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POLICY

1 Policy

Statement

1.0 At the Royal Borough of Kingston upon Thames (RBK), we aim to make our neighbourhoods a peaceful and safe place to live.

We aim to achieve this by:-

- Taking action to stop anti-social behaviour
 - We will not tolerate anti-social behaviour and will work to prevent and address anti-social behaviour involving or affecting our tenants, employees, contractors and those representing us
 - We will investigate promptly and will use a variety of remedies to tackle anti-social behaviour, including preventative and enforcement measures.
- Taking a victim centred approach
 - We will adopt a harm/risk based approach
 - The victims/complainants will be at the centre of our action and where appropriate, will direct the investigation
 - In circumstances where the incidents are of a violent or serious nature, we may decide to take action without the support of the victim/complainant
 - Where we accept that a complaint is anti-social behaviour, we may complete a Risk Assessment to help identify the risk levels
 - We will adopt a professional and objective approach when dealing with anti-social behaviour
 - We will assess the level of seriousness of the anti-social behaviour and will formulate a response in line with the seriousness.

2. Defining Anti-Social Behaviour

2.1 Anti-Social Behaviour is defined differently depending on the legislation that is being used. In summary it involves conduct which:-

- Can cause or is likely to cause harassment, alarm or distress to any person
- Can cause or is likely to cause nuisance or annoyance to a person's occupation of their residential home, or
- Is capable of causing housing related nuisance and annoyance to any person which includes any officer, agent or contractor employed by the Council.

3. Examples of Anti-Social behaviour

3.1 Acts that may cause anti-social behaviour may include but are not limited to the following:

- Violence or threats of violence
- Hate related incidents (based on race, sexual orientation, gender disability, religion or belief, age, etc.)
- Harassment of another person
- Domestic abuse
- Illegal or immoral activity
- Drug dealing
- Vandalism and graffiti
- Aggressive or abusive behaviour
- Regular disturbances such as playing loud music
- Drunk and disorderly through alcohol or drugs

Not all reports will be considered to be anti-social behaviour. Types of behaviour that may not be considered anti-social behaviour may include but are not limited to the following:-

- Lifestyle disputes where breaches of tenancy cannot be proved
- Disputes between children
- Parking disputes where no restrictions are in place
- Anonymous complaints

We will assess each report in turn when deciding whether the complaint is anti-social behaviour. When making an assessment, we will consider factors such as the frequency of reports and the circumstances of the complaint.

4. Categories of Anti-social behaviour

We will prioritise our anti-social behaviour into 3 categories depending upon the level of seriousness.

The 3 categories are listed below:-

Category 1 – Response time within 1 working day

Category 1 cases are extreme cases that in our opinion require an urgent or immediate response. Examples of category 1 include but are not limited to the following:-

- Physical violence
- Criminal behaviour involving violence or threats of violence
- Hate related incidents (based on race, sexual orientation, gender, disability, religion, age, etc.)
- Arson
- Allegations of serious drugs/substance misuse and drug dealing
- Domestic abuse
- Child abuse
- Serious harassment
- Other forms of anti-social behaviour requiring an immediate response

Category 2 – Response time within 3 working days

Category 2 cases are serious cases that in our opinion require a priority response but not an immediate response. Examples of category 2 include but are not limited to the following:-

- Allegations of aggressive or abusive behaviour
- Regular disturbances such as noise
- Drug/substance and alcohol abuse
- Verbal abuse
- Other forms of anti-social behaviour requiring a priority but not immediate response

Category 3 - Response time within 5 working days

Category 3 cases are cases that in our opinion are a minor nuisance that do not require a priority or an immediate response. Examples of category 3 include but are not limited to the following:-

- Low level noise nuisance
- Pet and animal nuisance

- Other forms of non-urgent anti-social behaviour

5. Cross tenure issues

- 5.1 This Policy provides guidance on how RBK will deal with anti-social behaviour within our General Needs, Leasehold, Sheltered and Temporary Accommodation.

Leasehold, Sheltered and Temporary Accommodation often use different procedures because of the nature of their accommodation. Therefore, any enforcement action taken may vary depending on the tenure.

6. Expectation of Residents

- 6.1 We expect our residents to live in their homes without spoiling the peaceful enjoyment of others.

We expect our residents to be responsible for their own behaviour within the locality of the property and for the behaviour of members of their household and their visitors.

Where appropriate, we will initially encourage our complainants to solve their differences themselves by way of personal resolution.

If it becomes necessary for us to take action against a resident, we expect our complainant to report details of anti-social behaviour to us. Where appropriate, we expect a complainant to help us gather evidence which may include completing diary sheets, witness statements and acting as a witness in court.

7. Victim/Witness Support

- 7.1 We will take into consideration the views of victims, witnesses and complainants when assessing the action to be taken.

We will provide the victims, witnesses and complainants with regular updates on the progress of the case.

Where appropriate, we will ask the complainant to confirm that they are happy for us to contact the alleged perpetrator before we make contact with them.

If it is considered appropriate and where resources are available, we may carry out improvements to the security of an individual's property i.e. providing additional locks or fire proof letter boxes.

When witnesses attend Court to support any action that we may take, we will arrange for them to feel as comfortable as possible at Court. Where necessary, we will arrange for the witnesses to

attend Court prior to the hearing to familiarise themselves with the Court surroundings. Where appropriate, we may arrange transport to and from Court for our witnesses.

8. Anonymity

- 8.1 We will respect our resident's wishes if they ask us not to disclose their name. However, if a resident asks us not to disclose their details, we will ask them to provide us with an explanation of why they wish to remain anonymous. A resident must however understand and appreciate that any evidence that is anonymised or redacted to protect the identity of a resident will be weaker and may not be admissible to the court.

Where Information Sharing Protocols exist, we may share information with other agencies to prevent and/or investigate anti-social behaviour. We will not disclose your details to any third party without seeking permission.

9. Vulnerable Groups

- 9.1 RBK are aware that supporting vulnerable residents that are perpetrators of anti-social behaviour can positively reduce anti-social behaviour.

We are committed to supporting vulnerable residents. Examples of vulnerable groups are listed below (the list is not exhaustive):-

- Mental health problems
- Drug and alcohol dependency
- Vulnerable elderly people
- Physically disabled people
- Supported housing residents
- Care leavers

RBK will support such groups by using where appropriate the following methods:-

- Making referrals to the relevant support agencies
- Working with Partner agencies
- Attending multi-agency meetings such as the Community MARAC
- Providing sensitive lets where possible

RBK is aware that there may be some cases where action may be taken before an offer for support has been made.

10. Preventative Action

- 10.1 RBK will endeavour to prevent anti-social behaviour in the following ways:-

- The Council adopted the use of Introductory Tenancies and will use the powers to deal with anti-social behaviour during the probationary period.
- Designing new properties to prevent and reduce anti-social behaviour
- Working in partnership with other multi-agencies to provide appropriate support to vulnerable residents
- Having a robust sign-up process that clearly explains the expectations of behaviour and identifies the relevant clauses in the tenancy agreement that relate to anti-social behaviour.
- Working with partners to identify areas of concern and doing targeted work within those areas

11. Non-Legal Remedies

11.1 RBK will use a variety of non-legal remedies to resolve the issues of anti-social behaviour. Examples of the remedies that may be used where appropriate include:

- Personal Resolution
- Mediation
- Meetings
- Warning Letter
- Acceptable Behaviour Contracts
- Parenting Contracts/Agreements
- Working in partnership with other agencies and Directorates within RBK e.g. Community Mental Health Teams and the Police

The remedies that will be used will be dependent upon the circumstances of each case and will be proportionate to the behaviour exhibited.

12. Legal Remedies

12.1 RBK will take enforcement action when appropriate. In most cases, RBK will in the first instance issue a formal warning of possible legal action if the anti-social behaviour continues. However, in some serious cases, warnings may not be appropriate and immediate legal action may be required.

If the problems persist, RBK may consider the use of legal action. The type of legal action taken will depend upon the evidence available. Examples of the main legal remedies that we may use include the following:-

- Possession Proceedings
- Civil Injunctions

- Closure Orders
- Community Protection Notices
- A Demotion Order
- Public Spaces Protection Orders
- Noise Abatement Notices

On occasions other agencies may have the most appropriate remedy to address the issues. In such circumstances we will work with them to support their action i.e. Criminal Behaviour Orders by the Police.

The action that RBK may take will depend upon the circumstances of each case and will be proportionate to the behaviour exhibited.

RBK will take into consideration the Equalities Act 2010 and the Human Rights Act when assessing the appropriate action to take.

13. Multi-Agency Work

- 13.1 RBK recognises that the development of effective strategies to tackle anti-social behaviour will sometimes require a multi-agency approach.

Where appropriate, RBK will work with a number of partnership and statutory agencies such as the following:-

- Police
- Social Services
- Environmental Health
- Fire Service
- Voluntary Agencies
- Other Social Landlords
- Other Directorates within RBK

RBK will proactively participate in multi-agency forums to solve and prevent anti-social behaviour. Examples of the multi-agency forums include but are not limited to:-

- Community MARAC
- Joint Action Group
- Integrated Offender Management Meetings
- Child Protection Conferences
- Ad-hoc meetings to discuss individual cases

14. Information Sharing and Confidentiality

- 14.1 RBK will follow the legal conditions relating to the personal information as defined in the Data Protection Act 1988.

RBK are signed up to the relevant Information Sharing Protocols to enable the sharing of information.

The rules under the Data Protection Act in relation to the non-disclosure of personal information do not apply when the information is needed for existing or future court proceedings, including proceedings in the criminal courts.

15. Continual Development

- 15.1 RBK are committed to service improvements. The steps that we will take to ensure this occurs include the following:-

- Staff Training
- Regular Case Reviews
- Seeking customer feedback
- Where appropriate, consulting with residents prior to making service changes.

16. Media Strategy

- 16.1 We may publicise successful actions taken against those committing anti-social behaviour.

17. Equality and Diversity

- 17.1 We are committed to providing services which are appropriate to the needs of residents. We will treat others fairly and without discrimination.

We will ensure that our services relating to this policy are accessible and available for all as set out in the requirements the Equality Act 2010.

19. Review of Policy

- 19.1 We will review the Policy on an annual basis and make necessary changes when appropriate.

We will consult with our residents prior to making any changes to the policy.

20. Dissatisfaction with case management

20.1 RBK is aware there may be occasions when an individual may not be happy with the way a case of reported anti-social behaviour has been dealt with. A case will be reviewed if:

- A formal complaint under the formal complaint process has been submitted
- A Community Trigger is activated, The Safer Kingston Partnership will undertake an independent review of the response to reports submitted within the preceding 12 month period.

21. Associated Documents

Anti-Social Behaviour Procedure
Domestic Violence Policy and Procedure
Allocations Policy and Procedure
Safeguarding Adults
Safeguarding Children
Introductory Tenancy Policy