






ANTI SOCIAL BEHAVIOUR (ASB) POLICY

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|  | Advance will respond to ASB using the following legislation: The Anti-social Behaviour Crime and Policing Act 2014 & The Housing Act 1996. |
|  | Advance, through this Policy will aim to prevent and minimise the amount of ASB that our tenants & leaseholders suffer, which impacts adversely on our communities. |
|  | Advance colleagues will be trained to ensure effective management of ASB cases. |
|  | Advance will ensure that claims and counter claims of ASB are dealt with individually. |
|  | Advance will ensure that we document all stages of the ASB process in line with the ASB procedure. |

POLICY

1 Introduction & Scope

Advance is responsible for developing and providing a diverse range of housing options for people with either learning disabilities or mental health problems. This policy understands and responds to the fact this means Advance customers may be disproportionately affected by ASB and require support appropriate to their individual needs and concerns.

Advance policies and procedures are designed to ensure there are effective approaches to protect, support and engage customers in order to maintain a good quality of life.

- 1.1 This policy does apply to tenants of Advance.
- 1.2 This policy applies when we receive reports from or about the following tenure/s: Assured, Secure, Assured Short hold, supported housing, licenses, leaseholders, shared ownership, intermediate market rent, private market rent and commercial premises.
- 1.3 This policy does apply when we receive reports from a freeholder or a non-service user about any of the above; however, where we receive reports from a freeholder about another freeholder or a non-service use about another non-service user, this does not apply.

1.4 The policy provides that:

- We will respond to reports of anti-social behaviour (ASB) from whatever source if it is alleged that our residents, members of their household or visitors are perpetrators of ASB;
- We are 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
- We will provide a range of measures designed to prevent ASB.

2 Definitions

a. Anti-Social Behaviour

2.1 This policy and associated procedure is designed to deal with ASB that directly affects the housing management functions of Advance, 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:

“Conduct which is capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions of a relevant landlord”; or*

“Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose”.

2.2 The Anti-social Behaviour Crime and Policing Act 2014 has expanded on this as follows;

- 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

2.3 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 Advance staff, other support agencies and contractors.

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 includes but is not limited to:

- Tenant and Leaseholder Involvement/Participation
- Maintenance and Repairs
- Rent collection
- General tenancy management

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

b. Hate Crime

2.5 Advance 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 on a persons' race, religion, sexual orientation, disability or gender identity. Hate crimes can include but not limited to:

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

c. Racial Harassment

2.6 We will not tolerate racial harassment by or against our tenants. We will use legal remedies such as injunctions specified in the Anti-Social Behaviour, Crime and Policing Act 2014, or Criminal Orders to deal with racial harassment where appropriate. We will also enforce any breaches of the terms and conditions in the tenancy agreement by seeking eviction if appropriate. Racial harassment is a criminal offence and we will encourage victims to report incidents to the police where appropriate.

d. Mate Crime

2.7 Mate crime affects vulnerable people who are befriended and groomed by those who pretend to be their friends before being exploited by them financially, physically, sexually or moving in to their home for their own advantage or gain. The person could be a family member, carer or a new acquaintance. They may be a genuine friend, but mate crime is not unusual and is very serious and can be on-going and seem perfectly normal to the victim if they are not aware of the impact and affect. Our staff and the staff of our support providers are specifically trained to be aware of the symptoms of mate crime and to address the issue with our customers, safeguarding agencies and the police.

e. Domestic Abuse

2.8 Domestic abuse is any incident of threatening behaviour, violence or abuse between adults who are or have been in a relationship together, or between family members, regardless of gender or sexuality. Domestic violence is rarely a one-off incident, more usually it's a pattern of abusive and controlling behaviour through which the abuser seeks power over their victim. We recognise that domestic violence includes violence towards men, between partners in gay and lesbian relationships, between siblings and between children and parents. While child abuse is a separate issue, we recognise that children can be silent victims of domestic violence.

2.9 A victim's statement alone will be enough for them to be given advice and assistance by staff as a matter of priority. We will work with the national organisations such as **Refuge** and **Women's Aid** and local organisations when agreed with the victim.

We will approach victims in a sensitive and supportive manner; identify any barriers to communication (language, mental health, culture or emotion); listen to and validate their experience; reassure them that responsibility lies with the perpetrator; reassure them that confidentiality and personal safety will be maintained; discuss immediate housing options and tenancy rights; discuss contact with the police, medical services and support agencies and groups, and give advice without placing unnecessary pressure on the victim.

We will take legal action where appropriate (eviction of the perpetrator or an injunction); consider sanctuary measures; keep the complainant informed of what is happening; and provide ongoing support and links to support agencies.

3 Policy Statement

- 3.1 This policy and the associated procedure sets out our approach to tackling ASB, through prevention, enforcement and support. Its purpose is to prevent and minimise the amount of ASB that our tenants & leaseholders suffer, which impacts adversely on our communities.
- 3.2 This policy sets out what we expect from our residents and service users and what they can expect from us to protect their right to peaceful enjoyment of their home and their community.
- 3.3 Advance accepts that:
 - Everyone has the right to their chosen lifestyle providing this does not spoil the quality of life of others or lead to damage to property. This implies tolerance, consideration and respect for the requirements and needs of others;
 - Advance has a role as landlord in ensuring that such rights and obligations are realised in individual cases; and
 - Local Authorities and Police Authorities have a larger role within the arena of public interest to promote and protect the interests of those living within their boundaries.
- 3.4 Advance will make it absolutely clear to our residents and service users and to any persons who is seeking or entering into a tenancy or lease that ASB is unacceptable and if it arises it may lead to action being taken against them.
- 3.5 Advance will also make it clear to our residents and service users that we expect them to play a role in helping to resolve any issues. Where appropriate, this may involve taking initial steps themselves, liaising with other agencies such as Police and Local Authority, and helping collate evidence such as completing diary sheets and demonstrate a willingness to take part in mediation.

4 Policy Aims

- To ensure that the relevant employees of Advance are trained and equipped to respond swiftly and effectively to reports of ASB and prevent reports escalating to more serious incidents.
- To raise awareness amongst residents, staff and other relevant stakeholders of tools and powers available (as well as constraints), to tackle ASB.
- Minimise the amount of ASB that our residents experience through preventative action, rehabilitation of perpetrators and community cohesion activities.
- Develop and maintain effective partnerships with local and national agencies with whom we can collaborate in tackling ASB.

5. What is not considered ASB?

- 5.1 Advance accepts that many neighbours will naturally have different values or opinions and sometimes this can cause problems. We expect our residents to show consideration to their neighbours as well as an understanding that we all have a right to live our lives.
- 5.2 Not all reports relating to behaviour that impacts on an individual can be deemed as ASB. It is important to show tolerance and be respectful of differing lifestyles and circumstances.
- 5.3 The following are some examples of reports that are not included in this policy definition of ASB:
- Family disputes
 - Smells from cooking
 - One off BBQ's, birthday, Christmas parties providing they don't cause unacceptable behaviour
 - Clashes of lifestyle including cultural differences
 - Putting rubbish out on the wrong day
 - Parking in the wrong bay
- 5.4 We will work to manage residents' expectations in regards to behaviour that is not defined as ASB and offer advice and guidance and where appropriate will expect them to take steps to resolve the situation themselves.

6. Residents' Responsibilities

- 6.1 We 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.
- 6.2 In addition to the legal responsibilities set-out in their tenancy or lease agreement, we will expect all residents to:
- Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner.
 - Where appropriate, talk to their neighbour first to try and resolve any pet or noise-related problems.
 - Report incidents of ASB.
 - Report crimes, including threats or acts of violence, to the Police.
 - Report noise nuisance to the Local Authority Environmental Health Department.
 - Work and co-operate with us fully to resolve disputes/issues, for example by providing updates on incidents, providing witness statements and attending court etc.
- 6.3 When a resident fails to engage with us during a case investigation and this impedes our ability to address the issues being raised, we may close the case.

7 Action to deal effectively with ASB

- 7.1 Our response to allegations of ASB will be proportionate and appropriate and will commit to the following;
- Preventative action
 - Early Intervention
 - Provision of support and advice for those reporting ASB and witnesses
 - Provision of support for perpetrators
 - Legal action against perpetrators (whether by us or another agency)
 - Consider Safeguarding responsibilities
- 7.2 We believe in many incidences, ASB can be stopped when challenged early enough. Wherever possible, we will use non-legal remedy intervention measures.
- 7.3 Where non-legal remedy is unsuccessful in resolving ASB, we will consider taking legal action in order to do so.
- 7.4 We will only consider eviction as a last resort either where other action has been unsuccessful or where anti-social behaviour is of a very serious nature.
- 7.5 We will ensure that any legal action is taken in line with Pre-Court Action Protocol.
- 7.6 Advance staff will follow ASB procedures when dealing with all cases reported by our tenants or reports made by other agencies or residents in relation to an Advance tenant.

8 Service Standards

- 8.1 Advance service standards in relation to ASB are:
- Respond within our published timescales when you report ASB as listed in **Appendix 1**.
 - For high risk cases we will develop an action plan with you (i.e. hate crime, domestic violence, violent actions etc) which will often involve input from the Local Authority and Police Authority.
 - Contact you to discuss your case with you before we close it.
- 8.2 We aim to deal quickly and effectively with all cases to resolve them at the earliest opportunity. We will record anonymous reports, but only take action if the ASB can be substantiated either by staff or where additional evidence can be gained.
- 8.3 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.

9 Supporting the complainant and witnesses

- 9.1 We aim to build an environment within our housing and communities in which witnesses feel secure and safe in coming forward to report ASB and we will work with partner agencies to achieve this.
- 9.2 The action we take to support the complainant and witnesses will vary depending on the type of ASB they are experiencing. We will deal sympathetically and confidentially with the complainant and witnesses.

10 Legal Action

10.1 Where there is sufficient evidence that someone is responsible for ASB and where early intervention fails to bring an end to the ASB, we will consider taking legal action against a perpetrator. Eviction will only be considered where other interventions have failed and will be used as a last resort. We will make the use of the following legal tools as appropriate;

- Legal Notices
- Possession Orders
- Forfeiture of Lease
- Injunctions
- Noise abatement notices (issued by Local Authorities)
- Premises closure orders for premises where drugs are used unlawfully or where the premises is associated with significant and persistent disorder (with the police and local authority)
- Dispersal Powers (in partnership with the police)
- Crime Behaviour Orders
- Community protection notice (if designated by the relevant local authority)

10.2 A new mandatory ground for eviction (sections 94 and 97 of the Anti-Social and Behaviour Crime and Policing Act 2014 has inserted new sections into the 1985 and 1988 Housing Acts respectively) providing a new absolute ground for possession for use against secure and assured tenants respectively. Advance will use the ground where appropriate adhering to the five conditions.

10.3 Under the Anti-Social and Behaviour Crime and Policing Act 2014 there is a new provision in order to remedy ASB called 'The Community Trigger'. This gives victims the right to request a review of their anti-social behaviour complaints and brings agencies together to take a joined up, problem solving approach. Details of how the community trigger works are detailed in **Appendix 2**.

11 Partnership Working

11.1 Advance will adopt a multi-agency approach to tackling ASB to benefit from the sharing of expertise, data and resources, including feedback on the effectiveness of services and working towards solutions to specific area issues. We will work in partnership at a strategic and operational level.

12 Protection for Staff

- 12.1 Advance acknowledges that all of our staff, agents and contractors are entitled to expect to work in an environment that is safe, secure and free from the fear of violence, threats of violence or abuse. As such any behaviour of this nature directed at staff 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 agencies
- A strong focus exists on preventative measures tailored towards the needs of tenants
- 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 We are committed to ensuring staff have the confidence and knowledge to identify and investigate incidents and reports of ASB. All relevant staff will receive training in ASB and access to up to date ASB information and support and guidance from managers and legal or specialist advisors.

15 Monitoring, Review & Evaluation

- 15.1 Monitoring of ASB cases will be undertaken monthly between Regional Housing Officers and the Head of Tenancy & Leasehold Management. Reporting on high risk cases will be notified to the Director of Housing.
- 15.2 The 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 Data Protection

- 16.1 In applying this policy, all members of staff must comply with Advance's Data Protection Policy and ensure that personal information supplied by customers is protected using Advance protocols.

17 Diversity and Inclusion

17.1 Advance will apply this policy consistently and treat all customers with fairness and respect. We recognise that we have an ethical and legal duty to promote equality of opportunity and prevent discrimination on the grounds of age, sex, sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

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| Policy owner | Director of Housing |
| Date written | V1 – 5 th October 2012 V2 – 10 th April 2017 |
| Who was consulted | V2 – Service Improvement Manager, Amanda Hack |
| Approved by | V1 – GMT V2 - GMT |
| Date of approval | V1 – 05/10/12 V2 – 10 th April 2017 |
| Related Policies | <ul style="list-style-type: none"> • Safeguarding Policy |
| Related Documents/Forms | <ul style="list-style-type: none"> • ASB Procedure • Incident forms |

Appendix 1

Our Service Standards;

- We will contact victims within one working day of them reporting racial harassment, hate crime and domestic violence to us. These are known as priority one incidents.
- We will contact victims of other ASB within three working days of receiving their report.
- We will work with the victim to agree an action plan during the contact or visit.
- We will keep victims informed of progress of their complaint at least every 10 working days.
- Once an ASB case has been closed, we will contact victims to carry out a satisfaction questionnaire to find out how they thought we dealt with the ASB issues reported. This will be carried out within one month after the case has been closed.
- Where the victim is dissatisfied we will follow up with them to see whether there is further action we can take to address their dissatisfaction.

Appendix 2

Community Trigger

Who can use the Community Trigger?

- A victim of anti-social behaviour (ASB) or another person acting on behalf of the victim such as a carer or family member, MP, councillor or professional person.
- The victim could be an individual, business or community group.

You can submit a Community Trigger request if:

- You have reported three times in the last six months separate, but related, anti-social incidents to agencies and the problem persists.
- You are aware that other people in the local community have reported separate, but related, anti-social incidents to agencies in the last six months and the problem persists (the trigger will be started if five or more individuals have made separate, but related reports over a six month period).

You cannot submit a Community Trigger if:

- The agency/agencies involved have given you a time-frame for actions to be completed and this has not yet expired.
- The agency/agencies involved have taken action but you are unhappy with the conduct of a particular agency. This should be dealt with through the agency's complaints procedure.

Who will deal with my Community Trigger submission?

Your Community Trigger submission will be dealt with by your local Community Safety Partnership which is made up of a number of agencies including:

- District or Borough Council
- County Council
- Police
- Other agencies or organisations determined locally, for example, the local social housing provider including Advance.

How to Report a Community Trigger?

You will need to provide your local Council with details of three separate incidents of ASB that you have reported, or the names of five other people who have reported the same incident, along with your name and contact details to your local council or police. Your Advance Regional Housing Officer can also support you with this.