


## TENANT HOUSING SERVICES

### ANTI-SOCIAL BEHAVIOUR POLICY

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## 1. PURPOSE

This policy sets out how Cornerstone investigates and responds to complaints about anti-social behaviour at properties owned and managed by Cornerstone.

## 2. APPLICATION

This policy applies to all Cornerstone staff and tenants.

## 3. SUBORDINATE DOCUMENTS

- THSX017-4A ANTI-SOCIAL BEHAVIOUR FACTSHEET

## 4. DEFINITIONS

- ‘Anti-social Behaviour’** means a behaviour that interferes with the reasonable peace, comfort or privacy of a tenant’s neighbour.
- Noise or activity associated with daily life, e.g. children playing, isn’t considered anti-social behaviour.
- ‘Tenant’** means the person or persons party to the tenancy agreement with Cornerstone, and any other person either living with or visiting them.
- ‘Complaint’** means a formal written statement of concern (not being a decision made by Cornerstone, court, or tribunal).
- A complaint identifies a reasonable action or outcome that would resolve the complaint.
- A complaint must be made on the External Complaint Form (THSX017-1A)

## 5. LEGISLATION AND OTHER POLICIES

Cornerstone will comply with the following legislation and other policies (as amended):

- Residential Tenancies Act 1995
- Grievance and Complaints Policy (THSX017-1)

## 6. LEVELS OF ANTI-SOCIAL BEHAVIOUR

### 6.1. SERIOUS ANTI-SOCIAL BEHAVIOUR

- 6.1.1 Serious anti-social behaviour poses a risk to the safety or security of people or property and may result in criminal charges.
- 6.1.2 Serious anti-social behaviour includes, but isn’t limited to:
- Using the property to produce or distribute child exploitation material
  - Using the property to manufacture, sell, cultivate or supply any prohibited drug
  - Intentionally or recklessly damaging the property leaving it uninhabitable

- Assaulting or causing harm to people in the vicinity of the property, Cornerstone staff or contractors.

## 6.2. MODERATE ANTI-SOCIAL BEHAVIOUR

6.2.1 Moderate anti-social behaviour substantially, unreasonably or repeatedly interferes with the reasonable peace, comfort or privacy of neighbours.

6.2.2 Moderate anti-social behaviour includes, but isn't limited to:

- Threats, abuse, intimidation or harassment towards neighbours, Cornerstone staff or contractors
- Hateful or threatening behaviour targeting someone because of perceived differences – e.g. ethnicity, gender, sexual orientation
- Extensive property damage
- Dangerous driving near the property
- Out-of-control parties
- Repeated or ongoing minor anti-social behaviour.

## 6.3. MINOR ANTI-SOCIAL BEHAVIOUR

6.3.1 Minor anti-social behaviour interferes with the reasonable peace, comfort or privacy of neighbours.

6.3.2 Minor anti-social behaviour can include, but isn't limited to:

- Obscene language, bullying and harassment towards neighbours, Cornerstone staff or contractors
- Noise that causes nuisance
- Issues around yards and communal areas – e.g. vandalism, graffiti, limiting other tenants' access to communal facilities, inappropriately disposing of rubbish
- Property damage.

## 7. INVESTIGATING AND SUBSTANTIATING COMPLAINTS

- 7.1. Cornerstone does not investigate complaints of anti-social behaviour unless there's an alleged breach of the tenant's lease agreement.
- 7.2. If the behaviour doesn't breach the tenant's lease agreement, it's outside of Cornerstone's authority.
- 7.3. If the complaint is about behaviour that is outside of Cornerstone's authority, the complainant is referred to the relevant agency – e.g. suspected illegal activity to SAPOL, barking dogs to the local council.
- 7.4. Tenants have the right to know about and respond to complaints made against them. They aren't told who made the complaint.
- 7.5. Investigation surrounding anti-social behaviour includes:

- Talking to anyone involved and giving them the chance to have their say, except if it would put the safety of Cornerstone staff at risk
- Treating everyone fairly
- Considering all relevant evidence
- Getting extra information from other agencies, if required
- Referring people to mediation or support services where it's appropriate.

7.6. A complaint is substantiated if the investigation finds it's likely to be accurate.

## **8. RESPONDING TO SUBSTANTIATED COMPLAINTS**

How Cornerstone responds to substantiated complaints depends on:

- how serious the behaviour is, and;
- if there are mitigating circumstances that need to be taken into consideration – e.g. domestic abuse.

### **8.2. VERBAL WARNINGS**

8.2.1 Cornerstone issues a verbal warning for the first incident of minor anti-social behaviour if no other complaints have been substantiated in the last six months.

8.2.2 Formal warnings are made in writing if either;

- Moderate anti-social behaviour is substantiated
- Minor anti-social behaviour is substantiated, and a verbal warning has been issued in the last six months

8.2.3 Warnings remain active for six months. Cornerstone monitors the tenancy and escalates the response if anti-social behaviour continues – e.g. issues a formal warning, ends the tenancy.

### **8.3. ENDING THE TENANCY**

8.3.1 Cornerstone may act to end the tenancy of a tenant who has received two formal warnings and a third complaint about anti-social behaviour that is substantiated.

8.3.2 If Cornerstone substantiates serious anti-social behaviour, immediate action may be taken without issuing a formal warning.

### **8.4. TRANSFERRING TENANTS TO RESOLVE ANTI-SOCIAL BEHAVIOUR**

8.4.1 Cornerstone Housing may initiate a transfer of a tenant to resolve anti-social behaviour

8.4.2 Any transfers must be approved by the Housing Services Manager.

8.4.3 Only essential requirements are taken into consideration when allocating a tenant for transfer due to anti-social behaviour – e.g. the tenant requires a property with wheelchair access.

8.4.4 Any leases offered for a transfer due to anti-social behaviour will be for a probationary period of 90 days.

**8.5. EXCLUSION FROM CORNERSTONE HOUSING**

8.5.1 Tenants or other occupants who directly contributed to substantiated serious or moderate anti-social behaviour are excluded from registering, receiving offers of housing, or being re-housed with Cornerstone for 12 months if either:

- The tenancy ended because of anti-social behaviour
- They left the property before an order for possession could be issued or served
- Their lease agreement wasn't renewed or extended because of anti-social behaviour
- They left the property with an active substantiated complaint.

## 9. VERSION CONTROL

<i>Revision</i>	<i>Comment</i>
1.0	New Policy

<i>Date</i>
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