

Control Information	
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Author	Charlotte Smith – Head of Community Safety
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VERSION CONTROL

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1. Policy Statement

In its management of Anti-Social Behaviour, One Housing aims to comply with the Regulator of Social Housing's Neighbourhood and Community Standard and Tenancy Standard.

Compliance with regulatory standards is also required by the Anti-Social Behaviour Act 2003.

The Anti-Social Behaviour, Crime and Policing Act 2014 does not require registered providers to deal with anti-social behaviour ("ASB") in a particular way, however One Housing will work to tackle ASB using the framework of tools provided within the legislation.

One Housing's Community Safety Team will also work in partnership with external agencies, where appropriate, and internal departments to resolve incidents of ASB.

2. Objectives

We are committed to tackling ASB in a responsive, victim-centred, proportionate and robust manner.

One Housing will also endeavour to ensure that residents are able to resolve incidents of low-level nuisance without formal intervention.

This policy sets out a clear definition of ASB and outlines what measures One Housing may take to:

- Prevent incidents of ASB from occurring
- Investigate reports of ASB, in partnership with specialist agencies where appropriate
- Take appropriate action to stop ASB, where there is sufficient evidence
- Support all residents to sustain their tenancy

This policy applies to all residents, their household members and their visitors, and may be applied in appropriate circumstances to third parties.

3. Related Documents and Policies

3.1 This policy should be considered in conjunction with the following documents;

- Anti-Social Behaviour Procedure
- Safeguarding Policy
- Safeguarding Procedure
- Safeguarding Strategy
- Equality & Diversity Policy
- Domestic Abuse Policy
- Domestic Abuse Procedure
- Tenancy Fraud Policy
- Tenancy Fraud Procedure
- Health and Safety Policy
- Unacceptable Customer Behaviour Policy
- Unacceptable Customer Behaviour Procedure
- Complaints Resolution Policy
- Customer Service Offer

- Customer Experience Strategy
- Neighbourhood Management Policy

3.2 Government legislation has an impact on how One Housing can implement its ASB policy. Listed below are the key Acts that are designed to deal with ASB and which may form part of One Housing's approach to tackling and reducing ASB:

- Housing Act 1985
- Housing Act 1988
- Housing Act 2004
- Equality & Diversity Act 2010
- Localism Act 2011
- Anti-social Behaviour Act 2003
- Anti-social Behaviour, Crime and Policing Act 2014
- The Regulator of Social Housing's Neighbourhood and Communities Standard and Tenancy Standard.
- The Domestic Violence, Crime and Victims Act 2004
- The Protection from Harassment Act 1997
- The Family Law Act 1996
- The Crime and Disorder Act 1998
- Human Rights Act 1998.
- The Environmental Protection Act 1990
- Protection from Eviction Act 1977

4. Definitions

4.1 Anti-Social Behaviour - ASB covers a wide range of activities that may have a negative effect on the quality of community life and has many causes; for the purposes of this policy it is generally defined as:

Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person or conduct capable of causing a serious nuisance or conduct capable of causing housing-related nuisance or annoyance to any person.

'Housing-related' means anything involving One Housing's functions as a provider of social housing.

Harassment – any behaviour which is deliberately intended to harm or intimidate a person, whether or not the same is motivated by prejudice on the grounds of race, ethnic origin, colour, national origin, religion, gender, age, disability or sexual orientation. Generally, a course of conduct is required to show harassment, although One Housing may consider one-off incidents as harassment in appropriate circumstances.

Hate crime – a criminal act motivated by a victim's race, ethnic origin, colour, national origin, religion, gender, age, disability or sexual orientation.

Racial harassment - "an incident or series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion or nationality". Sir William Macpherson's report on the Stephen Lawrence inquiry (1999).

4.2 Local Nuisance - One Housing will **not** consider all instances of nuisance to be ASB. Types of nuisance that may not be considered ASB include (hereafter referred to as 'Local Nuisance'):

- Noise from children playing unless in an unreasonable manner
- Disagreements about parking
- Civil disputes such as boundary issues
- One-off incidents of noise disturbance
- The use of necessary medical equipment
- Neighbour disputes
- Living or domestic noises e.g., ordinary conversation heard through walls or floors, neighbours walking around their home, domestic activities such as vacuuming or using washing machines or closing doors and windows
- Cooking smells
- Music played during the daytime unless in an unreasonable manner
- Littering or improper disposal of waste

This type of behaviour will not be dealt with under this Policy. We will encourage neighbours to resolve minor disputes amongst themselves by using our "Dear Neighbour" card and where necessary will provide the support of an independent mediator.

Consideration will be given to this policy and to the individual circumstances of the case as communicated to the Community Safety Team.

Residents or other individuals complaining of neighbourhood issues that are not considered to be ASB may also be directed to external partners, Resident Management Team, Property Management Team or individual Care and Support schemes dependent on the issue in the first instance.

5. Scope

This policy is intended for the use of the Community Safety Team and staff at One Housing. It is also available to residents, the Police, local authorities.

6. Policy

6.1 Preventing ASB

One Housing understands the alarm and distress that ASB can have on communities and as such is committed to preventing it from occurring in the first place, where possible. We have measures in place to reduce the potential for ASB to occur, which include:

- Having effective designs for new developments and making reasonable improvements to existing developments
- Conducting regular inspections of the properties that we manage and promptly reporting repairs that compromise the security of a building
- Carrying out a sensitive let where we recognise that a vulnerable resident may be at risk of being harmed if they move into a property
- Explaining to new residents what ASB is when they sign their tenancy
- Publicising successful cases to ensure the wider community is aware of our commitment to tackling ASB.

6.2 Dealing with ASB effectively

ASB covers a variety of activities that impact individuals differently and a wide range of responses are required to tackle it effectively. We balance enforcement action and intervention with support for residents who request help sustaining their tenancy.

6.3 Appropriate Authorities and Partnership Working

One Housing will not always be the appropriate authority to deal with ASB. In certain instances, One Housing may recommend that victims contact external agencies such as the Police or Local Authority on the basis that these organisations have a statutory role, the authority and/or appropriate resources to deal with specific types of ASB in the most proportionate manner.

It is the responsibility of the Police to investigate allegations of criminal offences. One Housing will endeavour to offer support to victims in these circumstances and may take enforcement action if breaches of the tenancy agreement, licence or other agreement are evidenced. One Housing may in appropriate circumstances, proceed to enforcement action even if offences are not proven to the required criminal or statutory nuisance standard.

Examples of situations where alternative agencies are the appropriate investigator include, but are not limited to:

- Serious or violent crime;
- Serious noise nuisance;
- Drug offences.

We work in partnership with agencies at both the strategic level (for example on Crime and Disorder reduction partnerships) and at operational levels (for example with local police). We co-operate with the Community Trigger process to help resolve cases of ASB with all local authorities across our stock.

6.4 Resident Responsibility

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

- Take responsibility for Local Nuisance with their neighbours and to try to resolve any such problems themselves in a reasonable manner.
- Where appropriate, talk to their neighbour first to resolve any pet or noise-related problems.
- Report incidents of ASB or Local Nuisance.
- Leaseholders are responsible for the behaviour of and reporting on behalf of subtenants.
- Report crimes, including threats or acts of violence, to the police.
- Report noise nuisance to the Local Authority Environmental Health Department and provide One Housing with evidence in the form of a noise diary covering between 7-14 days of incidents for review.
- Respect other peoples' right to their chosen lifestyle and be tolerant of everyday, reasonable level or disturbance. Examples may include cooking smells, babies crying or religious practices.

- Work and cooperate with us fully to resolve disputes/issues, for example by providing us with updates of incidents, attending mediation, providing witness statements, attending court etc.

6.5 Responding to reports

On receiving a report of ASB, we will endeavour to contact the complainant within 3 working days. Our initial response is to investigate and monitor any risk.

In determining the seriousness of the ASB and what the proportionate action for resolving it would be, we consider:

- the nature of the ASB
- the frequency of incidents
- the impact that the behaviour is having on the complainant and/or other known individuals
- whether any of the above persons are or may be vulnerable
- the impact wider community.

Being clear and realistic about potential outcomes and the timescales involved, we then develop an action plan with the complainant, choosing from a toolkit of different actions and providing them with information on other agencies who might be able to offer additional support.

The alleged perpetrator may report an incident involving the complainant. In these circumstances, we adopt the same approach when responding to allegations about a complainant.

6.6 Investigating ASB

Where One Housing is the appropriate organisation to investigate ASB, it will allocate resources in the manner that is most proportionate.

One Housing will not usually release CCTV or other recordings in its possession or control to victims or alleged perpetrators of ASB. The release of CCTV or other recordings must be requested by the Police. One Housing will usually require the provision of a Crime Reference Number. One Housing will review CCTV during investigations of ASB where appropriate and proportionate to achieve an aim such as identifying a perpetrator or a breach of lease or tenancy.

One Housing will share information with third parties where there is an information sharing protocol in place, there are safeguarding concerns or where there is a duty to do so for the purpose of crime prevention under the provisions of the Crime and Disorder Act or any successor legislation.

As a provider of social housing, One Housing will investigate ASB in the context of civil legislation and relevant tenancy agreements or licences. One Housing will apply the civil standard of proof ('the balance of probabilities') to determine as far as is practicable, whether ASB has occurred, unless statute requires otherwise.

6.7 Early intervention

Except in very serious or exceptional cases, the aim of our initial intervention is to stop the problem behaviour. The intervention we use varies according to the nature of the ASB.

Early intervention tools include:

- Mediation
- Warnings
- Referrals to partner agencies
- Acceptable Behaviour Commitments
- Good Neighbour Agreements
- Parenting Commitments

One Housing may consider management transfers for victims of ASB but will always consider less invasive options to limit the effect of ASB. One Housing will not consider proposing management transfers to the perpetrators of ASB, save in exceptional circumstances, where approved by the Head of Community Safety and Safeguarding. For the avoidance of doubt, the final decision on approving management transfers is made by a separate panel.

6.8 Tenancy support and vulnerability

There are many factors that could influence a person's behaviour in ways that could lead some to perceive it as anti-social. Where the alleged perpetrator is vulnerable, this vulnerability is related to reported incidents and the Community Safety Team is satisfied that the risk of ASB can be effectively managed, One Housing may offer them support with sustaining their tenancy where we are able to or refer them to external agencies who can support them.

In circumstances where ASB is serious or persistent, One Housing reserves the right to use any enforcement measure contained in this policy.

Vulnerability can include (but is not limited to):

- Drug and alcohol dependency
- Learning disabilities
- Physical disabilities
- Physical or mental illness
- Change in life circumstances (e.g. relationship breakdown)
- Debt problems
- Illegal money lending
- Hoarding
- Bereavement
- Domestic Abuse (please see our Domestic Abuse policy)

There is a responsibility or 'Duty of Care' which is shared by all staff and volunteers, at all levels, to take appropriate action where there is a suspicion or concern that a customer is vulnerable and where there is a suspicion, concern or allegation of abuse. Staff must raise their concerns about abuse immediately.

Please see our Safeguarding Children Policy and Procedure and Safeguarding Adults Policy and Procedure.

6.9 Enforcement action

One Housing will consider legal action where there is sufficient evidence of a tenancy breach. Eviction is generally only considered either in cases of serious ASB or where other interventions have failed. As appropriate, we make use of formal and informal warnings, legal notices, breach of lease, injunctions, mandatory possession, discretionary possession, section 21 notices, termination of a licence agreement, outright and suspended orders. One Housing will not always use all of the tools set out before seeking possession.

One Housing acknowledges that there are certain situations that require immediate recourse to a possession claim, even if no lesser alternative tool has been used. The decision to seek possession in these circumstances will be taken by a Manager, Head of Service, or Director. Circumstances where it may be appropriate to proceed directly to a claim for possession may include, but are not limited to:

- The commission of a 'Serious Offence' as defined by the Housing Act 1985
- The commission of any other sexual offence
- ASB directed at, or particularly affecting, children or vulnerable individuals
- Any mandatory ground for possession being made out

6.10 Equalities

One Housing will consider the Equality Act 2010 when making any decisions about a person's right to remain in their home. Specific consideration of any protected characteristic will only be given where One Housing is made aware of the same.

It is the responsibility of individuals to advise One Housing staff at the earliest opportunity of any vulnerability, disability or protected characteristic that victims, perpetrators or any other person involved in or affected by ASB or nuisance may have. This is the case even if the protected characteristic or vulnerability has previously been brought to One Housing's attention.

One Housing will consider making reasonable adjustments for any person with a protected characteristic where such adjustments are requested.

6.11 Closing the case

After a report of ASB has been investigated, we draw it to a close. A case may be closed if:

- An investigation has been concluded, appropriate action has been taken and no further incidents have occurred over a given period (this will vary depending on the nature of the case); or
- We are unable to gather sufficient evidence in order to take any action.
- Where 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.

6.12 Complaints

Once an ASB investigation has been concluded, a complaint may be made if a customer is dissatisfied with the way their case has been handled. If an ASB investigation has determined that the alleged ASB reported is not deemed as ASB, and the customer wishes to complain about the case management, then the complaints process will be followed.

In exceptional circumstances, an affected individual may make a complaint about the conduct of a case while it is ongoing, but the complainant will normally be advised to await the conclusion of the case.

7. Accountability and Responsibility

7.1 The Director of Customer Operations has overall strategic responsibility and the Head of Community Safety and Safeguarding has overall operational responsibility for this policy.

The Community Safety Manager is responsible for ensuring that Community Safety Team members are aware of this policy and use the same appropriately.

7.2 Any action requiring the approval of a particular individual may be approved by a Director or above if necessary. In exceptional circumstances, approval may be granted retrospectively by a person of appropriate seniority.

8. Monitoring and Auditing Controls

8.1 Regular case audits will be carried out by the Community Safety Manager and Head of Community Safety and Safeguarding respectively.

ASB Reports are monitored with the following Key Performance Indicators (KPI's)

- First contact with victim to be made within 24 hours (not inclusive of non-working days)
- Action plan to be agreed with victim within 5 working days
- Risk Assessment to be completed within 3 working days
- ASB Case Handling Satisfaction
- ASB Case Outcome Satisfaction

8.2 The Director of Customer Operations will regularly provide reports in relation to caseload, progress, reporting trends and risk to the Executive Team and Board.