



# The Havebury Housing Partnership

## ANTI-SOCIAL BEHAVIOUR HS 015

Unique Procedure Reference No	<b>HS 015</b>		
Relevant corresponding Policy <i>(procedures only)</i>	<b>PO-43</b>		
Approved by (inc date)	<i>Resident Experience Committee (REC)</i>		
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	JNC	N	
	Other		
Equality & Diversity Impact Assessment Outcome			
Legal Advice (inc date)	Not sought		

## **1. Responsibility**

- 1.1 REC is responsible for approval and oversight of this policy whilst the Neighbourhood and Estates Services Manager and associated teams 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; as such a holistic and individual approach is required in the management and response to ASB. 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 tenancy agreement and not committing, or allowing their household members, visitors or pets to commit acts of ASB.
- 1.4 This policy relates to ASB only, Where there is a neighbour nuisance problem, this will be responded in within the procedures set for our teams.

## **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. But we will work with local partners and agencies where there is an impact to our neighbourhoods or communities.
- 2.5 Antisocial behaviour case review - The Anti-Social Behaviour (ASB), Crime and Policing Act 2014 introduced the community trigger, which is designed to give victims of ongoing antisocial behaviour (ASB) the right to request a review of their case and bring agencies together to take a joined up, problem solving approach to find a solution. It is also called the ASB Case Review. A case review can be sought from the relevant local authority where a complaint about ASB has already been 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
- Provide communications and accessible options to those wishing to report, seek advice and support for ASB.
- Seek to address the causes of ASB to prevent this from occurring.
- Swiftly respond to incidents to stop problems escalating, in line with our procedures.
- 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 through effective training and support.

### **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 residents we will explain what is and is not ASB on our website and in conversations, to manage expectations. We will not investigate complaints that are in relation to residents 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 residents from any person who has been witness to or affected by their behaviour.

4.5 Where ASB is reported, we will 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 after review and agreement with the complainant.

4.6 Appendix A sets out our approach and responsibilities around ASB, this has been taken from the governments website.

4.7 Additional needs and vulnerabilities such as disability, mental illness or

substance abuse can impact an individual's conduct. Where these issues are identified, the intervention and support of relevant partner agencies will 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.

- 4.8 We will consider legal action where there is sufficient evidence of a tenancy breach and it is proportionate to do so. We will make use of all legal powers afforded to us including; legal notices, injunctions, mandatory and discretionary possession orders.
- 4.9 Seeking possession of a property 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.
- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 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.
- 4.14 Hate crimes, as defined by the Equality Act, are any crimes that are perceived to be targeted at a person because of hostility or prejudice towards that person's:
- Disability
  - Race or ethnicity
  - Religion or belief
  - Sexual orientation
  - Transgender identity
  - Age Discrimination
  - Alternative subculture (characterised by a strong sense of collective identity and a set of group-specific values and tastes that typically centre on distinctive style/clothing, make-up, body art and music preferences)
- 4.15 This can be committed against a person or a property, and can be expressed in many forms, and may include:
- Verbal abuse
  - Assault
  - Vandalism
  - Graffiti or offensive literature
  - Threatening behaviour
  - Disputes via social media
- 4.16 We will take a zero-tolerance approach to all forms of hate crime and will handle

the investigation of incidents robustly.

- 4.17 As part of our multi-agency approach in dealing with hate crime and ASB we will, where appropriate, report hate incidents and hate crime to the Police. This could be for recording purposes or action, depending on the individuals wishes

## **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
- The Care Act 2014
- 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 REC 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 ASB case review panels established by the ASB, Crime and Policing Act. We will increase awareness of the ASB case review 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 HS053 – Safeguarding policy

Vulnerable persons principles

The diagram below sets out a pathway to obtain help.

