



Anti-Social Behaviour Policy

Reference	ASB01	Version	1
Staff affected	Housing Operations	Issue date	January 2022
Approved by	Board Members	Target Review Date	January 2024
Lead Officer	Head of Housing Operations		

1. Purpose

1.1 This policy sets out how we will respond to and manage allegations of anti-social behaviour and the legislation that we can work within to provide remedies.

2. Policy Statement

2.1 This policy demonstrates our commitment, and outlines our response to, dealing with allegations of Anti-Social Behaviour (ASB) in our role as a Registered Provider.

2.2 We believe that everyone has the right to live without fear of ASB. We recognise the importance of tackling ASB and acknowledge its effect and are committed to preventing and detecting it.

2.3 We will manage cases of Domestic Abuse and Hate Crime within our ASB policy. In such cases the Housing Officer will treat the information as confidential, agree an action plan with the victim, improve the security of the property if applicable, discuss housing options and work with relevant agencies to ensure the appropriate legal action is taken.

2.4 Where safeguarding concerns arise in dealing with allegations of ASB we will apply the Safeguarding Policy and Procedure.

2.5 This policy relates to our customers living in rented, shared ownership and leasehold homes. Some of the options available to us as a landlord may be limited in the case of leasehold and shared ownership. We will decide if action is possible or necessary on a case by case basis and will be open and transparent in order to manage expectations from the outset. In situations where we do not have the powers or tools to tackle the issue, we may if appropriate work in partnership with other organisations, or signpost as necessary.

3. Roles and Responsibilities

The Director of Housing Operations is responsible for the implementation and review of this policy.

Managers have a responsibility to ensure that the Policy is being adhered to and that cases are being managed appropriately.

All Employees have a responsibility to respond to allegations of anti-social behaviour, thoroughly investigate issues and take any appropriate action.

4. Definition

4.1 The Anti-Social Behaviour, Crime and Policing Act 2014 defines ASB as:

- *'Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.'* And
- *"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."*

4.2 This is designed to deal with ASB that directly affects the housing management functions of Arches as a 'relevant landlord' and as defined by and incorporated into Sections 153A and 153B of the Housing Act 1996 by Section 12 of the Anti-Social Behaviour Act 2003.

4.3 We define ASB as:

- *"Conduct which has caused or which is capable of causing harassment, alarm, distress, or nuisance or annoyance to any person and directly or indirectly relates to, or affects the housing management functions of Arches housing Ltd" Or,*
- *"Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by Arches Housing Ltd for an unlawful purpose".*

4.4 The housing management function of a landlord, covers any activity that we would undertake in the day to day and strategic management of our properties. This includes but is not limited to:

- interactions with customers
- maintenance and repairs
- the collection of rent and other charges
- managing estates and other areas

4.5 We will deal with allegations which have an impact on one of our properties or which occur in the immediate vicinity (i.e. in the same street) of one of our properties, or is housing-related.

4.6 All Arches staff, agents and contractors are entitled to work in an environment that is safe, secure and free from fear of violence, threats of violence or abuse. Any behaviour of this nature directed at Arches staff, agents or contractors is unacceptable and will be treated as ASB and managed within our ASB Policy.

4.7 The table below outlines what we do and do not consider to be ASB and within scope of this policy. In very exceptional circumstances, an out of scope matter may be treated as ASB, with the agreement of the Head of Housing Operations.

ASB (in scope)	Not ASB (out of scope)
Animal nuisance	Babies crying
Arson	Children playing
Assault and threats of violence against people	Cooking smells
Brothels	DIY noise that is taking place at reasonable hours (7.00am to 11pm)
Fly-tipping	
Criminal damage (including offensive graffiti) or threats to damage property	Dog and cat fouling
Drug dealing and use	Disputes with friends and family
Noise (deemed to be a statutory nuisance)	General living noise – doors banging, footsteps etc
Prostitution	Lifestyle clashes
Sexual offences	Parking (non designated areas)
Verbal abuse/harassment/intimidation	
Weapons	Personal disputes and minor personal difference such as dirty looks or fall outs between children
Misuse of communal or public spaces	One-off parties such as BBQs, birthday or special occasion providing they do not cause an unacceptable disturbance and there is not a pattern of similar behaviour.
hoarding items in the property or garden where this is serious risk to the health & safety including fire risk or infestation.	
Nuisance from vehicles	
Other criminal behaviour, including hate crimes and domestic abuse	

5. Reporting allegations

5.1 We aim to make reporting allegations easy and we will accept allegations from anyone. They can be made online via our website, online portal, by e-mail, telephone, in writing and in person at our office. Where an allegation of ASB is made the case must be opened and recorded using Arches classification of ASB as set out in **Appendix 1**. Officers must ensure that when a case is initially reported the classification is logged, and the service standards met for initial contact and action plans. There will be times where the ASB reported will involve multiple classifications and in this instance Arches response will be determined by the highest category.

5.2 We will refer to people subjected to or exposed to ASB as 'complainants', and if they have seen or heard something but are not directly affected, as 'witnesses'. We will refer to people alleged or suspected of causing ASB, as 'perpetrators'.

6. Complainant and witness responsibilities

- 6.1 For us to be able to investigate thoroughly and fairly, any allegation needs to be made within a reasonable timescale, which will usually be an incident which has occurred in the last three months. Where an incident is of a serious nature we have the discretion to investigate cases where the last incident is older than 3 months, for example a category 1 case.
- 6.2 If an anonymous allegation is made, we will only investigate it if there is sufficient information and evidence to take action if necessary.
- 6.3 We will not disclose a complainant or witnesses details to an alleged perpetrator without their consent, however if this is not given, we may not be able to take action. If this is the case, we will clearly explain that to the complainant.
- 6.4 As part of investigating the allegations, we need complainants and witnesses to:
- be considerate of others in their surroundings by being respectful and tolerant of lifestyle choices;
 - where appropriate attempt to speak with the alleged perpetrator to resolve the issue;
 - report allegations to relevant statutory organisations; for example if the allegation is of a criminal nature, we expect that it will have been reported to the Police in the first instance;
 - support action recommended and/or proposed by us.

7. Managing Allegations

- 7.1 We will take all allegations seriously, will treat each on their own merits and we will use all available tools and powers as appropriate to resolve issues. Our focus is strongly on prevention and from the outset of our relationship with customers; we deliver a strong message that ASB is not tolerated. We assess all applicants for our properties and do not accept applications from people with a previous history of ASB. In situations where action is necessary, we will quickly tackle issues and use the appropriate remedies.
- 7.2 When we receive an allegation, a case will be opened On Active H and classified using the classifications in **Appendix 1**. The complainant will be contacted within the classification timescale to assess whether the allegation meets the criteria for ASB. If it does, the Housing Officer will complete a risk assessment and action plan where they will agree with the complainant next steps and possible outcomes. If the allegation does not meet our criteria for ASB, advice will be given and the case closed.
- 7.3 Any action we may take will be proportionate to the type of allegation made. There is a range of legal and non-legal action, and in the majority of cases it is hoped that problems can be

resolved via non-legal interventions such as mediation or warnings. Any action taken will be one of, or a combination of the following: Preventative Measures as stated above, other Interventions which may include partnership working, Enforcement and Legal Action using the range of tools and powers available to us as a landlord under the Anti-Social Behaviour, Crime and Policing Act 2014, the Housing Act 1988 and other relevant legislation.

7.4 Action taken could be against a tenant or leaseholder or any other person, for example a household member or visitor and could relate to an allegation committed at the property, or within the immediate neighbourhood. Action may also be taken against the tenant or leaseholder based on the behaviour of a household member or visitor where it is appropriate and proportionate to do so.

7.5 If a Housing Officer managing a case wishes to commence legal proceedings, this must be approved by the Head of Housing Operations, or in their absence, their nominated deputy.

7.6 The Housing Officer should proceed to take steps to close a case if:

- The situation has been resolved and an agreement has been reached with the complainant;
- There is insufficient evidence or the evidence shows that the allegations are unsubstantiated or misplaced;
- Where the perpetrator of ASB has been evicted or is no longer in the vicinity of the complainant e.g. they have moved out of the area;
- Where we are unable to contact a complainant as agreed within the action plan or one month after the last contact the Housing Officer may close the case where contact attempts can be evidenced.

7.7 Before closing a case, we will make contact with complainants and witnesses and clearly explain why we are doing so. The Neighbourhood Manager should approve closure of any ASB case.

7.8 We may publicise action taken by us as part of our strategy to provide reassurance to the wider community and to prevent and deter ASB.

8. Partnership

8.1 In some cases as a landlord, we will not always be the organisation with the responsibility or powers to deal with the allegation(s) made. In these circumstances we adopt a partnership approach and work proactively with other professional organisations such as the Police or Local Authority and share information in line with our Privacy Policy. We may refer complainants or witnesses to other organisations as appropriate whilst always being clear about our responsibilities and capabilities.

8.2 Where we have an interest but another organisation is leading, we may decide not to act until the outcome of their investigation is known.

9. Community Trigger

9.1 The Anti-Social Behaviour, Crime and Policing Act 2014 gives victims of Anti-Social Behaviour the right to request a Community Trigger, a review of their case which brings agencies together to find a solution. Victims can use the Community Trigger when there have been at least three complaints of Anti-Social Behaviour in a six-month period and there has been no adequate response. Our partner boroughs in the local authority are the first point of contact for anyone who wants to use the Community Trigger. We will work with local authorities and agencies and we will respond proactively to the findings of any review.

10. Support

10.1 When dealing with allegations we will consider the support needs of complainants, witnesses, alleged perpetrators, staff and contractors. Where support needs are identified, we will, with their permission make a specific support referral ourselves but this will be to external organisations.

11. Review

11.1 This Policy will be reviewed every 2 years or if there are any significant changes to current legislation, regulations or codes of practice or guidance.

12. Equality and Diversity

12.1 All involved in the implementation and monitoring of this policy will recognise their ethical and a legal duty to advance equality of opportunity and prevent discrimination on the grounds of; age, sex, sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

13. Publication

13.1 This Policy will be made available to the public and will be accessible via the Arches website.

APPENDIX 1 – ASB CLASSIFICATION AND SERVICE STANDARDS

	Type of ASB	Service Standards
1	Hate related incidents (based upon the Protected Characteristics identified in the <i>Equality Act (2010)</i> .)	First Contact by the investigating Officer within 1 working day, and agree an action plan within 24 hours of this contact.
	Domestic Abuse	
	Threats of or actual physical Violence (other than Domestic Abuse)	
	Drug Production / Supply	
	Threatening Behaviour	
	Damage to property and home	
2	Verbal Abuse / Harassment / Intimidation	First Contact by the investigating Officer within 3 working days, and agree an action plan within 5 working days of this contact.
	Drug Smells / Substance Misuse	
	Alcohol Related ASB	
	Prostitution / Sexual Acts	
	Criminal Behaviour / Crime	
	Noise including Other General ASB	
3	Domestic Noise	First Contact by the investigating Officer within 3 working days, and agree an action plan within 5 working days of this contact.
	Vandalism and Damage to Property	
	Misuse of Communal Areas / Public Space Loitering	