

ROCHDALE METROPOLITAN BOROUGH **COUNCIL**

Anti Social Behaviour Policy

1. Policy Statement

Rochdale Council has delegated the management of its council houses, including the management of anti-social behaviour, to its Arms Length Management Organisation, Rochdale Boroughwide Housing. This document sets out the Council's Anti-Social Behaviour Policy in relation to its tenants which is administered on behalf of the Council by RBH.

Rochdale MBC recognises that all tenants have a right to the peaceful enjoyment of their home. Equally every tenant has the responsibility not to interfere with their neighbour's right to the peaceful enjoyment of their home.

This policy sets out the ways in which the Rochdale Boroughwide Housing administers the Council's Anti-Social Behaviour Policy through working with its partners and through its own procedures, attitudes and general approach to seek to deliver on this commitment.

2. Introduction

Rochdale Council has established the Rochdale Safer Communities Partnership (RSCP) to deal with all forms of Anti-Social Behaviour. RBH as managing agent for the Council's housing is a member of this partnership and as such is committed to taking positive action in conjunction with partners, to deal with all forms of Anti Social Behaviour. (ASB)

We are committed to ensuring that residents are able to enjoy peace, quiet and security in and around their homes.

We recognise that, left unchallenged, Anti Social Behaviour can have a significant negative impact on the lives of our Residents.

We recognise the relationship between Anti Social Behaviour, the demand for housing and the sustainability of neighbourhoods. We are committed to proactive actions to combat Anti Social Behaviour in the interests of individual residents and communities and consider that such actions have a direct impact on the sustainability of communities and neighbourhoods.

As part of this commitment to tackle nuisance and anti social behaviour a dedicated multi- disciplinary team of Legal and Enforcement Officers, has been established to provide a co-ordinated and timely response to these issues.

In tackling Anti Social Behaviour we will make use of the powers, orders and mechanisms contained in legislation and regulations to deal with problems appropriately. We will make use of the powers made available to us through:

- Local Government Act 1972: injunctions to promote the wellbeing of residents of the Borough
- Housing Act 1985 (as amended): possession proceedings
- Housing Act 1996 (as amended): anti-social behaviour injunctions
- Crime and Disorder Act 1998 (as amended): Anti-social behaviour orders
- Police Reform Act 2002 (as amended): Anti-social behaviour orders on conviction
- Anti Social Behaviour Act 2003: demoted tenancies

In addition we will make use of extra-statutory remedies where these are appropriate such as:

- Acceptable Behaviour Contracts
- Family Group Meetings
- Community conferencing
- Informal and formal warnings

These measures, which include speedy responses in serious cases, are incremental in nature. Every effort will be made to bring about real changes and improvements in behaviour and to rehabilitate perpetrators in order to ensure that further action is not required. Such improvements and changes in behaviour are considered to be effective outcomes as they demonstrate clearly to individuals the determination of RBH to take effective action on behalf of vulnerable people and the wider community. Such outcomes send out powerful messages about what will and will not be tolerated. By use of all of these potential actions RBH will deliver a proportionate and flexible response to ASB

We recognise that the causes and effects of ASB are wide ranging and varied and can affect all members of the community, not just our tenants. We will therefore always seek to work in partnership with other agencies to ensure that all the measures available are used effectively to tackle ASB problems, regardless of who owns the property. Our partners include:

- Police
- Community Safety
- Youth Offending Team
- Drug Action Team
- Environmental Health
- Fire Service
- Town Warden/Neighbourhood Ranger Service
- Victim Support
- Education Services
- Social Services

- Children and Young Adults Mental Health Service (CAMHS)
- Rochdale Primary Health Care Trust
- Rochdale Federation of Tenants and Residents Associations
- All other Social Landlords

Partnerships with Tenants', Residents and Community Groups are vital when dealing with ASB and there will, therefore, be a significant role for such Groups in this process. This role will include:

- support for measures being taken
- support for individuals involved in actions (i.e. witnesses)
- active participation in policy and strategy development with regard to ASB

We will also ensure that our policy and procedures comply with and compliment the Council's strategic objectives and in particular, will have regard to and play a part in the delivery of the RSCP Anti-social behaviour strategy.

We will have regard to the Council's Housing Strategy and in particular the impact that this policy has on achieving the strategic housing aim of creating sustainable neighbourhoods.

We will also have regard to Rochdale Council's wider obligations, including the prevention of Homelessness, the protection of children and young people and the care of vulnerable people.

We recognise and will actively promote diversity within the Community and will therefore, ensure that when taking any action we will consider the needs of disadvantaged groups.

We will always seek to ensure that everyone has equal access to the services available, regardless of who owns their home.

We treat all racist or other hate incidents very seriously and will take prompt and effective action wherever possible. To this end we have a separate but complimentary policy and procedure for dealing with such incidents.

We recognise the rights of individuals to a fair hearing and that there should be a presumption of innocence until the facts about any complaint of ASB have been established.

We recognise everyone has a right to enjoy their own lifestyle but only where this does not interfere with the rights and quality of life of other residents.

We are committed to achieving a high quality service to all our customers and are therefore members of, work with and support a number of organisations, dedicated to developing and sharing Best Practice and to representing social landlords, their tenants and communities at a local, regional and national level. This includes:

- The Social Landlords Crime and Nuisance Group

- The North West Neighbour Nuisance Forum
- The Best Practice Unit

The Policy and the accompanying procedures will be reviewed at least annually, in consultation with all relevant stakeholders.

3. Definitions

It is helpful to establish what constitutes conduct which can amount to Anti-social behaviour. There are a number of statutory definitions :

“any act which caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator”
(Crime and Disorder Act 1998)

“Conduct which is capable of causing nuisance or annoyance to any person;
and
- directly or indirectly relates to or affects the housing management function of a relevant landlord;
or
- consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose.
(Housing Act 1996 as amended by the ASB Act 2003)

The Rochdale MBC tenancy agreement contains a detailed description:

“violence or threats of violence towards another person

abusive or insulting words or behaviour

damage or threats of damage to property belonging to another person including damage to any part of a person’s home

writing threatening or abusive or insulting graffiti

any act calculated to interfere with the peace comfort or convenience of any person

any act or omission which causes or is likely to cause nuisance annoyance or disturbance to any person.”

Anti-social behaviour may or may not constitute a crime, criminal conduct is highly likely to be anti-social behaviour. Some conduct will obviously always be anti-social such as an assault or a threat of violence, other conduct is not always anti-social behaviour, the key element in deciding whether such behaviour is anti-social is the impact which it has on others. Conduct which may be reasonable in the context of one location and time may not be reasonable in a different context. Everyone accepts a

certain amount of intrusion into their daily life. The crux of the definition of anti-social behaviour is the point at which that intrusion becomes unreasonable.

It may help to give some examples.

Examples of conduct which will always be Anti Social Behaviour include, but are not limited to:

- **Many kinds of Criminal Behaviour**, this includes
 - Dealing or misuse of drugs
 - Handling stolen goods
 - Criminal damage
 - Taking vehicles without the owners consent
 - Dangerous driving
- **Harassment**, this includes
 - intimidation
 - abusive or insulting words or behaviour
 - physical abuse
 - acts or words which interfere with the peace of another person
- **Violence or threats of violence**
 - An assault upon another person or placing that person in real fear that they are going to be assaulted will almost always constitute Anti-social behaviour
- **Graffiti and Vandalism**
- **Damaging or threatening to damage another persons possessions or property**
- **Racial Harassment and/or other hate related behaviour**
 - Any type of behaviour or action, including those listed above that is carried out against another person on the grounds of:
 - Race
 - Religion
 - Ethnic or cultural background
 - Gender
 - Sexual Orientation
 - Disability
 - Social Class
 - Age

We define a racist incident as:

“ any incident which is perceived as racist by the victim or any other person ”

(Rec. 12 of Stephen Lawrence enquiry McPherson report 1999)

All cases of racist or other hate behaviour will be treated as serious and dealt with accordingly. See section nine below.

- **Domestic Violence/Abuse**
A separate policy for dealing with incidents of Domestic Violence/Abuse is available
- **Drunken Behaviour**
 - public drunkenness
- **Nuisance from Pets and Animals**, this includes
 - Fouling
 - Noise from animals (including dogs barking)
 - Excessive odours from animals
 - Keeping dangerous or unsuitable animals
 - Using animals to intimidate or harass people
 - Lack of control and supervision of animals
- **Noise**, this includes
 - loud music
 - shouting
 - arguing
 - door slamming
 - parties
 - cars revving
- **Dumping Rubbish and Misuse of Communal Areas**
- **Dangerous Use of Fireworks and Fire Setting**
- **Any Breaches of Tenancy Conditions**, this includes
 - Nuisance from business use
 - Nuisance from vehicles
 - Untidy and unkempt gardens
 - Failure to maintain the property
 - Damage to the property
- **Disputes between neighbours**

Any person who has any concern as to whether conduct to which they are being subjected amounts to anti-social behaviour should contact the Legal Services and Enforcement Team on the telephone number given at the end of this Policy for confidential advice.

4. Putting the Policy in Context

Rochdale Boroughwide Housing does not operate in isolation and this Policy exists in the context of both National legislation and Local Strategies and Policies. The Policy has been prepared in order to take account of and to provide consistency with obligations imposed by legislation and other relevant Policies in this area. The

following have been identified and taken into account in the preparation of this Policy in order to inform the content of the Policy and procedure and to ensure compatibility.

Children Act 1989

By virtue of section 17 of the Act every local authority has a general duty to safeguard and promote the welfare of children in need in their area.

By section 27 a local authority may ask a housing authority to assist it in the exercise of these functions and the housing authority shall assist if it can do so consistently with its own duties. For the purposes of this section RBH exercises many of the functions of Rochdale MBC as a housing authority

Crime and Disorder Act 1998

This Act contains many relevant provisions but the overriding duty imposed upon Local Authorities by section 17 to have regard in all its actions to the prevention of crime and disorder is of fundamental importance to RBH as it exercises functions on behalf of Rochdale MBC.

Homelessness Act 2002

The Homelessness Act places a duty on the local housing authority to work together with its statutory partners to prevent homelessness. This obligation will inform the policy both in relation to the actions which may be attempted to remedy anti-social behaviour before a possession order will be sought and in relation to the action which will be taken to combat behaviour which might otherwise drive residents from their homes.

Disability Discrimination Act 1995

By virtue of this Act it is unlawful to discriminate against a disabled person by evicting him or subjecting him to any other detriment.

Human Rights Act 1998

This Act defines basic human rights and protects these rights from abuse. Particularly relevant is the fundamental right to respect for private and family life and the home which must not be interfered with unless the interference is in accordance with the law and necessary for the protection of public safety or prevention of crime and disorder.

Race Relations Act 1976

Section 71 imposes a duty on local authorities to have regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between people of different racial groups in the way in which it carries out its functions.

“Confident Communities in a Secure Britain” Home Office Strategic Plan 2004 – 2008. focusing on preventing crime and reducing offending . Objective one: people are and feel more secure in their homes and daily lives.

“Pride of Place” Community Strategy for Rochdale Borough 2003 – 2007

sets out the local strategic partnerships vision and aims for the borough in 2021 shows what needs to be done , when it will be done by and who is responsible for making it happen. It contains specific aims for the reduction of crime, drug misuse and neighbourhood problems.

Rochdale MBC Housing Strategy 2005 – 2007.

This sets out the Council’s Strategic Aims in relation to Housing within the Borough. In addition to improving the quality and choice of accommodation on offer the Strategy seeks to improve the quality of life for residents in the borough by creating sustainable neighbourhoods. This involves taking appropriate action against anti-social behaviour. It also aims to meet the needs of vulnerable people, which can involve the prevention of anti-social behaviour by supporting individuals with chaotic lifestyles.

Rochdale MBC Crime and Disorder Strategy 2002 to 2005

Setting out strategies and structures for tackling crime and disorder throughout the Borough.

Rochdale Safer Communities Partnership Anti-social behaviour strategy

Designed to provide a balanced and co-ordinated approach to the prevention, identification and rectification of anti-social behaviour throughout the Borough of Rochdale. (policy currently a draft)

The Drug and Alcohol Team

Have a number of strategic plans which directly or indirectly impact upon anti-social behaviour, these include: Young persons substance misuse plan
Communities Plan
Availability Plan
Criminal Justice Intervention Programme

Rochdale MBC Corporate Policy On Dealing With The Effects Of Domestic Violence

Designed to encourage good practice across the council the Policy makes it clear that domestic violence is unacceptable and the Council’s attitude will be one of zero tolerance. This attitude extends to domestic violence committed by a tenant or resident and falling within the definition of anti-social behaviour set out in section 3 above. Rochdale Boroughwide Housing will not be deterred from dealing with Anti-social behaviour because it arises in a domestic context. Injunction remedies will be deployed to control such behaviour where the test for making an injunction is made out. Anti-social Behaviour Orders will rarely be appropriate to deal with domestic violence but will be used where there is no other option available and the necessary impact on the wider community can be shown.

Rochdale Boroughwide Housing Tenant Participation Compact

Sets out how RBH works with it’s tenants individually or collectively. It provides explicitly that RBH will consult with tenants on Anti-social Behaviour Policies and sets standards for the nature and quality of consultation.

Rochdale Boroughwide Housing Equality and Diversity Policy and Action Plan

Designed to ensure that no-one receives less favourable treatment because of race, ethnic origin, nationality, religion, cultural background, sex, sexuality, disability, domestic circumstances, illness, age, employment status, membership of trade unions or political beliefs. This Policy represents the commitment of Rochdale Boroughwide Housing to deliver this Equality Policy in the context of ASB enforcement. We will commit to:

- Eliminate unlawful discrimination and harassment
- Promote good relations between persons of different racial and ethnic groups
- Maximise the reporting of racial incidents
- Support complainants and their families
- Take action against perpetrators

Rochdale Metropolitan Borough Council Housing Allocations Policy

The allocations policy will take account of applicant's record of committing Anti-social Behaviour and recorded instances of responsibility for ASB may lead to the Company refusing to allocate housing or making an allocation on conditions.

5. Tenant's Responsibilities

Acceptable Standards of Behaviour

Rochdale Metropolitan Borough Council expects all tenants to display acceptable standards of behaviour at all times. This obligation extends to those who live with tenants and their visitors. The tenancy agreement sets out the standards of behaviour in the following provisions:

19. You, your household members and visitors must not harass the Council's employees, agents, tenants, tenant's household members or any person who is lawfully present at or in the vicinity or neighbourhood of the property.

20. You, your household members and visitors must not commit at the property, in the vicinity or neighbourhood of the property, any act which causes or is likely to cause nuisance annoyance or disturbance to any person. Nuisance includes but is not limited to playing loud music.

21. You, your household members and visitors must not cause damage to any property or premises belonging to the Council or the Council's agents by graffiti or any other means.

22. Any act or omission by your household members or visitors which amounts to a breach of Conditions 19,20 or 21 above shall be considered to be a breach of this agreement by you. You are responsible for the conduct of your household members and visitors.

Failure of the tenant, their household members, relatives or visitors to comply with the Tenancy Conditions set out above may result in action being taken against them and/or the tenant.

A Notice of Seeking Possession may be served specifying how they have breached the tenancy agreement and warning them that continued breaches will result in legal action.

Court action may be commenced for an Injunction Order in terms requiring that the tenant comply with the terms of the tenancy agreement. Once an Injunction Order has been made continued or repeated breaches will be a contempt of Court exposing the tenant to risk of fine or imprisonment

If a Notice of Seeking Possession is ignored then Court action may be taken for an order for possession of the property to be returned to the landlord and the tenancy terminated.

Co-operating by Reporting an Incident/Making a Complaint

If our tenants and residents are suffering from any kind of Anti Social Behaviour we request that they report the problem as soon as possible to their Local Housing Office. We will take responsibility for investigation and preparation of any case but we rely on tenants and residents to bring problems to our attention and to provide us with information about problems which they are experiencing.

Complaints can be made in person, in writing, by telephone, by email, or through a third party (e.g. a Councillor, friend or relative etc.)

Complaints can also be made anonymously, however this may restrict the amount of investigation and action we can undertake and will not allow us to provide the complainant with information and support. We would recommend therefore, that complainants give us their name and address. **NB This will not be revealed to any other party without the consent of the complainant.**

It is important that problems are reported promptly. There are several reasons for this:

- It allows us to give advice and support to the people who are suffering as a result of the behaviour from an early stage
- It allows us to take prompt action in dealing with the issues
- It may be possible to 'nip the problem in the bud'
- Very serious incidents can be dealt with swiftly, thereby protecting our residents

Any criminal behaviour, including violence or threats of violence should be reported to the Police immediately. It is also important to report any such incident to the Local Housing Office as they may be able to work with the Police in dealing with the problem.

In cases of Neighbour Disputes or where an incident might be a 'one off' (e.g. a party), we would expect that the complainants would first try to resolve the problem themselves by approaching their neighbour. A leaflet offering practical advice and assistance on how to go about this is available from Local Housing Offices.

Tenants and residents must not, at any time, make false or malicious complaints about another person. Upon investigation, any complaint found to be false or malicious will be treated as an act of Harassment by the complainant.

During Investigation/Building a Case

Once a complainant has reported a problem, an action plan for dealing with the complaint will be drawn up, in consultation with the complainant. It is important that the complainant carries out any action they have agreed.

This will usually involve assisting us by gathering further evidence of any further incidents or ongoing problems. This evidence is likely to take the form of the complainant keeping Diary Sheets. It is important that they do this, and complete the sheets as soon as possible after an incident has occurred and supply as much detail as possible. This will enable us to:

- assess the level of the problem
- assess the success of any action we take
- build a case for further action
- take further action

All further incidents should be reported to us promptly.

It is important that, however upset and angered they may be by the behaviour of the other person, the complainant does not try to retaliate in any way. Any such action could jeopardise a case and may even result in us needing to take action against them.

In conclusion it is important to stress that we will take responsibility for enforcement action which we take. In appropriate cases complainants and others affected by anti-social behaviour may be asked to play their part in the proceedings in the ways outlined above, but no-one will be asked to contribute in a way which exceeds their capacity or willingness to act or which places them at further risk. In appropriate cases it may be possible to arrange for a professional witness to witness the nuisance and give evidence of it. Alternatively our Officers may give hearsay evidence on behalf of a witness. Again, this will be fully discussed and agreed with the complainant/witness before we proceed with any action.

6. Our Approach

Legal Services and Enforcement Team

Rochdale Boroughwide Housing is committed to taking positive action, in conjunction with its partners, to deal with all forms of Anti Social Behaviour. (ASB) RBH has recognised the importance of tackling ASB in the management of housing estates and has responded to this challenge by the establishment of a specialist Legal Services and Enforcement Team (LSET). LSET is a dedicated team comprising legal officers, housing officers with specialist skills in enforcement work and witness support officers. It is intended that LSET will take the lead role in tackling ASB on behalf of RBH. Procedures provide for housing officers based in local housing offices to receive and record reports of ASB and to take preliminary steps in responding to reports. All complaints which proceed beyond a preliminary stage will be referred to the officers of the LSET. LSET will then take responsibility for the investigation of complaints and dealing with the complaints by a method appropriate to the facts of

each case whether that be by way of referral to other agencies, direct intervention or gathering evidence and preparation of legal cases.

At Sign Up and Throughout Tenancies

The rights and obligations contained within the Tenancy Conditions/Agreement will be emphasised during the sign-up interview for each new tenancy.

Our policy in relation to Anti Social Behaviour will be explained in detail.

The standards of behaviour expected from tenants will be clearly outlined.

All measures will be taken to ensure that those who contemplate causing nuisance and ASB will be aware of the consequences that will follow. In particular, where relevant and appropriate, we will always seek to use publicity to emphasise our stance on such matters.

When a Complaint is Received

On receipt of a complaint of ASB we will:

- Record the complaint
- Allocate a named Officer to work on the case (initially this will usually be the Housing Officer for the area. If the problem is serious and/or continues after initial action has been taken the case will be re-allocated to a named Tenancy Enforcement Officer)
- Develop an initial action plan, in consultation with the complainant where known, to investigate the problem
- Investigate as far as possible every complaint, even when reported anonymously
- Take timely, effective and consistent action to tackle the problems by utilising the range of measures available to us. This will include working with our partner agencies.
- Provide ongoing support to all our witnesses, throughout the process and beyond by maintaining a regular contact with witnesses, keeping them as fully informed as possible throughout the process
- Where necessary use professional witnesses
- Give consideration to and, where possible, address issues of vulnerability of both witnesses and perpetrators.
- Always seek to challenge the behaviour and bring about real changes by using a variety of Intervention, Prevention and Rehabilitation, in conjunction with our partner agencies
- Where the ASB is being committed by anyone under the age of 18 we will always seek to engage with and involve the parents/guardians of the young person in order to address the problem and bring about a change in the behaviour.
- Seek to make appropriate referrals to our partners and other agencies for further support and/or action.

- Where appropriate, share information with our partners (e.g. the Police) for the purposes of prevention and detection of Crime and Disorder (C&D Act 1998

Use of Available Measures

A detailed set of procedures has been developed in conjunction with this policy. The procedures outline the type of actions that can be taken and the likely timescales for such actions.

The actions, which include fast track responses in serious cases, are incremental in nature, with the emphasis being on bringing about real changes and improvements in behaviour of those who commit ASB.

However, if there is no change and/or improvement in the behaviour we will have no hesitation in taking any appropriate further action.

In conjunction with our partners, we will use a wide range of measures that are available to us. These include:

- Approaching the perpetrator and discussing the problem behaviour
- Warning letters
- Formal Warnings/Cautions
- Acceptable Behaviour Contracts
- Parental Control Agreements
- Parenting Orders
- Environmental Health Action for Statutory Nuisance (e.g Noise Abatement Notices)
- Undertakings
- Injunctions
- Anti Social Behaviour Orders
- Possession Proceedings
- Dispersal Orders via the Police
- Closure of Premises Orders via the Police and/or Environmental Health

This is not an exhaustive list and we will always work with our partners to look at the whole range of options available to us.

7. Support of Witnesses and Complainants

We recognise the important role our complaints and witnesses play in assisting us to tackle ASB problems. The success of any action to deal with a problem is often dependent on the participation of the witnesses involved. We recognise that a demonstrable record of success in dealing with ASB cases is fundamental to building confidence and trust in witnesses. RBH has such a record and intends to build upon it to achieve further success, the policy in publicising successes set out below explains how this will be done.

Having ensured that witnesses have the confidence to come forward with complaints we will ensure that that confidence is maintained by dealing with their complaint promptly, keeping them informed about action taken and providing support where this is appropriate or ensuring that support is provided by other agencies. The approach set out in Section 6 above shows how we will ensure that this happens. In addition to these general competencies we will provide support to witnesses at levels appropriate to each individual and each case by providing or accessing for them the following support measures:

- Providing additional security measures to their home, we will provide or will access through other agencies (such as community safety) practical security measures such as door chains, safety glass windows or alarms.
- Providing personal protection measures such as panic alarms.
- By arrangement with the Police providing “panic buttons” which enable the witness to make the equivalent of a 999 call at the press of a button.
- Through our regular Police liaison making the Police aware of witnesses and the levels of risk attached to their cases and requesting them to prioritise their response accordingly
- Arranging interpreters for people for whom English is not their first language
- By the allocation of an ASB support worker to each case ensuring that each witness has a single point of contact throughout the case and beyond, who will be a friendly and sympathetic audience to any concerns, who can both comfort and reassure but also make practical arrangements for the protection and support of the witness.
- Through the ASB support worker witnesses will have access to an officer who will explain each stage of the process in detail and who will act as a liaison between the witness and legal or other officers
- Through the ASB support workers we will provide support before, during and after court action, this may include arranging pre-hearing court visits, explaining the Court process, arranging transport to and from Court, arranging the use of a secure and private witness room at Court, maintaining contact after a court hearing etc.
- Using professional witnesses to give evidence on behalf of witnesses.
- Using professional witnesses to gather additional evidence to support a case.
- Liaising with Victim Support and other relevant agencies to provide additional support and/or counselling
- In extreme circumstances moving witnesses, either temporarily or permanently for their protection.
- Providing an out of hours reporting service for reporting incidents and seeking advice and support at weekends and outside normal office hours.

8. Prevention of ASB, Rehabilitation of Perpetrators and Support for the vulnerable

When tackling ASB the overall aim of RBH is to challenge the unacceptable behaviour and bring about real changes, without recourse to legal action wherever possible. If perpetrators can be deterred or prevented from anti-social behaviour this is preferable to having to deal with the consequences of their behaviour.

Opportunities to prevent ASB from arising will be taken whenever and wherever they arise. RBH will have regard to the need to prevent and deter ASB in all aspects of its work. This may be by the provision of alternative or diversionary activities or by the design and development of the environment so as to improve security and discourage ASB. Where perpetrators of ASB show a willingness to address the underlying causes of their conduct we will offer them assistance and support in this.

These considerations are particularly important when dealing with perpetrators who are vulnerable by reason of one or more of the following factors:

- Drug abuse
- Alcohol abuse
- Mental health issues
- Disability

Young people may also be considered to be vulnerable by reason of their youth or home and family circumstances.

Experience shows that contrary to popular belief such tenants and residents are more likely to be the subject of anti-social behaviour than to be the perpetrators.

We will engage with a wide range of processes and agencies to ensure that support, prevention and rehabilitation is offered appropriately to each case

Examples of how we will work in this area are:

- We support the Rochdale Mediation service and in appropriate cases we will refer disputes between neighbours to the service in the hope of achieving a resolution by consensus
- We have participated in the development of the SHELTER Inclusion Project in Rochdale. Under this scheme tenants whose tenancies are at risk by reason of their conduct or that of their household members or visitors can be referred to SHELTER whose workers will assess the needs of the tenant and put in place a support package tailored to meet the shortcomings in their conduct and thereby prevent the necessity for enforcement action. We are the main referrer to this scheme and we are members of the Project steering group, we will continue to play a full role in the scheme and to make use of it in appropriate cases. The scheme offers specialised support workers to deal with alcohol abuse social and youth issues.
- We have a Tenancy Support Team whose role is the development of measures which will assist tenants to manage their tenancies appropriately. Under this scheme we will deliver: A Support Directory to assist tenants to access

services; financial awareness training for tenants; a tenants incentive scheme to reward tenants with a record of a well-conducted tenancy

- We subscribe to the principles of “Designing out crime” and we will apply those principles to all work of development , improvement or alteration on our estates. We will take account of these principles in carrying our environmental works and we will seek expert advice on any significant works projects.
- We will make use of Acceptable Behaviour Contracts in an attempt to deter young people from anti-social behaviour. We will participate in the associated processes of Family Group Meetings run by the Youth Justice Trust and Community Conferencing run by “New Heart for Heywood”.
- We will continue to develop and provide ASB awareness training to schools and youth groups to educate and assist young persons in recognising unacceptable behaviour.
- We will access the full range of support services provided by the Local Authority to deal with underlying causes of behaviour and to participate in the development of those services. This includes: Drug and Alcohol Team; Youth Services and particularly the Positive Activities for Young People Project (PAYP) and INCLUDE – young persons intensive support programme.
- We will maintain our good working relationship with Social services, Education welfare and Community Mental Health Services, we will organise and participate in case conferences with these agencies.

We participate and support projects and initiatives in this area and will continue to develop and take opportunities as they arise. This is not an exhaustive list and we will be flexible in our approach to working with our partners in providing a comprehensive range of initiatives.

However, when dealing with all cases of ASB, the needs of the community will always be our primary concern. Therefore, if these types of options have been tried and failed or are considered inappropriate we will seek to resolve the problem through taking enforcement action as outlined above.

9. Racial Harassment.

RBH deplores Racial or any kind of hate harassment and is committed to combating it at all times.

RBH recognises that all tenants irrespective of their ethnic origin, gender race, age, religion, sexuality or nationality have the right to quiet enjoyment of their home. Equally every tenant has a responsibility not to interfere with their neighbour's right to the quiet enjoyment of their home.

RBH is also committed to ensuring that good tenancy relations, which is an integral part of creating a cohesive community are maintained on all of its estates.

9.1. Definition.

A racist incident is defined as 'any incident which is perceived to be racist by the victim or any other person (Stephen Lawrence Inquiry definition).

A racist incident also includes both crimes and non-crimes.

**In making judgement about racial incidents
it is the behaviour and its impact on the recipient/victim,
not the intention of the perpetrator that is important.**

The purpose of this definition is not to prejudice whether a perpetrator's motive was racial or not, but to ensure that any investigation takes full account of the responsibility of any racial dimension to an incident and provide statistical data which is collected on a uniform basis.

1. Where the victim indicates that he/she feels the incident was racist, it **must** be recorded as such.
2. Where the victim is not sure if an incident was racist in nature, or even if he/she is of the view that it is not racist, the incident must be recorded as racist if someone else e.g. a neighbour views it as such.

It is important for the Housing Officer to be extra observant in recognising the indicators of Hate Incidents including Racist Incidents as there will be occasions when the victim will fail to recognise and report that he/she is suffering racial harassment.

The above approach for all Racist Incidents applies to all Hate Incidents.

9.2 Policy.

RBH will use all of the policies and processes identified in this policy document to combat ASB to deal with racial harassment and other hate crime. The following elements of these overarching policy will have particular relevance to racially motivated incidents:

9.2 Multi-agency working.

- a) RBH will use its resources and will work in partnership with other organisations to deal with disruptive tenants and any other persons committing Hate Crimes on its estates or in any of its dwellings.
- b) RBH will participate in multi-agency forums for effective tackling of Racial Harassment in particular the multi agency Racial Hate forum.

- b) RBH and the multi agency race incident group will attempt a range of solutions depending on the severity of the case, including agreement, mediation, community support, support for victims and enforcement action, including (ASBO, Curfew) where with the victims consent RBH will inform and liase with other agencies (e.g. REC, Victim Support Scheme) as appropriate.

9.2.2. Prevention and Publicity.

- a) RBH will work with other agencies to map Hate Crimes to detect trends and identify 'hot spots'.
- b) RBH will use 'target hardening' measuring and provide additional security measures where appropriate (with the help of the Community Safety Unit) to protect vulnerable tenants in their homes.
- c) RBH will work with Rochdale Federation of Tenants and Residents Associations and Board members for the effective tackling of Hate Crimes.
- d) RBH will consider positive measures (work with local Tenants and Residents Association, Board members and use available intelligence) to identify perpetrators.

9.2.3. Encouraging reporting and monitoring.

- a) RBH will implement the Home Office Code of practice (2000) on the reporting and recording of Racist Incidents/Hate Incidents.
- b) RBH will share information about Hate Crimes and perpetrators with CSU and police, and other agencies (through a protocol) for better monitoring and identifying perpetrators.
- c) RBH will collate reports of incidents every quarter and report to the Board.

9.2.4. Supporting victims and witnesses.

- a) In dealing with Racial Harassment we acknowledge that, the interests of the victim(s) are paramount. We will adopt a victim centred approach and treat victim with courteously, sensitively and respectfully at all times. We will not take any action without the consent of the victim.
- b) Victims of Racial Harassment are particularly vulnerable and need support it is the policy of RBH to support victims of Hate Crime. We will provide continuous support to the victims, through our ASB, Support Workers and the Out of Hour Support Service.

- c) RBH will refer victims of Hate Crime to appropriate counselling services.

9.2.5. Enforcement Actions.

- a) RBH will use '*Without Notice Injunctions*' to protect victims and witnesses in every situation, where threats of violence are made against them by identifiable perpetrators.
- b) RBH will take initial action (completing a reporting form, ordering the necessary repairs arising from Hate Crime etc) within 24 hours of receiving the complaint.
- c) RBH will consider using the full range of civil and legal remedies against Perpetrators, including injunctions, anti-social behaviour orders, proceedings, when dealing with Hate Crime.
- d) Where appropriate RBH will initiate legal action for breach of tenancy conditions.

10. Multi Agency Working

Rochdale Boroughwide Housing recognises that it does not operate in isolation. The problem of Anti-social behaviour exists in the context of a wider community and no one agency holds all of the answers. RBH therefore works with a number of other agencies who are active in this area in order to enhance the effectiveness of our response. Multi agency working enables RBH and it's partners to identify the most appropriate form of response to any case. It also enables the partners to combine and co-ordinate their responses to best effect and to formulate a package of measures to tackle complex problems.

We will ensure that we work effectively with other agencies by participating in the following partnership arrangements:

Police Liaison Meetings

Officers from the RBH Legal Services and Enforcement Team meet once each month with the Township Inspectors for each of the four township Policing areas in Rochdale. At the Police Liaison Meetings specific problems are discussed, trends are identified and a planned response is agreed according to which agency has the most appropriate means of response.

Case Intervention Group

RBH will refer perpetrators of anti-social behaviour to the Case Intervention Group which is a meeting organised by the Community Safety Department to co-ordinate and organise the intervention in cases of ASB.

Multi-Agency Racial Harassment Forum

RBH will continue to contribute to the work of and sit on this panel which coordinates responses to incidents of racial harassment and takes a strategic overview of Race issues.

Multi-Agency Race Incident Group

A practitioners group which meets monthly to identify and co-ordinate responses to flashpoints and areas of heightened tension

ASBO Threshold Panel

RBH will continue to be a participant in the Threshold Panel, a body set up to conduct the statutory consultation required prior to making any application for an ASBO and which is a primary opportunity for investigation with other interested agencies as to whether they have any potential for intervention in ASB cases.

Multi-Agency Public Protection Panel

RBH will continue to sit on this panel which monitors the release of offenders.

11. Data Protection, Information Exchange and Confidentiality

We will, where appropriate, share information with our partners (such as the Police) for the purposes of prevention and detection of Crime and Disorder (C&D Act 1998).

We have entered into a Data Exchange Protocol with Greater Manchester Police and other bodies which provides for the exchange of information within the parameters of the Act. A further wider protocol is in the process of being concluded. All information will only be shared in line with the Data Exchange Protocol.

Confidentiality is a fundamental element in developing a relationship of trust with Complainants. We guarantee that, within the law, any information given to us will not be disclosed to any other party or agency without their consent.

We understand that this is particularly important so far as disclosure of complaints to the perpetrator is concerned. We understand the fear of retaliation which complainants experience and we undertake to respect the complainants wishes about what is disclosed and to whom.

We guarantee to complainants that they can specify what level of disclosure we may make of the information they give to us:

- if they give us information but do not want us to disclose it we will guarantee that we will not do so.
- If they give us information and agree that we may disclose it, but not disclose their identity as the informant then we will guarantee that we will not disclose their identity.

In this way complainants can speak to us with the confidence that their complaints will go no further unless they have explicitly agreed.

12. Training our staff

To ensure that we are able to fulfil all our commitments outlined in this policy, we will provide a comprehensive training programme to our staff.

The training programme will ensure all staff:

- Are aware of the issues surrounding ASB, Harassment and Hate Incidents
- Understand the legislation surrounding ASB, Harassment and Hate Incidents and the powers available to us
- Understand the importance of dealing with such problems promptly
- Are able to record details of reported incidents fully and accurately
- Understand the need to pass the details to the appropriate member of staff promptly
- Are able to provide the complainant with practical information, advice and support
- Are fully aware of the need to treat the complaint sensitively and confidentially.
- Understand and are sensitive to issues of diversity.

It will also ensure that staff who are responsible for investigating reports of ASB:

- Are able to effectively prioritise complaints and deal with them appropriately
- Understand the need to act promptly and fully investigate a complaint
- Are aware of all the options available to them and are able to use these to deliver an effective, proportionate and timely response to problems.
- Are aware of the options available to support victims and witnesses and are able to utilise these effectively.

We will also strive to raise awareness of the issues surrounding ASB across Rochdale by providing training and participating in briefing events with Tenants and Residents Groups, Councillors, Greater Manchester Police and other agencies/departments as may be required.

13. Protecting our Staff

Our staff are at the forefront of our service. It is acknowledged that they are frequently asked to deal with people who are under pressure and in stressful circumstances. They will always deal with such situations in a patient tactful and diplomatic manner. Nevertheless it is unfortunately the case that they occasionally face behaviour which exceed anything which they might reasonably be expected to endure. In these circumstances we will not hesitate to take action to protect our staff. We consider that verbal and physical threats, foul and abusive language or behaviour, damage to property and above all physical violence are unacceptable and will be met by an appropriate level of response. At a lower level such behaviour will be met by a ban from the relevant office. At more serious levels such conduct on the part of tenants will constitute a breach of the tenancy agreement and will be met by

