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# Antisocial Behaviour Policy

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## Related Documents

- ASB Procedure
- Mediation Procedure
- Domestic Abuse Policy
- Domestic Abuse Procedure
- ASB advice leaflet
- ASB Action Plan
- Diary sheets
- Acceptable Behaviour Contracts
- Data Protection policy and procedures
- Tenancy & Tenancy Management Policy
- Starter & Fixed Term Tenancy Procedure
- Allocations Policy
- Equality Act 2010
- Data Protection Act 1988
- Housing Act 1988
- Crime & Disorder Act 1998
- Anti Social Behaviour Crime & Policing Act 2014

## 1. Policy Statement

This policy establishes Origin Housing's role in tackling antisocial behaviour (ASB). It covers issues of ASB, harassment and hate crime. Domestic abuse and violence are dealt with through a separate policy and procedure, although we recognise that other forms of antisocial behaviour such as noise can be an indicator of domestic abuse and we will be sensitive to and consider this in our investigations.

We recognise that ASB can have a very disruptive effect on communities and neighbourhoods, and does not just affect those who are directly involved in the situation. We take antisocial behaviour very seriously and aim to balance enforcement action and intervention with prevention and support

to those experiencing antisocial behaviour. We will address ASB through the following approaches:

- Preventative action and early intervention. We will do this by:
  - Ensuring all new tenants are made aware of their rights and responsibilities in relation to antisocial behaviour.
  - Regular estate inspections to ensure estates are clean, safe and secure.
  - The use of Starter Tenancies.
  - Settling in visits within the first year of a tenancy.
  - Ensuring that all new schemes are built to appropriate standards.
  - Close multi-agency working.
  - Community projects which may assist in reducing antisocial behaviour (e.g. young person's activities or clean up days)
  - Using mediation services and acceptable behaviour contracts.
  - Using family intervention projects where available and appropriate.
- Provision of and signposting for support and advice for victims and witnesses of ASB
- Provision of and signposting for support for vulnerable perpetrators
- Legal action against perpetrators (whether by Origin or another agency)

## 2. Scope of the Policy

This policy applies to customers of all tenures living in a home owned or managed by Origin Housing, including general needs, supported and sheltered housing, market and intermediate rent, service users, licensees and people living in the communities that we serve.

It also applies to customers in leasehold and shared ownership properties. We may take legal action in accordance with the terms of the lease and other relevant legislation available to us, as leases may differ from case to case.

Where managing agents manage homes on our behalf, they will be required to meet the requirements of this policy and procedure.

## 3. Definitions

We adopt the definition of ASB as set out in the Antisocial Behaviour, Crime and Policing Act 2014:

**‘Antisocial behaviour’ (ASB) means**

- (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- (c) conduct capable of causing housing-related nuisance or annoyance to any person.’

### **Harassment**

We have a zero-tolerance approach to harassment and manage all reports of harassment in line with this policy.

Harassment is when someone behaves in a way that makes another person feel distressed, humiliated or threatened.

If someone is being harassed because of a protected characteristics under the Equality Act 2010, this can be reported as a hate incident or crime.

### **Hate crime and hate related incidents**

We have a zero-tolerance policy to hate crime and hate related incidents, and we manage all reports in line with this policy.

A hate crime is any criminal offence that is perceived by the victim or any other person to be motivated by hostility or prejudice based on a personal characteristic. Incidents may manifest themselves in low-level forms of antisocial behaviour but the impact on the victim may be devastating.

Hate crimes are crimes committed against someone because of their: disability, transgender-identity, race, religion or belief, or sexual orientation and should be reported to the police and can be reported to us.

Incidents can range from harassment, abusive language, criminal damage and damage to property, to threats and physical violence.

### **Forced Marriage**

The Antisocial Behaviour, Crime and Policing Act 2014 makes it a criminal offence to force someone to marry. We manage all cases in line with this policy, our Domestic Abuse Policy and where appropriate, our safeguarding policies.

## **4. Origin's Policy**

Antisocial behaviour, harassment and hate-related crime can have devastating effects on communities and individuals. At Origin Housing, we put victims at the heart of our response, take a flexible approach to managing incidents and work in partnership with both internal and external partners to tackle them.

ASB includes a range of activities (including harassment and hate-related crime) and has many causes. ASB can be one of the categories below and includes:

- Alcohol-related antisocial behaviour
- Physical violence, such as attacks on a person or threats of violence
- Verbal abuse
- Domestic violence
- Drugs/substance misuse/drug dealing

- Hate-related incidents (based on disability, transgender-identity, race, religion or belief, sexual orientation)
- Harassment/Intimidation/Threatening behaviour
- Fly-tipping (where a person is known)
- Misuse of communal areas or public spaces/loitering
- Noise (outside of acceptable hours in line with the tenancy agreement or local authority guidelines.)
- Nuisance from vehicles (e.g. abandoned vehicles, joy riding, drag racing, nuisance, vehicle repairs).
- Pets and animal nuisance
- Vandalism and damage to property, including graffiti
- Other criminal behaviour

### **What is not considered ASB?**

**Living noise** - Origin does not consider everyday living noises as antisocial behaviour. Examples of living noises include:

- Babies crying
- Doors closing
- Children playing
- Toilets flushing
- DIY noise that is taking place at reasonable hours as specified by the tenancy agreement or in line with local authority guidelines.
- Walking across a floor

Although we understand that this can affect some residents, this sort of noise is part of everyday life and we will not investigate it as a formal antisocial behaviour case. We also understand some everyday living noises can be a cause for concern, for example babies crying for long periods of time, where this is the case the Housing Manager (HM) can investigate this and will determine if there are safeguarding concerns that need to be addressed through the relevant authorities.

### **Other reasons for a report not to be logged as a formal case -**

- Unidentified animals fouling or accessing external communal or private areas
- Fly Tipping that is unidentified as to who has dumped the items
- Car and intruder alarms
- Issues related to parking
- Cooking smells

These are some examples of behaviour we do not generally consider to be ASB, However, we accept that in some cases persistent behaviour which has a reasonable negative impact can require investigation, and this will be done in line with this policy.

### **Logging and receiving an ASB incident**

An ASB incident can be received in the following ways:

- by reporting to any Origin staff member
- by phone, in person or written communication

- from a resident, non-resident, third party on the resident's behalf (as long as we have permission to speak with them), MP's, councillors, police, contractors or any other person working on behalf of Origin.

All reports of ASB will be taken seriously and logged on Origin's housing management system. Anyone taking the report of the complaint will ensure they confirm with the complainant how they wish to be contacted so that any contact does not inadvertently put them at risk.

## **Prevention & Early Intervention of ASB**

The prevention and early intervention of anti-social behaviour is preferable to enforcement action.

Preventative measures include:

- Starter tenancies
- Mediation
- Verbal / Written warnings
- Acceptable Behaviour Contracts
- Good Neighbour Contracts
- Restorative justice

## **Origin Housing Responsibility**

Resident and service user involvement is central to our work and a key part of building strong and safe communities irrespective of tenure. We will:

- Take all complaints/reports seriously.
- Encourage and support joint working between all tenures of residents, staff and other partners to allow communities to flourish.
- Use community initiatives to deter crime and ASB.
- Recommend residents log any criminal activity to police on 101 or 999.
- Recommend residents contact environmental health for out of hour's noise nuisance.
- Take a neutral, fair approach when investigating ASB.
- Consider the use of options such as CCTV and noise monitoring equipment.
- Be open and honest with the complainant in our conclusion following investigations.
- Use the legal options available to us as a housing provider that are appropriate for the situation.
- Make referrals to other agencies such as social services or support agencies.
- Provide support and guidance where a complainant, victim or witness agrees to provide evidence when going through a court process.
- Origin may use personal data collected in line with our Privacy Notice (available on our website).
- We will share information with third parties where we have an information sharing protocol in place, there are safeguarding concerns or we have a duty to do so for the purpose of crime prevention under the provisions of the Crime and Disorder Act 1998.

- We will monitor the feedback we receive about how we manage and respond to cases of ASB, and continue to work towards the standards and core commitments of Origin Housing to ensure a high standard of services.

### **Resident responsibility**

Whilst Origin will investigate and take action where it is appropriate and they can see antisocial behaviour has occurred or a tenancy breach has been determined, it is a resident's responsibility to ensure they undertake actions to help provide evidence and be clear how the reported ASB is affecting them. Actions the complainant will be responsible for:

- Keeping accurate diary sheets as provided by Origin Housing and supply to the neighbourhood manager at the agreed times.
- Understand Origin is not always able to take action against an alleged perpetrator where complainant/victim involvement is withheld.
- Report any criminal activity to police on 101 or 999.
- Provide details of any police officers they have been involved with in order for Origin to work with them.
- Keep Origin updated with any changes to circumstances; for example, where an agreement has been reached with a neighbour or the ASB has stopped.
- Take on board Origin recommendations and advice to help resolve the situation.
- Be prepared to consider giving evidence when going through a court process if the case relies on that evidence, and understand that if evidence is not provided, we may not get the required outcome.
- Understand that Origin will look at different ways to help reduce ASB, and that eviction of an alleged perpetrator will not always be the most appropriate method.

### **Multi Agency Partnership Working**

We recognise that most anti-social behaviour cannot be tackled in isolation by a single agency and that working in partnership with other agencies is necessary. Other relevant agencies that we will work with include:

- Community Safety Partnership
- The Police
- Local Authority
- Housing Providers
- Fire & Rescue Service
- Probation

### **Support for Complainants**

Our responses to anti-social behaviour will be focused on the needs of the victim(s) and we will deal with any complaint promptly and will keep the complainant informed of any developments relating to their complaint, and refer to witness support services where appropriate.

In exceptional cases and where we are unable to obtain satisfactory evidence of anti social behaviour, we may use professional witnesses.

As a general rule we will not rehouse victims / complainants, instead preferring to seek to stop the anti-social behaviour and not move the parties concerned.

### **Support for Perpetrators**

Origin understands that in some cases there may be some vulnerabilities and support needs that are contributing to the situation that has occurred.

- We will look to signpost perpetrators of antisocial behaviour who are vulnerable themselves to specialist advisors to prevent or manage issues as they arise. Our ability to do so may be impacted by a perpetrators unwillingness to engage or provide authority.
- Specialist agencies may include, but are not limited to, the local community health team, drug action teams and community-based organisations such as drug and alcohol support, and mental health services.
- Where we believe someone has a disability as defined by the Equality Act 2010, we will ensure that we carry out a proportionality assessment in respect of legal action to ensure that such steps are proportionate.

As a general rule we will not rehouse perpetrators of anti-social behaviour instead preferring to seek to stop the anti-social behaviour and not move the parties concerned.

### **Out of Hours**

We will publish local contact numbers for out of hours services (such as the police, environmental teams, etc.) on our website and notice boards where applicable.

### **Legal Tools & Powers to Tackle Anti-Social Behaviour**

Where warnings and attempts at early intervention have not worked or where the behaviour is serious, enforcement action will be considered. We will decide what enforcement action is most appropriate on a case by case basis and reserve the right to take whatever action we consider to be reasonable in the circumstances.

Origin will use any legal remedies that are available at the time, which may include:

- Injunctions (with or without notice)
- Demotion of tenancy
- Extending the Starter Tenancy
- Possession proceedings

There are also powers available that the Police or Local Authority can use (and which we may support) which include:

- Criminal Behaviour Order
- Dispersal powers
- Community Protection Notice
- Public Spaces Protection Order
- Closure of Premises
- Injunctions

## 5. Equality and Diversity

At Origin Housing, we have adopted diversity and inclusion as core values and place all our policies in the context of the following objectives:

- ensuring that all our customers and staff are treated with dignity and respect
- ensuring that the opportunities we provide for learning, personal development and employment are made available on a non-discriminatory basis
- providing a safe, supportive and welcoming environment for staff, customers and visitors

We seek to be a genuinely inclusive organisation and our aim is to integrate diversity and inclusion in all aspects of our day-to-day activity.

For Origin, diversity is about respecting the differences of our individual residents and staff, ensuring that all people that come into contact with us have access to the same high standards of behaviour and service. We are committed to supporting customers, our communication and service delivery will be tailored to individual needs to ensure that the service is accessible to all residents.

## 6. Value for Money

Any antisocial behaviour cases where legal action is applicable will be reviewed by the management team (including Senior Neighbourhood Managers) to assess the likelihood of success and to limit unnecessary spend in pursuing cases in court where success is likely to be limited.

## 7. Resident Involvement

Our resident involvement team and engagement through 'The Hive' have reviewed this Policy. Any suggestions or amendments have been considered and incorporated where possible within the document.

## 8. Data Protection

We have made significant progress with the implementation of the General Data Protection Regulation which came into force on the 25<sup>th</sup> May 2018. We are largely compliant with the exception of a couple of areas where work is still in progress.

We have retained the support of an external Data Protection Officer who is part of Cybercrowd Limited. <https://www.cybercrowd.co.uk/>

We are continuing to align our compliance work with ICO's guidance "12 steps to take now" with an additional focus on security and controller / processor agreements that are not covered within the aforementioned ICO guidance.

It is our intention to confirm full compliance as soon as practically possible following the advice and information that we are provided with.

## 9. Monitoring

We will review the number of complaints about antisocial behaviour to ensure the effectiveness of this policy.

On a monthly basis, the relevant manager will monitor and review all open ASB cases with the HM responsible for managing the case. This will involve checking the status of a case, ensuring complainants are being contacted in line with the agreed timescales, any suggestions of other routes that could be taken where it is a complicated case, and ways in which a resolution can be found that is best for all involved.

Additionally, we will survey all complainants who had an ASB case closed each month and we will report on:

- Satisfaction with the way the case was dealt with.
- Satisfaction with how well resident was kept informed regarding their ASB case.

## 10. Communication of Policy

This policy and procedure will be promoted to customers through:

- Information on the Origin website
- Residents meetings

This policy and procedure will be promoted to staff through:

- Articles and guidance on the staff intranet
- Discussion at team meetings
- Staff training
- Case reviews

## 11. Review

The Head of Housing Services will have overall responsibility for monitoring and reviewing this policy to ensure that it remains up-to-date with current regulatory and legislative requirements. This policy will be reviewed as part of Origin's on-going policy management process every two years or if there is any change to legislation.