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# Antisocial Behaviour Procedure

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## Related Documents

- ASB Policy
- Tenancy and Tenancy Management Policy
- Mediation Procedure
- Domestic Violence Policy
- Domestic Violence Procedure
- Diary sheets
- ASB advice leaflet
- ASB Report form
- ASB Action Plan
- Acceptable Behaviour Contracts
- Good Neighbour Agreements
- Legal Notices
- Data Protection policy and procedures
- Allocations Policy
- Management Transfer Procedure

## Appendices

Appendix 1: Raising a new, or adding to an existing, ASB case

Appendix 2: Logging an ASB incident and ASB case

Appendix 3: Managing an ASB case

Appendix 4: Advice leaflet for customers

Appendix 5: Proportionality Assessment

## Purpose of the procedure

The document outlines the key steps that need to be taken by all staff when dealing with an ASB case. This procedure is in line with Origin Housing's ASB policy and is to ensure that staff follow the correct process when dealing with reports of antisocial behaviour and crime.

## Scope of the procedure

This procedure applies to all staff working for Origin whether permanent, temporary, part-time or on a volunteer basis and applies equally to all directorates within the organisation.

## Procedure Guidance Notes

All ASB incidents should be raised on Origin's Customer Resolution Management (CRM) system, which can be accessed via the Applications tab on the O-net. The ASB process on CRM should be used to log and manage ASB cases to resolution. See Appendices 1-3 for Training Guides.

There are five stages to managing an ASB case, which will be outlined below in more detail. These are:

- Stage 1 Raising an ASB case after a report has been made
- Stage 2 Logging an ASB incident
- Stage 3 Undertaking Case Work
  - 3.1 Risk Assessment
  - 3.2 Action Plans
  - 3.3 Monitoring Frequency
  - 3.4 Perpetrator Interview
  - 3.5 Add Parties
  - 3.6 General Case management guidance
- Stage 4 Undertaking Case Work & next steps
  - 4.1 Mediation
  - 4.2 Enforcement
    - 4.2.1 Actions before Enforcement
- Stage 5 Update, monitor and close

## Introduction

### What is ASB?

The Anti-Social Behaviour, Crime and Policing Act, 2014 defines ASB as

- (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.

However, due to the subjective nature of human behaviours it can be difficult to define ASB in practical terms. What is acceptable for one person is not always acceptable for another.

## ASB Procedure

### 1. Raising an ASB case after a report

- A report of ASB can be received face to face, by phone, letter, email, web form or social media.

- Any staff member receiving a report should immediately log this on CRM as per [Appendix 1: Raising a new, or adding to an existing, ASB case](#) and send the ASB case to relevant Housing Manager (HM) for action.
- Advice should be given to the complainant as per [Appendix 4: Advice leaflet for customers](#). If possible, the customer should be put in direct contact with the HM immediately.
- Where a resident is reporting an incident that is crime related, ensure that you have advised them that they need to contact the police to report this. If it is an emergency and they are in danger they should call 999. If it is not an emergency and they are not in immediate danger they should call 101.

## 2. Logging an ASB Incident

The HM should make contact with the complainant within 1 working day to speak to them in person or by phone, and record details of the ASB incident on CRM as per [Appendix 2: Logging an ASB incident and ASB case](#).

The HM will:

- Conduct an initial interview
  - Record details of witnesses, alleged perpetrators, and other agency involvement
  - Log details date, time and location of the incident.
- Once the incident is logged, the HM can decide if it requires further investigation, and if so, launch an ASB case
  - The only instances where an incident will not become an ASB case are listed in our ASB policy Section 4, '*What is not considered ASB*'. Please note this list is not exhaustive.

## 3. Undertaking Case Work

It is important from the offset that HM's treat case files as if it will eventually be presented to a Court, and that a thorough investigation is completed and documented.

Once the case is created on CRM, the HM will complete the 'Undertake Casework' section of CRM as per [Appendix 3: Managing an ASB case](#)

The HM will:

- Complete a Risk Assessment with the customer
- Agree an 'Action Plan' with them and send this to the customer
- Agree 'Monitoring Frequency' (this informs the customer how often you will update them)
- Contact alleged perpetrator and arrange interview
- Add Parties (any other agencies or people involved)

### **ASB and vulnerabilities or cognitive impairment**

Any signs of vulnerabilities, cognitive impairment and support needs should be addressed sufficiently to ensure that the perpetrator or complainant has a clear understanding of the impact and consequences of the ASB, and the actions in place to resolve it.

The HM should discuss the case and possible actions with a Line Manager at the earliest opportunity, and the personal impact of ASB action on the complainant/perpetrator should be considered and recorded on the case file.

If it transpires that the impairment is such that it is not appropriate to take action under the ASB process, the case should be closed with a record stating that the complainant/perpetrator will be supported using other processes. In such circumstances it can be challenging to reassure the complainant/alleged perpetrator that appropriate actions are being taken, however this needs to be done in a sensitive manner and without disclosing confidential information.

If ASB action is appropriate, it is important that any resulting communication is also sent to any acting Power of Attorney. If the complainant/perpetrator does not have a Power of Attorney but does have a preferred contact, permission should be sought from the tenant before disclosing information to that contact.

Where vulnerabilities or support needs are identified, the HM should:

- Ensure regular updates are provided to relevant support workers.
- Where the person lacks capacity, then anyone appointed on their behalf should receive documentation. For example where there is a Power of Attorney in place.
- Ensure that it is made clear to the complainant/alleged perpetrator that they may wish to have a representative present at all meetings
- Work with any support worker/services to address the root cause of the behaviour that may be causing ASB, or any issues the complainant may have that mean they are interpreting this behaviour as ASB.
- Along with any ASB actions, we should continue to provide the resident with any support necessary to allow them to maintain their tenancy without impacting on others.

### 3.1 Risk Assessment

#### **Completing the Risk Assessment**

The ASB Risk Assessment on CRM enables us to assess the complainant's vulnerability and risk, and provide reasons for what actions are taken. The risk assessment should also identify the factors that are putting them at risk so that support can be tailored based on these factors through the action plan to reduce the risk of harm.

In all cases, the completed risk assessment should be stored securely and confidentially on CRM.

#### **Risk Levels**

The three risk levels are high, medium and low. The ASB Risk Assessment provides a total score and equivalent risk level based on the answers to the questions. The risk level for any one type of ASB may be different in each case, depending on the circumstances. The risk level of ASB may change during the course of a case if circumstances change or new information becomes known.

We aim to be aware of both the victim and perpetrator/ alleged perpetrator's vulnerabilities and tailor our response, where possible, to meet their needs. Any identified vulnerable victims and perpetrators/ alleged perpetrators should be brought to the attention of the tenancy support officer or the local authority where appropriate.

### 3.2 Action Plans

Creating and delivering the Action Plan focuses on the two key areas of managing ASB:

- **Early and Informal Intervention:** to end the ASB with minimal delay and expense.
- **Enforcement Action:** where early and informal intervention does not change behaviour or we consider that immediate enforcement action is needed in serious cases of ASB. This consists of actions up to and including legal action.

All actions agreed with the resident should be logged on CRM using the ‘Action Plan & Review’ button as per the [Appendix 3: Managing an ASB case](#)

**Once all actions have been raised and agreed with the customer, the Confirmation of Action Plan letter should sent to customer within 5 working days.**

Type of ASB reported	Initial actions for Action Plan
All ASB	<ul style="list-style-type: none"> <li>• Complete the Incident and Undertake Casework sections to collect the complainants’ statement regarding the incident and any other facts including their feelings and any ongoing effects.</li> <li>• If available, witness statements should be collected and should also contain the facts of the matter, including dates and times, and a description of the incident. If the witness was affected by the ASB, also record their feelings and any ongoing effects.</li> <li>• Other evidence that should be considered for all cases such as: <ul style="list-style-type: none"> <li>• CCTV/Phone videos</li> <li>• Photographs – if injury or damage has been caused</li> <li>• Call recordings with Origin</li> <li>• Evidence from external agencies – telephone call recordings, witness Statements</li> <li>• Police Incident numbers</li> <li>• Environmental Health reports</li> </ul> </li> <li>• Send Diary sheets for complainant to record incidents. This is fundamentally important to the case being successful if it is taken to court. Request that these to be completed and sent back to us at regular intervals</li> <li>• Once you have collated your evidence, you must also speak to the alleged perpetrator. A statement should be taken. The purpose of the investigation is to find out what took place, not to apportion blame, so it must be investigated thoroughly from all angles.</li> <li>• If the perpetrator makes a counter allegation, this should be logged and investigated as a separate incident.</li> </ul>
Additional actions by ASB type:	
Noise Nuisance	<ul style="list-style-type: none"> <li>• Inform customer what is and is not noise pollution, as set out in the ASB Policy.</li> <li>• Take sound recordings for evidence</li> <li>• Contact Local Authority Noise Nuisance Team/Environmental team <a href="https://www.gov.uk/report-noise-pollution-to-council">https://www.gov.uk/report-noise-pollution-to-council</a></li> <li>• Council environmental health teams have designated powers to deal with noise nuisance such as serving noise abatement notices. We can then act upon their reports and enforce tenancy action.</li> </ul>
Neighbour Disputes	<ul style="list-style-type: none"> <li>• Encourage neighbours to meet together and arrange this if too low level for mediation</li> <li>• Move to mediation if required</li> </ul>
Drug/Alcohol abuse	<ul style="list-style-type: none"> <li>• Refer to Origin’s Assessment &amp; Support officers if appropriate</li> </ul>

	<ul style="list-style-type: none"> <li>• Where the individual provides authority for referral, work in partnership with other agencies and provide specialist support. There are various supporting agencies available – refer to the Community Development Team for agencies relevant to the specific case/location.</li> <li>• Carry out a Tenancy Audit to determine household members eligibility, in case alleged perpetrator is not household member.</li> <li>• Work with Police – Safer Neighbourhood team <a href="https://www.met.police.uk/a/your-area/">https://www.met.police.uk/a/your-area/</a></li> </ul>
Hate Crime	<ul style="list-style-type: none"> <li>• Work in partnership with other agencies and provide specialist support. There are various supporting agencies available – refer to the Community Development Team for agencies relevant to the specific case/location.</li> <li>• Work with police– Safer Neighbourhood team <a href="https://www.met.police.uk/a/your-area/">https://www.met.police.uk/a/your-area/</a></li> </ul>
Domestic violence	<ul style="list-style-type: none"> <li>• Work in partnership with other agencies and provide specialist support: , local housing providers, charities, Adult social care services, support providers such as Refuge, Women’s Aid, mediation services and voluntary sector organisations to support the complainant in the best way possible.</li> <li>• Work with Police – Safer Neighbourhood team <a href="https://www.met.police.uk/a/your-area/">https://www.met.police.uk/a/your-area/</a></li> <li>• Provide temporary housing/a hotel for the complainant to get them out of danger. If a management transfer is requested, the NM should advise the complainant that they will need to get a police report, see <b>Management Transfer Procedure</b> for more details.</li> <li>• Encourage the complainant to apply to a Local Authority for emergency accommodation, as they will have more available housing stock</li> <li>• Advise the complainant to seek independent legal advice as to possible legal remedies concerning property occupation / tenancy</li> <li>• Assess whether urgent legal action is required / appropriate</li> </ul>
Using or threatening to use violence	<ul style="list-style-type: none"> <li>• Using violence is a criminal offence and should be reported to the police in the first instance.</li> <li>• In severe cases we would consider temporary housing/a hotel for the complainant to get them out of danger. If a management transfer is requested then the NM should advise the complainant that they will need to get a police report, see <b>Management Transfer Procedure</b> for more details.</li> <li>• Work with Police – Safer Neighbourhood team <a href="https://www.met.police.uk/a/your-area/">https://www.met.police.uk/a/your-area/</a></li> <li>• Assess whether urgent legal action is required</li> </ul>
Pet Nuisance – including barking, fouling & aggressive behaviour	<ul style="list-style-type: none"> <li>• Where the property does not allow pets, it is possible to use the tenancy agreement to enforce the no pet policy. See the <b>Pet Policy</b> for further details.</li> <li>• Encourage the resident to talk to their neighbour and try to resolve the issue amicably, if this is possible.</li> <li>• If it is noise related the HM should advise the complainant as per <b>Noise Nuisance section</b> above.</li> <li>• Work with Police – Safer Neighbourhood team. If pets are causing a nuisance to the community <a href="https://www.met.police.uk/a/your-area/">https://www.met.police.uk/a/your-area/</a></li> </ul>

### 3.3 Monitoring Frequency

A monitoring frequency should be agreed with the customer and this will appear at the top of the ASB case form. It is important that the customer is kept updated throughout the life of the case to ensure resolution. This monitoring frequency is Origin's commitment to keeping customers informed. Contact with the customer should be recorded even if it is to advise them that there is no update. This is particularly important with cases that have resulted in court action and a hearing / trial may take a long time to come through.

### 3.4 Perpetrator interview

An interview with the alleged perpetrator is an essential step in investigating an ASB case following the initial complaint.

In situations where the alleged perpetrator may be aggressive or violent the HM should be accompanied on the interview by the Senior Neighbourhood Manager or another member of staff, or the perpetrator can be interviewed in the office, again with two members of staff. At the interview the HM should:

- Identify if there are any support needs. Where support needs are identified, a referral should be made to the Community Development team.
- explain the nature of allegations
- ask the alleged perpetrator for their side of story
- explain the relevant tenancy terms where appropriate
- agree any changes to behaviour as a result of the meeting
- suggest mediation where appropriate if no agreement can be reached

The HM should write to the perpetrator/ alleged perpetrator to confirm the outcome of the meeting and attach a copy of the action plan agreed with them. All templates are stored in CRM.

1. Where a decision is going to involve the perpetrators having to sign a form of agreement, for example, an acceptable behaviour agreement, and the resident is known or suspected of having mental health issues, then the HM should try find out if they have a Mental Health Support worker. This is also important to find out if there is going to be any legal action.
2. The HM should contact the Local Authority Mental Health Service to find out if they have a Mental Health support worker. If they do, the HM should then arrange contact and arrange a joint appointment to do a joint signing of the agreement.
3. If they do not have a MH support worker but they are suspected of having MH issues then a **mental health assessment** must be carried out. This is to ensure they fully understand what and why they are signing the agreement, and if any additional support is needed at this stage. This can be done by referring to the Assessment and Support Officer.
4. Where the resident has a Mental Health Support Worker and authority has been given, the HM should be keeping them up to date throughout the process and they should be involved in any court proceedings if legal action is necessary

5. Legal advice can be obtained through the free service provided as part of the HALA group that Origin are a part of, the contact details are [Housing.Management@clarkewillmott.com](mailto:Housing.Management@clarkewillmott.com) or by phone 0345 209 1599.

### 3.5 Add Parties

Throughout the life of the ASB case, all third parties including witnesses, agencies such as police, support services or advocates, friends or family of the customer etc. should be added to the ASB case. It is important the contact details of these parties are kept up to date and recorded in CRM.

### 3.6 General Case Management Guidance

- Delivering on the action plan

Once the action plan has been agreed, the HM should deliver on this to the dates agreed with the customer, keeping the customer updated as per the agreed Monitoring Frequency. All progress on actions should be recorded on the Actions listed on the ASB case form in CRM.

- Managing Customer Contact

All emails, calls and contact with the customer or involved parties should be marked on the case form under the Activities section. Emails can be sent from the case to customers and their replies tracked against the case. Please refer to Appendix 3 Managing ASB for full details.

- Manager Review

Each month in 1 to 1's, managers should review all open ASB cases with their teams. A 'Manager Review' action should be created on CRM (Please see Appendix 3) at each one to one, and notes made by the manager as to next steps required. Managers can, at any point, review open ASB cases from their Manager Dashboard.

- Case Security

Please note that the only staff within the relevant team (e.g. the outer London Neighbourhood Management team) have full access to the ASB file. The case owner or their manager can 'share' the case with other staff members as required, and assign them permissions such as Read/Write access.

It is important that we keep sensitive data on customers protected, and it is not recommended that cases be shared without definite need.

## 4 Undertaking Casework – next steps

After the initial Action Plan has been delivered and initial investigations have been carried out, more actions may be required. This may include

- Investigating further;
- Getting reports from other agencies;
- Arranging mediation; or
- Taking enforcement actions including writing warning letters and taking appropriate enforcement action where appropriate.



After discussion with your manager you should complete the 'Casework Next Action' section on CRM, where you can choose one of the three outcomes.

## 4.1 Mediation

If you choose Mediation or Enforcement, then you will need to create Actions on CRM that reflect this stage of the management of ASB.

### **Mediation**

Mediation can be used between two or more people. If informal discussions between neighbours do not resolve problems, we may refer them to a mediation service.

Mediation may be appropriate for use between two or more Origin Housing customers, or between an Origin Housing customer and a neighbour who is not an Origin Housing customer.

We may undertake mediation with just one party if others are unable or unwilling to negotiate or communicate, however this should be an unlikely event.

We will promote mediation to resolve minor disputes between neighbours around issues such as car parking, boundary disputes, dogs barking, and noise nuisance.

We will not use mediation if:

- One party seeks the punishment of the other
- There is a fear or threat of violence, or racial or sexual abuse or harassment.

Access to mediation services are managed locally. Any mediators we use will be appropriately trained and experienced.

Some mediation services may use restorative justice. Restorative justice may be used as an early intervention as well as after enforcement action has been taken, and it may be used in conjunction with other action such as Acceptable Behaviour Contracts.

## 4.2 Enforcement

In serious cases, where the above actions have been tried and are not improving the situation or where the behaviour is such that immediate legal action is required then the HM can then pursue further options, by taking non-legal and/or legal enforcement actions, such as behaviour agreements or an injunction/possession proceedings. The HM should let the complainant know that they will need to give evidence in court to ensure the case is as strong as possible and increase the likelihood of it succeeding in court. It should also be explained that it may not always be possible to pursue a case to court if the witness isn't prepared to attend court.

### 4.2.1 Non-Legal Enforcement

- Issuing **warning letters** to the perpetrator regarding situation
- Have the parties enter into an **Acceptable Behaviour Agreement**, this can be witnessed by the police if necessary to add more gravitas to the agreement.
- Have the parties enter into a **Good Neighbour Agreement**
- **Pet Agreements** where the property allows pets to enforce good behaviour concerning pet nuisance.

### **Written Warnings**

Origin customers occupy our properties based on a legal contractual agreement, whether this is a lease or a tenancy agreement. Both of these documents contain obligations on the resident to ensure that they (and in some cases their visitors) do not cause a nuisance or annoyance to others.

An early letter, stating the relevant clauses or covenants, and being clear that the behaviour could risk their occupancy of the property, is often effective in resolving low risk cases of ASB in the early stages. This can also be appropriate for non-tenants i.e. household members/visitors.

### **Acceptable Behaviour Contracts/Good Neighbour Agreements**

An Acceptable Behaviour Contract or Good Neighbour Agreement can be drawn up between Origin and the perpetrator of the ASB, in order to commit the perpetrator to ceasing the relevant behaviour, and have a written record of that agreement.

Any clause can be agreed in the contract – for example that music can only be played at certain times, or that a dog must not be left alone.

If Origin needs to support the perpetrator to help alleviate the behaviour, this can be written into the agreement – for example that Origin will refer the perpetrator to the relevant agencies, but they then must engage with that process.

The individual agreement will depend on the particular type of ASB. The requirements, timescales and expected outcomes should be reasonable, clear and objective.

### **Pet Agreements**

If the pet nuisance persists then the HM may be able to take legal action such as an injunction to get the pet removed from the property. This will depend on the specific facts of the case and what has been agreed previously.

## **4.2.2 Legal Enforcement**

- In serious cases, where the above actions have been tried and are not improving the situation or where immediate legal action is required then the HM can take further legal action, such as an injunction or possession proceedings.
- The complainant should be told that they will need to give evidence in court to ensure the case is as strong as possible and increase the likelihood of it succeeding in court. It should also be explained that it may not always be possible to pursue a case to court if the witness isn't prepared to attend court.

## **4.2.3 Actions before enforcement**

1. Prior to any enforcement, a Proportionality Assessment (see Appendix 5) must be completed/or a Mental Health Assessment carried out on the alleged perpetrator (and/or complainant if appropriate).
2. Before legal action can be taken, you must ensure you have all the relevant evidence collected, e.g. diary sheets, CCTV where applicable, Noise monitoring equipment results where necessary or any other evidence that proves ASB.

3. The complainant must be advised throughout the process that if the last resort is to go through court proceedings due to the ASB continuing, they must consider providing evidence at court as a witness. If the evidence that has been gathered is not proving to be a strong case, they must understand that where they decline standing as a witness, we may not see a result that they would expect, and may be unable to take the case any further forward.
4. If legal action is being considered the HM should write or visit the perpetrator to explain the consequence of continued ASB, save for cases where urgent legal action is being taken without notice to the perpetrator.
5. The HM should also explain the importance of the complainant continuing to keep a log of incidences in the diary sheets even when waiting for a court date as this is the evidence that will make the case stronger.
6. Before any legal action is taken, the case handler must undertake a manager review so that any legal steps are reviewed and approved by the Senior Neighbourhood Manager or Head of Department.

#### 4.3.4 Legal enforcement options

In the majority of cases, robust early interventions should resolve any ASB issues quickly and effectively. However, in a small number of cases, the behaviour persists or is of such high risk, that Origin may invoke legal remedies to resolve the situation.

##### **Notice of Seeking Possession**

This is the first tool that we can use in our rented properties, and lets the tenant know that we are seeking to repossess their home due to their behaviour. In practice, depending on the severity of the behaviour, it would be unlikely that carrying this through to a possession Court case would be the most appropriate course of action in the first instance – there are other legal remedies that can be attempted first. However, once the notice is served it stays in place for a year and gives us the option to escalate to further action later on.

##### **Civil Injunction**

The Anti-Social Behaviour, Crime and Policing Act, 2014 gives Social Landlords the power to apply for an injunction to compel the perpetrator to cease the Anti-Social Behaviour, and can include exclusions, for example no contact to be made by, to keep away from certain areas etc. The injunction can be applied for by Social Landlords against anyone where there is an impact on our housing management function, including children aged 12+ years. The perpetrator does not therefore have to be a tenant on our Estate – they could be a visitor, lodger or Leaseholder or any individual causing an impact.

The injunction itself can include positive requirements to address underlying causes, as well as an order to cease the behaviour. The injunction will be put in place for a specific timeframe, and it is important to ask that a power of arrest is included in relevant cases; should the perpetrator breach the injunction. A power of arrest can only be obtained where there is a threat or use of violence or there is significant risk of harm.

A breach of the injunction will be treated and addressed as contempt of court, which if proven carries up to two years in prison and/or a fine. However, because of the severity of the punishment, the burden of proof is increased to that in criminal law, and we must prove “beyond reasonable doubt” that the breach has occurred.

##### **Absolute Grounds for Possession**

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced an absolute ground for possession for both private and social landlords. This power allows Origin to seek possession of premises, where other penalties

have been imposed, for example where an individual has been convicted of a serious offence, or where a closure order has been made, or where there has been a proven breach of a civil injunction.

Provided that the criteria is met, there is no requirement for the Landlord to prove that it is reasonable to grant possession, as we do when using discretionary grounds for possession – the Court has to grant us a possession order. This power has been introduced to bring faster relief to the victims of ASB, and as such the Court can only delay the possession by no more than 14 days, except in exceptional circumstances where they can delay for no more than 6 weeks.

### **Preparing a Case for Court**

If early interventions have not resolved the problem and / or are not appropriate, and further legal action is deemed appropriate, your Line Manager will authorise the use of a solicitor, who will guide you through the Court process and assist in preparing the paperwork on Origin's behalf.

For legal action to be effective, we must have carried out a thorough investigation and collected detailed evidence in order to present our case to Court. It is therefore imperative that all letters and witness statements etc. are saved back to Swordfish with the ASB CRM case reference, so that all evidence can be easily accessed.

### **Hearsay vs Direct Evidence**

In cases of serious ASB, sometimes the victim isn't willing to attend Court. As a member of Origin staff, you can deliver evidence on their behalf. However, as you will be delivering evidence of incidents that you did not witness yourself, this classifies as "hearsay evidence" – you are telling the Court what you have heard from the victim, rather than what you have seen yourself. Direct evidence is when the witness/victim tells the Court directly what they witnessed, and how the behaviour made them feel. Direct evidence is more impactful on the outcome of the case than hearsay evidence. It is not always possible to simply rely on hearsay evidence.

## **5. Update, Monitor, Close**

1. When Stage 3 and 4 of Undertaking Case Work has taken place and there are long term actions in place, you must ensure the complainant is kept up to date and aware of progress. Using the 'Monitoring Frequency' alerts on CRM to ensure the case is kept on track and customer is updated frequently is crucial at this stage.
2. There are some scenarios where a case cannot be progressed further and will need to be closed:
  - the complainant has made no further contact
  - you have been unable to determine a breach of tenancy by the alleged perpetrator
  - evidence (witnesses, interviews etc) does not support the complainant's claims

Make sure that the complainant and the alleged perpetrator/s are clear for the reasons why you are closing the case.

3. The HM should then send the **Concluding Investigation Letter** to the complainant and close the case down on CRM

## **6. Appeals**

Origin customers can appeal any decision made through our Appeal Procedure, where an Executive member of staff will review the case.

Appendix 1: Raising a new, or adding to an existing, ASB case – refer to separate appendix document and e-learning on the O-Net.

Appendix 2: Logging an ASB incident and ASB case – refer to separate appendix document and e-learning on the O-Net.

Appendix 3: Managing an ASB case - refer to separate appendix document and e-learning on the O-Net.

## Appendix 4: Advice leaflet for customers



ASB leaflet v2.pdf



## Appendix 5 – Proportionality Assessment

### Assessment in accordance with Equality Act 2010

Name of Tenant:

Address:

Date of Assessment:

#### Background

Origin Housing Limited (“Origin”) has had a number of issues with regards to [tenants details] who is currently residing at [property address]. [tenant] resides in [type of accommodation i.e. sheltered, general needs flat/house].

[insert detail of issues, in general terms]

[Detail steps taken to engage with the Tenant]

#### Tenant’s personal circumstances

Whilst, Origin appreciates that [tenant] may be a vulnerable individual, with suspected [alcohol dependency issues, mental health issues, learning disability] [and is known to the Local Authorities’ adult mental health services], [his/her] behaviour is seriously impacting upon the health and safety of other residents of [address] who are both [vulnerable and elderly].

Therefore considering all the factors, Origin considers that progressing possession action proceedings against [tenant] is a proportionate means of achieving a legitimate aim.

Origin have considered the proportionality of progressing action against [tenant] before issuing a a claim for possession.

#### S.149 Public Sector Equality Duty

In addition to considering the overall proportionality of taking possession action, Origin has also had due regard to its duties under the Public Sector Equality Duty (“PSED”).

Origin has had due regard to eliminating discrimination and advancing the equality of opportunity of [INSERT], even though we do not have any current medical evidence that [he/she] suffers from a protected characteristic.

We have had due regard to fostering and encouraging good relationships between [INSERT] and others who do not share a protected characteristic. We ensure this by making it clear that all complaints regarding [INSERT] are

made directly to Origin in order to investigate these without the complainants approaching Origin directly. We believe that this fosters and encourages good relationships.

Signed:

.....  
[Officers name, job role] Origin Housing Limited  
.....

[Managers details, job role] Origin Housing Limited