

## **ANTI SOCIAL BEHAVIOUR POLICY REVIEW**

Report of the Director of Housing & Customer Service

### **1. SUMMARY**

The report outlines a review and revision of Derby Homes Anti Social Behaviour (ASB) Policy, attached at Appendix 1.

### **2. RECOMMENDATION**

Local Housing Board North is requested to approve the revised Anti Social Behaviour Policy subject to consultation.

### **3. MATTER FOR CONSIDERATION**

- 3.1 The Crime and Disorder Act 1998 required all local authorities to have a written and ratified ASB Policy in place and to publicise this Policy. Derby Homes compiled an ASB Policy and reviews this document on a regular basis. Due to legislative changes and Government agendas, this policy now needs further reviewing and updating.
- 3.2 The previous policy referred to racial harassment but did not refer to hate crime which encompasses the other equally important equalities strands i.e. disability, age, gender, race, religion or sexuality.
- 3.3 The reviewed policy now combines anti social behaviour and hate crime into one document. The procedure and processes for dealing with both of these types of ASB is the same, however, response times are set to reflect the seriousness of individual incidents.
- 3.4 Previously, Derby Homes employed a specialist racial harassment officer. However, the caseload for this officer was continuously a concern as numbers of racial harassment cases were very low. Due to changes made nationally, through Housemark and the Social Landlords Crime and Nuisance Group, the emphasis is on hate crime across all the equalities strands as opposed to one specific area: race. To reflect this change, all the Neighbourhood Safety Officers deal with hate crime cases.
- 3.5 The reviewed policy provides an updated working definition of anti social behaviour from the Anti Social Behaviour Act 2003. It also includes the definition of a racist incident as agreed following the McPherson report.
- 3.6 The policy is also wider in its scope to reflect the multi-agency dimensions in tackling and resolving ASB.

- 3.7 It also demonstrates our continuing commitment to working within the ethos and principles of the RESPECT agenda.

#### **4. CONSULTATION IMPLICATIONS**

Consultation with key stakeholders, equalities groups and tenants, leaseholders will need to take place upon approval of the revised policy.

#### **5. LEGAL AND CONFIDENTIALITY IMPLICATIONS**

- 5.1 Legal Services will be consulted on the content will follow following Boards approval of the revised policy.
- 5.2 This policy will operate within the Derbyshire Police Information Sharing Protocol to which Derby Homes are signatories.

#### **6. EQUALITIES IMPACT ASSESSMENT**

An Equality Impact Assessment has been completed on this policy.

#### **7. HEALTH & SAFETY IMPLICATIONS**

- 7.1 This policy covers our position on the health and safety of our staff.
- 7.2 The Neighbourhood Safety Manager now administers the red warning system on tenancies so as to ensure there is synergy between incidents that occur and the actions that follow in terms of the perpetrator.

#### **8. POLICY REVIEW IMPLICATIONS**

This is a key policy of Derby Homes and is included in the Key Policy Review Schedule. In accordance with minute 10/51 this policy will be reviewed no later than 3 years from the date of this meeting.

**The areas listed below have no implications directly arising from this report**

- Financial and Business Plan
- Personnel
- Environmental
- Risk

**If Board members or others would like to discuss this report ahead of the meeting please contact the author, or the Chief Executive, [phil.davies@derbyhomes.org](mailto:phil.davies@derbyhomes.org) - Tel 01332 711010**

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**Background Information:** None.

**Supporting Information:** None.



# Anti social behaviour and hate crime policy

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## Introduction

Derby Homes is committed to providing the people of Derby with the best housing service in the country. We believe that residents are entitled to live in well managed homes where they feel good about themselves and their communities.

Derby Homes is the managing agent for the council housing stock owned by Derby City Council.

As a responsible landlord, Derby Homes is committed to taking positive action to deal effectively with all forms of anti social behaviour so that our residents can live in a comfortable and safe environment.

To demonstrate to the wider community our commitment to do everything reasonably possible to tackle anti social behaviour and deliver a high quality service, Derby Homes have signed up to the **RESPECT Standard for Housing Management**.

This policy has been developed in line with the Crime and Disorder Act 1998 (as amended) and the Anti Social Behaviour Act 2003.

## Definition of anti social behaviour

The Anti Social Behaviour Act 2003 defines anti social behaviour as:

*“behaviour which causes or is capable of causing nuisance or annoyance to some person (who need not be a particular identified person).”*

Anti social behaviour threatens the physical or mental health, safety or security of individuals, groups and communities and, as a result, undermines people’s human rights.

### **Hate related crime/incident (based on a persons’ gender, race, sexuality, disability, religion or age)**

These complaints are categorised as category 1 complaints as they are very serious.

Derby Homes have adopted the McPherson definition of a racist incident:

*“A racist incident is any event which is perceived to be racist by the victim or anyone else.”*

Using this definition in our investigations will not prejudice the intention of the perpetrator and, after a thorough investigation of an incident, it may be clear that the harassment was not racially motivated. However, by taking into account the perceptions of the victims and anyone else involved, we can make sure that any racial motivation is fully considered throughout the investigation.

As with racist incidents, we define a hate crime or incident as an incident that is perceived as such by the victim or any other person. Examples of a hate crime or incident could be because of someone's religion, gender, sexuality, mental health, learning or physical disability, cultural difference, or because they have HIV/AIDS or a physical deformity/impediment.

When a racist or hate crime incident is reported to us, we cannot take any enforcement action without evidence.

Our approach to these incidents is to make sure we take a victim-centred approach by working in collaboration with internal and external partners. Home visits are offered, as is the support of the Victim and Witness Support Officer. Our approach will be sensitive, supportive and understanding of the needs of the victim/witnesses.

If the property where the victim/witness lives has been the subject of vandalism or graffiti, we will deal with this as a matter of urgency.

## Key objectives

All complaints will be thoroughly investigated using our set procedures to deal with anti social behaviour. These procedures have been agreed in consultation with our tenants.

Our key objectives in dealing with anti social behaviour are linked to Derby Homes' Strategic Objectives. To achieve our **Estates Pride** objective we will work in partnership with the Community Safety Partnership to deliver cleaner, greener, safer initiatives in priority areas, and we will put resources into place to support vulnerable tenants.

As part of our **Equality and Diversity** objective, we will monitor access to our service through equalities impact assessments and customer profiling.

- We have a zero tolerance approach to anti social behaviour in our neighbourhoods. This means that when anti social behaviour is reported to us, we will *always* act promptly and in line with our procedures and service standards.
- We encourage residents to tell us about anti social behaviour by making sure our reporting process is clear and easy to access for all our customers, and we take a proactive approach to communicating with residents. For instance, we offer help for tenants who prefer to receive information in a language other than English, and provide Dictaphones as an alternative to providing written evidence.
- When residents access our services, we will explain to them what action we will take and provide them with as much help and advice as they need to support them throughout their experience of anti social behaviour. We will also support any perpetrator of anti social behaviour who is vulnerable by

referring them to specialist support agencies, recognising that it is possible to change core behaviour to the point where it becomes acceptable.

- We recognise that prevention is better than cure. We adopt a partnership approach in dealing with anti social behaviour and take action that is **appropriate** and **proportionate** to the specific complaint. We particularly encourage the use of our independent mediation service and promote early intervention to resolve as many anti social behaviour complaints as possible through non-legal means.
- Our core activities are based on strong partnership working which enable partners to share intelligence and work together to solve problems more efficiently. An example of this is the Community Watch Patrol service that deters and prevents crime and anti social behaviour and reassures our residents. We regularly review the effectiveness of our practices and introduce new evidence based initiatives.
- We are compliant with the RESPECT standard, and closely monitor the quality and effectiveness of our service by setting challenging performance targets for staff. We also send a customer satisfaction survey to each complainant and carry out 'customer journey' analysis to help us understand the customer experience.
- We deliver an effective and efficient service and strive to offer best value for money by seeking out good practice and investing in the professional development of our staff to enable them to deliver excellent services.

## **Types of anti social behaviour**

The following categories of anti social behaviour have been adopted by Derby Homes after consultation nationally through Housemark.

### **Category 1 – response within one working day**

This is the most serious type of anti social behaviour.

- Harassment/intimidation/threatening behaviour
- Hate related incidents (based on a person's gender, race, sexuality, disability, religion or age)
- Domestic violence, abuse
- Physical violence.

### **Category 2 – response within five working days**

- Drugs, substance misuse, drug dealing
- Noise
- Verbal abuse
- Vandalism and damage to property

- Alcohol related incidents
- Prostitution, sexual acts, kerb crawling, loitering
- Other criminal behaviour
- Misuse of shared areas and public space
- Pets and animal nuisance
- Nuisance from vehicles
- Litter, rubbish, fly tipping
- Garden nuisance.

We put all incidents of anti social behaviour reported to us into categories according to their seriousness and investigate the most serious as a priority. If an incident is made up of several different types of anti social behaviour, we will treat the most serious part of the complaint first.

Anti social behaviour may or may not amount to a criminal act. What is important in defining anti social behaviour is the effect of the behaviour on others.

## **Service standards**

We have clear service standards when dealing with complaints which have been developed with our residents. Our service standards are outlined in full in the Neighbourhood Safety Service Standards leaflet. This leaflet is available upon request, or viewable on our website and available in our receptions areas at Housing Offices.

## **Reporting anti social behaviour and hate crime or incidents**

We provide residents with a wide variety of ways to report anti social behaviour to ensure that everyone is able to access help quickly and easily. We also proactively encourage the reporting of anti social behaviour incidents through regular newsletter articles, information leaflets, and at surgeries and events held in our neighbourhoods.

## **Residents' responsibilities**

All council tenants of Derby City Council will have signed a tenancy agreement which sets out the rights and responsibilities of the Council and its tenants. Sections 6 and 7 refer to your responsibilities in terms of anti social behaviour and you should refer to your tenancy agreement for full details.

You will have received a copy of the agreement at the time you received the keys for your property. If you would like us to send you another copy, call our Enquiry Centre on 01332 711000 or download a copy from our website at [www.derbyhomes.org](http://www.derbyhomes.org).



## The approach Derby Homes will take when tackling ASB

In line with the Governments' **RESPECT Agenda**, Derby Homes' takes an holistic approach to tackling anti social behaviour, encompassing **prevention, early intervention, support, enforcement and diversion**. This holistic approach is delivered through agreed partnership arrangements.

We will not move complainants or perpetrators who are tenants as a means of resolving the anti social behaviour (except in exceptional circumstances); we will deal with the problem.

The action that we take will be **reasonable** and proportionate to the type of anti social behaviour that has been reported. We will assume that all complaints are genuine unless proven otherwise.

We want to create a climate where people feel confident in coming forward with information. However, where complainants wish to remain anonymous, we will still investigate the complaint.

Complainants will be encouraged to give evidence as this is more convincing and persuasive and it may not always be possible to take action if a witness is not prepared to come forward.

### Prevention

Derby Homes recognises that prevention is an important element of tackling anti social behaviour in neighbourhoods. The following services are delivered by Derby Homes in partnership to prevent anti social behaviour from occurring:

- Tenancy Sustainment Service
- Estates Pride Projects
- Crime Prevention Service
- Community Watch Patrol

### Early intervention

Intervening early in complaints of anti social behaviour and dealing with problems quickly or preventing them from escalating when problems have occurred, is essential when dealing with complaints effectively.

We deliver various services in partnership to make early interventions, resolve complaints promptly and keep costs down. These services are listed below:

- Mediation service
- Restorative justice (Summer 2010)
- Estate based staff
- Referral to partner agencies, such as the Community Safety Partnership for Acceptable Behaviour Contracts.

## **Support**

Providing support alongside enforcement action or on its own is critical in changing behaviour in the long term.

There are various services that are delivered in partnership to provide support to both complainants and perpetrators of anti social behaviour, some of which are listed below:

- Victim and Witness Support Service
- Family Intervention Project
- Tenancy Support Service

## **Enforcement**

Derby Homes has a team of specially trained and qualified staff who deal with all the serious and complex cases of anti social behaviour that need enforcement action. Their aim is to tackle and reduce anti social behaviour by supporting victims and taking positive action against the people who cause problems for their neighbours.

The team is a decentralised team working within the neighbourhoods as part of the local housing team.

## **Diversion**

Derby Homes provides funding and make referrals to Enthusiasm who deliver Youth Inclusion Projects within estates. This project works with 11 to 18 year olds who are at most risk of offending and social exclusion. The aim of the project is to reduce ASB and the risk of young people entering into the Criminal Justice System. This is done by providing opportunities for young people to fulfil their true potential.

Derby Homes has a Youth Initiatives Engagement Officer who has developed and runs our Junior Warden Schemes, for 10 to 14 year olds, in many parts of the city. Junior Wardens are encouraged to become involved in their community and take pride in where they live through a series of activities and events.

## **Wider community and neighbourhood management**

The ways in which residents can report anti social behaviour to us are outlined on our website. Non council tenants and owner occupiers are able to access this information and report anti social behaviour.

Derby Homes have tools available as a registered housing provider to take legal action against non council tenants.

The city of Derby is covered by the Neighbourhood Management Model ensuring the wider community is aware that they have a responsibility to not engage in anti social behaviour within neighbourhoods.

## **Working in partnership**

Partnership working is vital if we are to minimise anti social behaviour and tackle it when it does occur. Derby Homes have been a key stakeholder in the development of the Derby City Integrated Anti Social Behaviour Strategy 2010. The overarching strategic aim of this strategy is to:

*“Prevent and reduce harm caused to communities and individuals in Derby by anti social behaviour through engaging people and partnership working.”*

The Derbyshire Information Sharing Protocol that Derby Homes have signed up to enables partners to share appropriate and relevant information when dealing with cases of anti social behaviour. All information is shared in line with this protocol and within the terms of the Data Protection Act 1998 and the Crime and Disorder Act 1998 (as amended).

## **Disability and vulnerability**

We work in accordance with the Disability Discrimination Act (1995) to assess whether any of our perpetrators are vulnerable so that we can identify the most appropriate support to help them to change and modify their behaviour.

## **Remedies available (non legal and legal)**

Most complaints of anti social behaviour will not require legal action and will be quite effectively resolved through early intervention by the housing officer.

Non legal means of resolving anti social behaviour:

- Warnings
- Home visits
- Mediation
- Acceptable Behaviour Contracts
- Good neighbour agreements
- Restorative justice solutions (summer 2010).

Legal means of resolving anti social behaviour:

- Notices of seeking possession
- Injunctions
- Demotions
- Possession
- Court undertakings
- Anti Social Behaviour Orders

## **Victim and Witness Support Service**

The Victim and Witness Support Officer is specially trained to support victims and witnesses of serious anti social behaviour.

Referrals are made by staff where they receive a category 1 complaint and the services of the Victim and Witness Support Officer are required. Residents themselves can also access this service if they feel they could benefit from it.

Full details of this service are outlined in the Victim and Witness Support leaflet which is available in all our housing office reception areas and on our website.

## **Safeguarding children, young people and adults**

We proactively participate in partnership arrangements to safeguard children and vulnerable adults.

We are members of the Local Safeguarding Children Board (LSCB) and we recognise and are committed to the principles of safeguarding and promoting the welfare of children and young people in carrying out our functions. Front line staff and all managers have received training.

In dealing with anti social behaviour, hate crime and incidents, full consideration will be given to our safeguarding responsibilities.

## **Legal framework**

Examples of legislation that Derby Homes staff need to be aware of include:

- **Race Relations Amendment Act (2000)**
- **Human Rights Act (1998)**
- **Homelessness Act (2002)**
- **Data Protection Act (1998)**
- **Housing Act (1996) (as amended by the Homeless Act (2002))**
- **Environmental Protection Act (1990) and the Statutory Nuisance Act (1993)**
- **Anti Social Behaviour Act (2003)**
- **Housing and Regeneration Act (2008)**

## **Links to other policies**

This policy does not work in isolation. Other Derby Homes and/or Derby City Council policies that support or influence this policy include:

- Homelessness
- Allocations
- Domestic Violence

- Equality and Diversity
- Complaints

Copies of these policies are available on request or can be downloaded from our website at [www.derbyhomes.org](http://www.derbyhomes.org).

## **Protection of staff**

We will not tolerate any threats or abusive behaviour towards our staff. Condition 6.2 of the tenancy agreement clearly states:

*“You must make sure that you, other people living with you, and any visitors to your home do not harass, abuse or threaten people.... visiting or working in the locality of your home.”*

*“Violence or threats of violence towards any person including Council and Derby Homes employees, agents or contractors of the Council.”*

We will take firm action if this condition is breached, including legal action which could result in an injunction, demotion of a tenancy, or even possession proceedings.

## **Staff training**

Tackling anti social behaviour effectively requires our staff to be knowledgeable and well trained. We will make sure that all staff dealing with anti social behaviour clearly understand and deliver our Anti Social Behaviour Policy and Procedures.

## **Publicising success**

Publicity is essential if local communities are to support us when tackling anti social behaviour. Therefore, we will publicise successful results of both legal and non legal actions that we have secured through our partnership working in Derby Homes News, the local media and other publicity outlets.

Our website will also be regularly updated with cases where action has been taken to tackle and resolve anti social behaviour.

We will produce regular statistical information on the number of anti social behaviour cases across the city and the types of anti social behaviour that are occurring and will publicise these in our tenant newsletter and on our website.

## **Confidentiality and Data Protection**

We respect the rights of our customers to confidentiality and will always request their permission before sharing any information they give us with others.

We will comply fully with the requirements of any new or existing relevant legislation, such as the Data Protection Act (1998) and the Freedom of Information Act (2002).

## Closing cases

We will close cases either:

- where the situation has been resolved and the complainant is in agreement with case closure, or
- where the complainant tells us that it has been two months since the last incident of anti social behaviour and that the impact of the anti social behaviour is reduced.

We will not assume that a situation has improved if we have not heard from the complainant in a while. We will attempt to make contact with the complainant before closing the case. Only after several failed attempts have been made to make contact and it has been two months since the last incident will we close the case under the grounds of 'no contact'.

In certain circumstances, we will close cases even if the complainant does not want us to. However, this will only happen after discussion with the complainant and the reasons for doing this have been fully explained, and we are satisfied that we have done everything we can that is **reasonable** and **proportionate** to resolve the complaint. We will record the reasons for closing cases and advise people about what they can do next.

If the complainant fails to respond to our request for information, we will close the case and advise the complainant of this.

## Performance monitoring

We have implemented the Respect Performance Toolkit as the performance management framework to monitor our performance and to identify and implement service improvements.

All customers using the anti social behaviour service will receive a satisfaction survey on exiting the service.

The Tenants Top Ten Target requires us to contact all complainants of anti social behaviour on a monthly basis to provide feedback on the progress of their case.

All anti social behaviour cases are routinely audited by the Neighbourhood Safety Manager and are reviewed with partners.

## **Complaints, comments and compliments**

We are always keen to learn what our customers think about the service we provide. We will use the feedback we receive to help us identify areas for improvement.

If you would like more information about how to comment or compliment our service, or you would like to make a complaint, you can call our Enquiry Centre on 01332 711000, visit your local housing office, or go to our website [www.derbyhomes.org](http://www.derbyhomes.org).

## **Monitoring and review of the policy**

We will consult with customers, staff and internal and external partners in the periodic review of this policy.

We will review this policy every year to make sure that it reflects the latest in best practice and government legislation.