

HOUSING MANAGEMENT

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Anti Social Behaviour Policy HM-06

No.	Change	Approved by	Date	Effective
1.	Reviewed due to merger		May 2014	May 2014
2.	Reviewed to include recommendations of Internal Audit	A&R Sub Committee	May 2015	May 2015
3.	Reviewed to include name change DSD to DfC. Include reference to Independent Tenant Organization and Info Sharing Protocol	HMSC	April 2017	April 2017

1.0 PART ONE - POLICY

1.1 INTRODUCTION

In September 2004 the Department for Communities issued a directive under Article 10 of the Housing (Northern Ireland) Order 1981 which requires the Northern Ireland Housing Executive to publish:

- A Statement of Policies and Procedures on Anti-Social Behaviour and
- A Summary of Policies and Procedures on Anti-Social Behaviour.

In order to ensure consistency for all social housing tenants the Department is now issuing a model document on policies and procedures to associations for dealing with Anti-Social Behaviour. This document fulfils that requirement and will demonstrate the association's approach and commitment to tackling Anti- Social Behaviour.

1.2 THE LEGISLATION IN CONTEXT

Part II of the Housing (NI) Order 2003 was designed to extend powers to tackle Anti-Social Behaviour in local communities. It provides for Introductory Tenancies and includes measures for developing the use of

injunctions and extending the grounds for possession. In addition, Part IV of the 2003 Order provides for persons who are unsuitable to be tenants because of their unacceptable behaviour to be treated as ineligible for housing accommodation or homelessness assistance. The Anti-Social Behaviour (NI) Order 2004 enables the Housing Executive, District Council and Chief Constable of the PSNI to apply to the courts for Anti-Social Behaviour Orders (ASBOs). Associations are not empowered to apply for ASBOs but can apply to the above relevant authorities to issue ASBOs on their behalf.

1.3 THE STATEMENT

"Anti-Social Behaviour causes fear and anxiety in the community and the Government is pledged to tackling the menace at every level. This document introduces a formal policy and procedures model which is designed to help the association combat Anti-Social Behaviour and neighbourhood disorder."

2.0 **DEFINITION**

2.1 What is Anti-Social Behaviour (ASB) and what kind of behaviour is covered?

The statutory definition (Housing (Northern Ireland) Order 2003) of Anti-Social Behaviour is: Conduct by any individual which causes or is likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality of the dwelling house

In addition:

An individual may be deemed to have acted in an anti-social manner if he/she has:

- been convicted of using the dwelling-house or allowing it to be used for illegal or immoral purposes
- been convicted of an arrestable offence committed in, or in the locality of the dwelling house
- directly or indirectly affected NB Housing Management functions or matters relating to those functions.

Anti-Social Behaviour might include amongst other things:

- Violence or the threat of violence;
- Hate behaviour that targets members of identified groups because of their perceived differences (e.g. race, religion, political affiliation, disabilities or sexual orientation):
- Noise Nuisance (rowdy parties, loud music/TVs dog barking);
- · Arguing and door slamming;

- Environmental quality issues (e.g. litter, dog fouling, graffiti fly tipping, nuisance vehicles);
- Offensive drunkenness;
- Using housing accommodation for selling drugs or drug abuse or other unlawful purposes:
- Intimidation and Harassment:

The above list includes typical types of behaviour which trigger consideration for action by NB Housing. The list is not exhaustive and the policy statement is not an undertaking to act in every instance. Judgment will be exercised by Housing Association-officers when considering and responding to a particular report of Anti-Social Behaviour. The statement of policies and procedures is illustrative rather than prescriptive.

2.2 STRATEGIC CONTEXT

Tackling Anti-Social Behaviour must be seen within the context of existing statutory obligations which include but are not limited to:

- Anti-Social Behaviour (NI) Order 2004
- The Housing (Northern Ireland) Order 1988 (Part II) Article 7A and The Housing (Northern Ireland) Order 1981 Article 22A
- The Children (Northern Ireland) Order 1995 (in particular Article 46)
- The Disability Discrimination Act 1995 (in particular 22(3)(c));
- The Race Relations (Northern Ireland) Order 1997 (in particular articles 21 and 22)
- The Human Rights Act 1998, and
- The Northern Ireland Act 1998 (section 75 Equality of Opportunity)

The Housing (Northern Ireland) Order 2003 affords Housing Associations with specific powers to tackle Anti-Social Behaviour in local communities by the

- Introduction of introductory tenancies
- Possession and injunctions proceedings

This Statement of Policy and Procedures is compatible with the Northern Ireland Housing Executive's Homelessness Strategy and other housing strategies.

2.3 OUR APPROACH TO ANTI-SOCIAL BEHAVIOUR

NB Housing acknowledge that every individual is entitled to live in peace within their neighbourhood and that to provide a quality housing service we will effectively address the problem of Anti-Social Behaviour.

We will:

- quickly and formally acknowledge all reports of Anti-Social Behaviour,
- seek to investigate all reported instances of Anti-Social Behaviour at office level in a timely manner,
- provide advice and support,
- identify and interview all interested parties,
- establish inter agency working where appropriate,
- use legal action when all efforts of conciliation have failed. Action can include possession, injunction and applying to relevant authorities for an Anti Social Behaviour Order,
- endeavour to take action on behalf of Association-tenants who are the victims of Anti-Social Behaviour,
- seek to respond to instances of Anti-Social Behaviour on NB Housing land whether the complainant is a tenant, private tenant or owner occupier and
- in the context of re-housing, take full account of any anti-social behaviour carried out by the housing applicant or their household, to the extent that this is legally permissible.

2.4 TARGET TIMEFRAMES FOR PROCESSING COMPLAINTS

The Association will endeavor to process all complaints within the following timeframes:

Category	Acknowledgement	Review/Interview	Resolve/Monitoring Commencement Date
Emergency	3 working days	7 working days	14 working days
Urgent	5 working days	14 working days	21 working days
Routine	10 working days	21 working days	28 working days

All complaints will be assessed on their specific merits and placed in one of the above categories. The ASB complaints Assessment form at Appendix 2 can be used by the Housing Officer for this purpose.

For example, emergency priority will be awarded if the complainant's personal safety or property is at immediate risk.

2.5 OBLIGATIONS OF TENANTS

The tenant is responsible for the behaviour of every person (including children) living in or visiting the tenants home including responsibility for their behaviour in the home on surrounding land, in communal areas (stairs, lifts, landing, entrance halls, paving shared gardens, parking areas) and in the locality of the dwelling house.

Whether the tenancy is secure or introductory, breaching any of the General Conditions of Tenancy, Good Neighbour Agreement, or statutory obligations may result in the Association-issuing possession, injunction proceedings or applying to the relevant authorities for an Anti-Social Behaviour Order.

Furthermore, anyone who has been involved in Anti-Social Behaviour may find they are ineligible for housing and homelessness assistance in the future.

2.6 SUPPORT OF COMPLAINANTS/WITNESSES

All witnesses have a crucial role to play in tackling Anti-Social Behaviour and will require support throughout the process.

Complaints of Anti-Social Behaviour can be forwarded to the following address NB Housing Association, Gatelodge, 8 Flax Street, Belfast. BT14 7EQ. Complaints may be made in person, in writing, via phone, or by e-mail. Any report of Anti-Social Behaviour will be quickly and formally acknowledged and all reported instances will be investigated. If appropriate the complainant and the Housing Association Officer will agree a plan of action. If the problem persists, it may be appropriate to consider taking legal action and in such circumstances the complainant will be asked to complete an incident diary which will be provided.

If legal action is deemed appropriate the witness will be advised of all developments in the case and will be kept fully informed of all stages in the legal process. If appropriate their agreement will be sought before proceeding.

NB Housing Association-will:

- maintain contact initiate and maintain regular contact with witness,
- explain the process explain how the case is developed and the legal options available,

- provide information keep witness informed of the progress of the case, provide a timetable of the various stages. Advise them of any new developments, explain the procedures of the court and if appropriate seek their agreement to proceed with their evidence,
- advise them of other agencies there are a number of other agencies which may be able to offer additional advice and assistance,
- make any necessary arrangements to ensure the witness attends the court hearing,
- wherever possible, provide support during the court procedures and investigate the availability of separate waiting room for the witness in the court and
- after legal action provide ongoing witness support if necessary and monitor the situation.

2.7 PROFESSIONAL WITNESSES

NB Housing will give careful consideration to the safety of complainants. Where they are not willing to provide direct evidence to the court, NB Housing will endeavor to use professional witnesses and hearsay evidence. These professional witnesses may be officers from the statutory agencies.

2.8 SECTARIAN AND OTHER HARASSMENT POLICIES

NB Housing will treat any racial, sectarian harassment or harassment on the grounds of sexual orientation or disability as a form of nuisance or annoyance likely to cause alarm or distress.

Section 75 of the Northern Ireland Act (1998) requires the Housing Association in carrying out all its functions, powers and duties, to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group,
 - age, marital status, and sexual orientation,
- between men and women generally,
- between persons with a disability and persons without and
- between persons with dependants and persons without.

In addition, without prejudice to its obligations set out above, the Act requires the Housing Association in carrying out its functions, to have regard to the desirability of promoting good relations between those persons of different religious belief, political opinion or racial group.

2.9 DOMESTIC VIOLENCE

The Housing (Northern Ireland) Order 2003 extended the grounds for possession to include domestic violence. NB Housing is empowered to respond where a partner has vacated the dwelling house as a result of violence/threats of violence by the other partner. The violence/threat of violence could be directed at the partner or at other family members living with the partner.

As in any case of Anti-Social Behaviour the NB Housing recognizes the need to ensure the safety of the individual experiencing the Anti-Social Behaviour.

The decision to seek possession of any Housing Association property on grounds of domestic violence will only be made after consultation and with the agreement of the individual concerned. It is not anticipated that the NB Housing will seek possession of a property contrary to the wishes of the affected individual.

2.10 PREVENTION OF ANTI-SOCIAL BEHAVIOUR

Preventative measures are as follows:

Refusal of House Sale for Anti Social Behaviour

A secure tenant will be ineligible to buy if, due to Anti-Social Behaviour, NB Housing has taken legal action for possession of his/her dwelling. There are four possible stages to that action.

- (i) NB Housing is actively considering whether it would be appropriate to serve at some time within the next three months a relevant statutory notice seeking possession.
- (ii) NB Housing has served a relevant statutory notice seeking possession at any time within the previous 3 months.
- (iii) Proceedings for possession of the dwelling pursuant to a relevant statutory notice are pending.
- (iv) The Tenant is obliged to give up possession of the dwelling in pursuance of an Order of the Court which has been granted pursuant to a relevant statutory notice or will be so obliged at a date specified in the Order.

Introductory Tenancies

Implementation of Introductory Tenancies commenced in April 2004 and are intended to address the specific problem of Anti-Social Behaviour and allow NB Housing to assess the suitability of an individual to hold a secure tenancy.

Housing & Homelessness Policy

NB Housing shall not allocate housing accommodation to any applicant if he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of a Housing Association.

Mediation

All cases of Anti-Social Behaviour will be treated seriously and thoroughly investigated. However, attempts will be made, if appropriate to resolve the problem via conciliation as opposed to confrontation and ultimately legal action.

Once a case is reported, mediation should be considered in the first instance and our representative should contact the parties involved and arrange to meet with them. Mediation can go ahead with all the parties to the dispute in the same room, or with the mediators meeting people separately.

Mediation permits individuals to discuss their grievances and resolve their own disagreements. It can offer a more positive alternative to legal action.

Multi-agency Partnerships

The Association encourages interagency working to address Anti-Social Behaviour and recognizes that the problems faced in some communities are complex and whilst no single solution can tackle these effectively equally no single organisation can meet these challenges on its own.

In the case of Anti-Social Behaviour it facilitates discussion between the relevant authorities such as Probation, Health and Social Services, Youth Justice and Education Welfare and will aim to provide a comprehensive assessment of an individual's problem behaviour. The association will actively engage with other organizations, share best practice and as far as practicable provide the opportunity to refer the individual to an appropriate organisation for support, diversion, or another early intervention.

Acceptable Behaviour Contracts

A written agreement between a person who has been involved in Anti-Social Behaviour and one (or more) of the partner bodies whose role it is to prevent such behaviour. A model for the delivery of Acceptable Behaviour Contracts (ABCs) is attached at Appendix 1

Warning Letters

Use of warning letter to the individual committing the Anti Social Behaviour, is considered at an early stage.

Information Sharing

A formal agreement for the sharing of personal information between the Police Service of Northern Ireland and the NB Housing was signed on February 2017 and is now operational.

Lock Out Crime Scheme

The Lock Out Crime Scheme is funded by the Northern Ireland Office. It is offered to all households aged 65 years and over and in receipt of housing benefit or rent rebate. This scheme operates irrespective of tenure and provides a range of improved home security devices including locks, bulk head lighting window locks, door chain/bar and door viewer.

Floating Support/Tenancy Support Schemes

The Supporting People programme was introduced in Northern Ireland on 1st April 2003. The Northern Ireland Housing Executive administers the Supporting People programme and the grant in Northern Ireland.

The Housing Executive in Partnership with other agencies provide floating support to vulnerable tenants and housing applicants to assist them in living independently and sustaining their tenancy thus preventing a cycle of eviction because of Anti-Social Behaviour.

Secured by Design

The application of Secured by Design, particularly in newbuild schemes is still optional. The Department announced some time ago this award would be made 'mandatory' at some stage, but this has been delayed due to a resource problem within the Architectural Liaison Service of the PSNI, Crime Prevention Branch. The Department is presently discussing with PSNI other ways of delivering this service. Until then, this award remains optional for Housing Association development.

2.11 REHABILITATION OF PERPETRATORS

When dealing with alleged perpetrators the NB Housing response will depend on the nature of the offending behaviour. In many cases of Anti-Social Behaviour there may be underlying causes such as:

- Drug Addiction
- Alcohol Addiction
- Mental Health Issues
- Learning Difficulties
- Family or relationship breakdown

Individuals whose Anti Social Behaviour is a consequence of one or more of the issues listed above may sometimes require support in maintaining their tenancies and addressing their behaviour. NB Housing when dealing with vulnerable individuals will consider the factors which may be contributing to neighbour nuisance before deciding on an appropriate course of action. The association will liaise with the individuals and other service providers to identify the availability of appropriate support packages.

Juvenile Perpetrators

When dealing with young people the NB Housing will attempt to ascertain the causes of the Anti-Social Behaviour and involve parents/guardians. Consultations with appropriate agencies will be undertaken i.e. Probation, Youth Justice, Health & Social Services and Education Welfare. In particular Social Services will be advised of the Association's involvement with any young person participating in Anti-Social Behaviour given the former's duty under Article 18 of the Children (Northern Ireland) Order 1995.

2.12 MULTI AGENCY WORKING

NB Housing should actively develop where possible Multi-Agency protocols with the Probation Board for Northern Ireland and the Prison Service on reducing re-offending and Homelessness among offenders by early identification of the underlying causes that contributes to their re-offending behaviour. It is intended to introduce a tri-partite information sharing protocol which includes the Police Service of Northern Ireland, the Northern Ireland Housing Executive and the District Councils in respect of the sharing of information specifically related to the seeking and securing of Anti-Social Behaviour Orders.

2.13 DATA PROTECTION AND INFORMATION EXCHANGE

Data Protection Act 1998

The Data Protection Act 1998 regulates the processing and handling of personal data that has been lawfully obtained.

The Data Protection Principles

Personal data held about you must be:

- 1. Fairly and lawfully processed.
- 2. Processed for limited purposes and not in any way incompatible with those purposes.
- 3. Adequate, relevant and not excessive.
- 4. Accurate and kept up to date.
- 5. Not kept for longer than is necessary.
- 6. Processed in line with your rights.
- 7. Secure.

In general, there is a prohibition against the disclosure of personal data from one party to another unless the above principles have been complied with. However, there are certain exemptions to the non disclosure rules under the DPA which allow NB Housing to process personal information without following all the principles. Personal data can be disclosed in the following circumstances:

- To prevent or detect crime
- To apprehend or prosecute offenders
- · Where disclosure is required by law
- In connection with legal proceedings

2.14 CONFIDENTIALITY

Subject to any legal requirements, any information received by the NB Housing will be treated with the utmost of confidence. In any particular case of Anti-Social Behaviour, disclosure of information by the association to any other party (subject to any legal requirements) will not occur without the permission of the person who provided the information unless required to do so by law.

As detailed in the Data Protection section above, information may be shared with other agencies for the purpose of crime prevention, prosecution of offenders and legal proceedings.

In ASBO applications, hearsay evidence and professional witnesses may be used to protect the identity of complainants.

2.15 CROSS TENURE ISSUES

The Housing (Northern Ireland) Order 1983, Housing (Northern Ireland) Order 2003 and Anti-Social Behaviour (Northern Ireland) Order 2004 afford the Association the ability to seek Injunctions, and Possessions, as a result of Anti-Social Behaviour. Injunctions and Anti-Social Behaviour Orders proceedings are not restricted to Housing Association tenants but can be initiated in respect of any individual involved in Anti-Social Behaviour in the locality/vicinity of Association owned/managed stock.

2.16 PROTECTION OF STAFF

In keeping with its overall objectives and in accordance with the requirements of the Health and Safety at Work (Northern Ireland) Order 1978 and associated legislation, NB Housing recognizes and accepts its responsibility as an employer for providing a safe and healthy workplace and as far as is reasonably practicable, a risk free working environment for all its employees.

NB Housing will also conduct its activities so as to minimise, and where possible, eliminate the risk to which others may be exposed as far as is reasonably practicable.

NB Housing will take all reasonably practicable steps within its power to meet these responsibilities,

Where employees are required to work outdoors or at locations away from their normal base, the NB Housing will ensure that, so far as is reasonably practicable, all steps are taken to ensure their safety and health. All Association Officers are provided with appropriate training and personal safety awareness. They are also trained on how to deal with difficult situations. Training needs are kept under review.

2.17 TRAINING OF STAFF IN DEALING WITH ANTI-SOCIAL BEHAVIOUR

In response to the implementation of the Housing (Northern Ireland) Order 2003 the Department held a Seminar in conjunction with the Housing Executive for all associations dealing with complaints of Anti-Social Behaviour. The Northern Ireland Housing Executive is committed to assisting the associations and to this end offer a range of training packages

Tenant Participation

The Association actively encourages tenant participation in discussing and developing the local services, and addressing housing issues generally. By being more involved, tenants will be better informed, contribute to better decision-making, improve services and standards locally, and develop their own skills and opportunities.

To achieve this, Department for Communities, as part of the <u>Tenant Participation Strategy for Northern Ireland: 2015 - 2020</u> has set up an independent Tenant Organization (ITO) to work with tenants, community groups and housing providers to achieve meaningful tenant and community participation.

2.18 COMPLAINTS

NB Housing will provide help and advice to tenants and members of the public on housing matters and we aim to provide good quality services Where the complainant is not satisfied with the Association's response to a complaint of anti-social behaviour, an appeal to the full Management Committee may be facilitated. Their decision at any such appeal will be the Association's final stage of the Association's internal Complaints policy.

If a complainant is not satisfied with the final response received from NB Housing, the Northern Ireland Ombudsman may be asked to investigate the complaint.

His office can be contacted for advice on Freephone 0800 34 34 24, by writing to the Ombudsman, Freepost RTKS-BAJU-ALEZ Belfast BT1 6BR or The Ombudsman, Progressive House, 33 Wellington Place, Belfast, BT1 6HN or email ombudsman@ni-ombudsman.org.uk.

It should be noted that the Ombudsman normally expects that a complainant will have used the Association's internal complaints procedure before bringing a complaint to him.

2.19 POLICY REVIEW

This policy will be subject to systematic 2 yearly reviews, or as and when required.





Acceptable Behaviour Contract

This contract/agreement is made on	(date)
Between NB Housing	
And(name of inc	dividual person causing ASB).
(Name of individual) agrees the following in res	spect of future conduct:
1/ I will not threaten, swear or abuse any reside around (name specific area).	ents or passers by in and
2/ I will not throw missiles including stones at rearound (specific area).	esidents or passers by in
3/ I will not intimidate any person.	
4/ Any other terms that are relevant.	
Furthermore (name of individual) enters into a NB Housing not to act in an antisocial manner harassment, alarm or distress to one or more phousehold.	that causes or is likely to cause
Breach If (individual) does anything which he/she has a contract which the Association considers amou application may be made for an Anti Social Bel order.	int to Anti-Social Behaviour an
Declaration I confirm that I understand the meaning of this the consequences of a breach of this contract I	•
Signed	(individual) Dated
Signed	Dated
Witnessed	
Signed	(Police). Dated
Signed Manager) Dated	(Housing



ANTI SOCIAL BEHAVIOUR COMPLAINT ASSESSMENT

Name: Address: Incident No:

This assessment, completed by the Housing Officer (IO)

is designed to help you identify vulnerable victims, witnesses, and complainants. It should be used as a guide, and in combination with your own judgement (and that of your neighbourhood partnership) to help ascertain what support and protection is required in any given situation. All action taken as a result of your assessment should be discussed with the witness to ensure it meets their needs.

Other than this occasion - how often do you have problems?	5 3 2 1 0	Daily Most days Most weeks Most months Only occasionally
2. Do you think the current incident is linked to previous incidents? If so why?	2 0	Yes No
3. Do you think that incidents are happening more often and/or are getting worse?	2 0	Yes No
4. Do you know the offender/ s?	2 1 0	They know each other well They are 'known' to each other They do not know each other
5. Does the perpetrator (or their associates) have a history of or reputation for intimidation or harassment?	6 4 2	Perpetrator or their associates are currently harassing the complainant Perpetrator or their associates have harassed the complainant in the past Perpetrator or their associates have not harassed the complainant, but have a history or reputation for harassment or violent behaviour Perpetrator or their associates have no history or reputation for harassment or intimidation
6. Have you informed any other agencies about what has happened? If yes, are you happy for us to discuss this problem with them? Details:	0	Yes No

7. Which of the following do you think that this incident deliberately targeted Specify	4 3 1 0	You Your family Your community None
8. Do you feel that this incident is associated with your faith, nationality, ethnicity, sexuality, gender or disability? Details:	3	Yes No
9. In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (e.g. because of personal circumstances) Details:	3 0	Yes No
10. How affected do you feel by what has happened? Details:	0 1 2 3 5	Not at all Affected a little Moderately affected Affected a lot Extremely affected
11. Has yours or anyone's health been affected as a result of this and any previous incidents? Details:	3	Physical health Mental health
12. Do you have a social worker, health visitor or any other type of professional support? Can we speak to them about this? Details:	0	No Yes
13. Do you have any friends and family to support you?	3 3 1 0	Complainant lives alone and is isolated The complainant is isolated from people who can offer support The complainant has a few people to draw on for support The complainant has a close network
14. Apart from any effect on you, do you think anyone else has been affected by what has happened? Details	1 3	of people to draw on for support Your family Local community Other

28

30

High

0

These agencies are there as a guide, and should be used in combination with other local resources, and your own judgement of what support and protection are required in any given situation. All action taken as a result of your assessment should be discussed with the witness to ensure it meets their needs.

POLICE
HOUSING TEAM /FLOATING SUPPORT
NEIGHBOURHOOD WARDENS
VICTIM SUPPORT / OTHER SUPPORT SERVICES
POLICE
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