



Anti-Social Behaviour Policy

Supported Living Policies

ASB response procedures, information and Diary logs



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Responsible officer	ASB Policy
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1. Introduction

This policy sets out how Retail Trust will manage cases of anti-social behaviour. Retail Trust believes that everyone has the right to live the way they want as long as this does not impact negatively upon the quality of life of others. This means being inclusive, accepting and respecting the needs and choices of other people.

Anti-social behaviour is not acceptable to Retail Trust and we will act to deal with it when it occurs and take measures to prevent it. Retail Trust is fortunate in that there are very few incidences of anti-social behaviour reported. Each Retail Trust estate houses retired individuals and each estate has defined boundaries which reduces the likelihood of anti-social behaviour from sources outside the estate.

2. Scope

Anti-social behaviour is any behaviour by residents, groups of residents, members of their household or their visitors which may cause, or be likely to cause, a nuisance or annoyance to anyone else and which may be in the form of harassment, criminal, illegal and /or immoral behaviour.

Examples of anti-social behaviour are:

Harassment including racial and sexual harassment and intimidation

- Aggressive and threatening language and behaviour
- Acts of violence against property or people
- Hate behaviour that targets members of identified groups because of their perceived differences. (For example, race and ethnicity, religion, sexual orientation, mental health or disability).
- Using the home for unlawful purposes e.g. drug dealing
- Local environmental quality issues (for example, litter, dog fouling, graffiti, and nuisance vehicles).
- Noise nuisance (for example, loud parties, shouting, noise from TV's radios and Hi-fi's).
- Obstructing communal areas

3. Specific Policies

Retail Trust has in place policies which deal with specific forms of anti-social behaviour:

a) Equality and Diversity Policy

Retail Trust will not tolerate any form of harassment of residents, their visitors, staff or contractors. Any harassment on the grounds of race, colour, religion, sex, sexual orientation, age or disability is in breach of tenancy conditions and will be treated as a very serious matter. Retail Trust regularly reviews its Equality and Diversity policy and procedures.

b) Safeguarding Adults Policy and Procedures.

Retail Trust believes that every vulnerable adult residing in one of our properties has the right to live free from abuse. We work in collaboration with staff and other agencies to uphold the right of vulnerable adults to protection from harm and exploitation making constructive use of the law. Our staff are trained and supported in recognising and dealing with incidents of abuse which they will do with respect for the dignity, privacy, independence, and individuality of the vulnerable adult.

4. Aims and Objectives of this Policy

Retail Trust aims to:-

- Develop and support measures to prevent anti-social behaviour
- Act to prevent anti-social behaviour
- Support complainants and others affected by anti-social behaviour
- Work with other agencies to tackle anti-social behaviour

Objectives:-

Retail Trust's prime objective is to provide and manage housing for those in greatest need, whether this need is financial, social, medical and/or other needs. Linked to this, is a commitment to support individual residents to enjoy quiet, safe and peaceful lives. In striving to achieve these objectives, Retail Trust will:

- Utilise a range of preventative and proactive measures to prevent antisocial behaviour
- Offer support to complainants and witnesses
- Be robust in using all the tools and legal remedies available
- Ensure staff involved in dealing with cases have an understanding of the causes of anti-social behaviour, can identify problems and are well trained in implementing procedures
- Keep policies and procedures under review
- Record and publicise results
- Give support to those committing anti-social behaviour where that person has a support need (e.g. a mental health issue or disability)
- Work in partnership with other housing providers, police, local authorities and other agents.

** Where the resident or perpetrator suffers from a disability within the meaning of the Disability Discrimination Act 1995, Retail Trust would consider the complaint against 3 keys tests (as set out in these procedures) before taking any legal action.*

5. Retail Trusts Approach

Retail Trust makes it clear to all residents at the commencement of their tenancy the standards of behaviour expected. The Tenancy Agreement is the legally binding contract between Retail Trust as landlord and our residents. It sets out obligations, terms and condition on both residents and Retail Trust. The tenancy agreement contains a specific clause on Anti-social behaviour. Residents are responsible for the behaviour of those who live with them and their invited visitors.

Retail Trust's response to any reported incidents of anti-social behaviour is to consider the facts of each case and to respond appropriately. This may mean that in some cases only the residents themselves can resolve the issues. In other cases, where incompatible lifestyles will always bring neighbours into conflict, other measures may be used such as the transfer to a different property or estate if appropriate.

6. Supporting Witnesses

If legal action is taken, evidence will be required from witnesses. Retail Trust will support witnesses by:

- linking a number of witnesses of a case together for mutual support;
- offering external support;
- escorting witnesses to Court hearings;
- having regard for their safety and security in cases following a Court hearing, where there may be retaliation from the perpetrator or their family/friends.
- respecting and keeping information provided by, and the identity of complainants and/or witnesses, confidential (subject to GDPR legislation and any other legal obligations and requirements to which Retail Trust is subject.)

7. Data Protection and Information Sharign

Good practice identifies that information sharing is the key to successful solutions to combating anti-social behaviour. In all matters of information sharing, Retail Trust will comply with its own policies drawn up in accordance with the Data Protection Act.

Retail Trust's Data Protection Policy states how, when and with whom information will be shared. The complainant and witnesses will be informed that the information they have produced (particularly through diary logs) will be shared

8. Staff Training

All staff involved in carrying out procedures:

- will receive anti-social behaviour awareness training as part of their induction and thereafter at regular intervals in order to keep abreast of changes in legislation and good practice.
- will be aware of support available where there are language or literature difficulties in respect of the perpetrator, the victim or witnesses.
- will make themselves aware of Retail Trust's policy and procedures together with local knowledge of relevant agencies.
- have attended various training sessions and seminars identifying good practice

Part Two: Statement of Procedures

1 Categories of Anti-Social Behaviour

Retail Trust's views anti-social behaviour in three broad categories:

Category 1: Crime and serious nuisance such as drug dealing, unprovoked assault, racial, sexual or gender harassment, intimidation, vandalism, significant damage to property and abuse of staff; hate crime; unlawful use of the home.

Category 2: Verbal harassment, excessive and persistent noise; persistently annoying and unreasonable behaviour, including lack of control of pets, rubbish dumping.

Category 3: Annoying behaviour, including poor upkeep of gardens; nonpermitted use of premises;

It is acknowledged that some cases of dispute and anti-social behaviour may change category over the length of time.

A full copy of Retail Trust's policies & procedures in respect of Safeguarding Vulnerable Adults, Data Protection and Equality & Diversity, can be obtained on request.

2 How to make a complaint

A complaint may be made by telephone, letter or email to either the Estate Manager or Senior Support Assistant at the relevant estate or the Director of Supported Living Services.

If the complaint is of a serious or criminal nature, the complainant should also inform the police and/or other relevant agency, (e.g.) social services.

Where necessary, the Officer involved will arrange for relevant support where the complainant or perpetrator has language or literacy difficulties.

3 How Retail Trust will respond to and process a complaint

The relevant officer will respond to the initial report within the timescales below:

- Category 1 - within 24 hours
- Category 2 - within 3 working days
- Category 3 - within 5 working days.

Retail Trust operates a four stage complaints procedure, with provision for a satisfactory resolution at each stage. At each stage the complainant should expect to be given information and advice about options available to them and to Retail Trust, including for non-serious nuisance that the complainant tries to resolve the matter with the perpetrator themselves. The objective is to resolve the matter through agreed action plans and mediation. From the outset, a complainant will be advised to keep diary logs of the anti-social behaviour they are experiencing, and blank log sheets will be sent to them. It should be acknowledged that in some cases of minor nuisance, there will be cases which are never resolved to the satisfaction of both parties.

If a legal remedy is to be sought, the Estate Manager may seek advice from a specialist solicitor. The complainant may be introduced to the solicitor (and where appropriate the police and other agencies) with the support of Retail Trust staff at all times.

If Court action is taken, the complainant and witnesses will be supported at court by Retail Trust staff and solicitors; and thereafter Retail Trust will endeavour to ensure the complainant and witnesses (and their families where appropriate) are provided with support for their safety and security.

If a complainant is unhappy about the service they have received from Retail Trust, they can invoke the Complaints Procedure.

4 Supporting complainants

In cases of serious anti-social behaviour or racial harassment or abuse, the person(s) reporting the incident(s) will be provided with support to suit their needs.

This support might include:

- Increased security to their home
- A move to temporary accommodation
- Regular contact and visits by their estate support staff

Wherever possible, the involvement of other agencies will be sought, particularly in cases of domestic violence.

5 Supporting perpetrators

Where the person committing an act of anti-social behaviour suffers from a disability within the wide meaning of the Disability Discrimination Act (DDA), Retail Trust will (with relevant support from specialist agencies) undertake an evaluation of the case before seeking a legal remedy. The evaluation will take the form of 3 key tests:

- a) whether the perpetrator suffers from a disability (as defined in the DDA)
- b) whether the disability has caused the anti-social behaviour or whether the behaviour was symptomatic of the disability
- c) even if the behaviour is symptomatic of the disability, proceedings need to be taken to protect the complainant, the perpetrator or others

Where the behaviour is symptomatic of a disability, Retail Trust will endeavour to support such a perpetrator, which may involve the use of advocates, specialist agencies, or to support a move to more appropriate accommodation

6 Legal and non legal remedies Retail Trust may adopt

- Mediation services – in early non-serious cases where the complainant and perpetrator have failed to engage amicably

- Anti-Social Behaviour injunctions (ASBIs) – for both persistent nuisance and more serious anti-social behaviour, primarily with a view to maintaining the perpetrator in their tenancy (if appropriate), but linked to a Possession/Eviction Order where eviction is considered necessary
- Possession proceedings – for cases of serious nuisance and harassment
- Demoted tenancies – in the case of persistent nuisance
- Injunctions and Exclusion Orders – without notice injunctions will be used as an interim measure in serious cases
- Noise Abatement Notices – to be issued by the local Environmental Health Department where there is a statutory nuisance as defined in law. A breach of this notice can lead to the confiscation of the equipment and substantial fines.

7 Data collection

Retail Trust collects the following data:

. Date of reported incident

- The categorisation of the incident
- The stage of the 4 stage process the complaint is at
- Other agencies involved
- Intermediate remedies used
- Stage of any legal action
- Outcomes

Data is collected as follows:

- By the Estate Manager on a day-to-day basis
- Reports prepared monthly by the Estate Manager.
- Statistics provided annually to the Board

Data is/will be used for:

- Monitoring trends internally and externally
- Ensuring policies and procedures are adhered to

8 Complaining about how the case has been dealt with

If the complainant is not happy with the way that their complaint regarding antisocial behaviour has been dealt with, they should alert the Estate Manager.

The matter will then be looked into in line with Retail Trust's Suggestions, Complaints and Compliments procedure. The decision of the Chief Executive or Chairman of the Board of Trustees will be final and in writing.

Part 3: Summary of Retail Trust's Anti-Social Behaviour Policy and Procedures

1 Introduction

This document provides a summary of Retail Trust's policy and procedure on anti-social behaviour.

The term 'Complainant' in this summary to describe the person who reported the anti-social behaviour.

The term 'Perpetrator' to describe the person who is causing or alleged to be causing the anti-social behaviour.

2 Summary of procedure on anti-social behaviour

If the complaint is about a neighbour, you should try to resolve the problem with that person before you contact us. If it is not possible for you to resolve the problem yourself or it is inappropriate for you to attempt to do so, you should contact Retail Trust.

Retail Trust will investigate all complaints of anti-social behaviour and will attempt to resolve all such complaints without resorting to legal action. Retail Trust will take legal action against perpetrators of anti-social behaviour, where it considers it necessary and appropriate to do so.

Retail Trust has in place a policy and procedures which outlines the action that will be taken in the event of Anti-social behaviour being reported. This policy and procedure has been established to comply with the Anti-social behaviour Act 2003.

3 Retail Trust will:

- Utilise a range of preventative and proactive measures to prevent antisocial behaviour
- Offer support to complainants and witnesses
- Be robust in using all the tools and legal remedies available
- Ensure staff involved in dealing with cases have an understanding of the causes of anti-social behaviour, can identify problems and are well trained in implementing procedures
- Keep its policies and procedures under review
- Record and, may, publicise results
- Give support to those committing anti-social behaviour where that person has e.g. a disability or a mental health problem.
- Keep all parties informed of progress

4 How to make a complaint about Anti-Social Behaviour

A complaint may be made:

- By telephone to either the Estate Manager at the relevant estate or the Director of Supported Living Services. The officer will note down the details of the incident and will follow up on the complaint;
- By letter or email to either the Estate Manager at the relevant estate or the Director of Supported Living Services.

5 How Retail Trust will respond to and process a complaint

The relevant officer will respond to the initial report within the timescales below:

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Retail Trust operates a four stage complaints procedure, with provision for a satisfactory resolution at each stage. At each stage the complainant should expect to be given information and advice about options available to them and to Retail Trust, including for non-serious nuisance that the complainant tries to resolve the matter with the perpetrator themselves. The objective is to resolve the matter through agreed action plans and mediation. From the outset, a complainant will be advised to keep diary logs of the anti-social behaviour they are experiencing, and blank log sheets will be sent to them.

If a complainant is unhappy about the service they have received from Retail Trust, they can invoke Retail Trust's Complaints Procedure.

At all times Retail Trust aims to ensure that the complainant is aware of the current position regarding their complaint.