



## **Anti-social behaviour Policy**

### **1. INTRODUCTION**

- 1.1 The Anti-Social Behaviour Policy describes how Dawson Housing Association (Dawson) defines and manages reports and incidences of anti-social behaviour (ASB) from and about its tenants. The policy describes how Dawson does this in a clear, consistent and transparent manner.

### **2. POLICY STATEMENT**

- 2.1 Dawson believes that everyone is entitled to a safe, peaceful, and secure home and neighbourhood. We are committed to tackling anti-social behaviour and dealing firmly, fairly and promptly with acts of anti-social behaviour and nuisance.

### **3. LEGAL FRAMEWORK**

- 3.1 In compliance with Housing Act 1996 s218 Dawson will publish its ASB policy which it keeps under periodic review. The policy is available for inspection and on request.
- 3.2 Dawson may take legal action in respect of ASB by serving notice as prescribed by Housing Act 1988 (as amended)
- 3.3 This policy is compliant with the Neighbourhood and Community Standard published by the Regulator of Social Housing.
- Anti-social Behaviour Act 2003
  - Housing Acts 1998 and 1996

- Crime and disorder Act 1998
- Environmental Protection Act 1990
- Police Reform Act 2002
- Humans Rights Act

#### **4. SCOPE AND OBJECTIVES**

- 4.1 The policy applies to all of Dawson Housing Association's tenants and the neighbourhoods in which it operates. This ASB policy covers harassment, victimisation, nuisance and associated breaches of tenancy

#### **5. THE ASB POLICY AIMS TO:**

- Foster safe, tolerant and comfortable home environments for tenants
- Help tenants access advice and help to tackle ASB
- Help others affected by ASB caused by Dawson tenants
- Apply all available remedies to resolve ASB
- Deal with reports and incidences of ASB in a fair, transparent and consistent manner

#### **6. ANTI SOCIAL BEHAVIOUR**

- 6.1 Dawson provides homelessness, supported housing and intensive housing management services to a variety of tenants. Dawson recognises that many of its tenants are vulnerable and has developed this ASB policy specifically in that context.

- 6.2 This ASB policy is written to cover reports and incidences of anti-social behaviour, harassment, victimisation and nuisance behaviour. Dawson defines ASB as:

- harassment
- using or threatening to use violence
- bullying or intimidation
- repeated abusive language or behaviour
- actions of hostility or prejudice against anyone because of their actual or perceived identity

- any incident or pattern of incidents of controlling, coercive, threatening behaviour violence or abuse between those who are, or have been, partners or family members regardless of gender
- loud music and/or noise that is capable of causing nuisance or annoyance to a reasonable person.
- dog barking and fouling that is capable of causing nuisance or annoyance
- making false or malicious complaints about someone else's behaviour
- using the property or allowing it to be used for any immoral or illegal purpose
- causing or committing any act of violence or any form of harassment, intimidation or abuse against any member of our staff or anyone authorised to act on our behalf

This is not an exhaustive list and Dawson retains flexibility when listening to complaints of ASB from tenants and others.

6.3 While recognising that Dawson has a vulnerable client group, Dawson will sometimes receive reports of behaviour which are not covered by Dawson's definition of ASB. Dawson expects tenants and others to be tolerant of other people and their lifestyles and will not take action under this policy against behaviour which may be generally considered to be reasonable. Examples of this include:

- A one-off party
- Children playing outside i.e. playing ball games
- Children arguing with one another
- Actions that are considered to be reasonable everyday activities
- name-calling or disputes via social media unless it amounts to harassment

6.4 The ASB policy is consistent with the Neighbourhood and Community Standard published by the Regulator of Social Housing. The policy has been drafted to meet the duties and obligations imposed by the Housing Act 1996 (as amended) in respect of duties and remedies to anti-social behaviour.

6.5 Dawson will work with statutory and voluntary agencies to support tenants who are victims of ASB and will take a multi-agency approach to finding solutions and remedies. Dawson will take seriously all reports of ASB and investigate them thoroughly according to this policy.

## **7. TENANCY AGREEMENTS & LETTINGS**

- 7.1 Dawson licence & tenancy agreements contain specific clauses that prohibit tenants, other occupants or visitors to their homes, from causing ASB or allowing ASB to be caused.
- 7.2 Dawson will always ensure that tenants understand their responsibilities not to cause ASB during the lettings process. Dawson welcomes and encourages the involvement of tenant support workers and advocates in the lettings process to ensure that vulnerable tenants are given help to understand their rights and responsibilities.
- 7.3 Tenants will be made aware of what to do if they believe they are victims of ASB and how they should report it. Dawson will make this information available to tenant support providers and advocates as well.
- 7.4 The Allocations policy describes how all Dawson tenants must have a support plan in place before they take up their tenancy. The support plan is drawn up in consultation with other agencies. The plan will, where appropriate, cover the specific measures to be taken to mitigate ASB where this has been previously, or is judged likely in the future to be, a risk.
- 7.5 Potential tenants with a history of causing ASB who do not agree to a support plan to manage their behaviour may not be granted a tenancy.
- 7.6 Dawson will rigorously enforce the tenancy agreement and take action against tenants who are found to be in breach of their tenancy.
- 7.7 Tenants who lose their tenancies because of re-possession action for ASB may find it difficult to find accommodation in the future. Dawson will share appropriate details with other social landlords in response to a valid request for a tenancy reference.

## **8. MULTI-AGENCY APPROACH**

- 8.1 Dawson is committed to working with other agencies, statutory and voluntary when dealing with reports and incidences of ASB.
- 8.2 Where appropriate Dawson will sign up to information sharing protocols with other statutory bodies to allow the sharing of relevant information to provide support and assistance to tenants suffering from ASB. Such information sharing will be with the consent of the tenant and be compliant with Dawson's responsibilities under the Data Protection Act 2018 and GDPR.

## **9. APPROACH**

- 9.1 Dawson recognises that ASB can be caused by thoughtlessness, one-off incidents through to persistent, targeted harassment and intimidation. Dawson tenants may either be the victims or the perpetrators of ASB.
- 9.2 Dawson tenants are, by definition, vulnerable and as a group are more likely to experience ASB than the general population. Some Dawson tenants have developmental and learning difficulties which creates additional vulnerabilities around their ability to report what is happening to them and in some cases to have a full appreciation of how their behaviour may affect others, including neighbours.
- 9.3 The vulnerable client group means that Dawson will approach reports of ASB from or about its tenants, with care and compassion.
- 9.4 Dawson will in the first instance respond quickly to reports of ASB. Incidents of reported harassment or violence will be responded to within 24 hours or less if advised by another statutory agency. Other reports of ASB will be responded to within 5 working days.
- 9.5 Dawson's approach is based on taking early action to intervene before any reported situation escalates. Dawson believes this demonstrates the seriousness with which it takes reports of ASB and builds trust and confidence with tenants and partner agencies.
- 9.6 Dawson will respond by speaking to the victim and, where it is appropriate and reasonable to do so, to the alleged perpetrator. Dawson will ensure that vulnerable tenants are accompanied by an

appropriate support worker. Where possible, reports will be responded to in the victim's home.

- 9.7 Reports of ASB will be investigated by Dawson and other agencies by talking to witnesses and alleged perpetrators.
- 9.8 Dawson will keep confidential all conversations and information gathered and this information will only be shared with the express permission of the tenant or person supplying the information or where it is otherwise lawful to do so. Dawson requires the engagement and participation of people reporting ASB in order to be able to create a lasting solution to the problem. Tenants and others will be provided with support and help to encourage them to participate.
- 9.9 Reports of ASB are taken very seriously by Dawson and breaches of tenancy or licence will be investigated and pursued thoroughly. Dawson will take an incremental approach to resolving ASB including some or all of these steps as appropriate:
- Verbal and written reminders and warnings to maintain good relations and to keep to terms of tenancy agreements
  - Restorative Justice to bring together parties through reconciliation
  - Referral to mediation to discuss and resolve differences
  - Injunctions
  - Legal action including the service of s21 notices to end tenancies
- 9.10 Dawson will agree a plan of action with the person reporting ASB and any third parties including statutory and voluntary agencies such as the police, social services or care operators. The plan will set out what each party will do to try to resolve the ASB and what the victim needs to do. The plan will contain specific measures and have a date for review. The plan will set out how the person reporting ASB will be kept informed throughout.
- 9.11 Dawson will maintain an open case file on the ASB while the matter is subject to an agreed plan. At the conclusion of the plan, if all reasonable steps have been taken in line with this policy, Dawson will close the case in consultation with the reporter of ASB and any involved agencies.

## **10. APPEALS**

- 10.1 Where a person who has reported ASB is dissatisfied with the action taken by Dawson and where Dawson have closed the case in line with section 7.9 of this policy, that person may make an appeal by email or in writing to Dawson explaining why they believe that Dawson has not followed its policy.
- 10.2 Appeals will be referred to a panel of two board members. A panel meeting will be held within 14 days at which the appellant will explain the reasons for their appeal. A relevant member of Dawson staff or their service provider with knowledge of the case will also attend the appeal panel.
- 10.3 The two board members will decide whether Dawson has followed its policy or not and may direct Dawson to take further action or it may dismiss the appeal. The panel will provide a written response to the appellant within 10 days of the panel meeting.
- 10.4 Appellants who remain dissatisfied with the outcome of the panel meeting should refer to our complaints policy where they will have the right to refer the matter to the Housing Ombudsman.

## **11. EQUALITY & DIVERSITY**

- 11.1 Dawson has obligations derived from the Public Sector Equalities Duty to have due regard to the need to eliminate discrimination, harassment and victimisation. The Anti-social behaviour policy upholds this obligation by ensuring that all reports and incidents of ASB are managed in accordance with this policy which has been designed to provide assistance and support to vulnerable people
- 11.2 The Equality & Diversity Policy requires that the Dawson board receive a report annually which details performance indicators around ASB and monitors these to ensure compliance with the policy.

## **12. RELATED INTERNAL POLICIES**

- Allocations policy
- Equality and diversity policy
- Tenant involvement policy
- Health and Safety policy

- Complaints Policy
- Tenancy Management Policy
- Allocations and Lettings Policy

### **13. CONSULTATION**

13.1 This policy will be reviewed in consultation with Dawson housing residents

### **14 REVIEW AND APPROVAL**

14.1 This policy will be reviewed at least every two years as required to take into account changes in legislation.

**Responsible officer:** CEO

**Policy Author:** CEO

**Policy version:**1.0

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**Date the next review is due:** 2023