M090 Antisocial Behavior Policy

1. **Purpose**

The purpose of this policy is to provide clear guidance on how YWCA Australia and housing subsidiaries (YWCA) are to manage the antisocial behaviour of a YWCA tenant.

This policy enables YWCA’s housing subsidiaries to meet the following regulatory standards:

* *The registered agency has policies and procedures which strive to sustain tenancies.*
* *Enforced transfers are minimised and eviction is treated as a mechanism of last resort.*
* *The registered agency establishes and maintains arrangements that are adequate to ensure tenants and residents with support needs receive appropriate support, if relevant and where available, to maintain their tenancies.*

1. **Scope**

This policy applies to all YWCA staff, contractors and volunteers involved in tenancy management (Employees).

The policy applies to both tenancy agreements and rooming house agreements. Unless stated otherwise, references to “tenants” include rooming house residents and references to “tenancies” include rooming house residencies.

1. **Definitions**

Antisocial behaviour (ASB) is behaviour that unreasonably disturbs a person or unreasonably interferes with a person’s ability to go about their lawful business.

ASB includes physical assaults or acts of violence; malicious damage to property; sexual harassment, racial vilification or unfair discrimination; verbal abuse or threatening behaviour; loud and unruly behaviour; excessive and persistent noise; or reasonably interfering with the peace, comfort or privacy of neighbours.

ASB within a YWCA property, including common areas such as driveways, foyers and corridors, may constitute a breach of duty or a breach of the tenancy agreement and may be grounds for legal action against the tenant, even if the ASB is by their guest. ASB outside the YWCA property and common areas is beyond YWCA’s management but may be a matter for the police.

1. **Policy Statement**

YWCA’s antisocial behaviour (ASB) policy is founded on two principles: that tenants and their neighbours are entitled to quiet enjoyment of their homes, and that all people are entitled to be treated with dignity and respect. YWCA is committed to developing and maintaining communities free from ASB.

YWCA is proactive in reducing the risk of ASB through high-quality building design and maintenance, recruitment and ongoing training of high-calibre Employees, increasing social inclusion through tenant engagement and community-building strategies, and facilitating access to support for tenants with complex needs.

Tenants are expected to be reasonably tolerant of different lifestyles and behaviours. Tenants may see or hear things that they think are inappropriate, but it would only be considered ASB if the behaviour causes an *unreasonable* disturbance.

YWCA will not tolerate ASB towards any Employee, tenant or tenant group. YWCA takes all reports of ASB seriously, investigates them impartially, maintains the confidentiality of witnesses and keeps accurate records. Where ASB occurs, YWCA’s priority is the safety of other tenants and household members, neighbours and YWCA Employees; if violence – whether real or threatened – is reported, YWCA will notify the police in the first instance.

In seeking to eliminate ASB, YWCA works with support services to assist the tenant to understand the nature of their behaviour, address the causes of it and sustain their tenancy.

YWCA may take legal action against the tenant if they have breached their tenancy agreement or residential tenancies law, but will generally only do so if there is a witness willing to testify at the Tribunal, as legal action without a witness is unlikely to succeed. If applying for a Tribunal hearing, YWCA will usually seek a Compliance Order, with an order for eviction only being sought as a last resort – for example, in situations where the ongoing safety of people or property is at risk.

If a YWCA tenant is significantly affected by the ASB of someone outside YWCA’s control (e.g. a private neighbour), and all other reasonable action and options have been attempted with no resolution, YWCA may in consultation with the tenant agree to transfer them to another YWCA property.

If the ASB is an act of a perpetrator of family violence and YWCA receives reports of the ASB in forms of noise disturbances or concerns from neighbours or information from other service providers, direct reports from the perpetrator or victim suvivoir YWCA will recognise the presence of observable signs and indicators of family violence. For example, violence-supporting attitudes or narratives.

* Practice in a way that provides consistent information and messages to indicate violence will not be tolerated or accepted. This should be a principle guiding practice rather than influencing direct conversation with perpetrators about violence being unacceptable, which may come across as escalate the risk for a victim-survivor.
* Engage the perpetrator in a manner that does not escalate risk to a victim-survivor (which requires specific training) or support collusion, including by using appropriate language and skills to provide information about supports available for the perpetrator and not disclosing information from the victim-survivor or another source.
* Monitor a perpetrator’s use of violence.
* Seek secondary consultation and share risk-relevant information (in accordance with relevant legislation, such as FVISS) with a service that specialises in risk assessment and management, including services that work with perpetrators of violence (for example, the Men’s Referral Service).
* Report concerns about the impact of the perpetrator’s violence on any children to Child Protection or other relevant authorities.

It is possible that a renter may disclose that they are perpetrating or using family violence against others. It is important to not ignore a disclosure from a perpetrator, but it is not recommended that workers challenge perpetrators about their use of violence without the appropriate training and expertise as this could increase risk to the victim-survivor/s. Acknowledge what has been discussed and offer to make a referral to an appropriate service such as the Men’s Referral Service. If a person is in immediate danger, call 000.

1. **Responsibilities**

YWCA’s National Housing Operations Manager has responsibility for ensuring that:

* this policy is implemented and its application monitored,
* the policy continues to comply with relevant legislation, and
* this policy is reviewed to evaluate its ongoing effectiveness.

1. **Appendices**

N/A

1. **Related Information**

Legislation [Residential Tenancies Act 1997 (Vic)](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/rta1997207/)

Standards [Housing Registrar (Vic): Performance Standards](http://www.housingregistrar.vic.gov.au/files/assets/public/publications/performance-standards-and-evidence-guidelines/current-performance-standards.pdf)

Standards [NRSCH: Evidence Guidelines](http://www.nrsch.gov.au/publications/nrsch-operational-guidelines/evidence-guidelines)

Associated documents

* Family Violence Policy
* Privacy and Confidentiality Policy
* Work Health and Safety Policy
* Tenancy Management Policy
* Eligibility and Allocation of Housing Policy

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| Document Control Data | |
| Policy Framework | |
| Responsible Body | Director, National Housing |
| Accountable Officer | National Housing Operations Manager |
| Transparency and Accessibility | This policy will be available on the website *https://www.ywcahousing.org.au/policies/* |
| Application | YWCA Employees involved in tenancy management |

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| Approval and Amendment History | | | |
| Review period – 2 years | | | |
| **Approval Date** | **Version** | **Amendments** | **Next Review** |
| 12/01/2021 | 1.0 |  | 2 years |
| 29/03/2021 | 1.1 | Rental Reforms | 2 years |
| April 2021 | 1.2 | Renumbered to align with National Policy Register |  |
| 30/06/2021 | 1.3 | Additional information added to align with MARAM framework |  |