



Anti-Social Behaviour

Version 1.1

Category: Operations – Tenancy and Leasehold Management

Latest Review Date: February 2015

Review Frequency: 3 years

Owner: Customer Service and Human Resources Director

**Contributors: Housing Services Manager, Housing Officer, Location
Manager, Residents' Forum**

POLICY

1. Policy Goal

This policy sets out the principles and actions that the ExtraCare Charitable Trust (ECCT) will take to prevent anti-social behaviour from occurring and how it will respond to it when it does. Anti Social Behaviour (ASB) is defined as “behaviour likely to cause harassment, alarm or distress to one or more individuals not from the same household” (Crime and Disorder Act 1998). This policy outlines the type of behaviour that ECCT classify as ASB, and the approach it takes to resolve it. Given the specific context in which ECCT work (providing housing and care for older people) the emphasis of the policy is to ensure an effective multi-agency, person-centred resolution to dealing with reports of anti-social behaviour.

2. Business Objectives

To minimise the likelihood of ASB; to have a consistent approach that focuses on resolving reports of ASB quickly to the satisfaction of the victim; to take effective enforcement action where appropriate.

To manage ASB within ECCT’s legal and regulatory obligations as a Registered Provider.

To ensure that ECCT’s approach to ASB is consistent with its Housing Partners’ approach in co-owned and managed locations.

3. Organisational Statement

As a Registered Provider, ECCT is committed to delivering a high quality housing service for residents. This includes responding to reports of anti-social behaviour appropriately, regardless of occupancy status (tenant or leaseholder) given the mixed tenure nature of its locations.

Many of ECCT’s residents have a care and support need, often (although not always) with ECCT being the care or support provider. Such needs may compound the victim’s ability to cope with ASB; equally, the perpetrator of ASB may themselves have a care and support need.

This policy is therefore committed to establishing the principle that ECCT takes a fair, proportionate and appropriate approach that will include all relevant

agencies (including ECCT teams) when investigating and resolving reports of ASB. ECCT will seek to support the victim and the perpetrator of ASB, and always seek to find a non-legal, person-centred resolution.

The policy further recognises that although the range of enforcement options may depend on the perpetrator's occupancy status (tenant or leaseholder), ECCT will take the strongest action possible in all cases where attempts to resolve ASB through non – legal means have been exhausted.

The policy emphasises that reports of ASB can, and should, be reported to any employed member of ECCT staff, regardless of job role (with the exception of Volunteers).

All staff receiving a report of ASB have a duty to advise the ExtraCare Housing Officer responsible for the location of the report within 48 hours of receiving it; if the ASB could be classified as harassment then the report should be made as soon as practicable.

If the housing management service is provided by a partner organisation, staff should report the incident to both the ExtraCare Housing Officer and the Housing Officer of the partner organisation.

The Housing Services team (the Housing Officer) is responsible for investigating, co-ordinating and monitoring all cases of ASB, and ensuring that all appropriate actions are taken.

The Housing Services Manager is responsible for reporting on ASB performance.

4. Definitions of ASB

The website www.antisocialbehaviour.org.uk lists a number of categories of ASB. Such categories are not exhaustive, but for ECCT, given the specialist nature of the context in which it operates, are likely to include:

- Damage to property, including graffiti & vandalism
- Noise Pollution, including excessively loud music / television
- Rubbish, dumping of litter, including hoarding
- Criminal behaviour / activity
- Drug and alcohol misuse
- Parking illegally / inappropriately & abandoned vehicles
- Nuisance animals & pets

- Overgrown & unkempt gardens
- Hygiene issues affecting others' quality of life

The Housing Act, 1996 extended the definition of ASB, so that ASB could be present if caused not just by the occupier(s) of a property, but also any member of his / her household, or invited guests. Further, ASB could be present not just within the property concerned, but within the vicinity or locality.

Where a resident reports ASB, and the behaviour described does not fit in to any of the above categories, the presumption will be that it will be dealt with as a case of ASB if the victim confirms that this is how they want the incident to be dealt with. The Housing Officer will record the issue of ASB and ensure that they begin investigation (including formal interview with the victim) within 5 working days.

The usual approach for recording and dealing with an issue under this policy will be in cases where a resident reports a specific incident relating to the behaviour of a specific individual / group of individuals; and the behaviour reported is within the categories defined above.

All staff should ensure that reports of instances of anti-social behaviour are recorded appropriately, and with due regard to other relevant policies (such as Data Protection, Safeguarding); and in line with relevant protocols that may be in place with the Local Authority / Police.

Staff should ensure that written records of reported instances of anti-social behaviour are made, and that these are based on statements of fact, not opinion.

The Housing Officer – in conjunction with the location Manager – will ensure that evidence collection in relation to ASB is carried out appropriately and proportionately to the case, and in conjunction with the relevant authorities. *Staff should not record instances of anti-social behaviour on electronic devices, nor advise residents or others to do the same.* Evidence gathering of this nature should be done only by, or with the permission of, the Police / Local Authority, through an agreed strategy to deal with the case.

There may be instances where a resident reports an incident that could be classified as ASB, but the issue appears to be 'minor' or the report is 'informal', where the resident is wishing for no action to be taken. Or, the

complaint may be of a general nature and not against a specific individual.

In such cases the incident / issue will still be recorded by the Housing Officer, but an ASB case will not be opened and no formal investigation will take place. However, the Housing Officer has a duty to ensure that any potential care or support need arising from the report is passed on to the relevant person (the Care / Support provider; Social Services). This could be in relation to either the victim or the perpetrator, or both.

Further, it may be that the ASB policy is not the most relevant policy to deal with the issue reported, even if the behaviour could be classed as ASB. In these instances, the Housing Officer will ensure that the location Manager deals with it under the relevant policy (such as, for example the Managing Mobility Aids policy or Pets Policy). However, this does not preclude action under the ASB policy being appropriate if the issue persists. The Housing Officer will record which Policy is being applied, and a review date into the effectiveness of this being dealt with under an alternative Policy.

Finally, If the Housing Officer receives complaints relating to the same perpetrator that are frequent, persistent or sufficiently serious, then a case of ASB may be opened without the consent of the reporters; in agreement with the Housing Services Manager.

5. Harassment, Racial Harassment and Hate Crime

Reports of ASB where there is the threat, or actual incident, of violence – either physical or verbal - require urgent investigation and prioritisation. Harassment is defined as “to worry, trouble or attack someone repeatedly”. Harassment could occur towards other residents, staff or members of the public.

Harassment is likely to include one or more of the following behaviours:

- unprovoked violence or threats of violence
- abusive or insulting words
- damage or threats of damage to property
- threatening or abusive letters or phone calls
- arson or attempted arson

Such categories of ASB include:

- Domestic Violence

- Stalking
- Bullying

Harassment that is based on the victim's race (including colour, ethnic or national origin), gender (including transgender), sexual orientation, marital status, disability, age, religion / belief could also be classed as a hate crime.

ExtraCare does not tolerate harassment towards its staff, residents or members of the public visiting its locations. ASB that is deemed to be harassment will be categorised as urgent and appropriate action taken, in consultation with the victim(s).

Staff receiving any report of ASB that could be classed as harassment must report it to the Housing Officer immediately. The Housing Officer is responsible for logging the ASB case as a priority, and to meet with the victim as soon as is practicable from the report being received. Where there is an imminent threat to life or danger to property then the member of staff should call the Police or support the victim to call the Police immediately.

Where a case of harassment or hate crime has been reported to the Police, ECCT will work with the victim(s) and the Police to:

- Ensure the victim(s) receive the appropriate emotional support
- Take swift legal action, and / or to support the victim in taking out own legal action against the perpetrator (such as injunction)
- Carry out any emergency repairs to the victim's home as a result of the harassment / hate crime, including removal of graffiti within 24 hours
- Support the victim to secure emergency alternative accommodation where required / appropriate

6. Preventing ASB and Promoting the Policy

ECCT will promote this policy and its approach to dealing with ASB through the following means:

- Promote the policy in ExtraLife magazine
- Promote the policy at pre-sign up / sign up stage
- Promote the policy at 'Friends' meetings in the commissioning of new schemes / villages
- Ensure all Managers are trained in the principles of the policy, reporting mechanisms, and responsibilities; Managers to brief their teams

- Promote ASB awareness in line-ups

7. Outcomes

All staff to be trained on how to recognise a report of ASB; and to understand how to escalate such reports to the responsible Housing Officer.

Where there is an active ASB case, all relevant staff involved with the victim and perpetrator to be aware of their role is ensuring successful resolution of the ASB.

In situations where someone with a diagnosed and recognised mental health condition (such as a dementia related illness) reports ASB, flexibility exists within the policy for the Housing Officer not to open a new case of ASB. However, the Housing Officer must seek the consent with the person with overall responsibility for their care and support (usually an external agency / advocate), and this be appropriately recorded. Where any doubt exists as to whether to open a new ASB case, the Housing Services Manager will have the overall decision, and will record and review this decision as part of ASB performance monitoring.

The underlying principle in ECCT's approach to resolving ASB is that it will seek to convene case conferences involving all relevant agencies to agree a strategy for resolving each case. If legal action is required, then this will be agreed through a case conference approach. However, ECCT reserve the right to take legal action outside of a case conference approach if appropriate, for example in cases of harassment where swift action is required.

8. Application

All staff are to be aware of the principles of the policy and to understand their role within it through training and on-going staff supervision.

This policy applies to all locations where ECCT are the landlord of the property.

Where the property is owned by a Housing Partner, and ECCT are acting as landlord through a Management Agreement, then this policy applies up until the point that formal legal action is required.

In this situation, formal legal action will be taken by the Housing Partner, except where the Management Agreement specifies that this is ECCT's responsibility.

Where the property is managed by a Housing Partner, and ECCT do not carry

out the housing management tasks at the scheme / village, ECCT still need to record and monitor the progress of an ASB case. Therefore, although the Housing Partner will be taking the lead in resolving the ASB issue under their own policy, the ExtraCare Housing Officer will need to monitor and record progress in conjunction with the Housing Partner.

The underlying principle is that in all cases of ASB where there is a Housing Partner involved, there must be close co-operation between ECCT and the Housing Partner to resolve the issue as quickly as possible.

Regardless of the specific management arrangements, ECCT have an obligation to keep the relevant Housing Partner informed of the progress of all ASB cases relevant to them (and vice versa). This is the responsibility of the Housing Officer to co-ordinate.

The Housing Services Manager has overall responsibility for the implementation of this policy, to review its effectiveness, and to make any relevant changes in response to changes in the law or best practice.

9 Reason for the Policy

To enable residents to live peacefully within their homes without unreasonable disturbance from others.

To ensure that residents (or others acting on their behalf) understand how to report an incident of anti-social behaviour and are able to do so without fear of discrimination.

To meet regulatory requirements of the Homes and Communities Agency ensuring as a Provider that ECCT take appropriate action to combat ASB and have a relevant policy in place.

10 What is new / What is different

This is a revised policy which clarifies the recording of evidence relating to ASB within section 4. of the policy.

11 How to Measure Success

The Housing Services Manager will be responsible for implementing a performance monitoring framework to measure:

- Number of ASB cases per location / overall

- Speed of ASB resolution per location / overall
- Level of satisfaction with how ASB case has been dealt with
- Indicative costs / time involved in managing each ASB case

12 Reference to relevant documents

Regulation / Guidance	In House Documents
The Regulatory Framework for Social Housing in England, April 2012 (Homes and Communities Agency)	Lettings Policy Housing Related Support Policy
Crime and Disorder Act 1998	Managing Mobility Aids Policy
Equalities Act, 2010	Pets Policy
Data Protection Act, 1998	Equality & Diversity Policy
Anti-Social Behaviour Act, 2003	
Housing Act, 1996	

13 **Approval date** – February 2015

14 **Next review date** – February 2018