

ANTI SOCIAL BEHAVIOUR POLICY

Purpose

Black Country Housing Group (BCHG) is a Social Business and recognises that to provide quality homes that are safe and secure; we must be effective in tackling problems created by anti-social behaviour. Our Anti Social Behaviour (ASB) Policy sets out the measures we will take to do this. We will take a balanced approach between prevention, self-help, intervention and enforcement, and provide support to complainants. We will work to develop effective partnerships with Local Authorities and the Police.

The main aim for the Housing Management Team is:

‘To provide places where people want to live and feel safe’

Our strategic objectives impact the way we tackle ASB:

- Delivering Excellence – we will use data intelligence and resident feedback to improve our ASB Service, as well as to influence the priorities and resources of partnering agencies.
- Challenging the Status Quo – we will seek creative solutions, and use Q to continuously challenge the service delivery to residents
- Growth – as a Social Business we will look at opportunities to innovate diversionary activities

Living our core values is important in delivering our purpose and objectives. Through our values we want to nurture an example of the behaviour we expect. Our core values will be at the heart of dealing with ASB. These are:

- Positivity - we will promote positive behaviours
- Respect – take time to listen, and be fair in our approach
- Quality – give ease of access to our service and draw on best practice
- Integrity – be fair and honest in our discussions, and give the right information from the start

The Aims of this Policy are:

- To work towards preventing ASB before it starts
- To provide realistic and accurate advice on what we can do and what the complainant can do
- To encourage residents to work things out where possible
- To stop ASB from happening by taking appropriate and proportionate action, and seeking sustainable solutions to stop it from happening again
- To take a "complainant centred view" by assessing risk and engaging relevant support where necessary and/or available
- To establish strong relationships with partners to help achieve safe and secure estates

Scope

This policy applies to residents and service users of BCHG and includes residents within our general needs, supported housing, leaseholders and shared ownership properties.

Related Policy/Procedures

Tenancy Management Policy

Tenancy Policy

Estate Management Policy

Definition

For the purpose of this policy, Anti Social Behaviour is defined by Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014, 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”.

For the purpose of this policy, "Proportionality" means, our actions will be justified, fair and appropriate, based on our policy, procedure and with consideration being given to any human rights issues and/or any protected characteristics.

Responsibilities

The responsibility to oversee the implementation of this policy is with the Head of Housing.

The Tenancy & Customers Services Manager is responsible for the operation of this policy.

The Lettings Manager will be responsible for ensuring checks are made on prospective residents.

The Tenancy Officer is responsible for recording and monitoring high and medium level incidents.

The Customer Services Administrator is responsible for recording and monitoring low level incidents.

The Resident Involvement Officer is responsible for ensuring our engagement activities promote standards of behaviour we expect.

All staff are responsible for assessing risk of harm to residents and in making sure that there is no serious detriment to a resident.

The Director of Operations will be responsible for approving any eviction requests, and to notify the Exec Team, and Board of Management, of any risk events and serious incidents.

1. How we categorise ASB

ASB can come in many forms, with examples being:

- Nuisance, rowdy behaviour, noise
- Harassment/threats, hate incidents
- Environmental Nuisance – vandalism, graffiti, abandoned cars
- Using a property for unlawful purposes

We will categorise our response to any report of ASB by understanding the root cause, and the risk of harm to the complainant, we will do this by using an initial screening assessment. These categories, and our response times, are as follows:

- Category 1- Low risk of harm – within 10 working days
- Category 2 - Medium risk of harm – within 5 working days
- Category 3 - High risk of harm – within 24 hours

Categorising ASB in this way will ensure a complainant centred approach is provided by making the assessment of risk a priority and which helps us respond to the needs of and concerns of the complainant, and the situation, in a proportionate way.

2. Our General Approach

We will take a balanced approach in tackling ASB. This focuses on 4 strategies:

- Preventative measures
- Self help
- Intervention
- Enforcement

2.1 Prevention

At BCHG we want to work towards preventing ASB before it starts, not only to make our estates safe and secure but also to prevent homelessness and costly and lengthy court cases.

The ranges of preventative measures we will use are:

- Restriction of applicants - we will exclude housing applicants who have had a history of serious ASB
- Make sure our residents are clear about their responsibilities in relation to ASB, and at tenancy sign ups, and throughout a person's tenancy, to try and identify any support needs
- Make sure all our tenancy agreements contain specific clear clauses relating to anti-social behaviour and harassment
- Make sure that all new residents (except for those who have become tenants through the Mutual Exchange process) will be given 'starter' tenancies, which will initially last for 12 months. If no problems arise within the 12 months, the tenancy will be converted to a Fixed Term/Assured tenancy. However, if the resident is involved in any anti-social behaviour, their tenancy will be reviewed and will either be extended or, in serious cases, possession action taken.
- Encourage residents to get involved in diversionary activities such as employment training, focus groups, and resident committees
- Look for estate improvements which can be made to 'design out' anti-social behaviour, e.g. fencing, lighting etc.
- Use estate agreements to help resolve issues around such things as communal parking and use of space at large housing schemes
- Develop strong links to partner agencies so that residents have a wide range of support available to them such as Community Organisations, the Police, and the Local Authority.
- Where we cannot support a resident, signpost them to relevant services.

2.2 Self help

In addition to the legal responsibilities set-out in their tenancy agreement or lease, we will encourage all residents to:

- Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner, for example by reaching a compromise themselves or via a local mediation service.

- Respect other peoples' right to their chosen lifestyle and be tolerant of everyday and/or reasonable levels of disturbance such as food smells, babies crying at night or religious practices and festivals.
- Report all crimes, including threats or acts of violence, to the Police as well as to BCHG.
- Report all incidents of ASB, harassment and domestic abuse to the Police as well as to BCHG.
- Work with BCHG to resolve disputes/issues, for example by providing evidence of ASB, giving witness statements ,attending Court hearings, etc. and allowing noise monitoring equipment to be installed if necessary.

2.3 Intervention

Where it is appropriate we will intervene to address issues of ASB. We will assess each case based on our categories detailed above at Section 1. We will work with other departments within BCHG, and outside organisations, to deliver a wide range of interventions. These will include, but are not limited to:

Responding early to an initial report by way of verbal and/or written warnings

- Encouraging mediation, both informal and formal
- Suggesting and/or providing diversionary activities such as employment training, "getting involved", etc.
- Taking a Restorative Approach, where we feel it is appropriate and agreed by both parties. This approach will bring those people harmed by conflict, and those responsible for the harm, together and will enable everyone affected by an incident to play a part in repairing the harm and finding a positive way forward
- Consider and/or facilitate Community Remedies which give complainants a say about what out of court punishment should be given to perpetrators of low level crime and anti-social behaviour
- Multi agency working
- Witness support

2.4 Enforcement

As a Social Business we take enforcement action very seriously and, before taking such action, we will thoroughly investigate a complaint/complaints and gather all appropriate evidence. We will always consider whether the action we take is appropriate and proportionate on a case by case basis and will seek legal advice if necessary. Any action that leads to legal proceedings, particularly a Claim for Possession, will be approved by a Director.

Following the implementation of the Anti-social Behaviour Crime and Policing Act 2014, new measures have been given to various organisations to tackle ASB: These include:

A new absolute mandatory ground for possession

BCHG will consider the proportionality of issuing applications using the absolute mandatory ground 7A, Schedule 2 of the Housing Act 1988 for possession in the following circumstances:

Where the resident, a member of their household or a visitor;

- Has been convicted of a serious offence, or breaching a Criminal Behaviour Order, or
- Has been found, by a court, to have breached a civil injunction or
- Has been convicted of an offence under the Environmental Protection Act 1992 (breach of an Abatement Notice or court order to abate statutory noise nuisance), or breached a closure order.

All applications for mandatory possession will be approved by a Director and the resident will be given

the opportunity to appeal the decision within 7 working days from when a Notice Seeking Possession, citing this ground, is served.

Any appeal of our decision must be in writing and delivered to the Head of Housing. The appeal process will incorporate the following:-

- Allow for either party to supply and refer to written evidence if appropriate;
- Allow for an oral and/or written review where appropriate;
- The resident will have the right to be legally represented at any oral review
- The resident will be given written reasons for the decision made in respect of the appeal.

Possession Proceedings on discretionary grounds – BCHG will consider, on a case by case basis, whether it is appropriate to include mandatory grounds for possession alongside discretionary grounds. The Head of Housing will determine such cases.

Demotion of tenancy - A demoted tenancy is a tenancy issued by order of a court and "downgrades" a tenancy from the security it enjoys, as an assured tenant, to a less secure form of tenancy. Where appropriate, BCHG will consider applying for 'demotion' alongside other grounds for possession. If the conditions of demotion are breached we can end the tenancy by way of accelerated possession proceedings which will be approved by the Director of Operations.

We will work in partnership with other agencies and where it is appropriate and proportionate to do so put in place:

- **Civil Injunctions** – This injunction prohibits an individual from engaging, or places a requirement on them to engage, in specific behaviour. A power of arrest can be attached to the terms of an injunction;
- **Community Protection Notices**. This notice can stop a person aged 16 or over, business or organisation committing anti-social behaviour, which spoils the quality of life for the community or a section of it.
- **Criminal Behaviour Orders**. This order is made by the criminal court against a person who has been convicted of an offence and is aimed at tackling the most persistently anti-social individuals who have also engaged in criminal activity.
- **Dispersal Orders**. The Police have powers to disperse persons from specific areas;
- **Dog Controls** – The Police have powers to tackle irresponsible dog owners.

Where we can we will try to reach a satisfactory resolution without resorting to legal/enforcement action, but at times this will not be possible. Eviction, however, remains the last resort and will only be used in the most serious cases of ASB or where other action is not appropriate because of the resident's circumstances.

3. Reporting ASB

We will accept reports of ASB from our residents, members of the community, our partners, the Police and other agencies.

Residents will be able to report ASB by phoning us, by letter, by email, through a member of staff, an advocate or through resident's groups. We will acknowledge all reports received.

We will deal with all reports of ASB, sensitively and confidentially and within the agreed timescales.

We will identify a named officer, for each case, who will ensure the complainants of ASB are kept up to date with issues and/or developments relating to them. We will agree with complainants when and how they would like us to communicate with them.

4. Domestic Abuse

BCHG will consider all forms of domestic abuse as Anti-social behaviour under this policy

- Domestic abuse is any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse against those who are or who have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:
 - psychological
 - physical
 - sexual
 - financial
 - emotional
- “Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
- “Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”
- This definition, which is not a legal definition, includes ‘Honour’ Based Violence (HBV), Female Genital Mutilation (FGM) and Forced Marriage (FM). BCHG are clear that victims are not confined to one gender or ethnic group
- As well as making a housing management response to these issues BCHG will also follow a multi-agency approach as part of its Safeguarding Policy.

5. Information Sharing

BCHG will take an active role in partnerships with local agencies in order to tackle anti-social behaviour, particularly through local RSL forums and Crime and Disorder Reduction Partnerships.

Information Sharing Protocols are, and where appropriate, will remain in place with key local agencies. These are specifically designed to facilitate and govern the effective use of information relating to the prevention, detection and reduction of Crime and Disorder, and, in particular, Anti-Social Behaviour.

6. Recording

BCHG will record all incidents reported to them on the housing ‘Contact Management System’. We will make sure that we have as much detail as possible to assess the case, and use the information we obtain appropriately.

Any witness statements that are likely to be used for legal purposes will be prepared in accordance with the Civil Procedure Rules (CPR). The requirements of the CPR will be explained to anyone acting as a witness.

7. Monitoring

The line manager of the Housing Officers – Tenancy will regularly monitor cases, and will give advice, support and make sure relevant training is received where necessary. All cases are recorded and dealt with and risk analysed, and feedback given to residents in line with the minimum standards in the procedure.

After closing a case we will seek feedback from the residents involved. These reviews are designed to help improve our strategies on prevention, self help, intervention and enforcement.

We will benchmark the number of incidents of ASB year by year and identify ‘hot spots’ and trends, looking out for any groups that are disproportionately impacted. Our Key Performance Indicator will record the number closed successfully/ resolved cases as percentage of those reported. We will be used to benchmark with similar size social landlords. Reports will be submitted twice yearly to the Exec Team on the progress of incidents, action taken, outcomes achieved and resident feedback of the service.

This Policy will be reviewed every two years, and we will use the feedback from residents to improve the service.

8. Complaint

If a resident is unhappy with the way in which their complaint(s) are handled then they can utilise BCHG's Complaints Policy. They can also contact the Local Authority.

Date Reviewed	March 2015	Next Review Date	March 2018
Reviewed By	Ramesh Malhan	Approval By	Director
Equality Impact Assessment	Complete / N/A	Responsible Officer	Head of Housing
Distribution	Extranet/Teams/Schemes	Version No.	04