

Antisocial Behaviour Policy

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1.0 Policy Statement

- 1.1 This policy outlines Town and Country Housing's approach in dealing with Antisocial Behaviour.
- 1.2 This policy relates to all general needs, sheltered, market rent, shared ownership and leasehold properties managed by TCH. It extends to tenants and leaseholders, their family members, friends, visitors and any lodgers. Management agents and Local Authorities will be guided by their own policy.
- 1.3 We will hereafter refer to tenants, leaseholders and shared owners as residents.

2.0 Policy Aims

- 2.1 The aims of this policy are to outline the approach in which TCH tackles ASB. We seek to deliver an easily accessible ASB service which provides a victim centred approach. We recognise that each case is different so we will provide a service that is tailored to the needs of individual residents.
- 2.2 ASB can have a considerable impact on those who experience it. TCH is committed to working with residents and other agencies in order to resolve and reduce ASB within our neighbourhoods.
- 2.3 This policy will clearly explain what work we agree to carry out with victims of ASB, and how we can support them. We will work with service users to improve our future service.
- 2.4 We will set out what we expect from residents and what they should expect from us. We want residents to take responsibility for their own behaviour and that of their household and visitors, as well as when it comes to reporting ASB.
- 2.5 This policy will set out what actions TCH can and cannot take in order to resolve ASB. We will explain what is and what is not classed as ASB.
- 2.6 We will detail our target timescales for responding to reports of ASB.
- 2.7 We will ensure that residents are empowered to deal with ASB themselves and are given the necessary tools and support to resolve issues themselves.

3.0 Scope and Objective

3.1 Defining Behaviour

There is no single definition of antisocial behaviour. For our purposes, and as defined by the Antisocial Behaviour, Crime and Policing Act 2014, it is defined as:

1. Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person;
2. Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
3. Conduct capable of causing housing-related nuisance or annoyance to any person.

3.2 Types of Antisocial Behaviour

Examples of antisocial behaviour include, but are not limited to:

- Noise nuisance;
- Verbal Abuse and harassment;
- Drug use and criminal behaviour;
- Littering and fly-tipping;
- Hate related incidents;
- Nuisance from vehicles;
- Domestic abuse;
- Animal nuisance.

3.3 We understand that people will experience the impact of ASB differently; depending on numerous factors. We are committed to recognising the different needs of both victims and perpetrators. We will consider:

- The type of ASB/nuisance;
- The impact the behaviour is having on the victim;
- The impact of the behaviour on other residents who have not reported anything;
- The vulnerability of the victim and of the perpetrator, including age, mental and physical disabilities and any other relevant information;
- What evidence there is to support the allegation;
- What is the most appropriate action to consider to resolve the ASB;
- What enforcement and support action could be taken by partnering agents.

3.4 In order to assist us in making these decisions, we will complete a Risk Assessment with the complainant. This is completed on a case by case basis and in some cases may not be necessary. Risk Assessment scores may be used in some cases to speed up our response to a complaint but will not be used to reduce our response time.

3.5 We will complete an action plan for each case where it is appropriate to do so. The action plan may or may not be agreed by the complainant and will depend on the circumstances of the case. The purpose of the action plan is to clearly set out the intentions of the case worker. It may be necessary to make changes to the action plan throughout the case. The action plan will be created using information collected from the Risk Assessment, conversation or information taken from the complainant and from the considered view of the case worker.

4.0 Legal Framework

The Antisocial Behaviour, Crime and Policing Act 2014 received Royal Assent in 2014. This has made changes to some of the legal powers that are available to Registered Social Landlords.

The changes include the following:

- **Criminal Behaviour Order** – aimed at tackling serious and persistent offenders where their behaviour has brought them before a criminal court.
- **Dispersals** – will be used by police to remove any person committing or likely to commit antisocial behaviour, crime or disorder to leave an area for up to 48 hours.
- **Community Protection Notice** – stops a person 16 years and over, a business or organisation committing antisocial behaviour, which spoils the community's quality of life.
- **Public Spaces Protection Order** – This aims to stop persons or groups committing antisocial behaviour in a public space.
- **Closure powers** – allows us to quickly close premises, which are being used, or likely to be used to commit nuisance or disorder.
- **Absolute Ground for Possession** – possession of secure and assured tenancies, where antisocial behaviour or criminality has already been proven by another court.
- **The Community Trigger** – allows the public to challenge public bodies to account for their response to antisocial behaviour
- **Community Remedy** - The Community Remedy will include a list of actions which might be appropriate for anyone who has engaged in antisocial behaviour or has committed an offence which can be resolved without court proceedings. It is designed to introduce simpler and more effective powers for tackling low level crime and antisocial behaviour. The Community Remedy is also designed to provide victims (should they wish it) a say in the sanction an offender receives if the crime warrants an out of court settlement. This primarily works on Restorative Justice Principals.

5.0 Management Responsibilities

- 5.1 Operations Director: To provide strategic direction for the organisation's ASB management process, while ensuring that identified service improvements are incorporated into service delivery where appropriate.
- 5.2 Regional Operation Manager: Owner of the ASB Policy and Procedure, holding responsibility of the strategic management implementation.
- 5.3 Community Safety Manager and Service Delivery Manager: Responsibility for the day to day management, guidance and performance monitoring of the Community Safety Team and Service Delivery Team to ensure that the policy and procedures are adhered to along with liaising regularly with partnering agencies.
- 5.4 Business Improvement Team: To provide support to the policy development and review process. To ensure that overall performance and learning are in line with TCHG requirements and is used to improve services.
- 5.5 Community Safety Officers, Neighbourhood Housing Managers, and Tenancy Sustainment Officers: Responsible for ensuring the effective management and implementation of the procedure to ensure that cases of ASB are dealt with in a proactive and effective manner, along with operational liaison with external agencies.
- 5.6 All Staff: Ensuring that any initial contacts which are made are noted in full and passed to the relevant Case Manager for assessment and action.

6.0 Our Commitment to Dealing with ASB

TCH agrees that:

1. Everyone has the right to their chosen lifestyle providing this does not spoil the quality of life of others - this implies tolerance, consideration and respect for the requirements and needs of others;
 2. TCH has a role as landlord in ensuring that such rights and obligations are realised in individual cases; and
 3. Local Authorities and Police Authorities have a larger role within the arena of the public interest to promote and protect the interests of those living within their boundaries.
- 6.1 TCH recognises that, to provide a quality housing service, it must be effective in tackling the problems created by antisocial behaviour, in partnership with the local community.
 - 6.2 TCH strives to provide an accessible and accountable ASB service. We operate a victim centred approach and deal with cases on an individual case by case

basis. We also work effectively with other agencies to resolve ASB. We do this by actively seeking ways in which to prevent ASB.

7. Our Responsibilities

We provide a swift proactive response when ASB is reported. Our approach to tackling ASB in our communities is in four stages:

- 1. Prevention** – We will look at ways to reduce the risk of ASB when letting our properties. We can use Starter Tenancy for new tenants and Good Neighbour Agreements for new developments. We will also seek to educate residents new and old how to reduce ASB in their neighbourhoods.
- 2. Early Intervention** – We will always try and seek swift resolutions following reports of ASB. These may include, but are not limited to: mediation, warning letters, home visits, and Acceptable Behaviour Agreements.
- 3. Enforcement Action** – In some cases we may need to consider legal action. We reserve the right to take legal action where we think it is appropriate. This may include, but not limited to: Possession Action (including the new absolute possession included in the Antisocial Behaviour, Crime and Policing Act 2014 Act), Injunctions and demotion of tenancy. Consideration of legal action will be agreed by the Case Manager and a line manager. Each matter of legal action is decided on an individual case by case basis.
- 4. Support for Victims** – We will carry out a Risk Assessment with the complainant, where appropriate. We may agree that referrals need to be made to other agencies in order to support the victims.

7.1 Residents responsibilities

- 1.** We encourage residents to resolve matters of ASB informally wherever possible. More serious incidents should be referred to the Police or to the Local Authority as appropriate.
- 2.** Residents are encouraged to take responsibility for their neighbourhoods and should be proactive in reporting any concerns that they may have to TCH and other relevant agencies.
- 3.** Residents are contractually obliged to comply with their responsibilities for controlling their behaviour, members of their household and their visitors.
- 4.** Where residents have reported ASB we expect them to take responsibility for agreed actions that seek to resolve incidents of ASB. Example are, but not limited to; referrals to mediation or completion of diary sheets.

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7.2 How to make a report of ASB:

Anyone can make a report about ASB or nuisance. Reports can be received directly in the following formats:

- By telephone to any member of staff;
- By email;
- Via our website;
- In writing;
- By appointment – in our Tunbridge Wells office, at housing surgeries, and home visits.

A report may also be anonymous. Persons making anonymous reports must accept that by their very nature, TCH may be limited in what action can be taken. We also may not be able to respond to the complainant directly. If you contact TCH to make a complaint of ASB we will discuss with you whether you want the person that you are complaining about to know that you made the complaint. This is different from an anonymous complaint where we do not know the source.

We reserve the right to contact the Police, Local Authorities and other agencies without prior permission should we be concerned about the welfare or safety of any person.

7.3 Timescales for Responding to Reports of ASB

When we are contacted with a report of ASB we will formally acknowledge the report based on the severity level which has been classified according to the category of ASB being reported. These are as follows:

- Urgent/Severe Level Cases – initial contact with the complainant within 1 working day.
- Moderate Level Cases – initial contact with the complainant within 2 working days.
- Low Level Cases – initial contact with the complainant within 10 working days.

Following initial contact with the complainant, an action plan should be agreed within 5 working days.

Once the action plan is agreed we will contact the perpetrator within 5 working days.

It may not be possible to achieve these target response times, especially where it has not been possible to contact the complainant or the alleged perpetrator. Where perpetrators do not engage, we continue with our investigations as set out in the ASB procedure.

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7.4 Fixed Term Tenancies

We reserve the right not to continue with a tenancy where the resident on a fixed term tenancy has engaged in ASB.

7.5 Management Moves

It is the general rule that we will move neither complainants nor perpetrators of ASB cases. There will be some exceptions to these in individual circumstances.

Please refer to the Allocations and Transfers Policy.

7.6 Closing Cases

In all cases we will work with residents to try and resolve ASB. Each case will be dealt with depending on the type of ASB involved and the methods required to resolve the case. Cases will usually be closed with the agreement of the complainant. Cases will be closed under the following circumstances:

- The ASB has been successfully resolved;
- Following investigation, there is no further reasonable action that can be taken to resolve the complaint, or it is deemed that the ASB cannot be evidenced;
- Where both parties have agreed to mediation and a referral has been made;
- The complainant has permanently moved from their address, and there is no evidence that the ASB is continuing;
- Where the perpetrator has moved permanently from the address, either by ending the tenancy, eviction or in the event of death;
- There has been no contact from the complainant for a period of 21 days, unless otherwise agreed.

7.7 Complaints about case management

Where a complainant or alleged perpetrator is unhappy with the way in which their case was handled, they should:

- Speak to the Community Safety Officer, Neighbourhood Housing Manager or Tenancy Sustainment Officer who has been dealing with the case;
- Speak to the Community Safety Manager or the relevant Manager;
- Request to make a Stage 1 Complaint;
- Contact your Local Authority to find out if you can instigate a Community Trigger.

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7.8 Record Keeping

The organisation will maintain comprehensive files (both paper and electronic) regarding all ASB complaints (whether formal or informal) and these will be maintained in accordance with GDPR.

We reserve the right to make a referral to social care or to the police without the permission of the complainant, where the situation and the provisions of GDPR (and any other relevant legislation) justify it.

7.9 Equality and Diversity

This policy will be implemented in accordance with the Organisation's equality and diversity policy.

8.0 Customer Influence

We have consulted with our Resident Strategy and Policy Review Group, as part of the review of this policy.

Residents commented on how we approach the issue of moving alleged perpetrators of asb to resolve the asb. As a result of the consultation, further clarity has been added to 7.5 and 7.6 of this policy explaining that we do not move complainants or perpetrators of ASB in usual circumstances.

This policy will be reviewed again by March 2023.

9.0 References

9.1 External

1. Antisocial Behaviour, Crime and Policing Act 2014
2. Freedom of Information Act 2000
3. Youth Justice and Criminal Evidence Act 1999
4. Antisocial Behaviour Act 2003
5. Data Protection Act 1998
6. Housing Act 1996
7. Race Equality Act 2010
8. Human Rights Act 1998
9. Local Government Act 2000

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10. Children Act 1989 and Children Act 2004
11. Disabilities Discrimination Act 2005
12. Homelessness Act 2002
13. Protection from Harassment Act 1997
14. Environmental Protection Act 1990
15. The Noise and Statutory Nuisance Act 1993
16. TCH Allocations and transfers policy and procedure
17. TCH CCTV Policy
18. TCH Recharge Policy
19. TCH Tenancy Agreements – Terms and Conditions
20. TCH Lease Agreements
21. TCH Equality and Diversity Policy
22. TCH Complaints Policy
23. TCH Safeguarding Policy