

Rykneld Homes (RHL) takes incidents of Anti-Social Behaviour (ASB) seriously and places a high priority on acting quickly and supporting people through what can be a worrying and stressful experience. We want customers to feel confident reporting problems to us and satisfied with the service they receive.

This Policy is for tenant's of North East Derbyshire District Council and Rykneld Homes so they know what is and how to report ASB. This Policy compliments that of North East Derbyshire District Council (NEDDC), so if you are a private tenant or home owner, please contact NEDDC in the first instance.

Our aim is to prevent and minimise instances of ASB and to resolve them at the earliest opportunity, via appropriate intervention when required. It has been developed with due consideration towards best practice and guidance including the Government's statutory guidance 'Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals' as revised January 2021.

What is Anti-Social Behaviour?

The Anti-Social Behaviour and Crime Act 2014 definition has ASB as:

- 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.

Examples of ASB includes:

- Hate Crime – has a separate definition to ASB and will carry a heavier sentence in Court if proven.
- Domestic Violence – please see also Rykneld Homes' Domestic Abuse Policy
- Drugs and alcohol
- Harassment, intimidation and abuse
- Noise Nuisance
- Violence and threats.

Actions not considered ASB include:

- General home living such as: flushing toilets, cooking smells, smoking in own home, washing machines, babies crying, sexual noises, shift workers leaving home, people walking on floors or upstairs, doors being shut, loud talking or laughing
- People carrying out DIY jobs
- Where there is no breach in the tenancy i.e. people staring or being inconsiderate

- Noise transference due to poor sound insulation
- Pets straying across garden areas
- Children playing, arguing in the street including ball games, riding bikes or skateboards
- One-off or isolated incidents e.g. a party or an argument or altercation

How to Report ASB

- Online – complete the online form www.rykneldhomes.org.uk
- In Person – speak to your Housing and Support Officer
- By Telephone – call us on 01246 217670 between 8am and 5pm Monday to Friday
- By email – Email details to contactus@rykneldhomes.org.uk
- In writing – Community Sustainment Team, Rykneld Homes, Pioneer House, Mill Lane, Wingerworth, Chesterfield S42 6NG.

In an emergency you should always dial 999.

Reporting Incidents Out of Hours

If you are experiencing incidents of nuisance, hate crime, domestic violence or ASB outside of normal office hours or at the weekend, you can use our Out of Hours reporting service. They will pass the details to us the next working day. Call – **08000 121 621**.

For more information and signposting to other agencies, visit our website: www.rykneldhomes.org.uk

Rykneld Homes' Approach

Preventative Action

We will take steps to try and prevent ASB from occurring in the first place.

Our Allocations Policy prevents people responsible for ASB from obtaining or moving between Council and RHL tenancies. Our lettings are sensitive particularly in flats towards the mix of age groups mixing who may potentially have conflicting lifestyles.

We also deliver Diversionary Activities working with young people and provide community events during the summer months that educate and engage communities and provide involvement opportunities for customers.

We are committed to ensuring you can enjoy a quiet and peaceful life in your home. We will not tolerate customers being abused, harassed or subjected to noise, nuisance or other ASB from those around them.

All incidents are different and the time taken to complete the investigation and take appropriate action will depend on the circumstances of the individual case.

We work with the Police and other agencies where necessary to resolve matters as soon as possible.

Rykneld Homes has due regard to people with vulnerabilities and as a landlord we have an obligation towards alleged perpetrators who are vulnerable just as much as the victims. In these cases, we will work with vulnerable tenants to offer or arrange appropriate support. In cases where support is already in place, we will liaise with partner agencies to assist in finding a resolution.

When you first report ASB or harassment to us, we will ask you for full details of what has happened. The information you give us will help us decide what action, if any, to take.

Questions we may ask:

- What happened?
- When did it happen?
- Where did it happen?
- Who was involved?
- Who witnessed the incident?
- Is this the first incident or has it been happening for a while?
- Have you reported the incident to anyone else (e.g. Police)?

How we deal with ASB

Once you have reported an incident, a RHL Officer will contact you within 2 working days to discuss, in confidence, the nature of the incident and the possible course of action that may be taken. They will then prepare and agree with you an Action Plan to address your complaint. This may include actions that will be your responsibility as well as actions Rykneld Homes or other agencies will take. We will give clear points of contact, regular updates and offer support where needed.

Rykneld Homes will always treat people fairly and equally, any action will be proportionate and reasonable depending upon the circumstances.

Incident Diaries

In most cases we will issue you with an incident diary to complete. The diaries provide important information that will help us with our investigation. They also provide good evidence if they are written at the time of the incident, to support any legal action taken. This information will help a Judge to understand what you have suffered if the matter goes to Court.

Throughout the investigation, we will continue to monitor and record ongoing work and aim to contact you every 10 working days.

If at any stage of the investigation it is felt that an appropriate intervention could be used, where appropriate you may be advised of this, what is involved and estimated timescale for completion.

We will provide assistance and support to any witnesses throughout and will stay in regular contact to give updates on our progress.

Other Types of Evidence

Incident Diaries are not the only source of evidence we use. Anything that supports your report and helps us to prove someone has caused harassment or ASB can be used. These could include:

- Statements from other witnesses
- Use of surveillance equipment we can use to record evidence
- Noise monitoring equipment to help investigate complaints of noise nuisance.

Resolutions

Informal Action

Where appropriate we will use informal or non-legal action to try and reach a resolution.

Neighbour Disputes

If you feel a neighbour is acting unreasonably towards you, it may help to speak to them about the problem. You may be surprised to find they are unaware of how their actions are affecting you. Talking to each other can clear up misunderstandings and often problems can be resolved in this way.

Do not speak to your neighbour when you are angry. If your discussion is not going well, walk away. Never get involved in an argument.

Mediation

Your Community Sustainment Officer may suggest mediation, which is a way of helping people deal with disputes and reach some kind of agreement that everyone can live with.

Mediators help people discuss the problem – they do not judge or take sides. Mediation is voluntary, confidential and free, but not compulsory.

Breach of Tenancy Conditions

Tenants of North East Derbyshire District Council (NEDDC) and RHL are required to comply with the conditions set out in their Tenancy Agreement.

We will take appropriate action if the tenancy conditions are breached such as serving a Notice of Seeking Possession.

Legal Action

Many cases are resolved without Court action but if it is necessary, our Officers will be present at all stages to support you. In some instances, depending upon the action being taken, you may be required to attend Court and give evidence.

Secure Home

In more serious cases we will consider what steps we can take to make people feel more secure in their home, for example:

- Additional security measures
- Use of surveillance equipment
- Providing information for witnesses from other agencies as appropriate
- Working with the Police to apply for injunctions.

Working in Partnership

Rykneld Homes are part of the North East Derbyshire Community Safety Partnership. Our Community Sustainment team works with the Police, NEDDC and other local agencies to resolve more serious ASB cases. Together, under the Anti-Social Behaviour Crime and Policy Act 2014, our Community Sustainment Officers will use the following legal remedies to tackle ASB:

- Possession Proceedings - Notice of Seeking Position / Notice of Possession Proceedings as per the grounds contained in the Housing Act 1985/88
- Public Spaces Protection Orders (PSPO)
- Community Protection Notices
- Fixed Penalty Notices – this is a fine of up to £100
- Civil Injunctions and/or Prosecution
- Closure Orders
- Community Trigger.

The Anti-Social Behaviour Crime and Policy Act 2014 provides for the Community Trigger. This is a mechanism for victims of persistent ASB to request that relevant bodies undertake a case review. To find out more about how community triggers are activated please visit: <https://www.ne-derbyshire.gov.uk/community/community-safety-partnership/community-trigger>

To find out more about the Community Safety Partnership visit: <https://www.ne-derbyshire.gov.uk/component/edocman/north-east-derbyshire-community-safety-action-plan-2020-21>

Confidentiality and Witness Support

It is reasonable to expect that incidents of ASB would be discussed between the relevant parties in an attempt to resolve the situation prior to our involvement.

There will be times when this is not possible or there is a genuine reason for not being able to approach the alleged perpetrator, such as fear of reprisals and/or if a complaint is very serious or of a sensitive nature.

As part of any report of ASB and the investigation, it is essential that we maintain the confidentiality and trust of the person making the report and/or witnesses involved in the case. If appropriate, without identifying them to the person causing the nuisance. This may prevent further reprisals and possible serious incidents being directed towards them. At all times Rykneld Homes will keep to and respect confidentiality in line with the provision of the General Data Protection Regulation and will comply with collection, storage, access to, provision and disclosure of data in accordance with the Data Protection Act 2018.

We acknowledge that there may be occasions when we are unable to protect their identity due to serious specified incidents such as criminal offences or Safeguarding children/adults. In these circumstances, the person making the report and/or witnesses will be advised of this and offered support, if appropriate.

We are obliged in some cases to share information with third parties under the Crime and Disorder Act 1998.

You can access further detail about how we use your information by reading our Privacy Notice, the link is provided below:

<https://www.rykneldhomes.org.uk/your-home/your-tenancy/tenancy-agreement/tenancy-agreement-privacy-notice/>

Closure of Cases

Cases will be closed if there have been no recent incidents after the initial report (this will be identified as part of keeping up to date incident diaries), when the issue is resolved or no further action can be taken. Cases may be reopened should any new instances of ASB be reported or if new evidence, which is assessed as significant and appropriate to the case is provided.

Useful Contacts

Derbyshire Police	999 /101
CrimeStoppers	0800 555 111
North East Derbyshire District Council	01246 231111
Rykneld Homes Out of Hours Reporting Line	0800 121 621
Stop 24-hour National Domestic Abuse Helpline	0808 2000 247
The Elm Foundation (Derbyshire Domestic Violence and Sexual Abuse Service)	01246 540464
Derbyshire Victim Services (Remedi)	0114 253 6669
Safeguarding Concerns – Adults and Children	01629 533190
Homelessness	01246 231111
Report Fly Tipping or Graffiti	01246 231111

NO ENGLISH? NO PROBLEM

If you require this publication
in large print or braille
please call us on

01246 217670

Rykneld
HOMES
at the heart of communities

Język polski

W Rykneld Homes zależy nam na dostarczaniu doskonałej jakości usług naszym lokatorom, dzierżawcom i mieszkańcom. Aby porozmawiać z nami po polsku zadzwoń pod numer

01482 971724



For all other languages

01246 217670