



Anti Social Behaviour Policy

Introduction

Part 2 of Section 12 of the Anti-Social Behaviour Act 2003 requires Housing Associations to prepare a policy in relation to anti-social behaviour.

Squared recognises that to provide a quality housing service, we must be effective in tackling the problems created by anti-social behaviour (ASB). We will demonstrate by our actions that we will not tolerate anti-social behaviour and will make that clear to our customers and to any person seeking a tenancy.

Definition

ASB, as defined by Part 1 of the Antisocial Behaviour, Crime & Policing Act 2014, 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.

'Housing-related' means directly or indirectly relating to the housing management functions of a housing provider such as maintenance and repairs, rent arrears recovery and estate management.

Aim

Our aim is to tackle ASB through a victim led approach. We aim to work swiftly and effectively using a range of methods.

Squared aims to:

- Ensure that our Housing team members are trained and equipped to respond to and effectively manage reports of ASB
- Support customers experiencing ASB.
- Support witnesses and victims in their homes where possible.
- Encourage victims/witnesses to report incidents and to work in collaboration with ourselves and other agencies.
- Encourage a multi-agency approach to dealing with cases and in finding the resolutions to anti-social behaviour.
- Adopt best practise in dealing with incidents of anti-social behaviour and in the enforcement of the tenancy agreement.
- Take actions intended to manage and prevent the escalation of ASB.

- To make it clear to customers what Squared is able or unable to do and in doing so be open and honest so as not to raise hopes and expectations that we are unable to meet (for example in the case of neighbour nuisance complaints where counter allegations are made and there are no independent witnesses it is very unlikely that any action can be taken).

External related documents

HCA Regulatory Framework (Neighbourhood and Community Standard, Tenancy Standard)

Anti Social Behaviour in social housing (England) (Published: House of Commons Library, Standard Note SN/SP/264, March 2015)

Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory Guidance for frontline professionals (Published: Home Office, July 2014)

Internal related documents

Safeguarding of Vulnerable Adults Policy

Child Protection Policy

Pets Policy

Data protection Policy

EDI Policy

Fairness Policy

Lettings Policy

All Squared Tenancy agreements

Legal Framework

Legislation	Main Powers and Relevance to ASB
Anti Social Behaviour, Crime and Policing Act 2014	Part 1, Injunctions Part 2, Criminal Behaviour Orders Part 4, Community Protection Part 5, Recovery of possession of dwelling houses; anti-social behaviour grounds.
Anti Social Behaviour Act 2003	Part 2, Housing Part 9, Miscellaneous Powers: Section 85, Anti Social Behaviour Orders Schedule 1, Demoted Orders
Crime and Disorder Act 1998	Part 1, Prevention of Crime and Disorder: Chapter 1, Section 1 – antisocial behaviour orders
Housing Act 1996	Part 5, Conduct of tenants <ul style="list-style-type: none"> • Chapter 2 – Repossession: Secure and Assured Tenancies
Housing Act 1988	Part 2, Discretionary Grounds for Possession

Categories

We categorise Anti Social Behaviour as follows:

High Level – including assault, threats of violence, reports of drug dealing

Low Level – including noise nuisance, rubbish dumping

There are many forms of anti-social behaviour, which include but are not limited to:

- Abusive behaviour or language.
- Violence or threats of violence.
- Noise nuisance.
- Using and selling drugs.
- Criminal behaviour.
- Rubbish dumping and misuse of communal areas (e.g car repairs).
- Any nuisance or annoyance caused by pets or other animals including barking dogs and fouling.
- Using vehicles/bikes/skateboards inappropriately.
- Using or allowing the premises to be used for illegal or immoral purposes, such as prostitution, handling drugs and handling or storing stolen goods.

What we will not treat as ASB

Certain conduct does not amount to anti-social behaviour and will not be dealt with under this policy. This includes:

- 'Daily living noise' from neighbouring properties such as people talking, babies crying, noise from the use of kitchens and bathrooms, people walking around in their home, doors and cupboards being opened and closed. Where normal living noise is the cause of the complaint we will investigate as to the sound proofing of the property and the condition of the floorboards and take any remedial action necessary.
- Children playing during daytime hours
- Cooking smells and smoking tobacco in private property
- Disputes arising from the use and layout of shared gardens (where there is no anti-social behaviour involved)

In such cases we will encourage customers to discuss the issues with their neighbours to come to an agreement. If they need help in doing this we will invite all parties to attend mediation to resolve the issues.

Preventing ASB

When delivering our housing service we will actively seek to prevent ASB.

Squared has set out the standards of behaviour that we consider to be acceptable in our Tenancy Agreement. The customer has the responsibility for the behaviour of people who live with and visit them. Customers who breach their tenancy conditions will have action taken against them in line with these policies and procedures and the law.

At the start of a tenancy we will make customers aware of their tenancy obligations on ASB. To emphasise this message we will use starter tenancies in Homes for Independent Living housing.

When allocating an empty property we will undertake an assessment of the risk of ASB involving the housing applicant, historical incidents of ASB within the neighbourhood and the design of the property. Where appropriate we will advise housing applicants where there are risks of ASB, or what may be deemed by the individual as such, for example if we feel the property is prone to noise travel, or there are a high number of children in the neighbourhood who play outside.

Through the management of our communal areas we will actively deter ASB (such as through lighting and placement of CCTV cameras and parking control). When developing new properties or undertaking re-investment or improvement works we will consider how we can prevent ASB through these works.

Team members will be given all available tools to use in preventing and resolving ASB and will be given the discretion to pursue such as they see fit based on the individual case. See Appendix A for the list of tools.

Victim Centred Approach

We understand that retaining customer confidence and involvement is critical to the success of resolving each ASB case. To achieve this, we will only act on a case as agreed with the victim. We will usually expect the victim to undertake certain actions to assist us in dealing with the ASB, this may involve keeping details of the incidents that occur or reporting incidents to another agency such as the police, Environmental Health Noise Team or attending Mediation services.

Managing Cases of ASB

Upon receiving a report of ASB we will:

- Record full details of any report of ASB;
- Carry out an immediate risk assessment to categorise the risk
- Arrange an interview within one working day where the report of ASB involves hate crime, physical violence or threats of physical violence;
- Arrange an interview within three working days for all other reports of ASB.

Carrying out an initial interview:
We will:

- Carry out the interview in a location of the customers choice (subject to satisfying any concerns about staff safety). The interview can also be carried out over the phone if agreed);
- Arrange an interpreter if needed. We will not allow children to be used as interpreters;
- Try to ascertain if there are any children at risk and follow our Safeguarding Children policy if that is the case;
- Try to ascertain if there are any adults at risk and follow our Safeguarding Adults policy if that is the case;
- Discuss ways in which we can offer landlord support regarding tenure enforcement and housing options;
- Provide information about ASB and ways of dealing with it;
- Provide information about local support services and make any necessary referrals;

- Discuss whether or not the victim wants to report the matter to the police (where appropriate);
- Agree an action plan, detailing the actions both they and we will take;
- Record in writing all interviews, even when the victim wishes no further action to be taken.

Case investigation:

Squared recognises that the complexities of investigating ASB cannot be readily mapped out as a “one size fits all process”. Whilst each case will require a tailored and proportionate response, there are up to six strands of activity that will act as a framework for our case management:

- Customer contact, risk and vulnerability assessments;
- Alleged perpetrator contact and vulnerability assessments;
- Evidence collation and statement taking;
- Interventions;
- Partnership working;
- ASB enforcement.

Multi-agency approach:

Whilst Squared will always do all we can to support our customers in a range of difficulties, we recognise and acknowledge that the role of a landlord is sometimes to signpost to specialist support services. Often, these services complement the work that we are able to carry out as a landlord. To this end we recognise the value in developing links with specialist providers and are committed to developing such relationships.

Some cases will also need the support of agencies such as the Police and Environmental Health to fully investigate. We will advise the customer in cases where such an approach is going to be necessary and will only act with their permission, unless a crime has been committed, in which case we have a duty to report.

Case Closure:

We will close ASB cases in the following situations:

- With the victims agreement where the case has been resolved;
- With the victims agreement where the case has not been resolved but the ASB has abated and the victim no longer wishes for the case to remain live;
- Where we have been unable to make contact with the victim for three months.

We will:

- Notify any associated support services when a case is closed;
- Record and report on the reasons for case closure;
- Record and report on the number of closed cases re-occurring within three months of case closure.

Monitoring and Recording:

We will:

- Maintain, monitor and report on a database of open ASB cases;
- Monitor, review and attempt to make contact at least once a fortnight with the victims of ASB cases involving hate crime, physical violence or threats of physical violence;

- Monitor, review and attempt to make contact at least once a month with the victims of all other ASB cases.

Data Protection and Information Exchange

Squared will ensure that we fully comply with the Data Protection Act 1998 and other applicable law. The Association will work towards exchanging information in accordance with the law, acting within our legal powers under the Data Protection Act 1998, the Crime and Disorder Act 1998, Anti-Social Behaviour Act 2003, Housing Acts 1996 and 2004 and the Homelessness Act 2002.

Confidentiality

Squared maintains all of its records and data on our customers in accordance with the Data Protection Act 1998. We will:

- Not give out any information to a third party without the written consent of the victim;
- Not make contact with the alleged perpetrator without the written consent of the victim. Where the victim has given consent we will always inform the victim that we are planning to make contact in advance of the appointment;
- Store securely all reports and records of ASB.

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Appendix A – List of Tools at our discretion

- **Introductory Tenancies:** All new Squared customers are initially given an Introductory Assured Shorthold Tenancy (or Starter Tenancy). If there are no breaches of tenancy in the first 12 months this automatically mutates to an Assured Tenancy. This ensures that customers are fully aware of their responsibilities and if there are any serious breaches in the first year the Association can bring the tenancy to an end with a Ground 8 or Section 21 notice.
- **Luton Mediation:** Early use can prevent problems escalating. Both parties must agree and be prepared to work on resolving the problem.
- **Environmental Health:** Support complainants in referring noise cases to Luton Borough Council or Central Bedfordshire Council if initial contact by Housing Services does not resolve the problem.
- **Information Sharing:** Housing and relevant agencies may share information for the purpose of the prevention and detection of crime and anti-social behaviour under section 115 of the Crime and Disorder Act 1998 and various provisions of the Data Protection Act 1998. We will participate in Information Sharing Protocols where appropriate to enable us and key local agencies to exchange information for use in reducing and addressing anti-social behaviour.
- **Use of Anti-Social Behaviour Budget:** This budget is to be used at the discretion of the Housing Officers to resolve cases creatively.
- **Tenancy Support:** We will offer both victims and perpetrators Tenancy Support where necessary.
- **Acceptable Behaviour Agreement:** An agreement that is generally signed in conjunction with the police. This is a voluntary but formal written agreement to cease acts of anti-social behaviour. If the perpetrator doesn't sign voluntarily an Acceptable Behaviour Notice may be enforced.
- **Legal remedies:** In cases of serious anti-social behaviour or behaviour unresolvable by the above means Squared will appoint a solicitor to take legal action. This could include but is not limited to:

- Housing injunction
- Anti-Social Behaviour Order (ASBO)
- Anti-Social Behaviour Injunction (ASBI)
- Demotion Orders
- Possession Proceedings
- **Reference to Specialist Agencies:** We will make referrals to specialist support agencies when dealing with issues of Anti-social behaviour that are a consequence directly or indirectly of one or more of the following factors:
 - Drug use
 - Alcohol use
 - Mental Health
 - Disability – when dealing with a complaint about a tenant with a disability we will ensure that we comply with the Disability Discrimination Act and carry out a justification exercise on DDA issues to ensure that they do not impact on the action that we take.