies when dealing with complainants and perpetrators who may be vulnerable and require additional support.
- We will continuously monitor the effectiveness of its nuisance policy and will make amendments as appropriate.

Application

A set of detailed procedures will accompany this policy to ensure that:

- All reports of nuisance are thoroughly investigated.
- The complainant is fully involved in the action planning to try and resolve the issue.
- There is detailed recording of the incidents and the investigations carried out.
- Complainants are clearly advised when no further action can be taken to resolve an issue and a case is being closed.
- There are clear agreed timescales for responding to the issue.
- All parties involved in a case are aware of responsible named staff.



Harassment Policy

Policy Statement

The Trust is committed to robustly tackling harassment and will take prompt and effective action against perpetrators of such behaviour with the aim of protecting the victim, stop the abuse and prevent further incidents.

Effective Date

Scope

This policy outlines the Trust's approach to tackling effectively all incidents of harassment.

We are committed to ensuring that all residents benefit from the quiet enjoyment of their homes and that the behaviour of other residents does not adversely affect their quality of life.

Our tenancy agreement explicitly prohibits a tenant, other family member or visitor to their home from harassing another tenant on the grounds of race, sex, sexual orientation, age, gender, religious belief, culture, ability, physical or mental disability.

This policy covers all of the above with the exception of racial harassment which is dealt with under a separate policy.

At the lettings stage, all new tenants are made fully aware of the conditions of the tenancy agreement and the consequences of breaching their tenancy agreement.

We define harassment as behaviour that is likely to cause offence, alarm, or distress to another individual or household on the grounds of sexuality, disability, vulnerability or religion.

Housing Services Officers will deal with all cases of harassment with the exception of serious or persistent cases that will be dealt with by a specialist ASB Officer.

Principles

- We will take a victim-centred approach in responding to cases of harassment. We will accept the account of the person suffering from the harassment and generally will not always insist upon them providing evidence, unless and until further investigations prove otherwise. This does not mean that the alleged perpetrator is immediately assumed to be guilty.
- We will respond to incidents of nuisance by following a clear procedure to ensure a professional and consistent approach.
- We will keep up to date records and sign post victims to relevant local groups who may be able to offer specialist advice or support to victims of any form of harassment.
- We will be sympathetic to any request to be interviewed by an officer of the same sex and/or ethnic origin.
- We will make use of all relevant legal remedies to respond to incidents of harassment, such as injunctions and/or possession proceedings. Some form of evidence will be required where legal action is to be taken. This will be discussed fully with the victim and potential witnesses.
- We will take a multi-agency approach to tackling problems of harassment by working in partnership with all relevant statutory and voluntary organisations, such as the local authority and the Hate Crime Officer at Avon and Somerset Constabulary.
- The complainant will be advised of the possible courses of action that we can take when responding to the incident and any action taken will be the result of a mutually agreed plan.
- On occasions, where the person suffering harassment considers it is the only course of action to satisfactorily resolve the problem, we will consider offering a management transfer to a different home. This course of action would normally be taken in conjunction with confirmed action against the perpetrator of the harassment.
- If a management transfer is considered as an option this would normally be on a like for like basis and where possible depending on the wishes of the victim away from their current area.
- We will continuously monitor the effectiveness of our harassment policy and procedures and will make amendments as appropriate.

Application

A set of detailed procedures will accompany this policy to ensure that:

- All reports of nuisance are thoroughly investigated.
- The complainant is fully involved in the action planning to try and resolve the issue.
- There is detailed recording of the incidents and the investigations carried out.
- Complainants are clearly advised when no further action can be taken to resolve an issue and a case is being closed.
- There are clear agreed timescales for responding to issues.
- All parties involved in a case are aware of responsible named staff.



Racial Harassment Policy

Policy Statement

The Trust is committed to tackling all incidents of racial harassment through a robust approach and will take prompt and effective action against perpetrators of such behaviour aiming to protect the victim, stop the abuse and prevent further incidents.

Effective Date

Scope

This policy outlines the Trust's approach to effectively tackling all incidents of harassment.

We are committed to ensuring that all residents benefit from the quiet enjoyment of their homes and that the behaviour of other residents does not adversely affect their quality of life.

We strongly believe in racial equality and are committed to ensuring that residents are able to live without fear of racial harassment, intimidation or attack. We condemn all forms of racial harassment and will use all available powers and resources to take action against any individual involved in a racially motivated incident, where either the person suffering harassment or the perpetrator is a resident of the Trust.

Our tenancy agreement explicitly prohibits a tenant, other family member or visitor to their home from harassing another tenant on the grounds of colour, race or culture.

At the lettings stage, all new tenants are made fully aware of the conditions of the tenancy agreement and the consequences of breaching their tenancy agreement.

In defining racial harassment we have adopted the definition used by the Commission for Racial Equality. This is verbal or physical aggression towards individuals or groups because of their colour, race, nationality, ethnic or national origins. It includes attacks on property as well as the person.

Within this definition the term 'verbal or physical aggression' can include use of intimidating language or behaviour.

All cases of racial harassment will be investigated and dealt with by a specialist ASB Officer.

Principles

- We will take a 'victim-centred' approach in responding to cases of racial harassment, adopting the Macpherson Report's definition of what constitutes a racist attack:

"A racist attack is any incident which is perceived to be racist by the victim or any other person"

- We will accept the account of the person suffering from racial harassment and generally will not insist upon them providing evidence, unless and until further investigations prove otherwise. This does not mean that the alleged perpetrator is immediately assumed to be guilty.
- We will respond to complaints of racial harassment from tenants or referral agencies acting on their behalf. We will follow a clear procedure to ensure a professional and consistent approach.
- The victim will be advised of the possible courses of action that the Trust can take when responding to the incident and any action taken will be the result of a mutually agreed plan.
- We will respond quickly to all incidents of racial harassment and will offer a visit or office interview within 24 hours. Where appropriate we will offer additional security measures such as letter safes and additional locks to reduce the risk of harm to the victim.
- Any resident suffering racial harassment will be entitled to request an interview by an officer of the same sex and/or ethnic origin.
- We will take a multi-agency approach to tackling problems of racial harassment by working in partnership with other relevant statutory and voluntary organisation such as the Police and Support Against Racist Incidents (SARI).
- We will make use of all relevant legal remedies to tackle problems of racial harassment, such as injunctions and/or possession proceedings. Some form of evidence will be required where legal action is to be taken, this will be discussed fully with the victim and potential witnesses.

- We will keep up to date records and sign post victims to relevant local groups or agencies that may be able to offer specialist advice or support to victims of racial harassment.
- On occasion, where the person suffering racial harassment considers it is the only course of action that will satisfactorily resolve the problem, we will consider offering a management transfer to a different home. This course of action would normally be taken in conjunction with action against the perpetrator of harassment.
- If a management transfer is considered as an option this would normally be on a 'like for like' basis and where possible, depending on the wishes of the victim, away from the victim's local area.
- We will continuously monitor the effectiveness of its policy and procedures in combating racial harassment and will make amendments as appropriate.

Application

A set of detailed procedures will accompany this policy to ensure that:

- All reports of nuisance are thoroughly investigated.
- The complainant is fully involved in the action planning to try and resolve the issue.
- There is detailed recording of the incidents and the investigations carried out.
- Complainants are clearly advised when no further action can be taken to resolve an issue and a case is being closed.
- There are clear agreed timescales for responding to issues.
- All parties involved in a case are aware of responsible named staff.



Witness Support Policy

Policy Statement

The Trust acknowledges that many people are fearful of providing evidence to enable the effective tackling of anti social behaviour cases. To alleviate these fears we will provide assistance and support to any person who is willing to assist us as a witness.

Effective Date

Scope

In order to tackle effectively serious and persistent cases of ASB we rely on residents to provide evidence to support legal action.

This policy outlines how we will support person/s willing to provide information and assist us in taking action to deal with reported incidents of ASB.

The specialist ASB Officers will be the main contact for witnesses in any case of serious and persistent ASB.

Principles

- All witnesses will be treated with sensitivity, dignity and respect.
- We will reassure witnesses that their evidence will only be used with their consent and any action taken will be as a result of a mutually agreed plan.
- We will aim to gain the trust and confidence of witnesses by explaining clearly and fully the legal process, and answering any questions the person may have.

- We will be proactive and keep in touch with witnesses on a frequent basis, taking into account their views on how often they would like to be contacted and by what method, i.e. telephone, writing, email.
- If appropriate we will install additional security measures such as additional door / window locks and letter safes. We will also offer witnesses personal attack alarms.
- We will work with the Police and the local authority through the Community Safety Partnership to develop appropriate support mechanisms.
- If appropriate we will work jointly with the Police and will make them aware of the need for witness support. The Police will consider whether it is appropriate to provide the person with emergency alarm systems that are linked directly to the Police station.
- In exceptional circumstances, if a person is considered to be at risk by remaining in the property we may consider rehousing a witness where legal protection has failed or is inappropriate. Any such request would be considered in line with the allocations policy.
- If emergency accommodation is required we will liaise closely with the local authority to try and secure temporary accommodation for the witness.
- In cases where it is not possible to gain sufficient witness and/or the witness does not feel able to present evidence at court we will be prepared to use hearsay evidence and consider the use of 'professional witnesses'.
- If a person is prepared to attend court, we will put in place a package of practical support prior to the court date.
- Following court hearings we will ensure witness(s) are advised of the result of the case, what is expected of them and whether continued evidence gathering will be required. We will also ensure that witness support continues at this stage.
- We will keep up-to-date records of local groups, which might be in a position to offer advice or support such as Victim Support and the National Witness Support Network.
- We will continuously monitor the effectiveness of the policy and procedures for supporting witnesses.

Application

A set of procedures accompany this policy to cover the following:

- Timescales
- Staff responsibility
- Additional security measures
- Referrals to outside agencies



Domestic Violence Policy

Policy Statement

The domestic violence policy states the Trust's commitment to offering assistance to any of its residents who are suffering from domestic violence or threats of violence either from someone within their home, or from someone outside their home.

Effective Date

Scope

- All Trust staff are expected to support the organisation's commitment to dealing with domestic violence.
- Staff in the Operations Department, particularly the Neighbourhood Services Team, will be working with the procedures that accompany this policy.
- This policy and its accompanying procedures have been developed in consultation with the Domestic Violence Protocol Forum. The Trust will continue to work with relevant agencies to develop appropriate strategies for responding to the needs of those experiencing domestic violence.

Principles

- We believe that none of its residents should live in fear of violence from a spouse or partner, former spouse or partner, or other member of their household, and will take steps to assist and support any person suffering from or threatened with violence. Such violence may be physical, emotional or psychological. It is most commonly perpetrated by men, but may also be perpetrated by women, and between gay and lesbian partners as well as heterosexual partners. This policy is intended to cover all such instances.

- Wherever possible, we will endeavour to ensure that it assists those threatened with or suffering violence by providing them with secure accommodation, free from the threat or fear of violence. Where we are not in a position to offer such assistance, we will provide advice to the victims of violence on alternative sources of accommodation and support, including assistance from voluntary organisations.
- We will take a victim-centred approach in responding to cases of domestic violence. Recognising that evidence of violence may not always be readily available; the registered social landlord will accept the victim's account and will not insist on the victim providing proof of violence. Although some form of evidence will be required where legal action is to be taken verification may be required where other potential solutions are being considered such as a management transfer.
- We will take action to evict the perpetrators of domestic violence using the powers available to it under the Housing Act 1996, and other relevant legislation, subject to the wishes of the victim.
- We will take a flexible approach in responding to incidents of domestic violence, to take account of the varying circumstances of victims of violence and the different courses of action, which may be possible and appropriate.
- If the person suffering domestic violence feels able to remain in their home either temporarily or permanently but request additional security measures, then we will endeavour to arrange for these to be installed.
- We will keep up-to-date records of local agencies, which might be in a position to offer advice or support to victims of domestic violence and participate in any local forums established to consider the needs of those suffering from domestic violence.

Application

A set of detailed procedures will accompany this policy to ensure that:

- All reports of domestic violence are thoroughly investigated.
- The complainant is fully involved in the action planning to try and resolve the issue.
- There is detailed recording of the incidents and the investigations carried out.
- Complainants are clearly advised when no further action can be taken to resolve an issue and a case is being closed.
- There are clear agreed timescales for responding to issues.
- All parties involved in a case are aware of responsible named staff.
- Appendices with standard forms



Drugs Policy

Policy Statement

The Trust will take a robust approach to tackling problems of drug use and drug dealing in neighbourhoods. This approach seeks, in the first instance, to assist substance users through a multi-agency approach. Where this is not possible or fails, possession action will be considered.

Effective Date

Scope

This policy outlines the approach the Trust will take in dealing with drug related issues within the stock it owns and manages.

It is a criminal offence for Somer to knowingly allow any premises it owns or manages to be used for the purposes of the supply or taking of controlled drugs.

The procedures that accompany this policy statement are principally operated by ASB Officers. However this policy has close links with:

- Anti Social Behaviour Policy
- Allocations Policy
- Equalities Policy

Principles

In applying the drugs policy the Trust will adhere to the following principles:

- A commitment to ensuring a robust and transparent response to the use or supply of controlled drugs in its properties.

- Working in partnership with Bath & North East Somerset Council, the Drug Action Team (DAT), Police and local voluntary agencies to develop initiatives to combat the use of controlled drugs and minimise harm to the community and drug users.
- Using its powers under the tenancy agreement and leases to take relevant action against residents who are found in possession of drugs paraphernalia and intent on using or supplying drugs in its properties.
- Be mindful of the rights afforded to individuals under the Human Rights Act.
- Working with individuals and the wider local community to encourage the reporting of the use and or supply of controlled drugs in its premises and on its estates.
- Supporting drug users who are seeking treatment and will make referrals to support agencies an integral part of the enforcement process.
- To only offer tenancies to applicants with a history of drug use where identified support needs can be met and providing that the applicant is committed to accepting the necessary support.
- To work with the DAT and Police to ensure that its staff have relevant and up-to-date information on drug treatments in the Bath and North East Somerset area and other local authority areas as appropriate.

Application

- There is a procedure document describing how this policy is to be implemented covering the following:
 - The legal position
 - Details of drug classification
 - Procedure guidance for
 - Paraphernalia
 - Drug use
 - Drug supply
 - Monitoring of cases
 - Rehousing
 - Evidence
 - Witnesses
 - Help line information
 - Tenancy conditions