

Anti-Social Behaviour Policy (ASB) – HO046

1 Policy Principles.

- 1.1 This policy sets out bpha's approach to working with partners and the community to respond and prevent anti-social behaviour (ASB) in the neighbourhoods in which we operate.
- 1.2 This policy will be applied when we receive a report of ASB in a bpha property or in the local neighbourhood where we have properties and the ASB is caused by a bpha resident, a family member, and/or their visitor(s).
- 1.3 The policy will comply with legislation and consumer standards. See section 19.
- 1.4 The policy sits alongside our policies on safeguarding, domestic abuse and hate crime and in managing ASB there may be overlap with these policies in terms of the action we will take to support those we work with.

2 Policy Statement

- 2.1 bpha is committed to tackling ASB responsively and effectively and in accordance with legal and regulatory requirements with the aim of promoting inclusive and sustainable communities. Working closely with partners we will ensure a balanced, customer centric and proportionate approach to issues of ASB. This may include joint working with the police, local authorities, participation in local multi agency groups such as ASB or problem-solving groups and co-option to ASB case reviews (previously known as community triggers (where appropriate to do so).

bpha recognises and accepts its role as a responsible landlord to tackle and prevent ASB but we also recognise that residents and other agencies share this responsibility in making neighbourhoods safe and thriving places to live.

We recognise the detrimental effect that ASB can have on the lives of our residents and communities, but it is important that complainants and victims of ASB are clear about both the circumstances in which we can intervene and the sanctions available to us. We will not raise expectations that we can act where we cannot do so or where primary responsibility and powers lie elsewhere.

- 1.4 We believe that everyone has the right to their chosen lifestyle providing this does not affect the quality of life of others. This necessitates a degree of tolerance of and respect for the requirements and needs of other people and we will promote this to tenants when responding to their concerns.
- 2.2 We will build and maintain proactive partnerships, including representative resident groups, to ensure appropriate support and safeguards for victims of ASB and will work to promote empowerment, resilience, and tolerance, ensuring bpha only intervenes in issues where it is appropriate to do so.
- 2.3 Our front-line colleagues have been trained to have full knowledge and confidence to report, investigate and work collaboratively with appropriate agencies in cases of ASB. New colleagues will

be trained so they manage cases appropriately and cases will be reviewed by managers to ensure compliance with this policy.

- 2.4 We will adopt a supportive approach when dealing with victims, witnesses, and alleged perpetrators, and will be flexible in our approach to managing incidents, working in partnership with both internal and external partners to tackle it.
- 2.5 We will have clear and transparent processes for reporting ASB which outline their role and what they can expect from us. We will provide realistic expectations of what we and partners can achieve.
- 2.6 We will develop formal information sharing protocols and partnership agreements to improve our management of ASB.
- 2.7 We will be clear to complainants what is and is not our responsibility. Where bpha does not have authority, we will offer advice and guidance on the options available to people.
- 2.8 In managing ASB in local communities, bpha will be mindful of negative assumptions made about our customers and will be clear we do not 'police' our customers and they have the same rights and responsibilities as the rest of the community.
- 2.10 We will explain to our customers their responsibilities as set out in their agreements and encourage all residents to promote their neighbourhood through mutual respect and understanding.
- 2.11 Working with others, we will support community initiatives that promote diversionary activities to create safer communities.
- 2.12 bpha departments will work collaboratively to reduce incidents of ASB. This includes the design of new buildings, our void and repairs standards and our approach to estate management.

3 Policy Scope

- 3.1 This policy applies to customers of all tenures living in a home owned or managed by bpha, including: general needs, independent living, supported, intermediate rent, and licensees. It also applies to customers in leasehold and shared ownership properties. If necessary, we may take legal action under the terms of the lease and other relevant legislation available to us.
- 3.2 Where the property is managed by another provider, the managing agent's policies will apply.

4 Definitions – What is and What is not ASB.

- 4.1 The Legal definition of ASB is defined by Section 2(1) of the Anti-Social Behaviour Crime & Policing Act 2014 as:
 - 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.
- 4.2 To assist in managing expectations, our website and ASB procedure will list types of complaints which bpha, will deal with as ASB and complaints where we expect customer or residents to either speak to the neighbour, contact the police, or take their own personal action.



Examples of ASB we will deal with include: -

- Noise where it is persistent, deliberate, or targeted. We are developing a triage process to assist in our management of noise complaints.
- Harassment or intimidation, including threats, stalking, bullying, malicious communications.
- Vandalism, property damage and neglect, arson, or graffiti.
- Criminal behaviour, including theft, gun, and knife crime.

Examples of complaints we will not deal with as ASB.

- Smells from cooking.
- Smells from smoking cannabis.
- Putting out the rubbish on the wrong day.
- ‘Tit for tat’ neighbour disputes where there is no evidence of ASB concerning.
- DIY during reasonable hours.

5 Expectations of Customer

- 5.1 In addition to any legal responsibilities set out in their tenancy agreement (for our tenants), we will expect customers to:
- Where appropriate, talk to their neighbour first and try to resolve any pet or noise related problems.
 - Report any crimes, threats, or acts of violence to the police.
 - Report the smell of cannabis to the police.
 - Work with statutory agencies where applicable
 - Respect other people’s rights to their chosen lifestyle and be tolerant of everyday, reasonable levels of disturbance; examples may include cooking smells, babies crying and religious practices.
 - Work and cooperate with us fully to resolve disputes/issues.
 - Take responsibility for minor personal disputes with neighbours and try to resolve any such problems themselves in a reasonable manner.
- 5.2 There will be occasions when bpha can find no evidence to support an ASB allegation and/or has made all reasonable efforts to resolve an issue. In these circumstances, the case will be closed and will not be re-opened unless there is added information/evidence to support this.
- 5.3 Where a customer requests a move and if it is in the best interest of resolving the case, we will work with them and the local authority to evaluate how easy this will be. This will depend on the severity of their case. Given the scarcity of social housing this may be via the local authority, our management move process, or a mutual exchange.
- 5.4 Where customers refuse mediation or any other actions that they can take themselves to resolve disputes, we may close cases as there may be no further action we can take.
- 5.5 Where there is evidence of a malicious allegation or continuous unfounded allegations, this in itself may well constitute ASB/harassment and as such, appropriate action will be taken against the person reporting the allegation(s).



6 Preventing ASB

- 6.1 All new tenancies will have a 'good neighbour agreement' in line with our tenancy agreement. This will be used to highlight the importance of being considerate to the local community. We will also use it in existing cases where agreements have been made following mediation.
- 6.2 Our design brief will be regularly reviewed to ensure we develop mixed communities and take into consideration existing local issues including ASB. Our new properties will meet Secure by Design guidelines.
- 6.3 For new developments we will work with local authorities to develop local lettings plans so we can encourage mixed communities.
- 6.4 Where applicable and where budgets allow, we will carry out improvement works in voids where the previous tenant complained about noise. This could include improving the flooring and/or providing carpets to reduce the noise transmission. If required, new lettings will be made sensitively to prevent further cases of ASB.
- 6.5 As part of our Allocations policy, we will review the information on new applications and referrals made by local authorities. Where support is required to maintain the tenancy, we will work with our Tenancy Sustainment Officers and local partners to make sure sufficient support is provided to the incoming customer.
- 6.6 Our neighbourhood policy sets out how we will manage communal areas to ensure we discourage ASB and ensure we provide warm and welcoming places to live.
- 6.7 Where resources allow, we will consider the provision of 24/7 CCTV monitoring to specific properties to deter ASB.
- 6.8 Our website will offer top tips to our customers on how they can deal with ASB in their area.
- 6.9 We will map our cases of ASB in order to map hotspots and areas of concern. Where we have identified areas, we will work with local partners and/or develop partnerships to reduce ASB.
- 6.10 We will carry out estate inspections to identify and respond to environmental issues on estates maintaining and managing communal areas to minimise crime and ASB.

7 Customer Responsibilities

- 7.1 Our tenancy agreements outline customer responsibilities. Customers, family members and their guests are expected not to commit ASB, or to allow household members, visitors, or pets to commit ASB.
- 7.2 Customers must acknowledge that day to day activities, such as noise or minor disturbances cannot be avoided, and accept that sometimes, while the behaviour of another family may be frustrating, it is not reasonable to place restrictions on their usual enjoyment of their home.



8 Who can report ASB?

8.1 Any customer, their representatives, colleagues, members of the community, the local authority and other partners including the police can report ASB to bpha by phone, online or in writing. Where colleagues, outside the housing management teams are made aware, they should notify the relevant housing officer or scheme manager and where applicable update our management system.

9 Training

9.1 All front-line colleagues have been trained on bpha’s approach including how we manage ASB and the work we do with partners.

10 Managing ASB

10.1 bpha will treat those who been affected by ASB sympathetically and sensitively. While receiving and logging a report we will seek to identify if there are any vulnerabilities, support needs or circumstances relating to the reporting parties, victims, and witnesses, as well as of the household and the other party/alleged perpetrator who is accused of committing ASB and adjust our approach, as necessary.

10.2 In the investigation and management of ASB bpha will triage the case and will:

- Agree an action plan with the reporting party, victims, and witnesses, and agree actions and timescales for all parties, including updating the plan and keeping in regular contact to keep customers updated about progress of the case.
- Where necessary, arrange an interview at the place of choosing of the reporting party, victims, and witnesses, and identify any circumstances or needs that should be factored into the handling of the case.
- Follow Safeguarding DA and Hate Crime procedures if there are concerns regarding a vulnerable adult at risk or where children are involved.
- Work with the police and other partners, following hate crime procedures.
- Provide advice and support, including referrals to other agencies that can aid and help in the management of the ASB case.
- Identify any appropriate security measures to ensure the safety of those involved.

10.5 bpha representatives will be trusted to use their skills, experience and judgement when assessing cases and agreeing on actions with the reporting party, victims, and witnesses, but will also be supported (and monitored) by their managers, including ensuring that cases are progressed in a timely manner and in accordance with this policy and the related procedures.

10.6 We will keep under review the information about cases, including vulnerabilities and circumstances relating to all parties, and adjust our approach to managing the case, as necessary.

10.7 We are committed to protecting personal information in line with the Data Protection Act 1998. Information sharing protocols are in place with key local agencies, designed specifically to facilitate and govern the effective use of information sharing relating to the prevention, detection, and

reduction of ASB. These ensure that all personal and sensitive information is protected in line with data protection law. 7.1

- 10.8 We will not act where there is insufficient evidence. We will support other agencies in acting where they have the prime responsibility and powers to do so.
- 10.9 Where we become aware a person causing ASB needs additional support, we will take reasonable steps to help them access support. When considering action, their needs will be assessed against the impact of their behaviour on others.
- 10.10 If there is an ongoing police investigation, in some cases we may wait to see the outcome of this before taking further action. We will discuss this with customers to explain why.
- 10.11 Where there are multiple complaints of ASB in the same neighbourhood, we will work with local partners to take a community approach to tackle issues.

11. Victim Centred Approach

- 11.1 We have a victim centred approach to managing ASB and work with those affected and partner agencies to implement long term sustainable outcomes which deal with individual incidents and community wide issues to prevent ASB from reoccurring. A victim centred approach recognises that ASB can disproportionately impact on one victim as opposed to another due to individual vulnerabilities.
- 11.2 Our victim centred approach is proportionate, and we will be clear with people reporting incidents about what constitutes ASB as opposed to low level nuisance. This is to effectively manage expectations and to prevent malicious complaints or unreasonable, persistent complainants, being given undue priority over the most vulnerable victims of serious antisocial behaviour.
- 11.3 We will not manage ASB incidents in isolation. We have a case management approach in managing reports of ASB to effectively deal with the causes and deliver sustainable outcomes.

12 Case Management

- 12.1 ASB cases will initially be triaged by the Customer Communications Centre (CCC) who will ascertain if it is ASB by using the list in 4.1 and 4.2.
- 12.2 Where there is ASB, the CCC will refer this to the HO/ILSM who will open a case. In managing an ASB case we will carry out a risk assessment to identify any support needs or vulnerabilities, other partners we could work with, and any witnesses who could help provide evidence.
- 12.3 Using the information above, we will prioritise the case.
 - 12.3.1 **Priority 1 Cases – Urgent** - Where there is evidence that the household is at risk of serious assault or in any danger, or there is persistent harassment and the complainant or family members are vulnerable, the case will be determined as a Priority 1. Priority 1 cases require a prompt response to the complainant and must be recorded on the system. The investigation should commence within 24 hours.

Examples are as follows:

- Actual violence or threats of violence.
- Confirmed Class A drug dealing.
- Hate crime.
- Persistent Harassment.
- Arson.
- Intimidation.
- Criminal behaviour.
- Malicious damage

12.3.2 **Priority 2 Cases – Non-Urgent/Persistent** - Priority 2 cases require a response to the complainant within **2 working days**.

Examples are as follows:

- Drug Dealing
- Persistent noise – including shouting, excessively loud music, drunken behaviour,
- Misuse of communal areas.
- Vehicle related nuisance excluding inconsiderate parking and one off and minor vehicular repairs.
- Vandalism such as graffiti and minor damage to property
- Pets/Animals unless a dangerous dog
- Ongoing dispute.
- Perceived risk.

12.4 Once we have contacted the customer and within 10 working days of our initial contact, the HO/ILSM will discuss and agree the action plan.

13 Recording ASB

13.1 We will record ASB priorities and for reporting to our customers and our Board, we will further identify 3 subcategories of ASB as follows: -

13.1.1 **Nuisance and noise** – where behaviour is inconsiderate and causes a direct nuisance to neighbours. This includes neighbour disputes such as parking, overgrown gardens, and noise.

13.1.2 **Communal and Neighbourhood** – where the ASB impacts on communal areas or the local neighbourhood such as fly tipping, damage to communal doors and loitering.

13.1.3 **Criminal** – behaviour that could lead to a conviction such as vandalism, drug dealing, cuckooing or arson.

14 Enforcement and Intervention

14.1 We will take a multi-agency approach to preventing and tackling ASB. We will work with agencies such as social services, environmental health agencies, the police, mediation services, local authorities, and any other statutory or non-statutory agency that could contribute to the prevention or resolution of ASB. We will ensure that, where required, the relevant agencies are



consulted before deciding on legal action. Information will be shared in accordance with our data protection policy as necessary, with the aim of resolving.

- 14.2 We will take legal action as appropriate and use whatever powers and remedies are available, including those that can be used in respect of non-bpha residents who are causing ASB. A list of all actions available will be set out in our procedures.
- 14.3 Where we are considering taking eviction action, we will ensure the case satisfies the required legal conditions and if possible, we have carried out checks to identify if the tenant is vulnerable and has capacity. Tenants have a legal right to request a review of the decision if we pursue eviction using the grounds for absolute possession or early termination of a probationary tenancy.

15 Working with Perpetrators

- 15.1 We know that some of our customers are vulnerable and at times need support to maintain their tenancy. We will take a comprehensive approach to managing ASB and consider the needs of all customers. Through support, including our TSO service, we may resolve the ASB and if this is our preferred approach, we will need to work with all parties to achieve the desired outcomes. In taking this approach we will need to consider the impact on all parties and explain why this approach is beneficial long term. For example, when possession is unlikely.

16 Mediation

- 16.1 We recognise that mediation is a useful tool in dealing with some ASB such as neighbour disputes but recognise it can only work if all sides are willing to seriously consider it as a viable option. However, where the complainant does not want to engage, in low level ASB cases it may result in us closing the case. This will be reviewed on a case-by-case basis.

17 Budgetary Considerations

- 17.1 We will use a wide range of tools available to us to tackle and prevent ASB. These may include legal remedies, informal action, or neighbourhood improvements.

18 ASB Against Staff Members

- 18.1 ASB directed at our employees, contractors and volunteers when representing the association is unacceptable. We will act quickly and decisively in dealing with these cases, with the focus on the protection of the member of staff, contractor, or volunteer.

19 Associated Legislation, National Standards and Regulation

- 19.1 This policy will comply with the relevant legislation and regulations which are listed below:-
 - Housing Acts 1985, 1988 and 1996 – the various Housing Acts set out the legal powers available to social landlords including grounds for possession and injunctions.



- The Crime and Disorder Act 1998 - enables the Police to impose charges for racially aggravated offences.
- Anti-terrorism Crime and Security Act 2001 - extended the scope of the Crime and Disorder Act by creating new specific religiously aggravated offences.
- Anti-social Behaviour Act 2003 – along with the Housing Acts provides guidance to social landlords to act against residents causing nuisance in or around their property and estates.
- Racial and Religious Hatred Act 2006 - creates a new offence of stirring up hatred against people on religious grounds.
- ASB, Crime and Policing Act 2014 –introduced a mandatory ground for possession for ASB; introduced a new civil injunction, abolished the ASBO and introduced a range of other new powers such as the Community Trigger for the police, social landlords and local authorities to tackle ASB.
- ASB Principles Guidance updated March 2023.
- ASB Guidance - powers for frontline staff Updated March 2023.
- S 218 of the Housing Act 1996 (as introduced by S.12 of the Anti-Social Behaviour Act 2003), which requires housing associations to prepare a policy and procedure on ASB. The Act also gave housing associations powers to evict residents for harassment and to secure injunctions to prevent racial harassment.
- The Human Rights Act 1998, which requires us to take action that is reasonable and fair in response to the type of behaviours committed.
- The Protection from Harassment Act 1997 introduced two criminal offences: the offence of harassment and that of putting another person in fear of violence and intimidation. For both offences there must be a ‘course’ or conduct which is conduct on at least two occasions.
- The Equality Act 2010, which prohibits unlawful discrimination against the nine ‘protected characteristics’ of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- The Police and Justice Act 2006, which requires housing associations to respond to local authority scrutiny committee reports and ‘Community Calls for Action’. The Homelessness Act 2002, which requires us to consider all other options before possession proceedings are pursued to prevent homelessness.
- The Data Protection Act 1998, which requires that housing associations safeguard the rights of individuals to confidentiality and privacy.
- Neighbourhood and Community Standard 2012.
- Tenant Satisfaction Measure 2023.
- Regulation of Social Housing Providers 2023.
- Domestic Abuse Act 2021

20 Monitoring, Reviews and Evaluation

- 20.1 Satisfaction with our management of ASB will be monitored when we close cases. All cases where customers are dissatisfied will be reviewed.
- 20.2 Monthly reports on numbers of cases, types, and severity of ASB, will be sent to senior managers. Quarterly reports will be sent to the relevant Board.



- 20.3 Managers will be responsible in carrying out ASB audits and case reviews.
- 20.4 We will review our performance and make service improvements where necessary.