

ELIM HOUSING GROUP

ANTI-SOCIAL BEHAVIOUR POLICY

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| 10 | Related policies        | Allocations Policy<br>Hate Crime Policy<br>Complaints Policy<br>Equality and Diversity Policy<br>Neighbourhoods Policy<br>Tenancy Policy<br>Domestic Abuse Policy |   |
| 11 | Consultation history    | Consultation with residents Oct – Dec 2020  |   |

## 1. Policy Purpose and Scope

1.1. This policy will:

- Specify what Elim considers to be anti-social behaviour (ASB).
- Provide details of our victim-centred approach to ASB management, including the enforcement measures that are available to us as a housing association.
- Explain what communication residents can expect from us during an ongoing ASB case.
- Explain our approach to managing ASB from non-Elim residents.

1.2. The policy objectives are:

- To prevent and minimise the incidents of ASB in our neighbourhoods.
- To resolve ASB cases as early as possible through timely and appropriate interventions.
- To ensure that direct and indirect victims of ASB receive appropriate support.
- To provide standards of ASB management to which we can be held accountable by our residents.

## 2. ASB definition

2.1. We define ASB as behaviour by a person which causes, or is likely to cause, harassment, alarm or distress to persons not of the same household as the perpetrator (Anti-Social Behaviour Act 2003). ASB is persistent behaviour that can be carried out by any person, adult or child.

2.2. Within this definition, there are three types of ASB:

- *Personal ASB* is when a person targets a specific individual or group.
- *Nuisance ASB* is when a person causes trouble, annoyance or suffering to a community.
- *Environmental ASB* is when a person's actions affect the wider environment, such as public spaces or buildings.

2.3. Various behaviours may constitute ASB. The list below provides some examples but is not exhaustive:

- Threatening, intimidatory or violent behaviour, including bullying and harassment
- Drug-dealing and associated concerns, such as drug paraphernalia
- Disturbance caused by noisy pets
- Certain types of noise nuisance such as loud music or excessive shouting
- Garden Rubbish, excessive littering and/or fly-tipping
- Running Illegal businesses from the home
- Vandalism, damage to property or graffiti
- Illegal activity in property or the vicinity

2.4. Certain behaviours may cause distress or irritation but not be treated as ASB. Low-level neighbour disputes or day to day living noise that is not excessive or unreasonable are unlikely to be treated as ASB. All residents have a right to enjoy their homes and are entitled to go about their daily lives without having concerns that complaints will be made about them. It is inevitable that on occasions, the lives of one household may impinge in minor ways of the lives of another household or households. This does not automatically mean that their behaviour is anti-social.

### 3. Hate Crime

- 3.1. A hate crime is *“any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic.”* (HM Government, 2012). These personal characteristics include disability, gender-identity, race, religion or faith and sexual orientation. They may also include other personal characteristics such as age, political affiliation or nationality.
- 3.2. Hate Crime is a particularly serious form of ASB. More details of our approach to Hate Crime can be found in our Hate Crime Policy.

### 4. How to report ASB

- 4.1. Elim will handle reports of ASB from Elim residents, individuals or groups raising a concern about the conduct of Elim residents or anyone raising a concern about ASB within a neighbourhood where Elim has a responsibility, if only in part, for management of that neighbourhood.
- 4.2. When a concern relating to ASB is raised, an ASB case will be set up and handled in accordance with this Policy. Concerns relating to ASB will not be treated as a formal complaint, as they do not relate to Elim’s provision of homes or housing management, rather they relate to the conduct of a third party/parties. Where someone contacts us to complain about our handling of an ASB concern that has previously been raised, then this may be treated as a formal complaint and would be handled according to our Complaints Procedure.
- 4.3. ASB concerns can be reported in a number of ways: by phone, by email, through our website or in person. We prefer that concerns are not raised via social media platforms as we can not guarantee that these are checked on a daily basis.

### 5. How we will respond to an ASB concern

In responding to an ASB concern, we will observe the following principles.

- 5.1. **Victim-centred:** We will take a victim-centred approach to our handling of ASB cases at all times. Among other things this means that alongside seeking resolution of the case, we will seek to ensure that the person raising the concern and any other victims identified are offered all appropriate support until the concern is resolved.
- 5.2. **Named contact:** The person naming the concern will be provided with a named member of staff who will be their point of contact throughout the life of the case. In the event that this contact changes, e.g. due to a member of staff departing, we will communicate this.
- 5.3. **Clarity:** Our first action will be to determine whether the concern raised is best responded to under this ASB policy. If it is determined that the behaviour reported does not qualify as ASB, the reasons for this decision will be communicated to the person raising the concern and an alternative course of action proposed. In either case, we will agree with the person raising the concern how they would like their concern to be resolved.
- 5.4. **Proactive communication:** We will respond to any ASB throughout our handling of an ASB case, we will communicate proactively with the person who has raised the concern. Communication protocols will be agreed with the investigating Officer at the outset of the case.
- 5.5. **Confidentiality:** We will always adhere to our Data Protection Policy. We will be clear with our residents about what information we are sharing, who we are sharing it with and why we are sharing it.
- 5.6. **Proportionality:** Any action we take will be reasonable and proportionate to the circumstances.

5.7. **Valuing Equality and Diversity:** In our handling of any ASB concern or case, we will adhere to our Equality and Diversity Policy, to ensure that all parties are treated fairly, with due consideration given to their individual requirements, including making reasonable adjustments when necessary.

5.8. Appendix I sets out our procedural response to an ASB concern being raised.

## 6. Serious ASB

6.1. We recognise that all ASB can have a significant impact on people's lives, however certain types of ASB are particularly serious. These will include:

- Hate crime
- Personal ASB that has caused or may cause serious and lasting physical or mental harm to any individual, for example, physical violence or threats of physical violence, persistent and targeted harassment of an individual or household.
- Environmental ASB that may pose a serious risk to residents or users of a neighbourhood, for example littering of drug paraphernalia, damage to fire doors.

6.2. In these cases, we will review the timescales of our response accordingly and may involve other agencies, particularly statutory services such as Police, as early as possible.

## 7. Actions we may take to resolve an ASB case

7.1. All ASB cases are different and how they are investigated and resolved will vary. Actions that are open to us include:

- Visiting the victim, providing support and/or signposting to various agencies that might provide appropriate support
- Interviewing alleged perpetrators
- Requesting that victims keep records of nuisance or anti-social behaviour, e.g. through written nuisance logs, phone applications etc.
- Offering independent mediation
- Issuing Good Neighbour Agreements & Acceptable Behaviour Contracts
- Action plans agreed with a range of stakeholders, including the victim
- Warning letters
- Tenancy enforcement action
- Obtaining witness reports
- Working in partnership with other agencies to investigate and resolve the case
- Involving statutory agencies such as the Police or Environmental Health

7.2. In more serious cases of ASB, further actions we take may include:

- Applying to court for the eviction of the perpetrator
- Applying to court for an injunction, restricting the activities of the perpetrator

## 8. Closing a case

8.1. An ASB case may be closed under any of the following circumstances:

- When the issue has been resolved as agreed with the person that reported the concern
- If it is determined that the behaviour does not constitute ASB
- When the ASB has ceased for a period of time (when a case has started, the Officer handling the case may agree this period of time with the person reporting the concern)
- When no further action can be taken.

8.2. Closure of a case does not mean that a case cannot be reopened, or a new case opened, for example if the ASB begins again or if new evidence comes to light.

## **9. The Community Trigger**

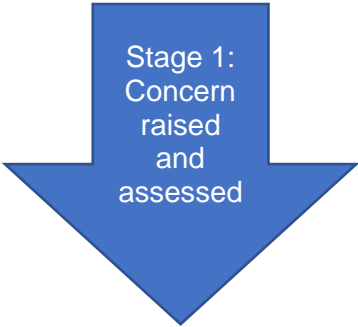
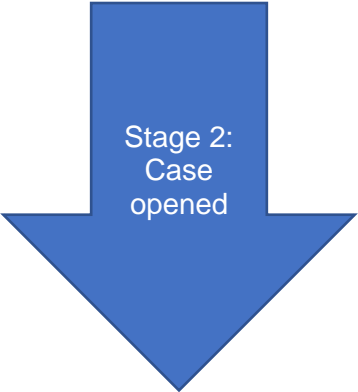
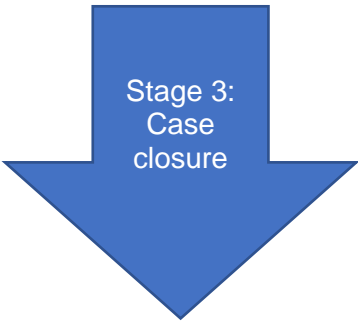

9.1. The Anti-Social Behaviour, Crime and Policing Act 2014 provides for the Community Trigger. This is a mechanism for victims of ASB to request that relevant bodies undertake a case review. A case review would entail the relevant bodies sharing information relevant to the case, discussing action that has been taken and collectively deciding whether any further action could or should be taken. Relevant bodies include statutory services such as Police, Health Providers etc, and also include registered providers of social housing such as Elim.

9.2. For more information about the Community Trigger, residents can contact their Housing Officer.

## **10. Key legislation**

- Protection from Harassment Act 1997
- Housing Act 1996
- Anti-Social Behaviour Act 2003
- Policing and Crime Act 2009
- Anti-Social Behaviour, Crime and Policing Act 2014
- Local Government Act 1972
- Equality Act 2010

## Appendix I: Procedural response to ASB concern being raised

|  | Activity   | Communication & Timescales   |
|--|--|--|
|  <p>Stage 1:<br/>Concern raised and assessed</p> | <ul style="list-style-type: none"> <li>ASB Concern raised with member of Elim staff</li> <li>Concern formally acknowledged</li> <li>Decision taken as to whether to open an ASB case</li> <li>If ASB case opened, progress to Stage 2</li> <li>If ASB case not opened alternative action proposed</li> </ul>   | <ul style="list-style-type: none"> <li>Within a maximum of 2-working days the concern will be formally acknowledged, and a further time arranged to gather more info if required.</li> <li>Within 1-week of the concern being raised, a decision will be taken as to whether to open an ASB case and the reasons for the decision explained clearly to the person raising the concern.</li> </ul>  |
|  <p>Stage 2:<br/>Case opened</p>                | <ul style="list-style-type: none"> <li>Named Officer allocated to the case</li> <li>Desired case resolution agreed with person raising the concern.</li> <li>Information gathering from all relevant stakeholders, including the person raising the concern and the person presenting the problematic behaviour.</li> <li>Relevant partners identified and contacted where necessary.</li> <li>Action taken to manage ASB</li> </ul> | <ul style="list-style-type: none"> <li>The decision to proceed with the case will be communicated to the person raising the concern in writing. This communication will include details of the named Officer handling the case.</li> <li>Within 1-week of the decision being confirmed, the desired case resolution will be agreed with the person who has raised the concern.</li> <li>For as long as the case is open, regular updates will be provided to the person who raised the concern by the case Officer.</li> </ul> |
|  <p>Stage 3:<br/>Case closure</p>              | <ul style="list-style-type: none"> <li>The case will be closed when it has been resolved in accordance with Section 7 of the ASB Policy</li> </ul>   | <ul style="list-style-type: none"> <li>The person who raised the concern will be notified that the case has been closed and the reason/s for the closure within 2-working days of the decision.</li> <li>This communication will include instructions as to what action the person raising the concern may take if they disagree with the decision to close the case. It will also request feedback on our handling of the case.</li> </ul>  |
|  <p>Stage 4:<br/>Case review</p>               | <ul style="list-style-type: none"> <li>We will collect feedback from people who have raised ASB concerns</li> <li>Regular reviews of our ASB management will take place, collating feedback</li> </ul>   | <ul style="list-style-type: none"> <li>We will communicate with the person who has raised a concern 1-month after the case was closed to check in on their current experience and confirm that there has been no reoccurrence of ASB.</li> </ul>   |