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Anti-Social Behaviour Policy

March 2016

Important

Policies and procedures must be coordinated through the Business Development Team for compliance, auditing and control purposes. A Policy Registration Form must be completed before any revisions are made by contacting the Business Development Team at NH.Policy@networkhg.org.uk

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Title: Anti-social Behaviour Policy

Document Status (Version/Draft/Final)	Final v.3.0	
Document Reference	CS.Po12.ASB.16v3	
Reason for review	Review and legislation	
Approved by (Board/ELT/Committee)	Executive Director of Customer Service	
Approved date	March 2016	
Effective from (Date)	March 2016	
Policy Author	Neighbourhood Manager	
Policy Owner	Director of Transformation	
Accountable Officer	Executive Director of Customer Services	
Date of next review	March 2018	
Consultation: internal	Previous RPs consulted before amalgamation	
Consultation: residents	n/a	
Equality Impact Assessment (EIA)	Date completed	
	Initial/ Full EIA	

Version Control – Change Record

Date	Author	version	Reason for change
Nov 2015	Research and Policy Coordinator	v.1.0	Harmonisation of policies
March 2016	Neighbourhood Manager	v.2.0	Review

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Appendices:

None

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1. Introduction

- 1.1 Network Homes (NH) recognises that Anti-social behaviour (ASB) can be targeted against individuals, communities or the environment. NH recognises that tackling anti-social behaviour has broad consequences which impact upon all areas of our business, our residents, customers and other stakeholders.
- 1.2 This policy is intended to ensure that NH is equipped to deal with occurrences of ASB when they are reported and is compliant with the requirements of the ASB Crime and Policing Act 2014.
- 1.3 The ASB Crime and Policing Act 2014 defines ASB as:
“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.”
- 1.4 The definition extends to behaviour towards staff and contractors of NH. We operate a zero tolerance policy towards any intimidating, threatening or abusive (verbal or physical) behaviour aimed at our staff or contractors. ASB includes a wide range of unacceptable behaviour that affects the quality of life of residents and others living or working in the community. ASB is a broad term used to describe day-to-day incidents of crime, nuisance and disorder and includes, but is not limited to, the following:

Type of ASB	Examples of ASB incidents
Harassment	hate crimes including homophobic and racial harassment
Domestic violence	abuse of a partner or elderly parent
Noise nuisance	loud music and DIY activity, particularly late at night
Communal nuisance	youths causing rowdy/ threatening behaviour
Animal related problems	dogs barking, animals fouling communal areas
Neighbour disputes	arguments about shared amenities and parking
Environmental abuse	dumping rubbish in corridors and fly tipping
Drugs, substance or alcohol abuse	use of and supply of illegal drugs. Alcohol related ASB
Vehicle related nuisance	abandoned cars and car repairs
Other Criminal	Prostitution and kerb crawling

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Behaviour	
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- 1.5 This policy applies to anyone living in or visiting a property owned by NH. It also applies to residents living in neighbouring properties of different tenure and visitors to their properties and includes all rented tenants, shared owners, leaseholders and stakeholders.
- 1.6 All tenants are bound by the terms of their tenancy agreements not to cause nuisance and/or annoyance to others.
- 1.7 All leaseholders will be expected to abide by the terms and conditions of their lease agreement and any subsequent terms of variation to that lease.
- 1.8 The leaseholder and tenant's handbooks clearly state the responsibilities of both tenants and leaseholders.
- 1.9 NH considers abusive or threatening behaviour towards its staff, contractors or agents to be a serious issue, which will be dealt with in accordance with this policy.

2. Policy Statement

- 2.1 NH is committed to taking effective, appropriate, and proportionate action to tackle ASB, using a full range of interventions, including the use of the legal framework.

3. Aims & Objectives of Policy

- 3.1 The aims & objectives of this policy are to:
 - Define ASB so that staff and customers are clear about what it is.
 - State the various ways in which ASB can be reported.
 - Tailor the service to individual's needs, particularly in sensitive cases, managing residents' expectations in all cases.
 - Raise awareness amongst our customers, staff and other relevant stakeholders of the tools and powers available, to both staff and our customers, to tackle ASB.
 - Ensure that NH always takes into account the support needs of vulnerable customers.
 - Give victims of ASB opportunity to report their grievance.

4. Reporting of Anti-social Behaviour

- 4.1 Anyone reporting or considering making a report of ASB is assured that their report will be treated as confidential.
- 4.2 Reports of ASB can be made in person, by telephone, by email or in writing to any of our

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offices. You can also complete our ASB online form.

4.3 Anyone wishing to make an ASB report can also ask a friend, relative, neighbour or an Advocate to report issues of ASB to us on their behalf.

4.4 NH provides direct access to translation and/or interpretation services, where required, and our offices are equipped with hearing loops.

5. Our Approach To Tackling Anti-social Behaviour

5.1 NH uses a victim centred approach to the management of ASB.

5.2 NH recognise the benefits of partnership working to deal effectively with ASB and we will, where possible, work in partnership with others.

5.3 NH aims to assess the vulnerability and support needs of our customers and where possible provide appropriate support directly or refer to external agencies as necessary.

5.4 NH recognise that challenging behaviour may be the result of one or more diverse needs. Where appropriate, we will seek to support the perpetrator, and seek the advice and the assistance of specialist agencies to help address their needs, which could include carers and support workers.

5.5 NH will aim to make evidence gathering for the victim/witness as straightforward and sensitive as possible.

5.6 NH will consider the safety and the perception of safety, of the victims and witnesses and if necessary provide additional safety measures to support them.

5.7 NH will help victims to stay in their own home wherever possible.

5.8 NH will make every effort to protect and support witnesses during court proceedings.

5.9 NH takes all forms of ASB very seriously but also recognise that we should have varied approaches to the varied forms of ASB. We therefore have specific response timescales for ASB and will also communicate this to victims and complainants.

5.10 A named officer will be responsible for investigating allegations of ASB. The officer will:

- Be the primary point of contact and keep the person reporting ASB informed, as far as possible, throughout the process
- Ensure any communication requirements are addressed and the correct resources are used. This may be sourced internally, through language line or other external

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agencies

- Formulate and agree an action plan with the person reporting ASB at the earliest opportunity detailing what steps will be taken to address the complaint
- Make sure interviews are conducted appropriately, either over the telephone, in the office or through a home visit.
- Agree any necessary support package for tenants reporting ASB who have particular needs e.g. associated with disability or vulnerability.
- Provide assistance to those reporting ASB and liaise with external agencies where appropriate, e.g. social services in order to address and/or manage ASB.

6. Prevention

6.1 NH is committed to preventing the incidence of ASB at the outset by doing the following:

- Clearly explaining to all new tenants and leaseholders at the sign-up of their tenancy and settling in visits, the terms of their tenancy or lease that relate to ASB and causing a nuisance, so that expectations and consequences are clear
- Encourage residents to be good neighbours and promote Good Neighbourhood Agreements where we have them on our housing schemes
- Assessing what physical improvements can help reduce anti-social behaviour.
- Applying a range of preventative measures including Neighbourhood Watch, youth diversion activities such as summer clubs and community development initiatives
- Using Starter Tenancies which are trial tenancies with less protection from eviction than secure or assured tenancies
- At the end of a starter tenancy it should automatically become an assured tenancy unless there have been complaints of ASB in which case the starter tenancy period may be extended and the tenancy may be brought to an end using the mandatory section 21 Housing Act 1988 procedure

7. Intervention

7.1 NH is committed to intervening at an early stage in ASB cases in order to resolve problems and prevent their escalation. NH will use the following approaches in its early interventions:

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- Develop robust local partnerships and multi agency working to address ASB with a view to signposting or referring customers where appropriate.
- Develop formal information sharing protocols and partnership agreements to allow us to respond quickly to ASB.
- Make early contact with those involved and consider utilising:
 - Written and Verbal warnings
 - Acceptable Behaviour Agreements (ABA's)
 - Parenting Contracts
 - Mediation
 - Support and Counselling

7.2 NH takes a multi-agency approach to tackling ASB and will wherever possible work with:

- Local Authorities Community Safety Partnerships
- Police
- Community and Voluntary Agencies
- Residents Groups
- Youth Offending Teams
- Other Landlords on multi – landlord estates
- Social Services
- Mental Health Teams
- Neighbourhood Watch Schemes

8. Enforcement

8.1 The law has created tools that NH can use to deal with ASB cases. We will use legal action where necessary, but in general we will try to work with perpetrators and complainants to resolve the situation without resorting to this. Early interventions as listed in the section above are our preferred first approach. Where this hasn't worked or is not appropriate, we will use legal action including:

- Injunctions, which can include positive requirements as well as prohibitions and exclusions
- Undertakings (a promise to the court)
- Possession and forfeiture action. See further details below in respect of serious and/or persistent ASB
- Eviction

9. Community Trigger

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9.1 The ASB, Crime and Policing Act 2014 introduced the “Community Trigger”. This allows members of the community to ask for a review of the responses to their reports of ASB. The Community Trigger and how to enact this for each area should be available via the relevant Local Authority and Police websites.

10. Dealing With Domestic Abuse

10.1 NH believes that all of our residents should be able to live without fear of abuse from a spouse, former spouse or partner, or other member of their household.

10.2 NH understands that any person can experience domestic abuse. We are committed to offering victim-centred, accessible, and flexible assistance to any of our customers who are suffering from this type of physical, sexual, emotional or verbal abuse.

10.3 Victims of domestic abuse will be given the relevant advice and support by the case officer at the earliest possible opportunity. Where appropriate, the perpetrator may be signposted for support or referred to behavioural / specialist courses if locally available.

10.4 NH recommends that all crimes are reported to the Police. However, unreported allegations of domestic abuse will not prejudice advice given in regards to signposting victims to relevant organisations or offering support.

11. Harassment and Hate Crime

11.1 NH will not tolerate incidents of harassment or hate crime in any form.

11.2 To prevent racial harassment and hate behaviour NH will send out a clear message that we adopt a zero tolerance approach.

11.3 NH will ensure our staff are equipped to deal with any reports of racial harassment or other types of hate behaviour.

11.4 NH will create a safe and welcoming environment for people to report racist incidents or hate behaviour.

11.5 NH will ensure incidents of perceived racial harassment or hate incidents are treated consistently, promptly, effectively and confidentially.

11.6 NH will work in partnership with other agencies and use community resources available to promote social cohesion.

11.7 NH will proactively deal with any report(s) of racial harassment or other types of hate incidents in an efficient and consistent manner.

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12. Serious and/or persistent ASB

12.1 Possession action is in most cases a last resort and NH will where possible use all alternative remedies before seeking possession of a tenant's home. However in some cases we may have no alternative but to seek possession.

12.2 Where possession action is considered necessary NH will ensure that the action taken is in accordance with the Pre- action protocol for possession claims brought by social Landlords

12.3 Possession action could include both mandatory and discretionary claims for possession.

12.4 Mandatory claims for possession include:

- Claims brought following the service and expiry of a section 21 Notice Requiring Possession, where the tenancy is an assured shorthold tenancy or a starter tenancy, which is in itself an assured shorthold tenancy;
- Possession action brought following the service and expiry of a Notice Seeking Possession reciting an "Absolute" ground for possession set out in the Housing Acts 1985 (secure) and 1988 (assured). An Absolute notice may only be served on the tenant if one of the following conditions are satisfied:
- the tenant, a member of the tenant's household or a person visiting the property has been convicted of a serious offence
- the tenant, a member of the tenant's household or a person visiting the property has been found by a court to have breached an injunction to prevent nuisance and annoyance obtained under section 1 of the Anti-Social Behaviour Crime and Policing Act 2014
- the tenant, a member of the tenant's household or a person visiting the property has been convicted for breach of a criminal behaviour order obtained under section 30 of the Anti-Social Behaviour Crime and Policing Act 2014
- the tenant's property has been closed under a closure order obtained under section 80 of the Anti-Social Behaviour Crime and Policing Act 2014

12.5 Where NH decide to seek possession against a starter tenant/ and or rely on the Absolute Grounds for possession the tenant will have the right to seek a review of the decision to serve the notice.

12.6 Where no appeal is received or it is not upheld, if the court is satisfied that one of the conditions is met, or in the case of a starter tenancy, that the s21 notice is valid the court

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must make a possession order and that order cannot be suspended.

- 12.7 Where possession is sought on a discretionary ground for possession the court will be able to decide whether it is reasonable in all circumstance for a possession order to be made. The court may also decide to suspend the possession order.

13. Complaints

- 13.1 Any tenant, resident, customer or other stakeholder who is dissatisfied with the service provided under this ASB policy is able to submit a complaint using the NH Complaints process.

14. Performance Monitoring

- 14.1 NH will monitor the impact of this policy to ensure appropriate and consistent application using the following reports:
- Number of ASB cases reported
 - Number of resolved ASB cases
 - Benchmarking our service against other Registered Providers
 - Reviewing customer experience using satisfaction surveys.
 - Compliance with the ASB Policy will take place as part of the group's quarterly self certification assurance framework.

15 Related Documents

- Antisocial Behaviour Procedure
- Allocations Policy
- Data Protection Policy
- Equality and Diversity Policy
- Lone Worker Procedure
- Safeguarding Policy
- Safeguarding Procedure

16 Legislation & Regulation

The legislation listed in this policy is not intended to cover all legislation applicable to this policy. To meet the required HCA Governance & Financial Viability Standard outcome on adherence to all relevant law, Network will take reasonable measures to ensure compliance with any and all applicable legislation by reviewing policies and procedures and amending them as appropriate. The legislation listed within this policy

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was considered at the time of the development of this policy, but subsequent primary and secondary legislation, case law and regulatory or other requirements will be considered and the policy reviewed and adopted in accordance with the requirements set out therein, even should such subsequent legislation not be explicitly listed within this policy. Any queries relating to the applicable legislation should be directed to the policy author.

NH will meet our legal obligations under the following (this is not an exhaustive list):

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour Crime and Policing Act 2014
- Anti-terrorism Crime and Security Act 2001
- Data Protection Act 1998
- Domestic Violence Crime and Victims Act 2004
- Equality Act 2010
- Housing Acts 1985, 1988 and 1996
- Human Rights Act 1998
- Police Reform Act 2002
- Protection from Harassment Act 1997
- Respect Standard 2007
- The Crime and Disorder Act 1998
- Homes & Communities Agency Neighbourhood and Community Standard

17 Equality & Diversity

NH will apply this policy consistently and fairly, and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equality Act 2010.

18 Review

All policies should be reviewed every 3 years as a minimum, or sooner if there is a specific legislative, regulatory or service requirement or change in guidance, law or practice.

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