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## Anti Social Behaviour Policy

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**Department:** Housing Services

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**Author:** Laura Hodgskin, Head of Housing Services

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## Version Control

Item	Reason for Change	Officer/Manager	Version	Date
1-4	Older versions have been archived			
5	Review and update	Jade Jackson	0.5	03/2021
6	Full Review and update	Laura Hodgskin	0.6	03/2023

## Related Documents

- Mediation Procedure
- Domestic Abuse Policy
- Hate Crime Policy
- ASB procedures
- Data Protection policy
- Tenancy Management Policy
- Allocations & lettings Policy

## Legislative and Regulatory Framework

- Equality Act 2010
- Data Protection Act 2018/ UK GDPR
- Housing Act 1988
- Crime & Disorder Act 1998
- Anti-Social Behaviour Crime & Policing Act 2014
- Regulator of Social Housing - Consumer Standards

## 1. Policy Statement

We are committed to building safe, strong and sustainable communities for our residents. We recognise that anti-social behaviour (ASB) can have a very disruptive effect on communities and neighbourhoods, and does not just affect those who are directly involved in the situation. We take antisocial behaviour very seriously and aim to balance enforcement action and intervention with prevention and support to those experiencing antisocial behaviour. Our aim is to:

- Tackle the causes of ASB and prevent incidents from arising
- Prevent incidents of ASB from escalating when they do arise
- Take the necessary management intervention and legal action to deal with perpetrators of ASB
- Provide residents with appropriate advice and assistance , including vulnerable perpetrators
- Work in partnership with specialist and statutory agencies where appropriate

This policy covers issues of ASB and harassment . Domestic abuse and hate crime are dealt with through a separate policy , although we recognise that other forms of antisocial behaviour such as noise can be an indicator of domestic abuse and we will be sensitive to and consider this in our investigations.

## 2. Scope of the Policy

This policy applies to residents 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, licensees and people living in the communities that we serve.

It also applies to residents in leasehold and shared ownership properties. Where managing agents manage homes on our behalf, they will be required to meet the requirements of this policy and procedure.

## 3. Definitions

We have adopted the definition of ASB as set out in the Antisocial Behaviour, Crime and Policing Act 2014 which defines ASB as conduct :

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

Harassment is when someone behaves in a way that makes another person feel distressed, humiliated or threatened and we take a zero -tolerance approach.

If someone is being harassed because of a protected characteristics under the Equality Act 2010, this can be reported as a hate incident or crime. We have a zero-tolerance policy to hate crime and hate related incidents, and our approach is set out in a separate policy

### Other definitions

- Alleged perpetrator – a person accused of carrying out ASB
- Complainant – a person making the complaint of ASB
- Victim – a person who has experienced nuisance, harassment, alarm or distress or any other anti-social behaviour
- Witness – a person who observes a crime or incident take place

## 4. What is ASB ?

ASB includes a range of activities and has many causes. Examples of ASB include (but are not limited to):

- Unreasonable noise
- Harassment
- Verbal or physical abuse
- Vandalism and damage to property including putting graffiti on any of our properties or within the neighbourhood
- Behaving in an intimidating manner
- Substance misuse (e.g. alcohol or drug related behaviour ) and drug dealing

- Fly-tipping (where a person is known)
- Nuisance from vehicles (e.g. abandoned vehicles, joy riding, drag racing, nuisance from vehicle repairs).
- Persistent dog barking or uncontrolled animals
- Criminal behaviour

Examples of behaviour that we do not consider to be ASB include:

- Noise or disturbance from children when they're playing
- Family disputes
- Babies crying
- Smells from cooking
- Sounds of normal living such as opening and closing of doors, going up and down stairs, toilets flushing
- One-off parties such as BBQs, birthday or Christmas parties providing they don't cause an unacceptable disturbance
- Clashes of lifestyle, including cultural differences
- DIY noise that is taking place at reasonable hours
- Minor personal differences such as dirty looks or fall outs between children
- Putting rubbish out on the wrong day
- Parking in the wrong space

Although we understand that this can affect some residents, this sort of noise is part of everyday life, and we will not investigate it as a formal ASB case. We do also understand some everyday living noises can be a cause for concern or cause neighbouring residents' distress or inconvenience. Where this is the case, we will try to work with the relevant residents to try and work out a mutually suitable resolution. This may involve mediation, advice or other steps. Where a report is not being considered as ASB, we will clearly explain why and what, if any policy, does apply.

## 5. Key Principles

Our approach to managing ASB is based on the following key principles:

- We take a victim-centred and robust approach to tackling ASB, including prevention and early intervention.
- We risk assess all reported ASB incidents to determine their severity. This includes looking at the vulnerability of those experiencing ASB in order to assess the support and action required and to be able to prioritise those most vulnerable or at risk of harm.
- We have an expectation of our residents to take responsibility for their own behaviour and that of their household and visitors. Our tenancies, leases and license agreements place a duty on our residents to respect others and to not damage properties.
- We expect residents to resolve minor issues themselves as appropriate, and we actively encourage them to do so in the first instance.
- We believe residents have the right to enjoy their homes and are entitled to live their day to day lives without having concerns that complaints of ASB will be made against them.
- We will work in partnership with other agencies and organisations to prevent and reduce ASB and to ensure the best outcome for the victim.
- Our powers to respond to ASB are related to those we have as a housing provider and will vary depending on whether the resident is a tenant or a homeowner.

- We provide staff with training, clear guidance, policies and procedures so that they can deal with cases of ASB effectively, use the appropriate enforcement tools, and are aware of the wider issues associated with ASB, including hate crime and safeguarding.

## 6. Reporting ASB

Anyone can report ASB directly to us - this can be by phone, in writing, in person, by email, on our website, via social media or Whats App. Incidents of ASB should be reported within six months of the event occurring as this allows us to effectively investigate. We will deal with reports of ASB that affect our residents or are caused by our residents (or a person they are responsible for)

All reports of ASB will be taken seriously and logged on our housing management system. We expect those reporting ASB to keep a full and truthful record of incidents.

We will confirm with the complainant how they wish to be kept updated and not disclose their details to the perpetrators without first seeking consent. . We will advise the complainant that the report will be managed within the framework of this ASB policy. We will also record anonymous reports and take action where we find evidence of ASB.

Outside of office hours depending on the severity of the ASB, incidents can be reported to the Police or environmental health officers at the Council.

## 7. How we deal with ASB

We will acknowledge all initial reports of ASB within 2 working days.

We follow a case management approach to fully investigate reports of ASB:

Stage 1 - opening and recording a case

Stage 2 - investigation and action planning

Stage 3 - delivering the action plan

Stage 4 - case closure

At each stage of the process, we will ensure we retain comprehensive records, ensure they are accurate and record outcomes

### **Opening and recording a case:**

ASB can be reported by our own residents, residents of other landlords, third parties or by a member of staff observing or experiencing ASB. At this stage we try to capture as much information as possible from the complainant.

We will consider if a report is anti-social behaviour or noise which is not covered by this policy to ensure the correct processes are implemented. All residents or customers who report an incident of ASB will be assessed for their risk and vulnerability to ensure the appropriate level of support can be provided and any safeguarding issues are identified.

### **Investigation and action planning:**

When a report of ASB is made we will meet both the complainant and alleged perpetrator where possible. If appropriate, we will also talk to neighbours and other relevant local agencies. We will review and listen to all information, recordings and evidence provided to us in respect of the ASB report.

We will investigate any vulnerability or support needs of the parties involved and ensure these are addressed. If we have not been able to resolve the ASB at this stage, this will help us to develop an appropriate action plan.

#### **Delivering the Action Plan:**

This focuses on two aspects of managing ASB:

- Early intervention - aimed at bringing the ASB to an end with minimal delay and expense. It is also vital that we are able to manage the expectations of the complainant.
- Legal remedies are pursued if the early intervention does not modify the behaviour.

The methods used will be proportionate to the seriousness, impact and frequency of the behaviour, the level of risk that it poses to those affected, and the evidence available to support the case.

These actions may require working in partnership with other agencies and we will support other agencies in taking action where they have the prime responsibility and powers to do so. If there is an ongoing police investigation, we may wait to see the outcome of this before taking further action.

We are reliant on those reporting ASB and other agencies to provide us with evidence to take enforcement actions. Where insufficient evidence is available, our ability to resolve ASB is limited.

#### **Case closure:**

Cases are normally closed with the agreement of the complainant. However, there may be occasions where the case is closed without agreement. Cases can be closed at the end of any of the three stages. The complainant will be advised when the case is being considered for closure. This provides an opportunity for the complainant to provide further information of any continuing nuisance.

Examples of reasons for closing a case include:

- The ASB has been resolved or has stopped
- After an initial investigation, the the behaviour cannot be reasonably regarded as ASB
- There is no or insufficient evidence to take action
- The complaint is withdrawn by the one person who had reported it.

On a monthly basis, the relevant manager will monitor and review all open ASB cases with the officer responsible for managing the case. This will involve checking the status of a case, ensuring complainants are being contacted in line with the agreed timescales, any suggestions of other routes that could be taken where it is a complicated case, and ways in which a resolution can be found that is best for all involved.

## **8. Prevention & early intervention**

We aim to prevent ASB from happening by adopting a number of approaches including:

- Using starter tenancies in compliance with our lettings policy
- Having effective pre-tenancy checks
- Setting out clear expectations on how to be a good neighbour when new tenants sign their tenancy agreements
- Developing Good Neighbour Agreements for new and existing communities where needed
- Neighbourhood Walkabouts – where the Neighbourhood Manager regularly attends site and conducts ‘walkabouts’ to identify any emerging ASB issues, with residents also invited to attend.
- Where possible recommending and ensuring ‘secure by design’ standards on new schemes
- Fitting CCTV , carrying out estate environmental improvements and other security measures as a deterrent

- Encouraging and supporting community initiatives to deter ASB and crime
- Working in partnership with local authorities, the police, and other agencies on preventative strategies and planned solutions

We recognise that by addressing ASB early, we are more likely to be able to stop problems escalating in the majority of cases. Examples of the informal actions we may take include:

- Providing advice and assistance to victims at an early stage including encouraging a neighbour to find their own solution
- Verbal and written warnings
- Making referrals for support
- Using mediation services at an early stage and where appropriate
- Using Acceptable Behaviour Agreements and Parenting Agreements when appropriate
- Using Good Neighbour Agreements
- Providing diversionary activities.
- Restorative justice

## **9. Multi agency partnership working**

We recognise that most anti-social behaviour cannot be tackled in isolation by a single agency and that working in partnership with other agencies is necessary. Relevant agencies that we will work with include:

- Community Safety Partnerships
- The Police
- Local Authority including mental health teams, support services etc
- Housing Providers
- Fire & Rescue Service
- Probation
- NHS Trusts

We will share information with third parties where we have an information sharing protocol in place, there are safeguarding concerns, or we have a duty to do so for the purpose of crime prevention under the provisions of the Crime and Disorder Act 1998.

## **10. Support for complainants, victims and witnesses**

Our responses to anti-social behaviour will be focused on the needs of the victim(s). We will deal with any complaint promptly, keep the complainant informed of any developments relating to their complaint, and refer to witness support services where appropriate. We understand that sometimes witnesses can be worried about giving evidence, regardless of whether or not they were the victims of ASB. We will continue to develop our approach so that witnesses feel supported through the process, including giving evidence in Court.

In exceptional cases and where we are unable to obtain satisfactory evidence of anti-social behaviour, we may use professional witnesses.

As a general rule we will not rehouse victims / complainants, instead preferring to seek to stop the anti-social behaviour and not move the parties concerned.

## 11. Support for perpetrators

We recognise that in some cases perpetrators may themselves be vulnerable and in need of our help so that they can live peacefully with their neighbours.

- We will look to signpost perpetrators of antisocial behaviour who are vulnerable themselves to specialist advisors to prevent or manage issues as they arise. Our ability to do so may be impacted by a perpetrator's willingness to engage.
- 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 Equality Act 2010, we will ensure that we carry out a proportionality assessment in respect of legal action to ensure that such steps are proportionate.

By providing support alongside other interventions, we can tackle some of the underlying causes of ASB. However, we may take enforcement action against perpetrators if their behaviour does not improve, or they refuse to engage in the support offered.

As a general rule we will not rehouse perpetrators of anti-social behaviour instead preferring to seek to stop the anti-social behaviour and not move the parties concerned.

## 12. Legal tools & powers to tackle Anti-Social Behaviour

Where warnings and attempts at early intervention have not worked or where the behaviour is serious, enforcement action will be considered. We will decide what enforcement action is most appropriate on a case-by-case basis and reserve the right to take whatever action we consider to be reasonable in the circumstances. We will record our decision making in respect of the legal tool opted for and why.

Origin will use any legal remedies that are available at the time, which may include:

- Injunctions (with or without notice)
- Demotion of tenancy
- Extending the Starter Tenancy
- Possession proceedings

Any antisocial behaviour cases where legal action is applicable will be reviewed by the Team Manager to assess the likelihood of success and to limit unnecessary spend in pursuing cases in court where success is likely to be limited.

There may be situations where other agencies have the best tool to address the problem and, in these cases, we will work with that agency to support that action. Powers that are available to the Police or Local Authority include:

- Criminal Behaviour Orders
- Dispersal powers
- Community Protection Notices
- Public Spaces Protection Orders



- Closure Orders
- Injunctions

### **13. Complaints and appeals**

#### **Community Trigger**

The Community Trigger is a process which allows members of the community to ask their local Community Safety Partnership to review responses to complaints of ASB where they feel that their concerns of ASB have not been dealt with satisfactorily.

We will appoint a relevant member of staff to liaise with the relevant body and cooperate fully if a request for review is made by a resident. The relevant member of staff will coordinate our response and oversee any recommendations attributed to us.

As the threshold for review is defined locally it will vary from area to area. Details of the Community Trigger, and how to put this into practice for each area, are publicised via local authority and police websites.

Additionally, residents and customers who have been involved in an ASB case handled by Origin who want to make a complaint regarding how their ASB report was handled, can contact our Customer Relations Team.

### **14. Equality and Diversity**

We recognise that certain people and groups may be disproportionately affected by crime and ASB because of their race, gender, gender reassignment, disability, sexual orientation, religion or belief or age. Our approach to ASB is victim centred - our risk assessment approach identifies any vulnerabilities and protected characteristics that need to be considered in our response times and action plan. This assessment ensures the appropriate level of support can be provided to victims.

Our approach recognises that some perpetrators may themselves be vulnerable and require additional support to help them sustain their tenancy.

### **15. Resident Involvement**

We asked our panel of Together Residents and residents who had complained about ASB in the last 12 months to provide comments on this policy. Any suggestions or amendments have been considered and incorporated where possible within the document.

### **16. Communication of Policy**

We will publicise our approach to tackling ASB in leaflets, resident communications, our website and social media

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

## **17. Monitoring and review**

The Head of Housing Services has overall responsibility for the delivery, monitoring and reviewing of this policy. Team Managers in Neighbourhoods and Care and Support have operational responsibility for managing ASB and ensuring staff awareness, training and communication to residents.

We will monitor the feedback we receive about how we manage and respond to cases of ASB to support continuous improvement.

We 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.

We will also report on how many live ASB cases we have per 1,000 properties.

This policy will be reviewed every three years unless legislation, regulation or sector developments require otherwise, to ensure that it continues to meet the stated objectives and take account of good practice developments.