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Reviewed By	Adrian Eggington	Approval By	BCHG Board
Equality Impact Assessment	Complete / N/A	Responsible Officer	Head of Housing

ANTI SOCIAL BEHAVIOUR POLICY

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 measures we will take to do this.

We will take a balanced approach during COVID19 outbreak, which has imposed restriction to our daily lives and has forced us to change our ways of working, communicating with others. We will support Government guidance and work with Local Authorities and Police as a first point of call and take their advice on issues relating to social distance breaches and criminality. We will continue to work between prevention, self-help, intervention and enforcement, and provide support to complainants.

The Aims of this Policy are:

- To work towards preventing ASB before it starts
- 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 to help achieve safe and secure estates
- To ensure we have a zero tolerance approach to hate crime and domestic violence

Scope

This policy applies to residents and service users of BCHG and includes residents within our general needs, supported housing, leaseholders and shared ownership properties.

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

Related Policy/Procedures

Estate Management Policy
Lettings Policy

Definition

For the purpose of this policy, we will treat Anti-Social Behaviour as conduct covered by the

Injunction definition set out in Part 1 of the Anti-social Behaviour, Crime 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 or not 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 violence which are dealt with within this policy framework

For the purpose of 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 clarity over what we will and won't do, where we can take action and where we can't and how fast we will respond. We have listened and adopted an approach that is proportionate to the activity. Our colleagues have told us that greater clarity in these areas with residents help them in their role.

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 requests residents talk to each other to resolve concerns. Where this fails mediation may be recommended but not delivered by BCHG.

Responsibilities

The responsibility to oversee the implementation of this policy is with the Head of Housing

The Area Customer Relation Managers are responsible for the operation of this policy.

Customer Relation Managers are responsible for recording 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.

1. How we categorise ASB

ASB can come in many forms, with examples being:

- Nuisance, rowdy behaviour, noise
- Harassment/threats, hate incidents
- 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.

2. Our General Approach

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.

2.1 Proportionate approach – lifestyle nuisance

2.1.1 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.

2.1.2 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 ,but maintaining Government guidance rules on social distancing 2 meters.
- Respect Government guidelines on public health during the COVID 19 outbreak.
- 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.

2.2 Proportionate Approach – Anti Social Behaviour

2.2.1 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 of the above fails

2.3 Proportionate Approach – Illegal Activity

2.3.1 Enforcement

As a Social Business we take enforcement action very seriously and before taking such action, we will thoroughly investigate a complaint/complaints 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 Director.

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

2.3.2 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 Director 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.

2.3.3 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 Customer Relations will determine such cases, after taking legal advice if necessary.

2.3.4 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.

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.

Where we can we will 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 and 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

3. 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.

4. Domestic Abuse

BCHG will consider all forms of domestic abuse as Anti-social behaviour under this policy

- Domestic abuse is any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse against those who are or who have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:
 - psychological
 - physical
 - sexual
 - financial
 - emotional
- “Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
- “Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.”
- This definition, which is not a legal definition, includes 'Honour' Based Violence (HBV), Female Genital Mutilation (FGM) and Forced Marriage (FM). BCHG are clear that victims are not confined to one gender or ethnic group
- As well as making a housing management response to these issues BCHG will also follow a multi-agency approach as part of its Safeguarding Policy.

5. Hate Incidents

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 (relates to prejudice or hatred because of a person's race) – ‘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 or any other act

6. Equality Act 2010

We will take into account 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.

7. Information Sharing

BCHG will take an active role in partnerships with local agencies in order 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, in particular, Anti-Social Behaviour.

8. Recording

BCHG will record all incidents reported to them on the housing 'Contact Management System'. We will make sure that we have as much detail as possible to assess the case, and use the information we obtain appropriately.

Any witness statements that are likely to be used for legal purposes will be prepared in accordance with the Civil Procedure Rules (CPR). The requirements of the CPR will be explained to anyone acting as a witness.

We will always abide by data protection and GDPR requirements in line with the associated policies when handling data and information.

9. Monitoring

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 Team on the progress of incidents, action taken, outcomes achieved and resident feedback of the service.

This Policy will be reviewed every two 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

10. Complaint

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.

Appendix 1

BCHG Proportionate Approach

Nuisance Category	Examples of Behaviour	Timescale for initial response	BCHG Initial Response	Lead Agency	BCHG Action/Sanction	Burden of Proof
Lifestyle nuisance	Poor car parking, untidy gardens, littering, one off noise issues, overcrowding, graffiti (non hate)	14 days	Visit and face to face conversation Preventative measures Self help	BCHG	Mediation, mentoring, support, written warnings	Resident led report or witnessed by BCHG colleague No need for corroboration Balance of probabilities Is it more likely that the event occurred or not
Anti-social behaviour	Persistent lifestyle issues (above) Verbal abuse Drug use Long term poor condition of property/estate	5 days	Intervention Visit followed by written warning	BCHG supported by agencies	NiSP/Injunction, suspended possession order	Longer term evidence collection. Partner agency support Balance of probabilities Is it more likely that the event occurred or not
Illegal Activity	Hate Crime (including graffiti) Domestic Violence Violence Selling of drugs Statutory Noise nuisance Statutory public health nuisance	24 hours	Make situation safe Consider emergency injunction Work with other agencies	Police, Env Health etc	Injunction and or Eviction	Prosecution by relevant agency Beyond Reasonable Doubt or action will as for Anti-Social Behaviour