



## Havebury Housing Partnership

# ANTI-SOCIAL BEHAVIOUR POLICY

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| Author                                 | Tenancy and Estates Services Manager    |
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| Accountable Director                   | Assistant Director of Customer Services |
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| Equality & Diversity Impact Assessment | Completed                               |

## 1. Responsibility

- 1.1 The Operations Committee is responsible for approval and oversight whilst the Tenancy and Estates Services Manager, Co-ordinators, Rangers and Officers are responsible for delivery.
- 1.2 The term Anti Social Behaviour (ASB) covers a range of activities and is a problem which has many causes; a holistic approach is required. We work in partnership at operational and strategic levels with the Police and Local Authorities who have a statutory duty to prevent and tackle ASB in our communities.
- 1.3 All residents should be responsible for showing consideration to their neighbours, complying with the terms of their occupancy agreement and not committing, or allowing their household members, visitors or pets to commit acts of ASB.

## 2. Definitions

- 2.1 ASB covers a wide range of activities that have a negative effect on the quality of community life and has many causes; it is defined as:  
  
*‘Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person or 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’.*
- 2.2 Housing-related nuisance means behaviour that directly or indirectly relates to or affects our housing management function, including carrying out day-to-day activities and the strategic management of housing stock.
- 2.3 This ASB policy statement and the associated procedure (ref: P043) set out our approach to tackling ASB, through prevention, enforcement and support. It applies to all residents living in properties managed and owned by us, and visitors to them.
- 2.4 We do not investigate reports received about residents or service users with no relationship or tenancy with Havebury Housing Partnership.
- 2.5 Community Trigger - if someone has reported an incident 3 or more times within a 6 month period you can activate the ‘Community Trigger’ (also known as ASB Case Review) through your Local Authority. Details of this are on each Local Authority website. We will participate accordingly if a community trigger is made.

### **3. Aims and Objectives**

3.1 We commit to playing a positive role within our areas of operation, to help sustain and develop thriving communities and neighbourhoods where people want to live. We will seek to:

- Ensure compliance with our statutory and regulatory obligations
- Provide an accessible service to all which promotes equality of opportunity to ensure all residents are treated fairly
- Seek to address the causes of ASB to prevent ASB
- Swiftly respond to incidents to stop problems escalating
- Take the necessary management intervention and legal action to deal with perpetrators of ASB
- Provide residents and service users with appropriate advice and support
- Work in partnership with the Police, local authorities and other specialist agencies
- Support staff to tackle ASB

### **4. Policy Statement**

4.1 We recognise that ASB, nuisance and harassment can have a serious detrimental effect on the health and quality of life of victims and witnesses. We are committed to making our communities safer places to live, free from serious nuisance and anti-social behaviour.

4.2 To support our tenants we clarify what is and is not ASB on our website, to manage expectations and to prevent unwarranted complaints being received. We will not investigate complaints that are in relation to tenants going about their daily lives.

4.3 We encourage all residents to be as self-reliant as possible in managing their relationships with neighbours, we will intervene only where this has failed and in our opinion ASB is being perpetrated.

4.4 Reports of ASB can be made to us by phone, email or via our website. We will make reasonable adjustments to ensure the service is accessible to all. We will respond to and investigate complaints about our tenants from any person who has been witness to, or affected by their behaviour.

4.5 Where ASB is reported, we aim to take prompt, appropriate and decisive action to investigate and deal with ASB before it escalates. Our approach will be customer-focussed and we aim to work with the complainant and the alleged perpetrator, to agree actions, timescales and ultimately closure. With the exception of serious and complex cases, our aim is to stop the problem behaviour at first intervention where it is realistic to do so. Cases will be closed where we reasonably believe there is no further action which we can or should take.

- 4.6 Additional needs such as disability, mental illness or substance abuse can impact on an individual's conduct. Where these issues are identified, the intervention and support of relevant partner agencies may be sought. Prior to any mandatory possession proceedings, we will consider the possibility that an Equality Act issue may arise and ensure that the intervention is proportionate.
- 4.7 We will consider legal action where there is sufficient evidence of a tenancy breach. We make use of all legal powers afforded to us including; legal notices, injunctions, mandatory and discretionary possession orders.
- 4.8 Recovering possession is usually considered a last resort where other interventions have failed, although there may be cases where for the protection of the complainant, staff or other members of the public possession is a proportionate remedy to take without the use of other interventions.
- 4.9 We will adopt the Government's Pre-Action Protocol for possession on mandatory grounds to ensure that our decision to end the tenancy is well informed and proportionate.
- 4.10 We will work with other agencies and multi-agency forums that are able to resolve ASB cases and incidents. Where responsibility for investigating an incident lies with another agency, such as the police, relevant support for that agency will be provided.
- 4.11 We will promote the understanding that everyone has the right to live free from abuse in any form. We will apply our Domestic Abuse Policy when supporting victims of Domestic Abuse.
- 4.12 In order to fulfil our responsibilities it may be necessary to share information with a third party under the Crime and Disorder Act 1998. We will process data and respect confidentiality, in keeping with the General Data Protection Regulations (GDPR) and our policy on Data Protection.

## **5. Legislation and Regulation**

- 5.1 We are committed to meeting regulatory and legislative standards within the legal framework, including:
  - ASB, Crime and Policing Act 2014
  - Equality Act 2010
  - The Protection from Harassment Act (PHA) 1997
  - Crime and Disorder Act 1998, as amended 2002
  - Housing Act 1996 S218A
  - Human Rights Act 1998

- Data Protection Act 1998 and the General Data Protection Regulations (GDPR) 2018
- Pre-Action Protocol for Possession Claims by Social Landlords
- Housing Act 1988

## **6. Service Standards**

- 6.1 Incidents of ASB will be fully recorded on our housing management system.
- 6.2 We will ensure our Officers investigating incidents receive regular training, support and supervision to comply with procedures and deliver the aims of this policy.
- 6.3 We will obtain satisfaction levels and feedback with the case outcome and case handling when ASB cases are closed.
- 6.4 A report on ASB performance will be submitted to the Operations Committee every year for review against the terms of reference.
- 6.5 We will seek to evolve our approach in response to changes in legislation which may affect our legal powers, or those of the Police or Local Authority.
- 6.6 Where a complainant, victim or alleged perpetrator is dissatisfied with the investigation or the decision, they may complain or appeal through our complaints procedure. We will learn from complaints and adjust procedures in response to feedback.
- 6.7 As a Registered Provider of social housing we can be a co-opted member of the Community Trigger panels established by the ASB, Crime and Policing Act. We will increase awareness of the Community Trigger in our communication with our residents and on our website.

## **7. List of related internal documents (including procedures relating to the Policy)**

PO43 - ASB, Nuisance and Harassment Procedures  
 P010 - Neighbourhood Management Procedures  
 PO26 - Starter Tenancy Procedures  
 P041 - Review of Possession Proceedings on Mandatory or Absolute Grounds  
 HS026 - Domestic Abuse Policy  
 HSF003 - Lone Working and Personal Safety Procedure  
 GP016 - Data Protection Policy

