

ASB Policy

Related Documents

- ASB Procedure
- Domestic Violence Policy
- ASB advice leaflet
- Legal briefing document
- Guidance on using noise recording equipment
- Legal Notices
- Acceptable Behaviour Contracts
- Diary sheets
- ASB Action Plan

Legislative and Regulatory Framework

The Anti-Social Behaviour, Crime and Policing Act 2014 brought in new powers for housing providers to deal with anti-social behaviour. From 23 March 2015, all relevant tools are in force.

1. Policy Statement

Our response to reports of antisocial behavior should be proportionate and appropriate and we will address it through effective:

- Preventative action and early intervention
- Provision of support and advice for those reporting ASB and witnesses
- Provision of support for vulnerable perpetrators
- Legal action against perpetrators (whether by Origin or another agency)

Origin Housing will endeavour to prevent anti-social behaviour from occurring in the first place where possible . We will do this by:

- Ensuring all new tenants are made aware of their rights and responsibilities in relation to anti-social behaviour.
- Regular estate inspections to ensure estates are clean, safe and secure
- The use of Starter Tenancies
- Ensuring that all new schemes are built to appropriate standards
- Close multi-agency working
- Community projects which may assist in reducing anti-social behaviour (e.g. young person's activities or clean up days)
- Using mediation services and acceptable behaviour contracts
- Using family intervention projects where available and appropriate

For all cases of antisocial behavior that are reported, we will set up an agreed action plan with the complainant for how the case will be handled and will keep the complainant informed of actions taken throughout the process; this will be no less than monthly but may be weekly for serious cases. We will provide support to complainants and any witnesses as appropriate to the nature of the case. In supported, shared or retirement schemes we will offer additional support to both complainants and perpetrators; we will normally visit complainants daily.

When closing a case we will seek the agreement of the complainant to do this, as well as their views on how the case has been handled.

2. Scope of the Policy

This policy applies to customers of all tenures living in a home owned or managed by origin Housing, including: general needs, supported and sheltered housing, market and intermediate rent, service users and licencees.

It also applies to customers in leasehold and shared ownership properties. We may take legal action in accordance with the terms of the lease and other relevant legislation available to us, as leases may differ from case to case.

Where managing agents manage homes on our behalf they will be required to meet the requirements of this policy and procedure.

3. Definitions

We use the following definition of anti-social behaviour as set out in the Anti-Social Behaviour, Crime and Policing Act 2014:

‘Anti-social behaviour’ means—

(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,

- (b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- (c) conduct capable of causing housing-related nuisance or annoyance to any person.'

Harassment

We have a zero-tolerance approach to harassment and manage all reports of harassment in line with this policy.

Harassment is when someone behaves in a way which makes another person feel distressed, humiliated or threatened. Harassment has been the subject of a number of pieces of legislation and it has more than one legal definition.

If someone is being harassed because of one of following protected characteristics under the Equality Act 2010 (disability, gender-identity, race, religion or belief, or sexual orientation), this can be reported as a hate incident or crime.

Hate crime and hate related incidents

We have a zero-tolerance policy to hate crime and hate related incidents and manage all reports in line with this policy. We reserve the right to take legal action without further notice where there is evidence that a hate crime has been committed.

A hate crime is any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a personal characteristic. Incidents may manifest themselves in low level forms of anti-social behaviour but the impact on the victim may be devastating.

Hate crimes are crimes committed against someone because of their: disability, gender-identity, race, religion or belief, or sexual orientation and should be reported to the police.

Incidents can range from harassment, abusive language, criminal damage, damage to property, to threats and physical violence.

Forced Marriage

The Anti-Social Behaviour, Crime and Policing Act 2014 makes it a criminal offence to force someone to marry. We have a zero-tolerance approach to forced marriage and manage all cases in line with this policy, our Domestic Abuse Policy and where appropriate, our safeguarding policies.

4. Origin's Policy

Anti-social behaviour (ASB), harassment and hate-related crime can have devastating effects on communities and individuals. At Origin Housing, we put victims at the heart of our response, take a flexible approach to managing incidents and work in partnership with both internal and external partners to tackle it.

ASB includes a range of activities (including harassment and hate-related crime) and has many causes. ASB can be one of the categories below, this list is not exhaustive:

- Alcohol-related anti-social behaviour
- Other criminal behaviour
- Domestic violence
- Drugs/substance misuse/drug dealing
- Garden nuisance (e.g. not keeping the garden maintained or dumping goods in the garden)

- Hate-related incidents (based on age, disability, gender, race, religion, sexual orientation)
- Fly-tipping
- Misuse of communal areas or public spaces/loitering
- Noise
- Nuisance from vehicles
- Pets and animal nuisance
- Other physical violence
- Prostitution/sexual acts/kerb crawling
- Vandalism and verbal abuse

Living noise

We would also not consider everyday living noises as anti-social behaviour.

Examples of living noises include:

- Babies crying
- Doors closing
- Children playing
- Toilets flushing
- DIY noise that is taking place at reasonable hours (7am to 11pm)
- Walking across a floor

Although we understand that this may annoy some residents, unfortunately this sort of noise is a part of everyday life and we will not investigate it as anti-social behaviour.

While everyday living noise will not be investigated as an ASB case, our housing management teams may be able to resolve issues in other ways, for example, conducting visits to residents, giving advice to neighbours about reducing noise levels or suggesting mediation.

We take anti-social behaviour very seriously and aim to balance enforcement action and intervention with prevention.

Working with residents

Resident and service user involvement is central to our work and a key part of building strong and safe communities irrespective of tenure. Therefore we encourage and support joint working between all tenures of residents, staff and other partners to allow communities to flourish.

We will work with residents to:

- Manage our estates effectively
- Develop Good Neighbourhood Agreements
- Tackle anti-social behaviour in a proactive way as a community
- Use community initiatives to deter crime and ASB

- Measure our performance against agreed standards
- Agree local priorities and estate improvements

Engaging with Young People

The Community Development Team will work on a range of projects in order to engage young people, particularly where there is a need to provide diversionary activities in our neighbourhoods. We acknowledge that young people can be the victims of ASB and we will work to support young people on our estates.

Working with Other Agencies

We are committed to multi-agency working to tackle ASB and therefore we will work in partnership with the police, local authorities and other landlords and agencies at a local level to find positive ways of dealing with ASB.

Where appropriate, additional support to victims will be arranged either via multi-agency working or by referral to witness and victim support services. The use of professional witnesses will be considered where appropriate.

Re-housing complainants, witnesses or perpetrators

This policy is focused on stopping the anti-social behaviour rather than moving the complainant, witness or perpetrator. Origin Housing will seek to resolve the situation by tackling the perpetrator about their anti-social behaviour and securing an end to this behaviour. However, in very rare and serious cases, it may be necessary to re-house complainants or witnesses on a permanent basis. Such circumstances are where we believe that continued occupation would place the household at serious risk of harm, supported by evidence from other agencies or the police.

Where we deem it necessary to re-house residents it will be via “management transfer” with Origin making one suitable offer and/or providing advice to regarding the other possible options. If the home is significantly under occupied the offer may be to a more suitably sized property. See Origins Allocations Policy for general needs housing.

In supported housing we may seek to secure a move to alternative accommodation through adult social care.

Support for Perpetrators

We will look to signpost perpetrators of anti-social behaviour who are vulnerable themselves to specialist advisors to prevent or manage issues as they arise. Specialist agencies may include, but are not limited to, the local community health team, drug action teams and community-based organisations such as drug and alcohol support and mental health services.

Where we believe someone has a disability as defined by the DDA, we will ensure that we carry out an assessment to ascertain whether the ASB is a direct result of their disability before taking any legal action.

Out of Hours

We will publish local contact numbers for out of hours services such as the police and environmental teams etc on our website and in local newsletters.

Legal action

All criminal cases will be referred to the Police to deal with.

We will use whatever legal remedies are available for use at the time, this may include:

- Acceptable Behaviour Contract
- Parenting Contract
- Anti-Social Behaviour Order
- Parenting Order
- Anti-Social Behaviour Injunction
- Demotion Order
- Extending the Starter Tenancy
- Possession Order
- Injunctions

Eviction is always the last resort but will be used in extremely serious cases.

5. Equality and Diversity

At Origin Housing, we have adopted diversity and inclusion as core values and place all our policies in the context of the following objectives:

- ensuring that all our customers and staff are treated with dignity and respect
- ensuring that the opportunities we provide for learning, personal development and employment are made available on a non-discriminatory basis
- providing a safe, supportive and welcoming environment for staff, customers and visitors

We seek to be a genuinely inclusive organisation and our aim is to integrate diversity and inclusion in all aspects of our day-to-day activity.

We are committed to supporting customers and staff access information in a way that For Origin diversity is about respecting the differences of our individual residents, residents and staff, ensuring that all people that come into contact with us have access to the same high standards of behaviour and service. Communication and service delivery will be tailored to individual needs to ensure that the service is accessible to all residents.

Complaints about ASB may be made to any member of staff. Complaints can be made by the complainant or from someone acting on their behalf verbally or in writing in many different ways including:

- Telephone
- Visiting our offices
- To a visiting member of staff
- Letter
- E-mail
- Via our website

All publications, can be translated or provided in alternative formats such as Braille, pictorial, large print, audio, Easy Read upon request. Guidance on how quickly the alternative formats will be provided will be given at the time of request. Origin's Communications Policy must be adhered to.

We aim to ensure that we give additional support to both complainants and alleged perpetrators where there is a disability or additional support need. In the event that the perpetrator has a disability, we will carry out an assessment to ensure that any ASB is not a direct result of their disability before taking any legal action. Where we believe the two to be linked we will attempt to access appropriate support.

6. Value for Money

Any anti-social behaviour cases where legal action is applicable will be reviewed by the management team (including Senior neighbourhood Managers) to assess the likelihood of success and to limit unnecessary spend in pursuing cases in court where success is likely to be limited.

7. Resident Involvement

This Policy will be reviewed by our resident involvement team and through resident engagement through 'The Hive' and any suggestions or amendments considered and incorporated where possible within the document,

8. Monitoring

We will review the number of complaints about anti-social behaviour to ensure the effectiveness of this policy on a regular basis. Additionally we will survey all complainants who had an ASB case closed each month and we will report on

- Satisfaction with the way the case was dealt with
- Satisfaction with how well resident was kept informed regarding their ASB case
- Satisfaction with the final outcome

As part of this policy, the neighbourhood team will use local customer profile data to identify customer needs and preferences so that service delivery can be tailored appropriately to neighbourhoods and individuals. Customer profile data and ASB mapping will be used for monitoring purposes on an ongoing basis so that emerging trends can be identified and services can be shaped accordingly.

9. Communication of Policy

This policy and procedure will be promoted to customers through:

- Customer leaflets in office and scheme receptions (alternative formats will be available upon request)
- Posters in office and scheme receptions
- Information on the Origin website
- Articles in the customer magazines
- Residents meetings

This policy and procedure will be promoted to staff through:

- Articles and guidance on the staff intranet
- Discussion at team meetings
- Staff training
- Case reviews

We will regularly publish actions taken and successes in the local neighbourhood newsletters.

10. Data Protection and Confidentiality

We will adhere to the Data Protection Act and comply with the best practice guidance set out in the Framework Code of Practice for Sharing Personal Information published by the Information Commissioner to ensure that we maintain confidentiality. Data Protection Policy.

We reserve the right to make a referral to social services or to the police without the permission of the victim, where the situation and the provisions of the Data Protection Act 1998 (and any other relevant legislation) justify it.

