

HOUSING COMMUNITY SAFETY POLICY

Date of policy	March 2021
Date for review	March 2024
Policy author	Helen Sudbury, Housing Operations Lead Specialist
Policy owner	John Holman, Assistant Director Housing
Approved by	Cabinet 17.3.21

REVISION HISTORY			
Version	Date	Revision description	Revision author
0.1	October 2020	Draft policy	Helen Sudbury
0.2	24 November 2020	Updated in light of EIA	Jonathan Hicks

NEW POLICY / POLICY REVIEW	
New policy	Yes
Early review – change in legislation	
Early review – significant changes in practice	
Review due – significant changes	
Review due – cosmetic changes or unchanged	
Other reason	

REASON FOR NEW POLICY / SUMMARY OF CHANGES
New Housing Service for FHDC October 1 2020

CONSULTATION	
List of people/roles who have been consulted	Date
STLB HMT Housing Operations Legal Services	

EQUALITY IMPACT ASSESSMENT	Completed	Date
	YES	24/11/20

DISSEMINATION		
Role	Awareness	Essential
All housing and associated staff	Yes	

TRAINING		
Role	Trainer	Date completed
Team managers		30.4.21

MONITORING AND COMPLIANCE		
Method	Responsibility	Frequency

1. Purpose of the Policy

As a landlord, Folkestone and Hythe District Council (FHDC) is committed to ensuring that its tenants and leaseholders (henceforth collectively called tenants) live in safe communities. This policy sets out that commitment and recognises the negative impact of failing to address community safety issues effectively.

2. Policy Scope

2.1 This policy covers the housing service provided to tenants of FHDC. The term community safety covers issues such as anti-social behaviour, domestic abuse, hate related incidents and safeguarding.

2.2 Some allegations of community safety issues are as a result of disputes, a lack of tolerance or because of unrealistic expectations. FHDC will not intervene in all allegations of nuisance, allowing people to manage their own lives.

3. Legal / Regulatory Framework

The primary legislation with regard to breaches of tenancy and wider enforcement action are the Housing Act 1985 and the Anti-social Behaviour, Crime and Policing Act 2014.

4. Responsibility

It is the responsibility of all FHDC housing employees to understand the importance of adhering to this policy and appropriate procedures, to ensure that community safety issues are dealt with effectively.

5. The Policy

5.1 FHDC takes community safety seriously and aims to balance enforcement action with intervention programmes which address the issues and make communities better. The Housing Service will work closely with other colleagues in the council to deal with tenants whose behaviour is having a negative impact on the community.

5.2 FHDC will always seek to work in partnership with other agencies where appropriate to ensure that all the measures available are used effectively to tackle community safety problems. Housing employees will be pro-active participants in the district's Community Safety Partnership.

5.3 FHDC recognises its duty to deal with community safety issues in our communities and neighbourhoods and the impact it has in the areas we have housing stock.

5.4 As an organisation we will not operate in isolation and this policy has been written to take account of obligations set out in legislation and other relevant local strategies and policies.

6. Our Commitment to Tenants

When a tenant contacts us in regard to a community safety issue we will discuss the problems in detail, carry out a risk assessment when required, and take the appropriate action in consultation with the complainant.

7. Anti-social Behaviour

7.1 The term 'anti-social behaviour' (ASB) covers a wide range of activities that have a negative impact on the quality of life for people and the communities they live in. FHDC uses the following definition of anti-social behaviour as stated in The Anti-social behaviour, Crime and Policing Act 2014.

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

7.2 FHDC will attempt to resolve issues without the need for legal interventions where possible but will use all the legislative powers available if the evidence supports its use.

7.3 In order to take enforcement action witnesses are required; in circumstances where there is an absence of independent witnesses, it may mean that we cannot intervene.

8. Witness Support

We take the safety of victims and witnesses seriously. Where appropriate we will work with partners to provide additional safety measures to offer protection to our tenants.

9. CCTV and sound recording equipment

FHDC may use CCTV and sound recording equipment in line with current legislation and guidelines governing its use.

10. Safeguarding Vulnerable Adults.

10.1 We will consider whether victims, witnesses or perpetrators have any known or apparent support needs which may affect their case. We recognise the need to support tenants who may have difficulty in managing their tenancy because of, for example, poor mental health, learning difficulties and physical disabilities or because of other vulnerabilities.

10.2 Where we are considering legal action against an individual for breach of tenancy, we will make reasonable steps to lessen the chances that we are discriminating against them because of a disability that they have, in accordance with the Equality Act 2010.

11. Hate Related Incidents

11.1 A hate related incident is any incident which is perceived by the victim as having been motivated by prejudice or hate, based on one or more of their protected characteristics under the Equality Act 2010.

11.2 FHDC is committed to supporting our communities and dealing with those who harass or abuse others based on these protected characteristics.

12. Domestic Abuse

12.1 FHDC recognises the Government's definition of domestic abuse as 'any incident or pattern of incidents controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members, regardless of gender or sexuality'.

12.2 Domestic abuse in all its forms has a significant impact on the lives of the survivors and their families. FHDC will work with other agencies to offer support to those experiencing domestic abuse and will take enforcement action where appropriate.

13. Violent Offenders and Sex Offenders

FHDC accepts that a stable home contributes a great deal to the rehabilitation of offenders and will work with partner agencies to house applicants when it is feasible to do so despite their offending background. This will be done in a manner that balances the needs of the individual with that of the risk to the community.

14. Mandatory Grounds for Possession

FHDC will use mandatory grounds for possession in the appropriate circumstances defined by legislation.

15. Recording of Customers of Concern

In order for FHDC to meet legal obligations under Health and Safety, Human Rights and Data Protection legislation, Customers of Concern Markers will be used on tenant records where it is considered that they pose a risk of physical harm or well-being to employees and representatives of the council. Tenants have the right to appeal this process.

16. Managing violence and aggression

FHDC will not tolerate abuse or violence against employees and will take appropriate action in conjunction with the police and victim wishes.

17. Data Protection and Confidentiality

17.1 FHDC will adhere to the Data Protection Act 2018 and will comply with the best practice guidance set out in the Data Sharing Code of Practice published by the Information Commissioner.

17.2 FHDC is signed up to the Kent and Medway Information Sharing Agreement and will abide by the conditions set out in this document.

18. Equality and Diversity

FHDC recognise that different people and communities may have specific needs which may require flexible approaches. We also appreciate that some groups or individuals may experience discrimination and disadvantage. This may be due to their protected characteristics under the Equality Act 2010. We believe that everyone should be treated with dignity, respect and fairness, regardless of their characteristics. An Equality Impact Assessment has been carried out on this policy and shows no negative impact for any groups.

19. Policy Review

This Policy will be reviewed every 3 years by the person who is in the job role of the author. If necessary, this Policy will be reviewed sooner to incorporate legislative, regulatory, best practice developments, council decisions or address operational issues.

20. Key controls and reporting

Performance in dealing with any cases connected to community safety will be reported on a monthly basis and published in line with our Resident Involvement Framework. Internal audits will also be undertaken as part of our audit schedule.

21. Associated Documents

There are detailed procedures which should be read in conjunction with this policy:

- Anti-social behaviour
- Hate related incidents
- Domestic abuse
- Safeguarding
- Absolute grounds for possession
- Recording of customers of concern
- Managing violence and aggression