




# Anti-Social Behaviour Policy

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Separate procedures are available to implement this policy

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## 1.0 Introduction

- 1.1 Cill Dara HA believes that all of our tenants should be able to live in their homes and neighbourhoods safely and securely and without fear. We will use all tools and powers available to us to support our tenants affected by Anti-Social Behaviour (ASB) and to take action against perpetrators of ASB where we are able to.
- 1.2 We have developed this policy to direct and support service delivery in line with our vision and mission:

*Cill Dara's vision is to provide the people of Kildare with a safe and supported home environment.*

*Our mission is to identify and meet the housing and associated support needs of members of the Kildare community who are eligible for social and affordable housing.*

## 2.0 Scope of Policy

- 2.1 This policy applies to all Cill Dara HA tenants.

## 3.0 Aims and Objectives

- 3.1 The aims and objectives of this policy are to:
- a) Support our tenants experiencing ASB
  - b) Take actions intended to manage and prevent the escalation of ASB
  - c) Play our part in making our estates and neighbourhoods safe and desirable places to live
  - d) Take reasonable and proportionate legal action against a perpetrator who is our tenant when other measures have failed.

## 4.0 Policy Statement

CDHA is committed to contributing to creating homes and neighbourhoods where people want to live. We recognise the detrimental effect that ASB can have on individuals, their ability and desire to live and work in an area and the effect that it can have on children's education.

The term “anti-social behaviour” can be applied to a wide range of behaviours. As a social landlord, there are a number of powers and remedies available to tackle ASB. We work in partnership with An Garda Síochána and specialist providers to ensure that we tackle ASB as robustly and effectively as possible.

We work with and support our tenants experiencing ASB in developing an action plan that is appropriate and proportionate to the type of ASB.

Whilst this policy deals largely with our response after ASB has been reported, we recognise the value of preventative measures such as environmental features that “design out” ASB. Also, the clarity with which we develop relationships with our tenants that have a strong focus on their “responsibilities” as well as their “rights”.

We take a victim-centred approach to dealing with ASB. This means that we will only contact the Gardaí, alleged perpetrator or make a referral to a specialist support agency with the express agreement of the victim. Additionally, any support that we might offer as a landlord will only be with the agreement of the victim.

We understand that victims of ASB may sometimes not want their identity to be disclosed. In these cases, we will be clear with the victim about what we can and cannot do if they choose to remain anonymous. We will also be clear that an alleged perpetrator may guess the victim’s identity even if we keep the information confidential.

We will encourage victims of ASB to report the matter to the Gardaí where the ASB constitutes criminal activity. However, we recognise that victims of ASB may not feel able to do this.

#### 4.1 Our approach to ASB

There are 4 key elements to our approach to preventing and managing ASB:

**Prevention activity** – e.g. setting clear tenancy conditions, effective use of probationary tenancies, swift response to environmental problems, diversionary activities

**Early intervention** – e.g. mediation, behaviour warnings

**Support** – e.g. supporting the individual and family, supporting perpetrators of ASB to change behaviour; safeguarding vulnerable adults and children

**Enforcement** – e.g. Antisocial Behaviour Orders, repossessing the property.

#### 4.2 Prioritising response to reports of ASB

For purposes of prioritising our response and making the best use of our resources, we categorise incidents of ASB as follows:

**High-level** – harassment, intimidation, abuse, threatening behaviour, criminal activity, drug-related activity

**Medium-level** - vandalism to property, neighbour nuisance

**Low-level** - animal or vehicle nuisance, fly tipping/littering, garden nuisance, misuse of communal area

We assess each report of ASB on a case-by-case basis, recognising that it is not possible to give absolute categories without an understanding of the situation or people involved in each case.

#### 4.3 Receiving a report of ASB

We will:

- Record full details of any report of ASB
- Carry out an immediate risk assessment to categorise the risk
- Arrange an interview with the complainant within 1-working day for high-level ASB
- Arrange an interview with the complainant within 3-working days for medium-level ASB
- Arrange an interview with the complainant within 10-working days for low-level ASB.

#### 4.4 Carrying out an initial interview

We will:

- Carry out the interview with the complainant at a mutually agreed location (subject to satisfying any concerns about staff safety)
- Arrange an interpreter if needed. We will not allow children to be used as interpreters
- Try to ascertain if there is anyone at risk and follow our Safeguarding policy if that is the case
- Discuss ways in which we can offer landlord support regarding tenure enforcement and housing options
- Provide information about ASB and ways of dealing with it to the complainant
- Provide information about Council-wide ASB initiatives and support services and offer to make a referral (where appropriate)

- Discuss whether or not the victim wants to report the matter to the Gardaí (where appropriate)
- Agree an action plan, detailing the actions that both the victim and we will take
- Record in writing all interviews, even when the victim wishes no further action to be taken.

#### **4.5 Case investigation**

CDHA recognises that the complexities involved in investigating ASB cannot be readily mapped out as a “one size fits all” process. Whilst each case will require a tailored and proportionate response, there are up to six strands of activity that will act as a framework for our case management:

- Victim contact, risk and vulnerability assessments
- Alleged perpetrator contact and vulnerability assessments
- Evidence collation and statement taking
- Interventions
- Partnership working
- ASB enforcement measures.

Whilst an ASB case is open, we will review and attempt to make contact at least once a fortnight with victims of high-level ASB, at least once a month with victims of medium-level ASB and at least once every 2 months with victims of low-level ASB.

#### **4.6 Multi-agency approach**

Whilst CDHA will always do all it can to support our tenants in a range of difficulties, we recognise and acknowledge that the role of a landlord is sometimes to signpost to specialist support services. Often, these services complement the work that we are able to carry out as the landlord. To this end, we recognise the value in developing links with specialist providers and are committed to developing such relationships.

We work closely with, amongst others, Kildare County Council, Community Gardaí, the Child & Family Agency, and Community & Social Care Services.

We will use these forums, where appropriate and with the agreement of the victim, in order to access the benefits of a multi-agency approach.

#### **4.7 Enforcement**

We will always make a proportionate response to all reports of ASB. Where the perpetrator of ASB is our tenant, we will make use of informal warnings, mediation and involving specialist providers, as appropriate.

Where this approach does not work, or in the case of serious ASB, we will make full use of the tools and legal powers and remedies available to us, including taking tenancy enforcement steps of RTB warning-letters and Notice of Termination.

#### **4.8 Case closure**

We will close ASB cases in the following situations:

- Where the case has been resolved
- With the victim's agreement where the case has not been resolved but the ASB has abated and the victim no longer wishes for the case to remain live
- Where the case hasn't been resolved, there are no on-going reports of incidents within 3 months, but the victim will not give consent to formally close the case
- Where we have been unable to make contact with the victim for 3 months.

We will:

- Notify any associated support services when a case is closed
- Record and report on the reasons for case closure
- Record and report on the number of closed cases re-occurring within 3 months of case closure.

#### **4.9 Monitoring and recording**

We will maintain, monitor and report on a database of ASB cases.

#### **4.10 Staff training**

We will provide our staff with regular training on how to deal with ASB. This will include training on understanding legislation as it applies to a social housing provider.

#### **4.11 Staff support**

We recognise that dealing with ASB cases may sometimes be distressing for staff members. We will provide appropriate levels of support that may include regular meetings with an individual's manager to "de-brief" or support from a counsellor.

### **5.0 Equality and Diversity**

5.1 We will apply this policy consistently, fairly and with professionalism. We do not discriminate against any person on grounds of their age, gender, disability, gender reassignment/transgender, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sexual orientation or any other matter that may cause a person to be treated with injustice.

5.2 We will use plain language and make information available in different formats and languages on request.

### **6.0 Data Protection and Confidentiality**

6.1 This policy will be operated in line with our Data Protection Policy.

6.2 With specific regard to managing ASB, we will:

- a) Not give out any information to a third party without the written consent of the victim
- b) Not make contact with the alleged perpetrator without the written consent of the victim. Where the victim has given consent in writing we will always inform the victim that we are planning to make contact in advance of the appointment
- c) Store securely all reports and records of ASB.

We will only share information with other agencies without the consent of the victim where it is necessary for the protection of children, vulnerable adults, or we are required to provide information as part of a criminal investigation.

### **7.0 Complaints**

7.1 We aim to provide excellent services but recognise that we do not always get things right. We have a Complaints, Compliments and Comments Policy which we use actively to address service failures and to inform service improvements.



## 8.0 Compliance

- 8.1 We have developed this policy and associated procedures with due regard to Regulatory requirements and key legislation.
- 8.2 As a registered Tier 2 Approved Housing Body, we work hard to ensure that we are fully compliant with the requirements of the Approved Housing Bodies Regulatory Authority.
- 8.3 It is a requirement of the Performance Standard that an AHB has:

- a) A published estate management policy which refers to antisocial behaviour and sets out the rules designed to create communities that are safe and secure.

As noted in our estate management policy, we have maintained the scope of that policy to cover a range of environmental estate management issues. As antisocial behaviour also affects tenants not living on estates, our comprehensive response and commitment to dealing effectively with antisocial behaviour is dealt with by this policy and associated procedure.

- 8.4 Key legislation relating to this policy is as follows:

- a) Residential Tenancies Acts (2004-2021)

## 9.0 Linked policies, procedures and guidance

- 9.1 The following CDHA strategies, policies, procedures and guidance that relate to this policy are as follows:

- a) Estate management (policy and procedure)  
b) Tenancy management (policy and procedure)

## 10.0 Responsibilities

- 10.1 All relevant employees have a responsibility to ensure that this policy is applied as intended. Including, but not exclusively:

- a) Reporting any areas of concern or non-compliance to their manager.  
b) Keeping accurate records.  
c) Attend training to ensure they have the required knowledge and skills to deliver the service.

- 10.2 Board will ensure that:

- a) CDHA has an overview of this policy and reviews it in a timely manner to assess its effectiveness and appropriateness.
- b) CDHA has the necessary arrangements and resources to implement and monitor operational effectiveness.

10.3 Managers will ensure that:

- a) This policy is implemented through agreed operational procedures, monitored and reported.
- b) Resources are deployed and monitored effectively.

## 11.0 Definitions

11.1 Acts of ASB are perpetrated by an individual not included in the victim's household. (Incidents perpetrated by a household member or ex-partner are likely to be classed as domestic abuse or harassment.)

11.2 For the purposes of this policy, we use the definition of ASB given in the Residential Tenancies Act 2004 (PART 2, Chapter 2, Section 17):

- (a) behaviour that constitutes the commission of an offence, being an offence the commission of which is reasonably likely to affect directly the well-being or welfare of others,
- (b) behaviour that causes or could cause fear, danger, injury, damage or loss to any person living, working or otherwise lawfully in the dwelling concerned or its vicinity and, without prejudice to the generality of the foregoing, includes violence, intimidation, coercion, harassment or obstruction of, or threats to, any such person, or
- (c) persistent behaviour that prevents or interferes with the peaceful occupation—
  - (i) by any other person residing in the dwelling concerned, of that dwelling,
  - (ii) by any person residing in any other dwelling contained in the property containing the dwelling concerned, of that other dwelling, or
  - (iii) by any person residing in a dwelling ("neighbourhood dwelling") in the vicinity of the dwelling or the property containing the dwelling concerned, of that neighbourhood dwelling.

11.3 For a non-legal definition of ASB, we use the following:

When the behaviour of the tenant, any member of their household or visitor to their home adversely affects the quality of life of those living or working in the neighbourhood.

This includes criminal activity, engaging in or threatening to engage in conduct causing or likely to cause alarm, harassment, nuisance or annoyance.

11.4 ASB may be grouped by the following categories:

**Personal** - perceived to be targeted at an individual or group rather than the community at large

**Nuisance** - causing trouble, annoyance or suffering to the community at large rather than an individual or group.

**Environmental** – an incident not aimed at an individual or group but targeting the wider environment, e.g. public spaces/buildings.

11.5 ASB can range from minor incidents such as occasional noise from pets to more serious incidents of neighbour conflict or criminal activity. Examples of ASB include:

- Noise
- Verbal abuse/harassment/intimidation/threatening behaviour
- Hate-related incidents (see below for definition of hate related incidents)
- Vandalism and damage to property
- Pets and animal nuisance
- Nuisance from vehicles
- Drugs/substance misuse/drug dealing
- Alcohol related
- Domestic abuse (in that it may be the cause of ASB experienced by third parties)
- Physical violence/abuse
- Litter/rubbish/fly-tipping
- Garden nuisance
- Misuse of communal areas/public space or loitering
- Prostitution/sexual acts/kerb crawling
- Other criminal behaviour/crime

## 11.6 Hate Related Incidents

A hate incident is *any behaviour* that is perceived by the victim or any other person as being motivated by prejudice or hostility based upon the victim's real or perceived:

- Race/Ethnicity – including ethnic origin, skin colour, nationality, culture, and/or language
- Sexual orientation
- Faith, religion or belief
- Disability
- Transgender/gender identity.

## 11.7 Activities not classed as ASB

It is important that we are realistic in what we are able to do in supporting our tenants who believe they are experiencing ASB. Day-to-day household activities will not ordinarily be considered as ASB. Such activities include:

- Groups of young people gathering who are not acting in an intimidating manner
- Children playing in external communal areas during reasonable hours
- One-off parties or celebrations that did not breach statutory noise guidelines or are held at reasonable times
- Use of car parking spaces in a housing scheme where spaces have not been allocated
- DIY undertaken during the day
- Babies or young children crying
- Cooking smells.

Notwithstanding this, we will look at each report on a case-by-case basis, considering the impact of any activity on the victim.

## 12.0 Key Performance Indicators

We will monitor and report on the following key performance indicators (KPI's) to check that our services are delivering the intended outcomes.

Performance Indicator	Performance Target <i>(where applicable)</i>	Measure reported to Board?
<b>Case reporting</b>		
Number of reported cases of ASB, broken down by category prioritisation*	n/a	Yes
Number of cases where initial interview was carried out within stated timescales	100%	No
<b>Case management</b>		
Number of cases reported to the Gardaí	n/a	No
Number of cases referred to specialist support agency	n/a	No
Number of cases resulting in an emergency offer of accommodation	n/a	No
Number of refusals of emergency offers of accommodation	n/a	No
Number of behaviour warnings issued by the Gardaí	n/a	Yes
Number of cases using mediation	n/a	No
Number of Antisocial Behaviour Orders granted	n/a	Yes
Number of cases resulting in possession action being taken against a perpetrator	n/a	Yes
Number of evictions due to ASB	n/a	Yes
Number of cases where required weekly / monthly monitoring contacts have not been made on time	0%	No
<b>Case closure</b>		
Number of ASB cases closed, with reasons	n/a	No

Number of closed ASB cases re-occurring within 3 months of case closure	n/a	No
Analysis of effectiveness of actions taken	n/a	No

\* - reporting should be broken down by tenant profiling data

### **13.0 Policy Review**

13.1 This policy will be reviewed at least every three years or earlier to take into account changes in legislation, regulation, service improvements and related initiatives.