

2019

Shian Housing Association Ltd

# Anti Social Behaviour Policy & Procedure

Giving BME people equality, dignity and hope.



Contents

Anti Social Behaviour Policy

## Approvals

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## Contents

	<b><u>Page</u></b>
Introduction	5
Scope of Policy	5
Main Provision of Policy	6
Policy Statement	7
Policy Aims	7
Definitions of ASB	7
ASB or not ASB	8-9
Resident Responsibilities	9
Action to Deal with ASB	9
Service Standards	10
Support	10
Partnership Working	11
Protection of Staff	11
Anti-Social Behaviour Procedure	13-14
Anti Social Behaviour Checklist	15-16

# Anti- Social Behaviour Policy

## **National Standards/Regulation:**

3.5: Housing associations must provide good-quality housing services for residents and prospective residents.

## **Key Legislation:**

ASB Crime and Policing Act 2014  
Equality Act 2010  
Human Rights Act 1998  
The Crime and Disorder Act 1998  
Housing Act 1996  
ASB Act 2003

## **Introduction**

As a responsible social landlord, Shian Housing Association (Shian HA) is committed to preventing and addressing incidents of anti-social behaviour and supporting tenants and other residents who suffer as a result.

## **1. Scope**

1.1 This policy applies to customers of Shian Housing Association (Shian HA):

1.2 This policy applies when Shian HA receive reports from or about the following tenure/s: Assured, Assured Shorthold, supported housing, licenses, leaseholders, shared ownership, intermediate market rent, private market rent and commercial premises.

1.3 This policy does apply when Shian HA receive reports from a freeholder or a non-service user about any of the above; however, where Shian HA receive reports from a freeholder about another freeholder or a non-service user about another non-service user, this does not apply.

1.4 The policy provides that:

- Shian HA will respond to reports of anti-social behaviour (ASB) if it is alleged that our residents, members of their household or visitors are perpetrators of ASB;
- Shian is committed to finding ways of acting with and on behalf of our residents who experience ASB caused by people who are not our residents; and
- As far as is reasonably practicable, Shian HA will provide a range of measures designed to prevent ASB, such as setting clear policies for managing ASB, explaining the rights and obligations contained within the tenancy agreement, carrying out follow on visits to tenants and estates, promoting and encouraging mediation where applicable, publicising successful outcomes, work with partner agencies to tackle ASB and offer diversionary activities for young people where appropriate.

## **2. Main Provision of Policy**

- 2.1 Shian HA will strive to create an environment in which anti-social behaviour of any nature will not be tolerated and which empowers communities to deal with problems before they escalate.
- 2.2 Shian HA will deal sensitively with all reports of anti-social behaviour and also promote a culture that encourages victims to report any incidents that affect them.
- 2.3 Shian HA will investigate reported incidents and deal with incidents of anti-social behaviour appropriately and flexibly and as quickly as possible.
- 2.4 Shian HA will seek to support victims of anti-social behaviour by working with them to find an approach with which they are comfortable.
- 2.5 Shian HA will ensure victims of anti-social behaviour are kept up to date with issues relating to them and agree when and how we will communicate them.
- 2.6 Shian HA reserve the right to consider all available management and legal remedies to deal with anti-social behaviour.
- 2.7 Shian HA aims to take strong but fair action against the perpetrators of anti-social behaviour where it has the powers to act as a landlord. To this purpose, where appropriate, Shian HA will take possession action against perpetrators. In some cases where the perpetrator(s) is/are not the tenants we will take action against any tenants who are responsible or associated with the perpetrator(s).
- 2.8 Where Shian HA do not have the power to act, or where other agencies are better placed and equipped to deal with a solution, we will make this clear in our response to a complaint of anti-social behaviour. In such situations Shian HA will work with other agencies and, where possible, take action to complement their approach. For example, where an instance of anti-social behaviour is also a criminal offence, Shian HA will work with the police to deal with the problem. **Shian HA will not investigate criminal matters per se and will signpost complainants to the Police which is the most appropriate agency to investigate criminal matters.** Shian HA will however work with partner agencies, including the Police, to find strategies for supporting victims and dealing with the perpetrators of anti-social behaviour.
- 2.10 Shian HA will promote any partnerships with other Housing Associations, the Local Authority or Police to combat and /or prevent anti-social behaviour.

## **Responsibility**

- 2.11 Shian HA expects all tenants to comply with the standards of acceptable behaviour which are set out in the tenancy agreement.

## **Monitoring, Review and Evaluation**

- 2.13 Shian HA will review our policy and procedures regularly to ensure they remain up to date.

### **3. Policy Statement**

3.1 This policy and the associated procedure sets out Shian HA approach to tackling ASB, through prevention, enforcement and support. Its purpose is to prevent and minimise the amount of ASB that our residents and service users suffer, which impacts adversely on our communities.

3.2 This policy sets out what Shian HA expect from our residents and service users and what they can expect from Shian HA to protect their right to peaceful enjoyment of their home and their community.

3.3 Shian HA accepts that:

- Everyone has the right to their chosen lifestyle providing this does not spoil the quality of life of others. This implies tolerance, consideration and respect for the requirements and needs of others;
- Shian HA has a role as landlord in ensuring that such rights and obligations are realised in individual cases; and
- The Local Authority and Police Authority have a larger role within the arena of the public interest to promote and protect the interests of those living within their boundaries.

3.4 Shian HA will demonstrate by its actions that it will not tolerate ASB. Shian HA will make this absolutely clear to our residents and service users and to any person who is seeking or entering into a tenancy or lease.

### **4. Policy Aims**

- To ensure that the relevant employees of Shian are trained and equipped to respond swiftly and effectively to reports of ASB and prevent reports escalating into more serious incidents.
- To raise awareness amongst residents, staff and other relevant stakeholders of the tools and powers available, to both staff and residents, to tackle ASB.
- To minimise the amount of ASB that Shian HA residents experience through preventative action, rehabilitation of perpetrators and community cohesion activities including diversionary activities for young people.
- To develop and maintain effective partnerships with local and national agencies with whom Shian HA can collaborate in tackling ASB.

### **5. Definitions**

#### **a. Anti-Social Behaviour**

5.1 This policy and associated procedure is designed to deal with ASB that directly affects the housing management functions\* of Shian HA, as a 'relevant landlord', and as defined by and incorporated into Sections 153A and 153B of the Housing Act 1996 by Section 12 of the ASB Act 2003 and the ASB Crime and Policing Act 2014.

5.2 The term 'anti-social behaviour' is used to describe actions that unreasonably interfere with or could interfere with an occupier's normal use and enjoyment of their home, garden or neighbourhood. The definition extends to behaviour that can create a nuisance or annoyance for another person connected

with the property, including Shian staff and contractors (*see ASB, Crime and Policing Act 2014 for full definition*).

5.3 The housing management function of the landlord covers any activity that the landlord would undertake in the day to day and strategic management of their properties. This would include but is not limited to:

- Tenant and leaseholder participation;
- Maintenance and repairs;
- Rent collection;
- Estate management.

5.4 Matters that might indirectly affect the housing management function include social care and housing support, environmental health, disposal of rubbish and other services that enable the efficient operation of the landlord.

## **b. Hate Crime**

5.5 Shian HA defines Hate Crime as any crime or incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a persons' race, religion, sexual orientation, disability or gender identity. Hate crime include but are not limited to:

- Threatening behaviour;
- Assault;
- Robbery;
- Damage to property;
- Inciting others to commit hate crimes;
- Harassment.

## **6. ASB or not ASB?**

6.1 Shian HA accepts that neighbours may naturally have different values or opinions and sometimes this can cause problems. Shian HA expect our residents to show consideration to their neighbours as well as understanding that we all have a right to live our lives.

6.2 Not all reports relating to behaviour that impacts on an individual can be deemed anti-social behaviour. It is important to show tolerance and be respectful of differing lifestyles and circumstances.

6.3 The following are some examples of reports that are not deemed as anti-social behaviour:

- Noise or disturbance from children when they're playing;
- Family disputes;
- Babies crying;
- Smells from cooking;
- Sounds of normal living that we can hear such as opening and closing of doors, going up and down stairs;
- One-off parties such as BBQs, birthday or Christmas parties providing they don't cause an unacceptable disturbance;
- Clashes of lifestyle, including cultural differences;
- Minor personal differences such as dirty looks or fall outs between children;



- Putting rubbish out on the wrong day;
- Parking in the wrong bay.
- Social Media use, posts or comments
- Noise due to lack of insulation between properties
- Day to day household noise during daylight hours (7.00am – 11.00pm)

6.4 Shian HA will work to manage resident's expectations in regards to behaviour that is not deemed anti-social behaviour. Shian HA will offer advice and guidance to encourage and enable them to deal with or manage the situation themselves.

## **7. Resident's Responsibilities - Conditions of Tenancy Agreement**

7.1 Shian HA expect our residents not to commit, or allow their family, household members, visitors or pets to commit acts of ASB. This includes harassment, noise nuisance, annoyance or disturbance, whether to other residents, their visitors or other people in the area, such as our staff and contractors.

7.2 In addition to the legal responsibilities set-out in their tenancy or lease agreement, we will encourage all residents to:

- (i) Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner.
- (ii) Report all incidents of ASB.
- (iii) Report all crimes, including threats or acts of violence, to the Police.
- (iv) Respect other peoples' right to their chosen lifestyle and be tolerant of everyday, reasonable level of disturbance; examples may include cooking smells, household noise, babies crying or religious practices.
- (v) Work and cooperate with Shian HA fully to resolve disputes/issues, for example by:-
  - Reporting matters to us promptly,
  - Not engaging in any kind of retaliatory ASB themselves
  - Following our reasonable instructions or advice to manage cases/resolve issues,
  - Managing their own wellbeing by for example asking for help from their GP, other health professionals or engaging with other support agencies,
  - Agreeing to or attending mediation,
  - Providing witness statements,
  - Attending court etc.
  - Accepting or taking any practical measures to alleviate the impact of any ASB

## **8. Action to Deal Effectively with ASB**

8.1 Shian HA response to allegations of ASB will be proportionate and appropriate and will commit to the following:

- Preventative action; setting clear ASB policy and expectations, signing of tenancy agreement including clauses on what constitutes ASB, making referrals for support where support needs are notified to us and where perpetrators pro actively engage with support agencies etc
- Early intervention e.g. warning letters, advice from housing officers/staff, reminders of tenancy obligations, offer of Mediation, Acceptable Behaviour Contracts, working jointly with partner agencies etc

- Provision of support and advice for those reporting ASB and witnesses;
- Provision of support or referrals to other agencies for perpetrators;
- Legal action against perpetrators (whether by us or another agency), including the use of injunctions and possession action

8.2 Except in very serious cases, Shian HA initial intervention will aim to stop the problem behaviour, prevent re-occurrence and achieve effective and long-lasting solutions.

8.3 Shian HA aim to provide a balanced approach between protecting the quiet enjoyment of the community, with helping individuals to sustain their tenancies by addressing the ASB.

8.4 Shian HA believe that in many incidences, ASB can be stopped when challenged early enough. Wherever possible, Shian HA will use early non-legal remedy intervention measures.

8.5 Where non-legal remedy is unsuccessful in resolving the ASB, Shian HA will consider taking legal action in order to do so.

8.6 Shian HA will only consider eviction as a last resort either where other action has been unsuccessful or where the anti-social behaviour is of a serious or persistent nature.

8.7 Shian HA will ensure any legal action is taken in line with the Pre-Court Action Protocol.

## **9. Service Standards**

9.1 Shian HA service standards in relation to ASB are:

- Respond within Shian HA published timescales when you report ASB.
- For high-risk cases, Shian HA will develop an appropriate action plan with you (high-risk cases, for example, are those involving hate crime, domestic violence, or violent actions).
- Agree a timescale with you for keeping you informed of the progress of your case.
- Contact you to discuss your case before we close it.

9.2 Shian HA aim to deal effectively with all cases in order to resolve them at the earliest opportunity. Shian HA will record anonymous reports, but only take action if the ASB can be substantiated either by staff or where additional evidence is forthcoming.

9.3 All parties in an ASB case will be treated fairly and listened to on an equal basis. Counter allegations will be treated as separate cases and action will be taken based on the evidence available.

## **10. Support**

10.1 Shian HA aim is to create sustainable communities and an environment where victims and witnesses feel confident and safe in coming forward to report ASB. Shian HA will provide support to the person making the report and witnesses to ensure their own well-being and that action against perpetrators is as successful as possible. Shian HA will support complainants of ASB by:

- Dealing with their reports fairly
- Managing their expectations and being realistic about what Shian HA can and can't do;
- Involving them in discussions about the action plan to resolve their issue;
- Agreeing with them a preferred method and frequency of communication;

- Carrying out risk assessments and referring them to appropriate support services where necessary;
- Signposting and referring them to other agencies;
- Providing good, regular and up-to-date information on the progress of cases; and
- Offering advice and making referrals for re-housing, in high risk cases, where we are satisfied that it is reasonable and necessary to protect the individual.

10.2 Shian HA recognises that we cannot always prevent people becoming repeat victims of anti-social behaviour; therefore, it is important that we ensure there is a suitable and appropriate support network around each individual to enable them to manage their situation until a satisfactory resolution is achieved.

10.3 Shian HA will offer support to perpetrators of ASB in order to assist them in resolving problems on a long term basis; we will support perpetrators by:

- Reminder them of their tenancy obligations
- Offering advice and giving warnings about unacceptable ASB behaviour
- Giving them a chance to resolve the problem by changing their behaviour;
- Signposting and referring them to other agencies who can offer support.
- Expect perpetrators to take active steps to engage with their health or support providers to address their behaviour, health or support needs

10.4 In serious cases where anyone involved is at risk of violence or threat of violence or where we deem the ASB to be serious in nature, we may proceed immediately to legal action, without offering any form of support to the perpetrator.

## **11. Partnership Working**

11.1 Shian HA will adopt a multi-agency approach to tackling ASB to benefit from sharing of expertise, data and resources, including feeding back on the effectiveness of services and working towards solutions to specific area issues. Shian HA will work in partnership with statutory organisations, partnering agents, community groups, professional bodies and other stakeholders to support individuals who report ASB, witnesses and perpetrators' and to manage behaviour. We will work in partnership at a strategic and operational level.

## **12. Protection of Staff**

12.1 Shian HA acknowledges that all of our staff, agents or contractors are entitled to expect to work in an environment that is safe, secure and free from fear of violence, threats of violence or abuse. As such, any behaviour of this nature directed at Shian HA staff, agents or contractors is deemed to be unacceptable and appropriate action will be taken against those responsible

## **13. Regulatory Code & Legal Framework**

13.1 The Homes and Community Agency's Neighbourhood and Community Standard for ASB require Registered Providers to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where they own homes. This standard also requires that in their work to prevent and address ASB Registered Providers demonstrate:

- That tenants are made aware of their responsibilities and rights in relation to ASB
- Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
- Preventative measures are considered
- Prompt, appropriate and decisive action is taken 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
- All tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not
- Provision of support to victims and witnesses.

#### **14. Training**

14.1 Shian HA is committed to ensuring staff have the confidence and knowledge to identify and investigate incidents and reports of ASB. All relevant staff will receive an induction into ASB and access to up-to-date ASB information.

#### **15. Monitoring, Review & Evaluation**

15.1 Monitoring of ASB cases will be done on a regular basis.

15.2 Shian HA monitor satisfaction levels and use resident's views to improve our ASB service.

15.3 This policy will be reviewed at least every three years and updated to reflect any changes to corporate/customer requirements and targets; and updates to legislation.

#### **16. Diversity & Inclusion**

16.1 Shian HA will treat all customers with fairness and respect. Shian HA recognise that we have an ethical and a legal duty to advance equality of opportunity and prevent discrimination on the grounds of age, sex and sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

16.2 All customers will have access to this document either through our website or on request from our office.

#### **17. Publicising the Policy**

17.1 Shian HA will publicise its policy on ASB to customers, staff and other stakeholders in a number of ways:

- Residents newsletters;
- Residents handbook;
- Shian HA website;
- Promoting the action taken or success with dealing ASB;
- Working with and through local partner agencies

## Anti-Social Behaviour Procedure

### **Examples of Grade 1 ASB**

- Acts of physical violence or threats of violence or acts that represent a significant risk of harm (physical, mental, emotional) to the complainant or their household or visitors to their household;
- Racial abuse / harassment / offensive graffiti which is hate crime related;
- Arson to property;
- Homophobic or sexist abuse / harassment/ graffiti or that which identifies an individual or is directed at them.
- Serious anti-social behaviour in terms of its nature and frequency; causing fear and intimidation;
- Noise nuisance deliberately aimed at an Individual;
- Intimidating and threatening behaviour by an individual or a group of individuals, aimed at complainant or member of their household or their visitors;
- Confirmed / evidenced threatening or offensive material / correspondence;
- Using premises for immoral / unlawful behaviour e.g. prostitution or drug dealing.

### **How Shian HA respond to Grade 1 ASB**

Shian HA aim to:

- Make contact with victims within 7 working days of the complaint being received or 1 working day if there have been actual violence or racist abuse or graffiti which is hate crime related.
- Make contact with the perpetrator within 7 working days or 1 working day if there has been violence or the threat of violence.
- Make contact with any witnesses to the incident within 10 working days of the complaint being received.
- After carrying out the interviews the initial grade will be reassessed, and an appropriate action plan will be drawn up with the victim.

### **Examples of Grade 2 ASB**

- Behaviour which, although a breach of tenancy, is neither intimidating nor threatening and does not appear personally targeted;
- Drinking and associated rowdy behaviour (non-threatening);
- Abandoned cars that are clearly unroadworthy and/or dangerous;
- Conducting a business from someone's home;
- Regular noise nuisance between the hours of 11pm and 7am (or at other times, according to reported severity and frequency);
- Blocking access to communal areas;
- Criminal damage to communal areas and association property;
- Persistent/frequent dumping of rubbish /fly-tipping/posting.
- Urination in public (where witnessed report to police as criminal matter);
- Setting fires in external communal areas (e.g. bonfires);

### How Shian HA respond to Grade 2 ASB

Shian HA aim to:

- Make contact with the victim and any **witnesses within 10 working days** of the complaint being received.
- Make contact with the **perpetrator within 10 working days** of the complaint being received.
- After carrying out the interviews the initial grade will be reassessed, and an appropriate action plan will be drawn up with the victim.

### Examples of Grade 3 ASB

- Acts of anti-social behaviour that have either not occurred before and do not, by their nature, belong in categories 1, 2 or 3 and/or are not in themselves, breaches of tenancy;
- Doing one's own car repairs;
- Car parking;
- One-off / intermittent indiscriminate noise nuisance (e.g. a party);
- Cycling/skateboarding in communal areas;
- Throwing things (unless deliberately aimed at someone, in which case, according to what exactly is being thrown, would put the behaviour into categories 2 or 3);
- Climbing up on buildings (if no damage occurs);
- Ball games (this could be put in category 3 if persistent and against someone's wall, for instance);
- Letting down tyres (this is a criminal offence and should be reported to the police);
- Animal problems (e.g. dogs barking; but would be Grade 3 if persistent/frequent);
- One-off neighbour arguments.

### How Shian HA respond to Grade 3 ASB

- Shian HA will record your complaint but will not usually open an ASB case. Instead, we will usually offer advice to complainants or perpetrators. We will also encourage you/both parties to reconcile the difference yourselves or to consider mediation.
- If any action is required we aim to interview both the victim and the perpetrator within **20 working days** of the complaint being received.
- After carrying out the interviews the initial grade will be reassessed, and an appropriate action plan will be drawn up with the victim.

**Appendix 1****ASB CHECKLIST FOR STAFF**

All cases under this policy should be assessed on a case by case basis, the following actions may not be sequential, professional judgement should be exercised in all cases.

	Possible Action	YES/ and Date	NO	Previously Tried (PT) or NA
1	Interview complainants within timescales for grades 1,2 and 3			
2	Complete risk assessment at first interview for complainants/use professional judgement if any referrals to victims panels/Marac or children's' services/social services if children in household			
3	Interview perpetrator within timescales for grades 1,2 and 3			
4	Electronic marker added to <b>Messages &amp; Warnings</b> system for perpetrator if appropriate (send template letter)			
5	Home visits restricted /not offered (where staff safety concerns)			
6	Double/Two staff visits only to perpetrators home address agreed			
7	Add <b>Support Sentence to all perpetrator correspondence</b> e.g "If you require any support or referrals to be made by Shian Housing Association, please let us know, and we will be more than happy to assist." OR "If you have any medical or health issues, I would strongly advise that you make contact with your GP or health professionals to ensure you receive the appropriate care and support." <b>* Add this to every letter sent*</b>			
8	Statements obtained from any victims/staff/contractors about perpetrators behaviour			
9	Make referrals for support for perpetrator			
10	Make referral support for victim/complainant			
11	Case referred to ASB case panel;/Vulnerable Victims Panel			
12	Issue warning letter to perpetrator for ASB if any allegations admitted			
13	Issue warning letter No.2 if further ASB proven. Provide copy of tenancy agreement pointing out tenancy ASB closes.			
14	Mediation offered (where appropriate)			
15	Send perpetrator GP consent form if any health/disability issues			
16	Case reviewed by Manager			
17	Update risk assessment for complainant if more than 2 months old or significant change in circumstances or increase in ASB			
18	Single Point of Contact (SPOC) for phone calls notified if perpetrator abusive to staff			
19	Complete Equality Impact Assessment before any legal action			
20	Consider ABC for perpetrator where warnings ignored			
21	Consider using checklist in <b>Unacceptable Actions Policy</b> if perpetrator is abusive to staff			
22	Police disclosure obtained for perpetrator			
23	If drug use, drug dealing or drug presence, consider closure order in conjunction with police or local authority			

24	ASB Injunction applied for / Legal action commenced			
25	Consider using NOSP if all other warnings and actions have failed			
26	NOSP served / Legal action commenced			
27	Suspended Possession granted by Court			
28	Eviction/Outright Possession granted by Court			
29	Recovery of legal costs or enforcing terms of any Court order			