



## Tenancy Breach Policy

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### Aims of the Policy

The aims of this policy are:

- To set out our approach to preventing and resolving tenancy breaches.
- To give staff clear guidance so that we deal with Anti-Social Behaviour (ASB) and other tenancy breaches effectively.
- To specify standards which should be met in dealing with cases reported.

### Definitions

A Tenancy Breach can be defined as:

- Breaking any of the responsibilities or rules set out in a customer's tenancy agreement.

The following are examples of breaches of a tenancy where we can take action.

- Tenancy fraud - this includes: people claiming benefits and not living in their home; people moving out and giving the keys to friends; people obtaining housing through deception and by being dishonest on their application.
- Animal-related problems - this includes: dog fouling; excessive barking; letting an animal have primary use of the garden over other residents; keeping dangerous or banned animals in a property; allowing an animal to attack another person or animal, etc.
- Rubbish and fly-tipping – this includes using the property (including garden) to dump or store rubbish or old furniture. Arrangements must be made to dispose of rubbish immediately.
- Drug-related issues – this includes: using or taking illegal drugs; producing illegal drugs; allowing them to be produced, used or sold on the premises.
- Property-related – this includes: allowing the property's condition to deteriorate; damaging the property; completing unauthorised works; abandoning the property; subletting, etc.
- Non-Access to our staff or our contractors – not allowing access for gas services, inspections, tenancy review visits or to complete repairs are all breaches of tenancy.

The *2014 Anti-social Behaviour, Crime and Policing Act 2014* 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..."

"Conduct capable of causing housing-related nuisance or annoyance to any person."

Our Tenancy Agreement contains specific clauses relating to e.g. nuisance, fraud and harassment.

The following are examples of ASB:

- Harassment or Racial Harassment - (including threats and intimidation). Harassment is behaviour which is intended to cause fear, intimidation or distress in a specific person or particular groups of people. Harassment is deliberately targeted behaviour; it often takes the form of a sustained campaign of behaviour. Although this is not an essential feature, it is a common element. This should be considered when handling cases where ASB is intentional, malicious, or targeted at specific people. We recognise the provisions of the Protection from Harassment Act 1997 and the Crime & Disorder Act 1998, which makes the act of harassment a crime sanctioned by imprisonment and/or fines.
- Noise and nuisance behaviour – such as: playing music too loudly; arguing; banging doors; undertaking noisy tasks, such as vacuuming late at night; having large groups of people in attendance on a regular basis. These are all examples of noisy or nuisance behaviour for which we can take action.
- Criminal damage, vandalism or graffiti – such as: purposefully damaging other people’s or organisation’s property; vandalising such property or producing graffiti of an offensive or racist manner.
- Vehicle-related problems - such as: parking in or blocking someone’s driveway; revving an engine to cause a nuisance, etc.
- Committing or threatening violence in or around the property, which is a breach of the tenancy.
- Domestic Abuse – this is violent, threatening, or controlling behaviour by one person against a member, or former member of the same household (i.e. it does not need to be a partner or ex-partner).

Throughout the rest of this document when we refer to Tenancy Breaches we include ASB.

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## **Our Approach to Dealing with Tenancy Breaches**

### **Multi-Agency Working and Information Sharing**

We will work in partnership with other agencies to ensure that all measures available for dealing with tenancy breaches are considered. To achieve this we will exchange information with partners. There are clear guidelines governing the circumstances and content of any such information exchange. The Crime & Disorder Act 1998 and the forthcoming General Data Protection Regulation allows for the sharing of information with other agencies, such as the Police, if this is to help prevent or detect crime and disorder. We are also a signatory to the One Staffordshire Information Sharing Protocol. We will attend case review meetings and other anti-social behaviour fora where there are issues being discussed that are pertinent to our customers.

We will publicise the availability of the “Community Trigger” which results in initiating a multi-agency case review of repeated ASB (defined as three complaints of ASB over a six month period). In Staffordshire, the Community Trigger can be enacted by the victim (or a person acting on their behalf) by calling the 101 non-emergency Police number and announcing that they wish to use the Community Trigger.

In cases of tenancy and/or benefit fraud we work closely with Stoke-on-Trent City Council’s Corporate Fraud Unit and, where appropriate, the Department for Work and Pensions.

### **Prevention of Tenancy Breaches**

We will use a range of preventative measures to help reduce the incidence of ASB. These will include but are not limited to:

- Identifying risk factors when people apply for housing with us via a 'structured discussion'.
- Seeking landlord references and probation disclosures where applicable.
- Ensuring that any applicant can be referred to our *Getting to Know You* (Coaching) sessions, where we believe this would be beneficial.
- Ensuring that all applicants nominated via the local authority are referred to our *Getting to Know You* (Coaching) sessions.
- Excluding or suspending any applicant from registration when there is evidence that their behaviour has been unacceptable and serious enough to make them unsuitable to be a tenant. It will only be applied in circumstances that are not unlawfully discriminatory (for more information see our Allocations Policy).
- Using 'Starter' (Assured Shorthold) tenancies
- Closely monitoring new tenancies, and offering advice to increase the awareness of tenants of types of behaviour which are anti-social
- Identifying tenants who need extra support and making appropriate referrals to external agencies
- Clearly explaining tenants' obligations at the start of the tenancy
- Attending regular meetings and working in partnership with local Police, the local authority, and other agencies.
- Tackling 'hotspot' areas jointly with partners
- Publicising our successes in tackling previous incidents of anti-social behaviour, in order to encourage people to report problems, and as a deterrent
- Implementing a customer reward scheme that encourages pro-social behaviour

### **Responding to Reports of Tenancy Breaches**

Full details of how we react to and deal with reports of a tenancy breach are contained in the Tenancy Breach Procedure.

### **Training**

Staff will be given appropriate training to enable them to deal with tenancy breaches effectively.

### **Equality and Diversity Statement**

We recognise that there are some groups who are especially at risk of suffering from anti-social behaviour. We will ensure that there is a separate Equality and Diversity Policy in place. In addition, instances of ASB that are believed to be motivated by 'hate'-related issues (on grounds of e.g. disability, race, religion, transgender identity, sexual orientation) will be reported to the Police and support will be sought from an outside agency, should the victim require it.

For any legal case, an equality impact assessment should be undertaken to take into consideration any disabilities or limitations of either the perpetrator or the complainant. If we know that the perpetrator has a disability, then prior to commencing with court action a justification exercise must be completed to avoid a breach of the Equality Act 2010. We must also consider as to whether the perpetrator has the capacity (within the meaning of the Mental Capacity Act 2005) to instruct solicitors or whether it may be necessary for a 'litigation friend' to be appointed.

We will ensure that equality and diversity issues are given high priority in any reviews concerning the Company's approach to ASB.

We will provide a translation service to assist individuals whose first language is not English. EPIC will provide information in other formats for those who need them.

### **Monitoring and Reporting**

- The Housing Team Leader will carry out monthly meetings with the Housing Officers to ensure that breach cases are being dealt with appropriately, and will review all high risk cases or cases going to court on a monthly basis.
- ASB satisfaction is monitored by the Star Survey undertaken with customers every 2 years.

### **Responsibilities**

- Any member of staff can take the details of an initial report of a tenancy breach.
- Housing Assistants will investigate 'Low' level tenancy breach cases.
- Housing Officers will investigate 'Medium' and 'High' level tenancy breach cases
- The Housing Team Leader will carry out spot checks and review all high risk cases on a monthly basis.
- The Director of Housing, Chief Executive or Housing Team Leader will sanction legal proceedings where appropriate.

### **Review Mechanism**

The Tenancy Breach Policy will be reviewed every 3 years.