



Family Housing Association



Anti-Social Behaviour Policy

Prepared By	Operations Manager
Date Approved	19/10/2021
Review Frequency	3 Years

1) INTRODUCTION

Anti-Social Behaviour (ASB) can seriously damage the quality of life for residents and have a negative impact on neighbourhoods and communities. We recognise that as a housing association, we play a critical role in tackling ASB and creating safe and sustainable communities. The Association is committed to taking preventative, immediate and effective action to deal with ASB.

The Association recognises that tenants have the right to the quiet enjoyment of their homes, and the Association will take every step it believes is reasonable and practicable to uphold that right. The Association will treat seriously reports about ASB and will investigate them in an objective, sensitive, confidential, and unbiased manner.

2) DEFINITION

The Association will make a distinction between ASB, Hate Crime, Harassment and Domestic Violence and will deal with each in accordance with the appropriate Policy. The Association recognises that inappropriate behaviour can also be dealt with under other policies, such as the Hate Crime or Harassment and Domestic Violence policies, depending upon the circumstances around that inappropriate behaviour. Although it can sometimes be difficult to distinguish between these different types of inappropriate behaviour, the Association will follow the policy it believes is most suited to the issue in hand.

For the purposes of this policy the Association will adopt the definition of anti-social behaviour from The Anti-social Behaviour, Crime and Policing Act 2014 which is set out below:

- (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
- (c) conduct capable of causing housing-related nuisance or annoyance to any person

ASB can be any activity that impacts on other people in a negative way. Reports of ASB can vary between low level neighbour disputes, nuisance, up to serious criminality. The Association acknowledges that even low level disputes or nuisance can have a significant affect on victims and if not dealt with effectively can lead to more serious nuisance or crime. Measuring the impact ASB has on others can be subjective as different people can be affected differently by different types of behaviours and have different tolerance levels.

The following is a list of types of ASB, although the list is not exhaustive:

- Noise Nuisance
- Shouting / Swearing
- Drunken Behaviour
- Threatening Language or Behaviour
- Violence
- Verbal Abuse
- Animal Related Nuisance
- Vehicle Related Nuisance
- Littering
- Fly-tipping
- Drug Use / Dealing
- Groups of Youths congregating
- Damage to property or vehicles

Defining the type of ASB and measuring the impact it has on others helps us take proportionate action.

3) PARTNERSHIP WORKING

The Association recognises that ASB is a complex problem, and we cannot always tackle and resolve anti-social behaviour effectively on our own. This applies at both Operational and Strategic Level. We work closely with the Police, Wirral Council, support services, other landlords, external agencies etc. We recognise that each party has different tools and powers that if used together are more likely to lead to a successful outcome.

The Operations Manager will generally attend any joint agency meeting concerning any tenant that is affected by or causing ASB and carry out any action agreed at that meeting.

The Operations Manager attends the Wirral Registered Provider Practitioners Respect Consortium in which representatives from registered housing providers and Wirral ASB Team discuss:

- Feedback from the Community Safety Partnership
- Current Issues concerning ASB across the Wirral
- New Initiatives
- Changes in ASB legislation
- Court Process
- Case Studies
- Sharing Good Practice / Success Stories
- Seek advice and network

The Association is signed up to a Merseyside-wide set of minimum standards to tackle ASB by Registered Providers and local authorities and Merseyside Police.

4) PREVENTION

4.1 Allocations / Lettings

We ensure references and identity checks are satisfactory and then carry out in-depth checks on the Property Pool Plus computer system to examine the applicant's history and any issues that it raises. If there is any history of ASB, the applicant will be discussed with the Operations Manager as to whether it is appropriate to offer a tenancy. Where properties have had previous tenants who have caused ASB, we will carry out the lettings sensitively and be even more selective about who we allocate the property to.

4.2 Starter Tenancies

The Association uses Starter Tenancies in accordance with our Starter Tenancies Policy. They give us greater flexibility to offer new tenants an appropriate level of security during the early stages of their tenancy, which will later be enhanced if the tenant has not in the meantime breached the terms of the agreement. Tenants must satisfy us that they are able to abide by all conditions of tenancy, including those regarding acceptable standards of behaviour. If no problems have arisen, they will acquire a more secure form of tenancy. Starter Tenancies enable us to gain possession of a property more easily when tenants behave anti-socially.

4.3 Tenancy Agreements

Tenancy agreements clearly state that ASB and any illegal activity (by the tenant, household members and visitors) will not be tolerated. It sets out Family Housing Association's expectations of the tenant in respect of fulfilling their responsibilities and behaving in a manner that does not have a negative effect on the quality of life of others.

4.4 Sign Up

At sign up, the Association will draw specific attention to the section in the Tenancy Agreement regarding ASB to ensure new tenants are made aware of their responsibilities and rights in relation to ASB. A copy of the Tenants Handbook will be provided to new tenants that includes advice detailing what they can do in the event of experiencing neighbour problems and how the Association will deal with it.

4.5 Publicity

We will generally publicise successful actions against anti-social tenants in the Association's newsletter. This builds confidence in Family Housing Association and shows we are acting on residents' concerns. It means residents are more likely to report crime or ASB and/or give evidence in court.

5) INITIAL REPORTS OF ASB

The Association will accept reports of ASB from any source including:

- via the telephone
- in writing,
- through our website
- on an Incident Diary Sheet
- via email
- text message
- during an interview
- from an external agency such as Wirral Council or the Police.
- Contact via our Out of Hours Service
- Through our social media pages

ASB can be reported direct to Family Housing during office opening hours or to our Out of Hours ASB service provided by Magenta Living's Security Team. If the ASB is ongoing, they can send out their Security Officers to witness the behaviour. They will assess the situation and if it is safe to do so, will speak to the perpetrators. For more serious incidents they will contact the police or any other support agencies if necessary. They will collect evidence and report to us what they have seen and heard. They will then provide witness statements and attend Court where necessary.

If the complaint is anonymous the Association will nevertheless progress it as best it can despite this anonymity.

The process for dealing with complaints is set out below. The Association will vary this approach when it believes it necessary to do so, depending upon the specific circumstances at the time.

The Association's Operations Manager will conduct the initial interviews with any complainants. An assessment of each report will be made identifying the nature of the ASB, measuring the impact it is having on the victims and deciding whether there is any immediate threat/risk to victims, complainants, staff or contractors from Family Housing Association. The Operations Manager will quickly try to establish whether the victims or perpetrators have any disabilities, vulnerabilities or health conditions that we need to take into account. The report will be recorded and then a course of action and timescales set, which the Association will attempt to agree with the complainant (if the complaint is not anonymous).

The course of action will be generally proportionate to the offending behaviour, or pattern of behaviour. With most reports of ASB, the Manager will carry out an investigation before deciding what action to take. In scenarios where there is an immediate threat/risk to victims, complainants, staff or contractors from Family Housing Association, it may be necessary to contact the Police and/or take immediate legal action most likely being Civil Injunction 'Without Notice'.

The Management Team is regularly updated on serious ASB cases. The Board will be informed where legal action is being considered, or when it has been authorised by the Chief Executive under delegated authority.

In certain scenarios, where there is a neighbour dispute or low level ASB, it may be appropriate to encourage complainants to try to resolve issues themselves if they have not already tried. Sometimes perpetrators of ASB do not realise their behaviour is affecting someone else and a simple conversation can resolve the matter. This encourages residents to speak to each other and maintain a reasonable relationship. However, the Association would never suggest or advise that complainants confront individuals engaged in inappropriate behaviour, as they could be exposing themselves to danger.

6) SUPPORTING VICTIMS, COMPLAINANTS AND WITNESSES

When the Association receives the initial report of ASB and during the investigation, we will consider the support needs of the victims, complainants and witnesses. Where appropriate and proportionate we will:

- Keep their details anonymous if preferred and if we are legally able to do so
- Provide contact details for the Police, Crimestoppers, Wirral Council, support agencies etc
- Refer complainants or witnesses to support agencies or counselling services.
- Engage with any support agencies already in place or supporting family members
- Put complainants/witnesses in contact with each other, if they agree, so they can support each other
- Signpost complainants/witnesses to Victim Support
- Provide extra security in or around their home, such as spy holes, door chains, railings, extra locks on doors, house alarm, panic alarm, deterrent signs, dummy CCTV, sound recording equipment. In serious cases we can provide real CCTV temporarily or permanently.
- Keep victims/complainants/witnesses' updated on the progress of the case
- Provide realistic timescales and actions available, whilst managing expectations
- Advise them of any additional action they can take
- Advise them of any further evidence required

7) INVESTIGATION

Following the initial report of ASB, the Operations Manager will investigate. This may include but is not limited to:

- Interviewing complainants
- Identifying and interviewing witnesses
- Inspecting and photographing the cause of the ASB
- Inspecting and collecting any visual or sound recording of the ASB
- Witnessing the ASB if ongoing
- Requesting information from the police
- Requesting information from other agencies / sources
- Identifying and Interviewing Perpetrators
- Establishing whether the victim or perpetrator has any disabilities, vulnerabilities or health problems that we need to take into account

The Operations Manager will try to establish dates and times of incidents and record what happened in as much detail as possible. Any complainants or witnesses will be asked how the ASB has affected them. Depending on the type of ASB, any complainants or witnesses may be asked to give a statement. The Operations Manager will type their statement and ask the person to sign and date it.

8) ASSESSMENT

Following investigation, the Operations Manager will re-evaluate the type of ASB, the impact it is having on victims and whether there is any risk or threat. It is recognised that each case is different and that individual cases may move between categories at different times. The Association aims to be flexible in dealing with anti-social behaviour.

The Operations Manager will evaluate the evidence and look at the case like a Civil Court Judge would, on the balance of probability.

- Is there more than one witness?
- How detailed and accurate are the witness statements and would they hold much weight in court?
- Can those statements be backed up by sound or video recording?
- Are there police reports of arrests, charges or convictions related to the offending behaviour?
- Do the perpetrator/s admit or deny the allegations?
- Has the perpetrator made counter allegations?
- Has a condition of tenancy been breached?
- Is there more than one offence?
- Have there been complaints about the perpetrator before?
- Are there any disabilities or health problems that are a contributing factor in the ASB?
- Are there any support services or agencies already involved with the victims or perpetrators?
- Are Wirral Council ASB Team, Environmental Health involved, or any other local authority department involved?

9) ACTION

The Operations Manager in consultation with the Management Team where necessary, will then decide what action to take that is proportionate to the offending behaviour based on the assessment.

Every ASB case is different and so the appropriate action could include:

9.1 Verbal Warning

It is explained to the perpetrators how and why their behaviour affected the victims. They are reminded of their responsibilities as tenants and an undertaking is sought to make sure it does not happen again.

9.2 Formal Warning

Perpetrators are given a formal written warning explaining how their behaviour is unacceptable, breaches the terms of their Tenancy Agreement and will not be tolerated. It warns the perpetrator of the consequences, if their behaviour continues.

9.3 Acceptable Behaviour Contract

An Acceptable Behaviour Contract (ABC) is a voluntary agreement between a tenant who has been involved in anti-social behaviour and Family Housing Association. The written agreement sets out the types of behaviour that will not be tolerated and warns the perpetrator of the consequences, if their behaviour continues. We will also try to include conditions to engage with support services, such drug/alcohol services.

Although not legally binding, a breached ABC can be used as evidence when taking legal action.

9.4 Parenting Contract

A Parenting Contract is a voluntary agreement between Family Housing Association and the parent/s of a child known to be involved in ASB. The aim of the contract is to improve the behaviour of the child/young person through the provision of support and the clarification of rules of behaviour to be complied with. A Parenting Contract provides a framework through which parents are encouraged to take responsibility for the actions of their children in an effort to reduce further incidents.

9.5 Good Neighbourhood Agreement

Good Neighbour Agreements are voluntary agreements between Family Housing Association and tenants, used to reinforce tenants rights and responsibilities alongside expectations in relation to behaviour. They are used for multiple properties that may have had a history of problems with ASB, for example all properties in a particular street.

9.6 Restorative Justice

Referrals are made to Wirral Neighbourhood Justice Scheme. This brings together the victim(s) and perpetrator(s) of ASB in a safe environment to reach an agreed outcome. It encourages the perpetrator(s) to acknowledge the impact of their actions on others and gives them opportunity to make good the harm caused. The victim(s) is at the centre of this process and allows their voice to be heard.

9.7 Mediation

We can provide low-level mediation, but more complex cases will be referred to an external Mediation service. Mediation is effective for neighbour disputes, family conflicts, lifestyle differences or when misunderstandings are partly to blame. There is no clear victim and perpetrator. All parties must be willing to take part.

9.8 Police and/or Local Authority Involvement

In some cases, it will be appropriate to involve or encourage the complainants/victims to contact the Police or Local Authority. For example if

- A crime has been committed
- There is a statutory noise nuisance
- ASB is being caused by non Family Housing Association tenants
- The ASB relates alleyways, public areas or highways

9.9 Referrals To/Engagement With Support Agencies

During the process, the Association will establish whether the perpetrator would benefit from support to help change their behaviour, particularly where an underlying issue is a contributing factor in the ASB. This could include but is not limited to:

- Drug & Alcohol Services
- Mental Health Support
- Children's Services
- Adult Social Services
- Ex Military Support Services

Support may already be in place, in which case we will engage with support services so that they can help the offender change their behaviour, or if no support is in place, a referral can be made.

9.10 Notice of Seeking Possession

The Notice of Seeking Possession (NSP) is the first stage in possession proceedings. The NSP provides the perpetrator with a formal notification of the allegations against them. It should therefore be comprehensive and accurate, and may contain several pages and list numerous incidents.

9.11 Family Matters

When a family is causing or is involved in ASB and are at risk of losing their home, they can be referred to Family Matters. They support children and young people and their families in partnership with other agencies. The support provided includes:

- Wishes and feelings
- Positive relationships/friendships
- Self-esteem and confidence building
- Encourage engagement in positive activities as part of the whole family
- Keep safe work
- Safety in and out of the family home
- Internet Safety
- Support accessing other services (youth, school, health, early childhood services)
- Online safety
- Parenting and boundaries
- Mediation
- Employment
- Housing
- Debt management support

9.12 Civil Injunction

A Civil Injunction can be applied for against anyone who is 10 years of age or over. It is used to prevent or stop harassment, alarm, distress, nuisance, or annoyance. For those under 18, we would consult with the Youth Offending Team first. It offers fast and effective protection for victims and communities. It clearly states what perpetrators are prohibited from doing and the standards of behaviour expected. It can also include positive requirements to get the perpetrator to deal with any underlying causes of their behaviour. Depending on the type and level of behaviour, the Association would usually try non-legal remedies first, unless the offence is serious enough and sufficient evidence is available to apply for this order immediately. If a breach is proven, an adult can face up to two years in prison or an unlimited fine. Under 18's can have supervision, curfew, activity requirement or detention.

Civil Injunctions can be applied for on an emergency basis, and without telling the offender, in exceptional cases to stop serious harm to victims. If successful this emergency Injunction is granted until a later hearing date is set.

We can apply for the Power of Arrest to be attached to a prohibition in the Civil Injunction if there has been or there is threat of violence or there is a significant risk of harm to others. If successful, a police officer can arrest the perpetrator without a warrant if they have reasonable cause to believe a breach has occurred.

Any Civil Injunctions successfully obtained will be passed on to the Police, so they are aware of the prohibitions and requirements.

9.13 Demotion Order

A Demotion Order brings to an end a secure or assured tenancy as a penalty against tenants who have been involved in ASB. A Demotion Order is designed to be an alternative to eviction and can either be sought on its own or run alongside a possession claim. The Court, once satisfied that it is reasonable to make the order, will end the existing secure or assured tenancy and replace it with a less secure demoted tenancy, significantly reducing the tenancy rights. The demoted tenancy will normally run for a period of twelve months, after which time if there have been no further incidents of antisocial behaviour, the tenancy will automatically revert back to either a secure or assured. Alternatively, the demoted period will be extended where a Notice Seeking Possession (NSP) has been served.

As with Starter Tenancies, a Demotion Order enables us to gain possession of a property more easily against tenants who behave anti-socially, as we do not have to prove in court the grounds for possession or the facts on which our decision to end the tenancy are based. We only have to prove we have followed the correct procedure to end the tenancy and ensure that possession is a proportionate action to take to satisfy the requirements of the Human Rights Act.

9.14 Possession Proceedings

Possession proceedings are usually the last resort once all alternative remedies and tools available have been exhausted to address the behaviour and its causes. Nevertheless, there will occasionally be situations where we will have no other option but to pursue possession, particularly where the behaviour is of an extremely serious nature and action is needed to ensure the safety of the community, or where other intervention measures such as an injunction are repeatedly breached. The Court will have discretion and will need to be satisfied on the basis of evidence that it is reasonable to evict someone. We may ask for or the Court may award:

- **Outright Possession:**
The court will give the landlord possession of the property after a specified period of time, usually 28 days
- **Suspended Possession:**

The court may suspend possession of the property for a fixed or indefinite period of time based on conditions which the tenant must abide by. In cases where the anti-social behaviour continues, and the conditions of the suspension are not adhered to the landlord may return to the court to apply for a Warrant of Eviction.

9.15 Absolute Ground For Possession

Where a tenant, household member or visitor has committed one of the following in the locality, affected other residents or landlords staff anywhere:

1. Convicted for serious criminal offence
2. Found by court to have breached a civil injunction
3. Convicted for breach of Criminal Behaviour Order
4. Convicted for breach of Noise Abatement Notice
5. Tenants Property closed under Closure Order

We can use the absolute ground for possession. The Court must grant possession subject to an available human rights defence provided set procedures have been followed.

10) INSUFFICIENT EVIDENCE

With some reports of ASB, there may be insufficient evidence to take action at that time. Therefore we will advise the victims, complainants or witnesses of the methods of reporting or logging any further ASB and how we can collect evidence to take action in future. The fact we have spoken to the perpetrator about the report of ASB may deter them from similar behaviour in future. If there is insufficient evidence because the report is a neighbour dispute with no clear breach of tenancy, we may only be able to offer Mediation.

11) RE-HOUSING

The Association recognises that in some scenarios it is best to re-house victims/complainants of ASB. This may be appropriate when there is insufficient evidence to take action, the ASB is having a serious detrimental affect on the victim/complainant or there has been or is a significant risk of harm. However, we recognise that a victim/complainant should not have to move out of their home due to ASB caused by someone else and we would prefer to take action against the perpetrators. We also recognise that re-housing does not resolve the cause of the ASB, we risk losing a witness and the ASB may continue with the new tenant/s allocated in the property.

We would only consider re-housing perpetrators of ASB if the alleged ASB is very low level or there is a clash of lifestyles. We would only consider this if the perpetrator is being re-housed to a property where we know their lifestyle is much more likely to accepted as part of the community.

Due to our limited size, it is likely that a suitable property will not be available in order to facilitate a transfer in which case we- will write a supporting letter to Property Pool Plus to try and secure a transfer to another local RSL.

12) LEGAL ADVICE

For all cases where legal action is required beyond serving a Notice of Seeking Possession, Family Housing Association will get advice from our solicitors to ensure that the Association's actions are legally complaint. Legal costs for ASB cases are very expensive and therefore as a charitable housing association, want to make sure we have a good chance of success should we have no option but to attend Court. They will advise us of the best course of action based on the evidence we have, what evidence we need to collect and any non-legal remedies we should have exhausted first.

The Family Housing Association sets aside a legal budget each year for cases of serious ASB.

13) MONITORING

All cases of ASB reported will be logged onto the computer system with as much detail included as possible, including:

- Names and addresses of complainants/witnesses and perpetrators
- Type of ASB
- Date and time of incidents
- Details of what happened
- Investigation actions carried out
- Tenancy enforcement action carried out
- Justification for decision of what action is taken

The Operations Manager will review each case with the Operations Director and/or Chief Executive to check the appropriate action is being taken in line with this policy.

In cases where legal action is being considered, the ASB case will be discussed with the Board.

Our ASB performance is included in the Key Performance Information monitored by the Board and Customer Panel.

14) COMMUNITY TRIGGER

In cases where a victim or representative of the victim of ASB successfully requests a formal review of their case through the Wirral Council Community Trigger process, we will undertake a case review with Wirral Council, Merseyside Police, and any other relevant bodies. The purpose of the review is to ensure victims of ASB receive the assistance and support available, identify any other options available to address the ASB and learn how we can improve in future. We will carry out any actions agreed in the Action Plan in the timescales agreed and keep the victim updated.

15) CLOSING ASB CASES

We will work to resolve all reports of ASB to the satisfaction of any complainants.

We will try to agree with any complainants when an ASB case should be closed. This is usually done when there have been no further incidents of ASB for over four weeks and no further actions or meetings are required. Complainants are given opportunity to object to this if there have been further incidents of ASB or if they feel further action can be taken. Those objections will be carefully taken into account before any final decision is made.

Complainants are advised that just because a case is closed, it does not mean they cannot report further ASB incidents in future. The case can be re-opened again and previous reports can be considered and used as evidence.

16) MEASURING SATISFACTION

In order to measure our performance, we will carry out regular complainant satisfaction surveys. We will compare and analyse our performance against other local small housing associations to learn how we can improve.

17) STAFF TRAINING

Training requirements will be regularly reviewed and courses/seminars identified for appropriate employees who are involved in ASB issues.