

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

Approval date: 20 December 2007

Review date: August 2009

### **Our mission statement**

- Providing quality homes and services in a safe and pleasant environment through partnership

### **Our values**

- Acting at all times with honesty, integrity accountability and openness.
- Working with the community to provide excellent services, quality homes and value for money with the ambition, challenge and aspiration to continuously improve.
- Being forward looking and innovative.
- Respecting, consulting and involving our customers and stakeholders and embracing equality.
- Hearing what our customers say and being responsive, offering choice to increase satisfaction and happiness.
- Building careers and a positive working environment for our staff.
- Developing a sustainable environmentally aware business.

### **1. Introduction**

1.1 This document sets out Bracknell Forest Homes' approach to deter and managing incidents of anti-social behaviour and harassment. Bracknell Forest Homes' approach will be guided by its policies on Customer Care, Equalities and Diversity, and Customer Involvement. This approach will be subject to Bracknell Forest Homes' strategies for achieving continuous improvement, value for money, and efficiency.

1.2 The *Anti-social Behaviour and Harassment Policy* has been developed having regard to:

- Bracknell Forest Homes' agreed vision and values;
- Guidance material from the National Housing Federation;

- The Housing Corporation Regulatory Code and guidance material;
- Relevant legislation;
- The Audit Commission's Key Lines of Enquiry (particularly KLoE 6: Tenancy and Estate Management);
- Code of Practice and guidance material from the former Commission for Race Equality (since incorporated into the Commission for Equality and Human Rights); and
- Existing policies and procedures of Bracknell Forest Homes and Bracknell Forest Borough Council.

1.3 The *Anti-Social Behaviour and Harassment Policy* will be underpinned by detailed operational procedures, which will be developed in consultation with customers and staff as appropriate.

## **2. Statement of intent**

2.1 **Bracknell Forest Homes is committed to tackling anti-social behaviour and harassment amongst its customers and the wider community, firmly and proactively. It will work with the community safety partnership to support its customers and the local communities to enjoy living in their homes and environment.**

2.2 **Bracknell Forest Homes will widely publicise its policy and procedures on dealing with anti-social behaviour and harassment to make its' intentions well known.**

2.3 **Bracknell Forest Homes will work proactively to prevent instances of anti-social behaviour and harassment through various means.**

## **3. General policy**

### **3.1 Definition**

3.1.1 Bracknell Forest Homes will define anti-social behaviour as per the *Anti-Social Behaviour Act 2003* as

“Conduct which:

- Is capable of causing nuisance or annoyance to any person and
- Directly or indirectly relates to or affects the housing management functions of the landlord”.

3.1.2 Throughout this policy and associated procedures and practice guidance, Bracknell Forest Homes will refer to 'anti-social behaviour' as a broad term encompassing many types of anti-social activity, which could be categorised as:

- **Nuisance;**
- **Harassment** of any kind, including on the grounds of disability, gender, sexuality, race, religion, age, physical or mental ill health, HIV/Aids; and/or
- **Crime.**

These types of anti-social behaviour are described in more detail in *Section 3.4 Categories of Anti-social behaviour.*

## **3.2 Customer responsibilities**

Bracknell Forest Homes will provide all its customers with a tenancy agreement defining their rights and responsibilities in relation to anti-social behaviour and harassment, which will include their own actions and inactions and those of people or animals living with or visiting them.

## **3.3 Reporting and acting on anti-social behaviour and harassment**

3.3.1 Bracknell Forest Homes will work with customers and the wider community to increase confidence in reporting incidents of anti-social behaviour and harassment and will work with individuals to reduce the anxiety, which can be associated with reporting.

3.3.2 Bracknell Forest Homes will deal with such cases in a sensitive manner, and consider the interests and welfare of the victims as an important priority.

3.3.3 Bracknell Forest Homes' authority to act on behalf of individuals affected by anti-social behaviour will vary, depending on the circumstances. Strongest action can be taken where the alleged perpetrator/s is a Bracknell Forest Homes' customers, their relatives or visitors, or when the incident has occurred in accommodation that it owns or manages.

3.3.4 Bracknell Forest Homes will become involved in a case where the issue affects its own customers. Where Bracknell Forest Homes is unable to provide direct assistance, it will refer customers to agencies with greater power to act on their behalf.

3.3.5 Bracknell Forest Homes will take an assertive approach to Housing Management as expected by the Government's RESPECT agenda. The RESPECT core commitments for Housing Management demonstrate the Government's expectation of social landlords, which are:

- Accountability, leadership and commitment
- Empowering and reassuring residents
- Prevention and early intervention
- Tailored services for residents and provision of support for victims and witnesses
- Protecting communities through swift enforcement
- Support to tackle the causes of anti-social behaviour.

3.3.6 The RESPECT core commitments will be considered when developing Bracknell Forest Homes' procedures and practice guidance for staff.

3.3.7 When dealing with incidents of anti-social behaviour and harassment, Bracknell Forest Homes will take action to achieve a balance between enforcement, prevention and rehabilitation.

### **3.4 Categories of Anti-social Behaviour**

Bracknell Forest Homes will use the following broad definitions to assist it to determine the nature and severity of the issue and determine the best course of action.

In some instances, anti-social activities will be relevant to multiple categories.

#### **3.4.1 Nuisance**

Nuisance can be both incidental and deliberate. Nuisance generally describes forms of anti-social behaviour that can be irritating, aggravating or annoying but does not cause serious distress or feelings of fear or intimidation.

Nuisance might include, for example, noise, fouling in common areas, playing loud music, dogs barking excessively, playing ball games close to people's homes, writing or spraying graffiti, storing or repairing vehicles in communal areas, violence, damage to property, depositing rubbish and misuse of communal areas.

On occasion, an activity that could initially be described as nuisance could escalate into harassment, if it persists and becomes directed at particular individuals with the intention of causing distress.

### **3.4.2 Harassment**

Harassment is any unwanted behaviour directed at an individual or group that is offensive or objectionable to the recipient or that causes anxiety, alarm or distress. It is behaviour or conduct calculated to interfere with the peace and comfort of individuals or groups, which has the effect of hurting, intimidating, humiliating or ridiculing them and/or undermining their confidence.

In determining whether an incident constitutes harassment, Bracknell Forest Homes will consider the perception of the individual to whom the activity was directed. An incident constitutes harassment if it is perceived as harassment by the person it was directed towards or any other person, and also causes anxiety, alarm or distress.

The *Protection from Harassment Act 1997* and *Crime and Disorder Act 1998* effectively made harassment a crime. The former Act states that harassment must have occurred on at least two occasions and may include alarming the individual or causing distress. Under this legislation, it is not necessary to prove that the alleged perpetrator intended his or her conduct to amount to harassment. The civil/ criminal courts have discretion to decide whether they believe the actions were calculated and therefore whether an incident is considered harassment.

Acts of harassment can be directed towards a person or their property. These include a wide range of activities, including, for example, violence or threats of violence, putting offensive materials through letterboxes, verbal abuse, damage to property etc. when these are calculated to cause distress to an individual.

### **3.4.3 Racial harassment**

Bracknell Forest Homes has adopted the definition of a racist incident recommended by the Stephen Lawrence Inquiry Report<sup>1</sup> as “any incident that is perceived to be racist by the victim or any other person”.

Bracknell Forest Homes will establish targets for dealing with racial harassment including targets for reporting, victim support and satisfaction, and action taken against perpetrators.

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<sup>1</sup> Sir William MacPherson of Cluny (1999). *The Stephen Lawrence Inquiry*

### **3.4.4 Crime**

Many anti-social activities are also against the law, making them criminal offences.

## **3.5 Principles for tackling anti-social behaviour**

Bracknell Forest Homes will adopt the following principles for dealing with all types of anti-social behaviour.

### **3.5.1 Prevention and education**

Bracknell Forest Homes will work to prevent and reduce all types of anti-social behaviour and harassment through a variety of means including:

- Working with Bracknell Forest Borough Council and Bracknell Forest Community Safety Partnership to implement its Crime and Disorder Strategy;
- Ensuring that crime prevention is a key issue in designing estate improvements and new homes;
- Using innovative approaches such as security measures, local lettings policies, and community development activities such as youth work, where appropriate;
- Incorporating and enforcing appropriate clauses in tenancy agreement and relevant covenants of Right to Buy documentation where council properties are purchased by customers, including one which specifically prohibits racial harassment;
- Deterring and discouraging anti-social behaviour through environmental improvements e.g. gating, security lighting;
- Using assured shorthold tenancies as starter tenancies in certain circumstances agreed with the Housing Corporation and where it is thought this will help to prevent anti-social behaviour;
- Publicising our commitment to tackling anti-social behaviour and harassment and the type of actions we will take against alleged perpetrators;
- Promptly dealing with certain effects of anti-social behaviour, for example removing offensive graffiti quickly;
- Working with other agencies to reduce people's inclination to behave anti-socially, and seek to create conditions whereby anti-social behaviour is seen as unacceptable.
- Using Acceptable Behaviour Contracts, Anti-social Behaviour Orders and/or Parenting Orders in conjunction with the Police, Bracknell Forest Borough Council, Youth Offending Teams, parents and Social Services.

### **3.5.2 Early intervention**

Bracknell Forest Homes will work to defuse issues in the initial stages and will seek to prevent acts of anti-social behaviour and harassment having a wider damaging effect. Examples of informal measures to diffuse situations include informal discussion, warning letters, and referral to Thames Valley Police Neighbourhood Specialists (or equivalent). This may include good neighbour agreements, estate agreements, and family intervention programmes.

Bracknell Forest Homes will:

- Respond to reports of incidents involving threats, actual violence and racial harassment within twenty-four hours and will aim to respond within twelve hours where possible; and
- Respond to other types of anti-social behaviour within 5 working days.

### **3.5.3 Working with those involved**

Bracknell Forest Homes will formulate and agree an action plan with complainants, and review progress in resolving the anti-social behaviour at regular intervals. This may involve visiting or writing to the person who is alleged to have behaved anti-socially.

### **3.5.4 Mediation**

Bracknell Forest Homes will offer confidential mediation where the dispute is between its customers or one of its customers and a private tenant or occupier, and where it is thought that this might help resolve the problem. If either party requests mediation then it will be offered to the other party(s). Choosing to take part in mediation will not affect the right of tenants to take legal action in future if they choose to.

### **3.5.5 Appropriate action and use of legal remedies**

When considering issues and complaints related to anti-social behaviour or harassment, we will aim to take actions that are appropriate and proportionate to the case. Where incidents can be substantiated and are serious, not quickly resolvable, illegal, or contravene the tenancy agreement or conditions of house sale, Bracknell Forest Homes will assess the legal options available and employ appropriate actions against the alleged perpetrators, working with the Police, the Council, the local courts and other agencies as appropriate.

Bracknell Forest Homes will use the full range of remedies available to it, depending on the particular circumstances of each case. These will include:

- Mediation
- Formal notice
- Parenting contract
- Acceptable behaviour contract
- Anti-social behaviour order
- Injunction
- Demotion
- Possession (including closure orders), as a last resort.

Bracknell Forest Homes will consider excluding applicants from consideration for housing where their behaviour is serious enough to make them unsuitable to fulfil their obligations under the tenancy agreement, but only in circumstances that are not unlawfully discriminating.

### **3.5.6 Partnership working**

Bracknell Forest Homes will work with its customers, the Council and other agencies and organisations, to pursue remedies for anti-social behaviour and harassment, including incidents that are racially motivated.

Bracknell Forest Homes will actively contribute to reviews of the Crime and Disorder Strategy, developed by the Council and the Safer Communities Strategic Partnership.

Bracknell Forest Homes will agree an Information Exchange Protocol to enable exchange of information with the Police in the pursuit of criminal or civil proceedings, and with the Council and other registered social landlords in relation to customers displaying anti-social behaviour.

Where appropriate, Bracknell Forest Homes will work in partnership with the Council to deal with cases of anti-social behaviour and harassment involving homeowners and private sector tenants.

### **3.5.7 Support for complainants and witnesses**

Bracknell Forest Homes is committed to supporting complainants and witnesses of harassment and other serious anti-social behaviour, both directly and through other agencies, which may be better able to meet specific needs (e.g. counselling services).

Following investigations, Bracknell Forest Homes will assist complainants and witnesses as appropriate. This may involve making some security improvements to properties where it is thought that this will help to protect

complainants and witnesses. In the most serious cases, this may also involve arranging temporary or permanent transfers where complainants and witnesses fear for their safety and wish to move, either to another of our properties or to another provider of social housing in an appropriate location.

In certain circumstances Bracknell Forest Homes will consider providing surveillance of properties including provision of surveillance equipment both as a deterrent to further anti-social behaviour or harassment and to provide evidence of such behaviour. Any surveillance will be undertaken in accordance with the *Regulation of Investigatory Powers Act (2000)*.

### **3.5.8 Action against alleged perpetrators**

Where appropriate, Bracknell Forest Homes will work closely with the Police and other agencies to collect intelligence and evidence, and pursue legal solutions against all types of harassment and anti-social behaviour.

### **3.5.9 Tackling racial harassment**

Bracknell Forest Homes will consider reports of racial harassment seriously and will report all incidents to the police immediately.

Bracknell Forest Homes will adopt the Code of Practice in Housing developed by the former Commission for Racial Equality's (CRE) (now the *Commission for Equality and Human Rights*) for tackling racial harassment. It will incorporate recommendations of the former CRE into its practice in dealing with racial harassment.

Bracknell Forest Homes will implement the Home Office's *Code of Practice on the reporting and recording of racist incidents*.

### **3.5.10 Charging for work**

Bracknell Forest Homes will charge any customers responsible for works and repairs required as a consequence of their anti-social behaviour. For example, removing rubbish, removing graffiti, repairing broken windows and doors etc. In the event of non-payment of charges, Bracknell Forest Homes may take legal action to recover its costs in accordance with the Association's *Chargeable Repairs Policy*.

Bracknell Forest Homes may loan customers equipment (e.g. for surveillance purposes) to assist investigations. Equipment must be returned to Bracknell Forest Homes in good working order, or customers will be charged accordingly.

### **3.6 Diversity**

- 3.6.1 Bracknell Forest Homes embraces diversity. It will ensure that it is accountable and treats customers fairly. It will ensure that no preferential treatment is offered and that no-one is disadvantaged on the basis of factors such as their race, colour, ethnic and national origin, nationality, gender, disability, religion or belief, sexual orientation, marital status, health status, or age.
- 3.6.2 On request, Bracknell Forest Homes will provide information about services and service standards in a range of languages and formats e.g. large print, Braille, audio cassette and community languages (other than English) etc. It will ensure that interpreting and translation services are easily accessible.
- 3.6.3 Bracknell Forest Homes will develop systems to build its' knowledge of the local community and diversity of need. It will develop systems to collect information about customers involved in incidents of anti-social behaviour and harassment according to their cultural group or specific needs. This information will assist Bracknell Forest Borough Council and Bracknell Forest Homes to identify trends, prioritise resources appropriately.
- 3.6.4 Bracknell Forest Homes' staff will be provided with mandatory training to enable them to deliver appropriate services sensitively, to meet the diverse needs of its customers.

### **3.7 Consultation and customer involvement**

- 3.7.1 Key themes from this policy were consulted with the *Housing Sounding Board* in October 2007. Four hundred and fifty eight (458) customers responded to a questionnaire to give their views, which are reflected in this policy. Customer views will also shape the development of procedures, which will accompany this policy.

Bracknell Forest Homes will regularly consult customers on service standards and delivery. Consultation with customers may be undertaken through mechanisms including:

- Satisfaction surveys;
- Tenants and Leaseholders' Panel;
- Housing Sounding Board; and
- Involvement and liaison through the Bracknell Forest *Safer Communities Partnership*.

- 3.7.2 Feedback from customer involvement and consultation will be used to improve service delivery and customer satisfaction.

#### **4 Implementation**

- 4.1 Bracknell Forest Homes' Board, the Chief Executive and Directors, will be responsible for ensuring that this policy is implemented and that any procedures relating to it are developed and implemented. This responsibility may be delegated to a named senior officer.
- 4.2 Bracknell Forest Homes' employees will be responsible for ensuring that their work is undertaken in accordance with this policy and any related procedures.
- 4.3 Bracknell Forest Homes will provide training for relevant staff, to enable them to fully understand the policy and procedures for dealing with incidents of anti-social behaviour and harassment.

#### **5 Monitoring**

- 5.1 Bracknell Forest Homes will establish targets for the implementation of this policy, and review performance against these. This will include measures of customer satisfaction with how effectively Bracknell Forest Homes has prevented/managed incidents of anti-social behaviour and harassment.
- 5.2 Bracknell Forest Homes will develop systems to obtain customer feedback and use feedback to improve customer service and satisfaction.

#### **6 Review**

- 6.1 This policy will initially be reviewed within 18 months of implementation. Thereafter, Bracknell Forest Homes will undertake regular reviews of this policy and related procedures at intervals of not more than 3 years.
- 6.2 This policy will automatically be reviewed whenever there is a change of relevant legislation or policy from *Communities and Local Government* or the *Housing Corporation*. The policy will also be reviewed when other information becomes available that will impact on the policy, such as the outcome of audits or reviews.

6.3 Bracknell Forest Homes' Board will be responsible for ensuring that reviews of this policy are undertaken on a regular basis.

6.4 **Policy Review Date: August 2009**

## **7 Consultation and Approval**

Key themes of the *Anti-social Behaviour and Harassment Policy* were consulted with the Housing Sounding Board – a group of approximately 950 customers- via questionnaire in September- October2007. Customer views and feedback have been reflected in this policy and will be used to help shape the procedures that will relate to this policy.

Customers involved in the Housing Sounding Board will be provided with feedback about how their views have influenced our policy, procedures and practices.

This policy has been approved by Bracknell Forest Homes':

- Operations Committee on 6 December 2007; and
- Board of Management on 20 December 2007.