

Our Approach to Resolving Anti-Social Behaviour: Information for Residents



ExtraCare are committed to building strong and cohesive communities. We ask that all residents, visitors, staff and contractors abide by our Community Charter.

Sometimes, behaviour or actions of others may affect people living in our communities, whether such behaviour is intended, or not. ExtraCare will do what we can to resolve such issues reported to us. We welcome the help of the community to do so. We are committed to working in partnership with other agencies.

Anti-social behaviour ('ASB') is usually defined as behaviour that has caused – or is likely to cause – harassment, alarm or distress.¹ It can be a range of issues from nuisance to criminal activity, such as but not limited to:

- Aggressive behaviour;
- Noise nuisance such as loud music or TV;
- Damage to property or theft from communal areas;
- Hate crime, motivated for example by someone's gender, age, disability, faith, sexual orientation, race².

ASB could involve residents, but also include staff members, or visitors. It can take place within apartments, the communal areas or wider surrounding areas (outside the location).

Reporting ASB

If you are suffering from behaviour that is causing you harassment, alarm or distress then you may well be suffering anti-social behaviour. We are here to try to help resolve the issue for you. We will investigate it and take a reasonable and proportionate approach to try to work with all parties to resolve the issue.

Sometimes, there may be issues that are impacting on you but – unless it is excessive or unreasonable – we may not be able to take enforcement action. We also recognise that different people experience behaviour in different ways. Some examples could be:

- Normal household noise;
- Difference of lifestyles between neighbours

¹ Anti-social behaviour, Crime & Policing Act, 2014

² Equality Act, 2010

Where we are unable to take enforcement action, we will still see if there is anything we can do to resolve the issue, such as offering mediation to see if there is a solution. But sometimes, clash of lifestyles may not be something that ExtraCare is able to resolve.

Some residents within our locations may have health or medical issues that may have the consequence of impacting on others. In these circumstances we will see what support we may be able to put in place to assist the person with the medical / health issue. However, in all circumstances we will take all reasonable steps to try to resolve the issue reported to us.

Please do report any issues to us.

Tell Us

There are various ways you can report the issue. Within locations you can report the issue in person to these members of staff:

- Location Manager
- Housing Officer
- Head of Care / Team Leader Coach
- Lifestyle Manager (where applicable)
- Senior Housing Support Assistant (where applicable)

You can also report it to us by completing the Tell Us Your Concern form available to on reception (or website). Alternatively, you could email your report to asb@extracare.org.uk.

We also encourage staff members to record ASB if they witness it.

We will respond to the initial report of ASB within 5 days of the report being made.

Your Responsibility

We will need your help to help us resolve issues of ASB. This may include you recording evidence for us of the ASB by completing a diary sheet so that we can assess the frequency and nature of the issue. This may be used as evidence in any enforcement action. We will discuss with you any other actions we may ask you to take in relation to the specific issue.

If the situation is urgent and serious, you should call the Police.

Recording & Monitoring

We will process all information relating to ASB in line with our Privacy Statement, available on our website.

We will record the issue that has been reported. If you leave your name / address, then we will contact you to discuss the issue with you. We will advise what we may be able to do and agree with you a plan on how to work towards resolving it. If you need the support of a friend or advocate with you, then we would welcome this.

We will give you a named member of staff who will manage the case for you and have responsibility for keeping you up-to-date on progress.

Responding to ASB

We will talk to you about what has been reported. We may recommend one (or more) of the following actions, depending on the circumstances:

1. *We may suggest that you talk to the person concerned*

Sometimes, people may not realise that they are causing a disturbance or distress to others. A polite conversation may resolve the issue without the need for any further action. Very often, this is the most effective way of resolving issues. Also, ExtraCare's involvement at this early stage may be counter-productive.

2. *We may suggest that we talk to the person concerned*

If you want us to. We won't reveal to the person that it is you that has made the report (unless you give us your permission), but the person may draw their own conclusions. We will ask the person for their view on the report given to us. They may agree to modify their behaviour if they accept the issue. They may not agree to modify their behaviour, if they do not believe their behaviour is a problem, or if they are unable to due to a medical or health issue. In such circumstances we will see what help and support may be available to assist.

3. *We may suggest that you consider mediation*

Mediation can be an extremely effective way of resolving conflicts or disputes, provided that both parties agree to it. It is not about seeking or admitting 'fault' but about agreeing what the issues are and agreeing a plan to resolve the issues. ExtraCare will consider funding the services of an independent mediator, if the situation is appropriate.

4. ***We may suggest that you collect evidence***

We may distribute 'diary sheets' to record instances of disturbances. We would agree a timescale for these to be completed and sent to us, so we can assess the issue further. In addition, we may offer the facility to call the on-site staff (subject to their availability) when the disturbance is happening, so that we may be able to witness it for ourselves. If there are other appropriate methods of collecting evidence, we will discuss this with you.

5. ***We may suggest involving other agencies***

We may recommend involving other agencies such as the Police or Environmental Health department to investigate and consider further action. We will work with other agencies to provide support if available.

Resolving ASB

The potential options open to ExtraCare to help resolve ASB are:

- **Co-operation:** Both parties may agree on a resolution to the issue, either through agreement between themselves, a settlement negotiated with ExtraCare's help, or an independent mediator.
- **Voluntary agreement:** The person causing the disturbance may agree to enter into an Acceptable Behaviour Contract (ABC) with ExtraCare. This is non-legal, voluntary agreement to act in a certain way. The ABC is reviewed after an agreed time-period.
- **Referral to other agency:** The Police, Fire Service and the Local Authority may have further powers to resolve ASB, depending on the issue. In situations where the issue is being caused by a medical or health issue, we may also seek the help of Social Services, GP, or another agency / charity to provide support to that person.
- **Ban on purchasing / consuming alcohol in bar area:** if the issue is alcohol-related, and the disturbance is taking place in communal areas, the location manager – as the licensee to sell intoxicating liquor – may ban the person from buying or consuming alcohol from the bar / bar area. Volunteers or staff can refuse to serve alcohol to anyone displaying ASB.
- **Formal action:** ExtraCare may seek legal advice on the issue and considers enforcement of the tenancy or lease agreement against the person(s) causing ASB if such action is reasonable. Legal actions could include Injunction, Notice or Forfeiture of lease – and would require a Court Order to enforce.
- **Community Trigger:** This is a procedure under the Anti-social behaviour, Crime & Policing Act, 2014. It means that you may have the right to ask the Local Authority to convene a multi-agency review of the ASB, if it meets a certain

threshold. This would involve a full review of the ASB case, and the local authority may make further recommendations to resolve the issue.

Reassurance

We will, through your report of ASB, reassure you through the process about what actions are being taken, and the outcome of those actions. We will seek to resolve cases of ASB, or advise you on the process for resolution, within 20 days.

- We will open a case of ASB, and you will have a named member of staff responsible for the case
- We will advise you of the actions we may be able to take; if we are unable to resolve the ASB we will say why
- We will advise you on the actions we suggest you take to help us resolve the ASB
- We will keep you informed of progress on actions
- We will see what support is available to assist you, including sign-posting you to other agencies that may be able to support you where this is appropriate
- We will advise you when we have closed the case, and reasons for closure
- We will consider re-opening the case, or start a new case, if further evidence comes to light

Remember

Our approach will always be to try to resolve issues through co-operation and negotiation. We may pursue legal action, provided there is enough evidence to pursue a Court Order. As this may mean the loss of someone's home we would pursue this only if the situation is severe, and all other efforts to resolve the issue have been unsuccessful.

If you think that we have not done, or are not doing, enough to resolve ASB, then tell us. You can escalate this through our Complaints Policy, or – in specific circumstances – invoke the Community Trigger with the Local Authority. We can advise you further on this.

This information leaflet for residents was produced in partnership with the Resident Scrutiny Group, who also helped to develop ExtraCare's ASB Policy published in March 2021. Our thanks to those residents who were involved. The ASB Policy that supports this information leaflet was approved by our Resident Forum.