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| Neighbourly behaviour and support operational guidelines |
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# Overview

This operational guideline outlines the expectations for all public housing tenants in meeting the requirements and responsibilities of their tenancy agreement and the *Residential Tenancies Act* (1997).

This operational guideline also outlines processes to be initiated in the event a tenant does not comply, or is at risk of not complying, with the obligations and expectations of their tenancy.

Support options for tenants exhibiting antisocial behaviour include intensive and active tenancy management as well as the identification of a broader support network to mitigate the risk of antisocial behaviour continuing or escalating.

The decision as to whether the tenants or households remain in their public housing property should they exhibit antisocial behaviour, is directly linked to their failure to comply with the terms they agreed to under the Residential Tenancies Act:

* their engagement in activities that are illegal, endanger others or themselves
* malicious damage they have intentionally or recklessly caused to the premises
	+ their repeated disturbance and the impact this has on neighbouring residents’ capacity to quietly enjoy their home.

In the event the tenant refuses to engage with support services or providers, staff will proceed with processes as outlined in this operational guideline.

Staff will act upon a tenant’s engagement in illegal activities when:

* it is substantiated by information and evidence obtained from the police and,
	+ where their public housing property has been used to conduct that activity.

Staff will seek line management advice and guidance in the event complex tenancy issues are identified.

Under certain circumstances, such as when mental health or family violence issues are involved, local area management equivalent to a Tenancy and Property manager may take the contributing factors into account prior to determining the next course of action.

Through initiating the processes outlined in this operational guideline the department acts consistently with legislative requirements including the Residential Tenancies Act. Therefore the department is able to:

* ensure clarity with tenants about their obligations whilst a tenant of a public housing property
* ensure public housing stock or common areas are utilised appropriately and not for illegal or dangerous purposes
* take reasonable steps to support the quiet enjoyment of their home for neighbours and the community
	+ preserve a public housing stock that has fewer maintenance requirements.

Tenants and households exhibiting antisocial behaviour will be recorded and monitored in the centralised housing system, Housing integrated information Program (HiiP).

# Who does this operational guideline apply to?

These operational guidelines apply to public housing tenants who do not comply, or are at risk of not complying, with the obligation and expectations of their tenancy, including the behaviour of their household members and visitors.

# Operating principles

The department is committed to managing antisocial behaviour:

* with a focus on early intervention and support
* with an authorised approach where staff seek approval or decision from senior management at key decision points when necessary
* in an inclusive and responsive manner including problem solving and negotiation with the tenant where possible
	+ through consistent and transparent decision making with clearly documented evidence of issues, actions taken, resolution or rationale for escalating.

# Neighbourly behaviour statement

The expectations for public housing tenants are articulated in the *neighbourly behaviour statement* issued by the Director of Housing.

This document outlines the behaviour expected of tenants in being ‘good neighbours’, demonstrated primarily through:

* respecting people’s rights and privacy
* being responsible for their action and those of their family and visitors
* respecting communal areas
* being considerate and tolerant of others
	+ ensuring the rented property is not used for an illegal purpose.

A *neighbourly behaviour statement* must be signed by all tenants before a new tenancy can commence.

In the event a tenant refuses to sign the *neighbourly behaviour statement*, their housing offer will be withdrawn and they will be removed from the public housing waiting list.

# Antisocial behaviour

Antisocial behaviour of public housing tenants is not tolerated.

Antisocial behaviour includes the following behaviour as described in the Residential Tenancies Act under:

* s. 59: Use of premises for illegal purpose
* s 60: Nuisance or interference (i.e. causes a nuisance or interference with the reasonable peace, comfort or privacy of a neighbour)
* s. 61: Damage (i.e. causes damage to the public housing property or common areas)
* s. 63: Condition of premises (i.e. fails to keep the public housing property in a reasonably clean condition)
* s. 244: Danger (i.e. endangers the safety of neighbours)
	+ s. 250A: Drug related conduct in public housing.

For example, antisocial behaviour is also any behaviour that is:

* aggressive, threatening, verbally abusive or hostile towards neighbours
	+ nuisance behaviour such as neglect of property, noise pollution or failure to dispose of rubbish correctly.

# Households exhibiting antisocial behaviour

All reports of households engaging in antisocial behaviour will be investigated by staff.

This includes but is not limited to:

* interviewing tenants to provide a reasonable opportunity to respond to reports of antisocial behaviour
* a home visit in line with the requirements of the *home visit policy*
* notifying the household in writing of the legal implications of antisocial behaviour including potential termination of tenancy
	+ documenting and recording all decisions made and actions agreed, including if a household chooses not to attend the interview.

Staff will also work with the household to:

* attempt to identify the cause of the antisocial behaviour
* identify and engage a support worker
	+ identify additional support services or practical strategies such as mediation to mitigate the risk of the antisocial behaviour continuing or escalating.

Staff will provide an *incident log sheet* to neighbours of the household exhibiting antisocial behaviour in order to collect evidence of any on-going disturbances.

Staff will keep a record of all reports of antisocial behaviour.

Staff will monitor all tenancy breaches that are issued in line with the *tenancy breaches operational guideline* of this manual.

# Tenancy breaches

In the event that staff form the view that a tenant breaches the terms of their tenancy as detailed in the Residential Tenancy Act or their tenancy agreement, staff will initiate processes as detailed in the tenancy breaches operational guideline.

# Incident reporting

Where antisocial behaviour impacts a tenant, staff will determine whether an incident report is required in line with the Critical client incident management instruction: technical update 2014.

# Support worker requirements

Support workers are external to tenancy management and the public housing program. Support workers are sometimes referred to as ‘tenancy support workers’ in HiiP.

Support workers are predominantly available in the community sector however there may be instances where this function is performed by case management within the department.

Support workers will be engaged as required in line with the identified needs of the household (for example, family violence or mental health workers). Engagement of a support worker is done with a focus on early intervention and support.

The agreed roles and responsibilities of the support worker, the department and the tenant will be documented in the *housing support agreement*. The length of time for the support worker intervention also will be agreed to by all parties and documented in this agreement.

The length of intervention will be determined based on the complexity of issues and support requirements of the household.

Support workers will:

* provide the department with documentation detailing how the antisocial behaviours will be addressed and provide updates at agreed intervals on the progress made
* support households by attending interviews and tenant contact including home visits conducted by the department
* contact the department in the event the household engages in antisocial behaviour
	+ support households in providing documented evidence of changed behaviour

Where it is identified that support workers are no longer able to fulfil the above duties, staff should work with the household to identify and engage a new support worker.

Staff, in conjunction with the support worker and tenant, will review the on-going involvement of the support worker within the agreed timeframe. On-going involvement of the support worker will be determined by:

* the ongoing level of antisocial behaviour exhibited by the household
	+ the household’s engagement with supports and progress made in addressing antisocial behaviours.

# Involvement of other departmental program supports

The involvement of other departmental programs that are available to support the tenant in effectively managing antisocial behaviour should be considered by staff and their line management.

This can include:

* Disability Information and Support: Disability Information and Support provides information about supports and services and can also provide assistance with planning and short-term support to people with a disability, their families and carers in their local area
* Multiple and Complex Needs Initiative (MACNI): MACNI can provide an effective and coordinated approach to supporting individuals so that they can achieve stability in health, housing, social connection and safety, and be linked back into comprehensive ongoing support
	+ Child Protection: In the event antisocial behaviour raises significant concerns for a child’s welfare, staff will raise the issue with their line manager

The local area manager equivalent to Tenancy and Property management will report and discuss the issue with Child Protection Services. This will be considered in line with the Exchange of information between Child Protection and Public Housing (2015).

# Transferring tenants

Transferring a tenant from a household exhibiting antisocial behaviour should be explored as an avenue to reduce the risk of continuing or escalating antisocial behaviour.

Transfer of tenancy should only be undertaken as part of a strategy, including identification and engagement of required supports, to mitigate future risk of antisocial behaviour continuing or escalating.

Staff will raise the option of transferring the tenant with their line manager. The decision to transfer needs to consider the supports available to the tenant and benefits of the transfer rather as opposed to transferring tenants identified antisocial behaviours to another area.

Transfers must be undertaken in line with the Allocations policy manual.

# Tenant fails to remedy antisocial behaviour

Staff will initiate processes outlined in the *tenancy breaches* *operational guideline* in the event tenants fail to remedy antisocial behaviours.

# Human rights impact statement

This operational guideline is considered to be compatible with the *Charter of Human Rights and Responsibilities Act* (2006).

This operational guideline engages the following human rights:

* privacy
* property rights
	+ protection of families and children.

The right to privacy recognises that every person has the right not to have their privacy, family or home unlawfully or arbitrarily interfered with.

Property rights recognise that a person must not be deprived of their property other than in accordance with law.

Families and children are recognised as having the right to protection.

Staff will give proper consideration to the relevant human rights in applying this operational guideline.

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