



ACT
Government
Community Services

IMPROVED SUPPORT

STRONGER COMMUNITIES

antisocial behaviour response and support in Housing ACT

DISCUSSION PAPER

DISCUSSION PAPER: IMPROVED SUPPORT FOR STRONGER COMMUNITIES - HOUSING ACT ANTISOCIAL BEHAVIOUR RESPONSE AND SUPPORT CONSULTATION

PURPOSE

This paper is intended to foster discussion around ways of improving responses to antisocial behaviour in public housing including models of operation for proposed Antisocial Behaviour Specialist Response Workers.

DEFINITION

What is antisocial behaviour?

Antisocial behaviour is generally considered to be:

- behaviour that interferes with other individual's right to quiet and uninterrupted enjoyment of their own property, for example playing loud music late into the night; and
- behaviour that undermines individual's and community sense of safety, such as violent, abusive and threatening language and actions.

How is tenant anti-social behaviour defined by jurisdictions?

Antisocial behaviours (rubbish in public areas, noise etc.) are distinct from illegal behaviours. The distinction is grey in so far as antisocial and illegal behaviours may at times coincide, however in some ways illegal behaviour presents more obvious remedies.

Impact on Individuals and the Community

Housing ACT acknowledges that there is a significant impact on the individuals and communities affected by antisocial behaviour. Housing ACT's response to antisocial behaviour is being developed with awareness of the physical and mental issues experienced by those affected.

The response also recognises that complaints related to antisocial behaviour generate a significant diversion of Housing ACT resource allocation and undermine the vision of the inclusive communities in which all individuals are supported to fulfil their potential. The development of a model for specialist response on antisocial behaviour is in line with community expectations for appropriate and swift actions on antisocial behaviour.

BACKGROUND

National Affordable Housing Agreement (NAHA) Requirements

Under the NAHA jurisdictions are required to introduce tenancy management plans for inappropriate and antisocial tenant behaviour. In response, most jurisdictions are

using a two-pronged approach which balances support for tenants to address the underlying causes of the problem with the use of sanctions to enforce the responsibilities of tenants and protect the wider community and public housing resources. Housing ACT proposes adopting a similar approach.

While the incidence of antisocial behaviour in ACT public housing is small compared to the overall public housing tenant population, it is acknowledged that the behaviour can have a significant impact on neighbours and communities. Those people affected by prolonged antisocial behaviour feel unsafe in their homes and their communities and may experience resulting health and mental health issues. In addition, management of these complaints requires significant and intensive resource allocation from Housing ACT.

The ACT Government proposes the establishment of a specialist response in Housing ACT to better manage antisocial behaviour. This will be achieved with the three new Antisocial Behaviour Specialist Response Workers. Similar to other jurisdictions, the initiative will balance support for the tenant to address the underlying cause of their behaviour with the use of sanctions to enforce responsibilities of the tenants. The initiative is to have three components:

- 1) Tenancy support – Housing ACT officers, based on existing roles of Antisocial Behaviour Specialist Response Workers will be employed to implement action to address the underlying causes of problem behaviour, including drug and alcohol misuse. This recognises that for many, the cause of anti-social behaviour is rooted in social issues which require intensive specialist support interventions from government and community agencies. This builds on existing partnerships with Mental Health ACT and community mental health support service providers to bolster support to sustain the tenancies of tenants with mental health issues.
- 2) Community and individual support - The impact of anti-social behaviour has significant effects on individuals and the wider community which requires specialist support. This includes conciliation and mediation services as well support provided to the individuals and communities impacted by the effects of anti-social behaviour, working with existing community based services such as Conflict Resolution Service and Building Housing Partnerships; and
- 3) Tenancy sanctions – To be negotiated through the ACT Civil and Administrative Tribunal (ACAT), legal approaches including eviction.

The above components demonstrate the Housing ACT approach to continue working with tenants and sustain tenancies wherever possible. However, there is inherent tension between the role of public housing authorities as social landlords for people most in need and community expectations of appropriate and swift action on entrenched and unacceptable behaviour. It is the balance of support and sanction delivered by this new initiative that will help to alleviate that tension.

How will support be achieved?

Housing ACT proposes appointment of three Antisocial Behaviour Specialist Response Workers whose role will be to provide support to tenants engaging in

antisocial behaviour. These workers will also provide support to individuals and communities affected by antisocial behaviour.

In defining these roles, Housing ACT acknowledges that disadvantaged background is a significant contributor to disruptive behaviour and can be traced to underlying social issues such as drug and alcohol abuse and mental illness. In recognition of this tenants are to be provided with full opportunity to modify their behaviour with Housing ACT committed to assisting tenants to act to address the underlying causes. Opportunity to modify behaviour will be based on referral to appropriate community support agencies.

It is proposed that tenants that display ongoing antisocial and disruptive behaviour be required to actively engage with an appropriate nominated support provider to assist in addressing the underlying causes of their behaviour. This requirement is intended to promote ongoing tenancy; the requirement also demonstrates to those affected by the antisocial behaviour that meaningful action is being taken.

It is noted that the range of activities commonly considered to be antisocial is quite diverse and includes both domestic violence and other illegal activities. Establish Antisocial Behaviour Specialist Response Workers will enable better identification of instances of domestic violence and referral to appropriate support agencies. This will build on Housing ACT's partnership with the Domestic Violence Crisis Service, and the Stay at Home initiative, which aims to reduce domestic violence-related homelessness by removing perpetrators from the Housing ACT lease enabling women and children to remain in the family home.

In addition, illegal activity is a particularly significant challenge. To address this Housing ACT intends to continue to develop co-operative relationships with law enforcement authorities.

Support for Those Affected by Antisocial Behaviour

The Antisocial Behaviour Specialist Response Workers will also work to support tenants who are affected by antisocial behaviour. Support to communities and individuals will draw on existing community based services such as Conflict Resolution Service and the Sustaining Tenancy Service, to provide mediation, counselling and other services to minimise the impact on innocent members of the community.

It is likely that the inherent challenges in providing quality support and tenancy management to the increasingly complex client group in public housing will remain. However the suite of proposed initiatives are intended to realise a modernised, responsive and flexible public housing system to both create a viable public housing system and align with the Commonwealth reform requirements.

Sanctions: Legal Pathways under the *Residential Tenancies Act 1997*

There are two legal response pathways to antisocial behaviour currently available for Housing ACT under the *Residential Tenancies Act 1997*.

Housing ACT may apply to have ACAT endorse conditional termination and possession orders in cases of disruptive behaviour. These conditions in turn provide

the background for potential eviction processes in the event of continued breaches of the Conditional Orders.

The effectiveness of this approach can be undermined by ACAT decisions not to endorse the Conditional Orders. In addition, ACAT's requirement for sworn witness evidence of the antisocial behaviour is generally difficult to satisfy as other community members are often reluctant and fearful to testify. Therefore this avenue of sanction is often unsuccessful.

The second mechanism in the *Residential Tenancies Act 1997* to enable management of disruptive behaviours is provision for a lessor to serve a 26 week notice on a tenant to vacate during the term of a periodic (non fixed-term) tenancy. However this timeframe fails to provide assurance to the community that Housing ACT is able to respond quickly or effectively.

CONSULTATION

Consultation: Input into the Development of the Model

This consultation is intended to inform the development of the model under which the Antisocial Behaviour Specialist Response Workers will operate. Consultation will be open over a six week period with a forum early in the period to provide input into the development of the model, including the roles of other organisations in the model. A second forum towards the end of the consultation period is to provide feedback on the final draft of the model.

Consultation questions are attached and are designed to guide initial input. Comments beyond the scope of the attached questions are welcomed.

Questions for Consultation

<p>What model can be used by Antisocial Behaviour Specialist Response Workers to:</p> <ul style="list-style-type: none"> • Address drug and alcohol issues as a source of anti-social behaviour; • Ensure ongoing supports are in place after rehabilitation; • Ensure tenants continue to engage with Case Conference; • To support individuals and communities affected by these behaviours; • Promote awareness of domestic violence to neighbours and workers; • Encourage reporting of potential instances of domestic violence as such, not just as noise or other anti-social behaviour; and • Foster the needs of children and the family unit. 	
<p>How should Antisocial Behaviour Specialist Response Workers utilise the following services to support individuals and communities affected by antisocial behaviour:</p> <ul style="list-style-type: none"> • Neighbourhood Watch; • Mediation; • Housing Network; • Support Agencies; • Security Upgrades; and • Conflict Resolution Service. 	

<p>How could the model be structured to ensure support for community from the following?</p> <ul style="list-style-type: none">• Good supports with community organisations;• Introduction to community for new tenants;• Forums;• Police, Mental Health Services, Drug and Alcohol Services; and• Respectable Relationships Program.	
<p>Other issues for consideration in developing a model of operation for the Antisocial Behaviour Specialist Response Workers</p>	