



Anti-Social Behaviour Policy

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Anti-social Behaviour Policy

1 Scope

1.1 This policy applies to all Golding Homes tenants

1.2 Anti-social behaviour can have a devastating affect on communities and individuals. It is essential that we work in partnership with all residents regardless of tenure or landlord to tackle it.

1.3 Where Managing Agents manage properties on our behalf they will be required to meet the requirements of this policy and procedure.

1.4 Where residents are leaseholders or shared owners, much of this policy and procedure will still apply. We will take legal action in accordance with the terms of the individual lease, as these may differ from case to case.

1.5 There are separate policies and procedures which should be considered in conjunction with this policy;

- Hate related incidents
- Domestic Abuse
- Witness Support
- CCTV
- Vexatious Complainants
- Violent offenders and sex offenders
- Ground 7A absolute ground for possession

These policies and procedures are closely linked to Golding Homes' ASB Policy and Procedure.

2 Policy statement

2.1 Golding Homes recognises that the causes of anti-social behaviour (ASB) are wide ranging and can affect all members of the community, not just Golding Homes' customers. Golding Homes takes anti-social behaviour seriously and aims to balance enforcement action with intervention programmes which address anti-social behaviour.

2.2 Golding Homes will always seek to work in partnership with other agencies where appropriate to ensure that all the measures available are used effectively to tackle ASB problems regardless of tenure.

2.3 This organisation recognises the relationship between ASB and the demand for housing, in that if Golding Homes fails to deal with acts of anti-social behaviour the desirability of a given area will fall and people will no longer want to live in our properties in that area. We also recognise the impact that any actions to combat ASB can have on the sustainability of communities and neighbourhoods and must be reasonable and proportionate.

2.4 As an organisation we will not operate in isolation and this policy has been written to take account of obligations set out in legislation and other relevant local strategies and policies.

2.5 Golding Homes will also address issues of environmental crime, such as fly tipping, due to the impact this has on communities. We will work with our partners to respond to any reports from our customers.

Defining Anti-social Behaviour

2.6 The term anti-social behaviour covers a wide range of activities that have a negative impact on the quality of life for people and the communities they live in.

Golding Homes uses the following definition of anti-social behaviour as stated in The Anti-social behaviour, Crime and Policing Act 2014.

Anti-Social Behaviour is;

- (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- (c) conduct capable of causing housing-related nuisance or annoyance to any person.

3 Our commitment to residents

3.1 When a resident contacts us in regard to anti-social behaviour we will discuss the problems in detail, carry out a risk assessment, categorise the type of behaviour and attach a severity rating to the case.

3.2 Our promise to residents is to:

- Assess the report within a set times scale
- Support complainants and witnesses
- Investigate the complaint
- Offer mediation where appropriate
- Enforce the requirement to comply with the tenancy agreement
- Take legal enforcement action such as injunctions and possession proceeding where the evidence supports it
- Work with other agencies to reach joined up solutions

4 Prevention and early intervention

4.1 Golding homes will work to prevent anti-social behaviour occurring in the first place by using diversionary and educational programmes. In partnership with residents, partners and other groups, we aim to prevent or stop anti-social behaviour by using a range of approaches. These include, but are not limited to the use of starter tenancies, good neighbour agreements, acceptable behaviour agreements, effective neighbourhood management community led diversionary projects and mediation.

4.3 We are committed, where possible, to intervening at an early stage in response to a reported complaint of anti-social behaviour. We recognise that a fast response can often stop a problem escalating. Neighbourhood Advisors will intervene quickly, giving effective verbal and written warnings.

5 Enforcement

5.1 The most appropriate enforcement action will be decided on a case by case basis after taking legal advice where applicable.

5.2 Golding Homes will use injunctions, possession proceedings and powers set out in the Anti Social Behaviour Crime and Policing Act 2014, to deal with allegations of ASB where the appropriate evidence supports it.

5.3 The powers being introduced by the Act will have a direct impact on the way that ASB is dealt with, these are;

- New injunctions
- Criminal Behaviour Orders
- New absolute ground for possession for social housing providers
- The ASB review (Community Trigger)
- Dispersal powers
- Community Protections Notices
- Closure Orders
- Public Spaces Protection orders

5.4 It is envisaged that the three main powers that will impact the most on Golding Homes will be the new injunctions, the “absolute” ground for possession and the ASB case review process. In addition we will assist our partner agencies to take enforcement action, where they are using the powers open to them, such as Closure Order applications and the issuing of Community Protection Notices.

5.5 The new injunction will be applicable for individuals aged 10 years or above and will involve applying in the youth court for people under 18 years old. Consultation with the Youth Offending Team will be required in these circumstances.

5.6 The absolute ground for possession, Ground 7A will be applicable where

1. The tenant, a member of the tenant's household or a person visiting the property has been convicted of a serious offence. Examples of serious offences include violent and sexual offences and offences relating to offensive weapons, drugs and damage to property.
2. The tenant, a member of the tenant's household, or a person visiting the property has been found by a court to have breached a prohibitory part of an injunction.
3. The tenant, a member of the tenant's household, or a person visiting the property has been convicted of breaching a Criminal Behaviour Order.
4. The tenant's property has been closed for more than 48 hours under a closure order for ASB.
5. The tenant, a member of the tenant's household, or a person visiting the property has been convicted of breaching a noise abatement notice or order (under the Environmental Protection Act 1990).

The offence or anti-social conduct must have been committed in the property or in the locality, affected a person with a right to live in the locality of the property or affected the landlord's staff or contractors.

5.7 This new power is a significant change to the law and has been introduced to bring faster relief to victims of ASB. Golding Homes is committed to the principles behind the changes, and will adopt the new powers, while making sure that they still follow the principles of JAPAN, i.e. that any action taken is Justified, Accountable, Proportionate, Auditable and Necessary.

6 Responsibilities

6.1 Golding Homes expects residents to make efforts to address low level issues amongst themselves in a reasonable manner before reporting to us.

7 Reporting and responding to anti-social behaviour

7.2 We are committed to making the reporting of anti-social behaviour as easy as possible. Anti-social behaviour can be reported by any means that will bring it to our attention.

7.3 Our response to reports of anti-social behaviour will be based upon what is considered to be appropriate in all the circumstances of the case. Action taken by staff will be specific to each situation and we are committed to reacting sensitively and proportionately.

8 What will not be considered anti-social behaviour.

8.1 Just because some people find other's behaviour irritating, it does not mean that it constitutes anti-social behaviour. Golding Homes is committed to not intervening

in all allegations of nuisance and will not consider the following as anti-social behaviour:

- Noise from children playing
- Disagreements about parking
- Family disputes
- Civil disputes such as boundary issues
- People gathering socially
- One off incidents of noise disturbance
- Living or domestic noises such as hearing a conversation through a wall neighbours walking around their home
- Normal domestic noise such vacuuming or using a washing machine

8.2 Staff will give advice in these circumstances and offer a mediation referral if appropriate.

9 Categorising and responding to the severity of anti-social behaviour

9.1 Golding Homes have adopted the ASB categories as produced by HouseMark and Communities and Local Government, which give a clear guide to areas of behaviour which could fall within the definition of ASB. Anyone reporting an incident of ASB that requires action (and is not being reported for information purposes only) will have the type of ASB being reported, categorised with one of the following categories :

- Alcohol related anti-social behaviour
- Other criminal behaviour
- Domestic violence
- Drugs / substance misuse / drug dealing
- Garden nuisance (e.g. not keeping the garden maintained or dumping goods in the garden)
- Hate related incidents (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).
- Litter / rubbish / fly-tipping
- Misuse of communal areas or public spaces / loitering
- Noise
- Nuisance from vehicles
- Pets and animal nuisance
- Other physical violence
- Prostitution / sexual acts / kerb crawling
- Vandalism and damage to property (Graffiti)
- Verbal abuse / harassment / intimidation / threatening behaviour.

9.2 The severity rating of an ASB allegation is determined by the impact on the victim as well as the category or type of ASB they are suffering from. The impact on the victim is determined by using the Risk Assessment Matrix and by discussion with them.

9.3 Golding Homes will assess all complainants for vulnerability using the Risk Assessment Matrix (RAM) and the case will be awarded an appropriate severity rating as outlined:

- High severity –
(1 working day)
- Medium severity –
(3 working days)
- Low severity –
(5 working days)

9.4 Staff investigating reports of anti-social behaviour will make personal contact with the complainant within the above time scales. Whilst undertaking investigations, personal safety is of paramount importance and members of staff are required to work in accordance with the staff Health and Safety Policy.

9.5 There will be regular contact with the complainant throughout the duration of the case, in most cases it is expected that a weekly contact will be made. The frequency will be agreed with the complainant. Staff will explain the investigation process and agree the actions to be taken.

10 Under 18s

10.1 Where the alleged perpetrators are children or young people Golding Homes will involve parents and guardians to help resolve the problem, and may also liaise with social services (to ensure any necessary assessments are undertaken), schools, youth offending teams, and any other relevant bodies.

10.2 We will take appropriate action in cases involving vulnerable under 18s according to our Child Protection Policy.

10.3 Legal action against under 18's will only be taken after consultation with the Youth Offending Team (YOT).

11 Support for victims, witnesses and alleged perpetrators

11.1 We take the safety of victims and witnesses seriously. Where appropriate we will work with partners to provide additional safety measures to offer protection to our customers, including but not limited to additional home security, visits by staff, provision of personal alarms as per our Witness Support Procedure.

11.2 We will consider the use of CCTV in line with our CCTV Policy.

11.3 We are committed to protect and support witnesses including, for example, offering life line alarms, undertaking pre-court visits with the witnesses and covering reasonable expenses.

11.4 We will consider whether victims, witnesses or perpetrators have any known support needs which may affect their case. We recognise the need to support residents who may have difficulty in managing their tenancy because of, for example, they have poor mental health, learning difficulties, physical disabilities or because of other vulnerability issues. We will take appropriate action in these cases according to our Adult Protection Policy.

11.5 Perpetrators of anti-social behaviour can also be vulnerable and benefit from support. Where we are considering legal action against an individual for anti-social behaviour, we will make reasonable checks to lessen the chances that we are discriminating against the perpetrator because of a disability that they have, in accordance with the Equality Act 2010.

12 Evaluation and closing of cases

12.1 We will keep accurate records of all cases of anti-social behaviour reported to us and detail all action we take. These records will assist us to provide data on levels and types of anti-social behaviour. On closing a case, we will request feedback on how satisfied residents are with the action we have taken in each case and in turn address any issues raised by those surveyed.

13 ASB case reviews

13.1 The Anti-social Behaviour, Crime and Policing Act 2014 includes a new measure which is designed to give victims and communities a say in the way anti-social behaviour is dealt with. The ASB case review process, more commonly known as the 'Community Trigger' gives victims the ability to demand action, starting with a review of their case, where the locally defined threshold is met.

13.2 A Kent wide criterion has been proposed and is likely to be adopted across all areas that Golding Homes holds housing stock. The criterion proposed is;

- An individual makes 3 complaints about separate incidents of ASB in the same location in the last six months, and no action has been taken.

OR

- 5 individuals in the local community have complained separately in the last six months about similar incidents of ASB in the same location and no action has been taken

14 Data protection and confidentiality

14.1 We will adhere to the Data Protection Act and comply with the best practice guidance set out in the Framework Code of Practice for Sharing Personal Information published by the Information Commissioner to ensure that we maintain confidentiality in line with our Data Protection Policy.

14.2 We reserve the right to make a referral to social services, the police or other agencies where appropriate without the permission of the complainant, where the

situation and the provisions of the Data Protection Act 1998 (and any other relevant legislation) justify it.

14.3 Golding Homes is signed up to the Kent and Medway Information Sharing Protocol and will abide by the conditions set out in this document.

15 Equality and diversity

15.1 Golding Homes will treat all customers with fairness and respect. We recognise that we have an ethical and a legal duty to advance equality of opportunity and prevent discrimination on the grounds of age, sex and sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

15.2 Golding Homes has ensured that through undertaking an Equality Impact Assessment customers from diverse backgrounds are not disadvantaged through this policy.

15.3 All customers will have access to this document on request.

16 Policy review

16.1 This policy will be reviewed every two years, or in the event of major legislative changes, within this time.