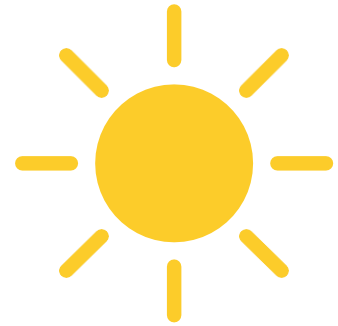


Plus Dane Housing

Anti-Social Behaviour Policy

December 2020
NEI-POL-04-02



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1 Policy Statement

1.1 Legislation and associated policies

1.1.1 This document is produced to set out our approach to tackling anti-social behaviour (ASB) and comply with section 218(a) of the Housing Act 1996.

1.1.2 Other associated legislation, relevant to tackling ASB, includes but is not limited to:

- The Anti-Social Behaviour, Crime and Policing Act 2014
- Housing Act 1996
- Civil Evidence Act 1995
- Crime and Disorder Act 1998
- Data Protection Act (GDPR) 2018
- Housing Act 1988
- Children's Act 1989
- Anti-Social Behaviour Act 2003
- Human Rights Act 1998
- Equality Act 2010

1.1.3 There are also a number of internal policies that should be considered in conjunction with this document, including but not limited to:

- Hate Crime Policy
- Domestic Abuse Policy
- Starter Tenancy Policy
- Safeguarding Policy
- Customer Complaints and Feedback Policy

1.2 Statement

1.2.1 We understand that ASB can have a negative impact on people and communities. We will not tolerate it where it affects our housing management function. This policy sets out how we aim to do this and is designed to ensure that we provide a consistent and proportionate response.

1.2.2 We offer a number of different tenancy agreements to our customers.

1.2.3 This policy applies to all matters of ASB, regardless of the type of agreement concerned.

- 1.2.4 We assess how serious a matter is based on the behaviour type and the impact that the behaviour is having (a harm centred approach). We will work to recognise victim vulnerability and take the appropriate steps to try and reduce any risk.
- 1.2.5 We aim to act as quickly and decisively as we are able in each given situation. We seek to use a wide range of informal and legal tools, with the aim of stopping the harm to the victim/s and rehabilitating the person causing the problems.
- 1.2.6 We believe in empowering our residents and, where appropriate, encourage them to be part of managing the case. This might include asking them to manage minor issues themselves, or to seek advice from other agencies.
- 1.2.7 We recognise that resolving ASB often requires a partnership response and, where appropriate to the case, we will work with other agencies.

2 Policy Aims

- 2.1 The aims and objectives of this policy are to:
- *Ensure a consistent approach to the management of ASB across all of our neighbourhoods for social housing tenancies*
 - *Comply with current legislation and good practise*
 - *Contribute to sustainable, diverse and balanced communities*
 - *Respond to those who cause ASB using appropriate and proportionate intervention, rehabilitation, support and/or enforcement with the aim of preventing ASB, promoting community protection and deterring and rehabilitating those responsible for causing the ASB*
 - *Encourage partnership and multi-agency working in order to develop and support victims and witnesses through what can be a very complex legal process and where appropriate use joint working to tackle ASB*
 - *Where necessary direct victims and witnesses to the appropriate support agencies*
 - *Help people and organisations reach a common understanding about what does and does not constitute ASB*
 - *Use, monitor and develop tools to measure customer satisfaction and learn and shape the service in line with the feedback given*

3 Links to corporate plan

- 3.1 This Policy links to Plus Dane revised Corporate Strategy by supporting our corporate objectives of sustaining tenancies, providing housing and other services whilst retaining our social ethos. Our purpose is clearly identified that we are an organisation with a social purpose, and our responsibilities to both individual tenants and residents, and our wider

community and neighbourhood investment means that Plus Dane has deliberately and determinedly retained a specialist team to respond to, and enhance community safety in our neighbourhoods. In addition, in the Corporate Plan, the Board reaffirmed its commitment to our organisation being focused on the basics of being a housing association, and delivering the core elements of housing management, and responding to ASB is considered to more a core element.

4 Our Approach

4.1 Definition of ASB

4.1.1 We use the definition of housing related ASB that is found within Part 1 of the ASB, Crime and Policing Act 2014:

- **Conduct capable of causing housing related nuisance or annoyance to any person**

In addition, any of the following behaviours (as laid out in Ground 14 of the Housing Act 1988) may also be considered to meet our definition of ASB for the purpose of this policy:

- *One of our properties has been used for illegal and/or immoral purposes;*
- *A criminal offence has been committed in the locality of the property, by the tenant, a household member or a visitor to the property;*
- *An adult tenant or household member has been convicted of an offence at the scene of a riot.*

4.1.2 In order for us to consider a report of ASB to be housing related it must affect our housing management function. We may, therefore, take action against non-tenants/customers where their behaviour affects our housing management function (such as if they are causing problems to our customers or staff). In some cases, there may be another agency who is better placed to manage the case (such as another Registered Provider, if the perpetrator is a tenant of theirs). This decision will be made on a case by case basis.

4.1.3 We will not tolerate ASB directed at our staff and/or contractors, whether at a customer's property, in the locality of it, or at any other place, and will, where appropriate, take action under this policy to address any such issues.

4.1.4 We may find that a report of ASB is as a result of domestic abuse. We recognise that we must be sensitive to such matters. Where the report

appears to stem from domestic abuse, this policy should be read in conjunction with our domestic abuse policy.

4.1.5 Hate crime is a serious form of ASB. Where a report of ASB appears to represent a hate crime, this policy should be read in conjunction with our hate crime policy.

4.2 Reporting ASB

4.2.1 A report of ASB can be made by an individual or someone acting on their behalf in the following ways:

- By telephone
- In person at any of our offices
- In writing
- Via our website www.plusdane.co.uk
- By e mail
- Via social media
- Via Plus Dane live chat

4.2.2 When we receive a report of ASB we will, as part of our investigation, always try to contact the complainant to find out as much information as we can.

4.2.3 It is important therefore that all complainants recognise the importance of working with us to resolve their complaint as failure to do so may lead to the case being closed due to lack of contact.

4.2.4 All complainants have a responsibility not to make malicious complaints about their neighbours, visitors or anyone engaged in lawful activity around their property.

4.2.5 We take malicious complaining very seriously and will take action that is appropriate and proportionate against anyone found to be doing so.

4.3 Anonymous Complaints

4.3.1 We accept anonymous complaints albeit our enquiries and investigations may be limited depending on the nature of the complaint.

4.4 Examples of ASB

4.4.1 Because we take a harm centred approach to defining ASB, taking into account the behaviour and the impact, we cannot produce an exhaustive list of what we consider to be anti-social. The following are the categories we use for reporting purposes and provide some guidance on the types of behaviour we are likely to consider as ASB:

- Harassment/intimation/verbal abuse/threatening behaviour

- Domestic abuse
- Physical violence
- Hate crime
- Vandalism
- Alcohol related nuisance
- Unreasonable noise
- Pet and animal nuisance
- Garden related nuisance
- Litter/rubbish/fly tipping
- Graffiti
- Drug related nuisance

4.4.2 Different people have different expectations, tolerances and perception
There may be times where a report is made that the complainant considers to be ASB but that does not meet our definition.

4.4.3 The decision as to whether something is ASB will be made by us on a case by case basis. The reasons we may decide something is not ASB include:

- The behaviour does not meet our definition of ASB and/or is not affecting our housing management function;
- There is no pattern of behaviour and the incident is minor;
- The behaviour is not unreasonable. The types of behaviour likely to fall under this category includes:
 - Mowing of lawn or other garden maintenance at reasonable times;
 - Carrying out DIY at reasonable times;
 - Parking disagreements
 - Noise generated from everyday living
 - Civil disputes such as boundary issues
 - Noise from domestic appliances, where being used at reasonable times;
 - Children playing (as long as the 'playing' does not include behaviour that could be reasonably considered as ASB)
 - Noise from people leaving home early if the activity is considered normal use of the property

4.5 Neighbour Disputes

- 4.5.1 We may receive reports relating to disputes between neighbours.
- 4.5.2 Examples include arguments over boundaries, use of social media etc.
- 4.5.3 It is inevitable that we are sometimes going to live next door to people that we do not get along with.
- 4.5.4 We believe that this is something that the parties should try and resolve themselves and therefore we are unlikely to categorise this as ASB.
- 4.5.5 Exceptions would occur where there is a clear victim in the situation, or where the behaviour of the parties in dispute is affecting the wider community.
- 4.5.6 We may refer parties in dispute to mediation services, as a way of ensuring the matter does not escalate into something more serious.
- 4.5.7 We may also consider the use of legal action against both parties when the behaviour is causing nuisance and annoyance to other neighbours who are not associated with the people causing the asb
- 4.5.8 We will always take into account the views of the complainant but we are ultimately responsible for:
- Deciding if a report is ASB;
 - Deciding how it should be categorised;
 - Agreeing the most appropriate course of action in a case.

4.6 Expectations of our customers

- 4.6.1 Irrespective of the types of agreement, there are a number of standard requirements relating to ASB placed upon our customers.
- 4.6.2 They are responsible for the behaviour of every person (including pets, children and lodgers), living in or visiting their property.
- 4.6.3 This includes in the property itself, on surrounding land, in communal areas and in the wider locality.
- 4.6.4 This responsibility remains whether permission was given/the behaviour encouraged or not.
- 4.6.5 Each type of tenancy agreement that we operate will have conditions relating to expected behaviour. These vary across the agreements but will broadly cover the following expectations, that our tenants (or household members/visitors):
- must not use or threaten to use menacing, abusive or violent behaviour nor cause a nuisance, annoyance or disturbance towards anyone living in, visiting and engaging in a lawful activity in the locality of the property.

- must not commit or threaten any form of harassment on the ground of race, colour, religion, sex, disability or sexual orientation which may, or is likely to, interfere with the peace and comfort, or cause offence to anyone living in, visiting or engaging in a lawful activity in the locality of the property
- must not use the premises or allow them to be used for immoral or illegal purposes
- must not engage in any form of criminal activity

4.7 Risk and Vulnerability

4.7.1 Prioritisation

- We seek to prioritise reports of ASB that are most serious, to ensure that any risk of harm is managed quickly and appropriately. Through a triage system that considers the type of behaviour reports and the impact that it is having, we categorise cases as level 1, level 2 and level 3. The category allocated determines which of our teams manages the case, as well as the response that is given.
- The table below indicates the behaviour that falls under each category and the response time:

| Case Severity | Examples of behaviour | Response times |
|---|--|-----------------------|
| Level 1 –high risk(likely to include matters where there is a genuine risk of physical or psychological harm) | Threats of violence, actual violence, Domestic Abuse, Hate Crime or matters where the victim/s has high levels of vulnerability, drug production, misuse or drug dealing | Within 1 working day |
| Level 2-medium risk | Verbal abuse, allegations of prostitution, threatening behaviour | Within 3 working days |
| Level 3-low risk | Noise, pets and animal nuisance, Garden nuisance, Litter/rubbish/fly tipping | Within 5 working days |

4.7.2 A case may be re-categorised during the course of our case management if we determine, for example, that the behaviour and/or risk has become more serious.

4.8 Victim Vulnerability

4.8.1 We work to identify and address victim vulnerability at various stages throughout our casework:

- All reports are triaged and any vulnerabilities are identified by way of an early assessment as part of the initial asb report
- The allocated case officer will complete a full risk assessment with the person making the complaint. The results will guide the case management response and the steps we take to support the complainant;
- We continue to review the risk assessment throughout the case and take necessary action if the risk level changes.

4.9 Witness Support

4.9.1 Whilst our preference is always to deal with ASB through informal methods, legal action will sometimes be required. To be able to take legal action we require evidence and often this will come from complainants. We appreciate that this can be daunting and aim to make the witness feel as supported as possible during the process of giving evidence.

4.9.2 Depending on the needs and the appropriateness, we may offer the following support to our witnesses:

- Practical advice on court hearings and giving evidence;
- Pre-court visits;
- Logistical support relating to travel and attendance;
- Following the court attendance, we explain the outcomes and next steps.

4.9.3 Even if a complainant does not have a high level of vulnerability, we will offer some support as a matter of course, which may include:

- Not making promises and managing expectations fairly;
- Ensuring the complainant has a point of contact;
- Maintaining regular contact

4.10 Perpetrator Support

4.10.1 We recognise that the people causing ASB may also be vulnerable and/or have a support need that is exasperating the behaviour. Whilst not an excuse, we understand that leaving any needs unaddressed is likely to prolong the harm to all parties. In addition, helping the perpetrator to address a need can stop the ASB without having to resort to legal action.

4.10.2 We will consider the needs of the perpetrator at various stages throughout a case. We will consider whether we can offer any further

support and/or whether a referral should be made to another agency or multi-agency group.

4.10.3 We will complete a proportionality assessment when taking legal action, in order to ensure that we are confident our action is a proportionate means to a legitimate aim. This assessment takes into account the needs of the perpetrator. In addition, where we know or believe the perpetrator to have a protected characteristic, we will consider the Equalities Act when taking legal action.

4.10.4 When managing cases involving perpetrators with support needs we adopt a twin-track approach, meaning that enforcement and intervention can be taken at the same time. Our priority is to stop the ASB and harm to complainants/victims. A support need will not stop or delay us from taking the appropriate action. Non-availability of required support and refusal or non-engagement from the perpetrator will also not be allowed to prevent or delay action being taken, where necessary.

4.11 Safeguarding

4.11.1 We recognise that employees dealing with ASB are likely to come in to contact with children and adults for whom there are concerns about safeguarding issues.

4.11.2 We will actively participate in local multi-agency arrangements for safeguarding children, young people and adults.

4.11.3 Awareness of, and sensitivity to information sharing protocols and data protection is crucial however, safeguarding concerns override the need for confidentiality in respect of relevant statutory authorities as long as all activity is properly recorded.

4.11.4 All Plus Dane employees have a duty to act in relation to safeguarding concerns. All staff will at all times comply with the requirements of the following policies in relation to safeguarding:

- Safeguarding Policy

4.12 Minors

4.12.1 Where appropriate we will take direct action against members of our tenant's households or visitors who are between the ages of 10 and 17 and perpetrating ASB. We will, where possible seek to engage the involvement of the minor's parent or guardian. We will also, where appropriate, take action against parents/guardians where minors are in their care.

4.13 Professional Witnesses and the use of cctv and noise app

4.13.1 Where appropriate, consideration will be given to the use of professional witnesses and/or surveillance methods such as cctv to gather or support evidence of ASB. We also subscribe to the noise app which is a

telephone app that residents can download to allow them to record noise as it occurs.

4.14 Action

4.13.1 We have a range of actions available to address ASB. We do not adopt an incremental approach and will take the action that is believed to be proportionate and that has a genuine chance of resolving the matter.

4.13.2 We believe in working with our residents to empower them in their ASB cases. If the matter is appropriate, such as a minor issue with a neighbour playing music a little too loud, we may require residents to take action themselves to resolve the matter. This may include providing them advice and guidance about how to approach the neighbour and discuss the matters with them. We will only take this approach when the behaviour is minor and there is no perceived risk.

4.14 Preventative action

4.14.1 Our preference is to prevent ASB from occurring in the first place. We endeavour to achieve this through the following means:

- Obtaining full information about our customers at the pre-tenancy stage;
- Having a robust sign-up process which clearly outlines customer responsibilities;
- Using starter tenancies to monitor the conduct of tenants at the start of their tenancy, allowing us to take swift action to address any early breaches.

4.15 Informal action

4.15.1 We seek to resolve ASB at the earliest possible stage, using non-legal remedies, where possible. We have a range of non-legal remedies available, including but not limited to:

- Mediation /Restorative Justice
- Warning letters
- Acceptable Behaviour Contracts
- Discussion about the impact of the behaviour

4.16 Legal action

4.16.1 Where appropriate and proportionate, we will consider the use of legal remedies to resolve the issues of ASB. The legal actions we may take includes:

- A Part 1 ASB, Crime and Policing Act 2014 Injunction
- Proceedings against the tenancy. This action will depend upon the tenancy type concerned but may include proceedings under s21 of the Housing Act 1988, or using the discretionary or mandatory

grounds for ASB found in Schedule 2 of the Housing Act 1988 (Ground 14 and 7(a)). We will ensure that the notices are served in the correct manner and, where a mandatory route is taken, the tenant has a right to appeal the decision.

- Proceedings against another occupancy agreement such as a licence or a lease.

4.16.2 In some situations, we may consider that the most effective tool to tackle the issues is not one we have legal recourse to (such as the Closure Order). In these circumstances we will work with the partner agency seeking the order and support them in this action.

4.17 Working in partnership

4.17.1 Partnership working is essential to achieving success in dealing with ASB. We will work in partnership with a variety of organisations across all areas where we own and manage homes including, but not limited to:

- Local Authorities
- Police Services
- Fire and Rescue Services
- NHS Medical / Mental Health Teams
- Social Care (Adult/Children)
- Youth Offending Team/Probation
- Third or Voluntary Sector service providers

4.18 Partnership Meetings

4.18.1 In order to enable effective information exchange and partnership working, we will regularly attend partnership meetings allowing us to create clear action plans for dealing with issues that require a partnership response. The types of meetings we will attend include (but are not limited to):

- ASB Strategic Partnership Meetings
- ASB Good Practise Group
- Domestic Abuse Housing Alliance Regional Group
- Hate Crime Joint Action Group (JAG)
- The Multi Agency Risk Assessment Committee (MARAC)
- The Multi Agency Public Protection Arrangements (MAPPA) meetings
- Joint Action Group Meetings
- Child in Need Conferences

- Team around the Family Meetings
- Safeguarding Panels

4.19 Information sharing

4.19.1 Plus Dane are signatories to a number of information sharing agreements to allow us to lawfully share information that is necessary for the purpose of detecting and tackling ASB and crime.

4.19.2 Where we do share information with other agencies we will ensure that the transfer of this information is done safely, the information is stored appropriately, it is not shared with a third party without permission (unless required by law) and is subject to an appropriate retention schedule. The same principles will apply where we receive information from other agencies.

4.19.3 When we receive subject access requests we will deal with these lawfully and with appreciation of the ICO guidance in relation to these requests.

4.20 Confidentiality

4.20.1 Where a complainant asks for us to keep their details/identity confidential we will explain that this will greatly impact on our ability to take action. We cannot take action without informing the perpetrator of the detail of the report made against them and often the circumstances of the incident will make clear to them who the complainant is. If the complainant is fearful of repercussions, we will explain how we are able to support and protect them to encourage them to allow us to continue with our actions.

4.20.2 There may be some information that a complainant tells us that we cannot keep confidential, even if they wish us to. This would include information relating to criminal behaviour and safeguarding issues. Where appropriate we will tell the complainant that we need to share the information and who with.

4.21 Closing a case

4.21.1 We will close cases where the situation has been resolved and the complainant is happy for us to do so. However, in certain circumstances, we will close cases even if the complainant does not want us to.

4.21.2 Generally, we will close a case if:

- We are satisfied we have done everything we reasonably and proportionately can to resolve the complaint. We will record the reasons for closing cases and advise people about what they can do next.

- There has been no report of ASB after 3 months except where legal action has been initiated.
- Complainants have not worked with us to gather the evidence required to take action

4.21.3 If a complainant continues to make reports about issues that we have already explained, we do not deal with then we will consider whether we need to take action to address this. For example, the repeated calls may suggest that the complainant have some support needs or vulnerability that we may be able to offer support for. Alternatively, the reports may be being made maliciously and/or having an unreasonable drain on our resources and therefore we may consider taking action in line with our Unreasonable and Vexatious Behaviour Framework.

5. Assurance

5.1 Performance

5.1.1 We will closely monitor the quality of the service that we provide in relation to ASB. We will do this by:

- Ensuring service standards are being met
- Completing customer satisfaction surveys (where possible)
- Ensuring vulnerability assessments are completed and all actions are accurately recorded
- Conducting regular reviews of ongoing cases, to assess progress and identify any barriers

5.2 Customer standards

5.2.1 All level 1 reports of ASB will be responded to within 1 working day, examples of level 1 ASB include: domestic abuse (this is dealt with by the separate Domestic Abuse Policy) Hate Crime (also dealt with by the Hate Crime Policy) drug production, misuse or drug dealing, physical or actual violence and abuse and/or threats of violence.

5.2.2 Level 2 reports of ASB will be responded to within 3 working days, examples of level 2 ASB include; verbal abuse, harassment or intimidation, threatening behaviour, alcohol related nuisance and allegations of prostitution.

5.2.3 Level 3 reports of ASB will be responded to within 5 working days, examples of level 3 ASB include; noise, pet and animal nuisance, nuisance from vehicles, litter, rubbish or fly tipping.

5.2.4 A contact frequency will be agreed with the complainants which will be maintained during the time the case is open

5.3 Statistical Returns

5.3.1 We will regularly, as required, report statistical information about the management of ASB Cases to House Mark. Performance information will also be included as part of the annual report and be included at regular performance meetings and shared with other partners as requested.

5.4 Staff Training

5.4.1 We are committed to providing staff with the necessary training required to be able to effectively deal with ASB and related issues. This training will be regularly refreshed and updated to ensure officers are kept abreast of changes to legislation or policy.

5.4.2 Training need are regularly explored with officers during one to one meetings, annual performance and development reviews and team meetings and in line with legislation changes and when good practise or learning as a result of a complaint or community trigger is identified.

5.5 Customer Complaints and Feedback

5.5.1 We welcome any feedback from our customers and partners, both positive and negative. This can be sent directly to us by:

- Online at
- By email to
- By telephone to 0800 169 2988
- In writing:

5.5.2 Any feedback which is considered to be a complaint will be dealt with in accordance with our Customer Complaint and Feedback Policy

5.6 Community Trigger

5.6.1 We are also part of the Community Trigger process in each of the local authority areas in which it operates. This process allows residents to request a review of their ASB case, should they feel that it has not been dealt with or resolved appropriately. Each local authority area has a different process. The charity ASB Help has a directory which can be used to identify the correct process to use for the resident concerned: <https://asbhelp.co.uk/community-trigger-directory/>

5.7 Review

5.7.1 This policy will be reviewed every 3 years to ensure compliance with national best practice and legislation. This review may take place earlier if a significant change to legislation or policy occurs.

5.7.2 Responsibility for reviewing this document sits with the Community Safety Manager.