

Antisocial Behaviour Policy

April 2021

1 Policy statement

- 1.1 This policy outlines our approach to Anti-Social Behaviour (ASB) and ensures that we meet the relevant regulatory standards.
- 1.2 The policy has been updated to consider the powers introduced by the ASB Crime and Policing Act 2014.

2 Statutory and Regulatory context

- 2.1 This document has been reviewed in line with the Regulator of Social Housing's (RSH) Consumer Standards and upholds their principles
- 2.2 The specific requirements in the RSH Neighbourhood and Community Standard states:
 - 2.2.1 "Registered providers shall publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties. In their work to prevent and address ASB, registered providers shall demonstrate:
 - (a) That tenants are made aware of their responsibilities and rights in relation to ASB.
 - (b) Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies.
 - (c) A strong focus exists on preventative measures tailored towards the needs of tenants and their families.
 - (d) 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.
 - (e) 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.
 - (f) Provision of support to victims and witnesses".

3 Anti-Social Behaviour

- 3.1 ASB is defined in section 1 of the Crime and Disorder Act 1998 and extended by the ASB, Crime and Policing Act 2014 as being:
 - 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 purposes.
 - Conduct capable of causing housing-related nuisance or annoyance to any person.

- 3.2 We expect our customers not to commit, or allow their family, other household members, visitors or pets to commit acts of ASB towards any person reasonably entitled to be in the vicinity of any of our properties, including Rooftop staff and contractors.

4 Our approach to resolving ASB

In our approach to resolving ASB we will:

- Investigate complaints that involve one of our tenants, this could be a tenant complaining about another tenant, leaseholder, owner-occupier or private tenant. We also investigate complaints made by leaseholders, owner-occupiers, private tenants about one of our tenants causing a nuisance within the vicinity of their RHG home.
- Investigate complaints if anti-social behaviour is being caused by a visitor to a tenant's property. Action can be taken against the tenant if we believe they knowingly permit a family member or visitor to cause a nuisance whilst visiting or residing at their property or do nothing to prevent further incidents.
- Agree an action plan with the complainant when the initial complaint is made and we will review this regularly to ensure that the complainant is kept up to date with the progress of the investigation. This action plan will agree what is expected of you, us and any other parties. You may be asked to keep a record of incidents and report them on a regular basis.
- We will agree and set realistic targets and expectations at the first point of contact and throughout.
- Investigate anonymous complaints as far as we can; however we will not be able to provide feedback to the complainant or gain further information. Therefore this will limit the amount of action we are able to take. If complainants wish to remain anonymous in the event of Court proceedings we may use professional witnesses or CCTV where a case warrants it.
- Consider any Safeguarding matters and will make appropriate referrals without consent or knowledge of any parties if they believe certain thresholds have been met.
- Not move either the perpetrator or the complainant (except where there is exceptional circumstances), we will work with all parties to resolve the nuisance behaviour.

5 When you make a complaint of ASB we will:

- Contact you within 1 working day for serious cases of anti-social behaviour and 1 working day for minor anti-social behaviour.

- Agree an action plan with you within 1 working day for serious cases of anti-social behaviour and 5 working days for minor anti-social behaviour.
- Arrange an interview with you within 1 working day for serious cases of anti-social behaviour and 5 working days for minor anti-social behaviour.
- Carry out an initial assessment of victim and witness vulnerability, risk, and harm on opening a case of ASB to determine case allocation and complete a full assessment at the initial interview we have with you with your allocated case officer.
- If you report an incident to our out of hours Anti-Social Behaviour Respect Line, the details will be passed to the Anti-Social Behaviour or Neighbourhood Team who will endeavour to contact you the next working day.
- Complete a Proportionality Assessment Form (Justification Prior to Legal Action to include Equality Act 2010) which will be signed off by a Manager in relation to ASB cases.
- Send a satisfaction survey to the complainant on closure of their ASB case to continually monitor satisfaction and look to make improvements to the way we manage and address ASB.

6 Tackling ASB

We will make every attempt to resolve anti-social behaviour through non-legal means in the first instance, as we recognise early intervention can stop anti-social behaviour from escalating.

We will make referrals for mediation between parties to resolve the situation amicably. There is an expectation that all parties will engage, and that refusal may result in a case being closed. Mediation requires consent from both parties and a willingness to resolve the dispute.

We will also, where appropriate, make referrals for Restorative Justice (RJ). RJ requires consent from both parties and admittance or guilt from the alleged perpetrator or other party in an aim to facilitate move on after an incident or crime has taken place. We strongly encourage the use of RJ as a means to closure and resolution.

In some situations, non-legal means will not be possible and immediate legal action may be taken to protect our tenants, leaseholders and communities from those causing anti-social behaviour.

Resolving ASB through non-legal means:

- Mediation
- Restorative Approach –such a Restorative Justice (RJ) or Community Remedy
- Warning Letters
- Referrals to Support Services

- Acceptable Behaviour Contracts
- Voluntary Undertaking
- Parenting Agreements
- Good Neighbour Agreements
- Extending Starter Tenancies

Resolving ASB through legal means:

- Notice of Seeking Possession
- Termination of Starter Tenancy
- Anti-Social Behaviour Injunctions for those perpetrating aged over 10
- Community Protection Orders
- Parenting Order
- Court Undertaking
- Noise Abatement Notice
- Dispersal powers
- Community protection notices
- Public spaces protection orders
- Closure Powers
- Demotion of Enhanced Assured Tenancy
- Possession and absolute grounds for possession

When resolving anti-social behaviour through non legal and legal means we may work with other partner agencies alone or in partnership.

6.1 What is ASB

We put all incidents of anti-social behaviour reported to us into categories, assessing both the risk and seriousness of the alleged behaviour, and the impact it is having on the victim. If an incident is made up of several types of anti-social behaviour, we will treat the most serious part of the complaint first.

Anti-social behaviour may or may not amount to a criminal act. What is important in defining anti-social behaviour is the effect of the behaviour on others. The 2014 Act defines ASB in three different categories-

Personal - behaviour that targets a particular individual or specific group or is aimed at having an impact on a particular individual or incident rather than a community at large.

Nuisance - individuals or incidents that cause trouble, annoyance, inconvenience, offence or suffering to people in the local community in general, rather than targeted at an individual.

Environmental - incidents and inconsiderate actions which impact on the surroundings including the natural, built and social environments. Anti-social behaviour may or may not amount to a criminal act. What is important in defining anti-social behaviour is the effect of the behaviour on others.

Serious	Minor
Racial Harassment Hate Crime Domestic Abuse – including Mental, Psychological, Financial or Emotional Abuse Sexual Harassment Actual Violence Threats of Violence Suspected drug using/dealing* Verbal Abuse Alcohol related nuisance Using, owning or storing an illegal or unlicensed firearm or weapon Intimidation Dangerous Dogs Criminal Damage Noise Nuisance	Graffiti Parking Dispute Begging Vandalism Abandoned Vehicles Boundary and Hedge Disputes Animal nuisance (dog barking, dog fouling) Rubbish Dumping Litter Spitting, urinating in the communal area Playing ball games close to someone's property (that is causing a nuisance.)

6.2 What we will not consider to be ASB

6.2.1 The following will generally not be considered to be ASB – this is not an exhaustive list:

- Normal domestic everyday noise occurring at reasonable times and not for excessive periods of time.
- Cooking smells.
- Parking issues, where there are no parking regulations breached.
- Children playing.

7 Harassment/Hate Crime

7.1 We take harassment/hate crime in any form against any member of our community extremely seriously. Such conduct can have a very traumatic effect on the victim and a divisive effect on our communities.

7.2 Hate crime involves any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic. Hate crime can be motivated by disability, gender identity, race, religion or faith and sexual orientation. However, any incident

that is motivated by bias or prejudice against a person's identity can be considered a hate crime.

8 Domestic Abuse

- 8.1 The definition of domestic abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, or abuse between those aged 16 years or over who 7 are, or have been, intimate partners or family members regardless of gender or sexuality.
- 8.2 Domestic abuse is a serious issue that can have a devastating impact upon the victim, their family, and the wider community regardless of race, geography, or social background. It is recognised that domestic abuse affects both adults and children, and it has a detrimental effect on their safety, security, health, and wellbeing.
- 8.3 Domestic abuse may fall within the definition of ASB, each case will be considered on its facts. We will be mindful of the needs of the victim to ensure they are supported. The use of enforcement tools will be used by Rooftop and or other agencies in appropriate cases (for example, to protect the victim and or impact upon the wider community).

9 Protection of staff

- 9.1 The association will take firm action if its staff, agents, or its contractors are threatened, abused, or subjected to ASB. This includes legal action, where appropriate, and referral to the police for investigation.
- 9.2 Rooftop will adopt a preventative approach to the management of its communities and ASB. All reported cases of ASB will be recorded and assessed. An Action Plan will be agreed with the complainant(s) and regularly reviewed with them.
- 9.3 Effective case management will underpin our approach to ASB, and this will include regular contact with the complainant(s) to keep them informed about the progress of their case.
- 9.4 The frequency and severity of incidents and the effect on the complainant will be considered.
- 9.5 Customers are expected to take responsibility for their part in the resolution of disputes where appropriate and to co-operate with reasonable requests to assist in progressing any investigation.
- 9.6 We will monitor customer satisfaction with the service by carrying out a survey of all customers when their complaint of ASB has been closed.
- 9.7 We will build on our strong partnership working that aims to promote cohesive communities and reduce ASB.
- 9.8 When a complaint of ASB is made by or against someone we know or suspect to be vulnerable, we will tailor our approach and ensure that signposting to appropriate support is made available. We recognise that some customers may have vulnerabilities, including those with learning or physical conditions, mental health illness or other support needs. The needs of the vulnerable person will be handled appropriately, and if deemed necessary, in partnership with other agencies. While recognising an individual may have a potential

disability or vulnerabilities, we will not ignore instances of ASB as it has a responsibility to the wider community and will balance these competing factors. Legal action will be pursued if it is considered necessary and proportionate.

- 9.9 Applications for accommodation with Rooftop may be refused where there has been a history of ASB. Each case will be considered on its own merits.
- 9.10 We will, where appropriate, work with perpetrators of ASB, and where possible change their behaviour.
- 9.11 Within the legal definition of Section 1 of the Crime and Disorder Act 1988 and extended by the ASB, Crime and Policing Act 2014, this expressly includes customers that are not complying with the Government safety advice. Where a breach of injunction occurs, we will take legal advice in line with the CHIC framework and/or the police if a breach includes the power of arrest.
- 9.12 This will include where there is already ASB and/or there is a real risk of harm to others, in particular, within extra care and other supported housing.

10 Review

- 10.1 This policy will be reviewed every three years unless there are major changes in legislation or good practice.

11 Consultation

11.1 Leadership Team	April 2021
11.2 Executive Team	April 2021
11.3 Other (for example, customers)	N/A

12 Responsibilities

12.1 Responsible body	Executive Team
12.2 Formulation and approval of policy	Executive Team
Amendments to policy	Head of Housing
Monitoring of policy	Leadership Team
Operational management of policy/policy author	Head of Housing
12.3 Date of formulation of policy	March 2019
12.4 Date of next policy review	March 2022

Appendix 1

Associated documents

Internal – Rooftop policies and procedures

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External

- Regulator of Social Housing's Neighbourhood and Community Standard

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