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**Anti-Social Behaviour Policy**

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**Summary**

We understand that anti-social behaviour (ASB) can have a negative impact on our people, our schemes, our communities, and our employees. The aim of this policy is to primarily minimise ASB. However, as it is not always possible to prevent ASB also aim to be able to efficient at identifying and mitigating ASB in a way that is fair to both the victim and the perpetrator. This policy sets out that where behaviour is reported to us that we consider to be ASB, and which affects our housing management function, we will act quickly 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. order to deal with ASB effectively it might be necessary for us to work with our partners to get the victim the best help possible as we may not be equipped to handle every case. This might require sharing of information; we will ensure that this is done safely, and that the victim’s confidentiality is preserved where possible.

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# Relevant Legislation and Policies

## This document is produced to set out our approach to tackling anti-social behaviour (ASB) and comply with section 218A of the Housing Act 1996.

## 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 refer 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
* The Respect and Inclusion Charter.

# Policy Statement

## This policy applied to all employees in particular employees in Extra Care and Retirement Living, who have contact with our residents and customers.

## We understand that ASB can have a negative impact on our people, our schemes, our communities, and our employees. Where behaviour is reported to us that we consider to be ASB, and which affects our housing management function, we will act quickly and decisively to assist in resolving the matter. This policy sets out how we aim to do this and is designed to ensure that we provide a consistent and proportionate response.

## We offer several different occupation agreements to our residents. This policy applies to all matters of ASB, regardless of the type of agreement concerned.

##

## We judge how serious a matter is based on the behaviour type and the impact that the behaviour is having (commonly referred to as ‘a harm centred approach’). We will work to recognise victim vulnerability and take the appropriate steps to try and reduce any risk.

## We seek to use a wide range of informal and legal tools, with the aim of stopping the harm to the victim/s and rehabilitating the person causing the problems.

## We believe in empowering our residents and, where appropriate, encourage them to be part of managing the case. This might include asking them to manage minor issues themselves, or to seek advice from other agencies. Whilst we do not wish to unduly burden those people experiencing ASB, we will need them to cooperate with our processes, in order to manage their reports as effectively as possible. Where a lack of cooperation occurs, we will firstly consider whether we need to make any reasonable adjustments to our case management processes. If this is not required, we will explain what limitations the non-cooperation places upon our ability to deal with the ASB, which may include having to close the case without further intervention from us.

## We recognise that resolving ASB often requires a partnership response and, where appropriate to the case, we will work with other agencies. We embrace partnership working and will proactively play our part in managing complex cases, however, due to the nature of the cases that we often manage, there will be many cases that we cannot resolve alone and will require the cooperation of our partners to bring a long-term solution. We will constructively challenge non-cooperation, where we believe necessary, with the overall objective of ensuring cases are well managed and risks of harm mitigated.

## We also believe in being fair and open, managing the expectations of the people who we work with and support. There are limitations to the types of behaviour that we can deal with as ASB, as well as the assistance that we may be able to give. We will, however, be honest with residents about these limitations, at the earliest possible stage.

## We realise that there can be many factors that cause someone to behave in a way that causes nuisance or annoyance to others, including isolation, loneliness, and mental/physical wellbeing. We work to try and prevent ASB before it even occurs, by identifying these factors and working with our residents and communities to provide necessary support and assistance.

# Remit of Service

**Reporting ASB**

## We seek to make reporting ASB as easy as possible, usually to the local manager or their line manager in the first instance. We will accept reports of ASB via several different means, including but not limited to:

* Face to face
* Via telephone, email, or letter
* Through social media
* From third parties, such as the Police or a support worker.

## We may receive reports anonymously. Without the name of the complainant, 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 complainant 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 on our case management system for future reference.

## Sometimes we may receive reports of ASB through our complaints process. We consider a complaint to be an issue relating to the service we have provided, such as a case officer not keeping an appointment time. An ASB report is an incident of ASB that the complainant wishes to report to us. Reports made to our complaints team, which relate to ASB and not service complaints, will be forwarded to the relevant employee to manage under this policy.

# Definition and examples of ASB

## It is nationally recognised that defining ASB is difficult. There are many different legal definitions, all of which are subjective in nature. There is not a definitive list of what is, and what is not ASB, and different people have different tolerances, expectations, and perceptions.

##

## 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 capable of causing housing related nuisance or annoyance to any person”

## This is a low threshold. There are lots of behaviours that people may consider to be causing nuisance and annoyance to them, which would be inappropriate to class 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. 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 victim/s
* The intention behind the behaviour.

## 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-tenants if their behaviour affects our housing management function (such as if they are causing problems to our employees or residents). In some cases, there may be another agency who is better placed to manage the case (such as another Registered Provider, if the perpetrator is a tenant of theirs). The decision about who the lead agency should be made on a case-by-case basis.

## 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/intimation/verbal abuse/threatening behaviour
* Domestic abuse
* Physical violence
* Hate crime
* Vandalism
* Alcohol related nuisance
* Unreasonable 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).

## 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, where being used at reasonable times
* Children playing in acceptable areas.

## We will always consider the views of the complainant, 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.

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

* Inform the complainant 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 complainant in building resilience.

# Additional Parameters of our Service

## Some of our residents have additional needs and receive services from family members or support workers. ASB directed at people visiting our residents and carrying out a lawful activity at our schemes and/or within our properties will also be dealt with under this policy, where appropriate, as well as under our safeguarding processes as required.

## We may find that a report of ASB is because of domestic abuse. We recognise that we must be sensitive to such matters. Where the report appears to stem from domestic abuse, this policy should be read in conjunction with our domestic abuse policy.

## Hate crime is a serious form of ASB. Where a report of ASB appears to represent a hate crime, this policy should be read in conjunction with our hate crime policy.

# 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 action. This includes from the tenant 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 our ASB procedure and take positive action to support their wellbeing.

## Where necessary, the ASB, Crime and Policing Act 2014, and Housing Act 1988, give us legal tools that we can use to protect our employees, such as using an injunction or taking tenancy action.

# Neighbour Disputes

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

## It is inevitable that we are sometimes going to live near 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 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
* 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. Whilst we will work to try and promote tolerance and understanding within our schemes and communities, to avoid occurrence of these types of problems, we will not take tenancy action or categorise the matters as ASB.

## 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.

# Expectations of our residents

## Irrespective of the types of agreement, there are several common expectations relating to ASB placed upon our residents. They are responsible for the behaviour of every person (including pets, children, and lodgers), living in or visiting their property. This includes in the property itself, on surrounding land, in communal areas and in the wider locality. This responsibility remains whether permission was given/the behaviour encouraged or not.

## Each type of occupation agreement that we operate will have conditions relating to expected behaviour. These vary across the agreements but will broadly cover the following expectations, that our tenants (or household members/visitors):

* must not use or threaten to use menacing, abusive, or violent behaviour nor cause a nuisance, annoyance, or disturbance towards anyone living in, visiting, and engaging in a lawful activity in the locality of the property.
* must not commit or threaten any form of harassment on the ground of a protected characteristic which may, or is likely to, interfere with the peace and comfort, or cause offence to anyone living in, visiting, or engaging in a lawful activity in the locality of the property
* must not use the premises or allow them to be used for immoral or illegal purposes
* must not engage in any form of criminal activity.

# Respect and Inclusion Charter

## To set expectations at point of entry to contribute to a culture of inclusion and to encourage reflection on what it means to be a ‘good neighbour,’ we will present to our new residents a Respect and Inclusion Charter. The Charter’s expectations are:

* We treat everyone with dignity and respect
* We create an environment where people can be themselves
* We seek out diverse perspectives and hear all voices
* We seek to understand other cultures, practices, and experiences.

## Not every breach of these principles would constitute as ASB, and this Charter recognises that breaches can be thoughtless, careless, or malicious. Where an instance is judged to be malicious, or where thoughtless or careless instances are repeated, this ASB policy should be pursued.

## Malicious instances are likely to occur:

* By a resident’s own admission
* Where somebody’s characteristics are used against them
* When others are intentionally excluded or made to feel uncomfortable for practising their beliefs
* When hatred is deliberately encouraged.

# Risk and Vulnerability

**Prioritisation**

## 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 complainant):

|  |  |  |
| --- | --- | --- |
| **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, Hate Crime or matters where the victim/s has high levels of vulnerability | Within 24 working hours of the case officer receiving the report  |
| General  | All other types of ASB  | Within five working days of the case officer 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.

# Victim Vulnerability

## We work to identify and address victim vulnerability at various stages throughout our casework:

* Recognising early signs of risk and vulnerability at initial contact
* The case officer will complete a full risk assessment once complete details have been gained from the complainant. The results will guide the case management response and the steps we take to support the complainant
* We continue to review the risk assessment throughout the case and take necessary action if the risk level changes.

## Even if a complainant does not have a high level of vulnerability, we will offer some support as a matter of course, which may include:

* Not making promises and managing expectations fairly
* Ensuring the complainant has a point of contact
* Maintaining regular contact
* Keeping the complainant updated on the progress of their case, within the realms of confidentiality
* Making them aware of their local community trigger process, if they are unhappy with the progress of the case.

# Witness Support

## Whist 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 complainants (which might include our employees or contractors, when they have been witness 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.

# Perpetrator Support

## We hold lots of information about our residents and their circumstances. We work to try and identify some of the factors that might contribute towards undesirable behaviour, such as poor mental-health, loneliness, and isolation, allowing us to intervene to prevent ASB from occurring in the first place.

## We also recognise that the people causing ASB may be vulnerable and/or have a support need that is exasperating 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 the perpetrator to address a need can stop the ASB without having to resort to legal action.

## We will consider the needs of the perpetrator at various stages throughout a case. We will consider whether we can offer any further support and/or whether a referral should be made to another agency or multi-agency group. A discussion will take place with the perpetrator before doing so.

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

## When managing cases involving perpetrators 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 to complainants/victims. 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 perpetrator (including disguised compliance) will also not be allowed to prevent or delay action being taken, where necessary.

#

# Safeguarding

## We recognise that employees dealing with ASB are likely to come in to contact with children and/or adults for whom there are concerns about safeguarding issues.

## We will actively participate in local multi agency arrangements for safeguarding children, young people, and adults, where they are relevant to our work and residents.

## Awareness of, and sensitivity to information sharing protocols and data protection is crucial however, safeguarding concerns override the need for confidentiality in respect of relevant statutory authorities if all activity is properly recorded, within the timescales outlined within our safeguarding policy (24-hours).

## All our employees have a duty to act in relation to safeguarding concerns. All employees will always comply with the requirements of the following policies in relation to safeguarding:

* Adult Safeguarding Policy
* Child Safeguarding Policy

# Action

## We have a range of actions available to address ASB. Our preference is to intervene early and deal with cases using non-legal means, however, we do not adopt an incremental approach and will take the action that is believed to be proportionate and that has a genuine chance of resolving the matter.

## We believe in working with our residents to empower them in their ASB cases. If the matter is appropriate, such as a minor issue with a neighbour playing music a little too loud, we may require residents to take action themselves to resolve the matter. This may include providing them advice and guidance about how to approach the neighbour and discuss the matters with them. We will only take this approach when the behaviour is minor and there is no perceived risk.

# Preventative action

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

* Having a robust sign-up process which clearly outlines customer responsibilities
* Using starter tenancies to monitor the conduct of tenants during the infancy of their tenancy, allowing us to take swift action to address any early breaches
* Providing information to our residents through community meetings, communications through our schemes, newsletters, social media posts etc.

# 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
* Warning letters
* Meetings
* Acceptable Behaviour Contracts
* Good Neighbour Agreements

# Legal action

## Where appropriate and proportionate, we will consider the use of a legal remedy to resolve the issues of ASB. The legal actions we may take includes:

* 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 in the correct manner 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 (such as the Closure Order). In these circumstances we will work with the partner agency seeking the order and support them on this action.

# Working in partnership

**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:

* District and County Councils
* 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.

## To enable effective information exchange and partnership working, we will attend partnership meetings that are relevant to our work, allowing us to create clear action plans for dealing with issues that require a partnership response. Each of the areas in which we work will have different partnership arrangements.

## We also 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.

# Information sharing

## We are party to several information sharing agreements to allow us to lawfully share information that is necessary for the purpose of detecting and tackling ASB and crime.

## Where we do share information with other agencies (or information is shared with us), we will ensure that the transfer of this information is done safely, the information is stored appropriately, it is not shared with a third party without permission (unless required by law) and is subject to an appropriate retention schedule.

## For ASB related matters, we will retain relevant information to the life of the associated tenancy. If the person we hold information for is not connected to a tenancy (they are neither the tenant, a household member, or a visitor), we will retain the information for a total of seven years.

## When we receive subject access requests we will deal with these lawfully and with appreciation of the Information Commissioners Office guidance in relation to these requests.

# Confidentiality

## Where a complainant asks for us to keep their details/identity confidential we will explain that this will greatly impact on our ability to take action. Whilst we do not name the complainant, we cannot take action without informing the perpetrator of the detail of the report made against them and sometimes the circumstances of the incident will make clear to them who the complainant is. If the complainant is fearful of repercussion, we will explain how we are able to support and protect them to encourage them to allow is to continue with our actions.

## There may be some information that a complainant tells us that we cannot keep confidential, even if they wish us to. This would include information relating to criminal behaviour and/or safeguarding issues. Where appropriate we will tell the complainant that we need to share the information and who with.

# Service Development

## **Performance monitoring**

## We will closely monitor the quality of the service that we provide in relation to ASB. We will do this by:

* Ensuring service standards are being met
* Completing customer satisfaction surveys (where possible)
* Ensuring vulnerability matrixes are completed and all actions are accurately recorded
* Conducting regular reviews of ongoing cases, to assess progress and identify any barriers
* Auditing cases for compliance with this policy and the ASB procedure
* Setting a range of key performance indicators, which helps us monitor the effectiveness and development of the service.

## We also believe that it is important to strive to continuously develop our ASB service. Feedback and observations from any of the above will be used to achieve this.

# Employee Training

## We are committed to providing employees with the necessary training required to be able to effectively deal with ASB and related issues. This training will be regularly refreshed and updated to ensure employees are kept abreast of changes to legislation or policy.

## Training needs are regularly explored with employees during one-to-one meetings, appraisals, and team meetings.

# Compliments, Suggestions and Complaints

## We welcome any feedback from our customers and partners, both positive and constructive. This can be sent directly us through any of the following means:

* Via your court manager or their line manager in the first instance
* Via our compliments and complaints telephone line: 0303 123 1622
* Via email to feedback@housing21.org.uk

Any feedback which is considered to be a service complaint will be dealt with in accordance with our Complaints Policy.

## We are also part of the Community Trigger process in each of the local authority areas in which it operates. This process allows residents to request a review of their ASB case, should they feel that it has not been dealt with or resolved appropriately. Each local authority area has a different process. The charity ASB Help has a directory which can be used to identify the correct process to use for the resident concerned: [CT Directory - ASB HELP](https://asbhelp.co.uk/ct-directory/)

## Should a complainant continue to make reports about issues that we have already explained we do not deal with then we will consider whether we need to take action to address this. For example, the repeated calls may suggest that the complainant have some support needs or vulnerability that we may be able to offer support for. Alternatively, the reports may be being made maliciously and/or having an unreasonable drain on our resources and therefore we may consider acting in line with our complaints policy, as it relates to persistent complainants.

# Review

## This policy will be reviewed every 36 months to ensure compliance with national best practice and legislation. This review may take place earlier if a significant change to legislation or policy occurs.

## The Head of Retirement Living South and Head of Extra Care North are responsible for reviewing this policy (or the equivalent role at the time of review).

## An external consultant, Janine Green, ASB Trainer and Consultant was appointed to write this version of the policy.