

Anti-Social Behaviour (ASB) Policy



1. Background and aims

- 1.1 This policy sets out our approach to supporting our customers in preventing and tackling Anti-Social Behaviour (ASB) and incidents of Hate. Unless we say otherwise, we use the term ASB to incorporate harassment and incidents of Hate.
- 1.2 We recognise that ASB can have a significant and disruptive impact on the lives of our customers and communities. We take ASB seriously and are committed to taking proportionate action, using the powers available to us to seek resolution. It is important that our customers and communities are clear about how and when we can intervene and the interventions available to us.
- 1.3 We believe that this responsibility is shared. Shared by our customers and by key community safety partners. Our key community safety partners are:
 - Avon and Somerset Constabulary
 - North Somerset Councils Safer Communities Team
 - Avon and Wiltshire Mental Health Partnership
 - Avon Fire and Rescue service
- 1.4 We will work closely with these partners and others across our operating area to ensure a collective approach. In doing so, we will tailor our response to help avoid negative stereotypes towards social housing customers and our communities.
- 1.5 Working alongside our customers and partners to resolve ASB will help us meet our vision and ensure we are providing safe and sustainable communities, where people want to live.
- 1.6 This policy supports our wider strategic priorities and our ambition to deliver a great customer experience.

2 Scope

- 2.1 This policy applies to all general needs, affordable rent, sheltered and supported housing customers living in a home owned, part owned or managed by Alliance Homes.

2.2 It also applies to our licensees, leaseholders, shared ownership, market rent and commercial premises, albeit our intervention will be proportionate and may vary depending on the type of tenure and seriousness of any breach.

2.3 The aims of this document are:

- To ensure we are effective in our approach to prevent and tackle anti-social behaviour
- Define what we mean by “anti-social behaviour” and incidents of Hate.
- Be clear about what customers can expect from us and our management of ASB
- Ensure we meet our legal requirements, complying with the following regulatory frameworks:
 - Statutory guidance for front line professionals from July 2014 ASB, Crime and Policing Act, updated in January 2021.
 - Social Housing Regulator Neighbourhood and Community standard 2015
 - Social Housing Regulator Tenant involvement and Empowerment Standard 2017

3. Definitions

3.1 The Anti-social Behaviour, Crime and Policing Act 2014, defines anti-social behaviour as:

- conduct that has caused, or is likely to cause, harassment alarm or distress to any person
- conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises or
- conduct capable of causing housing related nuisance or annoyance to any person, that is, directly or indirectly relating to our housing management function

3.2 We will investigate and take appropriate action where the anti-social behaviour is **persistent, deliberate and preventable** or is a single serious incident that comes within the definition.

4. Hate Crime and incidents

4.1 We define a report as a hate incident if the victim or anyone else believes that it was motivated by hostility or prejudice based on one of the following things:

- Race, skin colour, ethnic origin, nationality
- Religion or faith (or lack of religious belief)
- Gender identity (including resentment of transgender people, transsexuals and transvestites)
- Sexual orientation (including homophobia)

- Disability (including physical disabilities, sensory impairments, learning disabilities and mental health issues)
- 4.2 Incidents reported may also be hate crimes. Hate Crime is a criminal offence and we will support our customers to report this to the police and we will then work closely with them to reduce the risk of harm.
- 4.3 We will take a proportionate response to any hate crimes or incidents reported to us, recognising the seriousness of the report and the risk of harm.
- 4.4 We will work with specialist agencies such as S.A.R.I. (Stand Against Racism and Inequality), EACH (Educational action challenging Homophobia) and VOCAS (Victims of Crime Advocacy Service) to both support our customers.

5. Matrix

- 5.1 Whilst we understand that incidents of ASB are subjective and individuals needs vary, we will ensure that we identify, support and assist customers through the most suitable process for the matter that there are experiencing, taking a customer centric and harm-based approach.
- 5.2. The matrix provides information on the types of matters that are reported to us. When we receive a report, we will be clear as to whether the behaviour is ASB, a tenancy management matter or a lifestyle difference and will explain how each of these matters will be managed.

5.3

<i>Anti-social behaviour and Tenancy Management</i>				
	<i>Anti-social behaviour</i>	<i>Community & Environmental</i>	<i>Tenancy Management</i>	<i>Lifestyle difference</i>
Fly tipping		x		
Inconsiderate parking				x
Parking disputes				x
Routine DIY				x
Abandoned vehicles		x		
Animal cruelty			x	
Bonfires and fireworks			x	
Boundary disputes			x	
Children playing				x
Criminal Behaviour	x			
Cuckooing	x			
Damage to own property (dis repair)			x	

Day to day living noise				X
Drug supply	x			
Drug use	x			
Graffiti		x		
Harassment and intimidation	x			
Hate Incident/Crime	x			
Hoarding			x	
Infestations			x	
Neighbour disagreements				x
one off/ occasional parties				x
Persistent noise/loud music	x			
Pet nuisance			x	
Prostitution/sexual acts	x			
Untidy Garden		x		
Vandalism		x		
Verbal Abuse	x			

6. Policy detail

6.1 We will adopt the following principles in our management of ASB.

6.2 Customer Centred

- In delivering our ASB service we ensure that victims are at the heart of our service design and offer.
- Customers will speak to a specialist at the first point of contact. They will be listened to and provided with the support, guidance, and information.
- If the matter is not ASB, or if we are not the right agency to bring the matter to resolution, we will work with the customer to identify next steps to assisting with their concerns.
- Customers will have a case officer that will work with them throughout the life of the case to bring the matter to resolution.
- We will agree actions and be clear about what we can do and which other agencies we may need to engage.

6.3 Solution focused

- We will be clear with customers from the outset on which options are available to prevent and tackle ASB.
- We will agree clear and detailed action plans with customers, ensuring that both parties understand the expectations of what actions are required and agreed timescales.

- Action plans agreed with customers and will be updated throughout the life of the case.
- We will work in partnership with customers and partners to agree solutions and identify the right intervention.

6.4 Consistent and fair

- Officers are trained in the principles of ASB case management on an ongoing basis.
- We ensure that we keep up to date with any changes to legislation and practise, ensuring that all officers will manage cases in a consistent way.

6.5 Accessible communications

- Our communications will be clear. We won't use jargon or technical terms unless we must. If we do, we will explain them fully.
- We will agree with customers from the outset how they want us to communicate with them and how often.

6.6 Clear partnership model

- We will work in partnership with key community safety agencies across our operating area.
- We will continue to be part of multi-agency forums to ensure the best outcomes for our customers and our communities.
- We are actively engaged in community safety initiatives and programmes run by key partners such as the One Team and the Violence Reduction Unit, Troubled family's programmes, and social care projects such as One Front Door.
- We co-chair a multi-agency community safety meeting on a weekly basis agreeing action plans for high-level cases of anti-social behaviour across North Somerset.
- We use information sharing protocols with both North Somerset Council and Avon & Somerset Constabulary to allow the disclosure of information from and between these key agencies where information is considered necessary for the prevention or detection of crime or disorder or to ensure the protection and/or freedoms of others.
- Where we expand our number of homes in new areas, we will engage with the relevant local authority to ensure have similar information sharing protocols are put in place.

7. Prevention

- 7.1 The prevention of incidents of ASB occurring is always preferable to intervention. To prevent ASB from occurring and escalating we use several different measures. They include:

- Pre tenancy work – Ensuring that we carry out a full assessment of any new customers needs and aspirations to support them to sustain their tenancy.
- Local lettings policy – through our Lettings policy (see appendix) we can establish a local lettings process in specific areas to make best use of available stock and/or to contribute to the creation of a balanced and sustainable community.
- Where we have reason to believe that a person being considered for a tenancy in one of our homes and has caused anti-social behaviour in the recent past, we will make appropriate use of our Lettings Policy and may withhold the offer of a tenancy.
- Most new customers are offered a starter tenancy. This is an assured shorthold tenancy that may be converted to a non-shorthold assured tenancy within a period of 18 months, as long as there has not been any breach of the tenancy conditions. We use the initial period of the tenancy to monitor the tenancy. We can decline or delay conversion of the tenancy if there have been any substantiated incidents anti-social behaviour.
- We clearly explain to new customers when they sign up for their new home, as landlord, we expect our customers to adhere to the tenancy conditions agreed to.

8. Intervention

- 8.1 We will consider pursuing legal action where necessary, with our priority being to remove imminent risk of harm.
- 8.2 legal action may be considered where there is significant evidence of ASB and:
- There is a risk to an individual or the community
 - Serious and/or criminal behaviour has occurred
 - Previous interventions have failed and the ASB continues
- 8.3 We will consider the most proportionate intervention to stop the behaviour from occurring.
- 8.4 Eviction will remain a last resort when other interventions have failed, or when the behaviour is so serious that this is the only proportionate action to take.
- 8.5 In cases where there is an imminent risk to individuals or the wider community, we may choose to take legal action without first considering other interventions.
- 8.6 Our decision to take legal action will always be determined by the risk of harm, the evidence available balanced against proportionality, reasonableness, and the likelihood of a successful outcome from it.

- 8.7 We will be clear to customers if we feel another agency would be better placed to investigate their issue or we feel that we are unable to act without the involvement of another agency such as the police or local authority.
- 8.8 Where we have identified anti-social behaviour as a concern, we will implement one or more of the following interventions after a full investigation.
- Contact the alleged perpetrator
 - Offer advice and give verbal warnings
 - Provide conflict resolution services, at our cost in appropriate cases where a successful resolution can be found through customers engaging in this process
 - Issue warning letters
 - Provide access to the Noise App to record instances of noise nuisance
 - Use behaviour contracts
 - Work with partner community safety partners to provide a joint approach
- 8.9 Where we need to enforce our tenancy conditions against any customer responsible for anti-social behaviour, we may seek civil injunctions and/or possession orders which could lead to eviction.
- 8.10 If we obtain civil injunction orders under section 1 of the ASB, Crime and Policing Act 2014 we may look to include 'positive requirements' to assist the individual to modify their behaviour in appropriate cases.
- 8.11 If the associated behaviour is of a significant nature, we may apply for an exclusion order for a period to stop the behaviour from continuing.
- 8.12 in the most serious of cases or where other interventions have failed, we may make an application for possession using discretionary grounds outlined in the Housing Act 1985 as amended. We may use mandatory grounds for possession where we deem it appropriate to do so; these cases will fall under schedule 2A of Housing Act 1985.
- 8.13 We support victims and witnesses of serious anti-social behaviour by offering increased home security measures such as fireproof letter boxes, security lighting, window locks and decoy cameras.
- 8.14 In some circumstances, we will provide visible and overt CCTV equipment to help combat forms of ASB.
- 8.15 Covert and/or directed CCTV will only be used in conjunction with the police and/or another community safety agency and following authorisation by the Head of Customer Experience, Housing Services. In this circumstance the use of CCTV would be time-limited and viewable only by a designated person.

8.16 Where appropriate we will always make referrals to relevant support agencies that can provide further witness care and assistance for victims such as the Lighthouse victim support service, VOCAS, SARI and Alliance support services.

9. Community Trigger

9.1 If customers are unhappy with the outcome of their ASB case, then we will ensure that customers are aware that they are able to make an application through the local authority processes, as well as through our own feedback process.

9.2 A community Trigger is an application for an intended case review, to assess how a case has been dealt with. The process is coordinated by the Local Authority and Alliance Homes may be co-opted into any relevant case reviews.

9.3 The criteria are as follows:

- 3 reports of the same issue to more than one agency within a period of 6 months or
- 5 or more people have reported the same issue within 6 months.

9.4 The criteria are consistent in all our local authority areas.

10. Review and monitoring

10.1 Key measures arising from our management of anti-social include:

- The total number of ASB cases
- Percentage of ASB cases resolved
- The number of evictions due to ASB
- The number of assured shorthold tenancies terminated within the starter tenancy period

10.2 These will be recorded monthly with trends being analysed on a quarterly and yearly basis.

10.3 We will continuously monitor satisfaction with customers who go through the service and will carry out short surveys with all customers at the end of their involvement with the service. This will be used for continuous improvement of our offer and feedback will be given to customers through The HIVE.

10.4 For monitoring purposes, we keep a record of each case of reported anti-social behaviour in a standard format on a central database of such incidents including (in line with our Data Protection Policy):

- Number, date, location, and type of incidents reported
- Geographical distribution
- Age, gender, ethnicity of victims
- Disability
- Levels of vulnerability of victims
- Summary of actions taken

10.5 We maintain and update the database regularly throughout all investigations as a means of recording the progress and outcome of each case.

10.6 We review the data collected to identify trends and to ensure that adequate and appropriate resources are provided to support staff in these areas.

10.7 The implementation and revision of this policy is the responsibility of the Tenancy Sustainability Manager.

10.8 This policy was established following consultation with colleagues, customers and community safety partners.

10.9 This policy is reviewed every two years.

10.10 As well as management indicators we will review and monitor the impact of ASB Management on meeting our wider ambitions to ensure that customers

- I feel safe in my home
- Most people would like to live in the area I live in
- I feel safe in the area I live in
- I feel valued and respected by Alliance Homes
- Alliance Homes listens to me
- I trust Alliance Homes to do the right thing
- It is easy to deal with Alliance Homes

11. Equality and Diversity

11.1 This policy has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

11.2 This policy is subject to a periodic Equality Impact Assessment.

11.3 The purpose of such an assessment is to consider the effect of the policy with regard to the recognised protected characteristics of equality and ensure

that it does not unfairly impact any individual or group. The protected characteristics are; age, disability, gender reassignment, race, religion or belief, gender sex, sexual orientation, marriage and civil partnership, pregnancy and maternity or other grounds set out in our Equality and Diversity Strategy and Single Equality Scheme. Remedial action will be undertaken if a detrimental effect is identified.

- 11.4 The EIA also requires the policy author to consider whether the policy is likely to negatively impact on a person's Human Rights.
- 11.5 This policy and any other related Alliance Homes publications can be provided in other formats for those with visual, literacy or language difficulties.

12. ASSOCIATED DOCUMENTS

- Anti-social Behaviour Case Handling Procedure
- Lettings Policy
- Estate Management Policy
- Tenancy agreements
- Domestic Violence and Abuse Policy
- Safeguarding Policy
- Data Protection Policy
- Customer Feedback Policy
- CCTV protocol

13. Relevant legislation

- 13.1 The following legislation has also been considered in developing this policy:
- Anti-Social Behaviour Act 2003 – Social Landlords powers to obtain injunctions
 - Anti-social Behaviour, Crime and Policing Act 2014 - new mandatory grounds for possession proceedings
 - Crime and Disorder Act 1998 – introduced civil remedy called the Anti-social behaviour order
 - General Data Protection Regulation 2018 – security and privacy of personal information
 - Equality Act 2010 - protects people against discrimination, harassment or victimisation
 - Localism Act 2011 – changes to tenancy law
 - Housing Act 1988, as amended – Schedule 2 provides the grounds available for possession proceedings

13.2 Our approach to supporting our customers in preventing and tackling ASB will also meet regulatory requirements as set out by the Regulator of Social Housing by ensuring that:

- customers are aware of their rights and responsibilities
- there is strong leadership, accountability and commitment on preventing and tackling ASB
- preventative measures are tailored to customer needs
- early intervention is used to prevent escalation including full use of landlord and other agency powers
- all customers can easily report ASB, are kept informed about progress with cases, are appropriately signposted and
- provision is made to support victims and witnesses

14. Glossary of terms

- **GDPR**- General Data Protection Regulations that regulate the way in which organisations collect, store, and use customer data.
- **Mandatory grounds for possession** – The Housing Act 1988 outlines the grounds in which Alliance Homes could apply for an order to re gain possession of a property. Ground 7A is a mandatory ground. If this ground is used and the process has been followed the court has no discretion not to award the court order and an order will be awarded. A Section 21 notice can also be served when the tenancy is in the starter tenancy phase (Assured shorthold). If the process has been followed the court does not have any discretion not to award the order.
- **Discretionary grounds for possession** The Housing Act 1988 sets out discretionary grounds that can be used to seek to end a tenancy. The court has overall discretion in awarding any order and will decide based upon the evidence provided.
- **Assured Shorthold Tenancy** – Type of tenancy that is given to new customers. It has a period of up to 18 months in which we will monitor the tenancy to ensure that it can be sustained.
- **Proportionality** – Ensuring that any action we take against someone involved with anti-social behaviour considers any wider issues and ensures that the outcome of any action taken is fair and reasonable.
- **One Team** – joint working with Avon and Somerset Police, schools in the Bournville and Oldmixon Neighbourhoods, North Somerset Council and Social care partners to support families and individuals in these neighbourhoods.
- **Violence Reduction Unit**- Home office funded programme led by North Somerset Council in Weston Super Mare (predominately Town Centre) to deliver interventions around violent crime and re offending.

- **Troubled Families Programme** – Government led programme run by North Somerset Council to work with families with involvement with multiple statutory agencies.
- **One Front Door** – Government funded project to tackle domestic abuse in a multi-agency way.
- **Information Sharing Protocol** – Agreements with partners around sharing of information that is relevant to each agency to carry out its primary function.
- **Noise App** – Software used to record noise nuisance. Information provided to customers at point of contact and software can be downloaded on the customers phone, free of charge.
- **Civil Injunction** – Court order to stop behaviour from occurring or request that someone engages with certain services to change behaviour. A power of arrest can be attached to such an order and it is a criminal offence to breach the order.
- **Possession Proceedings** A court order to re gain possession of a property.

VERSION CONTROL AND APPROVAL DATES

Existing policy approved	
Version no.	Name and date
N/a	Anti-Social Behaviour Policy 2017

Approval stage	Date completed
Equality Impact Assessment completed	April 2021
EIA reviewed by Equality & Diversity Manager	April 2021
SLT review / approval	April 2021
Board or Cttee approval	SLT approval
Review date	April 2023