

Anti-Social Behaviour Policy

1. Purpose:

This policy sets out the approach adopted by Merlin with regard to how we deal with incidents of anti-social behaviour.

In realising our vision to be a world class organisation providing homes in communities people aspire to live in, it is recognised that a robust approach to tackling anti-social behaviour is required.

We are committed to:

- Providing a positive response to reports of anti-social behaviour and being clear about what we can and cannot do
- Taking a victim centred approach to responding to reports of anti-social behaviour
- Taking a robust approach to tackling anti-social behaviour being caused by, or affecting our customers, homeowners other household members and their visitors and our staff
- Using an incremental approach to tackling anti-social behaviour where possible, using legal action only when proportionate and reasonable
- Tackling the most serious incidents swiftly and effectively

This policy explains our approach to managing reports of anti-social behaviour, as required under the Anti-Social Behaviour Act 2003. Additionally, the HCA Neighbourhood and Community consumer standard requires registered providers to publish a policy on how we work with partners to prevent and tackle anti-social behaviour.

This policy aims to ensure a consistent approach is taken to managing reports of anti-social behaviour, additionally it clarifies our approach to support victims and witnesses, and how we will work with alleged perpetrators.

2. Scope and definitions:

2.1 Scope:

This policy applies to reports of anti-social behaviour caused by or affecting our customers, homeowners, other household members or their visitors.

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In order for us to be involved in the resolution of anti-social behaviour, the perpetrator must be a Merlin customer. Where a Merlin customer is affected by anti-social behaviour from a private resident or homeowner, we will work with the local authority to resolve this. Where the anti-social behaviour is caused by a customer of another registered provider, we will also work with them to resolve the behaviour.

We take reports of anti-social behaviour seriously and are committed to providing a sensitive and confidential response to anyone approaching us for assistance.

We recognise that failing to respond promptly to reports of anti-social behaviour may put victims at further risk, therefore it is good practice to have clear guidance in place to deal with such incidents.

This policy clearly sets out our intentions for tackling anti-social behaviour comprehensively and our commitment to ensuring that reported incidents are responded to swiftly and effectively. Our commitments to tackling anti-social behaviour is clearly reflected in our tenancy agreements.

This policy sets out the way in which we will respond to all reports of anti-social behaviour and manage cases through to resolution. This policy should be read in conjunction with our Hate Crime policy and Domestic Abuse policy.

2.2 Definitions:

Following the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014, we define anti-social behaviour as:

- Conduct that has caused, or is likely to cause, harassment alarm or distress to any person;
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or;
- Conduct capable of causing housing related nuisance or annoyance to any person, that is, directly or indirectly relating to our housing management function

The Housing Act 1996 defines anti-social behaviour as:

- Engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to persons engaged in lawful activities

Both of these Acts support us to take action against the tenancy in the form of injunctions and possession proceedings.

We will investigate and if appropriate, take action where the anti-social behaviour is persistent, ongoing and preventable or is a single serious incident that comes within the above definitions.

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Anti-social behaviour may include but is not limited to:

- Excessive or persistent noise nuisance
- Intimidation, harassment and threats
- The misuse, supply, production or storage of illegal substances
- Verbal or physical abuse
- Criminal damage or graffiti to our property

We will respond to and investigate reports of Domestic Abuse and Hate Crimes or Incidents. Refer to the Domestic Abuse and Hate Crime policies.

Some incidents may be reported to us but will not be dealt with as Anti-social Behaviour and do not constitute as a breach of tenancy conditions. These include but are not limited to:

- Day to day living noise e.g. noise from washing machines, kettles etc
- People walking across their floor in shoes (in flats)
- Children playing
- Clash of lifestyle e.g. due to working patterns
- Parking problems

In such cases, we will give advice and guidance and clarify what we can and cannot deal with, and we will make referrals if another agency is able to assist.

3. Policy Statement & Principles:

3.1 Preventing anti-social behaviour

We are committed to preventing anti-social behaviour from occurring. We will engage in the following approaches to prevent anti-social behaviour where possible:

- Engaging with communities to identify environmental factors
- Working in partnership with other stakeholders to provide and promote diversionary activities in areas that suffer high levels of anti-social behaviour
- Explaining and enforcing tenancy conditions
- Investing in our communities to prevent anti-social behaviour
- Promote sustainable communities during the letting of our homes

3.2 Reporting anti-social behaviour

We recognise that sometimes people do not realise their behaviour is affecting others and once brought to their attention they may stop. Therefore, we encourage all of our

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customers, homeowners and private residents to approach each other to resolve their problems themselves where possible and safe to do so.

Where this is not possible or the complainant does not feel comfortable to do so, there are a number of ways that anti-social behaviour can be reported to us:

- In person or via a third party
- By letter
- By telephone
- By email
- On our website
- Outside of office hours via our usual telephone number
- Via social media

When reporting anti-social behaviour to us, victims are expected to provide us with accurate and clear information.

For reports made via a third party, we will still need to speak to the person directly affected by the anti-social behaviour.

We will accept anonymous reports but this may affect what we can do in response to the anti-social behaviour because we will not be able to provide feedback or gather further information.

3.3 Supporting victims and witnesses

Active engagement with victims and witnesses is essential in helping to deal effectively with allegations of anti-social behaviour. We will:

- Adopt a victim centred approach
- Assess the level of risk to victims and make appropriate plans to ensure their safety. A risk assessment will be completed to determine risk and how quickly we will respond to reports
- Carry out visits and meetings at a reasonable time and venue convenient to the victim
- Agree an action plan and how frequently we will keep in contact
- Provide guidance and support and ensure we adhere to confidentiality
- Seek consent to share information
- Work with other agencies to resolve the problems as quickly as possible
- Be clear with what we can and cannot do
- Consider legal sanctions to protect victims where an immediate and or serious risk is identified
- Consider home security by providing extra measures such as additional locks, mail safes and security lighting for the property

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- If new incidents arise, we will review the risk and our action plan with victims
- Support victims and witnesses if attendance is required at Court and afterwards if necessary

Ordinarily, we will not re-house victims of anti-social behaviour. There may be exceptional circumstances where re-housing is appropriate, i.e. where an immediate threat to the victim or their household has been identified that cannot be removed in any other way. Refer to the management transfer procedure and our lettings policy for more information on this.

3.4 Vulnerable complainants and perpetrators

We may be aware, or following investigation, understand that vulnerabilities may be the trigger for the anti-social behaviour being caused, or for the impact of the behaviour being exacerbated. In these cases we will take an empathetic approach and will look to work with other specialist agencies who are better placed to assist.

In some cases, where the risk is high, the behaviour is extreme or the behaviour has been persistent for some time, we may coordinate multi-agency case conferences to agree suitable approaches to resolve the situation.

3.5 Victim centred approach

We take all reports of anti-social behaviour made to us seriously, and will interview anyone who reports anti-social behaviour to us as long as it fits within the criteria set out in section 3.2. We will carry out an interview either in person or over the phone:

- Within 1 working day where the complainant feels or we assess there to be a genuine risk of harm
- Within 5 working days for all other cases

Genuine risk of harm can include, but is not limited to:

- Domestic Abuse or Hate Incidents
- Where there has been actual violence
- Where the complainant has reported a number of incidents or cases previously and there may be a cumulative effect
- Where the complainant has physical or mental health problems or learning difficulties which may increase the impact of the anti-social behaviour
- Where the complainant is being targeted for a specific reason

In some cases, complainants may feel that they are at genuine risk of harm and we may investigate and establish that they are not. In this situation, we will explain clearly what we can and cannot do, and may either manage the case as per our procedure, or close

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the case following a thorough investigation and consideration of signposting to other organisations.

Where we have assessed someone to be at high risk of harm, we will consider the following:

- Referral to a specialist support agency such as victim support
- Additional security measures
- Referral to multi-agency partnerships to support the victim
- Any other measures that will assist to reduce the risk of harm

The above interventions can also be carried out regardless of risk if they are felt to be relevant to the particular case.

During our first interview with the complainant, we will develop an action plan for how we intend to progress the case. This plan will include how we intend to:

- Gather evidence
- Approach the alleged perpetrator(s)
- Signpost to other agencies
- How frequently we will keep in contact
- Anything else relevant to the case

We will not take action without the victims consent. However, if someone is at risk of actual harm, or there are any safeguarding concerns, we will alert the appropriate agency.

3.6 Responding to perpetrators

We always aim to tackle anti-social behaviour in our communities by challenging behaviour and providing remedies to resolve the behaviour. We recognise the importance of giving perpetrators the opportunity to modify their behaviour and make positive changes.

In the majority of cases we will work with perpetrators to resolve the anti-social behaviour and take into account any underlying factors that may be causing their behaviour. This might include but is not limited to issues arising from:

- Mental health
- Learning disabilities
- Clash of lifestyles

There may be occasions where this is not possible and we may take immediate legal action, for example where violence is involved. In most instances, when we receive a report of anti-social behaviour, we will contact the alleged perpetrator and explain the

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report to them. We will arrange an interview with them so that we can discuss this with them and agree a resolution.

In some circumstances such as violence or threats of violence it may not be appropriate to contact the alleged perpetrator and we will refer the matter to Court immediately.

Where possible, we will offer to make referrals to support agencies such as social services, their GP, floating support services, Drug and Alcohol support groups and other support groups that are available to provide additional support.

If the perpetrator does not modify their behaviour or engage with us we may consider taking further action against them or their tenancy.

If the perpetrator makes counter allegations, we will endeavour to investigate these separately.

When a report of anti-social behaviour is made against someone who we know or is suspected to be vulnerable, we will contact any appropriate support agencies. We will ensure that all options are considered prior to action being taken to ensure proportionality. We will work with all support agencies to ensure the perpetrator has the full opportunity to modify their behaviour. A resident's failure to engage with the support service may result in further action being taken against them or their tenancy.

3.7 Early intervention

We recognise the importance of taking early action to minimise the distress caused to victims and to prevent problems from escalating. At early stages we will consider:

- Encouraging and supporting residents to resolve disputes themselves;
- Issue formal warning letters;
- Mediation and restorative justice
- Support to perpetrators whose vulnerabilities may affect their ability to fully understand their actions
- Work in partnership with other agencies
- Acceptable behaviour contracts
- Family behaviour contracts
- Extending a starter tenancy

3.8 Legal action and enforcement

An incremental approach will be taken to tackle anti-social behaviour. Where this has been exhausted, or where an incident is of such severity that an immediate legal response is required, we will consider using the following legal remedies:

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- Injunctions (with power of arrear if threats of violence are being made)
- Youth injunctions
- Court undertakings
- Referral to a multi-agency panel for consideration of partnership legal action
- Legal action which may lead to eviction as a last resort
- Other remedies that may be available under the Anti-social Behaviour Act 2003 or Anti-Social Behaviour, Crime and Policing Act 2014 where partnership working may be required

3.9 Gathering evidence

We will use a variety of tools to gather evidence. These include but are not limited to:

- Door knocking
- Incident diaries
- CCTV
- Noise monitoring equipment and The Noise App
- Investigation with other agencies such as the police or local authority
- Interviewing other witnesses

3.10 Abuse to staff and contractors

We have a zero tolerance attitude when staff and our contractors are subjected to abuse, threats, attempted violence or actual violence. Merlin staff should be able to come to work without fear of violence, abuse or harassment from customers or their relatives, visitors or occupants.

We are committed to dealing with any incidents and will take a firm and serious approach when dealing with such reports which may result in action being taken against the tenancy.

3.11 Partnership working

We will work in partnership with other agencies to resolve anti-social behaviour, recognising that no one agency can solve problems in isolation. These include but are not limited to:

- The police
- The local authority community safety team
- Lighthouse
- Social services
- Health services
- Environmental health
- Support workers

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We are also signatories to the Avon and Somerset Information Sharing Protocol and only share information when required to under this protocol.

3.12 Closing cases

We will formally close cases when the anti-social behaviour has been resolved or if the complainant fails to provide information or engage with us.

If we are satisfied that we have taken every reasonable and proportionate step to resolve the anti-social behaviour we will close the case. We will explain the reasons why we have closed the case and will provide alternative advice if the complainants feel there is still an issue.

We will regularly review cases to prevent them from being left open indefinitely.

3.13 Costs

We have a legal budget that supports us to progress cases to Court and where required this will fund legal representation to support us with our case management. The budget is reviewed annually.

We will seek to recover all legal costs from the perpetrator where we have a court order to do so.

3.14 Publicity

It is important for our communities to see the successes of tackling anti-social behaviour and therefore it is essential to use publicity to highlight our successes.

We will publicise positive actions on our website, the local media and specialist publications where appropriate with the agreement of the complainants involved.

We may produce relevant information and publicity in connection with injunctions or orders obtained, considering whether this will assist with enforcement, deterrence or prevention of further anti-social behaviour.

Publicity may include the name and age of the perpetrator, a list of prohibitions and the expiry date of the order. This information may be provided to the local neighbourhood and other relevant parties in the case.

4. Responsibilities:

Execution of and adherence to this policy will be led by the Neighbourhood Services teams in conjunction with other front line staff.

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Neighbourhood Housing Team Leaders and the ILS Service Manager are responsible for managing the Housing Officers and Anti-social Behaviour Officers who hold a direct case load.

5. Performance Standards/Measures of success:

The following service standards apply:

- We will contact the complainant when they report anti-social behaviour within one working day for urgent cases and five working days for all other cases
- We will seek a suitable resolution to the anti-social behaviour case

The following key performance indicators apply:

- % of customers satisfied with the way that their ASB case was dealt with
- % ASB complainants interviewed in target year to date
- % of cases closed and resolved year to date
- Number of new cases received per 1000 properties

When we close a case a satisfaction survey will be carried out. We will use the results of this to monitor levels of customer satisfaction to improve our service and for the Board to monitor our performance.

6. Diversity, Equality and Inclusion

Merlin is bound by the Equality Act 2010 and is totally opposed to all forms of discrimination because of any of the nine protected characteristics including age, race, disability, sexual orientation, religion or belief, gender, transgender status, marriage or civil partnership and pregnancy or maternity.

We also recognise other forms of inequalities which exist due to socioeconomic circumstance or other 'hidden' vulnerabilities and will also not tolerate discrimination or any form of bullying or harassment on these grounds.

We take our duty seriously to offer a safe environment for those named above (*and others*) and also in protecting their wellbeing. We believe that everyone has the right to be treated with respect and have equal access to opportunities; and we are determined to address discrimination and promote equality & diversity in the provision of housing and related support services and employment.

We have high expectations of our Staff (*whether permanent or temporary*), Customers, Partners, Contractors, Stakeholders, Volunteers and Board Members. We expect all of the above to uphold the expectations put on organisations under the Equality Act 2010 & Human Rights Act 1998. We also expect the above to embody the DEI ethos we have of 'Valuing People and working together.' This Anti-Social Behaviour Policy wholly embodies our DEI ethos and also supports the wider aims of the general duties of the Public Sector Equality Duty of the Equality Act 2010 as its main aim is to:

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- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

7. Customer Insight – understanding our customers

All customers using this service are potentially vulnerable due to being in housing need and the effect this can have on a person; but there are certain factors which have shown trends for staff members needing to spend more time with customers due to needing a more intense level of support such as:

- Ill mental health
- Alcohol / drug dependencies
- If a customer does not speak English well
- Learning disabilities / difficulties

We are a housing organisation with limited resources and a specific skills case, this means we need to respond to this insight when developing and delivering our service.

We will commit to:

- Analysing and reporting on the profile of service usage on an annual basis and share with partners so we can better plan for the support needed year on year.
- Strengthening our external partnerships with specialist and support agencies to deliver the wrap around support needed.
- Offering training to our staff to increase basic skills and awareness around: Basic mental health, Suicide prevention, MECC Training.
- Training staff in being able to use the telephone interpreter service & offer the use of a local face to face interpreter when needed.
- Delivering other services that aim to improve our customers' financial circumstances, this includes employment and training services and affordable warmth programmes of work.

We will support our victims to ensure that they have access to support services and where differences between victim and perpetrator require mediation to resolve tensions, this service will be offered.

Responsibilities will be explained to new tenants to make them aware of their obligations by signing their tenancy agreement and the terms they are signing up to in relation to anti-social behaviour.

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8. Assurance Framework

Adherence to this policy will be monitored in the following ways:

- Monthly anti-social behaviour case review meetings
- 1:1 meetings with Housing and Anti-Social Behaviour Officers

9. Data Protection

We will store and process data in accordance with the requirements of our Data Protection Policy and in keeping with the Data Protection Act 1998 (DPA).

We must always offer a “prefer not to answer” option for all non-essential data.

We will share relevant information with third parties where we are legally required to do so and in line with the DPA. Some examples are:

- The prevention or detection of crime and fraud and the apprehension or prosecution of offenders
- In connection with legal proceedings
- In relation to the physical or mental health of an individual, where disclosure is required to protect them or others from serious harm
- In order that third parties can carry out our duties on our behalf
- To comply with the law

We are also signatories to the Avon and Somerset Information Sharing Protocol and only share information when required to under this protocol.

10. Document details

Owner: Neighbourhood Services Manager

Approval: Board – 23rd February 2017

Next review: January 2020 unless new legislation is introduced