

# Anti-Social Behaviour Policy

## Contents

1. Our purpose
2. Overview
3. Aims and Objectives
4. Scope of Policy
5. Roles, Responsibilities and Duties
6. Impact Assessments and Key Considerations
7. Definitions
8. Our Policy
9. Monitoring and Reporting
10. Quality Assurance
11. Communication, Training and Implementation
12. Legal and regulatory framework
13. Information Sharing and Confidentiality

## 1. Our Purpose

We're proud to be able to support tens of thousands of people across England by providing affordable housing and care to help people live independently.

Everything starts at home, and we are privileged to be able to do work which makes a real difference to the lives of people in our communities. Everything we do is about people – whether that's providing a good quality, safe home or providing care which helps someone to live an independent life.

We live and breathe this social purpose.

## 2. Overview

We publish clear and accessible policies, which outline our approach to tenancy management and anti-social behaviour to ensure our colleagues can effectively prevent and tackle Anti Social Behaviour (ASB). In addition, we will provide information so that you, our customers, know what to expect.

We recognise the negative impact anti-social behaviour has on you and your wider communities and our first line of defence is to prevent ASB in the first instance and then utilise a range of measures and partnership working to manage ASB where prevention fails.

Properties managed on our behalf by another agency will also be subject to this policy where contractual terms allow.

This policy has been prepared and will be monitored in line with the community cohesion strategies published by relevant local authorities and with the Neighbourhood and Community Standard as published by the Regulator of Social Housing (RSH).

### 3. Aims and Objectives

- ◆ For our customers and future customers
  - Once we grant a tenancy, we will do all we can to sustain this. This will include working with internal departments, external agencies and with you in relation to preventing and tackling anti-social behaviour (ASB).
  - We will be clear about your responsibilities and rights in relation to ASB. We will report on our performance to our Locality Boards and Customer Panel.
  - We will have a strong focus on preventative measures tailored towards the needs of you, your family, your neighbours and your community.
  - We will take prompt, appropriate and decisive action to deal with ASB before it escalates, which focuses on resolving the problem, having regard to the full range of tools and legal powers available. Our responses and actions will be proportionate to the severity of the case and we will also set out those circumstances where we are not able to intervene (e.g. because the perpetrator is not a GSA customer).
  - We will take a victim-centred approach, ensuring that you can easily report ASB, are kept informed about the status of your case where responsibility rests with us, and are appropriately signposted where it does not.
  - We will provide support to victims and witnesses as reasonable and appropriate, working with, and signposting to, other agencies. This will include setting out what and how any evidence will be collected and recorded.
  - We will work to support you according to your needs, making specific provision if you have vulnerabilities.
  
- ◆ For our communities
  - We will work to tackle and prevent anti-social behaviour.
  - We will help support community cohesion by offering, where possible, life-time tenancies rather than fixed-term tenancies.
  - We will work within the Antisocial Behaviour, Crime and Policing Act 2014 to support those customers who have reported an incident three or more times within a 6 month period and are dissatisfied with how we have managed their case to activate a Community Trigger. (The Community Trigger refers to your right to request a multi-agency case review which is managed through the lead agency, usually the police or the local authority).
  
- ◆ For our stakeholders
  - We will meet the requirements set out by the Regulator of Social Housing.
  - We will work with local authority partners in developing their strategies, delivering their objectives and helping to deliver community cohesion.

- We recognise the importance of partnership and multi-agency working in addressing ASB, hate-related incidents and hate crime. We will develop and maintain effective partnerships with local, national, statutory, and non-statutory agencies who we can work with to tackle issues.
- We will attend multi-agency meetings, where we can make a useful contribution. This may include safeguarding meetings for adults and children, ASB groups, Multi-Agency Risk Assessment Conferences (MARAC), and Multi-Agency Public Protection Arrangements (MAPPA).
- The Anti-Social Behaviour, Crime and Policing Act 2014 encourages agencies to demonstrate to the Courts that they have tried to work collaboratively to resolve ASB and we are part of this process. Whilst we work in partnership, our role is that of landlord. Where responsibility for investigating an incident and / or the tools and powers available sit with another agency, such as the Police or local authority, we will provide that agency with appropriate support and any relevant information to help them resolve the matter.

#### 4. Scope of Policy

This policy applies to customers of all tenures.

#### 5. Roles, Responsibilities and Duties

- 5.1. The **Director of Homes and Communities** is responsible for:
- ◆ the regular review, implementation and monitoring of this policy and for reporting to boards, committees and customer panels as required.
  - ◆ negotiating strategic partnerships with local authorities and other partners
  - ◆ oversight on internal and external audit reports and for providing board assurance in relation to regulatory compliance
- 5.2. **The Head of Localities** in the Housing and Communities Directorate is responsible for:
- ◆ the development of procedures, customer information and leaflets and for producing KPIs.
  - ◆ liaising with local authorities, the police and other RPs in relation to Community cohesion and ASB strategies.
  - ◆ agreeing additional legal expenditure in accordance with the financial regulations' schedule of delegations.
  - ◆ approving permanent rehousing where necessary.
  - ◆ participating in external benchmarking.
  - ◆ providing local reporting e.g. to Locality Boards and local customer groups.
  - ◆ ensuring that team responsibilities are reflected in meetings and performance reviews, and appropriately covered within departmental business plans, standard operating procedures, contingency plans and strategies.
  - ◆ maintaining oversight on serious cases of ASB to ensure timely and appropriate action and communication.
- 5.3. **Locality Managers** in the Housing and Communities Directorate are responsible for:
- ◆ regular audits of all cases of ASB within their team

- ◆ approving mediation
- ◆ approving offers of temporary accommodation in relation to ASB or domestic abuse
- ◆ approving the extension of a Starter Tenancy from 12 to 18 months
- ◆ approving the ending of a Starter Tenancy
- ◆ ensuring colleagues are well-trained and supported to deliver this policy and associated procedure
- ◆ preparing information for reporting and monitoring purposes
- ◆ monitoring that standards are complied with
- ◆ taking action where data standards fall below those expected

5.4. **Housing Officers** are responsible for:

- ◆ issuing appropriate information, advice and guidance to you in relation to ASB
- ◆ undertaking tenancy checks and ASB interviews with you
- ◆ investigating instances of alleged ASB and providing appropriate documentation to you e.g. diary and incident-logging sheets
- ◆ supporting you and / or signposting in relation to ASB
- ◆ preparing legal paperwork, if necessary, for possession or injunction action
- ◆ carrying out qualitative surveys following the closure of an ASB case

5.5. **Working Groups**

Working Groups will be set up as and when required to consider improvements and changes to this policy and other associated policies and procedures.

5.6. **All Colleagues** are responsible for:

- ◆ delivering a customer-led service.
- ◆ responding effectively to reports and concerns about ASB, being mindful and understanding of the impact this behaviour may have on our customer.
- ◆ recording information in a timely and accurate way having regard to our policies and procedures relating to data protection and information governance.
- ◆ complying with the requirements of this and other policies and procedures relating to their role.

## 6. Impact Assessments and Key Considerations

### ◆ Customers

- We aim to increase your satisfaction levels by dealing with ASB effectively.
- Our approach is to offer a range of solutions to suit your different needs and changing circumstances as well as providing mechanisms to support you if you are vulnerable.
- We will comply with the Equality Act 2010 and ensure any reasonable adjustments are made, as per our Reasonable Adjustments Policy.
- We will make sure that roles and responsibilities are clear and that you have fair access to appropriate information and solutions for preventing and dealing with ASB
- We will provide translation services for community languages when required.

#### ◆ Communities

- We expect you, your family and visitors to act in a considerate and courteous way towards your neighbours, the community, our colleagues and our contractors.

#### ◆ Governance

- The Regulator of Social Housing requires social landlords to publish their policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties
- Approval for this Policy is required from the Homes and Customer Experience Committee and it will also be subject to review by our Customer Panel.
- We will review this Policy in line with any changes to the Neighbourhood and Community Standard as published by the Regulator of Social Housing and in line with good practice.

#### ◆ Partners

- We may also make use of external agencies to provide you with information, advice and guidance. We will also aim to signpost you to support networks and toolkits.

#### ◆ People

- We will make sure our colleagues are appropriately trained and understand how to implement this policy and the associated procedures.
- We will ensure our colleagues take a victim-centred approach and support you through what can be fearful and traumatic experiences.
- We will ensure we have the skills and expertise to conduct most legal work in-house. We will seek external legal support where this is required.

## 7. Definitions

- ◆ **ASB – Anti-Social Behaviour:** This is described in s2(1) of the Antisocial Behaviour Crime and Policing Act 2014 which describes anti-social behaviour as:
  - a). conduct that has caused, or is likely to cause, harassment, alarm or distress to any person;*
  - b). conduct capable of causing a 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.*

“Housing-related” means directly or indirectly relating to the ability to perform our housing management function.

Home Office Guidance sets out activities which are considered to be anti-social and / or criminal activity:

- Noise Nuisance

- Fly tipping
  - Harassment
  - Racial Harassment
  - Disorder arising from alcohol abuse
  - Dealing in illegal drugs
  - Intimidation
  - Kerb-crawling
  - Domestic violence and abuse
  - Nuisance vehicles
  - Corporate Nuisance
  - Verbal Abuse
  - Dangerous animals
  - Damage to property
  - Joyriding
- ◆ **Community Trigger** (or ASB case review) gives victims and communities the right to request a formal review of their case when they believe that they have had no response, or an unsatisfactory response, to their report of anti-social behaviour. It brings together partner agencies to find a joined-up solution or identify additional tasks that will bring about a resolution.
- ◆ **Harassment** is defined as *'the act of systematic and/or continued, unwanted and annoying actions of one party or a group, including threats and demands'*. The main types of anti-social behaviour in this category are:
- Hate incidents where the abuse involves your race, religion, gender, sexual orientation, age or disability
  - Intimidating behaviour
  - Violence or the threat of violence to another person
  - Abusive language
  - Malicious phone calls, texts and emails
  - Stalking
  - Begging
  - Hoax calls to the emergency services or other third parties
  - Animals not properly restrained in public places.
- ◆ **Hate Crime** happens when a person is targeted because there is a hostile attitude or prejudice towards their disability, race or ethnicity, religion, transgender identity or sexual orientation. Hate incidents can take many forms including verbal abuse, harassment, intimidation, physical violence or threats of violence, online abuse, inciting others, damage to property, graffiti, malicious reports.
- ◆ **MARAC** (Multi-Agency Risk Assessment Conferences) are meetings attended by agencies to discuss cases of domestic violence that professionals consider to be 'high risk'. The purpose of the MARAC is so that all the agencies involved in helping victims can agree how best to offer protection - this could include fitting alarms, offering alternative accommodation or referring to Independent Domestic Abuse Services (IDAS) for support. Agencies that attend MARACs include the police, housing, IDAS and health.

- ◆ **MAPPA** (Multi-agency public protection arrangements) are a set of statutory arrangements to assess and manage the risk posed by certain sexual and violent offenders. MAPPA were established by Sections 325 to 327 of the Criminal Justice Act 2003. They identify all relevant offenders; complete comprehensive risk assessments that take advantage of co-ordinated information sharing across the agencies; devise, implement and review robust Risk Management Plans; and focus the available resources in a way which best protects the public from serious harm.
- ◆ **Neighbour Disputes** are where two neighbours disagree about something in a way that becomes a source of ongoing distress and frustration.
- ◆ **Safeguarding** refers to the legal framework which exists to protect the rights of children and vulnerable adults to live in safety, free from abuse and neglect.

## 8. Our Policy

We take anti-social behaviour, harassment and hate crime seriously and tackle it using preventative measures, early intervention, partnership working, support and legal action. Our objective is to act quickly delivering a swift, proportionate and flexible response which is victim-centred. We work in partnership with other organisations and agencies, including the police, to take swift and effective action against perpetrators where necessary.

### 8.1. Tackling Anti-Social Behaviour

We manage anti-social behaviour through prevention, support and enforcement.

#### 8.1.1. Prevention

- ◆ We use a housing and support needs assessment for new applications to identify any individual risk and support needs prior to allocation and will usually request a previous landlord reference. This allows us to better identify support needs for households and understand vulnerabilities when allocating housing.
- ◆ We include concerns about proven previous conduct (including ASB) as a reason for refusing a letting.
- ◆ We will use lettings plans, starter tenancies, good neighbour agreements and acceptable behaviour agreements when appropriate, to clearly set out our expectations regarding acceptable behaviour.

#### 8.1.2. Support

- ◆ We will provide examples of what is unacceptable behaviour to help you identify what incidents should be reported and which may need a degree of tolerance.
- ◆ We will provide a number of reporting methods for you to raise concerns including telephone, email, through our website, via our customer portals, in person and by using our reporting App.

- ◆ Where criminal behaviour is at the route of the issue we will support you to make the appropriate reports to the police.
- ◆ We will respond to reports swiftly based on the impact of the report, providing the name of a dedicated contact.
- ◆ We will agree an action plan and frequency of contact where action is required.
- ◆ We will identify vulnerability or additional support needs or safeguarding concerns and make appropriate referrals to specialist agencies.
- ◆ We will promote multi-agency working to work and find solutions together.
- ◆ We will support with offers of temporary accommodation where appropriate and with permanent moves where these are required.
- ◆ Where appropriate we will encourage and support the setting up of Neighbourhood Watch and other support groups.
- ◆ We will ensure our colleagues are trained to effectively identify and manage ASB appropriately.

### **8.1.3. Enforcement**

- ◆ We will be clear on the range of interventions and solutions available and the extent and limit of our powers.
- ◆ We will use a range of informal and formal intervention measures that are reasonable and proportionate to effectively deal with ASB taking consideration of the Equality Act 2010 and Public Sector Equality Duty.
- ◆ We will deal with graffiti, property damage and security issues within an agreed timescale depending on each individual incident, agreeing this with the you and any involved agencies.

## **8.2. Customer Expectations**

- ◆ We expect you to try to resolve disputes or disagreements yourself when it is safe to do so and can provide advice on how to do this. In situations where self-help has failed, we will work with and support you and your community in effective management of ASB.
- ◆ In cases where you wish to remain anonymous, depending on the level of anonymity and information received this may limit our ability to investigate and resolve your report. In these cases, we will look to provide solutions to support your involvement. For incidents relating to safeguarding, hate or criminal activity we have a duty of care and may not be able to guarantee anonymity.
- ◆ If you are dissatisfied with the outcome of your case and want to appeal / ask for a review, this will follow our Complaints Policy or can be raised via a Community Trigger (if the requirements set out above are met). In cases where legal action is taken, any appeal against outcomes must be dealt with via the appropriate legal mechanism.
- ◆ We will contact you and ask for feedback on how satisfied you were in the management of a case through our Voice of the Customer Team, who work independently from our case officers.

## **8.3. What we will not investigate**

We expect a reasonable level of tolerance towards the lifestyles of others and will seek to make a fair evaluation on reports that could be considered part of everyday life. Examples of behaviour generally NOT considered to be anti-social include:

- ◆ babies crying
- ◆ breakdown in relationships where this is not in relation to domestic violence or does not otherwise create ASB or noise issues for other customers
- ◆ children falling out with each other
- ◆ children playing
- ◆ cooking smells
- ◆ disputes over placement of refuse or recycling bins, unless this is in relation to inappropriate use of bins or safety concerns
- ◆ giving dirty looks or stares
- ◆ intolerance of others' lifestyles unless this is considered a hate crime
- ◆ one-off incidents such as a loud noise, a party or dog barking
- ◆ parking issues
- ◆ reasonable actions that are considered to be part of everyday activities
- ◆ reasonable household noise in adjoining properties (e.g. children playing in an upstairs flat)
- ◆ unpleasant or inconsiderate behaviour or actions which amount to people being generally unpleasant to one another but cannot be categorised as harassment
- ◆ minor garden disputes
- ◆ name calling and social media disputes unless it is deemed to be harassment or hate crime

## 9. Monitoring and Reporting

### 9.1. Data Recording

The fundamental principle of data quality and recording is that data should be right first time, which means that the responsibility is held at the point at which it is collected and recorded.

### 9.2. Key Performance Indicators (KPIs)

#### 9.2.1. Internally

ASB KPI data will be reported to the Performance Committee on a monthly basis. This may include, for example, the number of possession orders / injunctions by locality. As the data is help in the React system we are able to provide a range of KPIs as required.

#### 9.2.2. Externally

- ◆ Local authorities may request data linked to individual cases of ASB, including relating to Community Trigger requests.
- ◆ As part of our commitment to deliver an economical, efficient and effective service, we may use sector external benchmarking services and best practice groups to monitor our costs and service outcomes.
- ◆ We will ask you to tell us how satisfied you were with how we managed your case, and will use this information to improve our services.

### 9.3. Monitoring Effectiveness

- ◆ We will review our policy every three years to ensure that it is effective and complies with current legislation and good practice.
- ◆ All cases are subject to robust case management arrangements and are monitored by senior colleagues with a regularity that depends on the severity of the case.

## 10. Quality Assurance

### 10.1. Internal Audit

Adherence to this policy will be routinely assessed on a risk-based basis through our Internal Audit Plan.

### 10.2. External Audit / Validation

Adherence to this policy may be audited / validated by the following external bodies:

- ◆ Multi-Agency Panels
- ◆ Via Housing Ombudsman Complaints
- ◆ Community Trigger feedback

### 10.3. Service Standards

You will be given the opportunity to get involved in developing service standards and in monitoring and scrutinising performance. This will be fed back to the Customer Panel.

## 11. Communication, Implementation and Training

- ◆ Line managers will ensure that this policy and any team responsibilities are communicated as appropriate and reflected in meetings and performance reviews. Colleagues may be asked to confirm they have read and understood this policy.
- ◆ All colleagues will receive adequate training in the use of policies, documentation, systems and records required as part of their role.
- ◆ Induction, supervision and appraisal processes will be used to monitor our colleagues' understanding and compliance with expectations.

## 12. Legal and regulatory framework

- ◆ **Anti-Social Behaviour Act 2003** introduced a number of measures to tackle a range of 'undesirable' behaviour including extended powers for tackling ASB in social housing including demoted tenancies and exclusion orders.
- ◆ **Protection from Harassment Act 1997** provides both criminal and civil remedies to protect people from harassment.
- ◆ **Housing Act 1996**: Section 218A places a duty on social landlords to publish their anti-social behaviour policy. It also extended the grounds for possession against secure and assured tenants to include antisocial behaviour against any person living or visiting the locality or allowing the property to be used for illegal or immoral purposes. The Act also

allows local authorities to tackle antisocial behaviour by, for instance, the use of Introductory tenancies and through policies restricting access to an allocation of social housing.

- ◆ **Crime and Disorder Act 1998:** Introduced Anti-Social Behaviour Orders and gave statutory responsibility to local authorities, the police, and key partners to reduce crime and disorder in their communities.
- ◆ **Anti-Social Behaviour Crime and Policing Act 2014** introduced measures providing the police with a range of additional powers, including those intended to give victims more of a say in the way that complaints of ASB are dealt with, and help ensure that victims' voices are heard.
- ◆ **Dangerous Dogs Act 1991** allows police to impose restrictions on dogs that present a serious danger to the public.
- ◆ **Domestic Abuse Act 2021** - created a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, controlling or coercive, and economic abuse.
- ◆ **Human Rights Act 1998** - sets out the fundamental rights and freedoms that everyone in the UK is entitled to. These basic rights are based on shared values like dignity, fairness, equality, respect and independence. These values are defined and protected by law.
- ◆ **The Police and Justice Act 2006** introduced scrutiny arrangements in the form of the Crime and Disorder Scrutiny Committee, as well as introducing several amendments to the 1998 Crime and Disorder Act including the addition of anti-social behaviour (ASB) and substance misuse within the remit of the Community Safety Partnership strategies.
- ◆ **Respect Standard 2007** (and subsequent amendments) encouraged social landlords to take a holistic approach to tackling anti-social behaviour, balancing intervention and enforcement with prevention and support for victims. It also placed greater expectations on landlords to be more proactive in combating anti-social behaviour at an earlier stage to improve neighbourhoods.
- ◆ **Equality Act 2010** requires social landlords to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. This is the public sector equality duty (PSED). Section 35 of the Act specifically makes it unlawful for a landlord to discriminate against or victimise someone, on the basis of a protected characteristic, when managing a property.
- ◆ **Working Together to Safeguard Children 2023** sets out the responsibilities that all organisations in England must fulfil to safeguard children and young people under the age of 18. It explains the need for local authorities (including the police and health services) and other relevant agencies to coordinate with each other, so they can appropriately respond to safeguarding concerns and promote children's welfare.
- ◆ The **Care Act 2014** identifies that the duty to safeguard adults applies to an adult who:
  - has needs for care and support (whether or not the local authority is meeting any of those needs) and;
  - is experiencing, or at risk of, abuse or neglect; and
  - as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

### 13. Information Sharing and Confidentiality

We will provide information as required in line with relevant law and regulation.

We collect information (personal data) to enable us to:

- manage and support our relationship with you to comply with legal obligations
- improve our services
- achieve our legitimate business aims

We are committed to complying with data protection legislation when handling your data.

- You have rights including access to your data and to object to the way it is processed. For more information on how and why we process your data and how you can exercise your rights please view our full Privacy Policy on our website at [Privacy notice – GreenSquareAccord.](#)