



# Anti-Social Behaviour Policy

October 2020

## **Contents**

## **Page**

1.	What is the purpose of this Policy	3
2.	Policy Details	3 – 7
3.	Legislative or other Guidelines	7 - 8
4.	Links to First Choice Homes Strategic Plan	8

## 1. What is the purpose of this Policy?

### 1.1 Scope

We recognise that all our customers have the right to the peaceful enjoyment of their homes and neighbourhoods, and that left unchallenged, Anti-Social Behaviour (ASB) can have a destructive and damaging effect on their lives. We are committed to challenging and tackling ASB reported to us by customers and colleagues and will do everything that is possible in order to deliver a high quality service.

The aims and objectives of this policy are to:

- Prevent and minimise the amount of ASB experienced by our customers and colleagues
- Ensure we take a victim-centred approach to tackling ASB, including prevention, intervention, enforcement and support. A list of such measures and tools is shown at Appendix 1
- Ensure we target support to the most severe cases and high-need customers, whilst offering early intervention to ensure customers are able to self-manage lower-level issues that they may be experiencing
- Ensure all customers are treated in a fair and equitable manner. We will work in partnership with communities and local organisations to ensure we tackle discrimination, promote equal rights and treat our customers according to their needs.

## 2. Policy Details

We have adopted the definition of ASB as set out in the Antisocial Behaviour, Crime and Policing Act 2014 as:

- Conduct that has caused, or is likely to cause harassment, alarm or distress to any person;
- 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:

We define Hate Related Crimes/Incidents as:

- A Hate Crime is any criminal offence ( a Hate Incident is a non-crime) which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's disability, race, religion, sexual orientation or gender identity or perceived disability, race, religion, sexual orientation or gender identity.

### 2.1 Types of ASB

2.1.1 The term describes a wide range of unacceptable behaviours that can affect the quality of life of people living, visiting or working in Oldham, including:

- Actual violence against people or property
- Repeated incidents of verbal abuse or behaviour
- Harassment, intimidation or threatening behaviour
- Hate related incidents
- Domestic violence and abuse
- Criminal behaviour or activity that affects our housing management function
- Vandalism and criminal damage to property
- Repeated prolonged high level noise

2.1.2 Some incidents such as fly-tipping, property condition, graffiti and environmental hazards will be classed as tenancy and/or neighbourhood management and will be dealt with initially outside this policy by the Neighbourhood Officer

## 2.2 What is not ASB?

2.2.1 We will not consider behaviour which results from different lifestyles, or which may not be considered unreasonable by most people, as anti-social behaviour. However, if it is excessive or is having a harmful effect on a person then we may assess the matter further and consider enforcement action. Behaviour not considered to be ASB can include:

- Household noise due to everyday living (washing machine being used at a reasonable time)
- One off parties/noise
- Cooking odours or smells
- Children playing
- People being rude or disagreeable including on social media
- Car parking disputes
- Minor disagreements between neighbours
- DIY in reasonable hours
- Illegal drug use, where there is no associated anti-social behaviour. (Customers will be advised to report this to Greater Manchester Police and tenancy enforcement action may be taken)

2.2.2 We will be clear about these definitions with our customers when they initiate a report in order to effectively manage their expectations. Although we may not open a case on receipt of every report, we will log reports in order to gather intelligence that may assist us in future cases or action.

## 2.3 Reporting

2.3.1 We have a wide range of mechanisms for reporting incidents including:

- Our website - [www.fcho.co.uk/myaccount](http://www.fcho.co.uk/myaccount)
- Telephone - 0161 393 7117
- Email – [asb@fcho.co.uk](mailto:asb@fcho.co.uk)
- In person to our office

- Through a third party - Councillor, family member and partner agency
- Reports can be made anonymously however this may restrict the action we are able to take

## **2.4 Dealing with initial reports**

- 2.4.1 When we first receive a report of ASB we will assess what evidence is available, the nature of the report and undertake a risk assessment to identify any support needs and where these are identified, make appropriate referrals.
- 2.4.2 We will explain and review the options and agree with the individual who made the report what action is to be taken. The action plan will confirm what steps we are going to take at that stage, and any actions are dependent on the severity of each reported case. In some circumstances there may not be enough evidence to enable action to be taken and we will advise the individual of the reasons why if this is the case.
- 2.4.3 If necessary we shall take immediate action, including urgent legal action, to prevent further harm and provide protection for victims and/or witnesses.

## **2.5 Responding**

- 2.5.1 If a reported incident involves violence, threats of violence, or hate crime, we will give it a Category 1 status and agree an action plan within 1 working day.
- 2.5.2 Other incidents of anti-social behaviour such as noise, harassment and damage to property will be given a Category 2 status, with an action plan agreed within 3 working days.
- 2.5.3 Breaches of tenancy agreements where there is no intention of causing ASB to any individual will be managed by the Neighbourhood Officer.
- 2.5.4 Individuals reporting ASB where a case has been opened will be provided with a single named point of contact at the outset and regular contact will be maintained where necessary.

## **2.6 Responsibility**

- 2.6.1 We expect our customers to:
- Keep to their tenancy conditions and in particular be considerate towards neighbours
  - Be responsible for family members and visitors and be accountable for their behaviour
  - Take responsibility for solving minor disagreements and show consideration for different lifestyles

- Treat all our employees, contractors and anyone working in our communities with respect.

## **2.7 Partnership Working**

- 2.7.1 The range of legal actions and options available to us as a landlord are limited and in the interests of victims, we will work in partnership with other agencies to ensure that a wider range of prevention and resolution options are available to us in order to ensure the best outcomes are achieved.
- 2.7.2 We will co-operate fully with the Anti-Social Behaviour Case Review process (previously known as Community Trigger) to help resolve cases of ASB.
- 2.7.3 We will use a range of preventative measures, early intervention and legal action to tackle ASB (as set out in Appendix 1). This includes the full range of tools and powers available to us as outlined in the Anti-Social Behaviour, Crime and Policing Act 2014. The methods used will be proportionate to the seriousness, impact and frequency of the behaviour, the level of risk that it poses to those affected and the evidence available to support the case.

## **2.8 Legal Action**

- 2.8.1 We may pursue same day legal action in Category 1 cases where the evidence will support the making of a Court order. In all other cases, decisions to pursue legal action will be determined by the impact the behaviour has on complainants, victims and communities, the availability of evidence, proportionality, reasonableness, and the likelihood of a successful outcome.

## **2.9 Case Closure**

- 2.9.1 We will close cases in the following circumstances:
- The matter has been resolved by the parties themselves.
  - Action has been taken and the anti-social behaviour has been resolved.
  - There is no evidence to support action.
  - Another agency is dealing with the issue and there is no action required by FCHO.
  - The person(s) reporting ASB will not support legal action and/ or fails to provide evidence
- 2.9.2 We will inform victims and witnesses about the conclusions we have reached and the reasons why we are closing the case.

## **2.10 Safeguarding of vulnerable adults and children**

- 2.10.1 Where necessary we shall make referrals to the Multi Agency Safeguarding Hub (MASH) and the Police when information relating to safeguarding concerns are identified during the assessment and management of ASB cases.
- 2.10.2 All colleagues responsible for the management of ASB cases will receive appropriate training and guidance on how to recognise and respond to safeguarding concerns.

## 2.11 Confidentiality

- 2.11.1 Information received by individuals will usually be treated in confidence, however we will share information with third parties where we have an information sharing protocol in place, there are safeguarding concerns or we have a duty to do so for the purpose of crime prevention under the provisions of the Crime and Disorder Act 1998.
- 2.11.2 We will process personal data and information in line with the Data Protection Act 2018, General Data Protection Regulation and our Data Protection policy and procedures.

## 2.12 Equality and Diversity

- 2.12.1 As a service provider we have responsibilities to ensure all our colleagues deliver services free from unlawful discrimination, harassment or victimisation as set out in the Equality Act 2010.
- 2.12.2 We will meet any access or cultural needs of any customer accessing the service, for example providing an interpreter or assisting those with low literacy or disabilities.

## 2.13 Performance Monitoring and Review

- 2.13.1 We let our customers know about our work via our website, mailshots and press releases. We monitor satisfaction with our service via regular surveys and we assess levels of satisfaction throughout the year so that we are equipped to review and continuously improve our service.

Performance Measure	Target 20/21	Target 21/22	Target 22/23
CAT 1 response	100%	100%	100%
CAT 2 response	95%	95%	95%
Satisfaction with case handling	85%	87%	90%

## 3. Legislative or Other Guidelines

- 3.1 Relevant Legislation

- Crime and Disorder Act 1998
- Data Protection Act 2018
- Antisocial Behaviour, Crime and Policing Act 2014
- Housing Act 1988
- Protection from Harassment Act 1997
- General Data Protection Regulation
- Equality Act 2010
- Human Rights Act 1998
- Home Office: ASB powers, statutory guidance for frontline professionals

3.2 Additionally, the Regulator of Social Housings' Neighbourhood and Community Standard requires registered providers to publish a policy on how we work with partners to prevent and tackle anti-social behaviour.

#### 4. Links to First Choice Home's Strategic Plan

4.1 By investing in services and partnership working we are able to ensure that the neighbourhoods in which our customers live are thriving and resilient. In addition, this also highlights our commitment to be an excellent landlord providing services which exceeds our customer's expectations.

Monitoring, Approval and Review	
<b>Lead Officer / Author</b>	Paula Field, Community Legal Manager
<b>Version No./Date</b>	V3 October 2020
<b>Version Notes</b>	ASB Centralisation resulting in changes to the policy
<b>Publication</b>	Public/Published (available on website)
<b>Consultation</b>	Colleagues and Customers, Leadership Team
<b>Equality Analysis</b>	Full assessment completed October 2020 with no negative outcomes
<b>Approved by</b>	
<b>Policy Review</b>	The policy will be reviewed every 3 years or in line with legislative or regulatory changes. Due
<b>Electronic File Location</b>	S:drive/hsg-general/policies, strategies and assurance/current policies FCHO website
<b>Copy available from</b>	Anne Challanor, Head of Governance

## Appendix 1

### ASB

### Prevention & Escalation

#### Prevention

- Allocations & Lettings – Sensitive Lets
- Business Intelligence – Demographics, issues, themes & hot spot areas
- Tenancy reviews
- Environmental Works
- Information on Sign up – Customer Guide Rights & Responsibilities in relation to ASB
- Marketing & Communications – publicise outcomes, case studies
- Policy, Process & Staff Training
- Effective estate management
- Partnership working
- Community Impact Team Support
- Referral to Directions Service

#### Intervention

- Interview Complainant & Perpetrator
- Tenancy Warning
- Community Protection Warning
- Good Behaviour Agreement
- Mediation
- Noise Monitoring
- Restriction letters
- Referrals to specialist services (see support)
- ASB Case Review (Community Trigger)

#### Enforcement

- Injunctions – with/without notice
- Committal Proceedings – Breach of injunction
- Possession Proceedings
- Enforcing a Suspended Possession Order
- Partnership working
  - Noise Abatement Notice
  - Premises Closure Order
  - Criminal Behaviour Order
- Restriction of services – repairs, investment works

#### Support

- Referrals to:
- Victim Support
  - Drug/alcohol agencies
  - Mental Health
  - Directions Service
  - Community Impact Team
  - MASH (Multi Agency Safeguarding Hub)
  - Safeguarding
  - Completion of DASH (Domestic Abuse, Stalking & Harassment risk assessment)
  - MARAC (Multi Agency Risk Assessment Conference) referral
  - Increased banding
  - Management moves
  - Witness support through case and at Court