

Community Safety Policy and Procedure Statement



For further information about applying
for a home, contact your local office:

Athenaeum: 0191 525 5001

Havelock: 0191 525 5002

Southwick: 0191 525 5003

Silksworth: 0191 525 5004

Houghton: 0191 525 5005

Concord: 0191 525 5006

Galleries: 0191 525 5007

E: enquiries@gentoogroup.com

www.gentoogroup.com

Gentoo Group Limited, Emperor House,
2 Emperor Way, Doxford International Business Park,
Sunderland, SR3 3XR.



Gentoo Group Limited is a charitable community benefit
society, registration number 7302

gentoo

Introduction

What do we mean by Anti-Social Behaviour?

There is no commonly agreed definition of Anti-Social Behaviour (ASB); therefore this section draws on the definition in the Anti-Social Behaviour, Crime and Policing Act 2014 which defines 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.”

We aim to concentrate on dealing with the causes of ASB, which can often include:

- Troubled families and intergenerational ASB
- Lack of facilities, particularly for youths
- Lack of community spirit and ownership
- Fear of crime and misperceptions
- Estate design and appearance
- Allocation issues and managing mixed tenure communities
- Vulnerability issues, including mental health, alcohol/drug dependency
- Lack of partnerships which work together properly to deliver a long term vision

Our Policy on ASB

Feeling safe and secure increases the sustainability of communities and promotes community cohesion, health and wellbeing. As part of our Group Vision we will strive to ensure that everyone within our neighbourhoods feels safe and secure.

To help people feel safe and secure, we are committed to minimising incidences and perceptions of ASB. To do this successfully, we are aiming to strike a balance between prevention and early intervention, support and enforcement. We will intervene early where there are incidences of ASB, utilising mediation to prevent matters from escalating into a more serious matter and where necessary work with partners to discuss and plan diversionary activities where they may be needed.

We will have in place effective support mechanisms tailored to the victim, the perpetrator and where appropriate seek to take a whole family approach. We will employ enforcement, including legal action, where necessary.

behaviour order or been convicted of a serious offence. In these instances and where proportionate Gentoo can ask a court to grant a possession order.

Use of Starter Tenancies - We offer a 12 month ‘starter period’ to all new tenants and we may end that tenancy at the end of the period if there are incidences of ASB.

Demotion Orders - We can apply to ‘demote’ a tenancy from an assured tenancy to a demoted assured shorthold tenancy where that tenant (or a member of their household or visitor) has been in ASB. This will result in the tenant losing key rights for a set period, for example the Preserved Right to Buy or Right to Acquire.

Parenting Orders - We can apply to the magistrates court for a Parenting Order for children up to 17 years in order to prevent further repetition of ASB.

Other remedies - For example where there is criminal behaviour or to tackle specific incidences involving dogs statutory noise, or abandoned properties.

Information Exchange Protocol

Northumbria Police and the Housing Authorities of Tyne and Wear have entered into a partnership agreement to tackle crime and ASB on housing estates. An integral part of the agreement is the Information Exchange Protocol. This protocol sets out the system to be used in all cases where information is passed between the Police and housing organisations. The Information Exchange Protocol allows for the vetting of new customers and existing customers under strict criteria who want to move. Acceptance or exclusion of an applicant’s housing application can depend on the information that is received. The protocol ensures data is legally shared before any further action is taken.

Enforcement and Legal Remedies

Employees and associates of Gentoo Group will use overt & covert, fixed and mobile CCTV and noise monitoring equipment for the purpose of investigating cases of ASB and crime. CCTV and noise monitoring equipment will only be used in circumstances such as the prevention, investigation and detection of ASB and crime, the apprehension and prosecution of offenders (including use of images as evidence in criminal proceedings), and public and employee safety.

As a last resort, where all other measures and attempts to resolve the problem have failed, we can take legal action. There will be rare occasions when the severity of the situation may dictate that we need to take some form of early legal action. We will only seek to take legal action which is appropriate and effective given each individual case.

The range of available legal remedies include, but are not limited to:

Notice of Seeking Possession (NOSP) - A NOSP is a notification informing the tenant(s) that Gentoo intend to seek possession of their property due to a breach of their Tenancy Agreement. We must serve this notice before making an application to court.

Injunction (ASB, Crime and Policing Bill) - A court may grant an injunction to a person aged 10 or over if certain conditions are met. If an injunction is granted it can prohibit the respondent from doing anything described in the order, including positive requirements and may have a power of arrest attached.

Injunctions - An injunction is a County Court Order requiring a person to do, or stop doing, something. For example an injunction could be made against a tenant requiring them to comply with their tenancy agreement by not causing a specified nuisance. Usually the injunction is granted as a temporary measure to stop something from happening and is useful as an immediate action.

Possession Proceedings - The ultimate sanction for a breach of the tenancy agreement which is a legally binding contract between Gentoo and the tenant is eviction. This may only be carried out at the judgement of the Court where the ASB is a ground for termination of the tenancy.

Absolute Ground for Possession / Mandatory Possession (ASB, Crime and Policing Bill) - The purpose of this tool is to speed up the possession process in cases where ASB or criminality has already been proved by another court, for example where a tenant, member of their household or visitor to the property has breached a civil injunction, breached a criminal

Our past experience has shown us that partnership working is paramount in reducing ASB and increasing feelings of safety and security. We will continue to work closely within existing partnerships, such as the Safer Sunderland Partnership, while looking to develop relationships with other organisations where it will add value.

In order to achieve our aspirations, we seek to empower communities to feel safe and secure. This will involve listening to our communities and engaging them in a meaningful way to reduce incidences and perceptions of ASB, and inspiring confidence by communicating our actions to them and delivering a service of which we can be proud.

Our success will be measured in terms of the action we take, and how safe and secure our communities feel as a result.

Policy Outcomes

We aim to achieve the following outcomes:

- Ensure that everyone within our neighbourhoods feel safe and secure by minimising incidences and perceptions of ASB
- Empower communities by engaging with them and communicate our actions where appropriate
- Respond to complaints of ASB quickly and effectively by using a range of methods including prevention, early intervention, support and enforcement
- Provide timely updates to complainants to build confidence and manage expectations
- Work with partners to discuss and plan diversionary activities where they may be needed
- Effectively support the victim, perpetrator and where appropriate seek to tackle a whole family approach
- Take appropriate enforcement, including legal action, where necessary
- Continue to work effectively with existing partners and develop relationships with other organisations where it will add value

Safeguarding and Vulnerability

Gentoo aims to provide the highest level of service and care to its vulnerable tenants and service users. We are committed to developing and providing high quality homes and services that meet the needs of vulnerable people, whilst ensuring that they can live independent and full lives wherever possible.

Vulnerability can include:

- Drug and alcohol dependency
- Learning disabilities
- Physical disabilities
- Physical or mental illness
- Change in life circumstances (e.g. relationship breakdown)
- Debt problems
- Illegal money lending
- Hoarding
- Bereavement

Gentoo regards the safety and protection of vulnerable adults and children as paramount within all of our activities whether this involves direct or indirect contact, we therefore have in place a Safeguarding Children Policy and Procedure and a Safeguarding Adults Policy and Procedure.

There is a responsibility or 'Duty of Care' which is shared by all staff and volunteers, at all levels, to take appropriate action where there is a suspicion or concern that a customer is vulnerable and where there is a suspicion, concern or allegation of abuse. Staff must raise their concerns about abuse immediately.

Please see our Safeguarding Children Policy and Procedure and Safeguarding Adults Policy and Procedure.

What methods can we use to resolve ASB?

Prevention and Early Intervention

Our preventative approach has clear objectives, to reduce opportunities for criminality and ASB, reduce risk factors, which foster such behaviour and encourage customers to fulfil their responsibilities to the wider community.

Potential customers are assessed for eligibility when initially seeking to secure housing with Gentoo. Applicants who have breached previous tenancies, have engaged in ASB or criminality and have not corrected their behaviour may be suspended from the housing register.

New customers are informed by staff during their sign-up what their responsibilities will be in ensuring they can sustain their tenancy successfully.

The Group encourage early intervention methods and these are seen as an essential part of our policy in reducing incidents of ASB in our communities. There are a range of initiatives and preventative measures the Group undertakes, some of these are set out within our Community Safety Strategy.

Preventative and early intervention methods include:

- **Mediation** - This is a process involving an impartial third party (the Mediator) to help people in dispute reach a resolution.
- **Acceptable Behaviour Agreements (ABA)** - This is an intervention designed to engage the offending individual in recognising the effects their behaviour is having on others. It outlines what the offender must refrain from doing but also can include positive actions.
- **Tenancy Issue Notice (TIN)** - Our Neighbourhood Coordinators will always seek to rectify a less serious tenancy breach or estate issue by issuing a TIN to the tenant(s) concerned. It outlines the problem and gives the tenant(s) the opportunity to agree a timescale to rectify the issue.

What are the responsibilities of our tenants?

Within our Tenancy Agreements and Tenants Handbook there are a number of statutory and contractual obligations. These include:-

- Use of property
- Nuisance
- Violence towards staff
- Harassment
- Domestic violence
- Damage to property
- Pets
- Care of the property
- Vehicle maintenance

The clauses contain clear statements and responsibilities for both Gentoo Group and our tenants.

Our Approach to Tackling ASB

Our approach to tackling ASB will be a combination of:

- Case Management - we will customise our approach to case management to suit the needs of the victim and the severity of risk posed by perpetrators
- Prevention and Early Intervention - will start from the moment we are made aware of an incident occurring or have concerns about the welfare and safety of individuals
- Safeguarding and Vulnerability - these are factors which will be considered from the outset of our involvement with a household
- Support - will be provided throughout to both the victim and perpetrator where required
- Enforcement - will mainly occur in the most serious of cases either in isolation or in conjunction with support
- Partnership Working - working continuously with others to reduce anti social behaviour within our communities and providing the appropriate resources

Customer Requirements

All customers are provided with clear and simple information about our Community Safety service. This information is regularly reviewed in consultation with customers and published in the Tenants' Handbook. Information is also provided for customers in the form of a Community Safety leaflet. This specifies service standards and what can be expected in relation to the service. The leaflet is on display in all local housing offices and on the Gentoo website.

All publicity literature and communications to customers on ASB needs to be clear, concise, and simple to understand and in:

- Plain language, free of jargon
- Versions in relevant community languages, where appropriate
- A clear, attractive design and format

Customer Experience

A formal system is in place for obtaining and monitoring customers' views of the service. All information on levels of satisfaction and dissatisfaction will be recorded on the Customer Satisfaction database and will be used to improve the service to our customers.

Local Offers

Gentoo provides a diverse range of services tailored to meet the needs of our customers. During 2013 we consulted with our customers and asked what their top priorities were. We listened to their feedback and used that information to formulate our refreshed 'Local Offers'. We believe these will ensure that we deliver a service that represents good value for money both in terms of spending customers rent wisely and doing the right thing.

Customers top three service priorities continue to be:

- Repairs and Maintenance
- Tackling ASB (Community Safety)
- Looking After Your Neighbourhood

Cross Tenure Issues

In some cases we will take action against persons who do not reside in one of our properties where it is in our interests to protect our tenants from ASB.

We may act, in certain instances, to protect owner occupiers or private rented tenants from further ASB from our tenants.

This will be done primarily in partnership with Northumbria Police and the City Council since we expect those bodies to use their available powers in an effective and efficient manner in the interests of the surrounding community.

Category 2

Category 2 incidents are likely to include the following:

- Potential volatile and threatening situations
- Serious neighbour disputes
- Youth disorder
- Verbal abuse in person or on the phone
- Written abuse

Category 2 incidents are incidents of ASB that can quickly escalate into more serious cases of nuisance and harassment.

Category 3

Category 3 incidents are typically low-level disputes, such as the following:

- Neighbour nuisance, including loud noise and music
- Parking cars without due care and attention
- Pets causing nuisance e.g. dogs barking or fouling premises
- Untidy and un-kept gardens
- Boundary disputes over fencing and hedges
- Litter inside the boundary and surrounding environment of property
- Graffiti

Staircasing between Category 3 and Category 2 Incidents

While a case may initially be assessed as a Category 3 type incident, if the matter is not resolved and further acts of ASB are committed it may escalate into a more serious category of behaviour. This is known as 'staircasing'.

Tackling ASB Local Offer:

To ensure that you feel safe and secure in your home and community, we will:

- Respond to all complaints of ASB or domestic abuse within 24 working hours
- Provide a tailored victim support service to those customers who are experiencing ASB or domestic abuse
- Provide a tailored positive engagement service for perpetrators of ASB in order to address the root cause of their behaviour
- Work in partnership with our customers and any other relevant agencies to prevent, minimise and tackle ASB
- Work together with customers and other agencies to protect children, young people and vulnerable adults in line with our safeguarding policies
- Work together with other agencies to develop early intervention activities for children and young people
- Offer a mediation service to help resolve your neighbour disputes
- Continue to engage with you to improve the service
- Develop, monitor and promote clear service standards for effective community safety

Receiving a Complaint and Maintaining Confidentiality

The initial report may be made directly by the person suffering ASB or on their behalf by a third party, for example a social worker or a member of a local tenant and resident group. The report may be made in person, in writing, over the phone, or email. We also offer a Neighbourhood Nuisance telephone help-line which is available on **0800 028 4445**. This is a 24-hour, 7 days a week service.

All complainants' identities will be kept confidential until we need to seek their permission to disclose information to third parties. It is our policy to always seek permission prior to disclosure. We will share confidential information for the purposes of taking action to prevent or detect crime as permitted under current legislation.

It may be necessary to disclose information to a third party without seeking permission from the complainant in cases of child and adult safeguarding.

How do we decide on an appropriate course of action?

To help us decide upon an appropriate course of action, a grading system has been devised to help our staff to prioritise each incident of ASB.

Each incident must be assessed individually and on its own merits and placed into one of the following three categories:

Category 1

Category 1 incidents are the most serious of ASB and include the following:

- Criminal activities - e.g. drug dealing
- Physical assaults
- Threats of violence
- Stalking a person
- Damage to property owned by Gentoo Group
- Hate incidents, racial harassment and racially aggravated offences
- Violence towards staff
- Alcohol and substance misuse
- Domestic abuse

Where an incident is of a racist nature then staff will consult our **Hate Incidents Policy and Procedure** for further guidance. Gentoo Group does not tolerate domestic abuse and have in place a **Domestic Abuse Policy and Procedure**.

The following features may further help you distinguish Category 1 cases from Category 2 cases:

- The behaviour is motivated by dislike or prejudice about a particular group
- The behaviour is often planned or pre-meditated
- The action is frequently not carried out by immediate neighbours
- The action is more likely to recur over a period of time