

Anti-social behaviour

How you can contact us

Please write to us at:
Broadacres Housing Association
Freepost RRBZ-TATA-BYHL
Broadacres House
Mount View
Standard Way
Northallerton DL6 2YD
(You do not need a stamp.)

Freephone: 0800 5875291 (24-hour service)
E-mail: info@broadacres.org.uk
Website: www.broadacres.org.uk

Call in at your local office

Broadacres House, Mount View, Standard Way
Northallerton DL6 2YD
Monday to Thursday - 8.45am to 5.15pm
Friday - 8.45am to 4.45pm

The Old Surgery, Picks Lane, Thirsk YO7 1PS
Monday to Friday - 9.30am to 12.30pm

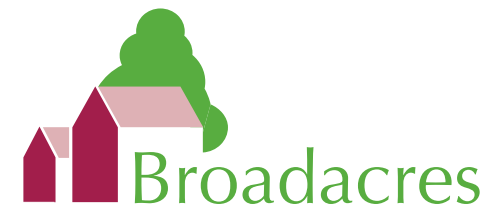
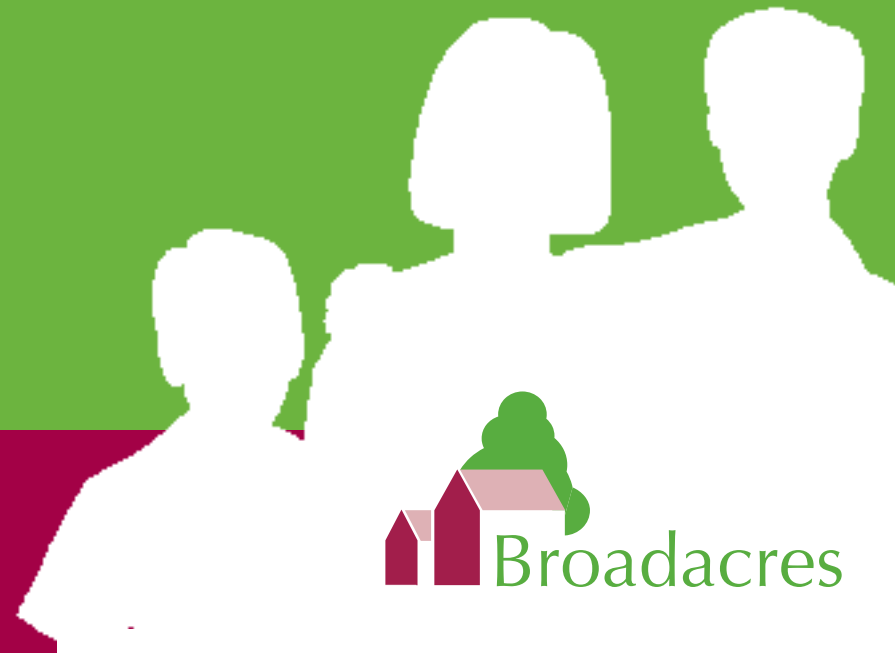
Woodville, 25 College Square, Stokesley TS9 5DN
Monday to Friday - 9.30am to 12.30pm

32a St Monica's Garth, Easingwold YO6 3GZ
Tuesday and Friday - 10am to 12 noon

We can supply all our documents in large print,
in Braille, on audio tape or CD, in picture format
and in languages other than English.



A summary of our
policy and procedures



Broadacres Housing Association Limited
is an exempt charity.

What is meant by anti-social behaviour?

Anti-social behaviour is behaviour which may cause a nuisance or annoy anyone.

Examples of anti-social behaviour include:

- noise nuisance (for example, loud parties, shouting, noise from televisions and music systems, or noise from pets);
- intimidation and harassment;
- environmental issues (for example, litter, dog fouling, graffiti, fly-tipping and nuisance from vehicles);
- aggressive and threatening language and behaviour;
- actual violence against people and damage to property;
- domestic violence;
- hate behaviour that targets members of identified groups (for example, because of their race and ethnic background, sexuality, sex, age, religion, mental health or disability); and
- using our property to sell drugs or for other illegal purposes.

Our approach to anti-social behaviour

We want to make sure that the communities in which we work are secure and peaceful places to live. Our tenants have a right to live their lives in their own way, but we will take action when this affects the quality of life of other people or our properties. We will also work with other agencies to take action when our tenants are affected by the behaviour of people who are not our tenants.

We believe that to be effective in our approach, we need to have a balance of preventative, enforcement and support measures in place.

Preventative measures

The design of our homes and estates

- We carefully consider the design and mix of properties when building new schemes to reduce, as far as possible, the risk of problems happening.
- We aim to make sure that all of our new schemes meet the 'Secured by Design' standard. (This means the police have approved the security standards of the scheme.)
- All of our properties with a shared entrance have an entry-phone system to restrict access.
- We will carry out improvements to get rid of problems, for example, we will increase the lighting or fencing.

Who we rent properties to

- We take up and act on previous landlords' references.
- In line with the Homelessness Act 2002 and, if appropriate, we will not allow applicants on to our waiting list if they have previously broken their tenancy agreement by taking part in anti-social behaviour, or been involved in a criminal act which may affect their tenancy.
- We use assured shorthold tenancies if a tenant has previously been involved in anti-social behaviour which is not serious enough to mean not allowing them on our waiting list.
- We will make sure that appropriate support and care are available for vulnerable people so they can successfully maintain their tenancies.
- We make sure that our communities have the right balance for today and future generations.

Tenancies and managing your estate

- We remove graffiti within two working days of finding out about it (24 hours if it is racist or clearly aimed at a specific person).

- We take action to remove abandoned vehicles within two working days of being told about them.
- We provide induction and regular training to all relevant staff so they have the confidence and knowledge to provide advice and effectively deal with anti-social behaviour.
- We are involved in a number of partnerships with other agencies – see page 9.

Publicity

- We tell our tenants and people applying for housing about our commitment to tackle anti-social behaviour.
- We regularly publicise our ‘zero-tolerance’ of harassment of any kind and we encourage victims to report this behaviour. (‘Zero-tolerance’ means that we will not accept any harassment.)
- In our newsletters and the media we let people know about our success in tackling anti-social behaviour.

Dealing with complaints of anti-social behaviour

Receiving complaints

In most cases, we expect anyone making a complaint (the complainant) to first contact the person causing the nuisance, as they may not be aware of the effect their behaviour is having. If this does not have a satisfactory outcome, or in cases where it is not appropriate, we will accept complaints in person, by phone, by letter or by e-mail. Our contact details are at the end of this document. We will also accept complaints from people or agencies acting for the complainant.

A housing officer will deal with any complaint. Our housing officers each manage a set area.

We will contact the complainant within the following timescales to make an appointment to discuss their complaint.

Complaint	Timescale
Violence	Two working days
Harassment	Two working days
Noise	Five working days
Drug-dealing and other criminal activity	Five working days
Gardens, pets, vehicles and so on	Ten working days

Interviewing the person making the complaint

The housing officer will gather more details of the complaint and will agree a course of action with the complainant. For example, it may be decided that the complainant should contact the person causing the problem (if they have not already done so) and explain that there is a problem, or that they should keep a diary of events.

Interviewing the person causing the problem

If it is agreed that we will approach the person causing the problem, we will send them a letter explaining that we have received a complaint and inviting them to make an appointment to discuss the problem. We will do this within two working days of agreeing this action with the complainant.

Follow-up action

Following the two interviews, we will do the following.

- We will write to the person causing the problem. The letter will make it clear what the problem is, why it is unacceptable and the action we expect that person to take and by when.
- We will let the complainant know the outcome and tell them what action, if any, we plan to take. We will also ask them to contact the housing officer within a certain time to let us know whether the situation has been sorted out.

Keeping you informed

If we cannot sort out a complaint immediately, we will let the complainant know what is happening. The housing officer will agree with the complainant how often we will contact them.

Further stages

If the problem continues, we will agree with the complainant the action we will take. This may involve us again contacting the person causing the problem or moving to one of the solutions we describe on pages 10 to 13.

We will usually ask the complainant and any other witnesses to keep a record of the ongoing nuisance. This will usually be in the form of written diary sheets. If anyone has difficulty keeping a written record, we will provide a tape recorder.

Racial and other harassment

The term 'harassment' normally refers to unwanted contact which is aimed at:

- affecting another person's dignity; or
- creating a threatening, degrading, humiliating or offensive environment for the other person.

Harassment can happen, for example because of someone's race and ethnic background, sexuality, sex, age, religion, mental health or disability.

We use the definition of a racist incident recommended by the Stephen Lawrence Inquiry. This is, "Any incident which is perceived to be racist by the victim or by any other person."

We believe in promoting good relations within our communities and will not accept any incidents of harassment involving our tenants, employees, contractors or agents. We are committed to taking swift and effective action with the aim of protecting the victim, stopping the abuse and preventing further incidents.

Dealing with cases of harassment

We will follow the procedure for dealing with other incidents of anti-social behaviour and taking account of the need to:

- act swiftly;
- report all incidents of harassment, with the permission of the person complaining, to the police;
- photograph and remove any racist or other graffiti aimed at a specific person within 24 hours;
- identify and put in place any extra security measures needed to our tenants' homes;
- identify and provide support;
- take legal action against the person causing the problem such as an immediate injunction (without any notice), to protect the victim; and
- consider temporary or permanent rehousing.

Domestic violence

We treat domestic violence as anti-social behaviour but the action we take will usually be different. We will refer victims of domestic violence to other agencies who can provide advice on the action that they can take.

If it is appropriate, we will consider rehousing. If this leaves the person committing the violence in one of our properties on their own, we will consider action to get back possession of that property.

Support for people complaining and other witnesses

Witnesses are crucial to tackling anti-social behaviour, whether they are the victim or someone who has seen the behaviour.

We will take action to support witnesses by:

- responding promptly to complaints;
- letting them know what action we are taking;
- providing a support worker or providing support through other agencies;
- providing signing, interpretation and translation services;
- providing an emergency alarm connected to our 24-hour customer service centre;
- carrying out work to the home to improve our tenants' security; and
- supporting them through any court hearings. This will include paying any expenses involved in going to court.

We will consider using professional people as witnesses if this is the only way we can gather evidence to effectively deal with the problem.

Helping those who offend to deal with their behaviour

We recognise that in some cases there is a cause to the anti-social behaviour, for example:

- drug or alcohol abuse;
- mental-health problems; or
- family or relationship breakdowns.

If we identify these issues, we will work with other agencies to provide all the advice and support that people need to deal with their difficulties.

This action may involve:

- providing support;
- rehousing people into supported accommodation;
- working with social services or health services;
- referring people to other agencies, for example, Hambleton & Richmondshire Community Addiction Service (HARCAS); or
- referring people to our independent mediation services.

We will do everything possible to sort out the problem using non-legal methods. For example, we may use acceptable behaviour contracts (a written agreement to stop the nuisance). However, if this fails, we will take legal action to protect the wellbeing of those affected by the behaviour.

If children and young people are causing the nuisance, we will involve their parents. If after contacting them it does not sort the problem out, we will use an acceptable behaviour contract or parental guidance agreement (written agreements to stop the nuisance) before we consider more formal legal action. We will also refer all cases to the Police Youth Action Officer under the Youth Action Combating Anti-social Behaviour (YACAB) scheme. This involves the police monitoring the young person's behaviour and writing to the parents.

Rehousing

We will not normally rehouse either the victim or the person causing the anti-social behaviour as this will usually result in transferring the problem to someone else.

However, we will consider rehousing:

- in severe cases of harassment where the victim needs temporary or permanent rehousing to make sure they are safe;

- if it would be appropriate to move either the complainant or the person causing the problem to supported accommodation; or
- in very rare cases, if we feel that rehousing is the most effective way of sorting the problem out and does not move the problem on to someone else.

Confidentiality

We will deal with all complaints of anti-social behaviour in line with our confidentiality policy. We will get the complainant's permission before we release their identity. However, the complainant must realise that if we cannot give their name, it may weaken our ability to deal with the complaint effectively.

We will let the complainant know about any agreements we make with the person causing the problem and the action that we have taken.

We will share information with other agencies if we are legally allowed to do so. If we evict a tenant for anti-social behaviour, once we have the authorisation we need, we will provide information to local authorities so they can assess whether they have to offer any other accommodation.

We will publicise, in our tenants' newsletters, annual reports and the media, the cases we sort out successfully. This will include naming individuals as long as there are no legal restrictions which prevent us from doing this.

Partnerships with other agencies

We are a member of the Hambleton Community Safety Partnership and are actively involved in a number of projects to prevent and deal with anti-social behaviour. For example, we are involved in the Youth Action Combating Anti-social Behaviour scheme described on page 8.

The partnership hold regular problem-solving groups which identify the causes of anti-social behaviour and then make sure we all work together to deal with the issues. This approach also takes place in all other local-authority areas where we have properties.

We also work directly with agencies such as the police, environmental health and social services, particularly if they have powers to take specific action.

Solutions

We make sure that any action we take is suitable in terms of the problem. The action we take will normally move in stages from informal action such as providing advice and mediation to formal action, for example letters and acceptable behaviour contracts. Finally we will take legal action, for example anti-social behaviour orders, demotion orders, injunctions and eviction.

Mediation

If the complaint is a dispute between neighbours, we will encourage them to sort the problem out themselves in a sensitive, non-aggressive way. If this approach fails, then mediation may be appropriate. We will refer them to one of our mediation services. In areas where there is no mediation service available, the housing officer may offer to set up a meeting between the neighbours and act as mediator.

Mediation may take the form of face-to-face mediation or 'shuttle' mediation. (This is where the two people involved do not actually meet, but someone passes information between them.)

Acceptable behaviour contracts

An acceptable behaviour contract is a written agreement between the person involved in the anti-social behaviour (and

their parent, if under 18), ourselves and any other relevant agency, for example the police.

The agreement gives a list of anti-social activities in which the person has been involved and which they agree not to continue with. Although the contract is not legally binding, if the person continues to act in an anti-social way, we will use the agreement as evidence in future legal action.

Injunctions

Under our tenancy agreement

Our tenancy agreement is a contract between us and the tenant. If the tenant breaks the tenancy agreement, we can apply to the court for an order for them to keep to the tenancy agreement, for example to stop causing a nuisance. If the tenant does not keep to the terms of the injunction, they may be fined or sent to prison.

We will use injunctions when stopping the nuisance (for example, noise) will sort the problem out. We may use them along with other action, for example, seeking possession.

Under the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003)

We can apply for an anti-social behaviour injunction against any person who is involved in, or threatens to get involved in:

- “conduct which is capable of causing nuisance or annoyance to any person who lives or works in an area where we own properties; and
- which directly or indirectly relates to or affects our housing management functions”.

We can also apply for an injunction if a property is being used, or may be used, illegally. The tenant does not have to have been convicted of a criminal act for us to get the injunction.

The court may also prevent the person committing the offence from going into an area or property. They can also attach a power of arrest to any injunction for anti-social behaviour, including under our tenancy agreement, or unlawful use of the premises if:

- there has been violence or a threat of violence; or
- there is significant risk of harm to anyone living or working in the area.

We will work with our partners in using anti-social behaviour injunctions particularly if the behaviour is committed by people who are not our tenants.

We will use injunctions to stop a property being used illegally if the behaviour is clearly reducing the quality of life of people in the area. If there has been a conviction, we may take action for possession.

Demotion orders

We can apply for a demotion order against our tenants. If granted, the court can change the assured tenancy to an assured shorthold tenancy. This is a less secure form of tenancy and means that the tenant will lose certain rights, for example the right to buy. If the tenant breaks their tenancy agreement again, for example by not paying the rent, we can ask the court to give us possession of the property. The court cannot refuse our request. If the tenant does not break the tenancy agreement again for 12 months, the tenancy will go back to an assured tenancy.

Demotion orders were introduced by the Anti-Social Behaviour Act 2003 and are not fully tested in the courts. If appropriate, we will consider using demotion orders to give the tenant a chance to change their behaviour.

Possession

A possession order is when we ask the court for permission to

evict the tenant. We will do this when we consider that:

- it is inappropriate for the tenant to stay in that property, for example if they have been involved in racial harassment or drug-dealing; or
- if other action, for example an injunction, has not stopped the anti-social behaviour; or
- if it is felt to be the most appropriate solution.

Anti-social Behaviour Orders (ASBOs)

ASBOs are civil orders that aim to protect the public from behaviour that “causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator”.

An order contains conditions which prevent the offender from carrying out specific anti-social acts or entering certain areas. It applies for at least two years. We can get ASBOs against anyone over the age of 10.

If an ASBO is broken, it is a criminal offence. The court can give 10- and 11-year-olds a community order for breaking the order. For 12- to 17-year-olds the maximum sentence is a 24-month detention and training order.

The local community safety partnership will normally apply for the ASBO (see partnerships with other agencies on page 9). We will use ASBOs particularly when the anti-social behaviour is committed by young people and we believe action against the young person, rather than the parent, is the best action to take. We will normally only take this action after other non-legal solutions have failed (see page 10).

Protecting staff

Occasionally staff may be threatened or abused while carrying out their duties. We will not accept this behaviour and we will report it to the police. We will work with the police to take appropriate legal action to protect our staff.

Monitoring and good practice

We record and monitor all incidents of anti-social behaviour, and put them into categories, so we can:

- evaluate how effective the action we are taking is;
- identify the main priorities and issues; and
- know where most of the common types of anti-social behaviour are taking place and then analyse why.

We present a yearly report to our Board of Management and include the information in our annual performance report to tenants. We also report statistics to the local community safety partnerships.

We will compare our performance with others and keep ahead of good practice and changes in the law so we can make sure that our response is still effective.

Satisfaction with our procedures

When a case is closed, we will contact everyone who has complained to see if they were satisfied with the way we dealt with the problem.

If, at any time, anyone involved is not happy with our response to a complaint of anti-social behaviour or harassment, they can use our complaints procedure. They can get a leaflet on our procedure from all our offices.

This is a summary of our policy and procedures on anti-social behaviour. You can ask for a copy of the full documents by phoning us or calling into any of our offices.