**ANTI-SOCIAL BEHAVIOUR AND HARASSMENT POLICY AND PROCEDURE**

The Anti-Social Behaviour Act 2003, amending the Housing Act 1996, requires us to publish a statement of our policies and procedures with regard to anti-social behaviour. This document fulfils this legal requirement and is designed to give a clear statement of our approach to anti-social behaviour and the way we intend to work together with residents and organisations to deal with it.

This document can be made available in large print, Braille, on audio tape or in other languages on request. Contact the Homes and Housing team at Havering Council for copies.

**TENANT MANAGEMENT ORGANISATIONS**

Tenant Management Organisations will also follow this anti-social behaviour policy and comply with the Department of Communities & Local Government’s Code of Guidance in all respects

**STRATEGIC & LEGAL CONTEXT**

This policy is compatible with the following Council and/or its managing agent policies/strategies/plans:

* Housing Strategy
* Homelessness Strategy
* Harassment policy
* Racial harassment policy
* Lesbian, Bi-sexual, gay and trans-gender harassment policy
* Domestic violence/abuse policy
* General nuisance policy
* Harassment and the disabled policy
* Drug Action Team action plan
* Community Safety Unit anti-social behaviour strategy.
* Catch and Convict Framework
* Prolific and Priority Offender strategy
* Safer Homes
* Choice Based Lettings Policy

This policy is also compatible with obligations under other legislation. This includes:

* Children Act 1989
* Crime & Disorder Act 1998
* Disability & Discrimination Act 1995
* Homelessness Act 2002
* Race Relations Act 1976 (as amended by the Race Relations Amendment Act 2000)
* Human Rights Act 1998

The housing management function of the landlord covers any activity that we undertake in the day-to-day and strategic management of our properties.

This includes:

* Tenant and leaseholder participation
* Maintenance and repairs
* Rent collection
* Letting homes
* Estate management

Matters that might indirectly affect the housing management function include social care and housing support, environmental health and refuse collection.

 It is also important to note that the anti-social behaviour could be either:

* by our tenants affecting other tenants, owners or others lawfully using a property or facilities in the local area, or.
* by an owner of a property, or tenant of another landlord in the local area, affecting our tenants or leaseholders.

The Home Office defines anti–social behaviour and harassment as an individual or group who behave in a manner likely to cause alarm, distress or fear into a household or group of households. This would include incidents of:

* Noise nuisance (for example loud parties, shouting, noise from Televisions, radios, and burglar alarms)
* Intimidation and harassment
* Local environmental quality issues (for example, litter, dog fouling, graffiti, fly-tipping and nuisance vehicles)
* Aggressive and threatening language and behaviour
* Actual violence against people and property
* Hate behaviour that targets members of identified groups because of their perceived difficulties, for example, race and ethnicity, gender, age, religion, sexual orientation, mental health or disability
* Using housing accommodation to sell drugs or for other unlawful purposes.

When assessing complaints of anti-social behaviour we will consider the severity and frequency of incidents, their effect on the victim and other contributory factors such as poor sound insulation. The intentions of the person carrying out the behaviour will also be taken into account as well as any disability they may have.

Serious anti-social behaviour will not be tolerated. This includes:

* Threats of, or actual violence against persons
* Drug dealing
* Intimidation or harassment on grounds of race, sexual orientation, religious beliefs or disability
* Domestic Violence
* Criminal activity that is connected with the property

Other types of activity that are unacceptable include:

* Loud and/or frequent parties
* Regular and loud noise, particularly but not exclusively late at night (including music, shouting, television and radio noise)
* Regular and frequent noise from vehicles late at night or early in the morning (for example excessive revving of engines, sounding horns etc).
* Damage to property and vandalism.

Not all complaints received constitute anti-social behaviour and in these cases we may suggest other remedies such as mediation. Examples of behaviour that would not normally be considered to be anti-social behaviour include:

* Children’s play
* Occasional parties/noise/disturbance
* Normal domestic activities.
1. **Procedure for making a complaint of ASB**

All complaints may be made to the **TMO** Manager either in person, by telephone or in writing (letter, fax or email) who will treat all cases with the utmost confidentiality. If any resident would prefer to have someone of his or her acquaintance in attendance, this will be facilitated. Details of the complaint will be recorded and an acknowledgement letter sent within 1 working days giving the name of the officer dealing with the complaint and when they can be contacted in the **TMO** Office. The **TMO** Manager will, where requested or where appropriate request help from appropriate agencies such as the Police, Victim support, community groups, church groups, voluntary groups, social services or other Council and/or its managing agentdepartments.

A complaint or report about ASB may be made by anyone who experiences or notices the problem. For example, this could be:

* an individual tenant or leaseholder
* a group of tenants or leaseholders
* a private tenant or owner
* a Neighbourhood Warden, Police Community Support Officer or Police Officer
* estate staff

A complaint may also be made through a representative, for example a Councillor, MP, Citizens’ Advice Bureau or Victim Support.

1. **Procedure for processing a complaint of ASB**

The **TMO** Manager dealing with the complaint will make an initial assessment of the

seriousness and urgency of the case and, taking the vulnerability of the complainant into consideration, place the complaint into one of 3 levels:

**Level 1:** This covers serious or urgent types of ASB.

**For Level 1 complaints, the TMO aim to arrange and carry out an interview with the complainant within 1 working day of receipt of the complaint.**

 Examples might include:

* racial harassment
* domestic violence
* other hate crime
* arson or attempted arson
* behaviour resulting in danger to the complainant or others

**Level 2:** This covers ASB where there is no immediate threat to the complainant or others.

**For Level 2 complaints, the TMO aim to arrange and carry out an interview with the complainant within 5 working days of receipt of the complaint. The interview arrangements will be confirmed in writing to the complainant.**

Examples might include:

* problems associated with groups of youths
* damage to property
* using the home for an unlawful purpose
* regular loud noise

**Level 3:** This covers relatively low level ASB that is unlikely to cause harm in the short-term.

**For Level 3 complaints, the TMO aim to arrange and carry out an interview with the complainant within 10 working days of receipt of the complaint. The interview arrangements will be confirmed in writing to the complainant.**

Examples might include:

* overgrown gardens
* car repairs
* occasional noise

If the circumstances change, or if new information comes to light (in interview with the complainant, for example) a case may be re-categorised at a different level. If a complaint is made in person, the **TMO** will aim to carry out a full initial interview at that time. Interviews will be carried out at a time and place (this could be in the **TMO** office, the complainant’s home or another place mutually agreed) convenient to the complainant.

**Interview**

The **TMO** Manager will conduct the interview. The purpose of the interview is to establish all the details and facts about the complaint (a standard ASB interview form will be used for this) and to discuss and agree what action will be taken and by whom. At the end of the interview an action plan will be drawn up, clearly setting out the agreed actions. The complainant will be asked to read and sign the written record of the interview and the action plan to confirm their agreement to both documents. The complainant will normally be given a copy of the interview form and the action plan at the end of the interview. If this is not possible, the interview form and action plan will be sent within 1 working day of the interview. The interview form will invite the complainant to give his/her consent for us to:

* contact the alleged perpetrator, and
* contact and/or share information with specified partner agencies.

**Action plan**

This sets out the actions that either the **TMO** or the complainant agree to take following the interview. It is not possible to list all the possible actions here, but some examples are:

The **TMO** Manager might agree to:

* try to identify the alleged perpetrator (if not known by the complainant)
* speak to the person causing the problem (with the complainant’s consent)
* speak to witnesses
* try to gather more evidence
* offer security improvements to the home
* involve other agencies (such as Social Services, Environmental Health or
* youth services)
* arrange mediation
* provide further information and advice
* consult Homes and Housing ASB team about possible legal action
* request that Homes and Housing take legal action

The complainant might agree to:

* speak him/herself to the person causing the problem
* keep an incident log
* contact other support agencies
* contact the police (if a crime may have been committed)

The action plan should always include:

* the estimated timescale for any action agreed (where possible)
* how the complainant will be kept informed of the progress of the case

The usual actions that the **TMO** might agree to take are set out in greater detail in the following sections. Any action the **TMO** do decide to take will depend on the circumstances of each case. Some actions can take place at the same time.

**3. Support for Complainant and Witnesses**

From the receipt of the original complaint or the discovery of the incident/s of harassment, the **TMO** Manager will assess whether any special needs/ translation services etc are required and carry out a risk assessment of home environment and request from the **Council and/or its managing agent** the installation of appropriate witness protection measures.

Support arrangements will include:

* Referral arrangements with other partners or agencies to ensure complainants are provided with practical, specialist or emotional support and advice as appropriate.
* Arrangements for regular visits or patrols by officers or other agencies
* Provision of support to complainants and witnesses preceding, during and following any court proceedings.

**4. Procedures for addressing cases of ASB.**

 **Gathering Evidence**

Evidence gathering can take a number of forms, but it works best if the complainant, the **TMO** and the **Council and/or its managing agent** work together. The evidence needed for legal action must:

* be first hand –it must be what the complainant or witness saw or heard
* be available in writing (in an incident log, for example)
* be sufficient to convince a court that it is reasonable to grant the order the **TMO** is seeking
* show that the ASB has had an impact and what that impact is

Evidence may be gathered through:

* **Incident Logs**

The Incident Log is a standard form allowing complainants and witnesses to make a detailed note of incidents as they happen. Incident Logs can also be presented as evidence in Court –either by the complainant/witness or sometimes by a third party if necessary.

If, for any reason, the complainant cannot keep written Incident Logs, the **TMO** will consider other practical ways to keep records (for example, a Dictaphone tape recorder).

Incident Logs may be completed in whatever language the complainant/witness is most comfortable with and the **TMO** will arrange for them to be translated.

* **Professional Witnesses**

If there are no witnesses to the ASB or independent evidence is required, the **TMO** may request the **Council and/or its managing agent** to engage a variety of professionals to gather evidence of incidents in particular cases if the ASB:

* is serious, or
* has been going on for a considerable length of time, and
* all other methods of resolving the problem have failed.
* **Neighbourhood Wardens**

The **TMO** Manager will (depending on the circumstances of the case) brief the local Warden about the complaint. The Neighbourhood Wardens can witness events that occur outside normal working hours and can also call on the complainant or witnesses to provide support and find out if any further incidents have occurred.

* **Police**

The police can check information from police records, develop a joint approach to dealing with the problem, target the Police Community Support Officers patrols, give advice on possible criminal action and attend Court to present police evidence in civil cases.

* **TMO Estate Staff**

Caretakers and cleaners can be asked to provide information about incidents they witness while they are carrying out their duties on estates. Estate staff can also give evidence in Court.

* **Covert CCTV**

The **TMO** may request the Council **and/or its managing agent** and the Police to utilise covert cameras to gather visual evidence of incidents particularly where nuisance is occurring in a hallway, entrance, outside someone’s front door, or in a relatively small area outside a block.

* **Witnesses**

The **TMO** will make enquiries of neighbours who might have witnessed incidents. This information may help assess the seriousness of the ASB and who is responsible. The **TMO** will normally ask any witnesses to complete Incident Logs.

* **Environmental Health**

Environmental Health operates an out of hours service. The **TMO** may request that they attend suspected incidents or that they install noise monitoring equipment into individuals’ homes to monitor sound levels caused by mechanical noise (for example, loud music, TVs). .

Where appropriate and on the support and advice of specialist agencies, the **TMO** Manager, with **Council and/or its managing agent** Officer support where necessary, may arrange for various types of intervention such as:

* **Target hardening**

‘Target hardening’ - the various physical security improvements that may be carried out, either to an individual home or to the shared areas of estates such as better locks, door chains, spy holes , frame bolts, glazing film, fire proof letterboxes

This service can also be provided for leaseholders, but unless there are exceptional circumstances, there may be a cost for any work carried out.

* **Interventions**

Having carried out the investigation, and having liaised with the **Council and/or its managing agent** ASB Co- ordinator, the **TMO** Manager may request the **Council and/or its managing agent** to initiate one of the following actions:

* Mediation
* Acceptable Behaviour Contracts;
* Anti-Social Behaviour Orders;
* Injunctions and exclusions orders under sections 153A, 153B, 153C or 153D of the 1996 Act
* Injunctions under section 222 of the Local Government Act 1972;
* In connection with any of the injunctions above, applications for powers of arrest
* Possession proceedings;
* Eviction;
* Demoted tenancies; and
* Any other legal action which could be taken with the support of the police or local authority, for example, Environmental Protection Act (1990) action or criminal prosecution.

Some interventions may go wider than the housing management function but the **Council and/or its managing agent** and the **TMO** may agree that the **TMO** has a role in assisting the **Council and/or its managing agent** in such cases.

a. Acceptable Behaviour Contract

This is a written agreement by an individual with us and the Police not to carry on with certain identifiable acts, which could be construed as anti-social behaviour or harassment. Within Havering it is designed for those aged 10 years and older and lasts for one year.

This approach will be used for any age group, and not just younger people, even though it has been used a lot to target problems with younger people. They are used to address early stages of anti-social behaviour and if broken, may lead to an Anti-Social Behaviour Order or Injunction being issued.

b. Injunctions

An injunction is a court order that is preventative e.g. ordering a person not to behave in a certain way. It usually seeks to stop nuisance, annoyance and harassment. Breaching an injunction is punishable by a fine or imprisonment.

Injunctions can be used to:

* Protect staff
* Curtail behaviour
* Stop someone entering a premises
* Exclude perpetrators from specified areas.

These will be used against anyone causing anti-social behaviour and are not just for tenants but also visitors, family members, leaseholders or owner occupiers.

Anti-Social Behaviour Order

An Anti-Social Behaviour Orders is similar to an injunction. An application is made to the Romford Magistrates Court by the Local Authority or Police against an individual who acts in an anti-social manner, that is, causes harassment, alarm or distress to one or more people of a different household to the defendant.

As a general rule an application for an Anti-Social Behaviour Order will be made either when other methods to prevent further misbehaviours have failed or when such other methods have been considered but have been deemed either inappropriate in the circumstances or to be less effective than such an Order.

Possession Proceedings

We will seek to evict a tenant in cases of severe or persistent anti-social behaviour.

Forfeiture of Lease

We will seek to recover a Council residential leasehold property in cases of severe or persistent anti-social behaviour.

**5. Racial and other harassment policies and procedures.**

The **TMO** will comply with the **Council and/or its managing agent’s** Racial Harassment procedures and Domestic Violence procedures completing all of the necessary **Council and/or its managing agent** documentation within the **Council‘s and/or its managing agent’s** timescales. The **TMO** Manager will ensure that accurate records are kept of all investigations of harassment including all of the action taken and advice given to complainants. The **TMO** will take all possible steps to support victims in their homes and sustain tenancies wherever possible including working with partner agencies.

The **TMO** will refer all cases requiring legal action to the **Council and/or its managing agent**, supplying a full background of all of the action taken to date.

The **TMO** may request the **Council and/or its managing agent** to consider providing temporary accommodation or transferring the victim where there is a real danger to the health and well being of the victim if they stay in their own home.

All cases of racial or other harassment should be reported to the Management Committee, taking care not to breach any rules of confidentiality, and recorded in the **Council and/or its managing agent’s** Monitoring Report.

All parties shall have the right to appeal against the **TMO’s** decision. The Appeal should be directed to the **Council’s** Liaison Officer who will initiate an investigation and report back to all parties concerned including the **TMO**.

Harassment is violence which may be verbal or physical. It includes attacks on property as well as on the person. Harassment is cruel, unwelcome and affects the daily lives of many people. Harassment may be direct or indirect and includes:

* Verbal abuse
* Intimidation
* Attacks on or damage to property or possessions
* Threatening or abusive behaviour
* Racist, homophobic or other abusive behaviour
* Arson or attempted arson
* Use of dogs to threaten others
* Sending threatening letters
* Making abusive phone calls
* Taunting children
* Knocking on doors and/or windows at unsociable hours
* Participating in any activity calculated to deter a person from occupying a dwelling.

Harassment traumatises people. It often causes serious physical and psychological harm to those on the receiving end.

We will seek to evict tenants responsible for harassment even where the person causing the nuisance or annoyance is not the named tenant. Housing legislation states all that is necessary to pursue an eviction is for the person causing the nuisance or annoyance to be ‘a person residing in or visiting the house in which the tenant lives’.

**Domestic violence**

Domestic violence is controlling behaviour, which can involve acts of an emotional, physical, economic, sexual or psychological nature and can essentially be the exercise of control and misuse of power by one person over another. This is usually a man over a woman but not always, and will sometimes be caused by a same-sex partner.

There are, however, other areas that need to be considered and which are related to domestic violence. These can include abuse of vulnerable adults, elder and child abuse. Havering will apply its policy equally to whoever the perpetrator and victim are in the relationship.

The Homelessness Act 2002 contains a broad definition of domestic violence to include “other violence” and extends the duty upon the local authority to be responsible for those who are threatened with violence and not just those who have suffered violence. Furthermore, domestic violence can be from “a person who is associated with the victim”.

Persons are considered to be associated if:

* They are or have been married
* They are or have been cohabiting
* They are or have lived as part of the same household
* They are relatives
* They have agreed to marry one another regardless of whether that arrangement has been terminated
* They are the parent of a child or share parental responsibility for a child.