

Anti-Social Behaviour Policy

If you need any information in a different format, for example, large print, Braille, audio file or another language, please email Communications@housing21.org.uk

Version number	3
Issue date	December 2024
Review date	December 2027
Board approval required?	No
If yes, date approved by the Board	N/A
Author's name and job title	Joanne Kinsella, Housing Quality & Standards Lead
Policy owner and job title	Kris Peach, Managing Director, Extra Care and Pam Mastrantonio, Managing Director, Retirement Living
Policy Steering Group approval date	TBC

Summary and Policy Aim

Housing 21 recognises that anti-social behaviour (ASB) can have a negative impact on our residents, our schemes, our communities, and our employees. ASB directed at people visiting our residents and carrying out a lawful activity at our schemes within our properties will also be dealt with under this policy, where appropriate. This policy aims to primarily minimise ASB. However, as it is not always possible to prevent ASB we also aim to efficiently identify and mitigate ASB in a way that is fair to all parties involved. This policy sets out that where behaviour is considered to be ASB, and affects our housing management function, we will act promptly and decisively to assist in resolving the matter. The policy offers a process to support this ensuring we provide a consistent and proportionate response that also addresses preventative and proactive measures. To deal with ASB effectively it might be necessary for us to work with our partners to get help for the involved parties any assistance possible, as we may not be equipped to handle every case. This might require the sharing of information; we will ensure that this is done safely and that confidentiality is preserved where possible.

Equality, Diversity and Inclusion

Housing 21 aspires to embed diversity and inclusion within all our organisational activities to enable these principles to become part of our everyday processes.

This Anti-Social Behaviour Policy will be applied fairly and equitably, irrespective of residents' personal characteristics. When engaging with our residents on their satisfaction with the handling of their report, Housing 21 will actively seek feedback from the full diversity of our resident population.

To ensure inclusive outcomes for all parties, consideration of individual requirements may necessitate reasonable adjustments to how this policy is applied and will be considered on a case-by-case basis. This includes but is not limited to, consideration of adaptations to meet the needs of residents with disabilities.

Definition: What is Anti-Social Behaviour (ASB)

Our starting position when deciding whether something is ASB is the housing-related definition of ASB that is found within Part 1 of the ASB, Crime and Policing Act 2014, it defines ASB as:

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

It is nationally recognised that the practical application of defining ASB is difficult. There is not a definitive list of what is and what isn’t ASB, and different people have different tolerances, expectations, and perceptions.

There are lots of behaviours that people may consider to be causing nuisance and annoyance to them, which would be inappropriate to classify as ASB and/or breaches of tenancy. Because of this, we will also consider the behaviour that has been reported to us as unreasonable.

To decide whether something is unreasonable, we adopt a harm-centred approach, considering the circumstances of each individual case and looking at ways to protect from and prevent from further harm. We are likely to consider the following when making this decision:

- How often the incidents are happening
- The duration of the incidents
- The times of day the incidents are occurring
- The impact that the incidents are having on the person reporting the incident
- The intention behind the behaviour
- Our obligation as a Housing Provider

In addition to considering the legal definition and whether the behaviour is unreasonable, the behaviour must also be affecting our housing management function. We may, therefore, take action against non-residents if their behaviour affects our housing management function. In some cases, there may be another agency that is better placed to manage the case (such as another Registered Provider if the alleged subject is a tenant of theirs). The decision about who the lead agency should be made on a case-by-case basis.

Types of ASB

Whilst we cannot provide a complete list (for the reasons stated above), the following provides some guidance on the types of behaviour we are likely to consider as ASB:

- Harassment/intimidation/verbal abuse/threatening behaviour
- Domestic abuse
- Physical violence
- Hate crime
- Vandalism
- Alcohol-related nuisance
- Unreasonable and deliberate noise
- Pet and animal nuisance
- Garden-related nuisance
- Litter/rubbish/fly-tipping
- Graffiti
- Drug-related nuisance
- Direct and indirect discrimination that targets members of protected groups under the Equality Act 2010 because of perceived differences (age, disability, gender reassignment, marriage and civil partnership, race, religion or beliefs, pregnancy and maternity, gender, and sexual orientation). *Please also refer to our Hate Crime Policy

The types of behaviour that we are unlikely to categorise as ASB (because we do not deem them to be unreasonable) include:

- Mowing of lawn or other garden maintenance at reasonable times
- Carrying out DIY at reasonable times
- Noise generated from everyday living
- Noise from domestic appliances
- Children playing in acceptable areas
- Parking disputes

We will always consider the views of the person reporting a concern, but we are ultimately responsible for:

- Deciding if a report is ASB
- Deciding how it should be categorised
- Agreeing the most appropriate course of action in a case.
- Taking action for any malicious complaints
- Keeping the parties updated
- Keeping partner organisations updated

Where we decide that a report is not ASB we will:

- Inform the reporter as soon as possible
- Provide practical advice and guidance, if appropriate
- Consider a referral to mediation if we believe that it would help resolve a situation at risk of escalation
- Consider whether a referral to a support service would assist the reporter in building resilience.
- Consider if the matter should be dealt with under the Noise Nuisance procedure
- Consider if the matter should be dealt with under the Neighbour Dispute procedure

ASB directed at our employees and contractors

Unfortunately, it is sometimes our employees or contractors that are subjected to ASB. We strongly believe that our employees and contractors should be able to conduct their duties without ASB being caused to them and we will not tolerate such incidents. This includes from the resident themselves, or any of their household members (including any animals) or visitors to their property.

Where ASB has been directed at an employee or contractor, we will consider it in line with this policy and take positive action to support their wellbeing.

Optional measure to support our employees include:

- Line Management Support, including regular check-ins, personalised risk assessments and action plans
- Employee Support Program: Offering comprehensive support through our Employee Assistance Program, providing confidential counselling and assistance managing the impact of ASB

- **Training and Awareness:** We provide training sessions to help them deal with ASB effectively, ensuring they are prepared and know how to respond in potentially harmful situations
- **Use of Legal Measures:** In severe cases, we will escalate for authorisation from senior management where we may consider taking legal measures to protect our employees under the relevant legal frameworks, such as injunctions, the ASB, Crime and Policing Act 2014, and Housing Act 1988.s, such as using an injunction or taking tenancy action.

Neighbour Disputes

We class a neighbour dispute as a situation where there is a disagreement between parties, usually relating to lifestyle choices. Examples include arguments over boundaries, placement of rubbish bins, the parking of cars or differences of opinion.

Sometimes we may inevitably live close to people that we do not get along with. We believe that everyone has a social responsibility to be courteous to those who live and work in our community and local areas. We believe that disagreements about lifestyle differences etc, should be something that the parties try and resolve themselves and therefore, we are unlikely to categorise this as ASB.

We own many housing schemes, each with numerous homes and shared spaces. This can lead to reports being made that relate to behaviours such as:

- The use of the laundry area
- Recreational activities and issues such as one resident not being invited to take part
- Gossiping with other residents
- One party not liking another party.

Whilst we understand that these things can cause upset or annoyance, we do not consider them to be ASB. We would consider whether to deal with these cases through our Neighbour Dispute procedure and will work to try and promote tolerance and understanding within our schemes and communities. We may refer parties in dispute to mediation services as a way to prevent matters from escalating. There may also be occasions whereby neighbour disputes cause a detrimental impact on other residents and/or affect the housing management function, whereby we may need to consider further action.

For clarity, any actions relating to an individual's personal characteristics as defined in the Equality Act 2010 because of perceived differences (e.g., age, disability, gender reassignment, marriage and civil partnership, race, religion, sexuality etc or beliefs, pregnancy and maternity, gender, and sexual orientation), will be categorised as ASB and be dealt with in line with our Hate Crime Policy.

Noise Nuisance

Noise complaints about excessive, disturbing, or unreasonable noise coming from a neighbouring property will not always result in an ASB case being opened and may be dealt with under the Noise Nuisance procedure.

However, we understand that noise can impact a person's quality of life, and well-being, cause sleep disturbance, emotional and physical stress and we will consider a number of options to help resolve:

- Review practical measures that can be taken to help reduce noise issues
- Adopt different terminology to that used when dealing with ASB cases, such as using terms - Party A and Party B, instead of Victim/Complainant and alleged Perpetrator
- Assess the impact and risk caused by noise, rather than focus on what type of noise
- Distinguish between what is a noise complaint and what is a complaint about ASB and respond accordingly
- Consider relevant reasonable adjustments
- Work with and refer to partner agencies, such as Environmental Health, and Social Services for further expertise and assistance
- Use data and insights to identify potential service improvements

Managing ASB

Prevention

Our preference is to prevent ASB from occurring in the first place. We endeavour to achieve this through the following means:

- Having a robust sign-up process which clearly outlines customer responsibilities
- For all residents to commit to the 'Good Neighbour Agreement' at the commencement of the tenancy and annual Court Service Agreement reviews
- Ensuring resident receive the support required to sustain their tenancy
- Providing information to our residents through community meetings, communications through our schemes, newsletters, social media posts etc.
- Promote equality, fairness and tolerance

Reporting

We seek to make reporting ASB as easy as possible, usually to the scheme employees or their line manager in the first instance. We will accept reports and any evidence of ASB via various means, including but not limited to:

- Face to face
- Via telephone, email, note or letter
- Through social media
- Via our Pull Cord/Pendant systems
- From third parties, such as family, an advocate, Police, or a support worker.

We may receive reports anonymously. Without the name of the reporter however, it can be challenging for us to progress the report further, given that we will often need to gather further details from the person making the report. Where we have received an anonymous report, we will assess the severity of the behaviour that is being reported, what the possible motivations of the reporter may be and whether there are any other means of gathering further information, such as speaking to the Police if the behaviour reported constitutes a criminal offence. If we decide that we cannot take the report further, we will log in to our case management system for future reference.

ROLES AND RESPONSIBILITIES

Person(s)	Responsibilities
Housing & Care Manager/ Housing Manager/Local Housing Manager	To acknowledge and investigate reports Complete actions agreed upon or necessary Assess the risks and vulnerabilities of all parties Communicate with all parties throughout Implement any reasonable adjustments required
Regional Extra Care Manager/ Neighbourhood Services Manager/Operations Managers	To conduct regular discussions on case progression To monitor Policies & Procedures being adhered to To monitor that case is logged on ERICA To authorise any additional measures/interventions To authorise legal guidance and/or remedies
Deputy Head/Regional Operations Managers	To monitor any cases at the legal stage Ensure escalation to ASB case review where appropriate
Heads Of Service	Authorise eviction proceedings
Community Cohesion Lead	Arrange training on the policy & procedure Ensure guidance is reviewed and updated when required. Quality check randomly selected cases Support services dealing with complex/legal cases Authorise and monitor the use of mediation services
Residents	Meet the terms & conditions in their Tenancy Agreement Engage and adhere to standards set in the Court Service Agreement Report Issues to the scheme manager Engage in resolving matters with others

Risk and Vulnerability

We seek to prioritise reports of ASB that are most serious, to ensure that any risk of harm is managed quickly and appropriately. We use two categories of ASB: high-risk and general.

The table below indicates the behaviour that falls under each category and the response time (the time it takes for us to make initial contact with the reporter):

Case category	Examples of behaviour	Response times
High Risk (likely to include matters where there is a genuine risk of physical or psychological harm)	Threats of violence, actual violence, Crime, Hate Crime or matters where the victim/s has high levels of vulnerability	Within 24 working hours of receiving the report
General	All other types of ASB	Within five working days of receiving the report

A case may be re-categorised during our case management processes if we determine, for example, that the behaviour and/or risk has become more serious.

Vulnerability

We also recognise that the people causing ASB may be vulnerable, suffer from mental health issues that may demonstrate behaviours perceived as anti-social, and/or have a support need that is exacerbating the behaviour. Whilst not an excuse, we understand that leaving any needs unaddressed is likely to prolong the harm to all parties. In addition, helping them to address a need can prevent/stop the ASB without having to resort to any formal action.

We will work to identify and address the vulnerability of all parties at various stages throughout our casework:

- Recognising early signs of risk, suffering mental health issues and vulnerability at initial contact
- Complete a full Risk Assessment and Public Sector Equality Duty form for both parties (where required and possible). The results will guide the case management response and the steps we take to support everyone involved
- We continue to review the risk assessments throughout the case and take necessary action if the risk level changes.
- We are committed to working with relevant partners, such as mental health services and organisations to support anyone exhibiting or suffering ASB
- Reasonable adjustments will be explored that help meet the needs of the individual

We will complete a proportionality assessment to consider the needs of the subject when taking legal action so that we are confident our action is a proportionate means to legitimate aim. In addition, where we know or believe the alleged subject to have a protected characteristic, we will consider our duties under the Equalities Act when taking legal action.

When managing cases involving parties with support needs, we adopt a twin-track approach, meaning that enforcement (non-legal or legal) and intervention can be taken at the same time. Our priority is to stop the ASB and harm. A support need will not stop or delay us from taking the appropriate action. Non-availability of required support and refusal or non-engagement from the subject (including disguised compliance) will also not be allowed to prevent or delay action being taken, where necessary.

Even if we haven't assessed to have a high level of vulnerability, we will offer support to all parties as a matter of course, which may include:

- Ensuring all parties have a point of contact
- Maintaining regular contact
- Not making promises and managing expectations fairly
- Keeping all parties updated on the progress of their case, within the realms of confidentiality
- Make them aware of how to escalate to an ASB Case Review if they are unhappy with the progress of the case.

Witness and Victim Support

Whilst our preference is always to deal with ASB through informal methods, legal action will sometimes be required. To be able to take legal action, we require evidence and often this will come from those who reported the matter (which might include our employees or contractors, when they have been witnesses to, or victims of, ASB). We appreciate that this can be daunting, and we aim to make the witness feel as supported as possible during the process of giving evidence.

Depending on the needs, appropriateness, and availability, we may offer the following support to our witnesses:

- Practical advice on court hearings and giving evidence
- Pre-court visits
- Logistical support relating to travel and attendance
- Following hearings, explaining court outcomes and next steps.

Quality of life and an individual's mental health can be significantly affected by ASB and we will support the victims by:

- Being available to talk to
- Speak to different agencies for further assistance
- Keeping the victim informed throughout the investigation

Partnership Work

Partnership working is essential to achieving success in dealing with ASB. We will work in partnership with a variety of organisations across all districts where we own and manage homes including, but not limited to:

- Local Authorities
- Police Services
- Fire and Rescue Services
- NHS Medical / Mental Health Teams
- Social Care (Adult/Children)
- Youth Offending Team/Probation
- Third or Voluntary Sector service providers.

We recognise the importance of talking to relevant partners before deciding about action in an ASB case. It is key that we have all information, about negative behaviour and support needs, to make the most informed decision. We may require the support of our partners to be able to take action or may feel that our partners have a more suitable tool to address the problems concerned.

ASB Case Reviews

Anti-social behaviour can have an overwhelming impact on its victims and, in some cases, on the wider community.

The Anti-social Behaviour, Crime and Policing Act 2014 introduced specific measures designed to give victims and communities a say in the way that complaints of antisocial behaviour are dealt with.

This includes the anti-social behaviour case review, formerly known as the community trigger, which gives victims of persistent anti-social behaviour reported to any of the main responsible agencies (such as the council, police, and housing provider) the right to request a multi-agency case review where a local threshold is met.

The threshold to request an ASB Case Review must include:

- the frequency of reports
- effectiveness of the response
- potential harm to the reporter or people raising concerns

The threshold is about the incidents reported, not whether the agency responded. The threshold should be no higher than 3 complaints, but agencies may choose to set a lower threshold. If the qualifying complaints were made, a case review must be held to then determine the adequacy of the agency responses.

Informal action

We seek to resolve ASB at the earliest possible stage, using non-legal remedies, where possible. We have a range of non-legal remedies available, including but not limited to:

- Mediation/Solution Meetings
- Warning letters
- Meetings
- Acceptable Behaviour Agreements
- Good Neighbour Action Plans
- Cease and Desist letters

Legal action

Where appropriate and proportionate, we will consider the use of legal remedies to resolve the issues of ASB. The legal actions we may take include:

- A Part 1 ASB, Crime and Policing Act 2014 Injunction
- Proceedings against the tenancy. This action will depend upon the tenancy type concerned but may include proceedings under s21 of the Housing Act 1988 or using the discretionary or mandatory grounds for ASB found in Schedule 2 of the Housing Act 1988 (Ground 14 and 7(a)). We will ensure that the notices are served correctly and, where a mandatory route is taken, the tenant has a right to appeal the decision.
- Proceedings against another occupancy agreement such as a licence or a lease.

In some situations, we may consider that the most effective tool to tackle the issues is not one we have legal recourse to. In these circumstances, we will work with the partner agency seeking the order and support them in this action.

In addition, we will also ensure:

- A full proportionality assessment is conducted and management approval is sought before any legal action
- Support is provided to all parties throughout any legal process

Relevant Legislation

Other associated legislation, relevant to tackling ASB, includes but is not limited to:

- The Anti-Social Behaviour, Crime and Policing Act 2014
- Housing Act 1996
- Civil Evidence Act 1995
- Crime and Disorder Act 1998
- Data Protection Act (GDPR) 2018
- Housing Act 1988
- Children Act 1989
- Anti-Social Behaviour Act 2003
- Human Rights Act 1998
- Equality Act 2010

There are also several internal policies that should be considered in conjunction with this document which refers to the relevant statute where not listed above, including but not limited to:

- Domestic Abuse policy
- Complaints policy
- All relevant safeguarding policies
- Hate Crime Policy *
- Mental Capacity Act Policy
- Pet policy
- Allocations Policy
- Unacceptable Behaviour Policy
- Reasonable Adjustments Policy
- Grievance Policy
- The Respect and Inclusion Policy
- Bullying & Harassment Policy