Welwyn Hatfield
Community Housing Trust

# ANTI-SOCIAL BEHAVIOUR AND HARASSMENT POLICY

1. **Date of policy**: 1 August 2014

2. **Policy review date:** 1 August 2016 or as required by changes to legislation

3. **Responsibility**

The Head of Community Development will be responsible for the implementation and review of this Policy.

4. **Purpose of Policy**

Welwyn Hatfield Community Housing Trust 'the Trust' is committed to preventing and tackling anti-social behaviour and harassment. We recognise that anti-social behaviour and harassment can have an overwhelming impact on a person's ability to have quiet enjoyment of their home and their ability to feel safe within the neighbourhood in which they live.

This policy sets out how the Trust will prevent and tackle anti-social behaviour.

In implementing this policy the Trust will comply with relevant legislation including the Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 Part 2, Section 12 and the Anti-Social Behaviour, Crime and Policing Act 2014.

5. **Definitions**

The term 'anti-social behaviour' covers a wide range of activities and there are a number of definitions. For the purpose of this policy we have adopted the following definition as set out in the Housing Act 1996, as amended by the Anti-Social Behaviour Act 2003:

'Conduct which is capable of causing nuisance or annoyance to any person and which directly or indirectly relates to, or affects, the housing management functions of a relevant landlord or conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.'

We may also rely on the definition from the Crime and Disorder Act 1998:



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'Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself'.

For the purpose of this policy the term 'relevant landlord' refers to Welwyn Hatfield Community Housing Trust, which performs the housing management functions on behalf of Welwyn Hatfield Borough Council. The term 'housing management function' includes any activity which involves the day to day running and management of the housing stock including carrying out repairs, tenancy and neighbourhood management.

There is no clear legal definition for 'harassment' or 'hate crime'. When considering cases of harassment we consider the following Acts: the Offences Against the Person Act 1861; the Protection from Harassment Act 1997; the Sexual Offences Act 2003; Communications Act 2003; and the Malicious Communications Act 1988.

The Trust considers harassment to be imposing unwanted contact or communications upon a victim in a manner that could be expected to cause distress or fear to any reasonable person. This includes intentional attacks suffered by an individual or group because of any factor which is defined as a 'protected characteristic' in the Equalities Act 2010. Harassment of this nature is often referred to as a 'Hate Incident'. Harassment can be anything from offensive language to attacks of physical violence and can occur as one isolated incident or as a series of incidents.

The Trust is committed to tackling harassment of any kind and will manage any reports of harassment in line with this policy.

## 6. Who this Policy applies to

The Trust will provide a service to tenants and leaseholders of Welwyn Hatfield Council. In addition there is a management agreement in place for the Trust to deliver the council's statutory anti-social behaviour function across the borough and therefore the services provided by the Trust extend to other residents living in the borough.

Other customers of the Trust include its partner organisations. We work with a number of other organisations in the management of individual cases and for the purposes of promoting a safer community.

## 7. Aims and objectives of the Anti-Social Behaviour and Harassment Policy

- We will work with tenants, leaseholders, Welwyn Hatfield residents and partner organisations to provide a safe, secure and peaceful environment for people to live in.



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- We will take a victim-centred approach to dealing with reports of anti-social behaviour and harassment. This will include providing support to victims and witnesses and giving regular updates on the progress of cases.

- We will work with the community to help prevent anti-social behaviour occurring. In particular we will help young people to be aware of their responsibilities as members of the community and encourage them to take an interest in community issues. In partnership with others we will provide activities and projects to attract and maintain the interest of young people.

- We will encourage residents and communities to play an active role in preventing anti-social behaviour and promoting peaceful neighbourhoods. We will encourage residents to:
  - Be considerate to their neighbours at all times
  - Ensure that their visitors show consideration for people living in the neighbourhood
  - Report any incidents of anti-social behaviour to us or other appropriate agencies.

- We will contribute effectively to partnership working. This will include taking a partnership approach to case management and ensuring that information sharing takes place in accordance with agreed information sharing protocols.

- We will always aim to improve the quality of our services and we will use customer feedback to help identify how we can do this.

## 8. Our approach to managing anti-social behaviour, harassment and hate crime.

### 8.1 Making it easy for people to get in touch with us to report anti-social behaviour and harassment

Complaints of anti-social behaviour can be reported by the victim, their family or friends, a Trust employee, witnesses to an incident, local Councillors/Members of Parliament, the Police, other agencies ('the complainant').

People can report anti-social behaviour and harassment by any practical means that will bring it to our attention. This can include by letter, e-mail, in person and by telephone. We will provide Incident Log Sheets to victims and witnesses for completion where appropriate. Our contact information is widely published in our publications, on our website and in our offices. Our Service Standard 'Dealing with anti-social behaviour' also includes this information.



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## 8.2 Dealing effectively with reports of anti-social behaviour and harassment

Wherever possible we will agree with victims and witnesses a Case Action Plan. The Case Action Plan will set out the actions which the complainant and the Trust will take in dealing with the matter being reported.

The Trust will carry out a risk assessment for new cases, except where the matter being reported is low level nuisance.

## 8.3 Initial response

We aim to provide an initial acknowledgement to an anti social behavior enquiry within three working days and we will:

- Acknowledge the report of anti-social behaviour/harassment by letter or email
- Tell the complainant who their contact will be at the Trust
- Tell the complainant when they will hear from us again

When we have collected sufficient information about the case we will explain the proposed course of action to the complainant. Any action taken will be specific to each case.

The risk assessment will help us to prioritise and manage the case. We will decide whether to complete a risk assessment on a case-by-case basis - some low level cases may not require a formal risk assessment.

If the issue involves several residents, a residents' meeting may be arranged. This will enable residents to ask and answer questions and will help to build community solidarity and peace of mind.

## 8.4 How we prioritise cases

In order to deal effectively with cases, the following factors will be considered to help us prioritise each case:

- The type of behaviour being reported
- The impact of the behaviour on others
- Any safeguarding concerns or issues
- Further evidence available
- Any identified support concerns
- The age of the perpetrator and the victim

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We will use the following levels of priority:

**Priority 1**:
These are the most serious or urgent cases of anti-social behaviour. Examples include serious physical violence, harassment, hate crime against any person or member of staff, serious criminal activity such as arson.

**Priority 2**:
This can include serious cases without immediate risk of harm to others. Examples may include serious damage to property, drug growing/production and/or conviction of a serious offence.

*Note: We will ensure that complainants do not view the service we provide as a replacement for the police. For **Priority 1** and **Priority 2** cases we will involve the police and other appropriate agencies where we have concerns about the safety and welfare of individuals, or we may advise the complainant to do so. More information on our approach to reporting matters to the police is set out later on in (see 8.8).*

**Priority 3**:
This is where we consider that there is no short-term risk of harm to individuals. Examples may include noise nuisance, neighbour disputes, pet nuisance and environmental anti social behaviour. Mediation may be offered where appropriate.

**Priority 4**:
These are one-off complaints and incidents where there may be insufficient information or evidence to take the matter further. An example of priority 4 cases is an initial complaint which results in low-level action such as a letter being written to the resident notifying them of the issue. A risk assessment will not be completed in these instances.

## 8.5. Our timescales for responding to complaints of anti-social behaviour/harassment

**Priority 1:** We will take immediate action to reduce risk of harm to individuals and confirm within one working day that we are going to be taking action to deal with the complaint. Following this we will contact the person who made the complaint within three working days to agree how the case will be managed, going forward.

**Priority 2:** We will confirm within one working day that we are going to be taking action to deal with the complaint. Following this we will contact the person who made the complaint within five working days to agree how the case will be managed.

**Priority 3**: We will acknowledge the complaint within three working days and contact the person who made the complaint within



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ten working days after we have received the complaint, to agree how the complaint will be managed.

**Priority 4:** We will acknowledge the complaint within three working days and take appropriate action within ten working days.

A Case Action Plan will be completed with the complainants where appropriate within 10 working days of receiving a referral or report. The Case Action Plan sets out the actions which actions the Trust will take and the actions which the complainant will take, with timescales. Each case will be reviewed regularly and updates provided to the complainant.

Where a case has been opened and we do not receive any reports of further anti-social behaviour within three months or where the complainant does not provide information requested by the Trust within three months, the case will be closed and the complainant notified.

## 8.6. What is not considered to be anti-social behaviour?

Not all reports made to the Trust will be considered anti social behaviour and we reserve the right to determine what constitutes anti-social behaviour on a case-by-case basis. The following will not be considered to be anti-social behaviour or harassment:

- One-off complaints such as a noisy party, public events
- Lifestyle clashes such as crying babies and noise from normal daily living
- Where we consider that allegations are made on the grounds of prejudice or discrimination
- Poor internal condition of a property

Where an issue is not considered to be anti-social behaviour the complainant will be referred to the Trust's Neighbourhood Housing Team or an appropriate outside organisation for assistance.

## 8.7 Noise Nuisance and Animal Nuisance

Residents wishing to report noise-related anti-social behaviour or animal nuisance will be advised by the Trust to report this to Welwyn Hatfield Council or other appropriate organisation. We will assist in the reporting of these matters where required.

## 8.8 Risk of immediate harm/danger

Where a person feels that that they are in immediate danger as a result of anti-social behaviour/harassment the Trust will advise them to contact the police in the first instance and where required we will provide support to the complainant in doing this.

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Where we identify that a person is in immediate danger or there is a risk to safety, we will involve the police, social services and other appropriate organisation.

## 9. What enforcement action will the Trust take against people who cause anti-social behaviour and harassment?

### 9.1 Legal Action

There are a number of actions which we may take. The Trust will consider on a case by case basis which enforcement action is most appropriate. We may take legal advice and we will consult with relevant partner organisations where required. This may include the council.

We reserve the right to take whatever action we consider to be most appropriate. Some of the legal remedies we may use include, but are not limited to the following:

- Injunctions,
- Anti-social Behaviour Orders (ASBOs),
- Anti-social Behaviour Injunctions (ASBIs),
- Parenting Orders
- Demoted Tenancies
- Possession and Suspended Possession Orders
- Premises Closure Orders.

In cases where there are a series of allegations and counter-allegations, mediation or restorative justice may be offered as the most appropriate remedy.

We will complete a Community Harm Statement alongside any legal action related to anti-social behaviour to demonstrate the affect of this anti-social behaviour on the local community.

### 9.2 Tenancy enforcement

Our Anti-social behaviour Officers will work with the Neighbourhood Housing Teams to manage actions where tenancy conditions have been breached. Each case will be managed on the basis of its circumstances.

## 10. Community Triggers

Community Trigger is the name given to a formal process defined as an "anti-social behaviour case review" under sections 104 and 105 of the Anti-social Behaviour, Crime and Policing Act 2014.

This process allows members of the community to ask the Community Safety Partnership to review their responses to complaints of anti-social behaviour.



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The Trigger is designed to ensure that all partners work together to try and resolve any complaints about anti-social behaviour. They will do this by talking about the problem, sharing information and using their resources to try and reach an agreeable outcome.

The Trigger can be used if a complainant feels that their previous request for help has not been responded to. The Trigger **cannot** be used to report general acts of crime.

## 11. Helping victims and witnesses to move home

In the most serious cases, for example where there has been or where there is a high risk of physical violence, we may consider helping a household to find new accommodation.

In some cases we may increase the priority band for a transfer. In these cases a report will be made to the Trust's Senior Officers Panel for consideration.

Before we can consider this option we will require written support from the Police at the level of Sergeant or above. We may also recommend that the case is referred for a multi-agency decision, to ensure that a move is in the best interests of the parties involved and has a realistic chance of resolving the issue. Any priority banding awarded for an urgent move will be removed if the problem ceases or if an offer of accommodation is deemed to have been unreasonably refused.

## 12. Providing support to victims and witnesses

We recognise that providing the right type of support is key to the successful outcome of a case. We are committed to supporting victims and witnesses before, during and after court proceedings including paying reasonable expenses incurred.

We understand victims will be concerned about the court process and possible repercussions. Prior to going to court we will visit the witness to explain the process and discuss any concerns. Where possible visits to the court can be undertaken leading up to the trial so that witnesses can feel more at ease on the day of the trial.

If a witness does not feel able to come to court it is possible to exhibit witness statements from residents as 'hearsay'. This means that we will present the evidence on behalf of the witnesses. Hearsay evidence does not carry the same weight in court as giving the evidence in person and we will ensure that witnesses are aware of this when they are considering their options for giving evidence.

Where the Trust or the witness has concerns about their safety and wellbeing, we or our partner organisations will provide appropriate additional support/safety measures. This can include additional home security and/or access to a 24 hour emergency alarm service.



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All information provided by witnesses remains confidential unless permission is given for its disclosure.

## 13. Protecting vulnerable people

We will consider whether victims, witnesses or perpetrators have any known support needs and we will take these into account when planning the management of their case.

We will share appropriate information with other agencies to ensure that relevant support is in place for those that have been identified with a need or who have asked for help.

Where we have any safeguarding concerns we will take appropriate action, in accordance with our Safeguarding Policies.

## 14. Equality and Diversity - ensuring the fair treatment of perpetrators

Where we are investigating cases of anti-social behaviour and considering enforcement and/or legal action against perpetrators, we will take into account diversity issues. We will treat everyone fairly, in accordance with the Equalities Act 2010. This may include providing extra support to people and working with other organisations.

## 15. Anti-Social behaviour and young people

Where the alleged perpetrators are children or young people, we will involve parents and guardians to help resolve the problem, and may also liaise with other organisations such as social services, schools, Targeted Youth Service (TYS) and Youth Connections. We will liaise with our partners on a case-by-case basis and in joint agency meetings (including the Multi Agency Group for the Prevention of Youth Exclusion).

We will take appropriate action in cases involving vulnerable young people as set out in our Safeguarding Policies.

## 16. Data Protection and Confidentiality

We will at all times comply with the Data Protection Act 1998, as set out in our Data Protection Policy.

The Trust exchanges information on a regular basis with various agencies when it is necessary for the purpose of tackling Anti-social behaviour and crime. Where possible we will ask victims and witnesses for their permission first. However in some cases we may share information with relevant agencies without the consent of the individual. In particular we reserve the right to make a referral to social services or to the police without the permission of the complainant, where the situation meets the provisions of the Data Protection Act 1998 and/or Section 17 of the



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Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006 and the Policing and Crime Act 2009)"

Section 17 places a duty on The Council, Police, Fire and other statutory organisations to do all they can to reasonably prevent crime, disorder and anti-social behaviour in their area. It provides details of when personal information should be shared to prevent crime and ASB.

The information that may be shared can include:

- Name and addresses where necessary.
- Previous/current reports of anti-social behaviour
- Allegations of drug dealing
- Allegations of child abuse.
- Allegations of racial and other harassment.

## 17. Consultation

This policy has been developed following consultation with Welwyn Hatfield Council, Hertfordshire Constabulary and the Welwyn Hatfield Tenants Panel.

## 18. Equalities Impact Assessment

This policy was reviewed by the Equalities Group on 3 July 2014.

## 19. Key related documents (strategies, other policies and procedures)

- Welwyn Hatfield Community Housing Trust - Anti-Social Behaviour Service Standard
- Welwyn Hatfield Community Housing Trust - Community Involvement Strategy 2014-2016
- Welwyn Hatfield Community Housing Trust – Date Protection Policy
- Welwyn Hatfield Community Housing Trust – Safeguarding Vulnerable Children Policy
- Welwyn Hatfield Community Housing Trust – Safeguarding Vulnerable Adults Policy
- Welwyn Hatfield Community Safety Partnership – Community Trigger Procedure
- Welwyn Hatfield Community Safety Partnership Action Plan 2014-2015

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