

20/20 HOUSING CO-OPERATIVE ANTI-SOCIAL BEHAVIOUR AND HARASSMENT POLICY

Aims of the anti-social behaviour and harassment policy

The following are aims of the anti-social behaviour and harassment policy:

- To make a commitment to tackling anti-social behaviour, and to ensuring that our members and others are able to enjoy peace, quiet and security in and around their homes
- To take positive action, in partnership with others, to deal with anti-social behaviour
- To work with our members and others to define acceptable standards of behaviour within our community
- To aim to support Birmingham City Council's strategies for tackling anti-social behaviour and to comply with the Neighbourhood and Community Standard
- To seek to develop a sense of community, mutual respect and support throughout our membership and within the local community.

Delegated Authority

- 1 The co-op's Management Committee has designated Complaints Officers. The co-op delegates its Complaints Officers to operate its anti-social behaviour policy who are authorised to:
 - respond to anti-social behaviour complainants
 - initiate actions as set out in this anti-social behaviour policy
- 2 Unless either are parties to a complaint or have a conflict of interest in relation to a complaint, Complaints Officer will liaise with each other, BCHS and/or other committee members to agree actions to take in relation to complaints. Anti-social behaviour cases that require significant actions to be taken will usually require Management Committee approval. Urgent action should usually be approved by a Complaints Officer in conjunction with other committee members.

The co-op's statement on anti-social behaviour

- 3 The co-op recognises that, left unchallenged, anti-social behaviour can have a significant negative impact on the lives of our members and the community. The co-op responds in a timely and co-ordinated way to incidents of anti-social behaviour and takes a pro-active approach to preventing anti-social behaviour occurring in the first place.
- 4 A comprehensive range of measures can be used to prevent and combat anti-social behaviour, as set out below.
- 5 The co-op recognises:
 - that anti-social behaviour may affect our members, other people living with or visiting our members, and other residents in neighbouring areas to our homes
 - the rights of individuals to a fair hearing and that there should be a presumption of innocence until the facts about any complaint of anti-social behaviour have been established
 - that everyone has a right to enjoy their own lifestyle but only where this does not interfere with the rights and quality of life of other residents
 - the need to ensure that all members and residents are treated fairly, consistently and equitably and to take into account any particular needs of a member or resident from a disadvantaged background.
- 6 In tackling anti-social behaviour, the co-op will ensure that it complies with all appropriate legislation and regulations.
- 7 Section 218A of the Housing Act 1996, inserted by Section 12 of the Anti-Social Behaviour Act 2003, requires all Registered Provider landlords to publish a statement of their anti-social behaviour policy. The policy must be made available to the public and kept under review. The Anti-Social Behaviour, Crime and Policing Act 2014 updates previous requirements and provides new provisions for addressing and preventing anti-social behaviour.

- 8 The Protection from Harassment Act 1997; the Noise Act 1996; and the Environmental Protection Act 1990 are also all relevant to the Anti-Social Behaviour Policy.

The co-op's definition of anti-social behaviour

- 9 The co-op defines anti-social behaviour as conduct which is capable of causing a nuisance or annoyance to any person, which directly or indirectly relates to or affects the co-op's operations and using or threatening to use the co-op's homes for an unlawful purpose.
- 10 This means that the co-op will not tolerate any action or omission, deliberate or otherwise, which interferes with another person's peace, quiet or security. Examples of anti-social behaviour can include, but are not limited to:
- any kind of criminal behaviour
 - harassment, hate incidents and hate crime
 - graffiti and vandalism
 - damaging another person's possessions or property
 - racial harassment and/or other hate related behaviour
 - alcohol abuse and drunken behaviour
 - nuisance from pets and animals
 - excessive noise
 - dumping rubbish, fly tipping and littering
 - misuse of communal areas
 - problems caused by vehicles
 - any breaches of tenancy conditions
 - domestic disputes and domestic violence
 - other activities that can cause nuisance.
- 11 The co-op expects all its members to display acceptable standards of behaviour at all times. In particular, the co-op expects its members to:
- fully comply with the conditions set out in their tenancy agreement, particularly relating to anti-social behaviour, nuisance and harassment

- take responsibility for the behaviour and actions of their family members, relatives and visitors to their property.

Dealing with anti-social behaviour

- 12 The co-op encourages its members and local residents who are suffering from any kind of anti-social behaviour to report the problem to the co-op as soon as possible, in person, by telephone, in writing, or through a third party (eg. a Councillor, friend or relative) to BCHS's office or to any Management Committee member.
- 13 Complaints may also be made anonymously, but this may restrict the amount of investigation and action the co-op can undertake and will not allow the co-op to provide the complainant with information and support.
- 14 The co-op will usually keep any information given confidential unless the person who has given the information agrees that it can be shared with particular other agencies. However, in some cases, there may be legal reasons why the co-op is obliged to pass on information and why the full Management Committee needs to consider issues.
- 15 Where information is given to other agencies, the co-op will ensure that the information is accurate, relevant and sufficient for the purpose for which is needed, and that it will be kept securely and for no longer than necessary.
- 16 On receipt of an anti-social behaviour complaint, the Complaints Officer, possibly working with BCHS and/or other committee members, will:
 - record the complaint (or if the complaint has been made to a Management Committee member, the Management Committee member will refer the complaint to the Complaints Officer for them to ensure that it is recorded)
 - allocate a named officer to work on the case (the Complaints Officer, another committee member, a BCHS officer, or, if there is a reason why none can be the named

officer, someone else). Complainants may request that their case is only dealt with by either a Management Committee member or by BCHS, but in all cases, Management Committee members will need to be in a position where they can discuss the case with BCHS, and all cases will need to be reported to the Management Committee

- ensure that the co-op acknowledges the complaint formally within 5 working days, and inform the complainant of who will work on the case and how to contact them
- develop an initial action plan, in consultation with the complainant, to investigate the problem
- investigate, as far as possible, every complaint, even if reported anonymously. The co-op will endeavour to investigate every complaint within 5 working days.
- take timely, effective and consistent action to tackle the problems by using the range of measures available
- report back to the complainant, where possible, within 10 working days of the complaint being made
- provide regular reports to the complainant on the progress of persistent cases.

17 The co-op will seek to challenge anti-social behaviour and bring about real changes by using a variety of intervention, prevention and rehabilitation, where appropriate in partnership with other agencies.

18 Where anti-social behaviour is being committed by anyone under the age of 18, the co-op will seek to engage with and involve the parents/guardians of the young person.

19 The co-op will seek to make referrals to appropriate agencies for further support/action and where appropriate, will share information with other agencies (eg. the Police) for the purposes of prevention and detection of crime.

Measures to prevent tackle anti-social behaviour

20 The co-op will use a variety of measures to prevent and tackle anti-social behaviour. Actions taken will be incremental in nature, with the emphasis being on bringing about real

changes and improvements in behaviour of those who commit anti-social behaviour. If anti-social behaviour persists, the co-op will take further appropriate action.

21 In conjunction with other agencies, the measures that the co-op might seek to use to prevent anti-social behaviour could include:

- developing a sense of community in the co-op to ensure that members feel a sense of mutual support and respect
- promoting acceptable behaviour and educating members on anti-social behaviour and its impact on others
- regularly inspecting the co-op and removing graffiti, dumped rubbish and abandoned vehicles as quickly as possible
- arranging informal contact, conducting meetings, issuing warnings and agreeing Acceptable Behaviour Contracts (ABCs) with members
- making available a mediation service to resolve neighbour disputes
- working with Community Mental Health Teams and social services in order that care plans can be drawn up or amended to support members experiencing mental health crisis and prevent anti-social behaviour issues arising
- working with the Crime & Disorder Reduction Partnership
- structured interviewing of perpetrators with problems related to alcohol or drug abuse to establish ways resolving issues related to that abuse
- making referrals to other agencies for intervention and support where appropriate
- sharing information with the Police and other agencies for the purposes of prevention and detection of crime and disorder (the identity of a person supplying information will remain confidential, unless they give their permission to reveal it).

22 Where prevention does not work, and anti-social behaviour persists, the co-op will take firm enforcement action to resolve the problem. This could include applying for a Civil Injunction,

a Community Protection Notice or a Possession Order to have the perpetrator evicted.

Supporting complainants and witnesses

- 23 The co-op is aware that making a complaint about anti-social behaviour or acting as a witness in a court case may cause anxiety and stress. The co-op is committed to doing all it can to support, reassure and protect members that report anti-social behaviour and act as witnesses.
- 24 Members are not generally expected to go to court as a witness, as most cases of anti-social behaviour are resolved without legal action. However, where necessary, the co-op will work with members to help them build up an understanding of the legal process, ensure they have any information they need and help develop the confidence and strength of purpose to act as a witness in court.

Hate incidents and hate crime

- 25 A hate incident is one where the complainant believes they are being harassed or targeted because of who they are, for example because of an impairment, race, religion, gender identity or sexual orientation. Hate incidents can include verbal insults, harassment, bullying or intimidation, physical attacks, spitting, hoax calls, hate mail, online abuse, graffiti, damage to property, and malicious complaints.
- 26 A hate crime is any offence which has been aggravated by prejudice against a group protected by law from such prejudice. A hate crime can occur because someone believes a person belongs to one of the protected groups, even if they do not.
- 27 The co-op will treat all incidents which are or appear to be hate incidents or hate crimes as severe anti-social behaviour. Where an incident appears to be a hate crime, the complainant should be advised that the co-op will pass the matter to the Police.

Harassment

- 28 Harassment is any deliberate act that interferes with the peace, comfort or safety of an individual or group because of their race, colour, religious belief, ethnic or national origin (racial harassment), their gender or sexuality (sexual harassment), their disability (disability harassment), their age, appearance or other personal attributes.
- 29 Harassment can occur in many forms and incidents can be subtle or blatant. Examples of harassment can include abusive language, abusive or threatening behaviour, physical assault, damage to property, graffiti, behaviour that interferes with peaceful occupation of the home. Harassment can be directed towards members, residents, co-op volunteers or staff working on behalf of the co-op.
- 30 The co-op's tenancy agreement lists racial or other forms of harassment as ground for legal action to be taken against members. The co-op will treat all racist and other hate related incidents very seriously and will take prompt and effective action against harassment wherever possible. The co-op will consider an incident to be racist or another hate related incident where the victim of the incident or any other person perceives the incident to be so.
- 31 The co-op will deal with such incidents by:
- responding quickly and effectively in all cases
 - ensuring that the perpetrators are identified wherever possible and action taken
 - ensuring that members are aware of the co-op's policies in this area and feel able to report incidents
 - ensuring that the co-op has access to staff who are trained to deal with harassment and to be able to distinguish between general neighbour disputes and harassment.
- 32 The co-op will act quickly to remove racist, hate related or offensive graffiti, wherever possible within 24 hours.

Protecting officers working on behalf of the co-op

- 33 The co-op will not tolerate verbal or physical abuse against its volunteer members, staff or contractors working on behalf of the co-op. The co-op will take appropriate action to deal with abuse of this nature, using warning letters, injunctions (with the power of arrest if appropriate) and other forms of legal action to protect members, staff and contractors from anti-social behaviour, graffiti, criminal damage, harassment, threats and verbal or physical assault.

Information on anti-social behaviour

- 34 The co-op will ensure that Management Committee members and staff working for the co-op dealing with anti-social behaviour acting on its behalf have access to training and information to be able to deal with anti-social behaviour issues.
- 35 In particular, the co-op will ensure that those tackling anti-social behaviour on behalf of the co-op:
- are aware of issues surrounding anti-social behaviour, including the legislation and the powers available to tackle anti-social behaviour
 - understand the importance of dealing with problems quickly
 - are able to record details of incidents fully and accurately
 - are able to provide the complainant with practical information, advice and support
 - are aware of the need to treat the complaint confidentially
 - understand and are sensitive to diversity issues.

Potential risks to be avoided

- Members or others having to suffer ongoing anti-social behaviour because the co-op does not tackle problems
- The co-op considering that, because it is a co-op, incidents of anti-social behaviour never occur
- The co-op does not comply with the Neighbourhood and Community Standard