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# Anti-Social Behaviour Policy

August 2018

**Important**

Policies and procedures must be coordinated through the Business Development Team for compliance, auditing and control purposes. A Policy Registration Form must be completed before any revisions are made by contacting the Business Development Team at [NH.Policy@networkhomes.org.uk](mailto:NH.Policy@networkhomes.org.uk)

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**Title: Anti-social Behaviour Policy**

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**Appendices: None**

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## 1. Introduction

1.1 Network Homes (NH) is committed to tackling Anti-social behaviour (ASB). NH recognises the effect ASB has on individuals, communities or the environment. NH recognises that tackling anti-social behaviour has broad consequences which impact upon all areas of our business, our residents, customers and other stakeholders. ASB can be tackled using various methods and interventions.

1.2 This policy is intended to ensure that NH is equipped to deal with occurrences of ASB when they are reported and is compliant with the requirements of the ASB Crime and Policing Act 2014.

1.3 The ASB Crime and Policing Act 2014 defines ASB 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.”

1.4 The definition extends to behaviour towards staff and contractors of NH. We operate a zero tolerance policy towards any intimidating, threatening or abusive (verbal or physical) behaviour aimed at our staff or contractors. ASB includes a wide range of unacceptable behaviour that affects the quality of life of residents and others living or working in the community. ASB is a broad term used to describe day-to-day incidents of crime, nuisance and disorder and includes, but is not limited to, the following:

Type of ASB	Examples of ASB incidents
Harassment	hate crimes including homophobic and racial harassment
Domestic violence	abuse of a partner or elderly parent
Noise nuisance	loud music and DIY activity, particularly late at night
Communal nuisance	youths causing rowdy/ threatening behaviour
Animal related problems	dogs barking, animals fouling communal areas
Neighbour disputes	arguments about shared amenities and parking
Environmental abuse	dumping rubbish in corridors and fly tipping
Drugs, substance or alcohol abuse	use of and supply of illegal drugs. Alcohol related ASB
Vehicle related nuisance	abandoned cars and car repairs

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Other Criminal Behaviour	Prostitution and kerb crawling
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- 1.5 This policy applies to anyone living in or visiting a property owned by NH. It also applies to residents living in neighbouring properties of different tenure and visitors to their properties and includes all rented tenants, shared owners, leaseholders and stakeholders.
- 1.6 All tenants are bound by the terms of their tenancy agreements not to cause nuisance and/or annoyance to others.
- 1.7 All leaseholders will be expected to abide by the terms and conditions of their lease agreement and any subsequent terms of variation to that lease.
- 1.8 The leaseholder and tenant’s handbooks clearly state the responsibilities of both tenants and leaseholders.
- 1.9 NH considers abusive or threatening behaviour towards its staff, contractors or agents to be a serious issue, which will be dealt with in accordance with this policy.

## 2. Policy Statement

- 2.1 NH is committed to taking effective, appropriate, and proportionate action to tackle ASB, using a full range of interventions, including the use of the legal framework.

## 3. Aims & Objectives of Policy

- 3.1 The aims & objectives of this policy are to:
- Define ASB so that staff and customers are clear about what it is.
  - State the various ways in which ASB can be reported.
  - Tailor the service to individual’s needs, particularly in sensitive cases, managing residents’ expectations in all cases.
  - Raise awareness amongst our customers, staff and other relevant stakeholders of the tools and powers available, to both staff and our customers, to tackle ASB.
  - Ensure that NH always takes into account the support needs of vulnerable customers.
  - Give victims of ASB opportunity to report their grievance.

## 4. Reporting of Anti-social Behaviour

- 4.1 Anyone reporting or considering making a report of ASB is assured that their report will be treated as confidential.

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- 4.2 Reports of ASB can be made in person, by telephone, by email or in writing to any of our offices. You can also complete our ASB online form.
- 4.3 Anyone wishing to make an ASB report can also ask a friend, relative, neighbour or an Advocate to report issues of ASB to us on their behalf.
- 4.4 NH provides direct access to translation and/or interpretation services, where required, and our offices are equipped with hearing loops.

**5. Our Approach to Tackling Anti-social Behaviour**

- 5.1 NH uses a victim centred approach to the management of ASB.
- 5.2 NH recognise the benefits of partnership working to deal effectively with ASB and we will, where possible, work in partnership with others.
- 5.3 NH aims to assess the vulnerability and support needs of our customers and where possible provide appropriate support directly or refer to external agencies as necessary.
- 5.4 NH recognise that challenging behaviour may be the result of one or more diverse needs. Where appropriate, we will seek to support the perpetrator, and seek the advice and the assistance of specialist agencies to help address their needs, which could include carers and support workers.
- 5.5 NH will aim to make evidence gathering for the victim/witness as straightforward and sensitive as possible.
- 5.6 NH will consider the safety and the perception of safety, of the victims and witnesses and if necessary provide additional safety measures to support them.
- 5.7 NH will help victims to stay in their own home wherever possible.
- 5.8 NH will make every effort to protect and support witnesses during court proceedings.
- 5.9 NH takes all forms of ASB very seriously but also recognise that we should have varied approaches to the varied forms of ASB. We therefore have specific response timescales for ASB and will also communicate this to victims and complainants.
- 5.10 A named officer will be responsible for investigating allegations of ASB. The officer will:
  - Be the primary point of contact and keep the person reporting ASB informed, as far as possible, throughout the process
  - Ensure any communication requirements are addressed and the correct resources are used. This may be sourced internally, through language line or other external agencies

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- Formulate and agree an action plan with the person reporting ASB at the earliest opportunity detailing what steps will be taken to address the complaint
- Make sure interviews are conducted appropriately, either over the telephone, in the office or through a home visit.
- Agree any necessary support package for tenants reporting ASB who have particular needs e.g. associated with disability or vulnerability.
- Provide assistance to those reporting ASB and liaise with external agencies where appropriate, e.g. social services in order to address and/or manage ASB. Assess and monitor any risk
- Develop an action plan with the complainant, being clear and realistic about potential outcomes and timescales involved

## 6. Prevention

6.1 NH is committed to preventing the incidence of ASB at the outset by doing the following:

- Clearly explaining to all new tenants and leaseholders at the sign-up of their tenancy and settling in visits, the terms of their tenancy or lease that relate to ASB and causing a nuisance, so that expectations and consequences are clear
- Encourage residents to be good neighbours and promote Good Neighbourhood Agreements where we have them on our housing schemes
- Assessing what physical improvements can help reduce anti-social behaviour.
- Applying a range of preventative measures including Neighbourhood Watch, youth diversion activities such as summer clubs and community development initiatives
- Publicising our commitment to dealing with ASB, for example in newsletters
- Considering refusing applicants ( from the waiting list) with a known history of serious ASB
- Not renewing fixed term tenancies on expiry

## 7. Intervention

7.1 NH will take a customer focussed approach to tackling ASB. Working with the complainant and the alleged perpetrator, we aim to reach agreed actions, timescales and ultimately closure. Except in very serious cases, our initial intervention aims to stop the problem behaviour. We recognise that early intervention is important to stop cases escalating. NH is committed to intervening at an early stage in ASB cases in order to resolve problems and prevent their escalation. NH will use the following approaches in its early interventions:

- Develop robust local partnerships and multi agency working to address ASB with a view to signposting or referring customers where appropriate.
- Develop formal information sharing protocols and partnership agreements to allow us to respond quickly to ASB.
- Make early contact with those involved and consider utilising:

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- Written and Verbal warnings
- Acceptable Behaviour Agreements (ABA's)
- Mediation
- Support and Counselling
- Pre – notice warning letters

7.2 NH takes a multi-agency approach to tackling ASB and will wherever possible work with:

- Local Authorities Community Safety Partnerships
- Police
- Community and Voluntary Agencies
- Residents Groups
- Youth Offending Teams
- Other Landlords on multi – landlord estates
- Social Services
- Mental Health Teams
- Neighbourhood Watch Schemes

7.3 Non-legal actions we take include:

- Warnings – Before taking any legal action, warnings can be issued to the perpetrator. All issued warnings are recorded and monitored.
- Acceptable Behaviour Agreements (ABA) – This is a written contract drawn up between the alleged perpetrator and NH. It is not legally binding. The ABA will stipulate what acts the perpetrator is not to carry out.
- Mediation – We will consider mediation where a discussion between neighbours has not been possible or has not resolved the issue. This is a voluntary process.

## 8. Enforcement

8.1 The law has created tools that NH can use to deal with ASB cases. We aim to deal with ASB in a proportionate and appropriate manner. Our approach includes engaging with complainants and alleged perpetrators, providing support and/or taking enforcement action. We will use legal action where necessary, but in general we will try to work with perpetrators and complainants to resolve the situation without resorting to this. Early interventions as listed in the section above are our preferred first approach. Where this hasn't worked or is not appropriate, we will use legal action including:

- Injunctions, which can include positive requirements as well as prohibitions and exclusions
- Undertakings (a promise to the court)
- Possession and forfeiture action.

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- Mandatory possession order using ground 7a of the Anti-Social Behaviour, Crime and Policing Act 2014. See further details below in respect of serious and/or persistent ASB
- Eviction

## 9. Community Triggers

9.1 The ASB, Crime and Policing Act 2014 introduced the “Community Trigger”. This allows members of the community to ask for a review of the responses to their reports of ASB. The Community Trigger and how to enact this for each area should be available via the relevant Local Authority and Police websites.

## 10. Dealing With Domestic Abuse

10.1 NH believes that all of our residents should be able to live without fear of abuse from a spouse, former spouse or partner, or other member of their household. Domestic abuse is a criminal offence and will not be tolerated by NH. The cross-government definition of domestic violence and abuse is: “any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- Psychological
- Physical
- Sexual
- Financial
- Emotional”

10.2 NH understands that any person can experience domestic abuse. We are committed to offering victim-centred, accessible, and flexible assistance to any of our customers who are suffering from this type of physical, sexual, emotional or verbal abuse.

10.3 We take a victim centred approach to dealing with domestic abuse. Victims of domestic abuse will be given the relevant advice and support by the case officer at the earliest possible opportunity. Where appropriate, the perpetrator may be signposted for support or referred to behavioural / specialist courses if locally available. We provide the victim with a list of emergency contact and support details including: the local police station, the local authority homeless persons’ unit, law centre emergency hotlines.

10.4 NH recommends that all crimes are reported to the Police. However, unreported allegations of domestic abuse will not prejudice advice given in regards to signposting victims to relevant organisations or offering support.

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10.5 All reports of domestic abuse that are a safeguarding concern are reported in line with our policy and procedures on safeguarding.

10.6 Maintaining confidentiality is essential. We will take measures to ensure that confidential information provided by the victim is not seen by the perpetrator. We:

- Are careful about disclosing information about the victim's current address
- Ensure the victim's records clearly show that the address must not be disclosed.

Information is only provided to external agencies as agreed with the victim, or where it is required by law or where there is an overriding need.

10.7 Where there is a joint tenancy and one of the tenants has been the victim of domestic abuse, NH will explain the judicial process for assigning the tenancy to the victim. We advise victims about seeking independent legal advice on their rights.

## **11. Harassment and Hate Crime**

11.1 NH will not tolerate incidents of harassment or hate crime in any form. The police and the Crown Prosecution Service define a hate crime as "Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."

11.2 To prevent racial harassment and hate behaviour NH will send out a clear message that we adopt a zero tolerance approach. We make it clear to new residents moving into their home that harassment of any kind is a breach of their occupancy agreement and advise them of our approach to dealing with this.

11.3 NH will ensure our staff are equipped to deal with any reports of racial harassment or other types of hate behaviour.

11.4 NH will create a safe and welcoming environment for people to report racist incidents or hate behaviour.

11.5 NH will ensure incidents of perceived racial harassment or hate incidents are treated consistently, promptly, effectively and confidentially.

11.6 NH will work in partnership with other agencies and use community resources available to promote social cohesion.

11.7 NH will proactively deal with any report(s) of racial harassment or other types of hate incidents in an efficient and consistent manner.

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11.8 We join and participate in multi-agency forums relating to hate incidents and hate crimes in areas where we hold substantial housing stock.

## **12. Serious and/or Persistent ASB**

12.1 Possession action is in most cases a last resort and NH will where possible use all alternative remedies before seeking possession of a tenant's home. However in some cases we may have no alternative but to seek possession.

12.2 Where possession action is considered necessary NH will ensure that the action taken is in accordance with the Pre- action protocol for possession claims brought by social Landlords

12.3 Possession action could include both mandatory and discretionary claims for possession.

12.4 Mandatory claims for possession include:

- Claims brought following the service and expiry of a section 21 Notice Requiring Possession, where the tenancy is an assured shorthold tenancy or a starter tenancy, which is in itself an assured shorthold tenancy;
- Possession action brought following the service and expiry of a Notice Seeking Possession reciting an "Absolute" ground for possession set out in the Housing Acts 1985 (secure) and 1988 (assured). An Absolute notice may only be served on the tenant if one of the following conditions are satisfied:
- the tenant, a member of the tenant's household or a person visiting the property has been convicted of a serious offence
- the tenant, a member of the tenant's household or a person visiting the property has been found by a court to have breached an injunction to prevent nuisance and annoyance obtained under section 1 of the Anti-Social Behaviour Crime and Policing Act 2014
- the tenant, a member of the tenant's household or a person visiting the property has been convicted for breach of a criminal behaviour order obtained under section 30 of the Anti-Social Behaviour Crime and Policing Act 2014
- the tenant's property has been closed under a closure order obtained under section 80 of the Anti-Social Behaviour Crime and Policing Act 2014

12.5 Where NH decide to seek possession against a starter tenant/ and or rely on the Absolute Grounds for possession the tenant will have the right to seek a review of the decision to serve the notice.

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12.6 Where no appeal is received or it is not upheld, if the court is satisfied that one of the conditions is met, or in the case of a starter tenancy, that the s21 notice is valid the court must make a possession order and that order cannot be suspended.

12.7 Where possession is sought on a discretionary ground for possession the court will be able to decide whether it is reasonable in all circumstance for a possession order to be made. The court may also decide to suspend the possession order.

### **13. Noise Nuisance**

13.1 NH has a variety of customers with differing lifestyles. We encourage everyone to respect these differences but to also be mindful about how their lifestyle may impact others.

13.2 Many of the activities that can cause domestic noise are considered to be normal household activities, during the daytime. Domestic noise includes, but is not limited to:

- Noisy household appliances
- Noise caused by children
- Ball games
- Loud talking
- Banging doors/windows
- Noise caused by pets
- Television noise
- Loud music

13.3 NH promotes tolerance and an understanding that each customer has the right to their own chosen lifestyle, as long as it does not negatively interfere with the lives of others.

13.4 When NH receives complaints of domestic noise we will advise our customers to try and discuss the matter with their neighbours in the first instance in a polite manner. This is only if they feel confident to do so.

13.5 NH's believes that early discussion between parties is most effective rather than leaving the issue to build up. We will use the methods as above at paragraph 7.3 to reach an effective solution. In addition we may use a Good Neighbour Agreements – A signed agreement between all parties involved agreeing to show consideration to each other.

### **14. Complaints**

14.1 Any tenant, resident, customer or other stakeholder who is dissatisfied with the service provided under this ASB policy is able to submit a complaint using the NH Complaints process.

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## 15. Performance Monitoring

15.1 NH will monitor the impact of this policy to ensure appropriate and consistent application using the following reports:

- Number of ASB cases reported
- Number of resolved ASB cases
- Benchmarking our service against other Registered Providers
- Reviewing customer experience using satisfaction surveys.
- Compliance with the ASB Policy will take place as part of the group's quarterly self certification assurance framework.
- Increase our understanding of who perpetrators and victims of ASB are

## 16. Related Documents

- Antisocial Behaviour Procedure
- Allocations Policy
- Data Protection Policy
- Equality and Diversity Policy
- Lone Worker Procedure
- Safeguarding Policy
- Safeguarding Procedure

## 17. Legislation and Regulation

17.1 The legislation listed in this policy is not intended to cover all legislation applicable to this policy. To meet the required Governance & Financial Viability Standard outcome on adherence to all relevant law, Network will take reasonable measures to ensure compliance with any and all applicable legislation by reviewing policies and procedures and amending them as appropriate. The legislation listed within this policy was considered at the time of the development of this policy, but subsequent primary and secondary legislation, case law and regulatory or other requirements will be considered and the policy reviewed and adopted in accordance with the requirements set out therein, even should such subsequent legislation not be explicitly listed within this policy. Any queries relating to the applicable legislation should be directed to the policy author.

17.2 NH will meet our legal obligations under the following (this is not an exhaustive list):

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour Crime and Policing Act 2014
- Anti-terrorism Crime and Security Act 2001
- Data Protection Act 2018

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- Domestic Violence Crime and Victims Act 2004
- Equality Act 2010
- Housing Acts 1985, 1988 and 1996
- Human Rights Act 1998
- Police Reform Act 2002
- Protection from Harassment Act 1997
- Respect Standard 2007
- The Crime and Disorder Act 1998
- Homes & Communities Agency Neighbourhood and Community Standard
- Family Law Act 1996
- Civil Partnership Act 2004
- Homelessness Act 2002
- Housing Act 1996
- The Children Act 2004
- Care Act 2014

## **18. Data Protection and Information Sharing**

- 18.1 The Power under section 115 of the Crime and Disorder Act 1998 and the Under Schedule 2 Part 1 Paragraph 2 of the Data Protection Act 2018 agencies to disclose information for the detection and prevention of crime and anti-social behaviour. We will ensure that we have signed information sharing protocols so that information about perpetrators may be shared with other agencies for the purpose of preventing ASB or crime.

## **19. Equality and Diversity**

- 19.1 NH will apply this policy consistently and fairly, and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equality Act 2010.

## **20. Review**

- 20.1 All policies should be reviewed every 3 years as a minimum, or sooner if there is a specific legislative, regulatory or service requirement or change in guidance, law or practice.

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