



# CARE HOUSING ASSOCIATION

## ANTISOCIAL BEHAVIOUR POLICY

Care Housing Association (Care) aim to promote a safe and secure environment for our residents and will do all we can to prevent antisocial behaviour (ASB) and any form of harassment.

We are committed to delivering an excellent service to stop ASB and create a culture of respect. We will work in partnership with key stakeholders to deliver these core commitments and the corporate objectives of the Care.

### **What is Antisocial Behaviour?**

The term antisocial behaviour can mean different things to different people. Care considers antisocial behaviour to be: *behaviour that causes damage to the building, harm to the individual, harm to any neighbours, harm to any employees, damage to the reputation of the Landlord or any behaviour capable of causing nuisance or annoyance to one or more persons.*

### **Antisocial Behaviour Policy**

#### **1. Context**

Care will keep in touch with changes in Government policies and guidelines and will review this policy and the service that we provide. At the time of writing, the regulatory and legal framework was as follows:

#### Legal Framework

Care has a duty of care to victims of crime and ASB and is required to meet regulatory and legislative guidance as follows:

- Antisocial Behaviour, Crime and Policing Act 2014
- Equality Act 2010
- Crime and Disorder Act 1998, as amended 2002
- Housing Act 1996
- Human Rights Act 1998

This policy should be read in conjunction with Care's Antisocial Behaviour Procedure.

## **2. Aims & Objectives**

Our key objectives are to:

- Prevent incidents and reoccurrence of ASB in the properties in which we are landlord. This may include taking action against any person, who may or may not be our tenants.
- Ensure that we tackle ASB as efficiently and effectively as possible using a variety of approaches. Early intervention and swift action is a key priority.
- Take a customer-centred approach and ensure that appropriate support is provided to witnesses, reporters and their households, at every stage of the case.
- Ensure that information is treated confidentially.
- Work with vulnerable residents, both reporters and subjects, and partner agencies to provide a holistic and appropriate response to deal with ASB.
- Use legislation and other tools to assist us in developing an effective approach in the prevention and management of ASB.
- Assist subjects to change their behaviour and where possible ensure they have access to the relevant support through early intervention. Where necessary, we will take appropriate enforcement action against subjects.
- Not tolerate any behaviour that is designed to threaten, intimidate or abuse our staff or contractors.
- Promote fair and equal treatment for everyone.

## **3. What is involved?**

### **3.1. Prevention, Early Intervention, Enforcement and Support**

Care is committed to preventing incidents of ASB occurring in the first instance and will use a range of preventative actions to achieve this. Where incidents have occurred, we recognise that early intervention is the key to avoid escalation. If necessary and appropriate, we will take legal action to resolve the situation.

#### **Prevention and Early Intervention:**

- Our Tenancy Agreements contain clauses which allow us to deal with unacceptable behaviour.
- We will use a range of tools including carrying out warning interviews and issuing formal warnings, and Acceptable Behaviour Agreements (ABAs)
- We will adopt a multi-agency approach when dealing with cases and will work with partner agencies such as the Police, Probation, Social Services, other Landlords, and Support Providers.
- We will work with partner agencies to ensure appropriate packages of support are available to help subjects address their behaviour, and to support those affected by unacceptable behaviour.
- Where specific vulnerabilities are identified in a case, we will endeavour to provide a tailored approach to those suffering and those perpetrating.

- Where our tenants make a complaint against a neighbour who is not a tenant of Care, we will support our tenant in resolving their complaint. This may include liaison with the subject's landlord, speaking with the police, or signposting to other support services.

### **Enforcement - Legal Action**

Care recognises that there will inevitably be cases where warnings, mediation and working with other agencies may not be successful, and that in such circumstances where sufficient evidence is available enforcement action will be pursued.

A range of tools are available to Care to take action against subjects. These include:

- Undertakings
- Injunctions (including exclusion clauses and powers of arrest)
- Possession proceedings as a last resort

We will work with partners to consider other potential solutions:

- Noise Abatement
- Criminal Behaviour Orders (CBOs)

### **3.2. Supporting Victims and Witnesses**

Care is eager to offer support and reassurance to all victims and witnesses of ASB. We will agree clear actions with them on how we are going to tackle the case.

We will:

- Provide a variety of methods in order to report incidents of ASB including telephone, face to face, third party, email, and via the website.
- Ensure that we complete a risk assessment of reporters where appropriate during the initial investigation, assessing any vulnerabilities and safeguarding issues. Safeguarding issues identified will be dealt with as per the Safeguarding and Protection from Abuse Policy and Procedures.
- Provide access to translation/interpretation in appropriate languages. Documents will be produced in large print, Braille or audio format where required.
- Ensure each report of ASB is investigated. A plan of action will be agreed with every reporter and any witnesses, but there may be cases where it is not appropriate (e.g. anonymous reports, or where the reporter does not want to be engaged with the process).
- Ensure that evidence collected is in the most appropriate and effective manner, offering a range of methods e.g. diary sheets or dictaphones. If necessary and proportionate; we will seek the use of professional witnesses or CCTV in line with the relevant policy.
- Consider the need for additional security and target hardening measures as appropriate.
- Ensure that witnesses and victims are kept informed at all stages of the investigation and ensure that we work with other relevant agencies e.g. Victim Support and advocacy services for support before and after any court appearances.
- In extreme cases where there is a significant risk of harm that cannot be addressed by other interventions, Care will consider rehousing options.

#### **4. Dealing with Vulnerable Subjects and Reporters**

In addition to the above, we recognise that the majority of our tenants, whether they are the reporter or subject, may have complex needs and may require additional support. Where a subject of ASB has such vulnerability, we will try and ensure that they have access to support to help address any unacceptable behaviour. This may include liaising with relevant professional organisations or support being provided in-house. We will work closely with Partner Agencies to ensure that support is available.

On occasion, and where appropriate, we may seek advice from independent professionals including medical, mental health, fire safety and legal practitioners.

#### **5. Monitoring and Review**

The standards for acknowledgement and investigation of antisocial behaviour complaints are:

- High priority – 1 working day for initial acknowledgement and follow up by housing officer
- General ASB – 2 working days for initial acknowledgement, and 5 days for follow up by housing officer.
- Low level ASB – 3 working days for initial acknowledgement, and 10 days for follow up by housing officer. N.B. Acknowledging a case may be either sending an acknowledgment letter or telephoning the reporter, depending upon which is most appropriate.

We will work with all relevant partners in order to progress casework to a satisfactory conclusion.

#### **6. Multi Agency Working**

Care recognises that dealing with ASB is not the sole responsibility of any single agency. We will work closely across all of the Local Authorities with all relevant agencies and will share information with appropriate partners.

#### **7. Appeals Process**

Subjects of ASB have the right to appeal against any decision to take action to end their tenancies on mandatory grounds under Section 21 or Grounds 1-8 Schedule 2 Housing Act 1988.

To appeal against such a decision, the subject or their representative must notify Care by phone, email or in writing within 7 days of receipt of the notice seeking possession. The appeal should include the reasons why they believe the decision to take action to end their tenancy is unfair.

Care's Chief Executive will respond to any appeal within 5 working days. The response will involve a review of the evidence provided by the Chief Executive, which will include the right for the tenant to see the evidence against them and provide oral and written evidence. The Chief Executive will then make a recommendation which will consist of:

- In the event that the appeal is not upheld; a justification of the action taken and the reasons why it was felt there was no alternative; OR
- In the event that the appeal is upheld; an explanation behind the original decision to take the chosen course of action, and an explanation why the Association has now changed its stance on your case. There may be conditions placed upon an upheld appeal to ensure that any outstanding issues are positively resolved in the future.

The Chief Executive's recommendation must be approved by a Director of the Association.

In the event that your appeal is not upheld, you have the right to challenge the action through the legal process. We recommend that you seek legal advice in doing so.

## **8. Data Protection and Information Sharing**

As a registered provider, we have a duty to share information with relevant agencies as set out by the Crime and Disorder Act 1998. This will be done in accordance with the General Data Protection Regulations 2018.

## **9. Responsibility**

The designated officer responsible for implementation and monitoring of this policy will be the Chief Executive.

## **10. Commitment and Review**

Care will formally review this policy every three years or as necessary dependant on legislative changes.

**Last Review Date - March 2019**

**Next Review Due – March 2022**