

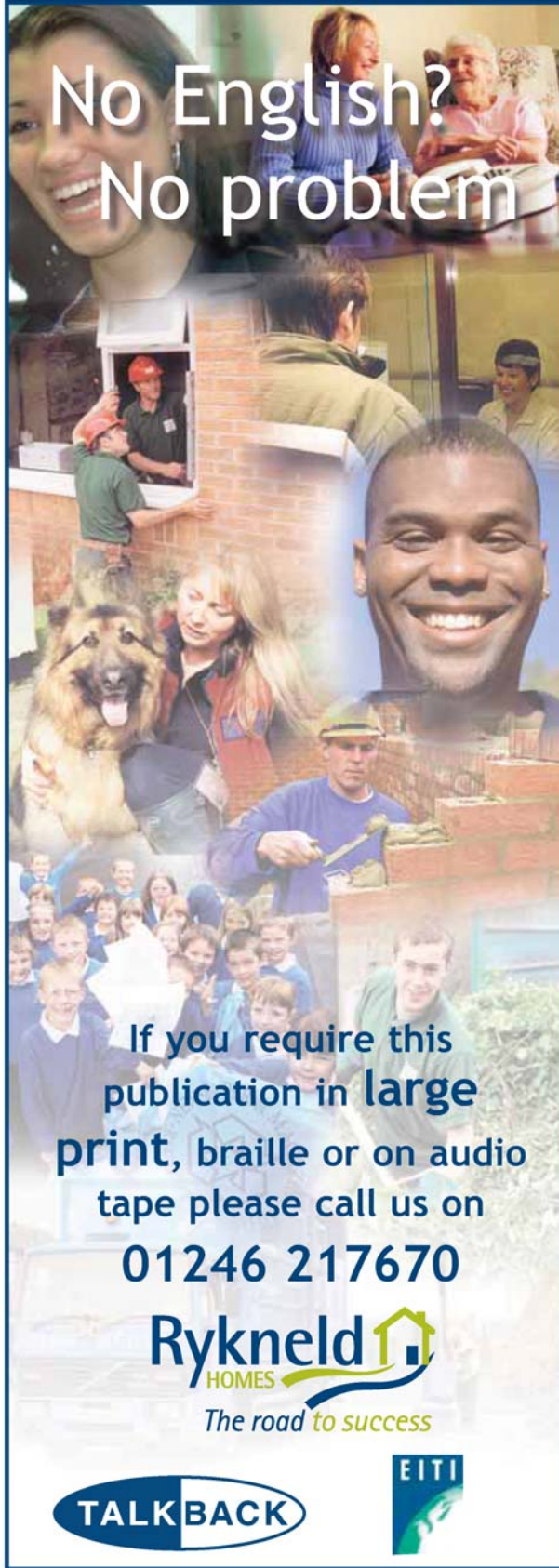
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# Anti-Social Behaviour Statement of Policies

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**Version 1 August 2008**





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# Anti-Social Behaviour Statement of Policies

## 1. Introduction

Throughout this document there is reference to 'the Council', and 'the ALMO'. It is important to remember that the tenants' contract is with North East Derbyshire District Council (NEDDC), not Rykneld Homes Ltd (RHL).

Rykneld Homes Ltd staff are acting on behalf of the Council through a Management Agreement and are responsible for the practicalities of tenancy management. However, Legal action can only be taken in the Council's name.

The Anti-Social Behaviour Act 2003 (ASBA 2003) was designed and introduced to extend powers of Local Housing Authorities (LAs), Housing Action Trusts (HATs), Arms Length Management Organisations (ALMOs) and Tenant Management Organisations (TMOs) who manage the housing stock of Local Authorities, to tackle Anti-Social Behaviour (ASB) in local communities. These new powers to address ASB will support RHL to achieve both its' own and NEDDC's Vision.

North East Derbyshire District Council's Vision is:

*"To maintain and improve the quality of life and well-being of all our communities so that North East Derbyshire is a place that people choose to live, work and visit".*

Rykneld Homes Ltd's Vision is:

*"To make a real difference to the lives of our tenants and the communities they live in".*

As part of these Vision Statements, NEDDC and RHL are committed to preventing/resolving incidents of ASB within its housing stock and estates.

It is intended that the information within this document and also that contained in the documents 'Statement of Procedures' and 'Summary of Policies and Procedures' will help to establish for the reader, what types of behaviour are considered to be anti-social. Also, to broadly outline how we are likely to deal with a complaint of ASB and to give information on our ASB Policies and Procedures in a clear and accessible format.

## 2. The Respect Standard for Housing Management

The Respect Agenda is a cross-Government Strategy tackling ASB and its causes. Perceptions of ASB are more common amongst those in the most disadvantaged communities, which are often characterised by higher levels of social housing. To reflect this, the Respect Standard for Housing Management (the Standard) was developed for Social Housing Landlords (Landlords) to assist them in tackling ASB in their areas of operation. The Standard forms a key part of the Government's Respect initiative.

The Standard is built on established good practice by Landlords and their partners in delivering an effective response to ASB. It aims to embed a culture of respect in housing management activities through a balanced approach involving prevention, early intervention, enforcement and support, thereby giving resident's confidence that ASB will be tackled.

The Standard, which is voluntary for Landlords to adopt, is built around six core commitments and a series of building blocks, which work together to enable landlords to deliver an effective response to ASB.

### **RESPECT STANDARD CORE COMMITMENTS**

1. Accountability, leadership and commitment.
2. Empowering and reassuring residents.
3. Prevention and early intervention.
4. Tailored services for residents and provision of support for victims and witnesses.
5. Protecting communities through swift enforcement.
6. Support to tackle the causes of ASB.

Landlords are encouraged to sign up to the Standard, thereby making a public pledge to deliver effective ASB services. The Audit Commission's *Key Line of Enquiry on Tenancy and Estate Management* (KLOE 6) has been revised to reflect the key themes of the Standard and it has been used in inspections since February 2007.

Rykneld Homes Ltd is committed to the core principles of the Respect Standard and voluntarily signed up to the Standard in June 2008.

### **3. Definitions of ASB and Examples**

The definitions of ASB adopted by RHL are based on the Crime and Disorder Act 1998 and the Housing Act 1996, these being:

*"Behaviour that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household".*

*"Conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaged in lawful activity in the locality".*

Anti-Social Behaviour can be anything from low-level persistent nuisance to serious violence and other criminal behaviour. It includes all behaviour, which impacts negatively on people's quality of life in and around their community.

Acts which RHL class as ASB contain, but are not limited to:

- Vandalism.
- Graffiti.
- Using or allowing housing accommodation to be used for illegal activity.
- Drugs abuse or drugs dealing.
- Committing (or allowing anyone living with you or visiting you to commit) an arrestable offence at the property or in the locality of the property.
- Noise nuisance (for example, regular/persistent and unreasonable: loud parties; shouting, unacceptable levels of noise from TVs, radios, Hi-fi's and burglar alarms).
- Local environmental quality issues (for example, litter; dog fouling; graffiti; fly tipping and nuisance vehicles).
- Youth nuisance.
- Intimidation and harassment.
- Racial harassment.
- Abusive behaviour.
- Aggressive and threatening language and behaviour.
- Threats of violence.
- Untidy gardens (for example, failing to keep gardens free from rubbish, keeping lawns cut and hedges trimmed and other areas free from weeds allowing it to become overgrown. Failing to regularly remove animal faeces).
- Actual violence against people or property.
- Hate behaviour that targets members of identified groups because of their perceived differences (for example, ethnicity; gender; age; religion; sexual orientation; mental health or disability).

Anti-Social Behaviour may or may not constitute criminal activity. The key determinant in deciding whether particular behaviour is 'anti-social' or not, should be the impact of the behaviour on others.

#### **4. Obligations of Tenants**

All tenants of NEDDC sign a Tenancy Agreement at the commencement of their tenancy.

The following are the Clauses contained within the Tenancy Agreement effective from 8 September 2008 and outline the standards of behaviour that are expected of tenants, those who live with them and their visitors.

#### 4.1. **Noise**

- 3.10 You must not allow noise, whatever its cause, to be loud enough to annoy or inconvenience other people. This includes noise caused by the inconsiderate and unreasonable use of television, radio, music equipment, musical instruments, tools or household appliances.

#### 4.2. **Good Behaviour**

- 5.1 You are responsible for ensuring the reasonable behaviour in your home, garden or on any part of the estate or neighbourhood of your visitors and all members of your household (including children and any lodgers or sub-tenants).

“Reasonable behaviour” here means behaviour that respects the rights of others to peaceful enjoyment of their home and neighbourhood and does not cause, or is capable of causing nuisance, annoyance, distress, alarm or harassment to other people.

#### 4.3. **Nuisance**

- 5.2 You, your household or your visitors must not do, or permit to be done, anything that may cause or be likely to cause harassment, nuisance, annoyance or distress to other people, whether in or around your home or in the general locality.

Examples of behaviour which will cause harassment, nuisance, annoyance or distress include, for example:

- loud music, arguing and door slamming, offensive language, drunkenness, dog barking and fouling, drug abuse and selling drugs;
- littering, neglected gardens, dumping vehicle parts or keeping non-roadworthy vehicles in your garden or nearby, playing ball games near someone else’s home and lighting fires;
- firing or threatening to fire air guns, ball bearing guns or similar at any person or into any open space or highway.

#### 4.4. **Harassment and Abuse**

- 5.3 You, your household (including children) and visitors to your home must not threaten, harass or physically assault any person living in your area for any reason, including but not limited to their race, sex, sexuality, nationality, faith, age, disability or medical condition. Such behaviour may result in legal action such as injunction, eviction or ASB Order (ASBO). Harassment here includes but is not limited to:

- acts of violence or threats to use violence;
- using abusive or insulting language, or behaving in an abusive way;

- damaging someone else's property, or threatening to do so;
- producing abusive or insulting graffiti;
- acting to violate a person's dignity, and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

5.4 You, members of your household, your visitors or anyone acting on your behalf must not threaten, harass or abuse any Council or RHL employee, their agent or contractor, or any other person visiting or otherwise engaged in lawful activity within the locality. This condition applies at or near your home or in any of our office premises.

#### 4.5. **Drugs and Graffiti**

5.5 You, members of your household or anyone visiting your home must not:

- use your home for any illegal activity, such as selling drugs;
- damage, deface or put graffiti on Council property. You would be charged for the costs of cleaning-up or repair;
- interfere or damage any security or safety equipment or communal entrance doors, or otherwise damage communal areas or facilities.

#### 4.6. **Respect for Your Neighbours and Your Community**

5.6 You, or anyone living with you or visiting you, must not commit an arrestable offence at the property or in the locality of the property.

#### 4.7. **Cycles and Motorcycles**

5.7 You, members of your household or your visitors must not ride bicycles in communal gardens or on communal open spaces around flats and bungalows. You and they must not ride or use motorcycles, motorised scooters or vehicles of any kind on public footpaths or on Council owned open spaces (other than the public highway if they are legally permitted to do so) and must not ride or use such vehicles in a manner which causes excessive noise, nuisance or distress to anyone in the locality such as causing lengthy periods of noise, or any amount of unreasonable noise.

#### 4.8. **Litter**

5.8 You, or anyone living with you or visiting you, must not deposit any litter, waste or rubbish on Council or other property in the locality, including garage sites, parking areas, the gardens of empty properties, grassed or landscaped areas or on vacant plots of land.

## 5. Witness Support

Rykneld Homes Ltd recognises the importance of witnesses and victims of ASB who are collecting evidence to help us, and also, that this can be a frightening and distressing time.

We will provide assistance and support to witnesses throughout the process by taking complaints seriously and dealing with complaints as quickly as possible. We will ensure regular contact with the witness throughout the case and give updates on our progress.

In the more serious cases we will consider what steps we can take to make people feel more secure in their home. Examples of steps we could take are:

- Additional security measures.
- Use of surveillance equipment.
- Care Call Alarms can be connected to existing BT phone lines.
- Utilising the support available for witnesses from any other agencies as appropriate.

## 6. Additional Services and Resources currently available to Witnesses

The services available, where applicable, include:

SERVICE	ACTIVITY
Accessing other Council services	Legal; Environmental Health etc.
Access to mediation	Mansfield Mediation via Referral
CCTV and Data Recording Devices	Equipment can be used to gather evidence of ASB
Care Call	Telephones can be linked to care call who can call emergency support to victims
Crimestoppers	Phone 0800 555111
Victim Support	Provide support for victim at home
Court Witness Service	Provide support for victims attending Court

From Derbyshire Police:

<b>SERVICE</b>	<b>ACTIVITY</b>
Major Crime Witness Support Unit	Serious cases only
Vulnerable Victims Unit	Advice and support to victims
Target Hardening	Advice and funds to secure properties
Personal Alarms/Mobile phones	Provided for short periods for victims
Personal Safety Advice	Provided to victims
Police Community Support Officers	Can be directed to problem areas
Police Patrols	Overt/covert patrols
Covert Surveillance	To gain evidence of ASB

## **7. Professional Witness Schemes**

Rykneld Homes Ltd has the ability to authorise the use of private professional witnesses to gather evidence in more cases of serious ASB. In addition, or as an alternative to the use of professional witnesses, Police Officers, Police Community Support Officers, RHL Officers and the Council's own Officers can and do act as witnesses in ASB cases.

Using the above resources provides greater flexibility in the gathering of evidence, especially when the witnesses of ASB are reluctant to provide evidence in Court proceedings based on their fear of reprisals or other actions of the perpetrator(s).

## **8. Racial Harassment and Hate Crime Policy and Procedure May 2008**

### **CONTENTS**

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2. Why have a Policy.
3. The purpose of this Policy.
4. Policy Objectives.
5. What is Harassment?
6. Compatibility with Related Legislation.
7. Responsibility.
8. Service Response.

#### **1. Introduction**

Rykneld Homes Ltd are committed to providing equality of service and treatment to all sections of the community and to our employees with due regard to their colour, disability, age, gender, marital status, race, ethnic/national origin, religion or belief, sexual identity, social class and any medical condition which is likely to cause inequality.

Harassment, in any form will not be tolerated. Harassment can have a devastating effect on the health, confidence, morale and performance of those affected by it.

To value diversity and address all forms of discrimination we will strive to achieve equality of access to employment and services throughout our District area. We will also make sure that unfairness at work is eliminated and that equality is at the centre of all our Policies and practices.

We recognise that nationally, certain groups and individuals continue to be unjustifiably discriminated against and we recognise our duty both as an employer and to society generally, to positively promote equality of opportunity and the valuing of diversity.

#### **2. Why Have A Policy?**

The effects of hate crime or harassment can be severe for individuals, families and the community. Rykneld Homes Ltd, as a major employer and service provider, has an important role to play in:

- providing services that support victims of hate crime or harassment;
- challenging alleged perpetrators;
- acknowledging the significance of hate crime or harassment on the community; and
- taking action in partnership with other agencies to eliminate hate crime and harassment in the District.

Hate crime and harassment can cause a person to feel humiliated, embarrassed or angry. It can, in extreme circumstances, cause death or injury and will almost always cause stress, ill health and fear. Repeated harassment may lead to severe distress, making life intolerable.

People may be targeted for harassment on multiple grounds. For instance, black and minority ethnic women may face 'multiple abuse' if they are subjected to both sexual and hate crime harassment. Other groups, such as people who have a disability, lesbians and gay men, people who are older, lone parents, or young people, may also experience multiple abuses.

Hate crime and harassment may not always be reported directly as such. There may be circumstances where harassment is disguised or results into repeated requests for advice and help. For example, a tenant with broken windows could contact RHL repeatedly, when the real problem is harassment because of the tenant's race, gender, disability, sexuality or religion.

Hate crime or harassment can create a climate of fear. This can stop people from taking their full part in everyday life, and in democratic processes because of their ever-present fear of harassment. It can also discourage reporting of incidents.

**Incidents of hate crime and harassment are not only significant offences against an individual, family or group; they have widespread and long-term implications for the whole community. All hate crime incidents have far-reaching effects, beyond those common to neighbour nuisance, ASB and harassment that is not hate crime motivated.**

### **3. The Purpose of this Policy**

The purpose of this Policy is to give guidance on how to respond to hate crimes or harassment and to ensure that all incidents reported to RHL, or of which RHL becomes aware, are dealt with promptly, appropriately and effectively.

Responding to cases of hate crime or harassment is a corporate responsibility. However, there will be instances where action will be taken in partnership with external agencies.

The implementation of this Policy will enable the monitoring of all hate crimes within the District, as well as assist in the evaluation, review and development of practice.

This Policy covers both employment and service delivery within RHL. However, this will not take away the right of any employee/service user to report hate crimes or harassment to other agencies. Ultimately it is the decision of the victim as to whether they wish to use the services of another agency or report the matter to the Police.

Rykneld Homes Ltd recognises that crimes of this nature are under reported and the purpose of this Policy is to ensure that incidents involving members of minority groups are recorded and, more importantly, responded to.

Minority groups in this instance are those involving people from a black or minority ethnic background, or who are regarded as disabled, elderly, or who are lesbian, gay or bisexual. The types of incidents can therefore relate to:

- Race.
- Religion/Faith.
- Homophobia.
- Gender.
- Age.
- Disability.
- Sexual Orientation.
- Social Class

We have a commitment to the Race Relations Act 1976 which takes into account the findings of the Stephen Lawrence Inquiry, the Race Relations (Amendment) Act 2000 and the Code of Guidance on Tackling Racial Harassment. The overall objectives of this Act are:

- To ensure that the reporting of racial incidents and other hate crimes is made easy and accessible.
- To increase the reporting of racial harassment and hate crime.
- To deal with racial incidents and hate crimes with an appropriate and effective response.
- To ensure appropriate support is provided to victims of racist incidents and hate crime.

#### **4. Policy Objectives**

The objectives of this Policy are to:

- Have a clear auditable Policy for dealing with hate crime/incidents.
- Help RHL develop its understanding and involvement with different communities.
- Raise awareness of racial harassment and hate crime and encourage prevention, accurate reporting and recording of incidents in tandem with other partner organisations.
- Monitor the performance of the service.
- Review the impact and effectiveness of the Policy in light of customer feedback and comment.
- Work in partnership with other agencies, such as the Police and Registered Landlords through the Crime and Disorder Partnership.
- Demonstrate RHL's commitment and approach to dealing effectively with harassment and hate crime.
- Undertake a multi-agency approach whenever possible.
- Take all complaints seriously and adopt a victim centric approach in every case.

## 5. What is Harassment?

### 5.1 Definition of Harassment

The Criminal Justice and Public Order Act 1994 describes harassment as ‘entailing threatening, abusive or insulting words or behaviour, or disorderly behaviour’ or the display of ‘any writing, sign or other visible representation which is threatening, abusive or insulting’.

### 5.2 Racial Harassment – Policy Statement

Rykneld Homes Ltd values racial equality and social justice; it absolutely condemns all forms of racial harassment and intimidation. All such cases will be dealt with seriously and as a priority recognising the effects of racial harassment on the victim’s quality of life and ensuring a commitment to tackling the problem thoroughly and effectively.

### 5.3 Relevant Definitions

Rykneld Homes Ltd adopts the definitions from the Macpherson Report (Steven Lawrence Inquiry).

#### (a) *Racist Incident*

“any incident which is perceived to be racist by the victim or any other person”.

The purpose of the Macpherson definition of a racist incident is not to prejudge the question of whether a perpetrator’s motive was racist or not: that may have to be proved if, for instance, the perpetrator is to be charged with a racially aggravated offence. The purpose of the definition is rather to ensure that investigations take full account of the possibility of a racist dimension to the incident and that statistics of such incidents are collected on a uniform basis.

Recommendation 13 of the Macpherson Report states that the term “racist incident” must be understood to include both crimes and non-crimes in policing terms. Both must be reported, recorded and investigated with equal commitment.

#### (b) *Institutional Racism*

“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping which disadvantage minority ethnic people.”

#### (c) *Sexual Harassment*

Sexual harassment is “any unwanted verbal or physical advance, of a sexual nature, sexually explicit derogatory statement or sexually discriminatory remark which is offensive, threatening, abusive or insulting.”

(d) *Disability Harassment*

Disability harassment includes “any unwanted verbal or physical abuse and or behaviour related to a person’s disability, which is offensive, derogatory, discriminatory, threatening, abusive or insulting.”

(e) *Homophobic Violence and Harassment*

A homophobic incident is “any incident, which is perceived to be homophobic by the victim, or any other person. In effect, any incident intended to have an impact on those perceived to be lesbians, gay men, and bisexual or trans gendered people.” (Defined by analogy from the definition of racist incident).

Victims of homophobic crime do not have to be lesbian, gay or bisexual; they just have to be perceived as gay or lesbian and/or the crime to be perceived as containing or being influenced by homophobia.

#### 5.4 Other Forms of Hate Crime

It must be stressed that other forms of hate crimes against faith groups, asylum seekers, refugees, travellers and any other groups are also covered by this Policy and Procedure.

Hate crime incidents or harassment can take a variety of forms. These may include:

- Physical attacks on people as well as damage to property.
- Abusive language and ‘jokes’.
- Physical threats, assaults and insulting behaviour or gestures.
- Unfair allocation of resources.
- Non-provision of services.
- Unfair treatment on the grounds of race, gender, disability, sexuality, religion, faith or belief.
- Anti-Social Behaviour which causes a nuisance.
- Putting up posters or writing offensive graffiti, screen images of abusive or derogatory nature.
- Making abusive telephone calls.
- Sending racist, sexist, homophobic, disablist, material or correspondence through the post.
- Unwanted verbal or physical abuse/advances of a sexual nature.
- Sexually explicit derogatory statement or reference made to a person’s sexuality or behaviour, which is offensive, threatening, abusive or insulting.
- Continuously complaining about cultural differences and needs:

- Social prejudice towards social groups.

This list is merely illustrative, not exhaustive.

## **6. Compatibility to Related Legislation**

This Policy document complements related Statutory Instruments in the provision of service, specifically:

### **Childrens Act 1990**

Section 27 details a duty of care, when dealing with incidents and/or complaints involving children.

### **Data Protection Act 1998**

Responsibility that obtained information is processed fairly and lawfully, kept accurate and up to date. Information is not held for longer than necessary and held securely.

### **Human Rights Act 1998**

Articles 6, 8, and 14, significant in respect for private and family life, prohibition of discrimination and right to a fair/public hearing.

### **Protection for Harassment Act 1997**

While the Act does not specifically define 'harassment', it clarifies it as conduct which causes alarm or distress. Harassment has to be caused on more than one occasion, and the offender ought to know that their conduct will cause alarm and/or distress. This is subject to reasonableness.

### **Race Relations Act 1976 (Race Relations Amendment Act 2000)**

Has a statutory duty to work towards the elimination of racial discrimination and to promote equality of opportunity and good relations between people of different racial groups.

## **7. Responsibility**

In general the responsibility for ensuring the effective implementation of this Policy lies with all staff and all Officers who must familiarise themselves with the policy and procedures. Training will also be provided to staff to enable them to complete the form whilst supporting and understanding the needs of the victims, so that they can provide a sensitive, responsive and effective service to victims of racial harassment/hate crime. A guidance document is appended to this Policy.

## **8. Service Response**

Rykneid Homes Ltd will work in partnership with the Police and all relevant external agencies to deal with incidents of racial harassment and hate crime. In addition, staff will adopt collective and individual responsibility to reporting of incidents sensitively and in accordance with this Policy.

## **9. Domestic Violence Policy**

Rykneld Homes Ltd follows a DCC Domestic Abuse Protocol. The Protocol defines abuse as:

*“Emotional, physical, sexual or psychological abuse by the partner, ex-partner, family member or someone with whom there has been a relationship.”*

Domestic Abuse can take a number of forms. It includes, but is not limited to:

- Physical assault.
- Sexual abuse.
- Rape.
- Threats and intimidation.

These may be accompanied by other kinds of intimidation such as:

- Mental and Verbal abuse.
- Humiliation.
- Systematic criticism and belittling.

Domestic violence is unacceptable and RHL works with partner agencies to ensure that victims of domestic violence receive support and assistance in overcoming this type of abuse.

Where appropriate we will respond to the housing needs of women or men experiencing domestic violence, for example by referring victims to “Safe at Home” Sanctuary Scheme which helps victims to remain in their own homes safely. See the NEDDC’s website for details.

Domestic Violence is also a breach of Section 4.1 of the Tenancy Agreement which states that:

“4.1 You must not inflict domestic violence, threaten violence or use mental, emotional, financial or sexual abuse against your partner, ex-partner, or another member of your family or household. Domestic abuse can be considered a good enough reason for eviction, if your partner has left as a result of your violent or abusive behaviour.”

## **10. Prevention of ASB**

As previously stated in both the Council’s and RHL Vision Statements’ ASB will not be tolerated and they will use any available interventions to not only remedy, but also to prevent ASB.

Rykneld Homes Ltd are an integral part of the North East Community Safety Partnership, who work together in tackling ASB. Both organisations work to promote initiatives to prevent and address ASB, whilst at the same time identifying problem areas and input resources.

### **10.1. Choice Based Lettings**

The Choice Move Section check an applicant's eligibility to register on the Housing Register by asking for details of whether the applicant(s) has any history of being involved in committing criminal offences or having been engaged in ASB. In some cases, based on the individual details of any previous offences, applicants may be deemed to be ineligible or suspended from joining the Housing Register.

As part of our Estate Management function, Neighbourhood Champions undertake a planned regime of Estate Inspections, during which, any areas identified as being affected by ASB or neglect will be noted for further action. In addition to the Estate Inspections, the Neighbourhood Champions also undertake Estate Tours (Walkabouts) twice a year. The 'Tours' are advertised on the RHL website and within local Area Housing Offices with an open invitation for Local Members, Tenants/Residents and representatives from any other local agencies to participate in the Tours.

### **10.2. Introductory Tenancies**

In July 2006, prior to the establishment of RHL, NEDDC introduced the use of Introductory Tenancies (including extensions) for all new tenants to the Authority. Introductory Tenancies are intended to help Councils and other Social Landlords to combat ASB on housing estates and to deal quickly with any breach of tenancy.

The tenancy does not become "permanent" until 12 months after the commencement of the Introductory Tenancy. If at any time before this 12 month period ends, the tenant breaches conditions of their tenancy, RHL can take action to recover possession.

If a tenant has an Introductory Tenancy, the Landlord must serve a written Notice on the tenant(s) stating the date on which they intend to start Court proceedings and give the reasons why they are seeking possession. The Notice must also state that the tenant(s) is entitled to review the Landlord's decision to seek possession and that legal advice can be sought.

In order to get possession of the property RHL must get a Court Order. If tenants want to request a review of the decision made to get a Possession Order, they must act within 14 days of receiving the written Notice. The advisory letter accompanying the Notice advises tenants that they should write to RHL requesting a review of their case.

Even if a tenant has an Introductory Tenancy they still have the same rights as other tenants to have their property repaired and to be consulted about any matters which affect their property.

### **10.3. Demoted Tenancies**

In July 2006, prior to the establishment of RHL, NEDDC introduced the use of Demoted Tenancies. If a property is occupied under a Secure Tenancy and someone in the household or any visitors to the property commit an act or fail to comply with a condition of tenancy that impacts negatively on other persons around you, RHL can apply to the County Court to change your Secure Tenancy to a Demoted Tenancy.

A negative impact may arise from a variety of situations ranging from threatening and abusive behaviour to allowing your garden to become overgrown and unsightly. If any

unacceptable behaviour or other tenancy breach continues after a Demotion Order has been granted by the Court, RHL can apply back to the court to repossess your home.

The Demoted Tenancy lasts for one year. At the end of that year, if there have been no further problems, the tenancy becomes a Secure Tenancy again. If, however, there are further problems during the one year period it is easier and quicker for RHL to take action which could result in the repossession of the property.

As a demoted tenant you have fewer rights than a Secure Tenant.

#### **10.4. Education**

The North East Derbyshire Community Safety Partnership engage with schools and youth clubs within the District to discuss issues of ASB with young people and advise on the consequences and legal implications of any ASB activities they may engage in.

### **11. Rehabilitation of Perpetrators**

As part of investigations into cases of ASB, RHL will consider the personal circumstances of the perpetrator(s) and will seek to support them to change their behaviour. Rykneld Homes Ltd will identify the correct support that these individuals need to assist in changing their behaviour by referring them to the relevant agency or support group. These can include referrals to alcohol, drug and insolvent abuse support groups, Youth Offending Team, Connexions and Action Housing for support and advice.

### **12. Multi-Agency Partnerships**

Rykneld Homes Ltd has strong links and works closely with partner organisations in order to tackle ASB. We work regularly alongside the Police, Probation, Education, Health, Social Services and other statutory or voluntary agencies. We also work closely with the Youth Offending Team and ensure that individuals considered to be at risk because of ASB are referred to them on the 'prevent and deter' scheme which is designed to rehabilitate and resettle offenders and potential offenders.

Rykneld Homes Ltd will continue to use existing, and develop new, joint working relationships with other NEDDC Departments and other agencies to address/resolve or prevent acts of ASB.

### **13. Regulation of Investigatory Powers Act 2000**

In some situations whilst investigating alleged ASB, it may be necessary to undertake covert surveillance i.e. surveillance carried out in a manner calculated to ensure that the person(s) subject to the surveillance are unaware of it taking place. If undertaking covert surveillance, RHL' staff will have to comply with the Human Rights Act 1998.

**This does not apply to:**

- 'General observations' whilst undertaking normal duties, such as observing cars being mended in gardens, witnessing general noise or observing rubbish being dumped.
- 'Surveillance' carried out by a tenant on his/her own initiative, such as information recorded on diary sheets by a tenant who wishes to pass these on to us or videotapes recorded by a tenant.

**It would apply to:**

- Instructing a tenant to video record incidents.
- Placing a Neighbourhood Champion to covertly observe a house or area.
- Using Professional Witnesses to covertly observe activity.

If a Neighbourhood Champion wishes to use covert surveillance, this must be authorised by one of the NEDDC's 'Authorising Officers'. The 'Authorising Officer', when considering the RIPA application, must consider whether the authorisation is necessary on one of the following grounds:

- In the interests of national security.
- For the purpose of preventing or detecting crime or of preventing disorder.
- In the interests of economic well being of the United Kingdom.
- In the interest of public safety.
- For the purpose of protecting public health.
- To assess or collect any tax, duty, levy or other charge payable to a Government Department protection of the rights or freedoms of others.

Authorisation will not be given unless the 'Authorising Officer' is satisfied that the RIPA request is both **Necessary** and **Proportionate**.

## **14. Data Protection/Information Exchange**

When dealing with cases of Anti Social Behaviour we will share appropriate and relevant information with partner agencies. All information exchanged between these agencies is shared in line with the Crime and Disorder Act 1998 and Data Protection 1998 legislation. This means that the information must be for the purpose of prevention and detection of crime and a request must state why this information is necessary. Depersonalised information may also be shared in accordance with any information sharing protocols that are in force.

## **15. Publicity**

Publicity is essential if local communities are to support RHL in tackling anti social behaviour, therefore, where justified and appropriate, we will publicise the successful results of cases or any other actions/initiatives in the local media so that the public are made aware of the action we take. Rykneld Homes Ltd may also, from time to time, publish a statistical summary showing the numbers of cases, actions, resolutions through a variety of publications.

## **16. Confidentiality**

Rykneld Homes Ltd will treat any information received from victims and witnesses of ASB in the strictest of confidence. This information will only be shared with partner agencies where there is a legitimate reason for the request and if necessary consent has been given for its disclosure or where disclosure is appropriate within the spirit of the Crime and Disorder Act 2003.

## **17. Training of Staff**

Tackling ASB and behaviour effectively requires knowledgeable and well trained staff. Rykneld Homes Ltd staff receive training regarding ASB, the non-legal and legal interventions that can be used to combat it. They also receive multi-agency training in conjunction with our partner agencies in order to share good practice and develop common approaches.

## **18. Protection of Staff**

Rykneld Homes Ltd will not tolerate any threats or abusive behaviour towards any member of staff.

Clause 5.4 of the Tenancy Agreement states:

*“You, members of your household, your visitors or anyone acting on your behalf must not threaten, harass or abuse any Council or RHL employee, their agent or contractor, or any other person visiting or otherwise engaged in lawful activity within the locality. This condition applies at or near your home or in any of our office premises.”*

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