

Anti-social Behaviour Policy

November 2020

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Contents

| | | Page |
|----|--|-------|
| 1. | What this policy is about and why we need it | 3 |
| 2. | Who does this policy apply to | 3 |
| 3. | Our policy is... | 3 - 9 |
| 4. | How we will monitor this policy | 9 |
| 5. | Links to other policies & procedures | 9 |
| 6. | Links to other legislation and regulations | 10 |
| 7. | When this policy will be reviewed | 10 |
| 8. | Jargon Buster | 10 |
| 9. | Appendices | 11 |

1. **What this policy is about and why we need it.**

This policy relates to Anti-social Behaviour (ASB) and how Acis Group Limited (AGL) will prevent, manage and resolve reports. This policy and accompanying procedures will provide a clear framework for our people, customers and other stakeholders on how we will achieve this.

The Regulatory Framework for Social Housing in England requires that Registered Providers publish a policy on how they work with relevant partners to prevent and tackle ASB in areas where they own properties, and the policy confirms this.

This policy supports delivery of AGL's corporate vision of creating opportunities for people to live better lives through the provision of better homes and better services, and its corporate priorities around Customers and Partnerships.

2. **Who does this policy apply to?**

This policy applies to all AGL people, Board members, contractors, customers and those living in our homes and communities.

3. **Our Policy**

We strive for people to feel safe and secure in their homes and communities. In our management of ASB we will:

- Adopt a risk-based approach ensuring victims are at the centre of our actions
- Take quick and decisive action wherever this is possible
- Adopt a professional and objective approach to dealing with all matters
- Work in partnership with other agencies to prevent and resolve ASB where appropriate

What is ASB?

We use the definition in the ASB, Crime and Policing Act 2014 which is: *“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”*.

ASB can be anything from low-level nuisance to serious violent or criminal behaviour. It includes behaviour that impacts negatively on people’s quality of life in and around their home. Examples of what may be considered ASB are:

- Noise nuisance such as regular late-night parties
- Verbal abuse or threats of violence to others

- Intimidating or harassing others
- Criminal behaviour such as storing stolen goods at a property
- Drug use or drug dealing from or in the locality of the property
- Domestic Abuse (further details covered in the Domestic Abuse Policy)
- Hate Crime (further details covered in the Hate Incident & Hate Crime Policy)

Examples of what we may not consider ASB are:

- Babies crying / children playing considerately
- Parking disputes
- One off parties/ BBQ's
- Noise transference due to poor sound insulation
- Everyday behaviour occurring at unusual times e.g. due to different work patterns
- Neighbour disputes such as social media arguments or unpleasant staring

The above examples are not exhaustive and professional judgement will be used when assessing any reports we receive. When we believe the behaviour reported is not ASB, advice and self-help options will be given as appropriate.

Reporting ASB

ASB can be reported through any of our usual communication channels including telephone, email, customer portal or via our website.

Reports will be treated with professional discretion when deciding on the appropriate course of action. Anonymous reports are likely to restrict our investigation and ability to respond to or resolve ASB..

Case prioritisation

ASB cases are prioritised based on the type:

- Priority 1 (serious risk of harm) e.g. hate crime, domestic violence and physical violence
- Priority 2 (urgent ASB) e.g. noise nuisance, vandalism and substance issues
- Priority 3 (general complaints of ASB) untidy gardens, fly-tipping and vehicle nuisance

These priorities may be upgraded if the risk of harm to the victim is assessed as being high.

In most circumstances, priority 1 & 2 (and priority 3 where they accompany priority 1 & 2 cases in the same complaint) will be managed by the Safer Communities Team (SCT) and priority 3 cases will be managed by the Neighbourhoods Team.

The priority determines the timescales in which the victims will be interviewed:

- Priority 1 – 1 working day
- Priority 2 – 3 working days
- Priority 3 – 5 working days

Case management

Victims

Victims will be risk assessed at case opening and reassessed as necessary during the life of the case, with appropriate action taken as a result of the findings. Subject to local availability this may include referrals to ASB risk assessment conferences (ASBRAC), sign posting to victim support or referrals to third party agencies.

Following the opening of a case, victims will be provided with an action plan detailing agreed actions, agreed frequency of contact, and the name and contact details of their case officer. The case officer will maintain regular communication with victims throughout the case.

Victims will be required to fully engage in the ASB process, including providing us with evidence e.g. submitting incident diaries in a timely manner and following our recommended remedies to resolve issues such as actively engaging in mediation. Where there is insufficient evidence, we will not be able to act.

We will do our utmost to provide necessary support for victims and witnesses who are required to attend court. Requirements and available options will be discussed with victims and witnesses beforehand and may include signposting to specialist support organisations and organising transport to court.

In exceptional cases, it may be appropriate for the company to use a professional witness when presenting a case in court.

Perpetrators

We will take action against perpetrators in circumstances where we have the powers to act due to their behaviour being a breach of the terms and conditions of a legal contract (e.g. tenancy agreement or shared ownership lease) with ourselves. When this is not the case, e.g. where the perpetrator is an owner/occupier or private tenant, we will signpost victims to other agencies with powers to help, such as the

local authority.

In circumstances where the perpetrator does not live in a property owned or co-owned by AGL, but their ASB is impacting on our tenants and communities, we will take a joint working approach to ensure the appropriate agencies are aware. AGL may use an injunction against the perpetrator(s) in order to prevent ASB, where it is appropriate.

We acknowledge that perpetrators can be vulnerable too. As a result of any identified vulnerabilities or support needs, we may make referrals or signpost to support as we see appropriate.

Tools and Powers

In our management of ASB, we will use the tools and powers that are reasonable and proportionate considering the seriousness, impact and frequency of the behaviour, the level of risk that it poses to those affected, and the evidence available.

Prevention and early intervention

Our preventative work will include reducing opportunities for ASB through the design of our new developments wherever possible, effective pre-tenancy checks and having a robust sign up process where expectations are explained, needs are assessed and identified, and early support is offered.

Those occupying our homes are expected to take responsibility for their own behaviour and actions. Where there is a neighbour dispute or disagreement, we would firstly expect neighbours to attempt to resolve the matters themselves, before contacting AGL.

Our tenants are also responsible for the behaviour of any occupants, household members (including children) and visitors to their home and we expect everyone to abide by the terms and conditions of the tenancy agreement.

Where we identify locations with repeat ASB issues, we will consider the use of different initiatives to combat the problems such as local lettings plans, partnership working and youth projects, we may also invest in communal CCTV, target hardening and environmental security works such as communal fencing and doors.

In most cases it will be appropriate to use early interventions to manage ASB. These include interviewing perpetrators early, giving verbal and written warnings, using Good Neighbour Agreements (GNAs) Acceptable Behaviour Contracts (ABCs) Unacceptable Behaviour Warnings (UBW) and mediation.

Legal Action

When early interventions do not resolve the behaviour(s) and/or when the seriousness of the behaviour deems them proportionate, legal remedies will be used. These include:

Ending a Starter Tenancy

We will act to end a Starter Tenancy, due to repeated or a single serious ASB breach from the tenant(s) occupants, or visitors to the tenant's home. Further information can be found in our Tenancy Management Policy.

Tenancy Demotion

We will demote a tenancy where the tenant has engaged in ASB or the property has been used for unlawful purposes. A Demotion Order will result in the tenant losing their Right to Buy, exchange or transfer tenancies and will make the process for seeking a Possession Order much easier.

Possession Action

We will take possession action which includes seeking a Suspended Possession Order (SPO) (or variation to the terms of an existing SPO) which would include conditions to stop the ASB or seeking an absolute/outright order which would result in the perpetrator having to leave their property and possession being returned to AGL.

Civil Injunction

Civil injunctions place sanctions on the perpetrator to stop their ASB and can include positive requirements to get an individual to deal with the underlying cause of their behaviour, such as drug or alcohol treatment.

We will apply for Injunctions 'on notice' unless there is a serious risk of harm for a victim if a perpetrator was to be made aware of an application. In exceptional circumstances we will apply to have an individual excluded from their home or a locality. A power of arrest will be requested where it is proportionate to do so.

A proportionality assessment will be completed before any legal action is taken, ensuring consideration is given to the Equalities Act and Human Rights Act.

Multi agency work

Many ASB cases will require the involvement of other agencies and services in order to resolve them.

Examples of agencies we may work with include:

- Other enforcement agencies such as the police, fire service, local councils (including their environmental health teams) and other housing providers
- Support services such as health (including mental health), social care, education and youth services

There may be occasions when other agencies such as the local authority or police have the most appropriate tools to address the problem. In these circumstances we will seek to work with them to support their action. Examples include Criminal Prosecutions, Closure Orders, Criminal Behaviour Orders, Community Protection Notice, Noise Abatement Notices or Public Space Protection Orders.

If there is an on-going police investigation, we may wait to see the outcome of this before taking any action.

We will engage in multi-agency forums such as:

- Community Safety Partnerships
- ASB reduction meetings
- Community Action Group meetings
- ASBRAC (ASB Risk assessment conferences)
- VAP (Vulnerable Adults Panels)
- MARAC (Multi-agency risk assessment conferences)
- MAPPA (Multi-agency public protection arrangement)
- Child / adult protection meetings and conferences
- Ad hoc meetings to discuss individual cases

Case Closure

Cases will be closed in circumstances where we have resolved the ASB, where no further reports are being received from victims or where no further action can be taken. We will liaise with victims throughout the case closure process.

ASB Case Review (Community Trigger)

Where victim(s) feel their ASB complaint has been ignored, or incorrectly managed, they may be eligible to request a case review via the Community Trigger. The threshold for the trigger is locally defined. Anyone wanting to invoke the trigger should contact their local authority for further information, including how to start the process.

Sharing Information

We will share relevant information with agencies in line with the Data Protection Act 2018, General Data Protection Regulation and other relevant legislation such the Crime & Disorder Act 1998.

When handling information we will do so in accordance with the following internal policies:

- Data Protection Policy
- Information Security Policy

We may also share information with such other third parties where we have either an Information Sharing Agreement in place with them, or we have a legal duty to.

Equality & Diversity

AGL are committed to promoting and mainstreaming Equality and Diversity in all service areas, including ASB. Further details on how we ensure fairness, accessibility and transparency can be found in our Equality & Diversity policy.

Review

This policy will be reviewed at least every three years. Supporting procedures will be reviewed and updated in response to business needs and any changes to the operating environment or legislation

4. How we will monitor this policy

We will monitor this policy by measuring performance against key delivery targets (see case prioritisation heading), conducting regular case reviews and assessing customer satisfaction on case outcome and handling

5. Links to other policies and procedures

- Domestic Abuse Policy
- Hate Incidents and Mate Crime Policy
- Equality & Diversity Policy
- Information Security Policy
- Data Protection Policy
- Safeguarding Policy
- Tenancy Management Policy
- Allocations Policy
- ASB procedures

6. Links to other legislation and/or regulations

Policies, legislation and/or regulation that links to this Policy are listed below:

- ASB, Crime & Policing Act 2014
- Crime & Disorder Act 1998
- General Data Protection Regulations
- Data Protection Act 2018
- Equalities Act 2010
- Human Rights Act 1998
- Housing Act (1988 & 1996)

7. When this policy will be reviewed

This policy will be reviewed on November 2023.

8. Jargon buster

| Reference | Definition |
|---|--|
| ASB | Antisocial Behaviour |
| GNA | Good neighbour agreement |
| ABC | Acceptable behaviour contract |
| UBW | Unacceptable behaviour warning |
| Professional witness | A professional or expert witness is a person engaged to give an opinion based on experience, knowledge, and expertise. The overriding duty is to provide independent, impartial, and unbiased evidence to the court. |
| 'on notice' injunction | An "on notice" application, means the perpetrator is told that the application for an injunction is being made and when and where it will be heard. In an "ex parte" application, only the party seeking the injunction has the opportunity to put its case to the Court |
| CCTV | Closed Circuit Television |
| Target hardening | Measures that strengthen security |
| Power of arrest | A power attached to an order that enables the police to arrest a person whom they have reasonable cause to suspect of being in breach of the order, even though that person may not be committing a criminal act. |
| Multi-agency Risk assessment conference | A multi-agency approach to protect the most serious domestic abuse cases |

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| Antisocial behaviour risk assessment conference | A multi-agency approach to protect victims of ASB identified as being vulnerable |
| Vulnerable adults' panel | A multi-agency approach to protect vulnerable adults |
| Multi agency public protection arrangements | A multi-agency approach to managing assessing violent and sexual offenders in order to protect the public from harm |

9. Appendices

None