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1.0	Original document	November 2007
2.0	Updated	January 2021
3.0	New formatting applied / minor formatting changes made	May 2023

*The online version is the only version that is maintained and valid. If this document has been printed or saved to another location, the reader must check that the version number matches that of the online version.*

## **1 Overall Policy Statement**

- 1.1 Adullam Homes Housing Association will not tolerate anti-social behaviour (ASB) in the communities where we work. We also have powers to act where ASB occurs outside of our communities but is directed towards our residents, tenants and staff.
- 1.2 This policy covers inappropriate behaviour that is directed to all groups associated with Adullam, as well as people living in or visiting the communities where we work.
- 1.3 All appropriate tools available will be used to deal with ASB issues, using legal interventions and interventions not requiring recourse to law. We will work with our communities and external partners to ensure that our communities and working environments are safe and secure, and as far as possible free from ASB. The policy will focus on key aims:
- To address each issue based on investigation of the facts and involvement of our partner agencies to resolve issues.
  - To adopt a victim-centred approach and consider actions appropriate to the harm caused or the seriousness of the incidents.
  - To respond to reports of ASB swiftly.
  - To provide adequate levels of support to vulnerable residents, witnesses, perpetrators and customers (internal and external) when required.
  - To design into interventions a local impact approach; to tailor responses to specific projects to minimise ASB.

## **2 Policy Details**

- 2.1 Adullam's ASB policy relates to any behaviour which is clearly impacting on the Housing Management function. Any ASB which is directly or indirectly impacting on service delivery will be covered by this policy. This also includes behaviour caused by people who are not Adullam's tenants or residents where it is evidenced that the behaviour is detrimental to our communities, and staff and/or functions.
- 2.2 Adullam will accept reports of ASB from victims, witnesses or other people reporting on their behalf.
- 2.3 The approach to manage ASB has three steps: prevention, support, and enforcement. To stop ASB, assist in it not re-occurring, and follow-on enforcement if required.
- 2.4 Where the perpetrator is not a resident or tenant, Adullam will work with external agencies and partners to determine the most appropriate course of action.
- 2.5 The policy will apply in matters pertaining to the above; whether linked to Assured Tenancies, Assured Shorthold Tenancies; leaseholds, Protected Licences and Excluded Licences and will include these types of occupancy agreements managed on behalf of other social and private landlords.

### **3 What is ASB?**

3.1 In the ASB, Crime and Policing Act 2014, housing related ASB is defined as being ‘any behaviour that has caused or is likely to cause a nuisance or annoyance to any person’. The definition is wide ranging and reasonableness tests should be applied when investigating the necessity for taking action.

3.2 If behaviour is low-level and stems from disputes between parties, Adullam will encourage and facilitate informal resolution or mediation.

3.3 Determining if an incident or report is ASB will require examining the behaviour and the impact it is having. Factors to consider, but not exclusively, are frequency, number of people affected, severity, vulnerabilities and risk-assessed factors in some projects.

3.4 A wholly inclusive list of all examples of ASB is impossible; however, some examples are:

- Drug/substance misuse (sharps or other Health & Safety risks)
- Loud and continuous music in or in the immediate vicinity of our communities
- Foul and abusive language
- Threats of or actual violence to residents, staff, contractors, visitors or partner agencies
- Harassment
- Racially aggravated harassment
- Behaviour associated with ‘hate’ or prejudicial convictions
- Damage to property
- Graffiti

3.5 In certain circumstances, and dependant on our tenants’ needs, there may be what can loosely be termed ‘ASB specific to Adullam ’; that is ASB that the Association might be expected to have a higher incidence of:

- Drug use/activity at properties and projects and or in the immediate vicinity
- Loud music, shouting, parties, regular associations with person or persons unknown at projects and premises, alcohol misuse
- Prostitution or premises used for immoral purposes
- Threats of, or actual use of violence will be treated as a high-risk matter with immediate effect after reporting.

### **4 Non-ASB Activity**

4.1 Reports or incidents may be recorded as being of an ASB type and may be incorrectly recorded; examples of non-ASB activity can be:

- Children playing
- Babies crying
- Normal household noise
- DIY
- Clashes due to lifestyle patterns such as shift working

- 4.2 If the matter is not recorded or actioned as ASB, the informant will be notified as to why and the reasons behind the decision clearly explained.
- 4.3 Whilst taking into account the views of residents about ASB, the ultimate decision as to what constitutes ASB will be the Association's decision.

## **5 Deterrence of ASB**

- 5.1 Whilst some reports of ASB are malicious or low level and dealt with via non-legal remedies, there are cases which have a serious impact on delivery of service, contractual obligations and wider community impact. Adullam has clearly defined approaches to deterrence:
- Intervention by My Life Coach, or TSO roles in engagement and resident involvement; encouraging discussion and informal resolution.
  - Warning letters about inappropriate behaviour and breaches of occupancy agreements
  - Meetings with perpetrators and partner agencies such as Social Services and Probation
  - Making referrals to Restorative Justice, the police or local authorities
  - Acceptable Behaviour Contracts
  - Reduction of physical obstacles such as property layout, and installation of CCTV
  - Managing lets with risk-assessed approach: Sensitive Letting

The above list is not exhaustive nor is it linear; the response to each case will be managed by the previously stated at Point 2 & 3 severity, frequency and impact.

## **6 Support for Residents, Occupants and Witnesses**

- 6.1 Adullam will inform witnesses, customers and informants about the progress and investigation of the complaint. Adullam will provide an ASB reference number sourced from Omni Ledger; the initial investigation will inform the process and the association will be clear on its powers and responsibilities in respect of seeking a resolution. As far as possible a case action plan will be followed; the issue of ASB Diaries, obtaining witness statements, taking evidential pictures or capturing CCTV images, and escalation to a Housing Officer.
- 6.2 Regular contact with the complainant/tenant/occupant and updates to the ASB log on Omni Ledger.
- 6.3 In addition to the above, and if wanted by the witness or complainant, the Association will provide:
- Witness support meetings, liaison with Victim Support if required
  - Increased visits to the location
  - If Court action is required, to offer pre-Court visit and allow legal representation to meet the witness prior to giving evidence
  - If required to attend Court, provide transport, refreshments, financial assistance with childcare costs for the duration of the case; discuss with Court security staff for access to a separate waiting room or entrance to the Court to prevent witness intimidation.
  - Post-case updates and timescales for any actions or judgements.

## 7 Perpetrator Initiatives

- 7.1 Adullam recognises that, within many projects or properties that it owns or manages, the perpetrators may have underlying issues which contribute to the behaviour exhibited. Substance misuse, PTSD, alcohol dependency, mental health and financial exclusion are all considered when engaging with perpetrators.
- 7.2 Adullam expects staff to be able to identify issues and make the appropriate referrals to agencies such as Mental Health teams, Debt Relief charities, CGL and voluntary groups (where the perpetrator has indicated that this is acceptable and within GDPR).
- 7.3 Failure of the perpetrator to engage with staff or referrals will necessitate a two 'stringed' approach of enforcement action and continued attempts to recognise contributory factors and assist with the same.

## 8 Children & Vulnerable Adults

- 8.1 Adullam Homes Housing Association has an ever-changing 'population' within the properties it owns and manages; changes to property use and contracts has led to a greater interaction between the Association and families. Previous ASB policies have made no mention of children and vulnerable persons, particularly in regard to protected characteristics.
- 8.2 Where a child or young person/vulnerable adult is identified as the perpetrator, it is important that at the earliest opportunity intervention is made via referrals to relevant agencies.
- 8.3 Where a child has been identified as the perpetrator within a property with a type of tenure such as an Assured Tenancy; then it must be explained that action can be taken to demote the tenancy or apply for an injunction or commence Possession proceedings; this should be followed with observation and reporting of any safeguarding issues or contributory factors to relevant managers and partner agencies.

## 9 Hate Crimes

- 9.1 The Crown Prosecution Service (CPS) defines Hate Crimes as follows:

***The term 'hate crime' can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation, or transgender identity.***

***These aspects of a person's identity are known as 'protected characteristics'. A hate crime can include verbal abuse, intimidation, threats, harassment, assault, and bullying, as well as damage to property. The perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the victim for financial gain or some other criminal purpose.***

- 9.2 Due to the criminal nature of these incidents, witnesses should be encouraged to report the matter to the police; if they are reluctant to do so it will be explained that Adullam's staff have a duty to do so.

## **10 Domestic Abuse**

- 10.1 The definition of Domestic Abuse: Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence, or abuse between those aged 16 or over who are or 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 and emotional.
- 10.2 The Association has in place a Domestic Abuse Policy (published June 2021) and actions regarding ASB that are associated with DA should be cross-referenced with this policy.

## **11 Enforcement Process**

- 11.1 Enforcement is the process of ensuring compliance with laws, regulations, standards and societal normative. If the ASB case or behaviour is of such a serious nature that it cannot be resolved informally or without recourse to law, the Association will instigate and deploy the full range of sanctions available.
- 11.2 The range of behaviour modifiers or sanctions are:
- Apply for demotion of tenancy
  - Apply for suspended possession
  - Apply for an Injunction
  - Serve a Notice to Determine (Protected Licence)
  - Immediate termination of occupancy (Excluded Licence)

Adullam Homes Housing Association also works in partnership with other agencies; actions available in partnership with these agencies may be:

- Community Protection Notice
- Closure Notice
- Action by other landlords (private & social) in regard to tenancies/occupancy agreements

## **12 Who's who of agencies involved in Anti-Social Behaviour**

- 12.1 The main ones are:
- Community Safety Partnerships
  - Local Authorities
  - Police and Community Support Officers
  - Registered Social Landlords

Adullam staff can use the following link: <https://asbhelp.co.uk/who-agencies/> to access a full list of agencies and those involved in ASB resolution; in particular to individual schemes and projects where the following would be used; ASBRAC (Anti-Social Behaviour Risk Assessment Conference) or a Community MARAC (Multi-Agency Risk Assessment Conference).

### **13 Protection of Staff**

#### **13.1 ASB Crime & Policing Act 2014: 84A Absolute ground for possession for anti-social behaviour**

(1) If the Court is satisfied that any of the following conditions is met, it must make an order for the possession of a dwelling-house let under a secure tenancy.

(2) Subsection (1) applies only where the landlord has complied with any obligations it has under section 85ZA (review of decision to seek possession).

(3) Condition 1 is that—

(a) the tenant, or a person residing in or visiting the dwelling-house, has been convicted of a serious offence, and

(b) the serious offence—

iii) was committed elsewhere against the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and directly or indirectly related to or affected those functions.

The above legislation introduced the ability of landlords to instigate possession grounds based on behaviour specifically related to behaviour towards the landlord, their staff and contractors.

### **14 Data Protection/GDPR**

14.1 Adullam will comply with relevant data protection and General Data Protection Regulation; Adullam will share information with our partners for the purposes of preventing crime. Adullam has in place data sharing agreements with the police and local authorities for the purposes of preventing crime and disorder.

### **15 Concluding ASB reports & cases**

15.1 The Association may terminate a case when the complainant retracts the allegation or confirms that the matter is resolved. The case may be wound up due to the perpetrator departing or dying; the case may be closed if the perpetrator is evicted or served with an NTD, or if the Association feels that no further action should be taken.

### **16 Implementation and Access**

16.1 This policy will be published on Policy Hub and the website.

### **17 Review, Monitoring and Compliance**

- 17.1 The effectiveness of this policy will be monitored by the reviewing Committee or Lead Director.
- 17.2 This policy may be reviewed at any time at the request of either staff or management but will automatically be reviewed after the first 12 months and thereafter on a three-yearly basis from the date of original approval or as and when statutory changes are required.

**18 References And Links To Other Documents**

N/A

**19 Appendices**

N/A