



TAI CANOLBARTH CYMRU  
MID-WALES HOUSING

Yn barod **amdani** **Equal** to the challenge

# Anti-Social Behaviour Policy

<b>Strategic Aim:</b>	Business Plan 16 – 21 states under vision and values; Caring - We believe in putting the welfare of our tenants before profit.
<b>Date of Issue:</b>	March 2017
<b>Next Review Date:</b>	March 2020
<b>Departments Affected:</b>	Community Housing Team, Customer Services Team, Income Management Team, Maintenance Team.
<b>Approved By/Date:</b>	Board of Management March 2017
<b>Lead Officer:</b>	Community Housing Team Leader
<b>Statutory Compliance:</b>	<p><b>Relevant Legislation</b></p> <ul style="list-style-type: none"> <li>• Homeless Act 2002</li> <li>• Data Protection Act 1998</li> <li>• Human Rights Act 1998 (Article 8)</li> <li>• Equality Act 2010</li> <li>• Disability Discrimination Act 1995</li> <li>• Wellbeing of Future Generations Act 2015</li> <li>• Anti-social Behaviour Crime and Policing Act 2014</li> <li>• Renting Homes (Wales) Act 2016</li> <li>• Mental Health Capacity Acts 2005 &amp; 2007</li> <li>• Protection from Harassment Act 1997</li> </ul> <p><b>The Regulatory Framework for Housing Associations Registered in Wales (2<sup>nd</sup> December 2011)</b></p> <p>Neighbourhoods, where our properties are located, are attractive, well-maintained, safe places to live, where people want to settle, stay, and provide a good quality of life for our tenants and their neighbours.</p>

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## **ANTI-SOCIAL BEHAVIOUR POLICY**

### **Policy Statement:**

We have committed ourselves to Caring - putting the welfare of our tenants before profit.

#### Mission Statement:

'Making quality homes affordable to more people in Mid-Wales'

The prevention, management and resolving of nuisance and ASB is a joint responsibility between MWAHA and its tenants and residents and the co-operation of all parties.

We will endeavour to honour our commitment to provide safer neighbourhoods through this policy and promise to consider any issue that affects a person's peaceful enjoyment of their home. We recognise the negative and detrimental impact anti-social behaviour can have on the lives of individuals and communities.

We will take a balanced approach when tackling anti-social behaviour and will ensure that actions are proportionate to the problem(s).

We will consider any incidents of anti-social behaviour in partnership with other appropriate organisations within the Local Authority Community Safety Partnerships and the Dyfed-Powys ASB Service.

We aim to work with individuals and communities to resolve issues by giving realistic advice on what options are available to resolve a problem and the best way of approaching it. We will also ensure the complainant and perpetrator are kept informed, updated and supported whilst we are investigating the complaint.

On initial contact from a tenant or resident, we will make an initial assessment of the case and offer appropriate advice and information on dealing with the issue and preventing it escalating. Should the issue continue and be reported to us again, then we will deal with it under our ASB procedures and timescales.

If the initial contact relates to serious ASB then it will immediately be dealt with under our ASB procedures and timescales.

### **1.0 Introduction**

- 1.1 Mid-Wales Housing Association provides affordable housing for those in need. It is our responsibility to strive to provide communities for our tenants to live in that are safe and secure.
- 1.2 This policy reflects the statutory obligations that were given to Local Authorities, Housing Action Trusts and Registered Social Landlords under section 218a of the Housing Act 1996 which are implemented under section 12 of the Anti-Social Behaviour Act 2003. It also reflects guidance from the Welsh Government.

1.3 Section 218a of the Housing Act 1996 thus implemented by section 12 of the Anti-Social Behaviour Act 2003 states that Local Authorities, Housing Action Trusts and Registered Social Landlords produce the following:

- a) An Anti-Social Behaviour Policy;
- b) Procedures for dealing with Anti-Social Behaviour incidents.

1.4 The Association's Anti-Social Behaviour Policy is available for inspection at its head office at:

Tŷ Canol House,  
Ffordd Croesawdy,  
NEWTOWN,  
Powys. SY16 1AL

OR

By telephoning the Association on 0300 111 3030 to request a copy;  
by e-mailing the Association on [post@mid-walesha.co.uk](mailto:post@mid-walesha.co.uk) to request a copy;  
by going to the Association's website [www.mid-walesha.co.uk](http://www.mid-walesha.co.uk).

1.5 This policy takes into consideration the following legislation:

- Homeless Act 2002
- Data Protection Act 1998
- Human Rights Act 1998 (Article 8)
- Equality Act 2010
- Disability Discrimination Act 1995
- Wellbeing of Future Generations Act 2015
- ASB Crime and Policing Act 2014
- Renting Homes (Wales) Act 2016
- Mental Health Capacity Acts 2005 and 2008
- Protection from Harassment Act 1997

## **2.0 Definition**

2.1 Anti-Social Behaviour is defined under Chapter 12, Part 1, Section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 as follows:

- 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; or
- c) conduct capable of causing housing-related nuisance or annoyance to any person.

It should be noted that anti-social behaviour is different to estate management nuisance, which, whilst it may still contribute to a breach of tenancy, does not

have such a detrimental effect on victims and witnesses or require an immediate and in-depth investigation.

### **3.0 Aims and Objectives**

To achieve the necessary outcomes for the Association, our main stakeholders and our tenants, we will ensure we will consider and utilise a series of tools to seek to resolve anti-social behaviour. The detail of these tools is outlined in procedural guidance. The Association will endeavour to provide an efficient and effective service to our customers in relation to anti-social behaviour, improve the customer experience and seek to increase overall customer satisfaction levels. The Association will work towards an accreditation with Housemark.

### **4.0 Our Approach to Anti-Social Behaviour**

The Association has an obligation to all residents that live in its properties and also to those who live on adjacent estates to try to ensure that incidents of anti-social behaviour do not occur, but where they do, try and resolve them as quickly as possible to ensure that people who live in that community can have peaceful enjoyment of their home.

We will deal with anti-social behaviour by using the following approaches:

- Prevention;
  - Intervention;
  - Enforcement;
  - Partnership working;
  - Supporting the victim where appropriate;
  - Supporting the perpetrator where appropriate.
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- We will use our Anti-Social Behaviour Policy and Tenancy Agreement to tackle incidents of Anti-Social Behaviour.
  - We will liaise with and co-operate with other agencies involved in tackling Anti-Social Behaviour.
  - Our commitment to tackling Anti-Social Behaviour ensures that all possible action will be taken before legal remedies are pursued (as long as it is proportionate and reasonable in relation to the anti-social behaviour that has taken place, and its seriousness)
  - We will make clear that lack of evidence often limits any action that can be taken.
  - We will deal appropriately with any malicious complaints.
  - We will seek to ensure perpetrators receive all advice and/or support needed to both modify their behaviour and prevent further anti-social behaviour occurring.
  - We will consider the mental health/mental capacity of both complainant and perpetrator.
  - We must balance the need to protect individuals and communities from anti-social behaviour, with the needs of a vulnerable perpetrator. If a perpetrator is thought not to have mental capacity they may not be able to understand what is wrong with their behaviour.

## **5.0 Tenants' Responsibilities**

Tenants agree and sign an Occupancy Agreement upon commencement of their tenancy. All new tenancies are granted under a Starter Tenancy.

Tenancy Agreements contain terms and conditions in relation to various forms of Anti-Social Behaviour, such as nuisance. Tenants' responsibilities are contained within individual tenancy agreements. The tenancy agreement makes clear to tenants what their responsibilities are and that they are responsible for their actions, the actions of members of their household and visitors to their home.

## **6.0 Victim Support/Perpetrator Support**

The Association will:

- give any complainant of Anti-Social Behaviour the support that the Association feels appropriate in order to reach a conclusion of the complaint. Any support will depend on the level and seriousness of the acts of Anti-Social Behaviour. If guidance is required, this will be provided by the Community Housing Team Leader or the Director of Customer Services;
- keep the lines of communication open with complainants and inform them of the present situation of their complaint and, if appropriate, inform them of what action has been taken to date;
- provide a translation service (if required) - either in verbal or written form;
- provide complainants who are visually impaired, have hearing difficulties or learning difficulties with the necessary assistance to enable them to access the service e.g. provide a recording device for those tenants who are unable to write in order for them to provide a noise diary;
- provide measures to ensure the safety and well-being of complainants should they be required to act as witnesses at a Court hearing e.g. 999 only mobile telephone.

## **7.0 Harassment/Victimisation**

Harassment is a word commonly used to describe one of the following types of behaviour:

- violence or threats of violence by any means towards another person;
- using abusive language;
- damage or threats of damage to property belonging to someone else, including their home;
- writing threatening, abusive or insulting graffiti;
- stalking;
- anything designed to interfere with the peace or comfort of another person or to inconvenience that person;

The Association will act proportionally, reasonably and fairly and take into account legislative and case law guidance about the mental health of both perpetrator and complainant. In particular, the Association will take into account the capacity of

individuals to understand their behaviours and the impact of their behaviours. This will be undertaken in accordance with relevant legislation and case law.

The Association will consider harassment through social media to be potentially just as damaging as through any other medium.

**The Association will:**

- act upon any person harassing or victimising another tenant, member of staff and/or Board Member;
- not tolerate harassment or victimisation due to a person's colour, race, nationality, ethnic or national origin, gender, sexual orientation, disability, illness (e.g. AIDS or HIV), physical appearance, age or because they have been deliberately singled out for some other reason by the perpetrator(s).

**8.0 Rehousing tenants who have suffered harassment or who have been the victim of serious and persistent Anti-Social Behaviour**

Where a tenant claims to be suffering from the above and supporting information is available from the police, solicitor or other agency, the Association will consider giving priority to rehouse a tenant, if they request to do so. This will depend on suitable accommodation in the area required becoming available. However, the Association would hope that victims would work with us to resolve the issue rather than request to move to alternative accommodation.

In the event of the Association having no available stock it will either signpost the complainant to other housing providers or will contact them directly on behalf of the complainant.

**9.0 Protecting Our Staff**

9.1 The Association will not tolerate any threats, acts of violence, any type of victimisation and/or harassment to any members of our staff, contractors or Board Members. This also includes any threats and/or acts of violence by our tenants to members of staff, contractors or Board Members outside office hours.

9.2 The Association will support our staff, contractors and/or Board Members in pursuing any private claims against any person occupying our properties who is responsible for any acts as outlined in 9.1.

**10.0 Rehabilitation of Offenders/Perpetrators**

10.1 The Association will endeavour to assist our tenants to sustain their tenancy by supporting them and by signposting to other agencies for support. However, we recognise that there are some people who need a little more help with their tenancies than others, such as those experiencing:

- Mental illness;
- Alcohol and/or drug misuse;
- Relationship breakdowns;
- Learning difficulties;
- Young/old people;
- Any other circumstances that have made the tenant vulnerable.

## **11.0 Multi-Agency Working – the Partnership Approach**

- 11.1 Tackling Anti-Social Behaviour problems in isolation is the least effective way of achieving solutions. The Association recognises that to successfully prevent and/or resolve Anti-Social Behaviour we must work in partnership with residents, other statutory and voluntary agencies.
- 11.2 The Association will work with partners who have similar aims and objectives of assisting tenants to sustain their tenancies.

## **12.0 Staff Training**

The Association will:

- Ensure that all relevant staff are fully trained in dealing with all issues relating to Anti-Social Behaviour;
- Ensure that all relevant staff are aware of policies and procedures relating to Anti-Social Behaviour.

## **13.0 Data Protection and Information Sharing**

The Association:

- is able to share relevant information with the Police in order to ascertain information regarding acts that have been brought to our attention which relate to a breach of tenancy;
- will exchange relevant information with members of the Community Safety Partnership and Dyfed-Powys ASB Service to assist the prevention and/or resolution of Anti-Social Behaviour.

## **14.0 Confidentiality**

- 14.1 The Association has a Confidentiality Policy and a Data Protection Policy.
- 14.2 The Confidentiality Policy outlines who can have access to information about our tenants and what information they can have.

## **15.0 Reporting**

- 15.1 We will report satisfaction levels on an annual basis to 'Housemark' for comparison alongside other organisations.

15.2 Satisfaction levels will be publicised at least annually in our publications

15.3 We will also report on further measures as agreed by the Board of Management:

<b>Strategic Risk Factors</b>		
<b>Equality Impact Audit</b>	How does/will this policy ensure needs are met fairly, particularly with regard to race, gender, disability etc?	<i>The following items have been considered under an Equality Impact Assessment.</i>
	Is it felt that this Policy might affect different groups adversely. If so what is the justification for this, and is it legally permissible?	<i>This policy has been considered by and amended by the Equality Review Group of MWAH.</i>
	Have any representative groups in the locality been asked for their opinion and if so what was the outcome?	<i>This policy has been taken to the Tenants' and Residents' Forum and been approved.</i>
<b>Tenant Engagement</b>	How does/will this policy ensure the needs of tenants are met?	<i>This policy is intended to protect tenants from adverse behaviours.</i>
	How is it felt this Policy will impact on the rights and obligations of tenants?	<i>This policy reinforces the pre-existing rights and responsibilities contained within the tenancy agreement held by the tenant.</i>
	Have tenants been consulted and were the outcomes of that consultation taken into account when considering the introduction of this Policy?	<i>This policy has been taken to the Tenants' and Residents' Forum and been approved.</i>