

POLICY	Anti-Social Behaviour Policy
Date Adopted	May 2018
Date of Next Review	May 2021
Version	1
Responsible Body	Homes Board
Responsible Officer	Housing Services Manager

1. Overall Policy Statement

- 1.1 Housing Plus Group will not tolerate anti-social behaviour (ASB) in the communities where we work. We also have powers to take action where ASB occurs outside of our communities but is directed towards our tenants or our staff.
- 1.2 This policy covers inappropriate behaviour that is directed towards our staff and contractors, as well as people living in or visiting the communities where we work.
- 1.3 We utilise all appropriate tools available to us, both non-legal and legal, to deal with problems. We will work with communities to ensure that the neighbourhoods in which we operate are safe and secure and where possible free from ASB. Within this context this policy has a number of key aims: -
 - To address each issue based on the facts of each matter in turn, proactively involving our partner agencies and the community to resolve the issues.
 - To adopt a victim centred approach and to take proportionate action based on the level of harm caused and the seriousness of the incidents.
 - To respond to reports of ASB quickly and effectively.
 - To work with vulnerable residents, be it victims, witnesses, perpetrators or customers, ensuring that appropriate levels of support are provided, where available.
 - To adopt a community impact approach to understanding ASB in the areas we operate, identifying intervention projects that will ensure ASB is minimised.

2. Policy Details

- 2.1 Our ASB policy relates to any behaviour which is shown to impact on our Housing Management function. Put simply, any ASB which is directly or indirectly affecting our service delivery will be covered by this policy. This includes behaviour caused by people who are not our tenants, where we can see it is having a detrimental impact on our communities and/or staff and/or functions.

- 2.2 We accept reports of ASB from the direct victims, witnesses or other people who are reporting on their behalf.
- 2.3 Our approach to tackling ASB has three dimensions; prevention, support and enforcement. In this way we will always initially work towards stopping the ASB, prevent it from re-occurring and making sure that there is a long lasting impact to our residents and communities. Further details of this approach are contained in section 5.
- 2.4 Where the perpetrator is not linked to one of our properties, but causes problems to our residents and/or staff we will work with our partners to determine what action is most appropriate and who should lead on the matter.
- 2.5 This policy will apply in all matters relating to the above, whether this is behaviour linked to assured tenancies, assured short-hold tenancies, leaseholders, shared ownership properties or those living in Care Plus accommodation.

3 What is ASB?

- 3.1 In the ASB, Crime and Policing Act 2014, housing related ASB is defined as being “any behaviour that has caused or is likely to cause a nuisance or annoyance to any person” This definition is broad and therefore we will apply a test of reasonableness against the behaviour to see whether we should be investigating and/or taking action.
- 3.2 Where behaviour is low-level and/or arises from a dispute between parties, we will always try and encourage people to resolve the issues themselves, either informally or through mediation.
- 3.3 Deciding whether something is ASB will therefore involve looking at the behaviour itself and the impact that it is having. Impact will be assessed by looking at circumstances such as frequency, severity, intent, number of people affected, any victim vulnerabilities etc. Assessing impact will also help us to see which reports are high-risk and may require a higher level of action.
- 3.4 It is impossible to list everything that we would consider to be ASB but examples may include:

Environmental ASB:

- Condition of property where causing a hazard to health
- Littering/fly-tipping
- Dog fouling
- Graffiti

Personal ASB:

- Foul and abusive language
- Threats of or actual violence
- Threats of criminal damage or actual criminal damage
- Harassment
- Persistent and unreasonable noise nuisance

Community ASB:

- Drug use/activity at or in the locality of a property
- Loud music/shouting/regular parties from an address
- Irresponsible or dangerous parking on land owned by the Association.

3.5 If an incident involves threats of or actual violence, or threats of or actual criminal damage or hate crime, it will be treated as a high-risk matter from the off-set.

4 What is not categorised as ASB?

4.1 Sometimes we may receive reports about behaviour that is not considered to be ASB – this may be for a number of reasons including:

- The behaviour is not unreasonable

Examples may include:

- DIY during the day
- Children playing football in the street
- Babies crying
- An audible Television volume during the day

- The problems are arising due to a clash of lifestyles, for example customers who work night shifts
- We believe that the customer may have acted inappropriately or incited the incident

4.2 Where something is not categorised as ASB, the reasons for this will be clearly explained to the customer, at the earliest possible stage to avoid raising expectations of action. We will offer relevant advice, including advice about available mediation services and sign-posting to other agencies, where appropriate and available.

4.3 Whilst we will take into account the resident's views about the ASB, the ultimate decision about whether something is or isn't ASB will sit with the Association.

- 4.4 Should a resident continue to report matters that we have explained are not ASB, we may consider taken action under the organisation's Unacceptable Actions and Behaviour Policy.

5 Prevention of ASB

- 5.1 We recognise that a large proportion of cases reported to us can be resolved through non-legal remedies, as long as these are adopted at an early stage and are appropriate to each case. In cases where it is appropriate to do so, we will use a range of preventative measures and tools to try and stop ASB at an early stage. Some of the avenues for prevention are:

- Where appropriate, encouraging the parties to discuss matters informally between themselves and agree a resolution
- Sending letters warning about the inappropriateness of behaviour, reminding of tenancy conditions and setting out possible consequences
- Meeting with perpetrators, with partners organisations where appropriate, to discuss the issues and warn of potential consequences
- Making referrals to mediation or restorative justice approaches where appropriate
- Initiatives which seek to modify people's behaviour e.g. Acceptable Behaviour Contracts, Good Neighbour Agreements
- Action by us to make the physical environment less likely to cause a nuisance e.g. reduction of hedges on estates and safer by design features on new build schemes
- New tenants will be monitored on a regular basis and any vulnerability will be highlighted and signposted to the appropriate support mechanism.
- Management lettings which take into account sensitivity and vulnerability in accordance with our allocations policy.
- Developing protocols with our local authority and other partners to ensure that a multi agency approach is adopted to support vulnerable residents.
- Identify areas where particular types of ASB are a problem and develop initiatives to tackle these in consultation with residents and partners.
- Installation of Closed Circuit Television (CCTV) and utilisation of Noise Monitoring Equipment (NME).

- 5.2 This list is not exhaustive and the types of non-legal options available will depend on each case in turn. The list is not incremental and the expectation is not that every one of these options will be attempted before progressing to legal action. The course of action will be determined on the severity of the behaviour, the impact on the victim/s and the genuine belief of whether the action will have the desired response.

6 Support for Customers and Witnesses

- 6.1 We believe that keeping customers and witnesses fully informed about the progress of their incident report is one of the most important principles for effective case management. We therefore work closely with the customer during the initial investigation stage to ensure that they are clear on our powers and their responsibilities. We will also explain the likely next steps and involve the customer, as far as possible, in helping to devise a case action plan. We will reduce the burden on the customer as far as we are able and will ensure that we are flexible about how we apply our process and procedures based on the individual needs of each customer.
- 6.2 We will ensure that we regularly contact the customer to update them on their incident report or case, using a method and frequency that suits them.
- 6.3 We also use a victim vulnerability matrix in order to assess the risk and impact on each customer. This will be completed following our initial meeting with the customer and will help to determine the level of priority we attach to the matter. The assessment will remain “live” and will be reassessed if circumstances change e.g. the behaviour becomes more serious. The results of this matrix will assist us in determining whether we can manage the needs of the customer internally or whether we need to be making referrals to support agencies/partners that may be better placed to help the customer.
- 6.4 In addition to the above, we will offer any support to the customer that is appropriate, available and wanted. This may include (but is not limited to) the following:
- Making sure reporting channels are clear and accessible
 - Arranging witness support meetings where a number of people are suffering and peer support is believed useful
 - Highlighting the customer/s address/es to officers/partners who work in the local area, in order for them to keep a look out or carry out reassurance visits
 - Where Court action is required, offering pre-Court visits and/or allowing the witness time to meet our legal representation and ask any questions/raise concerns
 - If attendance at Court is required, provide transport, refreshments, financial assistance with child care costs, supporting information to secure time off work, a separate waiting room, back door entrance and security measures (if available and appropriate to do so)
 - Following Court, making sure that the witness/customer is fully informed of outcomes, timescales and methods of reporting further issues,

- 6.5 In certain circumstances we may consider introducing protection provisions to the customer's home or moving the customer (temporarily or permanently) to another property. These options will only be considered in exceptional circumstances, where resource allows and with manager approval. Our primary objective is to resolve the issue in situ, bringing as little disruption to the customers as possible.

7 Support for Perpetrators

- 7.1 We adopt a victim centred approach to tackling ASB however recognise that there are often underlying issues which contribute to the behaviour exhibited – this may include bereavement issues, substance misuse or mental health issues, to name just a few. It is therefore necessary to try and address these issues as part of our case management, in order to stop the harm caused to any victims and ensure tenancy sustainment.
- 7.2 We will therefore ensure that our staff are equipped to identify any concerns which may relate to a perpetrators vulnerability and have information of the support services that may be available to address these.
- 7.3 We adopt a twin track approach to dealing with perpetrators of ASB. This means that we will still consider appropriate enforcement action at the same time as trying to implement support for the perpetrator. This is to ensure that the need to try and stop the harm being caused to the victim/s is not delayed.
- 7.4 Should the perpetrator not engage with any support offered, , we will continue to take any enforcement action we feel necessary to stop the harm that is being caused.

8 Hate Crime & Harassment

- 8.1 Hate crime or harassment is any criminal offence or incident committed against a person or property that is motivated by hostility towards someone based on a characteristic, such as their disability, race, religion, gender identity or sexual orientation and interferes with a person's comfort or safety. This can include verbal abuse, use of insulting words to cause intimidation, threats of violence, graffiti and targeted damage to property.
- 8.2 Due to the criminal nature of these matters, the victim or witness should be encouraged to report the matter to the Police (if not already done). If the victim/witness is reluctant to do so, we will explain that we have a duty to report matters of a criminal nature.
- 8.3 Whilst recognising that these matters are serious crimes and we have a Hate Crime & Harassment Policy, we also appreciate that, where they are affecting our housing management function, they are issues that we should also be dealing with and therefore will be covered by our ASB policy and procedures and investigated as such.

9 Domestic Abuse

- 9.1 The Association adopts the Home Office March 2013 definition of Domestic Violence and Abuse: Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse: psychological, physical, sexual, financial and emotional.
- 9.2 The Association will take a survivor-centred approach to supporting residents who experience or are affected by Domestic Abuse and this is covered in the Domestic Abuse Policy.
- 9.3 We also recognise that there is a link between ASB and Domestic Abuse and the two polices will work in harmony.

10 Children and Vulnerable Adults

- 10.1 Where a report of ASB relates to the behaviour and/or anti social activity of a young person or a vulnerable adult it is important that intervention is made at the earliest stage in order for preventative measures to be identified and to ensure that any decisions made in relation to our actions are fully informed.
- 10.2 Where a young person has been identified as causing nuisance problems and there are clearly issues relating to the home and family then referrals should be considered and if necessary made to the relevant agencies.
- 10.3 Where an adult is believed to be vulnerable then referrals should be considered and if deemed appropriate made to the relevant agencies.
- 10.4 We work across a number of Local Authority areas, each with their own safeguarding processes – we will ensure that all our staff are fully appraised of the correct processes in each area so that referrals can be made effectively within undue delays caused by administrative error.

11 Enforcement Action

- 11.1 Where non-legal actions have been attempted without resolution, or where the behaviour is too serious to warrant non-legal attempts, we will instigate legal action utilising the full range of legal tools that we have available to us or with the assistance of our partner agencies.
- 11.2 These actions may include:
- Action related to the tenancy agreement, such as extending a starter or probationary tenancy, applying for a demotion or suspended possession order, or seeking to evict the tenant.
 - An injunction or undertaking.

We also recognise that dealing with ASB is often best done in partnership with others. We may identify situations where our partners have more appropriate tools to deal with the issues, these tools may include:

- Community Protection Notices
- Closure Orders
- Prosecutions under environmental protection legislation
- Tenancy actions from other landlords (social or private)

Where another agency is leading on the action, we will consider what support we may be able to offer, such as providing any information we hold.

11.3 There are a range of other measures available to the Association other than repossession:-

- Suspension of Right to Buy Entitlement
- Exclusion from Mutual Exchange
- Suspension or exclusion from Shropshire Home Point Register and SSHA Choice Based Lettings.
- To restrict certain planned improvements to the property.

12 Working in Partnership

12.1 We are represented at a number of strategic and operational groups, with a focus, partially or wholly, on addressing ASB. We commit to sharing appropriate information with these groups and cooperating to our fullest ability to ensure the best possible outcomes.

12.2 In addition to these groups, we adopt a partnership working approach on all of our cases, where appropriate, engaging all enforcement and support agencies as required. Examples of these agencies include:

- The Police
- Local Authority Environmental Health Teams
- Other Registered Providers
- Adult and Children Services
- Community Mental Health Teams
- Women's Aid
- Probation/Youth Offending Service
- Education
- Any relevant voluntary and community sector organisations

12.3 We recognise that many incidents of ASB will also be a criminal act – we may also take civil action in these matters, where appropriate, but will do so in consultation with the Police, ensuring that our actions do not hinder their investigations. We may wait for the outcome of the Police investigation before determining and/or taking action ourselves.

13 Data Protection, Information Exchange and Confidentiality

- 13.1 We will comply with relevant data protection legislation. We will share information with our partners where it is for the purpose of preventing crime and/or disorder and this is made clear in our Privacy Statement on our website.
- 13.2 Where the customer has reported something to us and asks to remain anonymous to the perpetrator we will respect their wishes but will explain the difficulties that this will present when dealing with the matter and how actions may be severely limited. We will offer all support available to ensure that the customer feels as safe as possible pursuing their incident report.
- 13.3 Where possible the allegation will still be presented to the alleged perpetrator but in an anonymised format provided the customer is in agreement. Alternatively, we will seek to obtain corroborating evidence that can be relied on from a third party.
- 13.4 Where the report relates to something that we are duty-bound to share with our partners e.g. information relating to a crime, concerns about safeguarding issues, we will explain to the customer the reasons for us having to disclose and manage any concerns as effectively as we can.
- 13.5 We have an information sharing agreement in place with the Police and Local Authorities which allows us to share information, where it is for the purpose of preventing crime and/or disorder.
- 13.6 We will actively advertise and promote the ASB service, this will include publishing successful outcomes. The aim is to increase the visibility of the service and assure our customers that we will not tolerate anti-social behaviour in the communities where we work. This promotion will adhere to the current data protection guidelines.

14 Protection of Staff

- 14.1 We will not tolerate any ASB directed towards our staff, including contractors, whether this is by our tenant, their household members or visitors, or any other person present in our communities. Where these incidents occur, we will work with the Health and Safety Officer to determine the most appropriate course of action, ensuring that any response corresponds to the Association's No Lone Working Policy. This may include legal action such as applying for an Injunction or taking tenancy action. The ASB Crime and Policing Act 2014 has introduced an amendment to the ASB ground for possession, specifically related to behaviour towards the Landlord and we will utilise this ground where appropriate.

15 Closing ASB cases

- 15.1 The Association may close a case when one or more of the following happens:
- The customer confirms that the issues have been resolved

- Both parties confirm that mediation or other action has proved to be a success
- The perpetrator is evicted
- We feel that there is no further action that we can take –(if this outcome applies we will ensure that we are clear with the customer as to the reasoning for this)
- The customer is not cooperating with the Association, where the requests are reasonable and they have no justifiable reason for doing so.

15.2 The Association will seek clear feedback at the close of a case which will be used to evaluate the effectiveness of the service we deliver.

15.3 In implementing this policy, the Association will regularly monitor the Equality Analysis regarding ASB. We will also evaluate cases following closure to ensure policy compliance, customer satisfaction and to investigate the effectiveness of our response. We will use this information to continuously improve our approach.

16 Training of Staff

16.1 Through the use of internal resource and external providers, we will ensure that all staff dealing with ASB and Domestic Abuse cases are given the training required to be able to fulfil the responsibilities found within our ASB policy. This will be reviewed through the association's appraisal system and any areas of need identified.

17 Service Standards – What Customers can expect

17.1 We will be clear with the customer, from the logging of a case, the service they can expect from us and likely timescales. If these change, we will communicate this to the customer with reasons why. These timescales will depend on each case in turn.

17.2 There are however some key timescales that we believe important to commit to in every case, these include:

- Respond within our published timescales when a customer reports ASB.
- For high-risk cases, we will develop an action plan with the customer within 2 working days of this initial contact.
- Agree a timescale with the customer for keeping them informed of the progress of their case.
- Contact the customer to discuss the case before we close it.

18 Complaints

- 18.1 Should the customer be dissatisfied with either the service or the action taken by any Association in the Housing Plus group then they can invoke the complaints procedure. All customers should be made aware of the procedure as soon as there is any intervention by the Association
- 18.2 Customers will also have access to the Community Trigger Process – a local, partnership process, arising from the ASB, Crime and Policing Act 2014, which will allow them to have their case reviewed. Details of accessing this process will be publicised appropriately, for example on our websites.

Risk Assessment

Risk Map (Reference 1.2) - Group policies do not incorporate current legislation, equality and diversity, or best sector practice and fail to protect the business.

Consultation

Customer consultation was undertaken during April 2018. A survey was published on the websites along with the policy and advertised in the following ways:

- An e-bulletin went out to customers with the link to the websites.
- Posts with the link were put on to social media.
- The website link was sent to the virtual panel members.
- There was a question on the ASB transactional surveys inviting them to the consultation.
- A paper and discussion was held with the Customer Panel at the meeting on 24th April 18.

Regulatory Issues

National Standards are Neighbourhoods & Community Standard and Tenancy Standard.

Links to Other Policies, Procedures or Documents

Tenancy Management Policy
Safeguarding Vulnerable Adults and Children Policy
Data Protection Policy
Confidentiality Policy
Privacy Policy
ASB Procedure and supporting documents
Safer Estates Agreement
Information Sharing Protocol
Tenancy Conditions

Monitoring and Review

Key Performance Indicators (KPI's) are set and regular case management reviews undertaken to ensure that complaints of ASB are being dealt with effectively and within timescales. KPI's include customer satisfaction that will be reported on the Board scorecard.

This policy will be reviewed in 3 years.

Impact Assessments

An Equality and Diversity impact assessment has been carried out.