

Management of Antisocial Behaviour Policy

1. Purpose

To define HOME in PLACE position on the antisocial behaviour within the HOME in PLACE portfolio.

2. Scope

This is a group policy and applies to HOME in PLACE and the Group of entities it controls (HOME in PLACE Group). References to HOME in PLACE in this policy refer to all HOME in PLACE Group companies unless specified otherwise.

The policy applies to all workers, directors and members of HOME in PLACE decision-making committees and advisory bodies. The policy applies to third parties engaged to carry out activities on behalf of HOME in PLACE if stipulated by agreements.

3. Policy Statement

HOME in PLACE is committed to successful tenancies and sustainable communities and will utilise a range of early intervention strategies to assist tenant to maintain their tenancies.

HOME in PLACE manages tenancies in accordance with the provisions of the Residential Tenancies Act 2010 and the Housing Act 2001. Reports of alleged antisocial behaviour are managed as tenancy issues and will be referred to the relevant branch to action in the first instance.

HOME in PLACE recognises that the majority of tenants are good neighbours and members of their communities. Tenants who continue to meet their obligations under their Residential Tenancy Agreement will not be affected by this policy.

However, HOME in PLACE will not tolerate continued antisocial behaviour that disturbs the peace and risks the safety of neighbourhoods. Where tenants engage in unacceptable behaviour, HOME in PLACE will take action to assist tenants to address and cease the behaviour. Where behaviour is considered to be dangerous, severe or illegal, HOME in PLACE will take immediate action to end the tenancy.

HOME in PLACE will always endeavour to balance the needs and rights of other tenants, neighbours and the broader community with the need to support their tenants to sustain their tenancies.

It is not the role of HOME in PLACE to conduct criminal investigations, such investigations are the responsibility of the NSW Police.

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Categories of Antisocial Behaviour

HOME in PLACE describes antisocial behaviour in the following categories:

- Severe illegal behaviour
- Serious antisocial behaviour
- Minor & moderate antisocial behaviour

Severe illegal behaviour

This is behaviour which poses a risk to the safety or security of residents or property and may result in criminal charges or which causes significant damage to a HOME in PLACE property.

Examples of severe illegal behaviour may include but are not limited to:

- committing injury towards a neighbour, visitor, staff member, contractor which constitutes grievous bodily harm;
- the use of the property for the manufacture, sale, cultivation or supply of any prohibited drug;
- the use of the property for storing unlicensed firearms;
- the use of the property for a show cause offence within the meaning of the Bail Act 2013;
- intentionally or recklessly causing serious damage to a HOME in PLACE property
- the use of the property as an illegal brothel;
- the use of the property for the production or distribution of child abuse material;
- the use of the property to facilitate organised car or boat rebirthing; and
- physical assault or acts of violence against other tenants, neighbours or HOME in PLACE staff.

Serious antisocial behaviour

This behaviour involves the following types of activity that:

- severely disturbs neighbours;
- places the safety or security of a tenant, other household members, neighbours or HOME in PLACE staff at risk; or
- cause damage to a HOME in PLACE property

These types of behaviours may also be illegal and may include, but are not limited to:

- threats, abuse, intimidation or harassment towards neighbours, visitors, HOME in PLACE staff or contractors;
- victimisation and intimidation;
- provoking pets to attack;
- hate & other threatening behaviour towards members of identified groups because of their perceived differences (eg, race & ethnicity, gender, age, religion, sexual orientation, mental health or disability); and
- negligent and extensive damage to a HOME in PLACE property.

Minor & moderate antisocial behaviour

This behaviour involves activities that disturb the peace, comfort or privacy of other tenants or neighbours.

This includes, but is not limited to:

- obscene language towards neighbours and visitors;
- bullying and harassment towards neighbours and visitors;
- noise causing a nuisance, eg, loud parties, excessive shouting/screaming or excessive noise from music or television;
- vandalism, graffiti, abandoning vehicles in front yard or common areas, carrying out noisy vehicle repairs in common areas;
- leaving large amounts of rubbish in the home, garden or common areas;
- inappropriate use of parking areas;
- behaviour that limits other tenant's access to common facilities, such as preventing other tenants from accessing common gardens or laundry facilities; and
- damaging any HOME in PLACE property including individual tenant's property and common areas

Principles

HOME in PLACE will be guided by the following principles in the implementation of this policy:

- Tenants are provided with clear information on their rights and responsibilities pursuant to their residential tenancy agreement at the commencement of their tenancies;
- Reports of alleged antisocial behaviour will be taken seriously and actioned appropriately;
- The process for managing/investigating reports of alleged antisocial behaviour will ensure the principles of procedural fairness are applied;
- Tenants will be given the opportunity to respond to reports of alleged antisocial behaviour;
- Action will be taken when reports of antisocial behaviour are substantiated;
- When reports are substantiated, tenants are given the opportunity to remedy the breach, and
- Tenants will be provided with information on complaints, appeals and NCAT processes.

4. Responsibilities

All HOME in PLACE workers have an obligation to:

- familiarise themselves with and ensure they have a clear understanding of HOME in PLACE policies and procedures,
- observe and implement such policies, and associated procedures in delivering services to HOME in PLACE clients,
- inform HOME in PLACE's clients of the impact of this policy on them and assist them to understand their rights and obligations, as required,
- identify issues that require amendment to this policy document and complete the relevant documentation to propose any amendments, and
- report breaches of HOME in PLACE's policies or procedures.

The relevant Group Executive Manager is ultimately responsible to:

- ensure all stakeholders within their area of responsibility are informed about HOME in PLACE Policies and Procedures,

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- ensure appropriate processes and controls are implemented to enable the correct application of and adherence to relevant policies and procedures, and
- ensure appropriate processes and controls are implemented to enable breaches of approved HOME in PLACE's Policy and Procedures to be reported and managed.

5. Implementation and Review

This policy is listed on HOME in PLACE's Controlled Documents Register and is a controlled document requiring approval of any changes. It may not be amended or shared outside HOME in PLACE without approval. The policy is reviewed regularly and published on HOME in PLACE's SharePoint intranet once approved. Employees receive communications and training on new and reviewed policies and procedures.

HOME in PLACE complies with relevant contractual compliance obligations and jurisdictional laws and regulations when implementing this policy. Confirmation of internal compliance with this policy is undertaken regularly.

It is the responsibility of HOME in PLACE Group Executive Services to maintain and update the HOME in PLACE's Master Policy Document, Policy Directory and the Policy Review Register, administer the review and approval process and inform and distribute new and amended policies and procedures once approved (refer PROC-011 Policy and Procedure Development Approval).

HOME in PLACE Workers should refer to SharePoint for the latest version which takes precedent over any uncontrolled version. If this document is printed, downloaded, or saved elsewhere from this site it becomes an uncontrolled version.

For further information contact the Responsible Officer listed under Document Information.

6. Resources and related documents

Related documents

- Residential Tenancy Agreement
- Antisocial Behaviour Fact Sheet
- Complaint Handling Policy
- Appeals Policy
- CHS Ethical Tenancy Management Practice Policy
- CHS Tenant Support & Welfare Policy
- CHS Ending Tenancy Policy
- CHS Privacy Policy
- CHS Anti-Social Behaviour Procedure

Related legislation/standards

- Residential Tenancies Act 2010 (NSW)
- Residential Tenancies Regulations 2010
- Housing Act 2001

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- National Housing Standard
 - 1.2 Establishing & Maintaining Tenancies
 - 1.4 Ending Tenancies
 - 3.1 Tenant Rights
 - 3.5 Confidentiality & Privacy
 - 3.6 Complaints & Appeals

7. Definitions

Please refer to HOME in PLACE Glossary of Definitions for Policies and Procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Term	Definition
Anti-Social Behaviour	<p>Anti-social behaviour occurs when another person’s behaviour repeatedly interferes with your reasonable peace or privacy in the use of your home. It can include:</p> <ul style="list-style-type: none"> • Excessive noise from TV, radios or stereos • Nuisance pets • Noisy parties and loud unruly behaviour • Verbal abuse and domestic disputes • Vandalism, or • Littering <p>More serious forms of anti-social behaviour can include:</p> <ul style="list-style-type: none"> • Repeated police visits • Illegal activity • Serious harassment • Threats to the health & safety of a person • Physical assaults and violent acts, or • Frightening behaviour
Appeals	<p>A Community housing appeal is defined as ‘any expression of dissatisfaction with a decision made by a social housing provider to provide or not provide a service (such as housing, transfer or priority on the housing register) or, a decision relating to a tenant or service user’s dissatisfaction of a decision made by the organisation.’</p> <p>An application for a decision to be reversed or overturned. Includes but is not limited to: • Allocation decisions; • Level of rent or rent subsidy; • Eligibility for a housing transfer; • Permission to undertake modifications; • Permission to keep pets; • Calculation of water charges;</p>
Compass	<p>Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)) and as a charity with the Australian Charities and Not-for-profit Commission (ACNC).</p>
Complainant	<p>Person with a Complaint ongoing with HOME in PLACE.</p>
Complaints	<p>An expression of dissatisfaction with an aspect of the services provided by [Organisation], where the complainant is unhappy with the standard or type of service.</p> <p>Types of Complaint include:</p> <ul style="list-style-type: none"> • Where HOME in PLACE have failed to provide or there has been a delay or problem in providing a service; • Where HOME in PLACE have failed to follow or have been unfair or inconsistent in applying our policies or procedures.

Term	Definition
	<ul style="list-style-type: none"> Where HOME in PLACE have failed to keep Tenants informed, through lack of or insufficient information Where there has been inappropriate behaviour or attitude from a HOME in PLACE Employee or contractor.
Director	Has the same meaning as defined in the Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary in Australia and as defined in the Companies Act 1992 Part 1 Section 2 Interpretation .
Employee	A person engaged under an employment agreement or award by any company in the HOME in PLACE Group.
Executive Manager	Many positions within HOME in PLACE include the title “Executive Manager”. Regardless of whether an Executive Manager heads a Business Unit, the delegated authority of each Executive Manager depends on the functions and reporting relationship of the Business Unit for which the Executive Manager is responsible. Executive Managers should refer to the document HOME in PLACE Organisational Chart in Terms of Levels of Delegated Authority for confirmation of the band of authority they hold.
HOME in PLACE	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)). This includes Compass Housing Services Co (Queensland) Ltd Trading as HOME in PLACE and Compass Housing Services Co (Victoria) Ltd Trading as HOME in PLACE both of which are a wholly owned subsidiary of Compass registered in Australia.
HOME in PLACE (New Zealand)	HOME IN PLACE (NEW ZEALAND) LIMITED (formerly Compass Housing Services (NZ) Co Ltd) is registered in New Zealand under the Companies Act and as a charity registered with Charities NZ under the Charities Act
HOME in PLACE Group	The corporate structure that includes HOME in PLACE (as the Parent Company) and the boards of Subsidiary Companies, Governance Committees and advisory groups as created from time to time.
Independent contractor	means a party engaged directly by HOME in PLACE pursuant to a contract for services. In the context of workforce engagements, this includes sole traders, companies, or partnerships with whom HOME in PLACE enters into an agreement for the provision of specified individuals to supply specific skills, services, or consultancy arrangements. It does not include individuals engaged through labour hire agencies. Independent contractors are not employees of HOME in PLACE.
Officer	Has the same meaning as defined in the Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary in Australia and as defined in the Companies Act 1992 Part 1 Section 2 Interpretation in New Zealand
Parent Board	The current directors of HOME in PLACE.
Parent Company	HOME in PLACE
Stakeholder	person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity, may also be called ‘interested party’.
Subsidiary Boards	The appointed board of directors of a Subsidiary Company.
Subsidiary Company	A company in which HOME in PLACE owns all or at least a majority of the shares.
User	any person or entity that use HOME in PLACE Information or ICT Assets.

Term	Definition
Worker (HOME in PLACE)	<p>has the same meaning as defined in the NSW Work Health and Safety Act 2011 No 10 Subdivision 2 Part 7 Meaning of 'worker' (1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:</p> <ul style="list-style-type: none"> • an employee, or • an independent contractor or subcontractor, or • an employee of a contractor or subcontractor, or • an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or • an outworker, or • an apprentice or trainee, or • a student gaining work experience, or • a volunteer, or • a person of a prescribed class.
Worker (HOME in PLACE QLD)	<p>is 'a person who works under a contract and, in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953 (Cwlth), schedule 1, part 2-5'. This applies to a person for whom PAYG tax instalments are required or would be required to be withheld by their employer.</p>
Worker (HOME in PLACE VIC)	<p>A worker is defined as an individual:</p> <ul style="list-style-type: none"> • who <ul style="list-style-type: none"> – performs work for an employer or – agrees with an employer to perform work • at the employer's direction, instruction or request, whether under a contract of employment (whether express, implied, oral or in writing) or otherwise or • who is deemed to be a worker by the legislation.

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