

# Antisocial Behaviour Policy

Policy details	
Version number	1
Issue date	04 06 2021
Approved by	Executive
Ownership	
Lead directorate	Housing Services
Policy owner	Head of Housing Services
Review	
Next review date	04 06 2024
Review cycle	Triennially

## 1 | Introduction

B3Living is committed to creating safer neighbourhoods, stronger communities and pleasant environments. Our customers should enjoy good quality of life, feel safe and live without the fear of being subjected to anti-social behaviour (ASB).

We have a responsibility to promote and protect the right of customers to have peaceful enjoyment of their homes and the surrounding areas. We will do all we can to prevent ASB, take a victim-centred approach and use the range of tools and powers available to remove harm and deal with perpetrators.

This policy sets out the principles and our overall approach to prevent, reduce and tackle ASB.

A comprehensive ASB Framework that also covers related policies such as Domestic abuse, Race, Disability and Hate Crime, together with detailed procedures, will help to implement this policy.

## 2 | Scope

- 2.1** This policy deals with our fundamental belief that everyone has the right to feel safe in their homes and the community. The localities in which we operate must remain safe, vibrant and pleasant places to live in. This is why preventing and effectively dealing with ASB is a key priority for B3Living.

**2.2** We set out below the legal definition of ASB and what B3Living considers/not considers as ASB.

**2.3 ASB – the legal definition**

- ▶ The Crime and Disorder Act (1998) states ASB as ‘Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the defendant’.
- ▶ The Crime and Policing Act 2014 defines ASB as ‘conduct that has or is likely to cause harassment, alarm or distress to one or more persons not of the same household, is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises or is capable to causing housing-related nuisance or annoyance to any person’.

**2.4 B3Living ASB Definition**

We recognise that ASB covers a wide range of unacceptable activity and it occurs when someone’s behaviour, including a customer, a member of their household, their visitors or their sub-tenant, adversely affects the quality of life of those living on an estate, block or the local neighbourhood. ASB includes include criminal activity, actual or threatened conduct that is likely to cause alarm, harassment, nuisance or annoyance to people living or working on and around our properties. We categorise ASB as:

- ▶ Personal threats: Incidents or actions that are deliberately targeted at an individual or a specific household, resulting in distress, alarm, harassment and victimisation. This includes:
  - ▶ Hate crime - when someone commits an offence against another person, a household or their property and the actions are motivated by hate or prejudice based on the victims’ age, disability, gender identity/transgender, sex, religion or belief, race (including colour, ethnicity, nationality and national origin) or sexual orientation.
  - ▶ Domestic abuse – an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, by a partner or ex-partner.
  - ▶ ‘Racist incident’ - any incident which is perceived to be racist by the victim or any other person.
  - ▶ Abuse - Repeated abusive language or behaviour.
- ▶ Community nuisance: Incidents where an individual or a group causes trouble, annoyance, inconvenience, offence or suffering to a group of people living on an estate, block or a locality.
- ▶ Environmental: Incidents impacting on the physical environment on estates, housing blocks and the locality and damage to B3Living

property, resulting in stopping people from peacefully enjoying their homes and communal areas.

- ▶ Criminal: Conduct or behaviour that might fall under the above categories as well as serious matters for which people can be arrested and/or prosecuted, including public order offences, violence, terrorism, arson, misuse of drugs, solvents and alcohol and other illegal activity and crimes.

## **2.5 Actions which fall outside of B3Living's definition of ASB**

B3Living does not consider certain actions as ASB, as follows. The list below is not exhaustive:

- ▶ Noise from children playing and dogs barking
- ▶ Parking disagreements
- ▶ Civil disputes such as boundary disputes
- ▶ One-off incidents of noise nuisance
- ▶ Actions from normal everyday activities or household noise such as sounds from conversation heard through walls or floors, neighbours walking around their home as part of the normal use of their home, domestic activities such as vacuuming or using washing machines, noise from people leaving their home early or returning home late at night and other actions carried out in a reasonable and considerate manner
- ▶ Reports of people 'staring' and complaints about cooking smells that might be unpleasant but not serious or likely to cause harm.
- ▶ Reports relating to environmental issues that fall under B3Living's estate/neighbourhood management policies, such as untidy gardens, fly tipping, repairing cars on driveways, illegal parking and disrepair
- ▶ Multiple landlord/cross-tenure estates

B3Living will work with other social housing providers, private landlords and home-owners on estates or neighbourhoods with multiple landlords to ensure clarity about who will take a lead role in coordinating actions and sharing information.

## **2.6 Anonymous, malicious and vexatious complaints about ASB**

B3Living will record anonymous complaints and consider each incident as necessary as our enquiries and investigations may be limited. Where appropriate, we will pass the complaint to relevant statutory agencies.

Where an innocent customer is repeatedly subject to unfounded, exaggerated or dishonest complaints by someone seeking to cause detriment to the customer, B3Living reserves the right not to investigate malicious and vexatious ASB complaints.

B3Living may, in cases of repeated unfounded or malicious complaints, take action against the person making these complaints.

## **2.7 Policy terms**

We use the following terms in this policy and associated documents:

- ▶ Customers: B3Living tenants, homeowners (leaseholders and shared-owners) and where appropriate, other service users, for example people who rent our garages or receive support services from us and prospective customers.
- ▶ Vulnerable customers: A person is vulnerable or at risk if, as a result of their situation or circumstances, they are unable to protect themselves from harm.
- ▶ Complainant/victim: The person who has complained about or suffered ASB.
- ▶ Perpetrator: We use this term to refer to the person who is being investigated for or having caused ASB.
- ▶ Multi-agency partnership working: Different organisations pooling together their resources, tools and powers to deal with ASB, support victims and deal with perpetrators in a coordinated manner.

## **3 | Aims and objectives**

**3.1** B3Living will take an holistic and robust, reasonable and proportionate approach to preventing and reducing instances of ASB. It is important to promote and protect the rights of individuals to have peaceful enjoyment of their home and the surrounding areas. We aim to prevent ASB, take a victim-centered, multi-agency approach and use the range of tools and powers available to us and our partners.

**3.2** This policy is designed to achieve the following outcomes:

- ▶ Ensuring that B3Living has the capacity to deal with ASB.
- ▶ Proactively prevent incidents and reoccurrence of ASB.
- ▶ Intervene early and take a victim-centered and customer focused approach to support and protect those affected by ASB.
- ▶ Work with partner agencies to provide a holistic and appropriate response to deal with ASB.
- ▶ Develop effective arrangements and remedies to help to change perpetrator behaviour where possible in recognition that some perpetrators might be vulnerable themselves
- ▶ Take action against perpetrators, including using legal powers available to us and other agencies.

**3.3** We will deliver the following key objectives to implement this policy. Detailed procedures support the delivery of this policy, provide more details and guidance and help to monitor the effectiveness of our actions.

The objectives are:

**3.4 Ensuring that B3Living has the capacity to deal with ASB**

- ▶ Provide staff with the necessary knowledge and tools by:
  - Including B3Living's role and responsibilities for ASB in induction training for new staff.
  - Training frontline staff to take initial reports of ASB, enabling them to give appropriate information to complainants and pass accurate and relevant information to other teams who handle detailed case management.
  - Training housing management staff on this policy, procedures, legal and other practices and effective case management.
- ▶ Having systematic and effective service delivery by:
  - Developing effective processes to support strong case management, including clear time frames for responding to ASB reports by severity, targets for investigating and agreeing plan of action and keeping all stakeholders informed of progress and case closure.
  - Setting clear performance targets and monitoring outcomes
  - Collecting and analysing data to gain insights for hot-spots and common problems and responding appropriately
  - Having access to legal advice
  - Seeking and acting on customer satisfaction measures with the ASB service

### **3.5 Proactively prevent incidents and reoccurrences of ASB**

- ▶ Communicating our stance and approach to customers by:
  - Communicating their responsibilities on ASB in our tenancy agreements, leases and licenses.
  - Including ASB information in tenancy and license packs for new customers joining B3Living.
  - Raising awareness of good citizenship through mutual respect, consideration of the needs of others and a sense of civic pride through customers participation activities.
  - Recognising positive work done by individuals and communities to prevent and combat ASB by publicising their contributions and achievements.
  - Publicising successes of this policy in customer newsletters and other media.
- ▶ Take opportunities to 'Design out ASB' whenever possible by:
  - Considering options to reduce and prevent ASB when planning new homes.
  - Identifying situations where ASB could be reduced when planning capital works, for example in communal areas.
  - Using diversionary activities where there is evidence or risk of ASB, for example during school holidays.

### **3.6 Intervene early and take a victim-centered and customer focused approach to support and protect those affected by ASB**

- ▶ Encouraging customers to report ASB by:
  - Providing a variety of methods for customers to report ASB.
  - Accepting ASB reports from a variety of resources, including family members, neighbours and other third-parties.
  - Creating a climate where customers feel comfortable in reporting ASB and have the confidence that their concerns will be dealt with speedily and appropriately.
  - Providing access to translation and interpreting services and offer information in large print, Braille, audio and other formats where required.
  
- ▶ Adopting a risk-based approach to cases by:
  - Taking seriously and recording all reported incidents
  - Ensuring timely and systematic assessment of the seriousness of all reported cases to help prioritise caseloads.
  - Identifying levels of harm to victims, assessing vulnerabilities and identifying safeguarding issues.
  
- ▶ Protecting people by:
  - Making arrangements to protect customers' homes such as completing emergency and urgent repairs and providing additional security measures as appropriate.
  - In extreme cases, where there is a significant risk of harm that cannot be addressed by other interventions, consider rehousing options in line with our lettings policies.
  - Signposting complainants who are not our tenants to appropriate authorities and agencies.
  - Where possible and appropriate, working with stakeholders to help them to take action against perpetrators who are not our customers
  
- ▶ Protecting B3Living's assets by:
  - Protecting B3Living's assets by carrying out emergency repairs such as removing offensive graffiti.
  
- ▶ Supporting victims by:
  - Recording and investigating ASB complaints within agreed timescales.
  - Acting promptly to gather evidence in line with service standards and procedures.

- Working with relevant statutory, community and voluntary agencies.
  - Explaining to complainants what action B3Living will take and signposting them to other agencies for specialist support and help.
  - Where appropriate, we may use professional witnesses and investigators to help with case management.
- ▶ Speedily intervene by:
- Making prompt contact with the alleged perpetrator(s), discussing issues and explaining B3Living's stance on ASB and supporting victims.
  - Investigating informal resolutions to resolve issues and stop them from escalating, such as mediation and restorative meetings as a way to acknowledge and repair harm.
- ▶ Regularly communicating with victims and witnesses by:
- Agreeing a plan of action and keeping everyone informed of progress.
  - Letting victims know in a timely manner where B3Living cannot take action, for example because the ASB has stopped and the likelihood of further incidents is low, there is insufficient evidence or that B3Living does not consider the issue to be ASB.

### **3.7 Work with partner agencies to provide a holistic and appropriate response to deal with ASB**

- ▶ Having effective working relationships with enforcement and other agencies with:
- The local Police
  - The Local Authority – in particular, departments dealing with children, young people and families, safeguarding and early help, education and environmental health.
  - Broxbourne Community Safety Partnership that involves several statutory and voluntary agencies to improve community safety and public confidence in resolving ASB.
  - Fire and Rescue Services.
  - Probation Services.
- ▶ Where appropriate, discuss cases with statutory partners, Broxbourne Community Safety Partnership and others to seek support for victims and deal with perpetrators, in line with relevant Information Sharing Protocols and in line with B3Living's Data Protection and Confidentiality arrangements.

### **3.6 Develop effective arrangements and remedies to help to change perpetrator behaviour where possible in recognition that some perpetrators might be vulnerable themselves**

- ▶ Depending on the circumstances and factors such as age, disability, vulnerability, etc of the perpetrator, we will support perpetrators to change their behaviour by working with statutory agencies, parents, carers, family members and others.
- ▶ Offering them support, providing them with an understanding of the impact of their behaviour and explore diversionary activities.

### **3.7 Take action against perpetrators, including using legal powers available to us and other agencies.**

- ▶ Action we take against perpetrators will depend on the merits of the case and the seriousness of the ASB. Action taken will range from written warnings to more serious consequences such as tenancy demotions, Acceptable Behaviour Agreements, Injunctions, Closure Orders, Criminal Behaviour Orders and ultimately repossession of our property.
- ▶ Where conciliation, mediation and working with other agencies has not been successful we will consider the use of powers that we and other partners have.

## **4 | Equality, diversity and inclusion**

We will apply this policy consistently, fairly and with professionalism. We do not discriminate against any person on grounds of their age, disability, gender reassignment/transgender, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation or any other matter that may cause a person to be treated with injustice.

We will use plain language and make information available in different formats and languages for staff and customers on request.

ASB monitoring systems will support B3Living to assess the impact of this policy on diverse victims and perpetrators.

## **5 | Data protection and information security**

This policy will be operated in line with B3 Living's Data Protection and Confidentiality Policy and relevant Data Sharing Protocols with partners.

Where we do not have formal data sharing protocols with partners, we will operate our own policy and procedures, and ensure that all data is stored and used appropriately.

## **6 | Customer voice**

We aim to provide excellent services but recognise that we do not always get things right.

If customers are not satisfied with the way the procedures for implementing this policy, they can make a complaint by contacting us so that we can discuss the matter further and aim to resolve issues at an early stage. If the customer remains dissatisfied, they could take up B3 Living's formal complaints procedures.

## 7 | Compliance

This policy complies with key legislation and the Consumer Standards published by the Regulator of Social Housing. The specific requirements of the Neighbourhood and Community Standards requires Registered Providers to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where they own homes.

Registered Providers are required to demonstrate:

- ▶ That tenants are made aware of their responsibilities and rights in relation to ASB
- ▶ Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
- ▶ A strong focus exists on preventative measures tailored towards the needs of tenants and their families
- ▶ Prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available
- ▶ All tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not
- ▶ Provision of support to victims and witnesses

## 8 | Linked policies, procedures and guidance

- ▶ Lettings and Allocations Policy
- ▶ CCTV Policy
- ▶ Income Management Policy
- ▶ Safeguarding Policy
- ▶ Data Protection and Confidentiality Policy and procedures
- ▶ Equality and Diversity
- ▶ Data Protection and Confidentiality
- ▶ Complaints

## 9 | Responsibilities

All relevant employees have a responsibility to ensure that this policy is applied as intended. The roles and responsibilities of individual officers are detailed in relevant job roles. The overall responsibilities are with:

Policy approval – Leadership Team

Overview of performance – Leadership Team

Day to day operational responsibility – Housing Managers

Day to day service delivery – Operational Staff

## 10 | Performance monitoring

B3Living will record ASB incidents in line with the National Standards for Incident Reporting and share overall results with statutory agencies to support the gathering of insight into local and national levels.

We will measure and monitor our performance for this policy by using the following indicators and report to the Board at least annually:

Performance Indicator	Performance target
Number of cases closed following successful informal action	90%
Number of cases closed following successful legal action	10%
Customer happy with their neighbourhood as a place to live	82%

## Summary of changes

What changed?	When?	By whom?
Complete policy re-write	03/06/21	Sophia Howells

# Appendices