

# Safe Living Policy

*7th February 2021*



## 1. What this policy is about

Your Homes Newcastle (YHN) is an Arms-Length Management Organisation (ALMO), responsible for managing the housing stock and allocations for Newcastle City Council and Leazes Homes.

YHN's vision is to be 'first for housing' and its purpose is to 'make living easier'. Our approach to Safe Living has been guided by our values of Ready, Amazing, Revolutionary, Energetic.

It supports our Business Strategy's Strategic Objectives of:

- **Revolutionary services that support successful living** - We want to reduce the incidence and minimise the impact of ASB affecting our customers and neighbourhoods and improve the customer experience.
- **Amazing places where people are proud to live** - We will work with our Partners to help shape clean, safe and desirable neighbourhoods in which customers are proud to call home.
- **Strong business fit for today, ready for tomorrow** – by delivering excellent services that support customers and enable and empower our communities to influence lasting change in their areas.

We are strongly committed to fairness and making sure that everyone has the same opportunities to achieve the same, or similar, outcomes. This policy meets the requirements set out by the Equality Act 2010 and aims to prevent unlawful discrimination on the grounds of disability, race, gender, age, sexual orientation, religion and beliefs, pregnancy and maternity, gender reassignment, marriage and civil partnerships.

This policy supports the aims of the Community Safety Partnership '*Safe Newcastle*' "To create a safe Newcastle by tackling crime, alcohol, drugs, anti-social behaviour and their impact. By working together we will develop effective, sustainable solutions to local concerns, improve confidence and build stronger communities".

Dealing with anti-social behaviour and neighbour nuisance effectively is an important part of managing housing in Newcastle and is also a priority for our customers. We believe that residents are entitled to live in safe, well managed homes where they feel good about themselves and their communities.

Everyone has a right to enjoy life in their own way, as long as it doesn't unreasonably affect the lives of other people. We will enforce the conditions of the tenancy agreement (or lease if appropriate) and tackle behaviour which is anti-social.

Various legislative Acts of Parliament also govern the way in which we operate, including (but not limited to):

- Anti Social Behaviour Act 2003
- Housing Act 1985
- Housing Act 1988
- Housing Act 1996; 2004
- Anti-social Behaviour, Crime and Policing Act 2014
- Data Protection Act 1998 and General Data Protection Regulations 2018
- Equality Act 2010

Anti-social behaviour can take many forms ranging from Personal threats of violence and abuse, Environmental nuisance including fly-tipping, offensive graffiti and unreasonable levels of persistent noise, as well as unacceptable property and garden condition. It includes Hate Crime, harassment and domestic abuse.

This policy has been written in-line with our framework for developing policies and is supported by detailed guidance and procedures for staff. It reflects relevant policies and procedures of Newcastle City Council and partner organisations and has been shaped by feedback and best practice, including:

- ASB Crime and Policing Act 2014 – Statutory Guidance for frontline professionals
- Home Office ‘Effective case management principles for anti-social behaviour’
- Chartered Institute of Housing (CIH) ‘Respect Charter’
- Scrutiny Involvement For Tenants (SIFT) Report November 2019
- RedQuadrant Review of partnership anti-social behaviours policies and procedures May 2018
- Resolve - Centre of Excellence solely focussed upon community safety and ASB
- Housing Ombudsman’s Guide to ASB
- Tackling ASB - Tools and Powers for Social Landlords [www.gov.uk](http://www.gov.uk)

This Policy also contributes towards our obligations in relation to the Neighbourhood and Community Standards set by the Regulator of Social Housing.

## 2. Who this policy is for

This policy sets out our approach to customers and the partners agencies we work with. It will be followed by YHN members of staff working in the Safe Living Team and across the organisation.

### 3. Our approach

#### 1. We have 4 strands to our approach:

Customers	Neighbourhoods	The City	The Sector
We want to reduce the incidence and minimise the impact of ASB affecting our customers and neighbourhoods and deliver excellent services.	Clean, safe and desirable neighbourhoods.  Enable and empower our communities to influence lasting change in their areas.	We will use our influence and work with our partners to help shape attractive neighbourhoods in which customers feel safe and are proud to call home.	We want to be leading experts in our field.

Overall, by implementing this Policy we will see:

- A reduction in the incidence of ASB affecting our customers and neighbourhoods.
- An improvement the customer experience in relation to this service.
- Support services developed with partners for victims and perpetrators with vulnerabilities.
- Customers involved in establishing standards, enabled and empowered communities influencing lasting change in their areas.
- A preventative approach and a culture of consideration for others created by producing 'How to guides' and a series of Workshops.
- Cleaner, safer and more desirable neighbourhoods.
- A collaborative approach with residents, stakeholders and partners with us establishing and coordinating Neighbourhood Steering Groups to enact local action plans to protect our investment and support our strategic objectives.
- Street representatives identified to work with us in these neighbourhoods.

- Babies/children crying
- Car parking disputes
- Isolated and short incidents of dogs barking
- DIY activities at reasonable times of the day
- Everyday household living noise
- One off parties/BBQ's
- Giving dirty looks/stares
- Unpleasant or inconsiderate behaviour
- Reasonable actions that are considered to be part of everyday activities
- Reasonable household noise
- Name calling and social media disputes unless it is deemed to be harassment
- Unpleasant smells

We will use a range of interventions depending on the nature of the reports being made, from early intervention and prevention tools including but not limited to Acceptable Behaviour Agreements, to more formal enforcement tools and powers, which will include pre-legal warnings and legal action, remaining proportionate and reasonable in the use of the tools and powers that are available to us.

However, in serious cases and/or where non legal interventions have not been effective in stopping or modifying the behaviour to a reasonable standard YHN may pursue an application to the Courts to help resolve the issue. In very serious cases of anti-social behaviour we may take this action without any further warning to the tenant.

### **3. Responding to anti-social behaviour complaints**

When a customer contacts YHN to report anti-social behaviour, the service they receive will be polite, fair and unbiased and confidential. Effective case management underpins all our activity to deal with anti-social behaviour effectively, starting from when a complaint is first received until the matter is resolved. The welfare, safety and well-being of victims whose complaints form the basis of any action that we take, are our main consideration at every stage of our process, and we endeavour to provide a fair and consistent service to tenants, taking reasonable and proportionate action to tackle anti-social behaviour.

YHN recognises that in some instances customers will report certain types of behaviour as anti-social but following an assessment we may conclude that it isn't in accordance with the definition and the framework we use.

Our staff are appropriately trained and will exercise their professional judgement when assessing reports that they receive.

- Our approach being recognised as ‘Sector leading’.

An action plan has been developed alongside this Policy to ensure its implementation.

## 2. Tenants’ responsibilities

All tenants of Your Homes Newcastle and Leazes Homes have signed a Tenancy Agreement which sets out the responsibilities and behaviours expected from them. In addition there are covenants in properties that have been sold under the Right to Buy. They must not commit, or allow the people living in or visiting their home to commit, acts of anti-social behaviour.

We consider that anti-social behaviour constitutes a wide variety of activities that may cause nuisance and annoyance to others. We consider the following as some examples of the more common types of anti-social behaviour but this is not an exhaustive list:

- Domestic Abuse
- Physical violence
- Harassment
- Hate Crime
- Verbal abuse, or other threatening behaviour (including against members of staff or contractors)
- Drug and alcohol abuse resulting in unacceptable and unreasonable actions and activities
- Involvement with illegal drugs
- Playing loud music or making excessive noise that is persistent and capable of causing nuisance and annoyance to a reasonable person.
- Persistent pet and animal nuisance (including fouling, noise and aggressive animals)
- Fly-tipping, setting fires, graffiti and other environmental crime
- Illegal or immoral use of a property
- Any other activities that would reasonably be considered to cause nuisance and annoyance to others.

YHN does expect its customers to be tolerant of other people’s lifestyles and will not accept reports of behaviour that most people accept as a reasonable part of everyday life. Although some behaviour may be perceived as being unpleasant or inconsiderate, it may not be anti-social.

Examples of these behaviours include, but are not limited to, the following:

- Children playing or falling out with each other

In such situations, depending on the nature of the problem being reported, the customer may be signposted to other agencies to report the problem or be provided with self help advice and guidance.

If an incident is made up of several different types of antisocial behaviour, we will respond to the complaint according to the most serious type of behaviour.

#### **4. Investigating anti-social behaviour and taking action**

All reports of anti-social behaviour will be taken seriously and assessed appropriately. Customers will be provided with the name of the Officer allocated to their case.

All reports of anti-social behaviour will be categorised as follows:

- **Personal Harm cases will receive a response within 1 day**
- **Community cases will receive a response within 3 days**
- **Environmental cases will receive response within 5 days**

When a case is first opened, it will be assessed by a member of the Safe Living Team, who will complete a risk assessment and ensure that a record of the complaint is made. Cases will be assessed from the initial report and then regularly assessed throughout the investigation on an anti-social behaviour case using a risk assessment matrix. This will determine case priority, response times and frequency of contact.

The Safe Living Team will keep in regular contact with the customers involved in the case and will provide feedback where appropriate, using the customer's preferred method of communicating (e.g. email, phone call). We will require the customer to work with us to resolve the issues by providing details of any further incidents they are experiencing. The case officer will agree a Case Action Plan with the customer and this will be regularly reviewed and updated throughout the case.

Throughout the case, the Safe Living Team will assess and review the progress of the case and take reasonable and appropriate action where necessary.

We use a wide range of tools and powers to challenge unacceptable behaviour and decide on a case by case basis which tools and powers are the most appropriate to use.

Generally, in those cases that have not been assessed as high priority, early intervention tools and techniques will be applied based on tried and tested casework resolution. Customers will be encouraged to engage and participate in order to stop incidents from escalating. We believe that in most of these types of reported cases, customers can bring about sustainable solutions just by communicating with each

other and respecting one another's point of view. We will always endeavour to resolve cases informally in the first instance.

We will take enforcement action in cases where early intervention techniques have not been successful and the harmful behaviour is continuing or where complainants need protection to prevent further anti-social behaviour incidents from occurring and where the perpetrator is refusing to engage. It is our approach that legal action will only be taken when deemed proportionate to do so and where it is clear that the issues cannot be resolved through intervention by YHN or our partners. We will work with NCC and other partners in taking legal action.

We will always take into account the customer's views; however, we cannot guarantee that the action we take will be what the customer wants. Where we cannot take action, or where we cannot evidence the anti-social behaviour, we will explain this in detail. In most cases, the customer must give us consent to approach the perpetrator(s) and we will be unable to effectively deal with the anti-social behaviour without it.

While the overall aim of our approach is to put a stop to the anti-social behaviour and reduce the risk of tenancies failing, we recognise that unfortunately not every tenancy will be sustainable. There will be circumstances where serious anti-social behaviour is associated with a particular tenancy and/or individual.

Where we believe that the behaviour is so serious and/or is having an adverse impact on other residents and/or the wider community, swift enforcement action may be taken to protect victims and the community. We will only do this after considering the rights and safety concerns of the local community and the perpetrator's position.

In very serious situations where a person or a family are in imminent danger or experiencing very serious levels of ongoing harassment YHN may consider either a temporary move or a permanent move to a new location, not in the same area/proximity in-line with Newcastle City Council's or Leazes Homes' allocations policy.

If court action is required, we will work with Partners to support witnesses throughout the court process. We understand that not everyone feels able to give evidence in court but anti-social behaviour cases are most successful where we have witnesses who can give their own account of what they have been experiencing. Sometimes we can use evidence that other people, such as Housing Officers and Police Officers have gathered.

Where anti-social behaviour is linked to domestic abuse, we will also follow our Domestic Abuse Policy to take action against the perpetrators and support victims. Where we believe there is a safeguarding issue, including hoarding, we follow our Safeguarding Policy to prevent or reduce the risk of harm to children or vulnerable adults.



procedures to them, so they know what to expect, how to give evidence and how it will be used.

## **7. Partnership working**

Partnership working at a strategic and operational level is an essential part of our approach.

We are a key partner in the Safer Newcastle Partnership and we work closely with:

- Northumbria Police
- Newcastle City Council
- National Probation Service and the Community Rehabilitation Company
- Victim support agencies
- Primary Care Trust and other health professionals
- Other social landlords

When required, we attend multi-agency and partnership meetings such as the Multi-Agency Risk Assessment Conference (MARAC) for domestic violence, and Multi-Agency Public Protection Arrangements (MAPPA) to identify solutions to protect people and tackle anti-social behaviour in the community. We also provide representation at the 'A Victims Approach to Anti-Social Behaviour Hub' and the 'Youth Early Intervention and Assessment Hub'.

## **8. Confidentiality, data protection and sharing information**

We share information with our partners in accordance with relevant legislation such as the General Data Protection Regulations 2018, Data Protection Act 2000 and the Crime and Disorder Act 1998 to help protect vulnerable victims and detect, prevent and take coordinated action against, crime and anti-social behaviour.

We will not reveal the customer's identity unless they agree that we can or unless there is a need to share that and other information with other agencies for lawful purposes, such as where there is a need to safeguard someone at risk of harm.

If a member of staff becomes aware that they know any of the people involved in an anti-social behaviour case on a personal basis, they will follow a process to have the case assigned to another member of their team and they will end their involvement in it. This will help to ensure that staff can continue to operate with integrity and professionalism and that the customers and perpetrators receive a fair and impartial service.

## **9. Reporting, monitoring and review**

We do not tolerate abuse to our staff, contractors or anyone else providing services on our behalf. This includes verbal or physical abuse, intimidation or threats and we will take appropriate action against offending customers.

## 5. Closing cases

We may close an anti-social behaviour case following investigations for reasons including (but not limited to):

- Insufficient ongoing evidence;
- It is not anti-social behaviour;
- The customer has not engaged to assist the investigation; or
- The ASB has stopped and the likelihood of further ASB is low.

In these situations, we will inform the customer in person, at the earliest opportunity that further action cannot be taken.

We will not reopen a closed case without good reason, for example, where there has been a change in circumstances or new evidence has come to light.

We will follow the approach set out in our complaints policy to address those situations where customers persistently make reports that are not considered to be ASB or do not engage with us or consent to our investigations.

## 6. Providing support

We understand that it can be difficult for many victims or witnesses of anti-social behaviour to report issues. Some victims of anti-social behaviour might have complex or additional support needs. We will act quickly to assess and minimise any risks and will make appropriate referrals (with the consent of the victim or witness) to partner agencies for the right support.

We also recognise that some perpetrators may be vulnerable or victims themselves. We will make relevant checks with agencies to try to establish any current or recent involvement and ensure they have access to support to address any unacceptable behaviour. We will support them to sustain their tenancy if it's at risk, except where the anti-social behaviour is serious and/or persistent and where the perpetrator has refused to engage with the support or measures offered, then we may take enforcement action using the full range of tools and powers available.

If a victim or witness of anti-social behaviour needs to attend court, we will provide support and guidance before, during and after this process. We will explain the


Performance around anti-social behaviour will be measured on a monthly basis. Performance will be measured at Officer, Area and Whole Service Levels. Local performance targets will be set in relation to the delivery of the service.

Citywide performance reports will be available to Boards and Senior Management Teams as appropriate. ASB case management will be undertaken using a robust quality control approach and cases will be discussed and reviewed at monthly meetings.

This policy will be reviewed every three years or sooner if there are changes in relevant legislation or if best practice, independent reviews, audits or complaint outcomes suggest a review is required. We will also review this policy following changes to relevant Newcastle City Council or Leazes Homes' policies or procedures as required.

## 10. Value for money

Anti-social behaviour is costly to everyone – whether this results in people wanting to move from the area or costs involved in cleaning up communal spaces and graffiti. We will continue to work with our partners and use the tools available to us to prevent and tackle anti-social behaviour so that customers can live in safe, clean and desirable neighbourhoods they are proud to call home.

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