

## Anti-social behaviour policy

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### Policy statement

Cottsway Housing Association (“we”) understand the significant impact that Anti- Social Behaviour (ASB) can have on people and communities. This policy sets out our general approach to what we do to manage ASB and reduce harm.

We adopt the following principles:

- We manage cases of ASB using a harm-centred approach. This means that we consider the behaviour type and the impact that it is having when making key decisions such as whether the report of ASB meets our definition of ASB, what category of risk/severity we assign to it and what type of action we take as a response.
- We try to keep customers at the heart of the action we take. This includes supporting them to be part of the solution, where appropriate.
- We use a wide range of tools to tackle ASB, including proactive work, prevention, support and enforcement. We decide on the most appropriate in each case based on what is proportionate and necessary.
- We work closely with partner agencies to ensure that we make fully informed decisions and can identify the best solution to each problem.

This policy applies to all our customers, including those living in general housing, leasehold properties and shared ownership. For the avoidance of doubt, reference to customers in this policy should be interpreted as covering all customers across all our occupancy types.

### Associated Policies and Legislation

The following legislation is relevant to this policy (not an exhaustive list):

- Housing Act 1988, 1996 and 2004
- ASB Crime and Policing Act 2014
- Crime and Disorder Act 1998
- GDPR 2018
- Human Rights Act 1998
- Equality Act 2010

The following policies/procedures are relevant to this policy:

- Equality, diversity and Inclusion
- Lettings
- Estate management
- Domestic abuse
- Safeguarding
- Data protection
- Persistent complainants
- Complaints
- Housing Management Appeals

## **Modern Slavery Statement**

We fully support the government's objectives to eradicate all forms of modern slavery and human trafficking and have adopted a zero-tolerance approach to modern slavery, human trafficking, all forms of servitude and forced and compulsory labour.

We are committed to acting ethically and with integrity in all our business dealings and relationships, and to implementing and enforcing effective systems and controls to ensure modern slavery is not taking place anywhere in our own business, or in any of our supply chains.

### **1. Scope**

#### **1.1 Definition of ASB**

We use the definition of housing related ASB that is contained within Part 1 of the ASB, Crime and Policing Act 2014. It states that ASB is defined as "conduct capable of causing housing-related nuisance or annoyance to any person".

We also consider the immoral or illegal use of our properties to be ASB for the purpose of this policy.

We recognise that this statutory definition of ASB is subjective and can be interpreted differently by different people. It is for this reason that when deciding whether something is ASB, we consider whether the behaviour meets the statutory definition and whether it is unreasonable. We make the decision as to whether behaviour is unreasonable based on a number of factors, including but not limited to:

- The severity of the behaviour
- The harm it is having
- Frequency, duration and the times of day that it is occurring
- Whether it is a one-off incident/whether there is a genuine risk of it happening again

Whilst a decision as to whether something is ASB is made on a case-by-case basis, the following types of behaviour are unlikely to be considered as ASB:

- Garden maintenance, including mowing the lawn
- Cats straying into gardens
- Parking disputes
- Boundary disputes
- Noise from domestic appliances, such as washing machines
- Children playing in the garden or local area
- One-off events like birthday parties or wedding receptions

We may also be asked to intervene in neighbour disputes. We define a neighbour dispute to be one where there is disagreement from all parties involved, often involving issues such as boundary lines, parking, the placement of bins, overhanging trees, the content of social media posts etc. We are unlikely to consider these types of matters as ASB. We may offer advice or make referrals to mediation services, but the matter will not be dealt with in-line with this policy.

We will only make the decision as to whether something is ASB or not after we have all the information needed to be able to confidently do so. Once we have made this decision then we will explain to the complainant clearly, and at the earliest opportunity, why the matter is not ASB, as well as providing any other advice and guidance that may be useful. Regardless of whether we categorise the report as ASB or not, if we feel that there is a need, we may refer the complainant to another service (internal or external).

Sometimes complainants will continue to make the same types of reports, even after we have explained that we cannot deal with the behaviour they are reporting. If we consider that this contact is unreasonable or vexatious then we may take action to manage this, such as setting clear guidelines on who the complainant can speak with and the method of communication. Alternatively, if we feel this persistency arises from a vulnerability or support need, we may make necessary referrals.

## 1.2 Examples of ASB

Because of our harm-centred approach to deciding whether something is ASB, we cannot provide a definitive list of behaviours that we consider to be anti-social, however examples include:

Personal ASB	Community ASB	Environmental ASB
Threats of Violence	Alcohol related nuisance	Littering
Actual Violence	Noise nuisance	Dog fouling
Verbal Abuse	Immoral/illegal use of property	Graffiti
	Drug related nuisance	Damage to the environment
	Animal related nuisance	

We may receive reports of ASB that are because of hoarding behaviour, such as fly infestations or unpleasant odours. We may also deem that the hoarding behaviour is creating a fire risk to others. These behaviours can be classed as ASB, however, we recognise that hoarding can occur as a result of a mental health issue. Our staff are trained to recognise where this may be the case and will take all circumstances into account when deciding the most appropriate course of action to take.

## 1.3 Who we can help?

### Cross tenure matters

Housing related ASB means any behaviour that is affecting our ability to undertake the management of our homes. This means that we may take action against perpetrators of ASB who are not our customers. For example, if the victim of the ASB is one of our customers or a member of staff/contractor.

Even if there is a link to our housing management responsibilities, we may feel that another agency is better suited to lead on managing a case, for example, if we establish that the perpetrator is a tenant of another landlord. In these situations, we may refer the case to this agency to lead on, continuing to support their action, if necessary and appropriate.

## Staff and contractors

We recognise that our staff (including any contractors) may be a victim of ASB. We will consider this behaviour in-line with this policy and take relevant action as a result.

### 1.4 Expectations of our customers

Regardless of the type of occupancy agreement, conditions are contained which clarify the behaviour expected. Customers are responsible for the behaviour of themselves, their household members (regardless of age and including any animals) and visitors to their property. This responsibility extends to behaviour at the property, within its external boundaries and in the locality of the property. The term 'locality' is not defined in law and we will determine the boundaries of what we consider to be the locality on a case by case basis. In some limited situations, such as where the tenant is causing ASB towards a member of our staff, we may take action where the behaviour is outside of the locality.

All customers should refer to their occupancy agreements for details of the types of behaviour that we consider unacceptable, seeking guidance from the most appropriate member of staff should they have any questions.

#### Guide in time values to take action:

Action	Timeframe
Acknowledgement to complainant raising the case	Within 24 hours
NHO to contact complainant/develop action plan	Within 5 working days
Contact perpetrator	Within 10 working days*
Intention to close case letter to complainant	Within 5 working days

\*This will depend on the severity of the case and where perpetrator is known

## 2. Managing risk

### 2.1 Severity and prioritisation

We aim to prioritise the most harmful cases of ASB. We make the decision as to how serious a report is based on the behaviour type and the impact that it is having, for example reports of domestic abuse, racist graffiti or safeguarding concerns will be contacted within 1 working day.

When a report of ASB is made to us we will assign a category to it, which in turn sets a timescale for when we must make first contact with the complainant. Initial enquiries receive an acknowledgement of their report, depending upon customer preference.

For all ASB reports, this timescale will be between 1 working day and 5 working days (from point of the case officer being aware of the matter). We will agree an action plan and time frames in partnership with the complainant, to determine the progression and outcome of their enquiry.

At the point of conclusion, we will issue a 7-day 'closure proposal' letter. Once all parties are satisfied, the case will progress to a final review and the complainant will receive a confirmation case closure letter. We will seek feedback about how we handled the case and use any learning to improve our services.

Our staff are trained to recognise where a report might be a hate incident/crime. These reports will be given a high-level of priority and dealt with accordingly.

Sometimes we may receive reports of domestic abuse, or of behaviour (such as arguing and shouting) that could be a sign of domestic abuse. Our staff are trained to recognise these types of reports, in order that the matter can be dealt with sensitively and appropriately. We have a separate domestic abuse policy that should also be referred to.

## **2.2 Victims: managing risk and providing support**

Aside from the initial categorisation of the report, we continue to take steps throughout the case management process to identify any risks to the victim and take steps to mitigate these. These include:

- Making an initial assessment of risk at first point of contact, to ensure the correct category is assigned and the matter is referred to the case officer in a timely manner
- Completing a victim risk assessment after we have interviewed the complainant
- Taking any steps that are required as a response to the risk score, including any necessary safeguarding referrals
- Continuing to keep the assessment under review, in case of any changes that affect the score
- Considering harm and risk when deciding the most appropriate action to take in response to proven ASB

We also work to best support victims of ASB. What we offer or provide will be dependent on the needs of each individual person but may include:

- Providing support through our internal tenancy support service
- Taking measures to improve security and offer reassurance, such as deploying CCTV cameras or video doorbells (where funding allows)
- Making referrals to charities, such as Age UK or Victim Support
- Working with partners to provide more visibility in the area

Where a victim has agreed to come to court as a witness in one of our legal cases, we may offer additional support to help make this process as comfortable as possible. What is offered will depend on the requirements of the witness and the resources available but may include:

- Pre-court visits
- Seeking out and requesting special measures
- Referring the witness to Victim Support or other specialist witness service
- Assisting with travel arrangements
- Answering any questions, the witness may have pre, during and post any hearing

### **3. Action**

We use a range of preventative, non-legal and legal actions to try and prevent/resolve issues of ASB. We decide on the best course of action on a case-by-case basis, considering what is proportionate to the behaviour that is being exhibited. When deciding this we consider several factors, including but not limited to severity, frequency, harm, the needs of the victim/s and the perpetrator, and what previous action may have been tried.

#### **3.1 Prevention**

Our preference is to work to ensure that ASB does not start in the first place. We take a few steps to try and achieve this, including:

- Designing out the potential for ASB when developing new schemes
- Using starter tenancies
- Having a robust sign-up process and using a pre-tenancy risk assessment
- Carrying out our regular inspections of our schemes and estates to identify any concerns at the earliest stage

#### **3.2 Non-legal intervention**

In some cases, we may support the complainant to take their own actions to try and resolve the issues. For example, if the complainant is reporting issues of noise nuisance, we may ask the complainant to speak to the neighbour causing the issues before we get involved. It may be that the neighbour does not know that the noise is causing a disturbance. We will always consider any risks before making this suggestion and will offer advice and guidance to the complainant about how best to take this approach.

Non-legal actions that we may take include but are not limited to:

- Offering mediation
- Sending warning letters
- Arranging a meeting with the perpetrator to discuss the issues
- Inviting the perpetrator to sign an Acceptable Behaviour Contract
- Consider supporting a transfer to alternative accommodation

#### **3.3 Legal intervention**

Whilst we will try to deal with ASB using non-legal interventions, there may be cases where legal action is the proportionate response to take. We will complete a proportionality assessment before taking any legal action, to help us to understand whether legal action is appropriate, what type of tool to use and whether we have satisfied our duties under the Equalities Act.

Legal actions that we may use to address ASB include:

- Taking action to end or extend a starter tenancy – where a notice is served to end a starter tenancy, the customer will be offered a right to an internal appeal
- Applying for a demotion order, reducing the security of tenure that the customer holds for a period of 12 months – if subsequent action is taken to end the demoted tenancy, the customer will be offered a right to an internal appeal

- Applying for possession – we may use the discretionary ground (ground 14 of schedule 2 of the Housing Act 1988) and/or the absolute ground (ground 7(a) of schedule 2 of the Housing Act 1988). Where notice is served under the absolute ground for possession, the customer will be offered a right to an internal appeal.
- Seeking an Injunction under Part 1 of the ASB, Crime and Policing Act 2014

We do not have access to all of the tools available to tackle ASB. There may be cases where we recognise that a partner agency has a more suitable tool available to manage the problems, such as a Community Protection Notice, Criminal Behaviour Order or Closure Order. We will work with other partner agencies to determine the best approach in these cases.

#### **4. Supporting those who cause ASB**

We recognise that perpetrators of ASB may also have a vulnerability or support need. These could include mental health issues or substance misuse. Whilst we do not consider these to be excuses for behaving anti-socially, we do understand that part of the solution to reducing this ASB will often be achieved through offering the perpetrator support.

Throughout our case management, we will work to identify when a perpetrator has support needs and make necessary referrals/offer any available support, where we are able.

This will be done so is a balanced way, with the needs of all parties considered. Even where the perpetrator has a support need, if they are refusing support, showing disguised compliance, the support is not available or the ASB is continuing regardless, we may take enforcement action to protect others. We may also consider enforcement action to be in the best interest of the perpetrator, for example, where an injunction is applied for that contains positive requirements.

#### **5. Partnership working**

We recognise the need to work with other agencies to tackle certain cases of ASB, ensuring that we have full information to make an informed decision as to the most appropriate actions to take. Agencies that we commonly work with include, but are not limited to, the Police, the Council, other registered providers of social housing, support agencies (such as social care) and voluntary sector organisations.

We will attend and actively participate in any multi-agency forums that are relevant to addressing ASB and relate to issues which are affecting our housing management function.

We will lawfully share information with our partners, working within the realms of the relevant legislation, such as the Crime and Disorder Act 1998 or safeguarding legislation.

We will request information from our partners using the relevant information sharing protocols. Any information that is received will be stored and used within the legal parameters.

#### **6. Confidentiality**

Sometimes complainants ask us to keep their identity confidential. To deal effectively with an ASB report we need to be able to discuss the nature of the ASB with the perpetrator. Whilst we will work to protect the complainant as far as possible, and do not always need to tell the perpetrator who has made the complaint, we still cannot guarantee anonymity. For example, the details of the ASB report may make it clear who is likely to have complained. We will

explain this to the complainant and offer any support and guidance that we are able to give them the confidence to allow us to progress their case.

There may be times where a party in an ASB case tells us something that they wish to be confidential but based on the nature of the information we have a legal obligation to breach this confidentiality. Examples include where a criminal offence has been committed or where someone is at risk of harm.

There are occasions where a report of ASB is made anonymously. It can be difficult for us to investigate these types of reports and it may be that all we are able to do is log the report for future reference.

## **7. Safeguarding**

We recognise that officers dealing with ASB cases may come into contact with children and/or adults for whom there are safeguarding concerns. Our officers are trained to recognise these circumstances and take the necessary actions, in line with our safeguarding processes.

## **8. Performance management**

ASB cases are regularly reviewed by the case officer and/or their line manager, to ensure that they are progressing in a timely and effective manner and that any risks have been identified and managed.

We seek out feedback from customers involved in ASB cases. Feedback will be reviewed and used to help shape and develop our service.

Our officers will be kept up to date on related ASB legislation, policy, and best practice to ensure they have the skills required to effectively manage ASB cases.

## **9. Communication and feedback**

We will receive reports of ASB in a number of different ways including via telephone, email or in writing. We aim to make reporting ASB as easy as possible for our customers. Further details of how a customer can report ASB can be found [here](#)

If a customer is unhappy about the service that we have provided to them then they can access our complaints policy [here](#).

We also seek to make customers aware of the community trigger process that is relevant for the local authority area in which they live. The community trigger is a statutory process, designed to allow customers to ask for their ASB case to be reviewed. Each local authority has its own process and details of specific processes can be found using this [directory](#)

## **10. Staff training**

**10.1** All Neighbourhood Housing Officers will receive updated Policy and Procedure training and wider specialist ASB training on an on-going basis.

**10.2** All new staff entering Cottsway's Customer Services will receive training on our ASB Policy and Procedures on induction. All existing staff within Cottsway's Customer Services will receive annual refresher training.

**10.3** All staff within Cottsway will be expected to actively support Cottsway’s ASB Policy, for example by attending Court and giving evidence if required.

## **11. Review and monitoring**

**11.1** Cottsway’s ASB Policy will be reviewed every 3 years or sooner if legislation dictates.

**11.2** Cottsway will monitor performance in preventing and tackling ASB. We will do this by conducting satisfaction surveys. In addition, we will review customer feedback through other surveys. The findings from any customer feedback received will be used to further inform our ASB Policy and Procedure and to help us improve customer service and satisfaction. This data will be presented regularly to Cottsway’s Board.

## **12. Equality, diversity and inclusion**

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

We will aim to ensure that the individual needs of our customers are met in implementing this policy by having due regard to the Equality Act 2010, for example the provision of translated materials, or home visits with a carer or access to other support agencies if appropriate.

### **Changes to Policy:**

Change:	Date:
1.4. Inclusion of timeframe in line with our published service standards.	January 2021