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Consultation	Customer Services Panel	Reviewed By	Jay Gill
EIA	Completed	Responsible Officer	Head of Housing
DPIA		Approval By	BCHG Board

Anti-Social Behaviour Policy

1. Purpose

Black Country Housing Group (BCHG) is a Social Business and recognises that to provide quality homes that are safe and secure we must be effective in tackling problems created by anti-social behaviour. Our Anti-Social Behaviour (ASB) Policy sets out the framework we will take to do this.

The Aims of this Policy are:

- To work towards preventing ASB before it starts
- Treat everyone with equity and fairness
- To provide realistic and accurate advice on what we can do and what the complainant can do
- To encourage residents to work things out where possible
- To stop ASB from happening by taking appropriate and proportionate action, and seeking sustainable solutions to stop it from happening again
- To take a "complainant centred view" by assessing risk and engaging relevant support where necessary and/or available
- To establish strong relationships with partners and sharing information to help achieve safe and secure estates
- To ensure we have a zero-tolerance approach to hate crime and domestic violence

2. Scope

This policy applies to residents and service users of BCHG and includes residents within our general needs, retirement living, supported housing, leaseholders and shared ownership properties. Non-Statutory noise nuisance and environmental crimes such as fly tipping and graffiti will be dealt under the Neighbourhood Management Policy in the first instance. For any on-going concerns where intervention was not successful, will be dealt under the ASB Policy. We will always be clear with customers which policy their concern falls under

We have considered the specific expectations set out in the Regulator of Social Housing's Neighbourhood and Community Standard.

BCHG will work with Local Authorities and the Police to ensure appropriate action is taken under the new ASB action plan launched in March 2023.

3. Definitions

For this policy, we will treat Anti-Social Behaviour as conduct covered by the Injunction definition set in Part 1 of the Anti-Social Behaviour, Crim and Policing Act 2014 and the conduct described by the ASB ground for possession, which include in summary:

- 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
- Conduct by the tenant or a person residing in or visiting the property where they have been: -
 - guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting, or otherwise engaging in a lawful activity in the locality,
 - guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the property, or a person employed (whether by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions or
- convicted of -
 - (i) using the property or allowing it to be used for immoral or illegal purposes,
 - or
 - (ii) a criminal offence committed in, or in the locality of, the property

In addition BCHG takes a zero-tolerance approach to hate crime and domestic abuse. Hate crime is dealt within the framework of this policy and Domestic abuse is dealt under BCHG Domestic Abuse Policy.

For this policy, "Proportionality" means, our actions will be justified, fair and appropriate, based on our policy, procedure and with due consideration being given to any human rights issues and/or any protected characteristics such as a disability.

Our residents have told us that they want to be taken seriously when reporting a ASB incident and want more support and clear communication. We have listened and will adopt a clear framework to monitor our performance.

In terms of breach of tenancy, eviction is a last resort and will only normally occur for extreme cases involving criminality or long-term harm to neighbours and or the locality.

Anti-Social Behaviour is not low-level neighbour disputes or day to day living noise which is not excessive or unreasonable. In these cases BCHG's intervention can make things worse and we will request residents talk to each other to resolve concerns. Where this fails mediation may be recommended but not delivered by BCHG.

4. Related Policy / Procedure and other Documents

Anti-Social Behaviour Procedure
Estate Management Policy
Lettings Policy
Neighbourhood Management Policy
CCTV Policy

Health & Safety Policy
Complaint Policy
Equality & Diversity Policy
Domestic Abuse Policy
Safeguarding Policy

5. Roles and Responsibilities

The responsibility to oversee the implementation of this policy is with the Head of Housing and the Area Customer Relation Managers are responsible for the operation of this policy.

Customer Relation Managers are responsible for recording, actioning, and monitoring incidents.

The Head of Customer Voice is responsible for ensuring our engagement activities promote standards of behaviour we expect.

All staff are responsible for assessing risk of harm to residents and in making sure that there is no serious detriment to a resident.

The Deputy Chief Executive will be responsible for approving any eviction requests, and to notify the Exec Team, and Board of Management, of any risk events and serious incidents.

6. Policy Statement

We will take a proportionate approach in tackling ASB. This focuses on 3 classifications of the activity:

Lifestyle Nuisance – in these cases BCHG’s intervention could make the matter worse. We would look to help the complainant resolve the issues with our support and where appropriate intervene directly in a supportive way with the alleged perpetrator

Anti-social behaviour – in these cases BCHG will intervene directly with the alleged perpetrator and when the balance of probabilities indicate that action is required we will enforce our tenancy conditions. We may involve third party stakeholders as part of our evidence gathering activities

Illegal activity – these are our most serious cases where eviction is possible. We will use on evidence provided by statutory agencies to protect the welfare of the community.

The detail of the proportionate approach, the burden of proof that BCHG is looking for, our response times and the type of response we will give are shown in appendix 1 of this policy.

Anti-social behaviour can impact on people’s mental health. Where this is identified by the customer BCHG will signpost to support agencies such as mental health charities, the Samaritans or NHS 111. Where we feel there is an immediate risk of harm, we will encourage them to call 999 (UK) or go to A&E and ask for the contact of the nearest crisis resolution team. We reserve the right to make this referral ourselves in emergency situations.

The processing of personal data included in this policy is included in both the appropriate BCHG Privacy Notice(s) and the BCHG Data Asset Register.

6. Policy Details

How we categorise ASB

ASB can come in many forms, with examples being:

- Nuisance, rowdy behaviour including verbal abuse persistent noise that is not non-statutory
- Harassment/threats, hate incidents
- On-going Environmental Nuisance – vandalism, graffiti, abandoned cars
- Using a property for unlawful purposes

We will take responsive action to any report of ASB by understanding the root cause and the risk of harm to the complainant.

It is important to be clear that not all behaviour that is called ASB has the same impact on residents and communities and BCHG does not have the same enforcement powers in all cases.

Low level neighbour disputes are not ASB and BCHG will not intervene in these cases.

Prevention

At BCHG we want to work towards preventing ASB before it escalates, not only to make our estates safe and secure but also to prevent homelessness and costly and lengthy court cases.

- The ranges of preventative measures we will use are:
- Restriction of applicants - we will exclude housing applicants who have had a history of serious ASB
- Make sure our residents are clear about their responsibilities in relation to ASB, and at tenancy sign ups, and throughout a person's tenancy, to try and identify any support needs
- Make sure all our tenancy agreements contain specific clear clauses relating to anti-social behaviour and harassment
- Encourage residents to get involved in diversionary activities such as employment training, digital forums, volunteering with the NHS.
- Develop strong links to partner agencies so that residents have a wide range of support available to them such as Community Organisations, the Police, and the Local Authority.
- Where we cannot support a resident, signpost them to relevant services.

Self Help

In addition to the legal responsibilities set out in their tenancy agreement or lease, we will encourage all residents to:

- Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner where possible
- Report all crimes, including threats or acts of violence, to the Police as well as to BCHG.
- Report all incidents of ASB, harassment and domestic abuse to the Police as well as to BCHG.
- Work with BCHG to resolve disputes/issues, for example by providing evidence of ASB, giving witness statements, attending Court hearings, etc. and allowing noise monitoring equipment to be installed if necessary.

Intervention

Where it is appropriate, we will intervene to address issues of ASB. Each case is different and how we intervene depends on the circumstances. We will work with other departments within

BCHG, and outside organisations, to deliver a wide range of interventions. These will include, but are not limited to:

- Responding early to an initial report by way of verbal and/or written warnings
- Encouraging mediation, both informal and formal where available over the phone
- Suggesting and/or providing diversionary activities such as employment training, "getting involved", volunteering for the NHS etc.
- Consider and/or facilitate Community Remedies which give complainants a say about what out of court punishment should be given to perpetrators of low-level crime and anti-social behaviour
- Multi agency working
- Witness support
- Low level enforcement through injunctions if all the above fails

Enforcement

As a Social Business we take enforcement action very seriously and before taking such action, we will thoroughly investigate a complaint(s) and gather all appropriate evidence. We will always consider whether the action we take is appropriate and proportionate on a case-by-case basis and will seek legal advice if necessary. Any action that leads to legal proceedings, particularly a Claim for Possession, will be approved by a Deputy Chief Executive.

Where persistent or serious Anti-Social Behaviour is caused, BCHG will issue a Notice Seeking Possession giving two weeks' notice (in accordance with the Anti-Social Behaviour Action Plan 2023). This will be authorised by Head of Housing or the Deputy Chief Executive.

The Anti-social Behaviour Crime and Policing Act 2014, introduced measures to landlords to tackle ASB: These include:

1)The absolute mandatory ground for possession based on ASB

BCHG will consider the proportionality of issuing applications using the absolute mandatory ground 7A, Schedule 2 of the Housing Act 1988 for possession in the following circumstances:

Where the resident, a member of their household or a visitor:

- has been convicted of a serious offence, or breaching a Criminal Behaviour Order, or
- has been found, by a court, to have breached a civil injunction or
- has been convicted of an offence under the Environmental Protection Act 1992 (breach of an Abatement Notice or court order to abate statutory noise nuisance) or breached a closure order.

All applications for mandatory possession will be approved by a Deputy Chief Executive and the resident will be given the opportunity to appeal the decision within 7 working days from when a Notice Seeking Possession, citing this ground, is served.

Any appeal of our decision must be in writing and delivered to the Head of Customer Relations. The appeal process will incorporate the following: -

- Allow for either party to supply and refer to written evidence if appropriate.
- Allow for an oral and/or written review where appropriate.
- The resident will be given written reasons for the decision made in respect of the appeal.

2) Possession proceedings on discretionary grounds

BCHG will consider, on a case-by-case basis, whether it is appropriate to include mandatory grounds for possession alongside discretionary grounds. The Head of Housing will determine such cases, after taking legal advice if necessary.

3) Demotion of tenancy

A demoted tenancy is a tenancy issued by order of a court and "downgrades" a tenancy from the security it enjoys, as an assured tenant, to an assured shorthold which is less secure. Where appropriate, BCHG will consider applying for 'demotion' alongside other grounds for possession. If the conditions of the demoted tenancy are breached, we can end the tenancy by way of accelerated possession proceedings which will be approved by the Deputy Chief Executive.

Other Enforcement Options

We will work in partnership with other agencies and where it is appropriate and proportionate to do so put in place or enable them to obtain:

Civil Injunctions – This injunction prohibits an individual from engaging, or places a requirement on them to engage, in specific behaviour. A power of arrest can be attached to the terms of an injunction.

Closure Orders – An order from the Magistrates to close a property due to disorderly, offensive, or criminal behaviour. Only obtained by the Police or local authority.

Community Protection Notices. This notice can stop a person aged 16 or over, business or organisation committing anti-social behaviour, which spoils the quality of life for the community or a section of it. BCHG cannot apply for these directly.

Criminal Behaviour Orders. This order is made by the criminal court against a person who has been convicted of an offence and is aimed at tackling the most persistently anti-social individuals who have also engaged in criminal activity.

Public Spaces Protection Orders (PSPO)- applied for by a local authority to prohibit activities which have or are likely to have a detrimental effect on the quality of life of those in the locality of the public space.

Dispersal Orders. The Police have powers to disperse persons from specific areas.

Dog Control Orders – The Police can apply for these powers to tackle irresponsible dog owners. These will all expire as of October 2020 when a PSPO needs to be used instead.

Community Trigger – This is a process which allows collective group to ask the Community Safety Partnerships to review their responses to complaints of anti-social behaviour

Where we can try to reach a satisfactory resolution without resorting to legal/enforcement action, but at times this will not be possible. Eviction, however, remains the last resort and will only be used in the most serious cases of ASB or where other action is not appropriate because of the resident's circumstances.

Supporting Victims & Witnesses

We will support complainants/ victims and witnesses throughout the duration of a case and beyond where appropriate. We will consider individual needs and may:

- Take measures to improve security
- Make sure we put in place access arrangements to speak with us after normal hours
- Use a security firm to help escort to Court if required
- Work with other agencies such as victim support or the police
- Where appropriate use CCTV

- In extreme cases we may give additional priority for a transfer to another home

Reporting ASB

We will accept reports of ASB from our residents, members of the community, our partners, the Police, and other agencies.

Residents will be able to report ASB by phoning us, by letter, by email, through a member of staff, an advocate or through resident's groups. We will acknowledge all reports received.

We will deal with all reports of ASB, sensitively and confidentially and within the agreed timescales.

We will identify a named officer, for each case, who will ensure the complainants of ASB are kept up to date with issues and/or developments relating to them. We will agree with complainants when and how they would like us to communicate with them.

Closing Cases

We aim to close the complaint to the satisfaction of the complainant, but in some circumstances, it may be necessary to close the case without their consent. This may occur when the situation has been fully addressed, the complainant has failed to respond, the allegations are false or malicious or the complainant refuses to work with BCHG.

Before closing the complaint BCHG will try to contact the complainant, using various methods such as telephone, visiting and writing. Only after all these attempts have failed will the case be closed. In all circumstances BCHG will inform the complainant in writing of the reasons for the closure of their case.

Feedback

After closing a case we will seek feedback from the residents involved. These reviews are designed to help improve our strategies on prevention, self-help, intervention, and enforcement.

Staff Training

BCHG are members of Resolve ASB who assist us to effectively deal with community safety and ASB issues through training, support, guidance and sharing best practice. We will also ensure that colleagues are fully trained on the procedures that we have in place to enable them to deliver the policy consistently.

Hate Crime

Hate incidents are a form of discrimination and a breach of the Equality Act 2010. BCHG will consider all forms of hate incidents as forms of Anti-social behaviour under this policy

Hate incident is any incident which is perceived to be motivated by prejudice by the victim or any other person. BCHG will adopt the following specific definitions although the list is not exhaustive:

- Racist incident (is an action of discrimination) – 'is any incident which is perceived to be racist by the victim or any other person' (Macpherson Report, section 12 following the Stephen Lawrence enquiry).
- Homophobic incident (relates to prejudice or hatred to a person who is gay, lesbian, or bisexual) 'any incident perceived to be homophobic by the victim or any other person' (Home Office 2005).

BCHG will follow this general principle that the perception of the victim or any other person is of prime importance.

Hate crime refers to a range of criminal and offensive behaviour motivated by hostility towards some specific group or community and may include:

- Physical assault, damage to property, offensive graffiti, or slogans
- Verbal racial abuse
- Molestation, threatening or abusive behaviour
- Correspondence, posters, pictures, literature including telephone calls

Information Sharing

BCHG will take an active role in partnerships with local agencies to tackle anti-social behaviour, particularly through local RSL forums and Crime and Disorder Reduction Partnerships.

Information Sharing Protocols are, and where appropriate, will remain in place with key local agencies. These are specifically designed to facilitate and govern the effective use of information relating to the prevention, detection and reduction of Crime and Disorder, and anti-Social Behaviour.

7.1 Data Processing

Personal Data: Any personal data will be stored on Open Housing or securely on SharePoint. Data will be deleted in accordance with the Asset Data Retention and Disposal Policy.

Data Protection: BCHG recognises that cases of ASB are particularly sensitive and will take extra measures to maintain confidence of information. Where possible we will seek to establish information sharing protocols with relevant external agencies to help in managing the cases.

Data Integrity: genuine documentation for identification and evidence used to take legal action will be obtained as proof

7.2 Legal and Regulatory Considerations

[The Neighbourhood & Community Standard](#) requires social landlords to publish a policy on how they work with relevant partners to prevent and tackle Anti-social behaviour including domestic abuse.

[Housing Act 1985, 1988](#) and [1996](#) – provides grounds for possession and seeking injunctions

[Anti-Social Behaviour Act 2003](#) – as well as strengthening the anti-social behaviour order and Fixed Penalty Notice provisions, and banning spray paint sales to people under the age of 16, it gives LA's the power to order removal of graffiti from private property

[Anti-Social Behaviour Action Plan](#) - sets out a new approach to working with local agencies to tackle the blight of anti-social behaviour facing communities across England

[Protection from Harassment Act 1997](#) – Makes provisions for protecting people from harassment and defines harassment as conduct causing alarm or distress and must involve the behaviour being repeated on at least two occasions.

[Crime & Disorder Act 1988](#) – gives agencies working in partnership to tackle crime and disorder, the power to disclose information to one another for the purposes of preventing and detecting crime and for obtaining certain orders

[Anti-Social Behaviour Crime & Policing Act 2014](#) – introduced new grounds for possession the community trigger, injunctions for children aged 10 plus and mandatory ASB grounds for possession.

[Human Rights Act 1988](#) – sets out a person's human rights and article 3 states that no one shall be subjected to torture or to inhuman or degrading treatment

[Equality Act 2010](#) – legal protects people from discrimination in the workplace and wider society

[Data Protection Act 2018](#) – identifies the basis under the Data Protection Act 2018 for processing sensitive data for the safeguarding of children and individuals at risk

7.3 Equality Diversity & Inclusion

We will consider our obligations to perpetrators of ASB who may have a protected characteristic such as a disability. We may, after balancing the needs of neighbours, BCHG's staff and contractors and property safety proceed with legal action as a proportionate means of achieving a legitimate aim following an appropriate risk assessment.

An Equality Impact Assessment was conducted and found that the policy will have a positive impact on all protected characteristics outlined in the Equality Act 2010

8. Compliance, Monitoring & Reporting

The line manager of the Customer Relation Managers will regularly monitor cases, and will give advice, support, and make sure relevant training is received where necessary. All cases are recorded and dealt with, and risk analysed, and feedback given to residents in line with the minimum standards in the procedure.

After closing a case we will seek feedback from the residents involved. These reviews are designed to help improve our strategies on prevention, self-help, intervention, and enforcement.

We will analyse incidents to identify 'hot spots and trends, looking out for any groups that are disproportionately impacted. Our Key Performance Indicator will record the number closed successfully resolved cases as percentage of those reported. Reports will be submitted twice yearly to the Executive Board on the progress of incidents, action taken, outcomes achieved and resident feedback of the service.

This Policy will be reviewed every three years, and we will use the feedback from residents to improve the service.

BCHG Board will receive an annual report on our activity in this area including resident feedback on our approach and how new can improve

9. Complaints

We will do whatever we can to take a victim centred approach in all that we do. If it is perceived, we have failed in this then we will support the resident to use our complaints handling procedure. Complaints Policy.