



VHA Policy Document

ANTI-SOCIAL BEHAVIOUR AND HARRASSMENT

DRAFT

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VHA Anti-Social Behaviour and Harassment Policy

1. INTRODUCTION

As a landlord, Vectis Housing Association (VHA) is committed to providing the highest standard of service to all its residents. We recognise that residents have the right to feel safe and secure in their homes. Common and Statutory Law protects this right. It is also an obligation placed on residents through their tenancy agreements. We remain committed to tackling anti-social behaviour (ASB) and harassment not only in terms of enforcing good behaviour but also through prevention and support. We will use a wide range of tools available to us in order to tackle and prevent these issues. These may include legal remedies, informal action or neighbourhood improvements. We set aside a budget each year specifically for this area of work.

We have a victim centred approach in managing harassment and ASB and work with those affected and partner agencies to implement long term sustainable outcomes to deal with individual incidents and community wide issues to prevent incidents reoccurring. A victim centred approach recognises that harassment and ASB can disproportionately impact on one victim as opposed to another due to individual vulnerabilities.

Our victim centred approach is proportionate and we will be clear with people reporting incidents about what constitutes harassment and ASB as opposed to low level nuisance. This is to effectively manage expectations and to prevent malicious complaints or unreasonable, persistent complainants being given undue priority over the most vulnerable victims of serious experiencing these issues. We involve and work collaboratively with a wide range of partners including the Police, the Community Safety Partnership, Social Services, Education Services and Support Workers to achieve the best outcomes for all concerned.

This policy should be read in conjunction with the ASB Quick Guide leaflet for VHA residents.

2. WHAT IS ANTI-SOCIAL BEHAVIOUR

Anti-social Behaviour Act 2003. Part 2 deals with antisocial behaviour in the housing context. The Act requires social landlords to prepare and publish policies and procedures on anti-social behaviour that must be made available to the public. The Anti-social Behaviour, Crime and Policing Act 2014 is the main legislative driver behind this policy. This legislation requires that victims and communities are prioritised when tackling ASB. We will work alongside our communities and other agencies in achieving this requirement.

Our definition of ASB is defined by the ASB, Crime and Policing Act 2014:

- a) conduct that has caused, or is likely to cause, harassment, harm 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
- c) conduct capable of causing housing-related nuisance or annoyance to any person

The term 'anti-social behaviour' is used to describe actions that unreasonably interfere with or could interfere with an occupier's normal use and enjoyment of their home, garden, or neighbourhood. The definition extends to behaviour that can create a nuisance or annoyance for another person connected with the property, including VHA staff and contractors.

Our definition of harassment (from the Protection from Harassment Act 1997):

"A person must not pursue a course of conduct which :

- (a) which amounts to harassment of another;
- (b) which he/she knows or ought to know amounts to harassment of the other"

Harassment may include grounds of race, disability, sex, sexual orientation, belief or religion or gender reassignment.

Such actions can be:

- Physical conduct;
- Verbal conduct;
- Non-verbal conduct

Harassment can include a range of behaviours such as threats, verbal abuse, written abuse including via social media, damage to property, violent behaviour, stalking and behaviour causing or intended to cause alarm or distress. These are generally criminal offences and are the responsibility of the police. Where appropriate to do so, VHA will take tenancy enforcement action against a perpetrator as a result of evidence obtained by the Police or upon conviction.

3. HATE CRIME

We define hate crime as any crime or incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a persons' race, religion, sexual orientation, disability or gender identity. Hate crimes can include but are not limited to:

- Threatening behaviour;
- Assault;
- Robbery;
- Damage to property;
- Inciting others to commit hate crimes;
- Harassment.

4. POLICY STATEMENT

This policy sets out our approach to tackling harassment and ASB, through prevention, enforcement and support and sets out what we expect from our residents and what they can expect from us to protect their right to peaceful enjoyment of their home and their community.

VHA believes that:

- Everyone has the right to their chosen lifestyle providing this does not spoil the quality of life of others or lead to damage of the property. This implies tolerance, consideration and respect for the requirements and needs of others;
- VHA has a role as landlord in ensuring that such rights and obligations are realised in individual cases; and
- The Local Authority and Police have a larger role within the arena of the public interest to promote and protect the interests of those living within their boundaries.

VHA will ensure that any residents who enter into a tenancy agreement or lease are aware of their rights and responsibilities and that harassment and ASB is unacceptable and in the event of a breach action will be taken against them.

VHA expect residents to play a role in helping to resolve any issue. Where appropriate this may involve them taking the initial steps themselves, liaising with other agencies such as the Police and Local Authority, helping to collate evidence such as completing diary sheets and demonstrate a willingness to take part in mediation.

5. POLICY AIMS

- To ensure that relevant employees of VHA are trained and equipped to respond swiftly and effectively to reports of harassment and ASB and prevent reports escalating into more serious incidents;
- To raise awareness amongst residents, staff and other relevant stakeholders of the tools and powers available as well as the constraints in tackling harassment and ASB.

- Work proactively with residents to minimise incidents of this nature through preventative action including engagement with our Communities Team, Neighbourhood Walkabouts, Neighbourhood Events, Gardening Projects and Financial Inclusion initiatives.
- To develop and maintain effective partnerships with relevant agencies with whom we collaborate in tackling harassment and ASB.

6. ASB or not ASB?

VHA accepts that many neighbours will naturally have different values or opinions and this can sometimes cause problems. We expect our residents to show consideration to their neighbours as well as an understanding that we all have the right to live our lives. Incidences that are reported as personal differences, or that arise from differences in lifestyle or estate management issues, are not considered to be anti-social.

The following are some examples we would not investigate as ASB:

- Rubbish left outside a property;
- Neighbour differences, such as differences of opinion;
- Cats fouling;
- Cigarette butts being dropped;
- Cooking smells;
- Parking disputes on roads, pavements etc.;
- One-off party or barbecue;
- Everyday living noise.

VHA will work to manage residents' expectations in regards to behaviour that is not defined as ASB and offer advice and guidance. Where appropriate VHA will expect residents to take steps to resolve the situation themselves.

7. RESIDENT'S RESPONSIBILITIES

We expect our residents not to commit, or allow their family, household members, visitors or pets to commit ASB. This includes harassment, noise nuisance, annoyance or disturbance, whether to other residents, their visitors or other people in the area, such as our staff and contractors.

In addition to the legal responsibilities set out in their tenancy agreement or lease agreement, we will expect all residents to:

- Take responsibility for minor personal disputes with their neighbours and try to resolve any such problems themselves in a reasonable manner.

- Where appropriate, talk to their neighbour first to try to resolve any pet or noise-related problems.
- Report incidents of harassment and ASB.
- Report crimes including threats or acts of violence to the Police.
- Report noise nuisance to Environmental Health at the Local Authority.
- Respect other peoples' right to their chosen lifestyle and be tolerant of reasonable everyday living noises/ activities including babies crying, doors closing, children playing, cooking smells, DIY noise.
- Work and co-operate with us fully to resolve disputes/issues, for example, by providing us with updates of incidents, attending mediation, providing witness statements, attending court.
- Where a resident fails to engage with us during a case investigation and affects our ability to address the issues being raised we may close the case.

8. ACTIONS TO DEAL WITH HARRASSMENT AND ASB

VHA will respond proportionately to allegations of harassment and ASB. Where appropriate we will seek the co-operation of statutory agencies in carrying out their duties to protect the public and we will commit to working in partnership with residents and other agencies to ensure the following:

- Preventative action
- Early intervention
- Provision of support and advice for those reporting ASB and to witnesses
- Provision of support for perpetrators where appropriate and where they are identified as vulnerable and/or at risk
- Where appropriate and where there is sufficient evidence support and/or take legal action against perpetrators

Except in very serious cases, our initial intervention will aim to stop the problem behaviour, prevent a recurrence and achieve effective solutions.

VHA aim to provide a balanced approach to ASB between protecting the quiet enjoyment of the neighbourhood and helping individuals to sustain their tenancy.

VHA believe that in many incidences ASB can be stopped when challenged early enough. VHA will where possible use non-legal intervention measures.

Where non-legal intervention is unsuccessful we will consider taking legal action.

VHA will only consider eviction as a last resort either where other intervention measures have been unsuccessful or where the ASB is of a very serious nature.

Where the behaviour is of a criminal nature it is likely the Police will be the lead agency. VHA will support and work with them and any tenancy enforcement action will be guided by their findings and outcome.

Where the ASB is noise or pet-related it is likely the Local Authority will be the lead agency. VHA will support and work with them and any tenancy enforcement action will be guided by their findings and outcome.

9. SERVICE STANDARDS

VHA aim to deal with harassment and ASB quickly and effectively with the minimum amount of distress to its tenants. Where possible we will aim to resolve all cases at the earliest opportunity. VHA will agree an initial action plan with you and a timescale for keeping you informed of the progress of your case. Where appropriate you will be contacted before we close a case.

We will close cases where the situation has been resolved.

In certain circumstances, we will close cases even if the complainant does not want us to. If we are satisfied that we have done everything we can, that it is reasonable and proportionate to resolve the complaint. We will record the reasons for closing cases and advise people about what they can do next.

We will not assume that a situation has improved if we have not heard from the complainant in a while. We will try to make, contact with them before passing a case for closure. We will do this by writing to them, telephoning and / or conducting a home visit.

Only when all these have failed will a case be passed for closure on the grounds of no contact.

All parties involved in a case will be treated fairly and listened to on an equal basis. Counter allegations will be treated as separate cases and action will be taken based on the evidence available.

10. SUPPORT

VHA aim to create sustainable neighbourhoods and an environment where witnesses and victims feel confident and safe in coming forward to report harassment and ASB. We will provide support to the person making the report and witnesses to ensure their own well-being and that action against perpetrators is as successful as possible. We will support complainants by:

- Dealing with reports promptly
- Managing expectations and being realistic about what we can and can't do
- Communicate with complainants by their preferred method and frequency

- Carry out risk assessments and make referrals to appropriate support services where applicable
- Signpost and referral you to other agencies
- Provide regular up to date information on the progress of the case
- Work in partnership with the local authority to offer assistance with re-housing where high risk cases are identified and necessary to protect the individual and/or undertake repairs/alterations to the property for security purposes

VHA recognises we cannot always prevent individuals become repeat victims of harassment and ASB and it is important we ensure there is a suitable and appropriate support network to enable the individual to manage the situation until a satisfactory resolution is achieved.

We will offer support to perpetrators to assist them in resolving problems on a long-term basis. Support will include:

- Giving the perpetrator the opportunity to resolve the problem by changing their behaviour
- Signpost and refer perpetrators to other agencies who can offer support

In cases deemed extreme where anyone involved is at clear risk of violence we may assist the progress of legal action without offering support to the perpetrator.

11. PARTNERSHIP WORKING

VHA will adopt a multi-agency approach to tackling harassment and ASB to benefit from sharing of expertise, data and resources. We will work in partnership with statutory organisations, community groups, professional bodies and other stakeholders to support individuals who report incidents, witnesses and perpetrators' to manage their behaviours.

12. PROTECTION OF STAFF

VHA recognises that all its staff and contractors are entitled to expect to work in an environment that is safe, secure and free of violence, threats of violence and abuse. Any behaviour of this nature directed at anyone carry out business on behalf of VHA is deemed unacceptable and appropriate action will be taken against those responsible.

13. REGULATORY STANDARD

The Regulator for Social Housing's Neighbourhood and Community Standard covers ASB and requires Registered Providers to work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes. The standard also requires the following:

"(a) that tenants are made aware of their responsibilities and rights in relation to ASB

(b) strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local Agencies

(c) a strong focus exists on preventative measures tailored towards the needs of tenants and their families

(d) prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available

(e) all tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not

(f) provision of support to victims and witnesses”

14. TRAINING

VHA are committed to ensuring staff have the confidence and knowledge to identify and investigate incidents and reports of harassment and ASB. Training needs of individuals will be identified through the regular one to one review meetings and the annual appraisal process.

15. MONITORING

All cases reported will be recorded on VHAs internal ASB log, reviewed on a monthly basis and reported six monthly to the Board of Management as part of the performance reporting update.

16. DIVERSITY & INCLUSION

VHA will treat all customers with fairness and respect. We have an ethical and legal duty to ensure equality of opportunity and prevent discrimination on the grounds of age, sex and sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

17. POLICY AWARENESS

This policy will be publicised to customers, staff and other stakeholders through Newsletters, the Website and social media, through the Tenant Forum and other internal/external meetings.

18. CONFIDENTIALITY AND DATA PROTECTION

We will at all times have regard to the confidential nature of the data we are dealing with. This must be handled and processed in compliance with General Data Protection regulation (GDPR) and the principles contained within the Data Protection Act 1998 and any subsequent legislation.

19. COMPLAINTS

Any individual who feels that a matter relating to ASB has not been dealt with appropriately may raise their concerns through the VHA Complaints procedure.

20. POLICY REVIEW

VHA recognizes the importance of working in partnership with our residents to develop and continuously improve our services. To demonstrate this commitment, this policy will be periodically reviewed in consultation with VHA Board members and the Residents' Panel. This policy will be reviewed on a three-yearly cycle and will be next due for review in 2023.