

Anti-Social Behaviour Policy

1.0 Introduction

- 1.1 We are committed to ensuring that all customers enjoy their right to peace, quiet and security in their homes, in line with our vision: “To provide the foundations that enable communities and individuals to thrive by delivering more than social housing.”
- 1.2 We recognise that anti-social behaviour (ASB) can affect the lives of individuals and in some cases can disrupt a community. It is, therefore, our intention to provide an effective and efficient service to resolve problems quickly and, where appropriate, take enforcement action against perpetrators.
- 1.3 When issues occur we will deal with them effectively to ensure the best possible outcome. As part of this process, we will be clear with the customer (alleging ASB) in order to manage their expectations of what action we can take. We can only take enforcement action where there is evidence of ASB (and where it is considered a proportionate response).
- 1.4 There are regulatory standards that registered providers of social housing must meet and the Neighbourhood and Community Standard requires registered providers to work in partnership with other agencies to prevent and tackle ASB in areas where they own properties and to demonstrate the following:
- That tenants are made aware of their responsibilities and rights in relation to ASB
 - Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
 - A strong focus exists on preventative measures tailored towards the needs of tenants and their families
 - That prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem, having regard to the full range of tools and legal powers available
 - All tenants and residents can easily report ASB, are kept informed about the status of their case, where responsibility rests with the organisation, and are appropriately signposted where it does not
 - Provision of support to victims and witnesses.

2.0 Objective

- 2.1 In order to prevent and tackle ASB effectively, we will do the following:
- Be clear about our role and responsibilities in dealing with ASB

- Place an emphasis on prevention and early intervention
- Adopt a firm, fair and proportionate approach to tackling ASB
- Support customers and adopt a risk based approach
- Work with perpetrators of ASB to change their behaviour
- Make appropriate use of the full range of ASB tools and powers available
- Work in partnership and share good practice to tackle ASB with groups such as Local Authorities, the police, RESOLVE and the Northern Housing Consortium
- Deliver its ASB service taking into account the seven core commitments of the ‘Respect – ASB Charter for Housing’ (for more information go to www.cih.org/respectcharter)
- Work with vulnerable customers (complainants and perpetrators) and partner agencies to provide a holistic and appropriate response to deal with ASB
- Work to prevent re-occurrence of ASB

3.0 Definitions

3.1 ASB Definition

Anti-social behaviour is defined by the Anti-Social Behaviour, Crime and Policing Act 2014 as:

- conduct that has caused or is likely to cause, harassment, alarm or distress to any person
- conduct capable of causing nuisance and annoyance to a person in relation to that person’s occupation of residential premises
- conduct capable of causing housing-related nuisance or annoyance to any person.

Additionally, the Antisocial Behaviour Act 2003 also defines ASB as:

“Using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose”

Hate Crime Definition

The National Police Chief’s Council (NPPC) has defined hate crime as ‘any hate incident, which constitutes a criminal offence, perceived by the victim or any other person as being motivated by prejudice or hate’.

Hate Incident Definition

The National Police Chief’s Council (NPPC) has defined a hate incident as ‘any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate’.

All hate crimes are hate incidents. However, some hate incidents may not constitute a criminal offence.

Harassment Definition

Harassment is defined in the Equality Act 2010 as ‘unwanted contact related to a relevant protected characteristic (or diversity strand) which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.

‘Mate Crime’ definition

“Mate crime” is defined as the exploitation, abuse or theft from any vulnerable person by those they consider to be their friends. Those that commit such abuse or theft are known as ‘fake friends’. It is regarded as a form of disability hate crime or age hate crime but can also resemble cases of domestic abuse or violence.

3.2 Legislation

This policy will be implemented with reference to related legislation including the following:

- Housing Acts 1985, 1988, 1996 and 2004
- Anti-Social Behaviour Act 2003
- Crime and Disorder Act 1998
- Anti-Social Behaviour, Crime and Policing Act 2014
- Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000
- Data Protection Act 2018
- Equality Act 2010.

The Equality Act 2010

The Equality Act 2010 has replaced previous anti-discrimination legislation and has introduced ‘protected characteristics’. For the purpose of this policy the relevant protected characteristics are:-

- Age;
- Gender;
- Gender reassignment;
- Disability;
- Race;
- Religion or belief; and
- Sexual orientation.

4.0 Responsibilities

4.1 The Head(s) of Communities are responsible for:

- The effective implementation of this policy and
- Ensuring that all staff involved in the ASB policy are trained in our procedures and adequately skilled to implement those procedures.

5.0 Sustainability

5.1 The Anti-Social Behaviour, Crime and Policing Act 2014 streamlined the tools and powers available to tackle anti-social behaviour and the success of these is dependent on the effectiveness of partnership working with the police, local authority, youth offending service

and other agencies, both statutory and non-statutory.

6.0 Reporting

6.1 Implementation

This policy will be implemented with reference to related Beyond Housing documents including:

- Tenancy agreement
- Equality, Diversity and Inclusion Policy
- Domestic Abuse Policy
- Information Security and Data Protection Policy
- Safeguarding Adults Policy
- Allocations Policy
- Personal Safety Risk Procedure.

We have procedures for dealing with reports of ASB and staff work within the timescales set out in the procedure.

We will use a wide range of approaches to tackle ASB, keep up to date on current best practice and self-assess against the seven core commitments of the 'Respect – ASB Charter for Housing'. Where there are gaps in service provision action plans will be produced to address these. We will also benchmark our performance to assist in improving the provision of services to customers.

6.2 Scope

This policy applies when we receive reports from or about Beyond Housing customers.

We will respond to reports of ASB from whatever source if it is alleged that our customers, members of their household or visitors are perpetrators of ASB.

We will also respond to reports of ASB where the alleged perpetrator is not a Beyond Housing tenant where the behaviour is affecting a Beyond Housing tenant. In these cases we will work with partners such as the Local Authority ASB team.

This policy does not apply when we receive reports from a freeholder or leaseholder about another freeholder or leaseholder.

We accept that:

- Everyone has the right to their chosen lifestyle providing this does not spoil the quality of life for others or lead to damage to property. This implies the need for tolerance, consideration and respect for the needs of others
- Customers (whether complainant or perpetrator) may have complex needs and require additional support and we will need to help them to access support services
- As a landlord, we have a role in ensuring that such rights are realised in individual cases and

- The police and local authority have a larger role within the arena of the public interest to promote and protect the interests of those living within their boundaries.

We will make it clear to customers seeking or entering into a tenancy that ASB is unacceptable and if it arises may lead to action being taken against them.

ASB covers a broad scope of activities and behaviours, ranging from that which might appear to be a nuisance and a lack of consideration for others, through to malicious intent and serious criminal activity. The following list contains some examples considered to be ASB, although this list is not exhaustive:

- Noise nuisance
- Verbal abuse/harassment/intimidation/threatening behaviour
- Hate-related incidents
- Vandalism and/or damage to property
- Pets and animal nuisance
- Nuisance from vehicles
- Drug and alcohol related activity
- Domestic abuse
- Physical violence

Most (although not all) ASB is random and untargeted affecting people who happen to live in, or be in, a particular area.

Hate incidents, whether or not they are crimes, are a form of ASB, but the distinct nature and seriousness of these incidents is recognised in this policy. Hate incidents are targeted and victims are singled out because they are different in some way, based on one of the following:

- Disability
- Race
- Religion
- Transgender identity
- Sexual orientation

This gives rise to a second distinction, which is the danger of repeat incidents. Once identified as being different, victims are more likely to experience further attacks and, even if they avoid this, many will live in fear of being targeted again.

Not all reports relating to behaviour that impacts on an individual can be deemed ASB and it is important to show tolerance and be respectful of differing lifestyles and circumstances.

The following are some examples of reports that are not included in this policy definition of ASB (list not exhaustive):

- Noise from children when they are playing (unless involved in verbal abuse, damage to property or more serious behaviour)
- Family disputes
- Babies crying

- Smells from cooking
- Everyday household noise such as the washing machine, vacuum cleaner, flushing the toilet, opening and closing of doors, going up and down stairs
- One-off parties such as BBQs, birthday or Christmas parties providing they do not cause an unreasonable disturbance
- Clashes of lifestyles, including cultural differences
- Minor personal differences such as dirty looks or fall outs between children
- Putting rubbish out on the wrong day
- Parking in the wrong bay
- Mowing the lawn at a reasonable time of day.

We can offer mediation in these circumstances. Alternatively, we will work to manage customer expectations, provide advice and guidance and where appropriate encourage them to take steps to resolve the situation themselves.

6.3 Customer's Responsibilities

We expect our customers not to commit or allow their family, household members or visitors to cause ASB. In addition to the legal responsibilities set out in the tenancy agreement, we expect our customers to:

- Take responsibility for minor personal disputes with their neighbours and try to resolve issues themselves in a reasonable manner
- Where appropriate, talk to their neighbour first to try to resolve any issues relating to noise or pets
- Report incidents of ASB
- Report criminal activity to the police, in addition to ourselves
- Respect other peoples' right to their chosen lifestyle and be tolerant of every day, reasonable levels of disturbance, such as babies crying, sounds from domestic appliances or religious practices
- Work and cooperate with us fully to resolve ASB, for example, by providing us with full details of incidents, in a timely manner.

6.4 Prevention

Tenancy Agreement

The tenancy agreement places a clear responsibility on customers for the behaviour of every person living in or visiting their home. This includes behaviour in the customers' home and within the local area of their home. The customers' responsibility also extends to the behaviour of pets/animals and any action which contravenes laws or bylaws.

Mediation

When we receive reports where there is a dispute between neighbours, a lifestyle clash or minor nuisance that is not likely to amount to a breach of tenancy these cases will be dealt with by a mediator. In these cases, where the customer is not willing to participate in the mediation

process advice will be given and the case will be closed.

Mediation will also be encouraged, as appropriate, in cases where there is a potential breach of tenancy as this can be an effective way of resolving an issue. If the parties do not wish to pursue this option, the breach of tenancy will be investigated in line with our ASB procedure.

Development and Regeneration

We use secure-by-design principles in development of new build and regeneration. We also use customer feedback from historic schemes to review our design briefs and specification. In regeneration schemes we involve residents and the wider community to identify and address environmental factors such as poor design issues.

Estate Improvements

We will work with customers and partner agencies to identify estate improvements that will help to reduce anti-social behaviour and increase customer sustainment.

Allocations policy

As part of the Choice Based Lettings Scheme, where there is evidence of unacceptable behaviour, an applicant for housing can be deemed non-qualifying for accommodation until they can evidence that their behaviour has changed.

6.5 Support

We will provide help and support to customers in all cases. All information will be treated confidentially and will not be disclosed to the perpetrator or others without the customer's consent.

We will offer a variety of ways for the customer to report incidents for example:

- By telephone/live chat to our contact centre
- Recording information on diary sheets
- By email to the relevant officer or the contact centre via our website.
- In person at our office bases
- During a home visit by a Communities Advisor

We are committed to taking a risk-based approach to tackling and resolving ASB. This will ensure that the needs of customers are assessed and reviewed on a regular basis to enable support to be tailored to individual needs. This will be done using a risk assessment matrix. We will then agree on appropriate actions and support with customers. This will include agreeing how and when we will contact them during the case.

Referrals will be made to other agencies as appropriate with the customer's consent, for example, Victim Care & Advice Service/Victim support, community impact teams and the police (for crime prevention advice).

Where available, we will consider restorative approaches, taking into account the customer's wishes and make referrals where appropriate.

We will provide appropriate measures to ensure the safety of customers, where possible such as alarms, additional security measures, victim impact statements and the use of hearsay evidence in court proceedings.

Additional support is available to customers who agree to give evidence in court proceedings against the perpetrator. This could be by arranging special measures at the court, for example, the use of screens so the victim cannot be seen by the perpetrator when giving evidence.

6.6 Early intervention

We will offer assistance to perpetrators of ASB where it is identified that they are vulnerable and need support. This may be through our internal support services or through referrals, with the perpetrator's consent, to relevant external support agencies, such as alcohol and drug treatment services and mental health support services.

Where partnership arrangements exist, we will refer into and work alongside teams as a proactive measure to tackle ASB. We will also liaise with agencies that are already engaged with the perpetrator, such as probation and social care.

In extreme cases where someone is at clear risk of violence, we may proceed immediately to legal action, without offering any form of assistance to the perpetrator.

Where vulnerable adults and/or children are identified as being at risk, we will make relevant referrals to the appropriate Local Authority's statutory services regardless of whether consent has been obtained.

We may obtain and use evidence from a range of sources when dealing with ASB, for example, photographs and recordings on a mobile phone, diary sheets, social media, camera and noise monitoring equipment, police/police community support officers and staff.

We will take action against perpetrators of ASB which is both reasonable and proportionate. We will use both legal and non-legal remedies. Non-legal action may include:

- Warnings (written)
- Joint interviews (with other agencies, such as the council or the police)
- Acceptable Behaviour Agreements
- Notice of Seeking Possession.

6.7 Enforcement

Where the behaviour is very serious and/or the perpetrator has already received warnings and

continues to cause ASB, we will make full use of the legal remedies available taking into account all the circumstances of each case. Sanctions used include the following:

- Injunctions (and Undertakings)
- Demotion orders
- Possession Proceedings

Where legal action for ASB is ongoing, the Housing Act 2004 also allows us to apply to:

- Restrict the right to acquire or the preserved right to buy
- Restrict the rights of tenants to mutually exchange.

We will also support other agencies in action they can take, for example, the police or local authority, in an application for a closure order.

Customers who are responsible for deliberate damage to their home, a neighbour's property owned by us, or the general environment, as a result of any ASB, will be recharged the full cost of the damage. In respect of non-tenants responsible for damage to our property, we will, where the Police bring charges for criminal damage, seek to recover the cost via compensation.

In some cases where we need to take legal action against a perpetrator, it may be necessary to reveal identities (with prior agreement) because without first-hand evidence it may not be possible to put together a strong case for legal action. The value and need for their evidence will be explained to the customer as part of the investigation.

6.8 Partnership working

We will uphold the principles of the 1998 Crime and Disorder Act 1998, the Anti-Social Behaviour, Crime and Policing Act 2014 and other related legislation and will use the powers contained within them for the purpose of detecting and preventing ASB.

We are represented on the Community Safety Partnership/Community Impact Team and work with the police, the office of the police and crime commissioner, the local authority and other agencies to develop effective strategies for dealing with ASB. This may involve the following:

- Joint visits with the police or other agencies
- Participation in tactical tasking meetings
- Participation in operational tasking meetings
- Attendance at multi-agency problem-solving group meetings
- Liaising with other agencies to agree on positive requirements to support an injunction application
- Participation in both local and regional forums, share information and attend multi-agency and risk management meetings as appropriate
- Participation in case reviews following the Community Trigger being activated.

In addition to existing arrangements, we will continue to develop new partnerships for the purpose of preventing and reducing ASB.

6.9 Information sharing and data protection

We will work with agencies and develop protocols as necessary to ensure effective partnership working and information sharing.

When sharing personal identifiable information (PII) with other organisations, we will ensure that an adequate data agreement exists between ourselves and the organisation(s) concerned. This will be either a Data Sharing Agreement or a Data Processing Agreement.

All data processing and sharing activities related to anti-social behaviour have been reviewed in line with applicable data protection regulations, the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. Any new methods of collecting, recording or sharing data would have to be approved via the Data Protection Officer.

Data retention periods and disposal of PII recorded for the purpose of ASB are in accordance with our Information Security and Data Protection Policy.

6.10 Service standards

We have the following service standards in place in relation to ASB:

- Respond within timescales set out in the ASB Procedure
- Agree on reasonable and proportionate actions with the customer
- Agree when and how contact will be made with the customer
- Contact the customer before the case is closed
- Ensure all information is treated confidentially.

We aim to deal with cases quickly and effectively to resolve them at the earliest opportunity. We will record anonymous reports, but can only take action if the ASB can be substantiated either by staff or where additional evidence is obtained.

All parties in an ASB case will be treated fairly and listened to on an equal basis. Counter allegations will be treated as separate cases and action taken based on the evidence available.

6.11 Customer voice

We will endeavour to help customers resolve cases of ASB reported to us but acknowledge that it is not always possible to achieve the outcome that they seek. If the customer is unhappy with how we are dealing with or how we have dealt with a case they can make a complaint to us as detailed in our complaints policy and procedure.

We seek feedback from complainants following the closure of cases about their experience of

the service to help identify both good practice and potential issues or areas for improvement.

6.12 **Managing performance**

We will have performance targets in place for managing ASB.

Quality checks on cases will be carried out monthly to monitor adherence to the ASB procedure and identify trends and areas for improvement.

An ASB annual report will be produced focusing on achievements and lessons learnt over a 12 month period.

7.0 **Consultation**

7.1 Our colleagues, involved customer groups, Local Authority bodies and other relevant internal and external stakeholders will be consulted as part of the review process in order to continually develop good practice.

8.0 **Revision**

8.1 This policy will be subject to review after three years or in response to changes in legislation or good practice, whichever is the sooner.

Version no	Revision date	Reason for revision
1.0	8 May 2019	Policy for Beyond Housing following merger