

## Oxford City Council OXFORD CITY HOMES

### **ANTI-SOCIAL BEHAVIOUR POLICY for Oxford City Council Tenants & Leaseholders**

Oxford City Homes provides:-

- A tenancy and property management service for the tenants and leaseholders of Oxford City Council residential properties
- A repairs and maintenance and letting service for its blocks of garages
- Maintenance of areas of housing land

#### **Oxford City Council's Vision**

Oxford City Council's Vision guides all the work we do at Oxford City Homes.

This policy sets out guidelines that are in line with the Vision.

Oxford City Council's vision is 'Building a world-class city for everyone'. We are committed to achieving this vision by

- Improving the Council's performance - we aim to provide services that the people of Oxford can rely on, services that get things right the first time. We will develop a service culture that is open and responsive to the needs of our customers. We will ensure that all our customers can access our services easily and on equal terms.
- Working more closely with partners to develop and deliver shared goals for the City - we believe that the Council, as the democratically elected body for Oxford, should play a focused and creative role in the life of the City. We will do this by working closely with the communities in our City and learning from them.

Oxford City Homes will tackle anti social behaviour. We will work with other bodies, especially the Police and CANAcT (Crime And Nuisance Action Team) to reduce crime and the fear of crime.

#### **The RESPECT Standard**

Oxford City Homes signed up in February 2008 and is working to making sure the 6 standards influence our policy, planning and actions.

#### **Accountability, leadership, and commitment**

Oxford City Homes will consult and update and publish its policies on anti social behaviour and harassment to be transparent about the way it deals with antisocial behaviour. It will include:-

Why we have an Anti Social Behaviour Policy

1. To Define Anti Social Behaviour
2. To describe our view
3. To respond to our customers' needs
4. To state how will respond to cases of anti social behaviour
5. To state how we will work effectively in partnership
6. To fulfill our legal obligations and statutory duties
7. To describe the processes involved
8. To state how we will work to improve the lives of our customers

### **Empowering and reassuring residents**

Oxford City Homes will consult on policy making. Tenancy Services will arrange walkabouts to be able to see and hear the concerns of tenants. The Tenant Involvement Panels will enable residents to be involved in shaping the service. Information and performance will be published in 'Tenants' Issue'. We provide support to tenants who want to tackle issues of antisocial behaviour.

### **Prevention and early intervention**

Most cases of antisocial behaviour are resolved with early intervention by housing staff pages 17 and 18 give details of the processes used.

### **Tailored services for residents and provision of support for victims and witnesses**

This policy give details on how we will provide support to our tenants and that we will work closely with all the relevant agencies to create a robust, yet tailored response.

### **Protecting communities through swift enforcement**

Oxford City Homes will use all the legal remedies available and will make sure staff are trained regularly on all the measures available. We will work with CANAcT and Legal Services to ensure rapid intervention.

### **Support to tackle the causes of anti-social behaviour**

We will encourage tenants to accept help from the providers of services aimed at tackling the causes of anti social behaviour, such as the Family Support Worker or Sure Start, for example. We will use acceptable behaviour contracts to encourage good behaviour. We will use performance information and Oxford Safer Communities Partnership (OSCP) and the Crime and Disorder Reduction Partnership (CDRP) strategies to shape our services.

### **Definition of Anti Social Behaviour**

Anti-social behaviour in its broadest terms is defined as:-

“Acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as themselves” (Crime and Disorder Act 1998)

“Conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaged in a lawful activity in the locality” (Housing Act 1996)

For the purposes of the duties imposed by s218A of the Housing Act 1996, as introduced by s12 of the Anti-Social Behaviour Act 2003 the behaviour must:

“Directly or indirectly relate to or affect the housing management function”; or “Consist of or involve using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.”

Harassment is defined as:-

“Personalised, deliberate, unwanted acts of violence (verbal or physical) or other behaviour which is designed to cause harmful damage to people or property which is suffered by people or groups of people because of their race, ethnic or national origin, gender (including domestic violence), sexuality, HIV status, religion, beliefs, disability, age or family circumstances” (LEICESTER)

### **Our View**

The housing management function of the landlord covers any activity that the landlord would undertake in the day-to-day and strategic management of the stock. Examples include tenant and community participation, maintenance and repairs, rent and rent arrears collection, and neighbourhood management dispute resolution. Matters which ‘indirectly affect’ the housing management function could include social care and housing support, environmental health and refuse collection and other services provided that enable the efficient operation of the landlord function.

Anti-social behaviour may or may not constitute criminal activity. When complaints are received, the key determinant for Oxford City Homes, in deciding whether particular behaviour is anti-social or not, will be the impact of the behaviour on others.

There are many forms of anti-social behaviour, which include, but are not limited to the following:-

The forms of antisocial behaviour have been categorised to allow for different response times, depending on the seriousness.

The timescales shown above are target times for completing the initial investigations.

Category One Extreme cases – 1 working day

Category Two Serious cases – 5 working days

Category Three General nuisance cases – 10 working days

Category Four Minor cases – 20 working days

**Category one** includes extreme cases of anti social behaviour such as:-

- Hate related incidents (based on race, sexual orientation, homophobia, gender, disability, religion age etc)

- Allegations of drugs/substance misuse and drug dealing
- Criminal behaviour involving violence or threats of violence
- Physical violence such as assault
- Criminal Threats
- Arson
- Child Abuse
- Domestic abuse
- Serious harassment/intimidation and threatening behaviour
- Removal of racist or offensive graffiti following a report
- Other forms of anti social behaviour requiring an immediate response
- Attacks on Oxford City Council staff

**Category two** includes serious cases of anti social behaviour such as:-

- Allegations of aggressive/abusive behaviour
- Regular disturbances, such as noise
- Drug/solvent and alcohol abuse
- Verbal abuse and written intimidation and harassment
- Allegations of prostitution. Sexual acts and kerb crawling
- Other forms of serious anti social behaviour, which in our opinion, needs priority but does not warrant an urgent or immediate response

**Category three** includes neighbour nuisance and minor tenancy breaches such as:-

- Pet and animal nuisance
- Minor noise nuisance
- Untidy gardens
- Litter, rubbish, refusal disposal and fly tipping
- Running a business without permission
- Car repairs
- Nuisance from vehicles such as untaxed vehicles
- Vandalism and damage to property
- Access disputes
- Misuse of the communal areas

**Category four** includes minor cases such as:-

- Parking disputes where no restrictions are in place
- Lifestyle disputes where breaches of tenancy cannot be proved
- Disputes between children
- Other pet nuisance
- Use of communal gardens
- Disputes about cleaning communal areas where a service charge does not exist
- Gardening disputes

- Anonymous complaints
- Unsubstantiated malicious gossip

In respect of category four, it will be made very clear to the complainant/s that these minor cases may not result in direct intervention by Oxford City Homes staff. They will, however, offer advice and assistance to the complainant/s and offer to send them a copy of Oxford City Homes Good Neighbour leaflet. The officers may also refer the case to an outside agency such as mediation services. In the case of personal disputes mediation will be offered and all parties will be encouraged to take this course of action.

All complainant/s will be sent an acknowledgement within 5 working days of receiving the complaint.

### **Our response to our customers' needs**

Oxford City Homes recognises that to provide a quality housing service, we must be effective in tackling the problems created by anti-social behaviour. We will demonstrate by our actions that we will not tolerate anti-social behaviour and will make that absolutely clear to our tenants and to any person seeking a tenancy.

Oxford City Homes aims to:-

- Quickly and formally acknowledge every report of anti-social behaviour
- Ensure every report of anti-social behaviour is initially investigated by Tenancy Services
- Ensure that Council Officers will, in the first place, assume the complaint is justified
- Start investigations at the earliest possible opportunity after receipt of the complaint and conduct the investigation with all reasonable speed
- Carry out investigations that will seek to identify all interested parties
- Carry out interviews with all interested parties
- Respond appropriately to each complaint of anti-social behaviour
- Respond, as necessary and as is appropriate, moving from advice, conciliation and support for the tenants' own actions to legal action by Oxford City Council on behalf of victims of anti-social behaviour
- Take legal action against perpetrators where criminal activity is evident

### **Vulnerable Tenants**

Some residents may be less able than others to manage the social relationships needed for living with their neighbours peacefully. They may cause disturbance without realising the consequences for the people living around them. Equally, they may not be able to deal with neighbours who cause them disturbance or distress. Being vulnerable does not mean that people cannot take responsibility for their actions, however, their personal circumstances or ability may mean that they need extra support or rehabilitation (or both).

The following list may assist officers to identify vulnerability:-

- Mental health problems
- Alcohol and drug dependency and abuse
- Young people leaving care
- Single and inexperienced people living alone
- People at risk through unhealthy living conditions
- Vulnerable elderly people
- Victims of domestic violence
- Physically disabled people

Oxford City Homes is committed to supporting vulnerable residents through a variety of methods including:-

- Assessments with other agencies prior to the start of the tenancy to ensure they are able to manage their tenancy
- Sensitive lettings
- Referrals to appropriate Support Services
- Working in partnership with statutory and voluntary agencies that provide the support packages

### **How we will respond to complaints of anti social behaviour**

We will take all complaints of anti-social behaviour seriously and act promptly to deal with them.

The Anti-Social Behaviour Policy is an integral part of achieving these objectives. The main objectives of this policy are:-

- To ensure that incidents of anti-social behaviour are reported, accurately recorded and monitored
- To ensure that early action is always taken to prevent the escalation of behaviour that is inconsiderate and a nuisance, into serious antisocial behaviour that threatens and intimidates
- To support victims, their families and any witnesses
- To advise the complainant/witness of the full range of services that Oxford City Council and other agencies provide
- To encourage victims/witnesses to report incidents
- To take a victim-oriented approach when dealing with complaints of anti-social behaviour
- To fully investigate any complaints of anti-social behaviour and ensure they are dealt with within a given timescale
- To ensure that victims and witnesses are kept informed of actions and progress for the duration of the case

- To ensure that actual and potential perpetrators of anti-social behaviour are aware of the consequences of their actions
- To take appropriate legal action where there is evidence against perpetrators
- To encourage a multi-agency approach to dealing with casework and finding solutions to anti-social behaviour
- To enable Tenancy Services to adopt appropriate procedures to deal with anti-social behaviour suffered by tenants
- To prevent further anti-social behaviour
- To develop quality assurance methods to assess the complainant's satisfaction with the way in which Oxford City Homes' staff deal with their complaint

### **We will work effectively in partnership**

Oxford City Homes will work in partnership with other external and internal specialist services to tackle anti-social behaviour in the City. Where appropriate this will include, with the consent of those involved, referral to specialist support and counselling services.

### **Crime and Disorder Reduction Partnership**

Oxford has a strong Community Safety Partnership that has been in place since 1999. Anti-social behaviour is one of the five strategic objectives of the Crime and Disorder Reduction Strategy and this ensures a holistic approach to reducing it. The following agencies are represented on the Community Safety Partnership Steering Group:-

- Oxfordshire Drug and Alcohol Action Team
- Thames Valley Police
- Oxford City Primary Care Trust
- Thames Valley Probation Service
- Government Office for the South East
- Oxfordshire County Council

### **Housing Associations (Registered Social Landlords)**

The Council is committed to working in partnership with Registered Social Landlords (RSLs) to address crime and disorder in the City. Local Registered Social Landlords in the City attend Anti-Social Behaviour Forum meetings with other local practitioners. This is a strategic group that aims to reduce actual and perceived anti-social behaviour in the City.

### **Mediation in Action**

Mediation helps neighbours settle disputes about, for example, noise nuisance, boundaries, rubbish, and children's behaviour, through guidance and mediation. Disputes between neighbours, if left unresolved and allowed to fester, can often result in serious anti-social behaviour. Mediation is a different way of tackling conflict. Mediators do not advise but have the skills to help people resolve their disputes and work out a way to live together.

### **Legal Services**

The Council's Legal Services will provide professional legal advice and guidance on anti-social behaviour, harassment and nuisance. Their workload in this area includes attending case conference meetings, reviewing case files, preparing papers to ensure that they are presented at court and preparing legal documents such as Notices of Seeking Possession, affidavits and applications for ASBO court hearings.

### **Environmental Health**

The Environmental Health Service Area provides a noise nuisance complaint service. They have the power to stop noise nuisance. Noise nuisance complaints from council tenants are dealt with by the Tenancy Services team in conjunction with Environmental Health Officers during office hours. An 'out of hours' service is provided by Environmental Health.

### **Community Safety Team**

Oxford City Council's Community Safety Team provides a range of services, projects and programmes to reduce crime and disorder in the City. It does this by co-ordinating the development and implementation of the statutory Crime and Disorder Reduction Audit and Strategy and working with local communities in developing activities to reduce crime and disorder. In addition to neighbourhood-based schemes the team manages citywide programmes to tackle anti-social behaviour, burglary and retail and business crime.

### **CANAcT**

Following a decision taken by the Housing Committee in October 2000, a specialist Anti-Social Behaviour team was launched in November 2001. The team is known as CANAcT (Crime And Nuisance Action Team). CANAcT works to reduce some of the worst anti-social behaviour on housing estates, on referral from Oxford City Homes, and other Service Areas and agencies. Together with Oxford's Street Wardens, CANAcT now forms part of the Community Safety Team.

### **Street Wardens**

The Street Warden Scheme operates in a number of locations across the City as determined by the Council. The scheme is wholly funded by the City Council. The wardens have a dual role to deter and detect anti-social behaviour and give the community a greater sense of security. The Housing Service supports the warden schemes and is keen to see the benefits extended to other parts of the City.

### **Domestic Violence Unit**

Tenancy Services works closely with the Oxford Women's Refuge, Housing Needs, other Local Authorities, Thames Valley Police Domestic Violence Unit and other specialist teams. Tenancy Services is able to refer cases to the Women's Refuge when appropriate.

### **Drugs and Alcohol Action Support Team**



The Drugs and Alcohol Action Support Team (DAAT) is responsible for supporting Oxford substance misuse partnerships and the many voluntary agencies committed to tackling substance misuse. Referrals can be made by Tenancy Services for those residents in need.

### **Youth Offending Team**

The Youth Offending Team (YOT) works with Social Services, the Police, the Courts and the Probation Service to challenge offending behaviour, and supervise young offenders and those at risk of offending.

### **Floating Support Providers**

Connection and Stonham provide the floating support services. MIND can only provide floating support to people with CPAs and we will refer tenants who need support with life skills to them. We will meet together about particular tenants if there are problems. We will review our working arrangements on an Annual basis.

### **Police**

We share information about anti social behaviour and the Police provide us with information when criminal convictions are made.

### **Thames Valley Probation**

The probation service manages convicted offenders subject to community Court orders and those released from prison on licence. A wide range of interventions and services are available including two hostels in Oxford for those who present the highest risk of harm to others.

### **Multi Agency Meetings**

Oxford City Homes will participate in multi agency meetings to:-

- Forge better working relations
- Share information about case work
- Share information about service provision
- Develop best practice

### **Problem solving groups**

We take an active part in these meetings which are individual, multi agency case conferences held as the need arises. Whilst governed properly by the strictures of the Crime and Disorder and Data Protection Acts, they are held as informally as possible, to encourage proper information exchange.

### **Case Conferences**

These are multi agency meetings, formally convened, to consider whether an Anti-Social Behaviour Order is appropriate in a particular case.

### **Anti-Social Behaviour Casework Groups**

Oxford City Homes staff will take part in the Local monthly meetings that are held with the Police and other partners to tackle the most serious cases across the City, and to

consider cases where Anti-Social Behaviour Orders and other actions may be necessary. There are casework groups for every Neighbourhood Action Group area, and they report formally to the Neighbourhood Action Groups

### **Environmental Issues**

On our estates we endeavour to prevent the occurrence of anti-social behaviour by working closely with other departments such as Streetcare and Parks. This ensures that defective lighting and overgrown shrubs are dealt with quickly to maximise visibility. A Police Architectural Liaison Officer is consulted to ensure that estates are safe by design.

### **To fulfil our legal obligations and statutory duties**

This policy is intended for staff and the public and provides them with guidance on what Oxford City Homes will do with regards to complaints of anti-social behaviour.

This policy should be read in conjunction with the Oxford Safer Communities Partnership Community Safety Rolling Plan 2008-11.

Tenancy Services Procedures on Anti-Social Behaviour provide a process for carrying out the aims of the policy.

### **The Crime and Disorder Act 1998**

Section 17 places a duty on local authorities and the Police to form a partnership and develop, with key partners, a community safety strategy to tackle crime and disorder. Section 115 facilitates information exchange by providing that any person can lawfully disclose information where necessary for the purposes of any provision of the act, i.e. primarily to reduce crime. This exchange of information is governed by an agreed data sharing protocol between the council, Police and other agencies. The Act also introduced Anti-Social Behaviour Orders, Child Curfews, Parenting Orders and Child Safety Orders. The Crime and Disorder Act created new offences, including racially aggravated assaults, criminal damage, public order offences and harassment.

### **Anti-Social Behaviour Act 2003**

This Act consolidates the Crime and Disorder Act 1998 and other legislation, including the Police Reform Act and the Housing Act 1996, and increases the range of powers available to social landlords to tackle antisocial behaviour quickly and effectively. It places an obligation on social landlords to prepare Anti-Social Behaviour policies and procedures and to publish both a statement and summary of these. It extends the current powers for a social landlord to apply for an injunction where a person's behaviour is affecting housing management functions. The Act also gives social landlords the ability to apply to the Court for a demotion order. This reduces the tenant's rights, including the right to buy for a period of up to a year.

**Best Value and the Local Government Act 1999**

The Local Government Act 1999 applies a duty of Best Value on Local Authorities to deliver real and sustained improvements in the quality of services which local people receive.

**Race Relations Amendment Act 2000**

The general duty under this Act is to:-

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good race relations between people of different racial groups

**Human Rights Act 1998**

This legislation ensures that the proposed action being taken against a perpetrator is a reasonable and proportionate response to the anti-social behaviour in question. Under this Act a victim suffering an abuse of one of his/her human rights will be entitled to complain to a court of law in the United Kingdom and seek compensation. Key rights that are significant for the Council are:-

- Prohibition of discrimination
- Respect for private and family life
- Right to a fair and public hearing

**Homelessness Act 2002**

The Homelessness Act places a duty on the Council and its statutory partners to work together to prevent homelessness and to help sustain people in their tenancies, particularly vulnerable individuals. Where a household's tenancy is put at risk as a result of anti-social behaviour carried out by a tenant, someone in their household, or a visitor, then demonstrable steps must be taken to show that all other options have been pursued before a possession order is sought. Housing management service providers will be responsible for ensuring that Housing Needs and Tenancy Services staff are kept informed not only of cases where court action is being planned, but also of the preventative steps that are being pursued. For a tenant evicted as a result of anti-social behaviour, the provision of alternative accommodation through a Part 7 (homelessness) application, or an application to join the housing register, may be precluded. The applicant may be found to be intentionally homeless because of their behaviour. They may also be found ineligible for an allocation from the general register; as per the Housing Act 1996, Section 160a, and the Oxford City Council Allocations Scheme 1 January 2008 Section 3.5 1 & 2, 3.8 1 & 24.

**Data Protection Act 1998**

All personal data processed by the Council must be:-

- Obtained and processed fairly and lawfully
- Kept accurate and up to date
- Held for no longer than is necessary

- Subject to appropriate security measures

### **Housing Acts 1985 and 1996**

The Housing Act 1985 provides a sanction on perpetrators of nuisance and anti-social behaviour whether they are tenants or other persons who are affecting those lawfully in the area of the housing authority. Eviction for harassment and anti-social behaviour can be achieved under two different grounds in Schedule 2 or the 1985 Act; Ground 1 covers breaches of tenancy agreement and Ground 2 is specifically for nuisance or annoyance and/or certain convictions. The Housing Act 1996 Section 144 amendment of the Housing Act 1985 Ground 2 extends the scope, so local authorities can give evidence of behaviour that justifies repossession of a tenancy. The Housing Act gives social landlords more powers against anti-social tenants by strengthening the grounds for possession to include:-

- Behaviour likely to cause nuisance (which enables professional witnesses to be used)
- Anti-social behaviour in the locality of the tenant's property
- Anti-social behaviour of visitors to the property
- Conviction for an arrestable offence in the vicinity of the property

### **Environmental Protection Act 1990 and the Statutory Nuisance Act 1993**

Under these Acts, if the local authority Environmental Health team consider that the noise amounts to a statutory nuisance, they can serve an abatement notice. If the nuisance continues without reasonable excuse, the perpetrator can be prosecuted in the Magistrate's Court and if convicted, can be fined up to £5000, with a further £500 for each day on which the nuisance continues. Noise Officers can obtain a warrant from the Magistrate's Court and can seize equipment.

### **Disability Discrimination Act 1995 (section 2)**

The Act gives disabled people rights in a number of areas including:-

- Access to services
- Renting property

### **The Processes involved**

#### **Tenancy Management**

The Council's tenancy agreement is a legal binding contract between the Council and its tenants. As part of the sign up process, staff will explain to new tenants their responsibilities with regard to their behaviour. Oxford City Council will employ a sensitive approach to re-letting property where the previous tenant has been transferred due to harassment.

### **Reviewing the tenancy agreement**

The agreement has recently been reviewed in line with best practice to enable housing management to be more effective in dealing with anti-social behaviour. Next review is due in 2009.

### **Training**

We are committed to training our staff to ensure they are equipped with the necessary skills to deal with this often difficult and challenging area of work. We will use the annual review our procedures as a time for refresher training.

### **Environmental Issues**

On our estates we endeavour to prevent the occurrence of anti-social behaviour by working closely with other departments such as Streetcare and Parks. This ensures that defective lighting and overgrown shrubs are dealt with quickly to maximise visibility. A Police Architectural Liaison Officer is consulted to ensure that estates are safe by design.

### **Publicity**

Oxford City Homes will publicise its Anti-Social Behaviour Policy and Procedures. We will publicise high profile cases, campaigns, activities related to tackling anti-social behaviour and Anti-Social Behaviour Orders as agreed by the Corporate Media and Communications Team.

### **Multi Agency Approach**

We will work with all organisations to ensure a comprehensive approach to tackling all aspects of anti-social behaviour.

### **Support of Complainants and Witnesses**

Oxford City Homes will:-

- Take all complaints of anti-social behaviour seriously whether made in person, in writing or over the telephone
- Ensure that complainants and witnesses are dealt with sympathetically and in total confidence
- Keep the complainant informed of the progress of their case
- Seek the complainant's permission before contacting anyone else about the anti-social behaviour - failure to obtain permission, though, may mean that it will be difficult to sort out the problem (lack of evidence)
- Do everything we can reasonably do to find an effective solution to stop the anti-social behaviour
- Advise the complainant if we decide to close the case because we can take no further action
- Send out a clear message that Oxford City Homes will not tolerate anti-social behaviour

## **Non- Legal Remedies**

### **Personal Resolution**

Wherever possible, we will encourage and help residents to solve their differences themselves. This is often the easiest way of solving a problem, as people sometimes do not realise they are causing a nuisance until it is pointed out to them. This is generally the most successful way to sort out problems that are personal differences between two households. Official involvement can sometimes lead to resentment between the two households and make the matter harder to resolve.

### **Problem solving groups**

Local monthly meetings are held with the Police and other partners to tackle the most serious cases across the City, and to consider cases where Anti-Social Behaviour Orders may be necessary.

### **Anti-Social Behaviour Order Panels**

These are individual, multi agency case conferences to consider whether an Anti-Social Behaviour Order is appropriate in a particular case.

### **Monitoring Equipment**

Monitoring equipment may be used to gather evidence in certain circumstances. The law requires that directed surveillance is a last resort and that all other means of gathering evidence should be attempted first. The CANAcT team has access to different forms of equipment for monitoring purposes when the case warrants it.

### **Floating Support**

Floating support is available to temporary and permanent tenants who may have difficulties in maintaining their tenancy satisfactorily. The support can range from budgeting to management of acceptable behaviour. Tenancy Services will make a referral to this scheme if appropriate.

### **Housing Advice**

We will make referrals to:-

- The Council's Options Service
- Voluntary advice agencies in the city
- Citizens Advice Bureau, when appropriate to provide further assistance.

### **Mediation Service**

Oxford City Homes uses an independent company - Mediation in Action - who deal with neighbour disputes on our behalf. The settling of disputes is sought at an early stage to resolve matters before they escalate into more serious anti-social behaviour.

### **Acceptable Behaviour Contracts (ABCs)**

An Acceptable Behaviour Contract is a written agreement between a person who has been involved in anti-social behaviour and one or more local agencies whose role it is to

prevent such behaviour (e.g. the Police and Tenancy Services and CANAcT). They are most commonly used for young people i.e. between ten (10) and eighteen (18) years of age but may also be used for adults. The contract is agreed and signed at a meeting with the individual and the lead agencies i.e. Tenancy Services and CANAcT.

An Acceptable Behaviour Contract is a voluntary agreement, requiring co-operation from all parties. If it is breached there is no legal redress although evidence collected for an Acceptable Behaviour Contract or a breach may be cited in court support for a Possession order or Anti Social Behaviour Order.

In any case where young people are involved in anti-social behaviour in Oxford, the use of an Acceptable Behaviour Contract (ABC) will be considered.

### **Parental Control Agreements (PCA)**

Parental Control Agreements are the same as ABCs but are targeted at children under the age of 10 years old. The parent or guardian rather than the child will sign the PCA.

### **Enforcement/Legal Remedies**

Oxford City Homes believes that taking action against perpetrators of anti social behaviour sends a clear message to other tenants that we will not tolerate such behaviour. We will, as far as possible, take action against the perpetrator of anti-social behaviour rather than move the person affected by it. The action taken will depend, in part, on whether the perpetrator is a Council tenant, Council leaseholder or private sector tenant/owner occupier.

Legal action is always a last resort and the Court will want to be satisfied that all other methods have been given serious consideration, or have been tried and failed. We will refer criminal cases to the Police. Oxford City Homes will work closely with the Police and other agencies to collect intelligence and evidence in pursuing prosecutions for anti-social behaviour.

Oxford City Homes will not apply to Court if the legal advice is that the evidence gathered is not sufficient, i.e. that statements and evidence has not been forthcoming, or if other more appropriate action can be taken, such as criminal charges.

Great effort will go into identifying perpetrators, and appropriate action will be taken as stipulated in the Anti-Social Behaviour Procedures. The course of action will initially be determined by the investigating officer/estate manager, in consultation with the complainant, and then by the CANAcT Operations Manager/Tenancy Services Manager.

This may include any of the following:-

### **Tenancy Agreement**

Breach of tenancy can lead to eviction (under Ground 1 and/or 2 of Schedule 2 of the Housing Act 1985) or to an injunction requiring compliance with the terms of the agreement. The Council's tenancy agreement contains specific clauses relating to anti-

social behaviour which enable Council Officers to take positive action against identified perpetrators. These are contained in section 5 of the tenancy agreement. The tenancy agreement contains examples of anti-social behaviour which include:-

- Using or threatening to use violence
- Using abusive or insulting words and/or behaviour
- Damaging or threatening to damage property
- Graffiti
- Doing anything which interferes with the comfort, convenience or health of other residents
- Nuisance or annoyance caused by pets
- Using racist language and/or behaviour

### **Possession Proceedings**

If the terms of the tenancy agreement are breached, possession proceedings can be initiated against the tenant. A breach of the tenancy agreement is a ground for possession and there is also a statutory ground relating to nuisance and annoyance. Possession proceedings may lead to eviction of the tenant.

### **Demotion of tenancy**

This new form of tenancy has been introduced under the Anti-Social Behaviour Act 2003. It is an alternative to outright or suspended Possession Orders. The Demotion Order reduces the security of tenure for a period of up to 12 months.

### **Injunctions**

An Injunction is an order of the Court requiring a person to do or refrain from doing a particular act, for example to stop banging walls, or stop dumping rubbish. Breach of an Injunction is a serious offence.

### **Undertakings**

Sometimes the perpetrator can agree to give an undertaking rather than go through the full Injunction procedure. They have to make a promise to the Court to do, or not do, a certain thing. Breach of an undertaking is also a serious matter.

### **Anti-Social Behaviour Orders (ASBOs)**

ASBOs are civil orders that exist to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. An order contains conditions prohibiting the offender from specific anti-social acts or entering areas and is effective for a minimum of two (2) years. Breaches can result in fines or imprisonment.

### **Parenting Orders**

A Parenting Order is designed primarily to help and support parents when their children get into trouble (when a child aged 10-17 is convicted of an offence or subject to an Anti Social Behaviour Order). A Court may impose an order on a parent or guardian and it will usually contain a requirement to attend counselling or guidance sessions (which can



last up to 3 months); and requirements encouraging the parent/guardian to exercise a measure of control over the child. Breaches will result in warnings, reviews and fines.

### **Witness Protection**

Oxford City Homes will work with partner agencies to support the victims of anti-social behaviour. We will ensure that witnesses, victims and complainants who may have to face formal court proceedings are supported throughout the case. This will include escorting witnesses to court and providing support after the hearing. In very serious cases it may be necessary to re-house victims or witnesses, either temporarily or permanently. We will also protect victims or witnesses by providing panic alarms. In very serious cases we will liaise with the Police to assist with witness protection and call out priority. Oxford City Homes will arrange access to translation/interpreters in the appropriate language as required and welcomes the use of advocates by victims of anti-social behaviour.

### **Repairs and graffiti**

Oxford City Homes will order emergency repairs to damaged Council property where major incidents of anti-social behaviour or harassment have occurred (i.e. where there is a danger to life or limb, major damage to the property or if the property is insecure). Once requested, offensive or hate crime motivated graffiti on Council property will be removed within 24 hours and other types of reported graffiti within 15 working days.

Oxford City Homes may ask the tenant to provide a Police crime reference number before ordering urgent or normal repairs as a result of anti-social behaviour or harassment.

## **How we will work to improve the lives of our customers**

### **Prevention**

Oxford City Homes has responsibility for tackling anti social behaviour on its own estates and works in partnership with:-

- Crime and Nuisance Action Team (CANACT)
- Street Wardens
- The Community Safety Team
- Environmental Health
- Other agencies such as the Police, Citizens Advice Bureau and Mediation in Action

Oxford City Homes believes that tackling the causes of anti-social behaviour is key to creating communities where people choose to live. We will ensure that: -

- All tenants are aware of their responsibilities
- Staff are fully equipped to deal with cases of anti-social behaviour
- We work in partnership with other agencies to deliver a joined up approach

## **We will work to prevent anti-social behaviour in a number of ways**

- Undertaking alterations and improvements to existing properties in line with expert recommendations and best practice guidelines to existing properties, for example door entry system, improved lighting, where it is cost effective to do so
- Working with other agencies to have localised anti social behaviour strategies to tackle hot spots. These strategies would include agreed priorities and solutions
- Identifying potential vulnerable residents and providing additional support to prevent these people from causing, or being victims of, anti social behaviour
- Making recommendations not to re-house those who have been proven perpetrators of severe anti-social behaviour, intimidation and harassment and have previously been evicted for such behaviour: see Oxford City Council Allocation Scheme 1 January 2008 section 3.5 for details
- Working with other agencies to devise local lettings plans to support sustainable communities for new and existing communities
- Using Introductory Tenancies in accordance with the Housing Act 1996
- Ensuring that new tenants signing for a new tenancy are made aware of clauses in their tenancy agreement relating to anti-social behaviour, discrimination and harassment and draw their attention to our robust policies on tackling them
- Using non-legal, negotiated, and conciliatory methods to resolve problems where possible, this may include use of mediation services, Acceptable Behaviour Contracts and Parental Control Agreements
- Using surveillance and other specialist agencies, where appropriate and suitable circumstances to support our work to tackle anti-social behaviour, harassment and intimidation
- Working with Social Services, Health, Drug Action Teams and other relevant agencies to make sure the tenants with difficulties such as drugs or mental health problems receive ongoing support as needed
- Linking to other Oxford City Homes policies to tackle local problems

### **Implementation**

All cases of anti-social behaviour should be reported to Tenancy Services. Should Tenancy Services not be able to resolve the situation, a referral will be made to the anti-social behaviour team who will then work with Tenancy Services to resolve the case.

Requests will be made to CANAcT for assistance in serious and difficult cases of anti-social behaviour including cases where:-

- The perpetrator has been charged with or convicted of a serious offence near the vicinity of their home, which would be in breach of the Tenancy Agreement
- The perpetrator has been served with a Notice of Seeking Possession/Notice To Quit (NOSP/NTQ) for nuisance, harassment etc., and the problem persists
- The complainant has been moved to temporary accommodation for safety purposes
- The complaint or Breach of Tenancy is of a serious nature, i.e. drug dealing, murder, domestic violence, sexual assault, sexual and physical abuse, racial harassment

- Intensive surveillance is required
- Where a cross-neighbourhood approach is required and a central lead is required to resolve the problem effectively

Comply with the Anti-Social Behaviour Policy and Procedures

Act with sensitivity when dealing with complaints of anti-social behaviour and complete an Anti-Social Behaviour Initial Report Form

### **Service Standards**

On receipt of a complaint of anti-social behaviour, the Estate Manager will contact the complainant within the timescales agreed for the category of anti social behaviour. If an interview is necessary, contact will be made with the complainant and an interview arranged within the timescales agreed for the category of anti social behaviour.

### **Case Closure**

After each case has been closed the Estate Manager will write to the complainant and the person(s) to whom the complaint relates, to advise them that the case has been closed and explain the reasons for closing the case. At this stage, the complainant should also be advised in writing to contact the Estate Manager if any further incidents occur. An anti social behaviour customer satisfaction questionnaire will be attached to the letter for the complainant to complete.

### **Record keeping**

The Estate Manager will ensure that all anti-social behaviour case files and other relevant documents are stored in a secure environment. Disclosure request forms must also be stored securely in a lockable cabinet (separately from the anti-social behaviour case files and tenancy files) and kept under the control of the 'designated officer' under the information sharing protocol.

### **Training**

New members of staff will receive introductory training on the Anti-Social Behaviour Policy and Procedures as part of their induction training. All staff receive training on the Oxford City Homes policy, procedures and practices for dealing with complaints of anti-social behaviour, including recognition and recording of anti-social behaviour complaints, and civil and criminal legal remedies. Records are kept of all corporate and external ASB training received by Tenancy Services staff.

Oxford City Homes Tenancy Services will carry out an annual audit of training to ensure that staff have received adequate training on anti-social behaviour.

## **Customer Satisfaction**

To improve our service to complainants of anti-social behaviour, we will develop quality assurance methods to assess the satisfaction of complainants with our service, endeavouring to take on board their comments and suggestions.

## **Data Protection**

We expect our staff to comply with the requirements of any new or existing relevant legislation (such as the Data Protection Act 1998) and Oxford City Council's policy, procedures and protocols on Data Protection.

## **Information sharing**

Oxford City Council has signed up to a joint information sharing protocol with its statutory partner agencies (the Police, Probation Service and the Health Authority). This protocol deals with the sharing of information between relevant local agencies in relation to incidents and perpetrators. Officers will ensure that any disclosure of information is lawful and will check with legal services and/or the data protection officer if there is any doubt. Under this protocol only the 'designated officers' Tenancy Services and the ASB Team can either process or initiate requests for personal information and conviction data. Tenancy Services this will normally be the Tenancy Services Manager or similar post holder.

## **Confidentiality**

Staff will make sure that all cases are kept confidential and information is only shared with other agencies with the permission of the complainant.

## **Equality and Diversity**

Oxford City Homes is committed to services that are accessible and useful regardless of age, disability, gender, race, national origin, religious belief, sexual orientation or any other factor that may cause disadvantage.

We wish to be recognised as an organisation which has equality and diversity issues embedded in all areas of our work. This vision encompasses our staff, customers, contractors and subcontractors.

To achieve our aim we will set clear targets, regularly measure our performance and take positive action to deal with any imbalances we find.

## Monitoring

The Tenancy Services Managers and CANAcT Operations Manager will:-

- Keep full and up to date written and computer records of all cases of harassment and anti-social behaviour
- Maintain details, and collate and provide statistics of all incidents in a format agreed by Oxford City Homes

## Performance Indicators and Information

Targets and local performance indicators will be set to ensure that complaints of anti-social behaviour are being dealt with effectively. The Tenancy Services Managers and CANAcT Operations Manager shall provide monthly, the following performance information on anti-social behaviour. This may include but is not limited to:-

- Number of new anti-social behaviour cases reported in a month by type
- Number of anti-social behaviour cases closed in month by type, type of action taken and outcome
- Number of case conference meetings/liaison meetings
- Number of referrals by type (Anti-Social Behaviour Team, tenancy support service, mediation service)
- Number of cases dealt with in conjunction with other agencies (Social Services, DAT, Police, Environmental Health)
- Number of referrals to legal services
- Number of legal actions taken by type (Notice of Seeking Possession, Notice To Quit, injunctions, Anti-Social Behaviour Orders, possession orders, evictions)
- Number of Acceptable Behaviour Contracts

The Tenancy Services Managers will collate information on anti-social behaviour Including:-

- Categories of anti-social behaviour
- Categories of the type of action taken
- Incident by estate or local neighbourhood
- Categories of outcome
- Level of satisfaction of complainant with process

## Roles and Responsibilities

The Head of Oxford City Homes and the Tenancy Operations Manager have responsibility for:-

- Implementing Housing Services Anti-Social Behaviour Policy and Procedures.

Tenancy Operations Manager and Tenancy Services Facilitator have responsibility for:-

- Assisting in the development and implementation of the Anti-Social Behaviour Strategy
- Ensuring that the City wide strategic approach to tackling anti-social behaviour is drawn from best practice and consistent with the Oxford Crime and Disorder Reduction Strategy

The Tenancy Services Managers are responsible for:-

- Ensuring compliance within Tenancy Services with Oxford City Homes' Anti-Social Behaviour Policy and Procedures

Tenancy Services Staff are responsible for:-

- Complying with the Anti-Social Behaviour Policy and Procedures.

All Officers must:-

- Attend anti-social behaviour training sessions and implement new/changed ways of working