



**Millat Asian Housing  
Association**

**'Community Based**

# **MILLAT ASIAN HOUSING ASSOCIATION**

## **Anti-Social Behaviour Policy & Procedures**

### **PURPOSE:**

This document outlines the Associations Anti-Social Behaviour Policy & Procedure

**Approved by the Board on April 2022**

**To be reviewed in April 2027**

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## **1.0 Introduction**

- 1.1 The Anti-Social Behaviour Act 2003, amending the Housing Act 1996, requires us to publish a statement of our policies and procedures with regard to anti-social behaviour. The following document fulfils the legal requirement and is designed to give a clear statement of our approach to anti-social behaviour and the way that we intend to work, together with local residents and other organisations, to deal with it.
- 1.2 There have been a lot of changes in a short space of time, to the way Anti-Social Behaviour is tackled both locally and nationally. These changes are ongoing and therefore the ASB policy and procedure will be reviewed on a rolling programme to include any changes in practice and in law.
- 1.3 This document is available free of charge on our website or for inspection and at the Millat office
- 1.4 This document can be made available in large print, audio, or other languages on request.

## **2.0 Statutory obligations**

- 2.1 This statement of policies and procedures is compatible with obligations imposed by other existing legislation, including amongst others:
  - Children Act 1989
  - Crime & Disorder Act 1998
  - Disability Discrimination Act 2005
  - Homelessness Act 2002
  - Race Relations Act 1976 (as amended in 2002)
  - Human Rights Act 1998
  - Data Protection Act 1998

## **3.0 Local Obligations**

- 3.1 This statement of policies and procedures is compatible, acknowledges and complements the priorities of local Strategies and local obligations. It should be read in conjunction with documents including amongst others:
  - Business Plan 2006-11
  - Improvement Plan
  - Crime & Disorder Reduction Strategies of Merton, Sutton and Kingston
  - Racial Harassment Policy

## **4.0 What is Anti-Social Behaviour?**

For the purposes of the duties imposed by section 218A of the Housing Act 1996, anti-social behaviour is any conduct to which sections 153A (1) and 153B (2) of the 1996 Act apply. These sections apply to conduct which:

- is capable of causing nuisance or annoyance to any person; and
- directly or indirectly relates to or affects the housing management functions 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.

- 4.1 This definition is contained in section 218A (8) of the Housing Act 1996 inserted by the Anti-social behaviour Act 2003.
- 4.2 A “relevant landlord” could be a local authority, registered social landlord, or Housing Association Trust.
- 4.3 Those persons to whom the conduct may cause annoyance or nuisance include anyone who has a right to live in property owned or managed by the landlord, those living in any other property in the neighbourhood (for example owner occupiers, tenants of other landlords) and anyone else lawfully in such property or in the locality, for example working or using local facilities.
- 4.4 The housing management function of the landlord covers any activity that the Landlord would undertake in the day to day and strategic management of their properties. This would include, but is not limited to:
- Resident participation
  - Maintenance and repairs
  - Rent and rent arrears collection
  - Tenancy and Estate Services
  - Dispute resolution
- 4.5 Matters which 'indirectly affect' the housing management function could be said to include social care and housing support, environmental health and refuse collection and other services which enable the efficient operation of the landlord function.
- 4.6 It is also important to note that the anti-social behaviour could be either:
- By a tenant of a relevant landlord, affecting other tenants, owners, or others lawfully using a property or facilities in the local area;
  - by an owner of a property, or tenant of another landlord, in the local area, affecting tenants of a relevant landlord.
  - by a tenant of a commercial property.
- 4.7 The owner or tenant would also be considered responsible for the behaviour of other people living in their property, and visitors. This also includes the owners and tenants of commercial premises.

## 5.0 Examples of Anti-Social Behaviour

The type of conduct that can amount to anti-social behaviour might include, amongst other things:

- **noise nuisance** (for example, loud parties, shouting, banging noise from TVs, radios, Hi-fi's, burglar alarms and dogs barking).

- **Intimidation and harassment** (for example behaviour that intimidates, dominates or harms, including non-physical harm to an individual or a family or group and behaviour that is targeted, deliberate and continuing).
- **local environmental quality issues** (for example, litter, dog fouling, uncontrolled dogs, graffiti, vandalism, fly tipping, abandoned and untaxed vehicles, vehicle repairs, inconsiderate parking, un-kempt gardens, riding, cycling and skateboarding on footpaths and communal areas).
- **aggressive and threatening language and behaviour.**
- **violence against people and property.**
- **hateful behaviour that targets members of identified groups because of their perceived differences** (for example, race and ethnicity, gender, age, religion, cultural background, class, sexual orientation, mental health or disability); and
- **using housing accommodation for illegal or immoral purposes** (for example using and supplying drugs, alcohol and solvent abuse, prostitution or gambling)

**5.1** Not all complaints received may constitute anti-social behaviour and, in these cases, other remedies may be suggested. Examples of behaviour that would not normally be considered to be anti-social behaviour include:

- Children playing.
- occasional one-off parties/noise/disturbance (although these may still constitute a statutory nuisance for which action may be taken).
- day to day normal domestic activity.

**5.2** Anti-social behaviour may or may not constitute criminal activity. The key determinant in deciding whether particular behaviour is anti-social or not is the impact of the behaviour on others. When assessing complaints to determine whether they constitute anti-social behaviour, we will also consider the frequency, the timing and severity of incidents, their effect on the victim, construction of the building, the location of the incident and the intentions of the person carrying out the behaviour.

## **6 Policy Statement**

### **6.1 Approach to Anti-Social Behaviour**

**6.1.1** Anti-social behaviour impacts negatively on residents' quality of life and is a growing problem nationally. Enforcement action is not the only means of stopping anti-social behaviour, and Millat engages a range of effective solutions, which address the problem.

**6.1.2** We have spent time talking to and learning from other housing providers that have introduced alternative measures to deal with anti-social behaviour. Our policy and procedure relating to anti-social behaviour has been developed following consultation with residents.

**6.1.3** Our recommendations provide a variety of tools for us to use when dealing with antisocial behaviour and provide a balance between preventative measures and legal sanctions. Our recommendations will be underpinned by

multi-agency working and closely monitored by the residents who comprise the Resident Panel.

- 6.1.4 Millat recognizes that anyone has the right to a chosen lifestyle providing this does not adversely affect the quality of life of others. However, there must be some degree of tolerance of and respect for the requirements and needs of others. Furthermore, any response to incidents must be proportionate and reasonable.
- 6.1.5 Residents will be encouraged to resolve minor problems themselves. However, we will demonstrate by our actions that anti-social behaviour will not be tolerated. To provide a quality housing service, we must be effective in tackling the problems created by antisocial behaviour as we have a larger role to promote and protect the interests of those living in the borough.

## **6.2 Commitment to tackling Anti-Social behaviour**

Millat will:

- 6.2.1 Make the Association's expectations clear to our tenants and to any person who is seeking a tenancy.
- 6.2.2 Enforce our tenancy conditions with existing tenants as necessary.
- 6.2.3 Ensure that every report of ASB is quickly and formally acknowledged and that investigations start at the earliest possible time.
- 6.2.4 Ensure that action plans are agreed and produced promptly and in conjunction with complainants and perpetrators of ASB.
- 6.2.5 Offer a series of options to complainants, victims, their families and any witnesses ranging from advice, conciliation, support and legal action provided by Millat or other services and agencies.
- 6.2.6 Demonstrate by our actions that we will not tolerate ASB.
- 6.2.7 Treat our tenants fairly and act lawfully and proportionately.
- 6.2.8 Work in partnership with other services that can assist us in the prevention of ASB and encourage a multi-agency approach to dealing with casework and finding the resolutions to anti-social behaviour.
- 6.2.9 Commence legal action promptly where appropriate.
- 6.2.10 Use the most appropriate course of action in the context of the ASB.
- 6.2.11 Provide effective management, continual improvement and adopt best practice as appropriate in our procedures to deal with anti-social behaviour.
- 6.2.12 Ensure all complaints are treated seriously and thoroughly investigated in a non-judgmental way.
- 6.2.13 Attempt to identify and interview all interested parties.
- 6.2.14 Maintain confidentiality where appropriate or requested.
- 6.2.15 Carry out investigations into complaints of ASB promptly within timescales.
- 6.2.16 Log all reported incidents in the ASB spread sheet.
- 6.2.17 Investigate all incidents and where possible obtain corroboration of them from witnesses or from other agencies.
- 6.2.18 Be realistic about what can be achieved and not promise that legal action such as injunction or possession proceedings will be taken until the case has been investigated and there is sufficient evidence.

- 6.2.19 Seek to involve tenants, leaseholders, shared owners and other stakeholders in developing our policies, procedures and strategies.
- 6.2.20 Produce publicity and make it available to all our tenants and other interested parties.
- 6.2.21 Encourage victims/witnesses to report incidents.
- 6.2.22 Ensure that actual and potential perpetrators of anti-social behaviour are aware of the consequences of their actions.
- 6.2.23 Where cases involve parties who are either receiving support with their housing or who are seen to have special needs or a degree of vulnerability, other agencies will be contacted.
- 6.2.24 Document evidence of all such contact including copies of correspondence, emails, notes of case conferences.
- 6.2.25 Aim to have all cases either resolved or have a plan of action agreed within 1 month from date of initial complaint. Cases will be closed if there are no complaints, within a two months period.
- 6.2.26 Regularly review all cases on a monthly basis by Housing Manager.
- 6.2.27 Record the frequency and location of anti-social behaviour, our performance in how we tackle it and develop quality assurance methods to assess complainant's satisfaction.

### **6.3 Out of Hours ASB**

- 6.3.1 Residents will be encouraged to contact their Local Authority Environmental Health and Police when residents are experiencing problems of anti-social behaviour outside of office hours.

## **7.0 Obligations of tenants – Standards of behaviour**

All tenants are provided with a copy of their Tenancy Agreement at the beginning of their tenancy. Housing Manager will explain the important clauses relating to anti-social behaviour.

## **8.0 Specific policies to tackle Anti-Social Behaviour**

This section explains the specific policies that have been adopted by Millat to deal with anti-social behaviour.

### **8.1 Support of complainants and witnesses**

- 8.1.1 Effective witness support is about setting up systems and adopting approaches that seek to improve success rates in tackling cases of anti-social behaviour, whilst boosting the morale and confidence of the witness, the agencies involved and the wider community. In doing so, the safety and well-being of victims and witnesses must come first.
- 8.1.2 Millat will support complainants by dealing with their complaint promptly, keeping them informed of any developments relating to their complaint and referring them to appropriate support services, where necessary.
- 8.1.3 We will seek to ensure the provision of support to complainants and witnesses

throughout all stages of the process. Initially we will provide a copy of the **Residents' guide to tackling anti-social behaviour' leaflet** that contains information on our policy and procedures and self-help measures for complainants.

- 8.1.4 Incidents of anti-social behaviour can be reported in a number of ways. For example, in writing or electronically at any time or in person or over the phone to the Millat office during opening hours.
- 8.1.5 All complainants and witnesses will be dealt with sympathetically and their reports treated in total confidence.
- 8.1.6 Millat will agree with the witness and/or complainant how we will progress their complaint in the form of an action plan including any legal action and review this at intervals agreed with them. Millat will be holistic about what can be achieved.
- 8.1.7 Millat will do everything reasonably to find an effective solution to stop the antisocial behaviour and will advise complainants if we decide to close the case.
- 8.1.8 Millat will seek the complainant's permission before contacting anyone else about the anti-social behaviour and contact and inform relevant people such as those that provide services in or around the area to assist in evidence gathering e.g., Estate Officers, Environmental Health Officers and the Police.
- 8.1.9 Millat will keep the complainant informed of progress on the cases whilst it is being investigated and during any legal action.
- 8.1.10 Millat will consider the use of Professional Witnesses to gather evidence and the National Witness Mobility Service to provide support to witnesses (when applicable to the criteria for this scheme. Millat will where appropriate, support legal action by providing Hearsay Evidence.
- 8.1.11 Millat will carry out a risk assessment of the home environment and consider home protection measures such as the installation of new locks, flame proof letterboxes etc.
- 8.1.12 Millat will ensure that witnesses, victims and complainants are supported when we take court action. This will include referring them to support services where appropriate, talking through procedures prior to a court appearance, transport and 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. In very serious cases Millat will liaise with the Police to assist with witness protection and call out priority.
- 8.1.13 Millat will identify people's ability to communicate in English and arrange for an appropriate interpreter or translation service on request for people who do not speak, only speak limited English or are hearing impaired.



8.1.14 Millat will advise victims and witnesses of support agencies such as Victim Support and refer cases where agreed and appropriate.

8.1.15 Millat will consider moving victims of ASB in limited circumstances such as where they may be vulnerable and targeted or residing in inappropriate accommodation. Millat will contact the appropriate Local Authority about moving the victim and his or her family temporarily into bed and breakfast accommodation or permanently through a transfer or the National Witness Mobility Service to a Council or Registered Social Landlord property.

8.1.16 We will liaise with all relevant agencies such as Social Services, the Police, Safer Neighbourhood Team, the Youth Offending Team etc.

## **8.2 Racial Harassment and Hate Crime Policy**

8.2.1 Millat has adopted the definition of a racist incident proposed in the Report on the Death of Stephen Lawrence:

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

8.2.2 Millat has revised its racial harassment procedures following a review of the service during 2006. The policy and procedures covers all hate crime. The principal aims of this revised policy are:

- **A victim centred service**, taking the victim’s perception as a starting point for any investigation and action.
- **A multi-agency service**, involving close co-operation with colleagues, partners and the voluntary sector at all levels.
- **A multi-tenure service**, extending beyond the landlord role and ensuring services are provided to all residents of the borough.
- **A responsive service**, encouraging constructive solutions and providing for effective management to ensure continuous improvement.

8.2.3 For full details of our policy and procedures please see the ‘Racial Harassment and Hate Crime Procedure’.

## **8.3 Domestic Violence (DV)**

8.3.1 Domestic violence is physical, emotional, financial, sexual or mental abuse, which takes place in a close relationship. It can restrict freedom and someone’s ability to live freely without fear. Most abuse is rooted in the idea of dominance and control within the family. Domestic violence affects men and women regardless of class, race, age, disability or lifestyle. Abuse can also take place in lesbian and gay relationships and is occasionally perpetrated by women against men.

8.3.2 If you are a Millat resident, you can contact your Housing Manager for practical advice. Millat will work with the Police and other agencies to use existing legal remedies against any tenant using domestic violence. Millat may in conjunction with the appropriate local authority be able to assist in providing

temporary accommodation to a person who is suffering threats of violence. If we are satisfied, through our investigations with the Police and other agencies, that there is a genuine threat of domestic violence or if there has been violence, Millat will transfer a tenant or in certain circumstances take action against a perpetrator of domestic violence

8.3.3 Victims of domestic violence will be supported and, where appropriate, encouraged to use restraining orders and injunctions to prevent domestic violence or to remove the violent person from the household.

8.3.4 For further details on Millat's approach to dealing with DV please see the 'Domestic Violence Policy statement and Procedure '.

## **9 Prevention of Anti-Social behaviour (ASB)**

Prevention is an essential part of our approach to ASB. Millat believes that tackling the causes of anti-social behaviour is key to creating communities where people choose to live. Millat will ensure that all tenants are aware of their responsibilities, that staff are fully equipped to deal with cases of anti-social behaviour and that we work in partnership with other agencies to deliver a Joint approach. There are a range of initiatives that focus on prevention of ASB and these are detailed below:

### **9.1 Tenancy Agreement**

9.1.1 Millat signs up tenants on an Assured Non-Shorthold Tenancy Agreement that deals extensively with tackling anti-social behaviour to ensure compliance with best practice.

### **9.2 Allocation and new Tenants induction**

9.2.1 Millat recognises that early intervention and good communication are essential ingredients to tackling ASB. Millat also recognise explaining the standards we expect of tenants and supporting them early on in their transition into Millat and sustaining their tenancies.

9.2.2 For all client groups, Millat will carry out an accompanied viewing prior to interviewing them and requesting they complete a Millat's Housing Application form detailing their personal circumstances. This will enable us to provide the best and most appropriate service to tenants, as well as being sensitive to their cultural or any other need such as support due to disability.

9.2.3 Accompanied viewings take place with all tenants allocated a property. The sign-up process has recently been reviewed as well as the welcome pack, which provides leaflets and information to assist the new tenant with moving into their property and local services.

9.2.4 An appointment is made four weeks following the tenancy date with the Housing Manager. This interview provides an opportunity to discuss how the new tenant is settling and address any issues that may arise at this early stage of their tenancy. At sign up ASB elements of the Tenancy Agreements are discussed.

### **9.3 Mediation**

- 9.3.1 In many cases, dealing with arguments between neighbours through the Courts or by the Police is not the most appropriate method. Mediation is an independent service that will aim, by listening and talking to both sides in a dispute, to get them to agree a way forward, for example by agreeing reasonable times and volumes for music to be played. Solutions will not be imposed but agreed by both sides.
- 9.3.2 The Housing Manager will refer a case to mediation at the request of one or both sides to a dispute. If mediation is tried, and later fails, this may strengthen our case for taking legal action. If either side refuses to take part in mediation, it could weaken their case in Court.
- 9.3.3 Most cases involving threats of physical violence will not be suitable for mediation. Where appropriate cases that involve more than two parties will be referred. A dispute between two parties may have deteriorated so that it now involves many different people, or even a petition.
- 9.3.4 All parties must be willing for a Housing Manager to make a referral for mediation. This does not mean obtaining their consent to take part in mediation – that is best left to the mediators – but they must agree to be referred.
- 9.3.5 Millat will not try and coerce or pressurise victims to participate in mediation against their wishes – the mediation will not work, and the victim may lose confidence in Millat

#### **9.4 Acceptable Behaviour Contracts (ABC)**

- 9.4.1 An Acceptable Behaviour Contract (ABC) is a voluntary agreement between the Housing Manager, the Police, any other agencies involved and the perpetrator. The idea is that a range of limits on behaviour will be agreed with the perpetrator and drawn up in a signed agreement.
- 9.4.2 Contracts may cover items such as:
- Times when the person is required to be at home.
  - limits to volume or timing of music being played.
  - offensive or threatening language or behaviour.
  - keeping away from certain people or places.
- 9.4.3 The ABC will normally be signed in the Millat office. If the ABC is against somebody under the age of 16, or they are residing with a tenant, leaseholder or shared owner of Millat, then a parent or guardian and the tenant, leaseholder or shared owner must be present. Where the perpetrator is believed to be vulnerable or engaging with support or other services, a decision would need to be made with appropriate support agencies and the perpetrator, as to whether support services such as Social Service would also need to attend.
- 9.4.4 A decision would need to be made with appropriate support agencies and the parent or guardian as to whether a child under the age of 10 can sign the ABC. If not, the parent or guardian may sign an alternative contract such as a Parental Guidance Agreement (PGA).

9.4.5 An ABC is not legally binding, but it can be cited in Civil Court for an application for a Possession Order or at a Magistrates Court in support of an Anti-Social Behaviour Order.

9.4.6 Both the Housing Manager and the Police should monitor the ABC. If the Housing Manager is made aware of a breach to the contract, he/she should contact the Police to discuss what further action to take. This action could include:

- A further meeting with the person and his/her parents/Guardians, Social Worker.
- A referral to the Multi-Agency Inclusion Panel (MAIP) in Merton/Sutton/Kingston or one of the ASB Case Panels.
- Instigation of an Anti-Social Behaviour Order.
- Possession Proceedings

## **9.5 Multi-agency partnerships**

9.5.1 Millat does not operate in isolation. Millat are part of a wider community and will share the problems and challenges of that wider community. ASB is complex, and it is unlikely that the causes or solutions to it will lie solely within the remit of a single organisation.

9.5.2 Multi-agency partnerships involve us working with residents and local agencies such as the Police, Youth Offending Team, Schools, Youth services, Community Safety Partnerships, Drug and Alcohol Action team, Social Services and the Probation service, Family Intervention Programme etc.

## **9.6 Crime and Disorder Reduction Partnerships**

9.6.1 The Community Safety Partnerships within the boroughs in which ISHA has stock brings together a number of services key services that are key to tackling crime and disorder as well as anti-social behaviour.

## **9.7 Youth Offending Team (YOT)**

9.7.1 The Youth Offending Teams aim is to help prevent young people from offending. Agencies involved include Social Services, Police, Education and Health.

9.7.2 The team works with young people on final warnings, bail supervision and court orders. A member of staff will assess the young person and devise a supervision programme that helps tackle any risk factors they face. For example, if the young person has problems managing his/her anger, he/she would see the Community Psychiatric Nurse for anger management sessions. If the young person were not in school, the Education Welfare Officer would try to help the young person get back into school. A cognitive behaviour programme is also used, with all young people, which helps them challenge the way they think and behave.

## **9.8 Drug & Alcohol Action Team (DAAT)**

- 9.8.1 The DAAT bring together representatives of all the local agencies involved in tackling the misuse of drugs and alcohol, including the Primary Care Trust, Local Authority, Police, Probation, Social Services, Education and Youth Services and the voluntary sector. The DAAT works with Community Safety Partnerships to help the police and communities tackle local drug and alcohol problems and associated crime including commissioning of various services for borough residents to provide treatment and prevention of substance misuse.
- 9.8.2 The DAAT publishes an annual plan that describes the work being undertaken to tackle drug and alcohol problems within the borough. The plan incorporates various activities with a focus on treatment services, communities and availability and young people.

## **9.9 Community Safety Partnerships**

- 9.9.1 The Community Safety Partnership is the overarching multi-agency partnership for all crime, disorder and drug and alcohol misuse issues within a borough.
- 9.9.2 The partnership works with the Police, the Local Authority, and other organisations in order to produce a detailed crime audit, carry out intensive professional and public consultation and compile a three-year Crime and Disorder Strategy.
- 9.9.3 It is the role of the Partnership to ensure that community safety is kept on top of the borough's agenda and the Community Safety Team ensures this is done.

## **9.10 Diversionary projects**

- 9.10.1 Youth services undertaken to educate young people to understand and accept responsibility, educate and prevent offending and re-offending. Close liaison with Millat ensures an appropriate response to anti-social activity through the use of diversionary activities and intervention.
- 9.10.2 Examples of these include holiday sports activities on estates identified in Merton & Sutton as hotspots by residents and youth involvement projects which we hope will result in a youth structure that will help with future plans and projects as well as having an input into housing management. We will work very closely with the Youth Service and other Housing Associations to provide more comprehensive youth activities and initiatives.

## **9.11 Home Security**

- 9.11.1 In extreme cases of anti-social behaviour Millat will provide extra home security, home protection measures such as the installation of new locks, flame proof letterboxes etc.

## **9.12 Estate Inspections**

- 9.12.1 Millat recognise the importance of well-maintained estates in improving communities' quality of life and pride in their environment. We will ensure that all estates receive an estate inspection every month or quarter and will provide a detailed report of the estate in terms of the:
- condition of the estate (e.g. cleanliness, vandalism, abandoned vehicles)
  - action to be taken to address the results of ASB activity (e.g., removal of graffiti, rubbish, vehicles, repairs)
  - action to be taken against or to ascertain the identity of perpetrators of ASB activity
  - action to be considered and taken to prevent future ASB activity
- 9.12.2 Housing Manager and Housing Officer will lead inspections. Residents will be invited to attend inspections of their estates and will receive advance notification of these.

### **9.13 Housing Officers**

- 9.15.1 The Housing Officer will inspect all blocks and estates on a monthly basis. His role is predominantly concerned with monitoring standards of cleanliness, grounds maintenance and communal repairs on Millat schemes. However due to the nature of his duties he can act as the eyes and ears of Millat and provide a presence on estates that can deter some ASB activity. In particular the HO provide a quick and effective response to remove the results of ASB activity such as graffiti, litter, vandalism and dumped rubbish.

### **9.14 Tenant Participation**

- 9.14.1 We recognise that residents should be at the heart of the community and involved in the decisions that affect their communities. Millat is committed to involving residents through our tenant participation structures and supporting them in activities to improve communities. In particular this will involve funding as appropriate, training and attending Resident Groups Meetings and working with residents.

### **9.15 Surveillance**

- 9.15.1 In circumstances where the identity of an alleged perpetrator(s) is not known or is/are known but evidence needs to be collated to enable enforcement action to be taken against persons responsible for crime or anti-social behaviour, CCTV evidence and the use of professional witnesses can be an important tool to consider.
- 9.15.2 The requirements of the Data Protection Act must be followed see guidance at <http://www.informationcommissioner.gov.uk/eventual.aspx?id=5739>.
- 9.15.3 It is good practice when using covert cameras and most planned surveillance to follow the legal requirements with the Regulation of Investigatory Powers Act 2000 (RIPA). The Act clarifies the circumstances when surveillance is subject to RIPA control, how officers should assess if it is justified and how the use of surveillance should be authorised, monitored and controlled.
- 9.15.4 For covert surveillance to be successful it is essential that absolute confidentiality be maintained. Information about the operation will be passed

on a strict 'need to know' basis and should never be divulged to anyone not immediately involved in managing the operation.

## **9.16 Closed Circuit Television (CCTV)**

9.16.1 Cameras are relatively easy to install but are resource intensive and expensive. The location needs to be carefully considered and diary sheets will usually be requested to assist on this decision. The law requires that directed surveillance is a last resort and that all other means of gathering information should be attempted first.

9.16.2 Cameras are a short-term option and can usually only be left in place for a few weeks. The case officer needs to have a clear idea about what we want to see and where and be clear on the location of the harassment or nuisance and how a camera will assist. This information is usually based on the information contained within diary sheets. This includes assessing if the images are for intelligence gathering purposes or evidence.

9.18.3 The London Borough of Merton has mobile CCTV units covering the north and south of the borough and each unit has two deployments per day. The tasking and deployment process is informed by crime and ASB reports. If these are requested a report will need to go to the Merton/Sutton ASB team via the Multi Agency Co-ordinator who is responsible for problem solving plans which represent all areas of the borough).

Merton & Sutton has CCTV cameras. These are available to tackle problems of crime problems on any area as long as the Police agree - the Safer Neighbourhood Teams or other units need to ask for them via the crime tasking group. The operation must include input from the Police. Any requests for these cameras to be used in any Millat schemes should be discussed at the neighbourhood ASB Case Panels that are normally attended by the Police.

## **9.19 Rehabilitation of perpetrators and support for vulnerable groups**

9.19.1 In considering the most effective options for the protection of tenants and the wider community from ASB we will consider the positive impact that support might have on perpetrators. The provision of support will be particularly relevant when considering issues of ASB. As part of the investigation, we will take steps to ascertain circumstances that might directly or indirectly affect the behaviour of perpetrators and or complainants. Factors could include:

- Drug use.
- alcohol use.
- mental health.
- disability.
- employment.
- debt.
- health.

9.19.2 The majority of people who fall within these vulnerable groups are not perpetrators of ASB, but they may also be victims of ASB. Where tenants' anti-social behaviour is a consequence of one or more of the issues listed above, they may sometimes require support in maintaining their tenancies both in the long and short term for themselves, their children, their families and the community.

- 9.19.3 Millat will ensure that key professionals are involved at the earliest possible stage to prevent or manage issues as they arise. Support Services may include, but are not limited to, the Local Community Mental Health team, Drug and Alcohol action team, disability organisations, Citizen Advice Bureau and other community-based organisations.
- 9.19.4 Millat will consider what actions can be taken to achieve long-term changes in the behaviour of perpetrators and to prevent displacement of anti-social behaviour. Juvenile perpetrators often experience problems with their family and school. We will try to ascertain the causes of the juvenile's ASB and involve their parents/guardians, if appropriate and obtaining information from their school or other appropriate agencies via our information sharing protocols.
- 9.19.5 Millat will work with other services such as Social Services and Youth Offending Teams in offering and providing support, Youth and Education services in providing diversionary activities for children and teenagers. Before any specific enforcement action is taken against the young person such as an ASBO we will ensure an assessment pursuant to s17 of the Children Act 1989 to identify whether a child is a 'child in need' necessitating the provision of services to that the child and/or his/her family to meet those needs. We will also use Acceptable Behaviour Contracts (ABC) with juvenile perpetrators.

## **10 Data Protection**

### **10.1 The legal context- Data Protection Act**

- 10.1.1 The Data Protection Act 1998 (DPA) regulates the use of personal data - it gives data subjects rights to information held about them and it requires the agencies holding the information to process it fairly and lawfully.
- 10.1.2 The issue of confidentiality and security of personal information is also raised in a number of other pieces of legislation e.g., the Crime and Disorder Act 1998, the Freedom of Information Act 2000 and the Human Rights Act 1998. In addition to these we are all bound by a general duty of confidentiality.
- 10.1.3 Data Protection Act Principles
- 10.1.4 Anyone processing personal data must comply with the eight enforceable principles of good practice. They say that data must be:
- Fairly and lawfully processed.
  - processed for limited purposes.
  - adequate, relevant and not excessive.
  - accurate.
  - not kept longer than necessary.
  - processed in accordance with the data subject's rights.
  - secure.
  - not transferred to countries without adequate protection.

### **10.2 Millat's responsibilities**

Millat and the staff have a legal duty to safeguard the confidentiality of the personal information that it holds in connection with its functions. Millat will establish a number of policies and procedures to guide and support its staff members in relation to:

- the gathering



- storing
- sharing of the personal information they need in order to carry out their duties and to deliver services.

- 10.2.1 It is the duty of Millat's Housing Manager to bring relevant policies and procedures to the attention of their staff, it is also the staff members' responsibility to make themselves aware of and become familiar with these policies.
- 10.2.2 In those situations where Millat staff need to gather lengthy personal histories about service-users as part of their role, it will be made clear that the information offered is treated as confidential and will only be shared with people who are involved in providing the service. It will also, however, be made equally clear that certain kinds of information would have to be appropriately shared where we have a duty to do so, e.g., where there is a risk of harm to individuals.

### **10.3 Officer responsibilities**

Officers are responsible for ensuring that:

- 10.3.1 Information obtained directly or indirectly during the course of duty is not disclosed to any person, organisation or body who does not need to know or who does not have an authorised right of access to that information.
- 10.3.2 Every use or transfer of personal information, including e-mail, must be clearly defined and justified. Do not use personal information unless it is absolutely necessary.
- 10.3.3 Wherever appropriate, personal information will be anonymised, e.g., for statistical reporting.
- 10.3.4 All information recorded must be, to the best of your knowledge, accurate and up-to-date and should not be amended or modified unless you are authorised to do so.
- 10.3.5 You must not divulge your security passwords to any other person. If you suspect that your password is known, then it is your responsibility to change it immediately and report the security breach to your departmental IT helpdesk.
- 10.3.6 You must not use another person's password to gain access to information, even if you are authorised to have access. Neither must you attempt to gain access to any part of the system or information that your access privileges do not allow.

## **11 Publicity - Sharing information with Tenants and the wider community**

- 11.1 We will work to prevent anti-social behaviour and reassure residents that action will be taken by publishing and promoting our policies, procedures, service standards and raising awareness.
- 11.2 Publicity may take the form of local media coverage or targeted leafleting for example. This can assist Millat and partner agencies in reassuring tenants and the wider community that action is being taken to tackle ASB through, for example, the publicising of successful action and resolution of cases.
- 11.3 Where legally permitted, we will publicise the names and addresses of those responsible for ASB, who have been successfully prosecuted by Millat and where this is considered reasonable and proportionate. Millat will consult with the Police and support agencies before doing so, in particular before publicity around juveniles.

- 11.4** It is intended that this policy will act as a deterrent to others whose nuisance behaviour affects the quality of life of others. It will also provide tenants with the information they require to enable them to report any breaches of injunctive measures which may have been served upon perpetrators (where the court has not imposed reporting restrictions) for example Anti-Social Behaviour Orders.

## **12 Tenants Right to Access Information**

- 12.1** All tenants are entitled to have access to files, which hold information about them. Where a victim or perpetrator of nuisance requests access to their file it must be remembered that they only have a right to see items, which are personal to themselves. In order to maintain confidentiality and in accordance with statutory requirements the following information will usually be removed:
- Information which may identify another individual (except members of the tenant's household) who has not consented to the disclosure other than health professionals or Housing staff or contractors.
  - Information, which is likely to cause serious harm to the physical or mental health of any person.
  - Information, which, if disclosed, might prejudice the prevention or detection of crime or the prosecution of offenders.
  - Information, which is or could be subject to legal privilege.
- 12.2** The power to disclose personal information will reflect the common law of confidentiality, and the principles of the Data Protection Act 1998, Human Rights Act 1998 and the Freedom of Information Act 2000.

## **13 Confidentiality**

- 13.1** Complainants may well be concerned that their complaint could lead to retaliation by the perpetrator. However, any information given to us will be treated in confidence. It will not be passed to the person who is named in the information without the permission of the person who gave the information.
- 13.2** Millat will always ask the permission of the complainant should there be a need to disclose information to the perpetrator.
- 13.3** Information relating to complainants and perpetrators may be shared with other Agencies for the purpose of preventing ASB or crime.

## **14 Cross-tenure issues**

- 14.1** The powers and responsibilities that we have to tackle ASB extend beyond our own housing stock. Millat may act to protect leaseholders, shared owners, owner occupiers or those in other tenures from the actions of Millat's tenants and equally, may take action against people in other tenures to protect our tenants. Any activity would be in conjunction with the Police and if appropriate Environmental Health and the relevant Registered Social Landlord (RSL).

## **15 Protection of staff**

- 15.1** Unfortunately employees or others not directly employed but who may be employed in connection with the exercise of housing management functions, may from time to time be threatened, intimidated, abused or harmed in the

course of their normal duties or when specifically tackling ASB. Millat has a Lone Worker Policy as well as procedures on handling potentially violent and aggressive situations.

- 15.2** Millat will not tolerate such activity and will use appropriate legal remedies such as Injunctions and ASBO's to protect staff. Consideration will be given to banning such persons from offices or from personal visits by staff. Where necessary we will support staff pursuing criminal charges against perpetrators.
- 15.3** Any persons who have been violent or aggressive and where it is felt there is a 'potential' for them to be violent or aggressive, will have their details entered on to a list held securely within Millat and an entry placed on our computer records. This list and entry will be used to forewarn staff of such a potential and take necessary measures to reduce risk. A copy of the criteria is available from the Millat office.

## **16.0 Training of staff in dealing with ASB**

- 16.1** In tackling anti-social behaviour it is important that staff have the confidence and knowledge to identify and investigate incidents and reports of anti-social behaviour, are equipped to take appropriate action, to handle challenging and difficult situations and to protect themselves against and avoid risk.
- 16.2** All staff will receive training on our policy, procedures and practices for dealing with complaints of ASB including recognition and recording of ASB complaints and civil and criminal legal remedies.
- 16.3** On-going training and development needs are identified through annual appraisal and regular staff supervision. Staff will be kept up to date with current trends, good practice, law, legislation and developments by a combination of in-house and external training. Records are kept of all ASB training received by housing staff, including an evaluation of the impact of training on the individual, their work and on the service.
- 16.4** Where required we will also provide resident training in broader awareness issues around anti-social behaviour. In particular, we will work with Resident Groups on what they can do to prevent ASB such as community activities and social inclusion work.

## **17. Useful Contacts**

### **Millat Asian Housing Association**

58 Victoria Road  
Mitcham  
CR4 3JA  
Telephone 0208 640 6413  
Email: [info@millat.org.uk](mailto:info@millat.org.uk)

M. Islam  
Housing Manager  
58 Victoria Road

Mitcham  
CR4 3JA  
Telephone 020 8640 6413  
Email: [millat@btconnect.com](mailto:millat@btconnect.com)

Anand Sivanandam  
Housing Officer  
58 Victoria Road  
Mitcham  
CR4 3JA  
Telephone 020 8640 6413  
Email: [millat@btconnect.com](mailto:millat@btconnect.com)

### **Anti-social Behaviour Unit**

Safer Merton  
Merton Council  
Civic Centre  
London Road  
Morden  
SM4 5DX

Telephone: 020 8274 4901  
Email: [asbunit@merton.gov.uk](mailto:asbunit@merton.gov.uk)

### **Victim Support**

Phone: 020 7801 1777 (Weeknights 8.00pm to 8.00am, weekends Saturday 5.00pm to Monday 8.00am)

Website: [Victim support](http://www.victimsupport.org.uk)

### **ASB Sutton**

In an emergency call 999

- In a non-emergency situation, but requiring police attention, call Sutton Borough Police on 0300 123 1212 (ask for Sutton)
- Contact your **local Safer Neighbourhoods Team**.
- Alternatively, you can call Crimestoppers anonymously, on 0800 555 111

### **Youth Offending Team (Merton)**

Contact: Roberta Evans, Youth Offending Team Manager  
2nd Floor Annex  
Civic Centre  
Morden  
SM4 5DZ

[roberta.evans@merton.gov.uk](mailto:roberta.evans@merton.gov.uk)

Phone: 020 8274 4949

Fax: 020 8274 4971

**Youth Offending Team (Sutton)**

**Contact: Jonathan Williams, Head of Service**

**Contact: Angela Killalea, Youth Offending Team Manager**

**The Quad**

**Green Wrythe Lane**

**Carshalton**

**Surrey**

**SM5 1JW**

**[Jonathan.Williams@sutton.gov.uk](mailto:Jonathan.Williams@sutton.gov.uk) [Angela.Killalea@sutton.gov.uk](mailto:Angela.Killalea@sutton.gov.uk)**

**Phone: 020 8770 5754**

**Youth Offending Team (Kingston)**

**Contact: Kathy Walker, Manager Youth Offending Service**

**Guildhall 1**

**High Street**

**Kingston**

**KT1 1EU**

**[yot.team@rbk-kingston.cjsm.net](mailto:yot.team@rbk-kingston.cjsm.net)**

**Phone: 020 8547 6920**

**Fax: 020 8547 6959**

**Victim Support (Merton & Sutton)**

**17-19 Falcon Road**

**Clapham Junction**

**London**

**SW11 2PH**

**Secure email – [vs.merton@victimsupport.cjsm.net](mailto:vs.merton@victimsupport.cjsm.net)**

**Email - [vs.merton@vslondon.org.uk](mailto:vs.merton@vslondon.org.uk)**

**Tel: 0207 801 1777**

**The offices are open 9am – 5pm Mon – Fri**

**Witness Service**

If your case goes to court the police will pass your details to the [Witness Service](#). The service is run by the Citizen's Advice Bureau, and they are based at the court and will help you with information and support throughout the trial.

**Local Safer Neighbourhood Teams can be accessed via the Metropolitan Police website**