

Effective from: 4 April 2023



ASB POLICY (Legacy Rosebery)

Scope

This policy applies to the delivery of services where the legacy Rosebery part of Town and Country Housing provides the service.

1. Introduction

- 1.1 The Anti-Social Behaviour (ASB) policy sets out how anti-social behaviour is defined, and how we will manage reports that are made to us.
- 1.2 We believe that everyone has the right to the enjoyment of their home and local neighbourhood. This applies to all properties owned or managed by Town and Country Housing (Legacy Rosebery), including tenants, leaseholders, shared owners and people living in our market rented properties.

2. Objectives

- 2.1 We are committed to tackling ASB and will investigate all reports that meet our definition.
- 2.2 Town and Country Housing (Legacy Rosebery) has a dedicated Neighbourhood Enforcement Officer who is responsible for leading on the investigation and management of all alleged ASB. Other customer facing roles also have a responsibility for ensuring they remain vigilant to identifying and reporting ASB in a timely manner.
- 2.3 Town and Country Housing (Legacy Rosebery) also has a zero-tolerance approach to any verbal or physical abuse towards its employees or any of its representatives, including contractors.
- 2.4 We deliver a person-centred ASB service which sees complainants as an essential part of solving experiences of ASB. This will require them to supply information and to complete different actions when requested.
- 2.5 We are committed to working with our partner agencies to provide individual support to residents affected by ASB and to create communities and neighbourhoods people want to live in.

3. What is Anti-Social Behaviour?

- 3.1 The Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as conduct:
 - that has caused, or is likely to cause, harassment, alarm or distress to any person,
 - capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
 - capable of causing housing-related nuisance or annoyance to any person.
- 3.2 The following activities are examples of anti-social behaviour. This is not an exhaustive list:
 - Noise nuisance.
 - Verbal abuse and harassment.
 - Drug use and criminal behaviour.
 - Littering and fly-tipping.

- Hate related incidents.
- Nuisance from vehicles.
- Domestic abuse.
- Animal nuisance.
- Physical violence, and threats of violence.

3.3 We understand that everyone has different levels of tolerance, expectations, and perceptions. Our decision to establish whether any reported ASB meets our definition will be based on the statutory definition **plus** whether the behaviour is reasonable. The decision will be taken by adopting a harm-centred approach which will consider the behaviour of an alleged perpetrator e.g. frequency, duration, times occurring, intention, and the impact of the behaviour on the complainant and other residents.

3.4 Victim risk assessments will be carried out for all active cases but may also be used for determining if our threshold of ASB has been met.

3.5 Risk assessments will be carried out at regular intervals during the lifetime of a case. Where required, this may lead to a referral to a third-party support service or other agency.

4. Reporting Anti-Social Behaviour

4.1 Anyone can report ASB directly to us using any of the methods available; by phone, your 'My Rosebery' account, webchat, in writing, in person, social media or by email.

4.2 We will deal with all reports of ASB that affect our residents or are caused by our residents (or a person they are responsible for) including where the complainant or alleged perpetrator is not a Town and Country Housing (Legacy Rosebery) resident.

4.3 Anonymous reports of ASB will not prevent us from carrying out our own investigations to establish evidence of ASB. This might include contact with neighbouring residents to seek their own experiences of the reported ASB or the police to confirm any criminal offences. However, without any additional evidence, there may be limitations to our follow up actions. This is likely to restrict us to managing cases reporting very serious behaviour only. Equally, anonymous complainants will have to recognise our inability to provide a direct response to their contact.

4.4 Where personal details are shared, we will not disclose them without consent. However, complainants are encouraged to allow the source of complaint to be shared with perpetrators of ASB as this will increase our ability to successfully manage the behaviour. If we believe an individual's safety is compromised, we will take all necessary steps to safeguard them including the exploration of a Management Transfer.

5. Categorising Anti-social behaviour

5.1 Reports of anti-social behaviour that meet Town and Country Housing (Legacy Rosebery)'s definition will be categorised into three categories. Contact will be made with the complainant in the timescales determined by the category of anti-social behaviour. This in no way implies that less serious cases are not treated importantly, however high-risk cases take precedent.

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- Category 1 – where complaints are serious ASB such as violence / verbal abuse / harassment / discrimination / intimidation / threatening behaviour, we will contact the complainant within 1 working day
 - Category 2 – where there are complaints of ASB such as, vandalism and damage to property (if non persistent), we will contact the complainant within 3 working days
 - Category 3 – lower level ASB such as noise, pets and animal nuisance or garden nuisance will be responded to within 5 working days.
- 5.2 Reports of domestic abuse will be responded to as Category 1. The Domestic Abuse Policy applies to these cases too.

6. Tackling Anti-Social Behaviour

6.1 Preventative measures

Town and Country Housing (Legacy Rosebery) will take a proactive approach towards preventing occurrences of ASB within its communities. These include:

- The ability to refuse nominations or mutual exchanges where any member of a nominated household has either a history of ASB or is currently the subject of an injunction. This may have seen them be the subject of legal proceedings for ASB, or the cause of ASB or nuisance within our stock in the past.
- Starter Tenancies granted to all new tenants. During the Starter Tenancy period, tenants will be encouraged to adopt behaviours that do not lead to a breach of tenancy.
- Raising awareness amongst residents of acceptable behaviour and the need to be respectful of other community members.
- Having a visible presence within our communities so that indicators and reports of ASB are seen and received at a very early stage.

6.2 Early interventions

How we deal with each reported case of anti-social behaviour is dependent on the specific circumstances of the case, but we will always try and seek swift resolutions. These may include, but are not limited to:

- Mediation
- Warning letters
- Home visits
- Acceptable Behaviour Contracts
- Use of ASB budget e.g., purchase of carpet to reduce noise
- Referrals to multi-agency groups e.g., Community Harm and Risk Management Meeting

6.3 Enforcement action

Any action taken by Town and Country Housing (Legacy Rosebery) is not incremental but will be proportionate to the:

- Seriousness, impact, and frequency of the behaviour
- Level of risk it poses to those affected (based on Equality Assessment)
- Evidence available to support the case

Where we consider legal action to be an appropriate form of action there may be different

options available, including but not limited to:

- Possession proceedings
- Injunctions (with or without notice)
- Starter Tenancy extension

All legal action will be authorised by the Neighbourhood Manager and/or the Head of Housing and Customer Experience prior to being pursued. Ahead of providing authorisation, each case will have an Equality Assessment carried out in line with the Public Sector Equality Duty (PSED). Dependent on the type of action being taken, there may be the opportunity to submit an appeal against the decision which will be considered by a senior manager not previously involved in the case. How to submit an appeal will be set out in our communication advising of the decision.

6.4 Town and Country Housing (Legacy Rosebery) does not have access to all the tools available for tackling ASB, some of which may be more suitable for addressing criminal matters, statutory nuisance or other specific issues.

These include but are not limited to:

- Community Protection Notices
- Closure of premises
- Criminal Behaviour Orders

These tools are available to the Police or Local Authority and, where applicable, we will refer a case to the relevant agency or invite the complainant to make direct contact. Those cases referred will be seen by Town and Country Housing (Legacy Rosebery) provide ongoing support to their use.

6.5 Referring a case to another agency will not prevent Town and Country Housing (Legacy Rosebery) from investigating the case to establish any breach of tenancy and the ability to take action of its own.

7. Residents' Responsibilities

7.1 We want our residents to be able to live in a safe, secure and peaceful home and neighbourhood. We believe residents have an important role to achieving this. We ask that they do this by:

- Discussing minor personal disputes or pet or noise-related problems with their neighbours wherever possible. Residents working together to find solutions can be very successful and, where needed, we can provide advice and support to a complainant about how to approach someone causing a nuisance/ASB.
- Taking a proactive role within their neighbourhood by reporting any concerns they have to Town and Country Housing (Legacy Rosebery) and/or other relevant agencies.
- Complying with the terms and conditions set out within their signed tenancy agreement or lease.
- Engaging fully with us during a case. We will do all we can to reduce the burden on a resident, but we will require reports of ASB as they continue and may ask for other information e.g. a supporting letter from another agency. If we fail to receive these, we will be limited in how we can manage a case which may lead to us closing the case.
- Cooperating with our suggested courses of action e.g. attending mediation, court etc.

8. Our Responsibilities

8.1 We will:

- Ask at the outset what complainants are expecting and what would be a satisfactory outcome to them. This will give us the opportunity to be honest about what can and cannot be achieved and the uncertainty for the period of time this may take.
- Complete an action plan with complainants where it is appropriate to do so. This will be dependent on the severity of the case and the anticipated length that the case will be open for. The action plan will take account of any Risk Assessment completed and information gained from an initial investigation. It will clearly set out the expectations of Town and Country Housing (Legacy Rosebery) and the complainant and will be reviewed at an agreed interval or as circumstances change.
- Ensure that customer facing team members who have a role within the delivery of our ASB procedure are well trained. They will receive the required induction and refresher training, relevant to their specific role, to ensure they are always equipped to deliver Town and Country Housing (Legacy Rosebery)'s commitment to tackling ASB.
- Provide ASB related information to residents using different communication platforms.

This will include how to:

- Manage neighbour disputes
- Self-refer to support agencies and mediation services
- Provide interpretation services where required
- Actively work to safeguard children, young people and vulnerable adults from harm. All officers are trained to recognise where its Safeguarding Policy and Processes need to be activated in relation to any party involved in an ASB case.

8.2 Court action

In the event we proceed with court action we will do the following:

- Provide a full explanation of the impact of any legal proceedings and decisions.
- Provide emotional support by way of regular telephone calls and/or visits.
- Offer translation services for witnesses where appropriate.
- Make a referral to the Witness Support service who have access to a range of further support services.
- Closely liaise with other agencies involved to ensure a consistent approach.
- Agree post-hearing support between the agencies and witnesses after any court hearing.

8.3 Service Performance

We will continually monitor the ASB service we provide to our residents with the application of the following methods:

- Use of case management software to record and monitor active ASB cases.
- Fortnightly case reviews involving the Neighbourhood Enforcement Officer and Neighbourhood Manager. In their absence, the relevant Neighbourhood Officer and Deputy Neighbourhood Manager will pick up the role.
- Performance Indicators

We will also make use of feedback received from residents who have reported ASB to shape future service development. Forms of feedback will include:

- Levels of dis/satisfaction and associated comments from residents linked with the management of their ASB case.
- Complaints from residents reporting concern for our management of their ASB case.
- Compliments from residents regarding our management of their ASB case.

There is a difference between an ASB complaint, and a complaint about the way in which an ASB case has been handled. Where the person is unhappy with the way in which their case is being or has been handled, they should consider:

- Raising their concerns with the Neighbourhood Enforcement Officer or Neighbourhood Manager
- Submitting a formal complaint for investigation in line with our Complaints Policy
- Contacting their Local Authority to find out if a Community Trigger can be launched.

More information on Community Triggers, including how to contact the relevant Local Authority can be found at: <http://asbhelp-co-uk.stackstaging.com/ct-directory/>

- 8.5 Where our ASB and Complaints Policies have been exhausted but an individual is persistent in making the same complaints and reporting the same issues, we may implement our Unacceptable Behaviour Policy.
- 8.6 We will always report the outcome of any action to the complainant(s) of ASB but there may be occasions when we choose to publish the outcome of our actions more widely. The objective to doing this will be to build public confidence in our ability to tackle ASB and we will use our different communication channels to inform our residents and local communities.

9. Supporting perpetrators of ASB

- 9.1 We recognise there can be underlying reasons for someone's behaviour which can lead to reports of ASB e.g., mental health issues, substance misuse. We will work to recognise these and make appropriate referrals to support agencies with the view to minimising the impact of the behaviour. Any limitations in achieving this resulting from non-engagement or lack of support available, will not prevent Town and Country Housing (Legacy Rosebery) from progressing their action if ASB continues to be reported.

10. Multi-agency working

- 10.1 Town and Country Housing (Legacy Rosebery) believes that the most effective way of tackling anti-social behaviour is to work closely with other agencies. We actively work with the following key partners, but this is not at the exclusion of others who may be able to offer additional support for a specific reason:

- Police authorities
- Local authorities
- Statutory and voluntary support agencies

- 10.2 These partnership arrangements see us actively participate in different community safety groups, multi-agency meetings and community events and initiatives.

- 10.3 Information sharing

Our partnership work will see us share information where legislation either requires or permits us to. We are signed up to the Surrey Information Sharing Protocol which facilitates the exchange of information with other parties signed up to the agreement. Any requirement to share information outside of this agreement will be carried out in accordance with data protection law and best practice.

11. Domestic abuse

11.1 Town and Country Housing (Legacy Rosebery) takes domestic abuse seriously and are committed to providing a sensitive and professional response to anyone approaching us for assistance in cases of domestic abuse. A separate Domestic Abuse Policy is available.

12. Hate Crime

12.1 Harassment of any individual protected by the Equality Act 2010 is classed as Hate Crime and is dealt with under the Peabody Group Hate Crime Policy.

13. Neighbour disputes

13.1 Low level neighbour disputes are different from ASB. Examples of these include the following but this list is not intended to be exhaustive:

Minor lifestyle disagreements such as:

- One off party, loud music, bonfire where there is no evidence it will reoccur
- Cooking odours
- Noise from children playing within their property
- Crying baby
- Normal living sounds
- DIY during sociable hours
- Parking disputes
- Untidy gardens
- Petty disagreements and children falling out

13.2 There are times and situations when Town and Country Housing (Legacy Rosebery) will not, or is unable to, take any action to remedy these issues. We will advise residents on how to seek a resolution by approaching their neighbours with their concerns and where disputes continue, our response may be limited to referring parties to a mediation service.

14. Related documents

14.1 Legislation and regulation

- Housing Act 1988
- ASB Crime and Policing Act 2014
- Crime and Disorder Act 1998
- Equality Act 2010
- Data Protection Act 1988
- General Data Protection Regulation 2018

14.2 Internal policies

- Safeguarding Policy
- Domestic Abuse Policy
- Unacceptable Behaviour Policy
- Allocation Policy
- Neighbourhood Management Policy
- Tenancy Management Policy
- Complaints Policy
- Data Protection Policy

14.3 National best practice

- Home Office ASB Principles
- Statutory Guidance for ASB