

Lumen Housing Ltd



Lumen Housing

Anti-Social Behavior Policy

April 2021

Document Information

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Scope	To define the policy for dealing with Anti-Social Behavior and breaches of the Lumen Housing Tenancy Agreement and agreements of other managed properties
Objective	To provide a single mechanism for the reporting, recording, investigation, monitoring and evaluation of all anti-social behavior
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Document Control

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Lumen Housing Vision Statement

1.1 Vision Statement

1.2 Lumen Housing was established by Blackpool Housing Company for the benefit of the community. Our core objectives are to deliver high quality affordable homes aimed at meeting local housing need and contribute to the wider social and physical regeneration strategies in the area. We work in partnership with the Council and other Housing Associations to bring about lasting change to Blackpool's housing market.

1.3 ***Our mission:*** *To acquire poor quality properties and land assets so it may provide refurbished and new build homes delivered to a high standard and supported by high quality lettings and management services.*

1.4 Blackpool Housing Company through its brand, My Blackpool Home, provides managed services and ensure that our properties provide a safe and high quality home to its tenants.

1.5 **This policy outlines our commitment to managing Anti-Social Behavior.** The policy can be found in the following location;

<X:\Strategies, Policies & Procedures\Blackpool Housing Company\Lettings & Tenancy Management\policies>

2. Purpose

2.1 Lumen Housing is a subsidiary company of Blackpool Housing Company (BHC) who is a wholly owned company of Blackpool Council. Lumen Housing has a mission to deliver high quality affordable homes aimed at meeting local housing need and contribute to the wider social and physical regeneration strategies in the area. All Lumen Housing's lettings will be carried out through its customer facing brand 'My Blackpool Home' (MBH). The purpose of this policy is to set out how MBH will deal with Anti-Social Behavior and breaches of the Lumen Housing Tenancy Agreement.

We aim to promote long term successful tenancies, attract economically active customers, create sustainable neighbourhoods and make the best use of our portfolio in regard to our business model. Lumen Housing through its managing agent MBH aims to offer a high standard of accommodation that is well managed and attractive. Lumen Housing will ensure that the availability of our portfolio is publicised through the local lettings platform My Home Choice so that the local residents have the ability to access good quality and affordable homes.

3. Introduction and Scope

3.1 Lumen Housing is committed to taking positive action, in conjunction with partners, to deal with all forms of Anti-Social Behavior (ASB) and breaches of the Lumen Housing Tenancy Agreement.

- 3.2 Lumen Housing will work with in a number of multi-agency groups which monitor crime and incident patterns, agree partnership approaches to tackling them and ensure that vulnerable victims and witnesses are supported.
- 3.3 This policy sets out the ways in which Lumen Housing will seek to deliver on this commitment by working with residents, the Council and partner agencies. The overall purpose of the ASB Policy is to:-
- Prevent incidents and the reoccurrence of ASB in Lumen Housing properties
 - Ensure that ASB is tackled efficiently and effectively using a variety of approaches
 - Work with vulnerable residents, both victims and perpetrators, and support agencies to ensure that ASB is tackled and not tolerated
 - Deliver excellent support services for victims and ensure they are aware of what action is being taken to tackle ASB
 - Work proactively with partner agencies, seeking support from other agencies and organisations to develop the most effective approach and resolution to ASB
- 3.4 This Policy applies to:
- All rented properties
 - Communal Areas
 - Buildings and neighbourhoods owned by Lumen Housing

4. Regulation and Legislation

- 4.1 Lumen does not operate in isolation and this Policy has been written to take account of obligations imposed by national legislation and other strategies. In particular:
- Housing Acts 1985, 1988, 1996 & 2004
 - Crime and Disorder Act 1998
 - Anti-Terrorism, Crime and Security Act 2001
 - ASB Act 2003
 - ASB, Crime and Policing Act 2014

- Environmental Protection Act 1990
- Equality Act 2010
- Data Protection Act 2018

5. Definition of ASB

5.1 The Government definition of Anti-Social Behaviour is:

- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- Conduct capable of causing housing-related nuisance or annoyance to any person

5.2 Lumen acknowledges that ASB comes in lots of forms. It can range from every day incidents such as noise nuisance to serious criminal acts. The types of behaviour we consider to be anti-social include (but not limited to):

- Intimidation and harassment
- Domestic abuse
- Violence or threats of violence
- Rowdy behaviour and drunkenness
- Pet nuisance i.e. uncontrolled animals
- Dealing or taking drugs
- Graffiti
- Damage to property
- Dumping rubbish (fly tipping)
- Noise nuisance: e.g. loud music

6. What is not considered as ASB

6.1 Lumen accepts that many neighbours will naturally have different values or opinions and sometimes this can cause problems. We expect our residents to show consideration to their neighbours as well as an understanding that we all have a right to live our lives.

6.2 Not all reports relating to behaviour that impacts on an individual can be deemed as anti-social. It is important to show tolerance and be respectful of differing lifestyles and circumstances. The following are a list of some examples that we do not class as anti-social behaviour and therefore will not investigate:

- Babies crying
- One off family disputes
- Cooking odours
- One off parties/BBQs where there's no evidence problems will re-occur
- Normal behaviour occurring at unusual times because of different working patterns provided the resident is attempting to keep disturbance to a minimum e.g. use of washing machines

- Sounds of normal day to day living such as opening and closing of doors, going up and down stairs
- Children's play
- Noise transference due to poor sound insulation
- Boundary issues or disputes
- Clashes of lifestyle
- Minor personal differences such as dirty looks or fall outs between children
- DIY during reasonable hours
- Parking disputes

7. Policy Statement

- 7.1 Lumen seeks to create, strong, resilient and sustainable neighbourhoods whereby people from all different backgrounds and groups can exist side by side within a culture of co-operation and respect.
- 7.2 We expect our residents to be respectful of others and not to commit, or allow their family household members or visitors to commit acts of ASB. Lumen impress upon residents when taking on a tenancy their rights and responsibilities and what the implications of causing ASB are.
- 7.3 By responding positively to incidents of ASB, Lumen will develop a culture of zero tolerance to such incidents, thus combating exclusion and enabling all people to play a full part in society.
- 7.4 Lumen is committed to working with other agencies to deliver a range of positive diversionary activities designed to increase self-esteem, confidence and aspirations amongst our residents to reduce the chance of the becoming victims of or involved in ASB.
- 7.5 Lumen recognises the detrimental effect that ASB can have on the lives of our residents and communities but it is important that complainants and victims of ASB understand in which circumstances we can intervene and the tools and powers available to us. We will not raise expectations that we can take actions where we cannot do so or where responsibility and powers lie elsewhere.
- 7.6 We recognise and accept our role to prevent and tackle ASB but we also recognise that residents and other agencies share this responsibility. In order to investigate and tackle ASB, we expect complainants and victims to notify us in a timely manner where there have been incidents. We also expect that relevant evidence will be provided when requested, where available and that customers will engage with Lumen staff and other agencies in the management of ASB cases.

7.7 We reserve the right not to pursue a report where we have evidence that the complainant is being unreasonable, vindictive or vexatious. In such instances we will inform the complainant that we will not be taking further action in relation to that specific complaint and why.

8. ASB Case Management, Intervention and Enforcement

8.1 Victims can report ASB by contacting us by telephone, letter, email, in person or reporting via the website.

8.2 Lumen treats all reported incidents of violence or threats of violence, hate crime and domestic abuse seriously and will take immediate and appropriate action whenever incidents are reported or identified.

8.3 A victim-centered approach will be followed ensuring that residents have access to appropriate support services and feel able to work with Lumen staff in the investigation of the incident. We will assess the risk of harm to victims and potential vulnerabilities when we receive a complaint about ASB and we will also agree an action plan with complainants. The action plan will determine how often the victims of ASB are updated regarding the action taken by Lumen.

8.4 When a complaint of ASB is made Lumen will record the complaint, assess the type of ASB being complained about and apply one of the following categories:

Category	Examples	We will contact customer within:
High	Domestic Abuse, violence or threats of violence, Hate Crime and criminal activity	1 working day
Medium	Verbal abuse, criminal damage, ongoing noise nuisance, intimidating or abusive behaviour	5 working days
Low	Noise, animal nuisance, nuisance from vehicles	7 working days

8.5 Lumen will work to prevent homelessness and help residents to remain in their home by supporting victims through the implementation of increased security measures such as the Sanctuary Scheme or referrals to other support agencies. (The Sanctuary scheme allows families to remain in the familiar

environment of their home whilst they are experiencing the problems that arise as a result of domestic violence. The scheme provides professionally installed security measures to allow families to remain in their own accommodation).

- 8.6 Where it is believed a child or vulnerable adult is at risk Lumen will follow the safeguarding children and adults at risk policy and procedure, taking necessary action.
- 8.7 Lumen will thoroughly investigate all complaints and gather evidence where it exists from complainants, other residents and partner agencies including the police and also through the use of Noise Monitoring Equipment, CCTV and professional witnesses as appropriate.
- 8.8 Lumen will consider all the options available when investigating and taking action in a case of ASB and will use the legislative framework to ensure the protection of victims and to stop the incidents repeating. The tools and powers available, some of which are delivered in partnership with other agencies, include:
- Written and Verbal Warnings
 - Interviews (either face to face or by other means such as telephone, Skype etc.)
 - Mediation
 - Parenting Contracts
 - Acceptable Behaviour Contracts
 - Good Neighbour Card
 - Tenancy Cautions
 - Injunctions
 - Criminal Behaviour Orders
 - Notice of Seeking Possession
 - Notice of Pending Possession
 - Absolute Ground for Possession
 - Closure Powers
 - Community Protection Notices
 - Family Intervention Tenancies
- 8.9 Lumen will issue new tenants with an introductory tenancy which will become secure after 12 months providing it has been adequately maintained within that time.
- 8.10 Lumen recognises that eviction is a potentially necessary tool to tackle ASB and will use the discretionary and absolute grounds for possession when appropriate. However in order to promote social inclusion and prevent homelessness, eviction to resolve ASB will only be used when other actions have not been or will not be successful.
- 8.11 Lumen will not move complainants or alleged perpetrators as a means to resolve ASB or deal with a situation (other than in exceptional circumstances).

- 8.12 Lumen will not condone ASB perpetrated by employees under any circumstances, including staff who are tenants, nor will we treat such incidents as a purely private matter. LUMEN will treat any allegation, disclosure or conviction of an ASB related offence on a case-by-case basis.
- 8.13 Lumen does not condone ASB perpetrated towards its employees, or those working on its behalf, in any circumstances. We operate a Zero Tolerance approach to abuse, aggression or violence against employees or contractors including but not limited to:
- Shouting
 - Swearing
 - Verbal or written threats
 - Offensive or abusive behaviour due to race, religion, sexuality, disability or gender
 - Offensive comments or gestures
 - Comments of a sexual nature
 - Derogatory comments on social media
 - Excessive contact
 - Comments that cause emotional harm or distress

Appropriate action will be taken where such incidents occur and may result in the perpetrator putting their tenancy at risk. Lumen may carry out a risk assessment and additional risk controls will be put in place to manage risk to staff and contractors. This may mean two staff attending home visits, or visits in conjunction with other agencies. This could also result in some services being withdrawn if that is necessary to manage the risk to staff.

- 8.14 Lumen will close cases where any of the following applies:

- The case has been resolved
- There is insufficient evidence for any action to be taken
- There is a lack of response or engagement from victims
- Where it is established that the complaint is vexatious or unreasonable.

When cases are closed, Lumen will inform victims and complainants. If a case is closed and victims or complainants do not agree with this, they are entitled to request that the case is reviewed by the Senior Office.

9. Working in partnership

- 9.1 Lumen will work with other agencies and specialist organisations to ensure that appropriate best practice is employed in the prevention of ASB. Where perpetrators of ASB show a willingness to address underlying issues which cause their behavior, then Lumen will offer assistance and support
- 9.2 Where ASB involves criminal activity we will expect victims to report criminal behaviour to the police and we expect the police and other statutory agencies to take action where they have sufficient evidence to do so. Lumen staff do not have the powers or the statutory obligations of the emergency services so we are unable to be first responders in emergency situations. We will liaise with the relevant services where there has been a crime or emergency incident and take appropriate enforcement or preventative action if this has resulted in anti-social behaviour or a breach of the tenancy agreement.

10. Community Trigger

- 10.1 A community trigger allows members of the public experiencing anti-social behaviour to request a review of their case. Along with other agencies Lumen have a duty to undertake a review of how the case has been dealt with where it involves someone who is unhappy with previous outcomes and where the case meets the locally defined threshold.

The community trigger can be used by:

- Any victim of anti-social behaviour
- Any person acting on behalf of a victim, such as a family member, friend, career, councilor or MP
- Other professional person

This is to ensure that all victims are able to use the trigger, but the victims consent should be sought first.

If any of the following criteria is met by the person experiencing anti-social behaviour, they may be eligible for a community trigger review:

- You, as an individual, have experienced 3 or more instances of anti-social behaviour with the last 6 months
- 5 or more individuals have experienced the same or similar incidents of anti-social behaviour within the last 6 months
- You, as an individual, have experienced one incident motivated by hate (hate incident/hate crime) within the last 6 months

Please refer to Blackpool Council's website for further details.

11. Training

- 11.1 Lumen employees will be given appropriate training that covers the impact of, and Lumen's response to, ASB.
Staff will be trained to recognise ASB and how to challenge and respond to it. In addition, support and guidance will be given to employees who may be a victim of ASB incidents.

12. Confidentiality

- 12.1 Lumen will respect the confidentiality of victims and will work with them to resolve the issues they are experiencing. However, information sharing between organisations is essential to safeguard adults or children at risk of abuse, neglect and exploitation. Information given to an individual member of staff belongs to the organisation and not to the individual employee. An individual employee cannot give a personal assurance of confidentiality to an adult or child deemed to be at risk.
- 12.2 Under the Crime and Disorder Act 1998 information can be shared between agencies to prevent and detect crime and disorder, including ASB and other behaviour adversely affecting the local environment. Lumen will share information with partners in line with the BSAFE Strategic Partnership Group information sharing protocol.
- 12.3 Lumen will publicise any positive action taken to resolve ASB wherever possible. Working with partners, this may include press releases to local newspapers, radio or television or other publicity materials such as social media, leaflets and posters in the locality of where legal actions has been successful.

13. Equality & Diversity

- 13.1 Lumen will provide a service that is accessible to its customers, for example assisting those with low levels of literacy or disabilities
- 13.2 Lumen works in accordance with the Equality Act 2010 and will assess whether alleged perpetrators are vulnerable so we can identify appropriate support to help them modify their behaviour

14. Performance and Monitoring

- 14.1 We actively monitor performance of the service which is fed back to the Senior Management Team and Lumen board.
- 14.2 Lumen will monitor ASB incidents to identify any trends and will consider targeted campaigns employing a project based approach to tackle issues and increase confidence in the community.
- 14.3 Performance information relating to the use of legal actions and satisfaction levels will be captured.

15. Ownership and Review

The ASB policy is owned by the Lettings Team but there is a responsibility in each Lumen team member for the implementation of the policy. The policy will be reviewed every three years or as required following a substantive legislative or regulatory change. Any enquiries relating to the policy can be directed to the Head of Business & Customer Services.

Senior Management Team (SMT) must:

- Plan and resource measures to facilitate effectiveness of the policy, prioritising availability for any identified coaching or awareness sessions.

Operational Management Team (OMT) must:

- Ensure that all employees receive or have access to all guidance documents/policy documents.
- Ensure the initiation, development and approval of procedures that support this Good Practice Guide.
- Ensure that all new starters received the appropriate induction and training in regard to the Good Practice Guide and any related letting procedures.
- Ensure Lumen complaints procedure is followed.
- Ensure any changes to policy or procedures are updated and reviewed annually in line with company's review procedures.

Employees must:

- Familiarise themselves with all relevant information contained in the Good Practice Guide and any other information related to letting procedures.
- Follow Lumen induction programme and attend any training courses highlighted appropriate for their role.
- Ensure procedures are followed at all times to ensure a consistent, fair and efficient service for customers to Lumen.
- Follow the appropriate escalation process if further guidance is required to enable a decision taking into the account the Company's position.