

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

ANTI-SOCIAL BEHAVIOUR POLICY	
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Contributors	Resident Scrutiny Group 2019-2020 Housing Standards & Performance Officer
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Contents

		Page No.
1. Policy purpose & aim		3
2. Objectives		3
3. Scope of policy		4
4. Responsibilities		4
5. Monitoring & review		6
6. Risk management		7
7. Statement of commitment		7
Additional Arrangements	7.1 Our Approach	7
	7.2 Definition of ASB	8
	7.3 Resolving ASB	9
	7.4 Service Standards	10
	7.5 Monitoring	11
8. Information, Support and Training		11
9. Other relevant ECCT policies & documents		12
10. Relevant legislative & regulatory requirements		12

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

Version Control

Version	Date	Description	Updated By	Approved By
2.0	25.02.2021	<i>New policy version after consultation with Resident Scrutiny Group and Resident Forum</i>	<i>Richard Keeley</i>	<i>Resident Forum</i>
2.1	5.03.2021	<i>Minor amendments as a result of ELT approval</i>	<i>Richard Keeley</i>	<i>ELT</i>

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

1. Policy Purpose & Aim

The ExtraCare Charitable Trust (ExtraCare) are committed to delivering our vision – ‘Better Lives for Older People’. Part of this commitment is to ensure that we work to prevent and respond to instances of anti-social behaviour (ASB) to ensure that our residents live in inclusive and cohesive communities.

This policy outlines ExtraCare’s policy for dealing with issues of anti-social behaviour within our retirement communities. ExtraCare are committed to tackling anti-social behaviour as we know that it can have a devastating impact on our residents, and all those who use, volunteer and work within our communities.

The aim of this policy is to make clear how we will work to prevent instances of ASB arising; and how we will seek to resolve ASB when it does occur. Our aim is to achieve a balance between prevention, enforcement and support when seeking to resolve issues of ASB, and to incorporate a multi-agency approach where possible in seeking a resolution. The policy outlines our service standards for dealing with ASB.

2. Objectives

The objectives of this policy are to:

- Define what ExtraCare classes as anti-social behaviour, and what issues we may be unable to resolve
- Support early intervention to resolve ASB as quickly as possible
- Support use of the full range of non-legal and legal tools available to resolve ASB, and to embed partnership working in our approach to resolving ASB
- Articulate clear service standards for those making a report of ASB
- Comply with Housing Act, 1996 – section 218A which places a duty on registered providers to publish anti-social behaviour policies and procedures
- Meet regulatory requirements, specifically Regulator of Social Housing – Neighbourhood & Community Standard which requires registered providers to work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes
- Meet legislative requirements, specifically Anti-Social Behaviour, Crime and Policing Act, 2014

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

3. Scope of Policy

This policy applies across all ExtraCare owned locations. This policy also applies where we act as managing agent for a partner landlord in a location, although enforcement action would be subject to the approval of the partner landlord. In locations where the partner landlord carries out the housing management function, this policy will not apply – the ASB policy of the partner landlord will apply. The partner locations are identified below:

Location	Partner Landlord	Applicable Policy
Reeve Court	Your Housing Group	YHG
Brunswick Gardens	Your Housing Group	YHG
Yates Court	Rooftop Housing Group	Rooftop
St. Oswald's	Rooftop Housing Group	Rooftop
New Oscott Village	Midland Heart	ExtraCare
Lovat Fields	Midland Heart	ExtraCare
Bournville Gardens	Bournville Village Trust	ExtraCare
Verona Court	Anchor Hanover	ExtraCare

4. Responsibilities

4.1 Board of Trustees

The Board of Trustees of ExtraCare has overall governance responsibility for implementation of this policy and will ensure that adequate physical and financial resources are made available to enable ExtraCare to meet its obligations under this policy and associated procedures.

4.2 Operations Committee

The Operations Committee seeks assurance that ExtraCare's activities at locations comply with all legislative and regulatory requirements and that risk in these areas is effectively managed.

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

4.3 Operations Directorate

Executive Director of Operations (EDO)

Strategic responsibility for tenancy and leasehold management and will oversee the implementation of the anti-social behaviour policy and associated procedures. They will advise the Chief Executive of any failure in the management arrangements.

Head of Operations

Responsible for ensuring that the arrangements at ExtraCare locations detailed in this policy are compliant with regulatory, legislative and best practice requirements. They will inform the EDO and the Operations Committee of any issues of non-compliance.

Housing & Resident Engagement Manager

Responsibility for ensuring compliance with this policy. They will review all logged cases of ASB to ensure they are processed in line with this policy. They will give advice on escalated cases of ASB and prepare enforcement notices for service (e.g. Notice Seeking Possession) or refer to Legal Officer if specialist advice or action is required. They will inform the HOCl of any issues of non-compliance.

Regional Operations Managers

Responsible for ensuring each location puts appropriate measures in place to ensure that instances of ASB are prevented, through promotion of Community Charter, and identifying any other local measures or strategies as appropriate to the location, to ensure that residents, visitors, volunteers, staff and contractors treat each other with dignity and respect. Regional Operation Managers will ensure that such measures are inclusive, do not discriminate, and that good practice is shared across locations.

Location Managers

Primary person within locations for receiving reports of ASB and ensuring that actions to resolve ASB are consistent with the service standards identified in this policy. May delegate responsibility for keeping reporters of ASB updated on progress and appropriately supported to 'designated staff' (see below). Responsible for overseeing all cases of ASB within their location. Each location manager can discuss and agree with residents (which could be through the Resident Association) measures to prevent ASB specific to that location. To work collaboratively with Housing Officers to resolve all cases of ASB, particularly those that have or may take longer than the 20-day target to resolve or require enforcement action. Such cases to be escalated to the Housing Officer for further advice / support. This may include working with Housing Officer to set up multi-agency meetings to resolve ASB cases.

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

Designated Staff Within Locations

These are named staff within locations to whom residents and others can make initial reports of ASB. The Resident Scrutiny Group specifically requested that there are designated staff on site that are trained to receive ASB reports, to ensure that these reports are handled appropriately. These will be Head of Care / Team Leader Coach, Lifestyle Manager (where applicable), Senior Housing Support Assistant (where applicable), and any other staff member identified by the Location Manager. They will support the Location Manager in resolving ASB cases through advising the Location Manager of all reports of ASB. Further (at the instruction of the Location Manager) they will keep reporters of ASB updated on progress of cases, ensure that there is the correct support in place, and provide a point of contact for further reports to be made.

Housing Officers

Responsible for supporting Location Managers in dealing with ASB cases, with particular responsibility for escalated cases which are those that are deemed to be serious from the outset (potential immediate threat to the person or their home), those cases which need enforcement action and those cases that have – or are likely to – go over the 20-day target for resolution. The Housing Officer will assist and provide expertise to ensure that both non-legal and legal remedies are considered in seeking to resolve ASB in these cases. This will include assisting with enforcement meetings with people alleged to be causing ASB; taking the lead on arranging mediation; agreeing Acceptable Behaviour Contracts, and other remedies to resolve ASB. They will assist with ensuring that evidence of ASB is collected appropriately and seek to enforce the conditions of the tenancy / lease by providing recommendations for action to the Location Manager and seeking consent for legal action to the Housing & Resident Engagement Manager.

All staff

All staff should advise or signpost residents or any other person wishing to report ASB to information on this policy. This will include advising them how to make a report and reassuring reporters that reports of ASB will be taken seriously and investigated. All staff also have responsibility for reporting any instances of ASB that they witness in line with this policy to the Location Manager.

5. Monitoring & Review

This policy will be subject to a full review by the Residents Forum every three years. We will assess the effectiveness of the policy by the criteria set out in the policy objectives.

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

6. Risk Management

Adherence to the policy will ensure that we comply with our legal and regulatory requirements, to ensure that we have an effective policy in place to prevent, investigate and resolve cases of anti-social behaviour. We will keep up-to-date with legislative requirements and best practice approaches to ensure that ASB cases are appropriately managed and refer complex cases to the Legal Officer / external Solicitors where required.

7. Statement of Commitment

7.1 Our Approach

ExtraCare will not tolerate ASB directed towards our residents, their visitors, our staff, volunteers or any other person engaged in lawful activity in our locations.

In seeking to resolve cases of ASB, our aim is to achieve a balance between prevention, enforcement and support. We recognise that, within our retirement communities, people may unwittingly cause ASB because of a health issue. In such cases our aim is to seek to support all parties involved, in order to seek a resolution.

We will pursue a range of ways to resolve ASB, specifically:

- **Early intervention and prevention** - ExtraCare will be clear about expectations when residents first move in. Our Community Charter summarises the conduct and behaviour expected of all those living, working and using the facilities within our locations and is displayed in our reception areas within locations. Our Resident Handbook, available on our website, highlights what is required in the Living in the Village / Scheme section. We have produced an information leaflet, in conjunction with our resident scrutiny group, on how to report ASB, which is available on our website and in printed form at locations: Our Approach for Resolving ASB - Information for Residents. Locations will agree with residents' approaches to preventing ASB within their locations (such as appropriate signage).
- **Multi-agency partnership working where appropriate** – ExtraCare recognise that within our locations the perpetrator may be unconscious of their actions, or additional support may be needed by working with other agencies to prevent further occurrences of ASB.
- **Use the full range of non-legal and legal tools available** – ExtraCare acknowledge that resolving ASB may take several attempts and the use of different approaches. We will explore the appropriate approach for each situation and act according to the services standards outline below.

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

We will seek to explore ways to improve ways that residents may be able record instances of potential ASB.

We will deal with all complaints of ASB under this Policy, except for complaints about how we have handled reports of ASB which will be dealt with under our Complaints Policy.

In tackling behaviour or an issue that may be considered as ASB, we may decide that it is appropriate to deal with such behaviour by first invoking another ExtraCare policy (such as Domestic Abuse Policy or Pets Policy).

7.2 Definition of ASB

ExtraCare adopts the definition of ASB that is consistent with the Anti-Social Behaviour, Crime and Policing Act, 2014. This defines ASB as *“conduct that has caused – or is likely to cause – alarm or distress to any person”*. It also refers to *“conduct capable of causing nuisance of annoyance to a person in relation to that person’s occupation of residential premises”*.

Further, ExtraCare recognises that ASB may occur not just within the household but within the wider community. This is consistent with the Housing Act, 1996 which states that ASB can be present if caused by either the resident or their invited guests not just within the home, but the wider locality. Our residents are therefore responsible for the behaviour of their guests, not just within their home, but also the scheme / village and indeed in the wider local area.

In addition, our tenancy and lease agreements contain specific clauses in relation to noise and nuisance. Under the terms of the tenancy / lease, those actions that are listed in these agreements as ‘noise’ or ‘nuisance’ will be deemed as potentially being ASB. Therefore, examples of behaviour that constitute ASB in these agreements include (but are not limited to):

- Harassment
- Loud music or television volume
- Violence, threats, abusive language / behaviour
- Damage to property
- Criminal activity
- Abuse of staff
- Hate crime
- Domestic Abuse (see separate Domestic Abuse Policy)

We will treat such examples as ASB, where we have evidence to support this.

In cases that we deem to serious (such as a potential immediate threat to the person or their home) we will immediately seek to involve the Police and other relevant statutory agencies. Such cases will be escalated to the Housing Officer for specialist advice and support.

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

Instances of ASB that may be the result of Domestic Abuse will be dealt with under our Domestic Abuse Policy.

Instances of ASB that may be the result of a Hate Crime will be referred to the Police immediately and a multi-agency approach taken to resolve the issue. The Crown Prosecution Service defines hate crime as “a range of criminal behaviour where a person is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity.” In such situations, the Police are likely to be the lead agency.

In situations where ASB is reported, but upon further investigation the behaviour reported is not considered ASB as far as the law is concerned, we will close the case and no further action will be taken. Examples of situations where we will not progress a case of ASB (except to offer advice / support if appropriate) are:

- Normal household noise
- Difference of lifestyle between neighbours
- Actions which amount to no more than people going about their everyday activities
- Actions that do not amount to a breach of tenancy / lease, for example how people look at each other, or people being inconsiderate
- Actions which amount to no more than customers going about their normal everyday activities, for example children playing
- Complaints which are not a breach of the terms of tenancy, for example, complaints of people staring, being inconsiderate or thoughtless

In these situations, the advice and support we may offer could include signposting to other agencies, offering mediation or liaising with other agencies to see if they are able to assist. It may also include ensuring that we revise any care that we may be providing to ease the issue or offer either the reporter or the person causing an issue our well-being services for additional support.

7.3 Resolving ASB

ExtraCare will ensure that there are clear and accessible ways for reporting ASB. This can be done either in person to a designated member of staff, in writing, by using our ‘Tell Us Your Concern’ form, or electronically by email to a designated email address: asb@extracare.org.uk. We will record the ASB on our internal system (‘COLIN’) and the case investigated accordingly. ASB can be reported by anyone experiencing or witnessing it – residents, visitors, staff, volunteers.

In seeking to resolve cases of ASB, ExtraCare have the following Service Standards. We have guidance for staff on how to effectively ensure these standards are followed in a procedure document, contained with our [Housing Services Guide](#) (internal / staff use only).

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

7.4 Service Standards

Responding to Reports of ASB:

- We will open a case of ASB and assign a named member of staff to your case (within 5 working days)
- We will advise you of the actions that we may be able to take (within 5 working days)
- We will advise if we are unable to proceed with a case of ASB (within 5 working days)
- All cases of ASB that we deem as serious – these being a potential immediate threat to you or safety of your home - will be responded to urgently (within 1 working day)

Investigating ASB:

- We will take a statement from you in relation to the issue you have reported (unless it is more appropriate that this statement is to the Police)
- We will ensure that you have the support of a friend or advocate in making a statement to us if you request this
- We will seek to take statements from any witnesses
- We will visit the person who has is allegedly causing the ASB, if we agree that this is appropriate
- We will involve other agencies to support or lead the investigation, if appropriate (e.g. Police, Fire Service, Social Services)

Taking Action Against ASB:

We will take one or more of the following approaches, depending on the circumstances and severity of the case:

- We will support you to make a report to the Police if the ASB is serious – potential immediate threat to you or your home;
- We will convene a multi-agency meeting to ensure all relevant agencies are involved in agreeing actions to resolve the ASB; this will include ensuring the appropriate support is in place for both the victim of ASB and the person causing ASB if relevant;
- We will arrange for independent mediation if this is agreed by both / all parties as a potential way to resolve ASB;
- We will seek to use Acceptable Behaviour Contracts (ABC) as a voluntary agreement to resolve the ASB;
- We will refuse to serve alcohol / ban people from the bar area if their ASB is alcohol-related and are causing a disturbance in communal areas; Volunteers or staff can refuse to serve alcohol to anyone displaying ASB;
- We will use Injunctions and / or partner with the Local Authority and Police to seek a Criminal Behaviour Order (CBO) to prevent the repeat of serious behaviour; and

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

- We will seek possession (tenancies) or forfeiture of lease (leasehold) in cases where all other efforts to resolve ASB have been unsuccessful, and where evidence exists of a persistent and serious breach of the tenancy / lease.

Closing Cases of ASB:

- We will seek to investigate and resolve cases within 20 days of them being reported;
- If we are unable to resolve a case within 20 days, we will write to the reporter of ASB to advise further steps to be taken and ensure they are regularly updated on progress;
- All cases of ASB that remain unresolved over 20 days of them being reported will be escalated to the Housing Officer for additional advice / support to seek a resolution;
- We will close all cases of non-current ASB, and re-open the case if further instances occur; and
- We will advise reporters of ASB on how to access their local authorities Community Trigger if they meet their local authority's specific threshold for this to be invoked – this enables local authorities to independently review ASB cases and provide recommendations for further action, if the reporter of ASB is not satisfied that everything has been done to seek to resolve the ASB issue.

7.4 Monitoring ASB

ExtraCare will monitor instances of ASB across locations to ensure cases are managed effectively, and any trends are identified. We will report ASB trends to Operations Committee.

8. Information, Training and Support

We will take all reasonable steps to publicise this Policy to residents, including through Resident ('Street') Meetings, with the aim of ensuring that their rights and obligations under this Policy are explained.

8.1 Learning from ASB

We will contact a random sample of residents every three months to ask their experience of how we handled their issue of ASB. Relevant feedback from this will also be recorded and shared with relevant managers (including location managers) and used to inform further staff training. We will provide a summary of this feedback to Operations Committee as part of their report.

We will report on ASB handling at least annually to our Resident Forum. We will publish a summary of our ASB handling in our Annual Report.

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

8.2 Training

We will provide relevant training to all staff in relation to the principles of this policy to ensure that they are applied across ExtraCare. We will provide additional training to staff involved in ASB investigations to ensure that these are carried out effectively. We will also provide training to assist relevant staff to respond appropriately in writing to issues of ASB.

8.3 Further support

We will develop letter templates to support appropriate ASB responses in line with this Policy.

We will develop internal procedures for staff to support the implementation of this Policy, with reference to the Government guidance listed in section 10 of this Policy (below).

9. Other Relevant ECCT Policies & Documents

General	<ul style="list-style-type: none"> • Acceptable Behaviour Policy • Lettings Policy • New Village Sales Policy • Re-Sales Policy • Data Protection Policy • Equality & Diversity Policy • Complaints Policy • Domestic Abuse Policy
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10. Relevant Legislative & Regulatory Requirements

Legislation	Regulation	Guidance
<i>General Data Protection Regulation</i> (EU) 2016/679	RSH Standards (especially Governance & Involvement and Empowerment)	Housing Ombudsman Service – Guidance for Landlords https://www.housing-ombudsman.org.uk/landlords-info/guidance-notes/anti-social-behaviour-policy/
Housing Act 1996		House of Commons Briefing Paper – Tackling Anti-Social Behaviour in Social Housing (England), 2019 https://commonslibrary.parliament.uk/research-briefings/cbp-7270/
Localism Act 2011		Home Office - Anti-Social Behaviour Powers: Statutory Guidance for Frontline Professionals, 2021 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf
Equality Act 2010		ExtraCare Resident Handbook

Policy Name	Anti-Social Behaviour
Version No.	2
Approval Date	5 March 2021
Category	Operational
Classification	Internal

Anti-Social Behaviour, Crime and Policing Act 2014		Our Approach for Resolving ASB - Information for Residents
Mental Capacity Act 2005		Housing Services Guide (staff only)