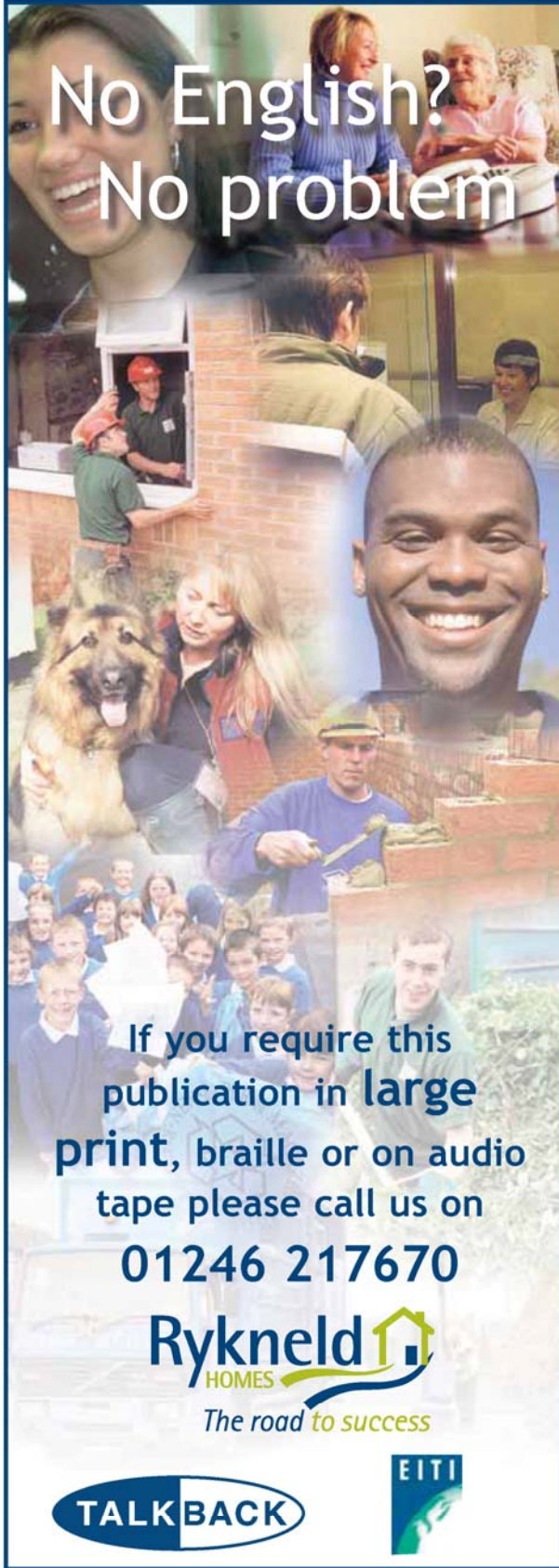

Anti-Social Behaviour Summary of Policies and Procedures

Version 1 August 2008





No English?
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tape please call us on
01246 217670

Rykneld
HOMES
The road to success



☎ **01246 217670** (ENGLISH)

We care. We want all of our customers to be able to access all of our services. To talk to someone in English, ring this number.

You will not be charged for the TALKBACK service.

☎ **01430 457390** (CANTONESE) 廣東話

☎ **01430 457391** (MANDARIN) 國語

本市政府關心閣下，我們希望區內所有的市民都能夠使用我們所有的服務。請致電上列這一號碼，可用廣東話或國語和我們交談。

免費為你提供此項服務。

免费为你提供此项服务。

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Questo servizio è senza spese o commissioni

☎ **01430 457394** (URDU) اُردو

ہم احساس کرتے ہیں۔ ہم چاہتے ہیں کہ ہمارے صارفین ہماری تمام سروسز سے استفادہ حاصل کریں۔ اگر آپ کسی سے اُردو میں بات کرنا چاہیں تو اس نمبر پر رابطہ کریں اس سروس کو استعمال کرنے کے لیے آپ سے کوئی معاوضہ نہیں لیا جائے گا۔

☎ **01430 457395** (POLISH)

Dbamy o naszych klientów. Pragniemy, by wszyscy mogli skorzystać z całości oferowanych przez nas usług. Aby porozmawiać w języku **polskim**, wybierz ten numer telefonu.

Korzystanie z tej usługi jest bezpłatne.

☎ **01430 457396** (PUNJABI)

ਅਸੀਂ ਦੇਖ-ਭਾਲ ਕਰਦੇ ਹਾਂ। ਅਸੀਂ ਚਾਹੁੰਦੇ ਹਾਂ ਕਿ ਸਾਡੇ ਸਾਰੇ ਗਾਹਕ ਸਾਡੀਆਂ ਸਾਰੀਆਂ ਸੇਵਾਵਾਂ ਤੱਕ ਪਹੁੰਚ ਕਰ ਸਕਣ। ਕਿਸੇ ਨਾਲ **ਪੰਜਾਬੀ** ਵਿਚ ਗੱਲਬਾਤ ਕਰਨ ਵਾਸਤੇ, ਇਸ ਨੰਬਰ ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।

ਇਸ ਸੇਵਾ ਦੀ ਵਰਤੋਂ ਲਈ ਤੁਹਾਡੇ ਕੋਲੋਂ ਪੈਸੇ ਨਹੀਂ ਲਏ ਜਾਣਗੇ।

☎ **0800 7317878** (OTHER LANGUAGES)

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Anti-Social Behaviour

Summary of Policies and Procedures

1. Vision Statement and Definitions of Anti-Social Behaviour

Rykneld Homes Ltd (RHL) and North East Derbyshire District Council (NEDDC) believe that everyone has the right to the quiet enjoyment of their home, free from crime and unreasonable disturbance.

NEDDC'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 Vision is:

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

The definitions of Anti Social Behaviour (ASB) adopted are those 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."

2. Reporting ASB

Reports may be submitted to RHL by telephone, in writing or in person to the local housing offices. Alternatively via **CONNECT North East** on 01246 231111 or by email to: connect@ne-derbyshire.gov.uk

2.1. Reporting by Telephone to my Local Area Housing Office

The member of staff receiving your call will initially, based on the information which you provide, advise you whether the issue is something which Neighbourhood Services are able to deal with.

If the complaint can be dealt with by Neighbourhood Services, the details of the complaint will be recorded and passed to a Neighbourhood Champion within 1 working day of your telephone call to the Office. You will also be advised of the name of the Neighbourhood Champion who will be dealing with your complaint. However, if the complaint relates to areas of work outside the remit of Neighbourhood Services, the member of staff answering your call will advise you of the contact details of the Council Department or other agency which you require.

2.2. Reporting in Writing to my Local Area Housing Office

Within 1 working day of receipt, a card will be posted to you acknowledging receipt of your letter. Your letter will be passed to a Neighbourhood Champion within 1 working day of receipt.

2.3. Reporting by E-mail to my Local Area Housing Office

The email addresses for the Area Housing offices are:

| | |
|-----------------|--|
| Clay Cross | clayhousing@ne-derbyshire.gov.uk |
| Dronfield | DronfieldHousingOffice@ne-derbyshire.gov.uk |
| Eckington | EckingtonHousingOffice@ne-derbyshire.gov.uk |
| Killamarsh | KillamarshHousingOffice@ne-derbyshire.gov.uk |
| North Wingfield | northwingfieldhousing@ne-derbyshire.gov.uk |

All emailed reports will be sent forward to Neighbourhood Services within 1 working day of receipt. Following receipt of your report by Neighbourhood Services, an electronic receipt will be emailed to the sender and the original email sent forward to a Neighbourhood Champion within 1 working day of receipt.

2.4. Reporting direct to the Neighbourhood Champion for my Area

Telephone contact details for the Neighbourhood Champions can be found on the RHL website www.rykneldhomes.org.uk following the links **Services, Neighbourhood Services – Neighbourhood Champions** – in the text, use the link for **Neighbourhood Champion contact details and areas**.

All Neighbourhood Champions can be contacted direct by email using the following format

first name.surname@rykneldhomes.org.uk

e.g. If the Neighbourhood Champion is named Fred Smith, the contact email address would be: fred.smith@rykneldhomes.org.uk

3. After making a Complaint

A Neighbourhood Champion will visit the complainant within 5 working days to discuss the complaint and the possible courses of action that may be taken. They will then prepare and agree with the complainant an Action Plan to address the complaint.

For the duration that RHL is dealing with a complaint, the Neighbourhood Champion will continue to monitor and record ongoing work and will contact the complainant at a minimum of every 2 weeks, to advise of progress.

If it is felt an appropriate intervention could be used, the complainant will be advised of this, what is involved and estimated timescales for completion.

Further details of the level of service a complainant of ASB can expect to receive and how they will be kept informed through out the case are set out in the Statement of Procedure.

4. Investigation/Surveillance

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 North East Derbyshire District Councils '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.

5. Tenants Obligations

All tenants of NEDDC sign a Tenancy Agreement at the commencement of their tenancy. The Regulations and Conditions of Tenancy impose certain obligations on tenants regarding ASB.

5.1. 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. The Introductory Tenancy regime has been retained by RHL and is 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 it starts. 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 you have an Introductory Tenancy your Landlord must serve a written Notice on you to say that they intend to start Court proceedings and say when and give the reasons why they are seeking possession. The Notice must also tell you that you are entitled to review your landlord's decision to get possession and that you can seek legal advice.

In order to get possession of the property RHL must get a Court Order. If you want to review the decision made to get a Possession Order, you must act within 14 days of getting the written Notice. You should write to RHL to say that you want them to look at your case again.

Even if you have an Introductory Tenancy you still have the same rights as other tenants to have your property repaired and to be consulted about any matters which affect the property you live in.

5.2. Demoted Tenancies

In October 2006, prior to the establishment of RHL, NEDDC introduced Demoted Tenancies.

If your property is occupied under a Secure Tenancy and someone in the household or any visitors to your home commit an act which constitutes a breach 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, we 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, your tenancy becomes a Secure Tenancy again. If, however, problems during the one year period we can and will take action much more quickly and easily.

As a Demoted Tenant you have fewer rights than a Secure Tenant.

6. Witness Support

Ryknelld Homes Ltd recognises the importance of witnesses and that for victims of ASB who are collecting evidence to help us then 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.

7. Multi-Agency Approach to Preventing ASB

Ryknelld Homes Ltd will not tolerate ASB within its District and will use any available interventions to not only remedy, but also to prevent ASB. In order to do this we have developed strong links and work closely with partner organisations including NEDDC; Derbyshire County Council (DCC); Derbyshire Constabulary; Youth Offending Team; Derbyshire Fire and Rescue; Social Services; Education; Drug Alcohol Team; Connexions; North East Derbyshire Community Safety Partnership.

8. Racial Harassment/Hate Crime

Racial Harassment is defined as:

“A deliberate act which interferes with the peace and comfort of an individual’s quality of life and that the act has been committed against the individual because of his or her colour, race or ethnic origination”.

“Any incident which is perceived to be racist by the victim or any other person”.
(Stephen Lawrence inquiry)

Ryknelld Homes Ltd is committed to ensuring that all Local Authority tenants enjoy a nuisance-free tenancy, free of fear of intimidation, abuse or assault. Where it can be proven that one tenant is harassing another, it is prepared to take what action is necessary to stop this by the use of any statutory, legal or other powers available to the Local Authority landlord.

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.

9. Domestic Violence

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 violence is unacceptable and RHL work with partner agencies to ensure that a victim of domestic violence receives support and assistance in overcoming this type of abuse. Where appropriate we will respond to the housing needs of women or men experiencing violence.

Domestic Violence is also a breach of Clause 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. Rehabilitation of Perpetrators

In investigation cases of ASB, RHL will consider the personal circumstances of the perpetrator and will seek to support them to change their behaviour, where appropriate making referrals to other agencies for specialist advice/support.

11. Remedies

Rykneld Homes Ltd uses a range of legal and non-legal remedies when tackling ASB. It is important that whatever remedy is chosen is relevant to the situation and is realistic, given the likelihood of success. A full list of the remedies RHL utilises, with explanations, can be found in the document 'Statement of Procedure'.

12. Information Sharing

When dealing with cases of ASB we will share appropriate and relevant information. All information exchanged between these agencies is shared in line with the Crime and Disorder Act 1998 and Data Protection 1998 legislation.

13. Publicity

Publicity is essential if local communities are to support us when tackling anti social behaviour, therefore, where justified and appropriate, we may publicise the successful results of our cases in the local media so that the public are made aware of the strong action we take. We may also, from time to time publish a statistical summary showing the numbers of cases, actions, resolutions to our tenants and partner agencies through a variety of publications.

14. 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.

15. Staff Training

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.

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