

RADIUS HOUSING ASSOCIATION <i>Department of Communities</i> 	DOCUMENT NO: HPO001	
	Prepared by:	Grainne Teggart
TITLE: ANTI SOCIAL BEHAVIOUR POLICY	Authorised by:	Communities & Assets Committee 18/05/2017
	Version No:	1
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1. INTRODUCTION

Anti-Social Behaviour causes fear and anxiety in the community and the Government is pledged to tackling the menace at every level.

In September 2004 the Department for Social Development issued a directive under Article 10 of the Housing (Northern Ireland) Order 1981, requiring the Northern Ireland Housing Executive to publish:

- A Statement of Policies and Procedures on Anti-Social Behaviour; and
- A Summary of Policies and Procedures on Anti-Social Behaviour.

This directive has been superseded by Article 27A of the Housing (NI) Order 2003 as inserted by Section 10 of the Housing (Amendment) Act (NI) 2010.

To ensure consistency for all social housing tenants, the Department issued a formal policy and procedures model in 2006 – which is updated by this guidance - designed to help Housing Associations combat Anti-Social Behaviour and neighbourhood disorder. This document follows that model and demonstrates Radius Housing Association's approach and commitment to tackling the issue.

This document can be made available upon request in large print, braille audio or other languages if required. Electronic copies of this document can be found on Radius' website at radiushousing.org

1.2 The Legislation

Part II of the Housing (NI) Order 2003 was designed to extend powers to tackle Anti-Social Behaviour in local communities. It provides for Introductory Tenancies and includes measures for developing the use of injunctions and extending the grounds for possession. In addition, Part IV of the 2003 Order provides for persons who are unsuitable to be tenants because of their unacceptable behaviour to be treated as ineligible for housing accommodation or homelessness assistance.

The Anti-Social Behaviour (NI) Order 2004 enables the Housing Executive, District Councils and the PSNI to apply to the courts for Anti-Social Behaviour Orders (ASBOs).

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Housing Associations are not empowered to apply for ASBOs but can apply to the above relevant authorities to issue ASBOs on their behalf.

The Housing (Amendment) Act (NI) 2010 has also amended the Housing (NI) Order 2003 to provide that a conviction for any offence which involved the use of a dwelling house for illegal or immoral purposes will be grounds for possession.

The Housing (Amendment) Act (NI) 2011 provides for social landlords to withhold consent to an exchange of tenancies where an order or injunction relating to anti-social behaviour is in place; where an application for an order or injunction is pending before any court and where the tenant or proposed assignee, or person residing with either of them, has been convicted in connection with an offence which involves the use of the tenant or assignee's home for immoral or illegal purposes, or has been convicted of an indictable offence.

Furthermore, The Housing (Amendment) Act (NI) 2016 has also amended the Housing (NI) Order 2003 to allow the disclosure of information relating to anti-social behaviour if the information is disclosed for a relevant purpose.

1.3 What is Anti-Social Behaviour

For the purposes of this Guide, Anti-Social behaviour means:

- Conduct by any individual which causes or is likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality of any accommodation owned or managed by Radius Housing.

In addition:

An individual may be deemed to have acted in an anti-social manner if he/she has:

- Been convicted of an offence which involves using the dwelling-house or allowing it to be used for illegal or immoral purposes
- Been convicted of an arrestable offence committed in, or in the locality of the dwelling house, or
- Directly or indirectly affected Radius Housing Association's management functions or matters relating to those functions.

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Anti-Social Behaviour might include amongst other things:

- Violence or the threat of violence
- Hate behaviour that targets members of identified groups because of their perceived differences (e.g. race, religion, political affiliation, disabilities or sexual orientation)
- Noise Nuisance (e.g. rowdy parties, loud music/TVs, dog barking)
- Arguing and door slamming
- Environmental quality issues (e.g. litter, dog fouling, graffiti, fly tipping, nuisance vehicles)
- Offensive drunkenness
- Using housing accommodation for selling drugs or drug abuse or other unlawful purposes
- Intimidation and Harassment.

The above list includes typical types of behaviour which trigger consideration for action by Radius Housing Association. The list is not exhaustive and the policy statement is not an undertaking to act in every instance. Judgment will be exercised by Housing Association officers when considering and responding to a particular report of Anti-Social Behaviour.

1.4 Strategic Context

Tackling Anti-Social Behaviour must be seen within the context of existing statutory obligations which include but are not limited to:

- Anti-Social Behaviour (NI) Order 2004
- The Housing (Northern Ireland) Order 1988 (Part II) Article 7A and The Housing (Northern Ireland) Order 1981 Article 22A
- The Children (Northern Ireland) Order 1995 (in particular Article 46)
- The Disability Discrimination Act 1995 (in particular 22(3)(c))
- The Race Relations (Northern Ireland) Order 1997 (in particular articles 21 and 22)
- The Human Rights Act 1998
- The Northern Ireland Act 1998 (section 75 Equality of Opportunity).

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The Housing (Northern Ireland) Order 2003 affords Housing Associations with specific powers to tackle Anti-Social Behaviour in local communities by the:

- Introduction of introductory tenancies

This Order also enhanced and extended the existing powers afforded to Housing Associations in relation to:

- Possession and injunctions proceedings.

Injunctions and Anti-Social Behaviour Orders proceedings are not restricted to Housing Association tenants but can be initiated in respect of any individual involved in Anti-Social Behaviour in the locality/vicinity of Radius Housing Association owned/managed stock.

The Housing (Amendment) Act (NI) 2016 has extended powers for Housing Associations to request disclosure of information about any person relating to anti-social behaviour if the information is being disclosed for a relevant purpose. This includes applying for possession, injunctions against breach of tenancy, withholding consent to a mutual exchange and considering allocating accommodation to any person.

This Statement of Policy and Procedures is compatible with the Northern Ireland Housing Executive's Homelessness Strategy and other housing strategies.

1.5 Our Approach to Anti-Social Behaviour

Radius Housing Association acknowledges that every individual is entitled to live in peace within their neighbourhood and that to provide a quality service, Anti-Social Behaviour must be addressed effectively. We are committed to tackling Anti-Social Behaviour wherever it occurs in whatever form it presents itself. Such behaviour can range from excessive noise and illegal dumping right through to aggressive or violent behaviour.

We will:

- Quickly and formally acknowledge all reports of Anti-Social Behaviour

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- Seek to investigate all reported instances of Anti-Social Behaviour at office level in a timely manner
- Provide advice and support
- Identify and interview all interested parties
- Establish inter-agency working where appropriate
- Use legal action when all efforts at conciliation have failed. Action can include possession, injunction and applying to relevant authorities for an Anti-Social Behaviour Order. It should be noted that conciliation is not always appropriate and sometimes it is necessary to resort to legal action immediately.
- Endeavour to take action on behalf of Association tenants who are the victims of Anti-Social Behaviour
- Seek to respond to instances of Anti-Social Behaviour on Radius Housing Association land whether the complainant is a tenant, private tenant or owner occupier, and
- In the context of re-housing, take full account of any Anti-Social Behaviour carried out by the housing applicant or their household, to the extent that this is legally permissible.

1.6 Support for Complainants And Witnesses

Complaints of Anti-Social Behaviour can be forwarded to (any of) the following address(es). Complaints may be made in person, in writing, via phone, or by e-mail to:

Your allocated Housing Officer:
Radius Housing Association
38-52 Lisburn Road
Belfast
BT9 6AA

Tel. 0330 123 0888
Email: info@radiushousing.org

Any reports of Anti-Social Behaviour will be quickly and formally acknowledged and all reported instances will be investigated. If appropriate the complainant and the Association will agree a plan of action. If the problem persists, it may be appropriate to

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consider taking legal action and in such circumstances the complainant will be asked to complete an incident diary which will be provided.

Witnesses have a crucial role to play in tackling Anti-Social Behaviour and will require support throughout the process.

If legal action is deemed appropriate the complainant(s)/witness(es) will be advised of all developments in the case and will be kept fully informed of all stages in the legal process. If appropriate, their agreement will be sought before proceeding.

Radius Housing Association will:

- Initiate and maintain regular contact with complainant(s)/witness(es)
- Explain how the case is developed and the legal options available
- Keep the complainant(s)/witness(es) informed of the progress of the case, providing a timetable of the various stages. Advise them of any new developments, explain the procedures of the court and if appropriate seek their agreement to proceed with their evidence
- Advise them of other agencies – there are a number of other agencies which may be able to offer additional advice and assistance
- Make any necessary arrangements to ensure the complainant(s)/witness(es) attends the court hearing, considering assistance with transport provision if necessary
- Wherever possible, provide support during the court procedures and investigate the availability of a separate waiting room for the complainant(s)/witness(es) in the court, and
- After legal action, provide ongoing support if necessary and monitor the situation.

1.7 Expert Witnesses

Radius Housing Association will give careful consideration to the safety of complainants/witness(es). Where they are not willing to provide direct evidence to the court, Radius will endeavour to use expert witnesses and hearsay evidence. These expert witnesses may be officers from the statutory agencies, social workers, police officers etc.

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1.8 Sectarian and Other Harassment Policies

Section 75 of the Northern Ireland Act (1998) requires Housing Associations, in carrying out all its functions, powers and duties, to have due regard to the need to promote equality of opportunity:

- Between persons of different religious belief, political opinion, racial group, age, marital status, and sexual orientation
- Between men and women generally
- Between persons with a disability and persons without, and
- Between persons with dependants and persons without.

In addition, and without prejudice to its obligations set out above, the Act requires Housing Associations in carrying out their functions, to have regard to the desirability of promoting good relations between those persons of different religious belief, political opinion or racial group.

Radius Housing Association will treat any racial, sectarian harassment or harassment on the grounds of sexual orientation or disability as a form of nuisance or annoyance likely to cause alarm or distress.

1.9 Domestic Violence

The Housing (Northern Ireland) Order 2003 extended the grounds for possession to include domestic violence. Radius Housing Association is empowered to respond where a partner has vacated the dwelling house as a result of violence or threats of violence by the other partner, whether the violence or threat of violence is directed at the partner or at other family members living with the partner.

As in any case of Anti-Social Behaviour Radius Housing Association recognises the need to ensure the safety of the individual experiencing the Anti-Social Behaviour.

The decision to return to the family home after an abusive partner has been removed is entirely a matter for the individual concerned.

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1.10 Prevention of Anti-Social Behaviour

Preventative measures open to the Association include:

Refusal of House Sale

A secure tenant will be ineligible to buy if, due to Anti-Social Behaviour, Radius Housing Association has taken legal action for possession of his/her dwelling. There are four possible stages to that action:

- (i) The Association is actively considering whether it would be appropriate to serve – at some time within the next three months – a relevant statutory notice seeking possession
- (ii) The Association has served a relevant statutory notice seeking possession at any time within the previous 3 months
- (iii) Proceedings for possession of the dwelling pursuant to a relevant statutory notice are pending
- (iv) The Tenant is obliged to give up possession of the dwelling in pursuance of an Order of the Court which has been granted pursuant to a relevant statutory notice or will be so obliged at a date specified in the Order.

Introductory Tenancies

Introductory Tenancies, which were introduced in April 2004 are intended to address the specific problem of Anti-Social Behaviour and allow Radius Housing Association to assess the suitability of an individual to hold a secure tenancy.

Transfer List

If a notice of possession is sought against a tenant due to Anti-Social Behaviour they will generally not be eligible to access the transfer list.

Mediation

All cases of Anti-Social Behaviour will be treated seriously and thoroughly investigated.

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However, if appropriate, attempts will be made to resolve the problem via conciliation as opposed to confrontation and ultimately legal action.

Mediation permits individuals to discuss their grievances and resolve their own disagreements. It can offer a more positive alternative to legal action.

Once a case is reported, mediation should be considered in the first instance and the Association will contact the parties involved and arrange to meet with them. Mediation can go ahead with all the parties to the dispute in the same room, or with the mediators meeting people separately.

Multi-agency Partnerships

The Department for Communities encourages Housing Associations to engage in interagency working to address Anti-Social Behaviour and recognises that the problems faced in some communities are complex. Whilst no single solution can tackle these effectively, equally no single organisation can meet these challenges on its own.

Radius Housing Association is committed to active engagement with relevant authorities such as Probation, Health and Social Services, Youth Justice and Education Welfare to provide a comprehensive assessment of an individual's problem behaviour and, where possible, to provide the individual with the opportunity to be referred to an appropriate organisation for support, diversion or another early intervention.

Acceptable Behaviour Contracts

This is a written agreement between the Association and a person who has been involved in Anti-Social Behaviour. A model Acceptable Behaviour Contract (ABC) is provided as form **F**.

Warning Letters

Use of a warning letter to the individual committing the Anti-Social Behaviour will be considered at an early stage.

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Floating Support/Tenancy Support Schemes

Under the Supporting People programme which was introduced in Northern Ireland on 1st April 2003, Radius Housing Association provides a floating support service to its vulnerable tenants and housing applicants. This service aims to encourage and assist people to live independently and sustain their tenancy, thus preventing a cycle of eviction because of Anti-Social Behaviour.

Secured by Design

Secured by Design is a national policy initiative to encourage the adoption of crime prevention measures in the design, layout and construction stages of homes. This initiative helps to reduce the opportunity for crime and the fear of crime, and to create a safer and more secure environment.

The Department for Communities requires all Association new build homes, as well as major rehabilitation and re-improvement schemes, seeking government funding to achieve the 'Secured by Design' award.

Whilst Secured by Design does not guarantee that a particular area will be crime-proof it indicates that the site has been subject to a design process and improved levels of security which, in the experience of the PSNI and other agencies, have been shown to significantly reduce the risks and the fear of crime.

Withhold Consent to an Exchange of Tenancies

Housing Associations may withhold consent to an exchange of tenancies where the following orders or injunctions in relation to Anti-Social Behaviour are in force or an application for such an order or injunction is pending before any court:

- A (statutory) injunction against anti-social behaviour;
- A (non-statutory) injunction against breach of tenancy agreement on grounds relating to anti-social behaviour
- An Anti-Social Behaviour Order (ASBO)
- An interim ASBO or
- An order for possession on the grounds of causing nuisance, etc.

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Housing Associations may also withhold consent to an exchange of tenancies where the tenant or proposed assignee or a person residing with either of them has been convicted in connection with an offence which involves the use of the tenant or assignee's home for immoral or illegal purposes, or has been convicted of an indictable crime.

1.11 Tenants' Obligations

The tenant is responsible for the behaviour of every person (including children) living in or visiting the tenants home. This includes responsibility for their behaviour in the home, on surrounding land, in communal areas (stairs, lifts, landing, entrance halls, paving shared gardens, parking areas) and in the locality of the dwelling house.

Whether the tenancy is secure or introductory, breaching any of the General Conditions of Tenancy or statutory obligations may result in the Association issuing possession, injunction proceedings or applying to the relevant authorities for an Anti-Social Behaviour Order.

Furthermore, anyone who has been involved in Anti-Social Behaviour may find they are ineligible for housing and homelessness assistance in the future.

1.12 Support for Perpetrators

When dealing with alleged perpetrators Radius Housing Association's response will depend on the nature of the offending behaviour. In many cases of Anti-Social Behaviour there may be underlying causes such as:

- Drug Addiction
- Alcohol Addiction
- Mental Health Issues
- Learning Difficulties
- Family or relationship breakdown.

Individuals whose Anti-Social Behaviour is a consequence of one or more of the issues listed above may sometimes require support in maintaining their tenancies and addressing their behaviour. When dealing with vulnerable individuals Radius Housing Association will consider the factors which may be contributing to neighbour nuisance

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before deciding on an appropriate course of action. The association will liaise with the individuals and other service providers to identify the availability of appropriate support packages.

Juvenile Perpetrators

When dealing with young people Radius Housing Association will attempt to ascertain the causes of the Anti-Social Behaviour and involve parents/guardians. Consultations with appropriate agencies will be undertaken i.e. Probation, Youth Justice, Health & Social Services and Education Welfare. In particular Social Services will be advised of the Association's involvement with any young person participating in Anti-Social Behaviour given the former's duty under Article 18 of the Children (Northern Ireland) Order 1995.

1.13 Multi Agency Working

Where possible, Radius Housing Association will actively develop Multi-Agency protocols with the Probation Board for Northern Ireland and the Prison Service on reducing re-offending and homelessness among offenders by early identification of the underlying causes that contributes to their re-offending behaviour.

1.14 Data Protection and Information Exchange

Data Protection Act 1998

The Data Protection Act 1998 regulates the processing and handling of personal data that has been lawfully obtained.

The Data Protection Principles

Personal data held about a tenant must be:

1. Fairly and lawfully processed
2. Processed for limited purposes and not in any way incompatible with those purposes
3. Adequate, relevant and not excessive
4. Accurate and kept up to date
5. Not kept for longer than is necessary

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6. Processed in line with tenant's rights
7. Secure.

In general, there is a prohibition against the disclosure of personal data from one party to another unless the above principles have been complied with. However, there are certain exemptions to the non-disclosure rules under the Data Protection Act which allow Radius Housing Association to process personal information without following all the principles. Personal data can be disclosed in the following circumstances:

- To prevent or detect crime
- To apprehend or prosecute offenders
- Where disclosure is required by law
- In connection with legal proceedings.

The Housing (Amendment) Act (Northern Ireland) 2016 allows for any person to disclose information relating to crime or Anti-Social Behaviour to a Registered Housing Association where such information is required to enable the Housing Association to take a decision in relation to an exchange of tenancies, the right to buy, an allocation of housing accommodation (including a transfer of an existing tenant) or an application for an order for possession.

1.15 Confidentiality

Subject to any legal requirements, any information received by Radius Housing Association will be treated with the utmost of confidence. In any particular case of Anti-Social Behaviour, disclosure of information by the Association to any other party (subject to any legal requirements) will not occur without the permission of the person who provided the information unless required to do so by law.

As detailed in the Data Protection section above, information may be shared with other agencies for the purpose of crime prevention, prosecution of offenders and legal proceedings.

In ASBO applications, hearsay evidence and professional witnesses may be used to protect the identity of complainants.

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1.16 Protection of Staff

In keeping with its overall objectives and in accordance with the requirements of the Health and Safety at Work (Northern Ireland) Order 1978 and associated legislation, Radius Housing Association recognises and accepts its responsibility as an employer for providing a safe and healthy workplace and as far as is reasonably practicable, a risk free working environment for all its employees.

Where employees are required to work outdoors or at locations away from their normal base, (name of) Housing Association will ensure that, so far as is reasonably practicable, all steps are taken to ensure their health and safety. The Association will also conduct its activities in a way that minimises and, where possible, eliminates the risk to which others may be exposed.

Radius Housing Association will take all reasonably practicable steps within its power to meet these responsibilities.

All Association staff are provided with appropriate training and personal safety awareness. They are also trained on how to deal with difficult situations. Training needs are kept under review.

1.17 Staff Training

Radius Housing Association will ensure that all relevant staff receives adequate training in dealing with Anti-Social Behaviour.

1.18 Tenant Participation

The Department actively encourages tenant participation in discussing and developing local services and addressing housing issues generally. By being more involved, tenants will be better informed, contribute to better decision making, improve services and standards locally and develop their own skills and opportunities.

To achieve this, the Department for Communities, together with the Northern Ireland Housing Executive funds Supporting Communities NI (SCNI) an independent voluntary organisation to work with community groups and housing providers to achieve meaningful community participation.

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1.19 Review of Policy

Radius Housing Association will review the effectiveness of this policy at least every **three years** unless good management practice or changes to legislation dictate that earlier amendment is necessary.