



Axiom Housing Association Limited

Corporate Strategy 2015-2020

Supporting - Corporate Objective
Outstanding Services

Level 1

ASB & Harassment POLICY

Approved - 28 May 2015

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Next full review - 1 April 2018

Approving Body - Resident Services Committee

Service Owner - Executive Director Operations

ASB & Harassment

Aim

At Axiom Housing we believe that every Axiom resident has the right to feel safe and secure within their homes and their community. We expect residents, those who live with them and their visitors, to be tolerant, accepting and respectful of the needs and choices of other people.

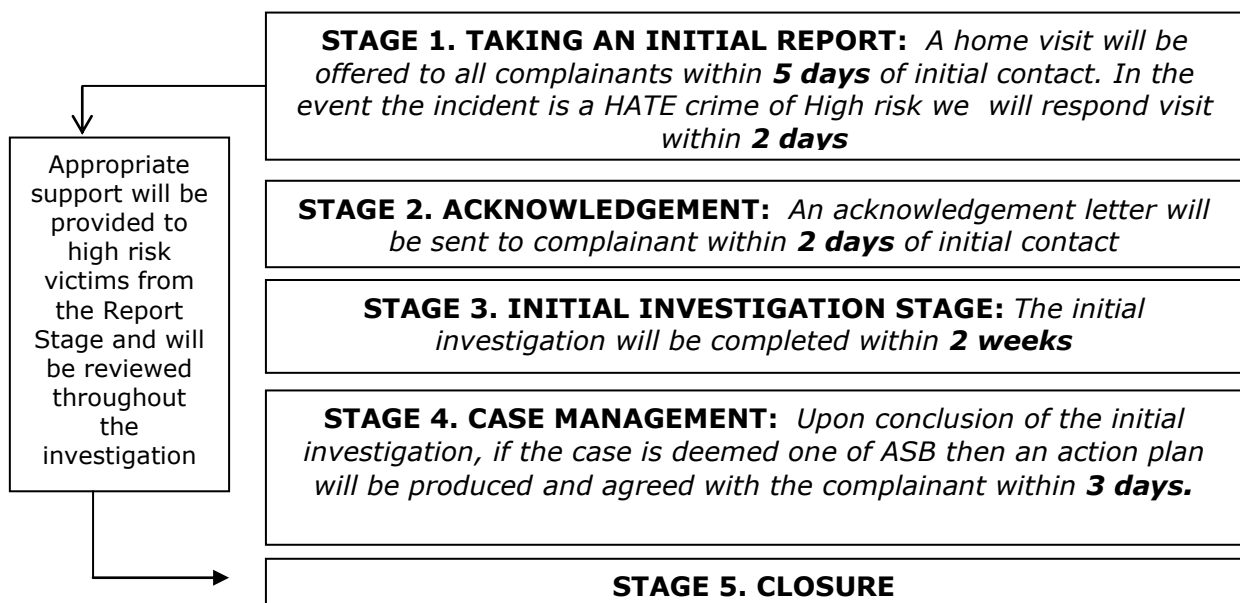
Axioms ASB & Harassment Policy pledges to investigate all allegations of anti-social behaviour and harassment and to take prompt action as appropriate, to prevent incidences from deteriorating, ensuring a harm reduction and victim centred approach.

This policy applies to all our residents and service users. It covers anti social behaviour, harassment and hate crime. We have a separate policy covering domestic abuse.

Our commitment

1. To work with residents, service users and other agencies to:
 - Respond to complaints of anti-social behaviour and harassment in line with our procedures and aim to resolve them in an efficient and sensitive manner.
 - Offer support to residents and service users affected according to their needs and take appropriate action against those responsible for anti-social behaviour and harassment.
 - Ensure all reports of anti-social behaviour and harassment are taken seriously and anonymous complaints are investigated.
 - Support and empower witnesses to take a stand and report issues of ASB

Table 1. Procedural Overview



Our Commitment continued

2. Ensure that we meet our duties under existing legislation including:

- Children Act 1989 & 2004
- Crime and Disorder Act 1998
- Data Protection Act 1998
- Homelessness Act 2002
- Human Rights Act 1998
- Anti-social Behaviour Act 2003
- Equality Act 2010
- Anti social Behaviour, Crime and Policing Act 2014

Protected Characteristics

The Equality Act 2010 makes it unlawful to discriminate against people with a protected characteristic (previously known as grounds). There are 9 protected characteristics, these are: Age, Disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.

What is Anti Social Behaviour and harassment?

Anti Social Behaviour (ASB) ASB has no set definition. Axiom uses the wording of the Housing Act 1988 and the Crime and Disorder Act 1998 to guide them in defining ASB. This means that an incident will be considered to be ASB if it causes nuisance and/or annoyance and/or alarm and/or harassment and/or distress to any person living in and/or visiting and/or employed in the area.

Anti-social behaviour in practice can be anything from leaving litter, to physically attacking someone. We will record anti social behaviour under the categories listed below:

- Noise
- Nuisance and vehicles
- Drugs
- communal areas
- Criminal behaviour
- Alcohol and solvent abuse
- Verbal abuse
- Boundary disputes
- Harassment
- Damage to property
- Nuisance from business use
- Pets and animals
- Multiple causes of the other
- Intimidation
- Rubbish and misuse of communal areas

Harassment

Harassment is the persecution or intimidation by residents, members of their household or their visitors, of a person or group because of their 'protected characteristics'.

Incidents of harassment can include sexual comments or gestures, offensive graffiti, abusive language and behaviour, violence or threats of violence, and damage to homes or possessions towards a person or group because of their 'protected characteristics'

Racial Harassment

We have adopted the following definition of a racist incident,

'Any incident which is perceived to be racist by the victim or any other person'.
(Macpherson Report 1999, Recommendation 12).

This means that if anyone – the victim, a witness, the Police, or a housing staff employee perceives an incident to be racist; it will be recorded as such, regardless of any other views. Incidents of racial harassment are, for monitoring purposes recorded separately from anti-social behaviour and other forms of harassment. We work closely with other agencies to prevent and deal with racial harassment including acting as a recognised reporting centre

What is Hate crime?

Hate crimes are any crimes that are targeted at a person because of hostility or prejudice towards that person's:

- disability
- race or ethnicity
- religion or belief
- sexual orientation
- transgender identity

This can be committed against a person or property. A victim does not have to be a member of the group at which the hostility is targeted. Anyone could be a victim of a hate crime.

Our approach

Preventing Anti Social Behaviour, harassment and hate crime.

Ensuring that every Axiom resident feels safe and secure within their homes and community is of paramount importance to us.

As a starting point we would not knowingly offer a tenancy to anyone who has been evicted from a previous tenancy for anti social behaviour, harassment or hate crime unless in exceptional circumstances which would be agreed with management.

When we do receive reports of anti social behaviour we will ensure that our staff are trained effectively so that they are able to respond promptly and sensitively; with the ability to identify those complainants who are particularly vulnerable.

Our approach encompasses the following key actions:

1. A probationary period at the start of a fixed term tenancy in our general needs properties, monitoring behaviour and ending tenancies as needed
2. Ensuring that during our sign up process and visits in the probationary period we are making sure that tenants are aware of their responsibilities and our robust approach to tackling anti-social behaviour, harassment and hate crime
3. Ensuring that all tenants have adequate support to conduct their tenancy in a satisfactory manner
4. Making it easy for people to contact us when they are experiencing problems with anti-social behaviour, harassment or hate crime
5. Being clear with tenants about what will happen when they report problems to us including how we will keep them informed of progress
6. Publishing our approach to anti-social behaviour in our tenants' newsletter
7. Encouraging individuals and communities to communicate with each other and develop their own resolutions to disputes and problems
8. Offering the appropriate support to those experiencing anti-social behaviour, harassment and hate crime depending on their individual needs
9. Using a wide range of interventions to tackle anti-social behaviour, harassment and hate crime
10. Consider how anti-social can be avoided when designing new developments
11. Effectively using the Local Lettings Policies to ensure that we balance our communities and promote greater levels of community cohesion

Rehabilitative and Enforcement Action

We will have a system in place for categorising how serious the anti-social behaviour or harassment taking into account the vulnerability of the complainant.

Our approach includes:

1. Customer Care-Appoint a lead officer to every open case, who will take responsibility for the case management until closure.
 - Offer all complainants an initial home visit
 - Undertake an assessment to ensure that we fully understand the needs of the victims and alleged perpetrator of the case being reported to us.
 - Assess (and periodically reassess) the seriousness of the ASB case reported to us.
2. Partnership working- we will work closely with residents, the police and other agencies to ensure a problem solving approach is used to identify the most effective solutions.
3. Action Plan - To develop an action plan which will, in principle, adopt an incremental approach to ensure that each case is tackled in an effective and timely manner. We will use all the tools that are available to use to do this (more details can be found in the Appendix 1).
4. Information Sharing – In order to ensure that we tackle the anti-social behaviour, harassment or hate crime experienced by our tenants we will, as is necessary, share information with our partner agencies. Information will be shared in line with our local Information Sharing Agreement and the principles of the Data Protection Act 1998.

Tenancy Enforcement

As a responsible landlord we may use demotion orders and possession proceedings to compliment other actions or when other interventions in our incremental approach have not worked.

Monitoring and reporting

Axiom will formally review its ASB & Harassment policy every 2 years.

We will undertake a Health check annually to review the effectiveness of this policy highlighting any disincentives to reporting anti social behaviour and harassment.

We will review our management information on a quarterly basis to identify patterns and potential areas for improvement. This information will include:

- Number of open cases at the end of each quarter
- Number of cases closed within the quarter
- A breakdown of the types of ASB reported,
- A breakdown of the category of Seriousness of cases reported
- A breakdown of the Areas
- Diversity of complainants



We will monitor our performance on a quarterly basis against the following Key Performance Indicators:

- % of response times achieved against target
- Satisfaction rates of complainants of how Axiom have dealt with their case.
- Satisfaction rates of complainants of how the outcome of their case
- % cases resolved successfully in target (% based on a rolling years volume)

The performance information will be made available to the Residents Services Committee on a quarterly basis.

Cases of racial harassment will be reported internally but crucially recorded externally working alongside multi-agencies including the police.

Further to this:

- All Housing management Teams (General Needs, Sheltered and Supported) will review all open cases on a weekly basis.
- The Safeguarding and Quality Assurance Manager will undertake monthly quality Assurance checks for the life of this policy

. Appendix 1 Housing Association Powers and Tools			
SANCTION	LEGISLATION	NOTES	BEHAVIOUR TACKLED
Good Neighbour agreement	Voluntary	<p>This is a community pledge which is designed to help make sure that all residents are committed to making their area a safe, settled and peaceful place in which to live and that everyone has a shared understanding about showing respectful behaviour.</p> <p>All new residents complete this at the sign up stage for their new property.</p>	<p>Any behaviour but usually for:</p> <ul style="list-style-type: none"> • Low Level ASB • Early Intervention • Neighbour Disputes
Mediation	Voluntary	<p>Process in which an impartial third party – the mediator – helps people in dispute work out an agreement. The people in dispute work out an agreement not the mediator.</p> <p>Trained mediators aim to bring together in a neutral setting and run the meeting with ground rules. The aim is that the people involved reach an agreement that they are happy with and can stick to it.</p> <p>Shuttle mediation may also be used if either party did not wish to sit in the same room.</p>	<p>Any behaviour but usually for:</p> <ul style="list-style-type: none"> • Low Level ASB • Early Intervention • Neighbour Disputes

Partnership meetings	Compulsory referral depending on severity	We will work closely with residents, the police and other agencies to ensure a problem solving approach is used to identify the most effective solutions	Any behaviour that is causing a nuisance or an annoyance to neighbours or within the locality
Warnings Written and verbal	Voluntary	<p>These can be very effective in changing the behaviour of an individual. The aim is to ensure that the individual understands the impact of their behaviour, while offering support to enable them to achieve long term change.</p> <p>A record of the warning is kept on file. It is vital that the behaviour is monitored and further action is taken immediately if it continues.</p>	<p>Any behaviour as the warning will:</p> <ul style="list-style-type: none"> • Detail the behaviour that has been observed • Inform the individual that the behaviour is unacceptable and will not be tolerated • Advise that the behaviour is going to be monitored • Warn that action will be taken if the behaviour continues.
Acceptable Behaviour Contracts	Voluntary	Designed to engage the individual in acknowledging their behaviour and the effect it has on others – with the aim of stopping the behaviour.	Any behaviour – the contract is flexible and can be designed to address the particular behaviour with conditions that the individuals must keep. It also sets out the consequences of breaching the contract.

<p>Introductory tenancy 12 Months starter tenancy</p>	<p>Housing Act 1996 (as amended by part 2 of the Anti-Social behaviour Act 2003 and Police and Justice Act 2005)</p>	<p>Tenants are essentially on probation Tenants can be evicted easily during the probation period They do not have the same rights as secure tenants.</p>	<p>All new residents that accept a property with Axiom that are not mutually exchanging. Tenant who mutually exchange into Axiom retain there tenure.</p>
<p>Demoted tenancy 12 Months but can be extended if landlord serves a NOSP during that period</p>	<p>Housing Act 1996 (as amended by part 2 of the Anti-Social behaviour Act 2003 and Police and Justice Act 2005)</p>	<p>A tenant could loose some of their tenure rights, e.g. right to buy or exchange. When a demoted tenancy has been ordered by the court it also allows for a secure or assured tenancy to be demoted to a non secure tenancy for a period of 12 months. Can have a power of arrest or exclusion order attached</p>	<p>The tenant, another resident or a visitor to the property has behaved in a way that is unacceptable. More serious cases of Anti-Social behaviour where alternative remedies have not been successful. A demoted tenancy can only be ordered by the court where they have sufficient evidence to support the claim.</p>

<p>Injunction</p> <p>Court order made through county court</p> <p>Tenure neutral so relate to 'housing management function'</p>	<p>Housing Act 1996 (as amended by part 2 of the Anti-Social behaviour Act 2003 and Police and Justice Act 2005)</p>	<p>The individual is required to do, or refrain from certain acts</p> <p>Can have a power of arrest or exclusion order attached to the injunction</p> <p>Can be varied or discharged without notice</p>	<p>These can not be used against a minor they are used to restrain acts of nuisance, the incidents have to be housing related under the test S153A of the Housing Act 1996.</p>
<p>Possession</p> <p>Discretionary powers to court</p>	<p>Housing Act 1985/1988 (as amended by the Anti-Social Behaviour Act 2003)</p>	<p>Possession order may be suspended</p>	<p>Courts must consider various factors such as the effect of the nuisance or annoyance and the continuing effect it is likely to have.</p>