



# Anti-Social Behaviour Policy & Procedure

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# Anti-Social Behaviour Policy & Procedure

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## 1. POLICY

This policy sets out Co-op Homes' (CHS) approach to investigating Anti-Social Behaviour (ASB). We believe that all of our residents have the right to live safely, securely and peacefully in their own home and neighbourhood.

This policy and procedure show's how ASB will be investigated by CHS, what standards of behaviour are expected of residents and outlines the service standards that customers can expect from us as their landlord.

Responsibility for implementation of this policy lies with the Head of Housing. The day-to-day responsibility of implementing the policy lies with the Housing Team.

## 2. GUIDING PRINCIPLES

CHS will investigate all reports of ASB about our customers who hold tenancies with us or with our affiliated Housing Co-Ops.

CHS defines ASB in line with the Anti-Social Behaviour, Crime and Policing Act 2014 as follows:

- ▶ Conduct that has caused, or is likely to cause, Nuisance, alarm or distress to any person.
- ▶ Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of a residential premises.
- ▶ Conduct capable of causing housing-related nuisance or annoyance to any person.

CHS will investigate allegations of behaviours which could be capable of causing nuisance or annoyance to a person in a CHS managed property or in the community. CHS recognises that customers are responsible for their own and their visitors' behaviour and expects the conditions of tenancy for this to be adhered to.

## 3. RELEVANT LEGISLATION

CHS will consider its obligations under relevant legislation and regulation when managing cases of ASB. Key legislation includes:

- ▶ ASB, Crime and Policies Act 2014
- ▶ Crime and Disorder Act 1998
- ▶ Human Rights Act 1998
- ▶ Equalities Act 2010
- ▶ The Care Act 2014
- ▶ The Regulator for Social Housing - Consumer Regulation Review 2021

## 4. OVERVIEW

### Definitions of anti-social behaviour

There are a wide range of anti-social behaviours where CHS takes enforcement action. In the majority of cases, dealing with such issues is part of the day-to-day service provided by our Housing Management team.

We have adopted the RHP Group categories of ASB, so the types of low-level ASB enquiries we will deem as "nuisance" include:

- ▶ Nuisance caused by pets.
- ▶ Noise.
- ▶ Neighbour Disputes.
- ▶ Environmental nuisance including graffiti and fly tipping.
- ▶ Untidy gardens.
- ▶ Low level noise nuisance.

And categories for "ASB" will include the following as well as instances where low-level nuisance is repeated or is of a sufficiently serious nature that referral to another agency is required. Examples include:

- ▶ Criminal behaviour, including drug use or dealing.
- ▶ Substance abuse
- ▶ Violent or threatening behaviour.
- ▶ Hate crime and race hate incidents.
- ▶ Harassment.
- ▶ Statutory Noise Nuisance.
- ▶ Domestic Abuse and violence.
- ▶ Persistent serious threats to life.
- ▶ Persistent and serious neighbour noise.
- ▶ Dangerous dogs and animals
- ▶ Cuckooing

CHS takes a victim centred problem-solving approach to managing reports of ASB and recognise that each case is unique and can require a different approach. CHS considers that any of the above listed behaviours fall within the definition of ASB, however the list is not exhaustive, and employees are encouraged to use their professional judgement in understanding what is ASB or non-statutory nuisance.

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## CASE MANAGEMENT

### Investigating allegations of Anti-social behaviour

Our Housing Advisors, at first point of contact will with initial reports of ASB and will respond in 5 working days. An initial report form, risk assessment, and action plan will be completed with copies being given to the complainant.

When we receive allegations of neighbour nuisance, we encourage our residents to try and resolve the problem amicably with their neighbour before escalating it to CHS. The Housing Advisor will therefore initially discuss the issue reported by the customer and triage the case, offering suggestions on how to resolve the issue.

Complaints about ASB will be accepted verbally, in writing or electronically from residents or people in neighbouring properties who wish to report behavioural issues about one of our residents. Reports of ASB will be logged on our CRM system where they will be case managed and called over on a monthly basis.

When CHS takes enforcement action it will use the most appropriate intervention and enforcement methods which include:

- ▶ Verbal warnings.
- ▶ Support methods involving CHS or other agencies.
- ▶ Warning letters.
- ▶ Noise app monitoring systems.
- ▶ Mediation.
- ▶ Diversionary activities.
- ▶ Acceptable Behaviour Agreements (ABAs).
- ▶ Community Triggers.
- ▶ Neighbourhood agreements.
- ▶ Injunctions.
- ▶ Criminal Behaviour Orders.
- ▶ Closure Order.
- ▶ Demotion Orders.
- ▶ Possession Orders.

ASB can be a complex matter, and whilst every effort will be made to resolve issues quickly, it is not possible to guarantee a time by which the case will be resolved. It is therefore very important that customers are made aware of this when raising their concerns.

Where cases require legal enforcement remedies cases will be escalated to the Head of Housing for sign off and approval.

### Closing Cases

CHS will endeavour to solve the reported ASB as swiftly and efficiently as possible. We recognise that some cases may be complex and may include a series of different approaches to achieve a successful outcome, however, CHS will close an ASB case when:

- ▶ The reporter has informed us that the ASB has stopped
- ▶ CHS has investigated the case and decides that no further action is required.
- ▶ There is no evidence to suggest that ASB is occurring
- ▶ A partner agency is leading on the case and no action is required by CHS

CHS will contact the complainant (where appropriate) to inform them of its intention in closing their case. The Housing Advisor will mutually agree for the case to be closed and will close it down on our system.

### Working with external partners

CHS will on occasion work with external agencies investigating allegations of antisocial behaviour.

For cases that involve criminal elements, we will work with and use information from local Neighbourhood Police and Local Authority enforcement teams to assist in our Investigations.

We will work with external contractors where ASB is impacting on our communal areas to look at ways to alter the environment to prevent ASB for re-occurring.

If the complainant or perpetrator are vulnerable, CHS will work with and refer to external independent support agencies and Local Authority staff in Social Care to offer support to residents that need it.

Absolute Possession (Ground 7a mandatory) and Proportionality

Under the new ASB powers brought in during 2014, the absolute ground for possession is intended to significantly reduce the length of the possession process for serious ASB in order to provide faster relief for victims and witnesses. It will expedite the process where serious housing related ASB or criminality has already been proven in another court. Landlords are able to choose to use the absolute ground, where any of the following conditions are met:

- ▶ the tenant, a member of the tenant's household or a person visiting the property has been convicted for a serious offence.
- ▶ the tenant, a member of the tenant's household or a person visiting the property has been found by a court to have breached an injunction to prevent anti-social behaviour.

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- ▶ the tenant, a member of the tenant's household or a person visiting the property has been convicted for breaching a criminal behaviour order.
- ▶ the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour; or
- ▶ the tenant, a member of the tenant's household or a person visiting the property has been convicted for breaching a noise abatement notice or order

Where a landlord applies for possession under the absolute ground the Court would have to grant an order for possession, subject to considerations of proportionality and the landlord having followed the correct procedure.

CHS will apply certain considerations when assessing whether it is "proportionate and reasonable" to apply for absolute possession and any application will be based on the overall circumstances of the case. In particular we will consider:

- ▶ The composition of the household and any vulnerabilities.
- ▶ The level and nature of ASB and the impact that this has had on victims and the local community.
- ▶ The location and frequency of the ASB.
- ▶ The persistence and risk of the behaviour.

After issuing a Notice of Seeking Possession using ground 7a (mandatory grounds) the tenant has the right to appeal the decision within 7 working days of receiving the Notice in writing.

CHS will provide details of how to appeal the Notice within the covering letter served with the Notice. The tenant should include within their appeal the reasons they are appealing the Notice and any personal circumstances or other matters that they wish to be taken into account in the appeal. The Appeal will follow the process of Stage 2 of CHS' Complaints Policy.

## Supporting victims of Antisocial behaviour

The Housing Advisor will keep in regular contact with any Complainants in ASB cases. If the ASB is serious and persistent with no change in behaviour despite being warned a decision will be taken to proceed to court action, victims and witnesses will be given a clear explanation of what will be required of them, what is likely to happen if they give evidence and some idea of the timescales involved. At all times, CHS will endeavour to protect the safety and well-being of victims and witnesses – this may include referral to victim support, issuing of personal alarms, injunctions and requesting police protection.

## Support for and rehabilitation of perpetrators

Allegations of ASB against people with disabilities are treated fairly and equitably. Perpetrators whose behaviour is affected by drug or alcohol abuse, mental ill-health or disability will usually be referred to appropriate care or support agencies. CHS employees may assist agencies in supporting the perpetrator where this is reasonable and practical. Where

juveniles are suspected of causing ASB, CHS may refer the case to the appropriate multi-agency panel or children's social services before deciding on appropriate intervention or enforcement action. Customers who are Parents or Guardians will be expected to work with the statutory agencies to resolve the anti-social behaviour caused by their children.

## Vulnerable Residents

Where a resident has been identified as being vulnerable, the Housing Advisor will discuss if they are receiving any current support through a 3rd party agency. If they confirm they are, the details of the support agency will be declared, and the Housing Advisor will work with the agency to support the victim.

If the complainant does not receive support, the Housing Advisor will ask for consent to refer to an appropriate local supporting service.

We may receive reports of ASB that constitute abuse or neglect of a child or adult with care and support needs. In these circumstances, CHS will work with the relevant local authority's adult/social services departments in addition to referring to its Safeguarding Policies in order to safeguard our residents from abuse and neglect.

Where cases are particularly serious and involve criminal activity, we may consider the use of professional witnesses and/or professional investigators, subject to consultation with the appropriate multi-agency panel.

## Residents' responsibilities

Our tenancy agreements contain clauses that require residents not to do or permit anything that causes a nuisance or annoyance to their neighbours or others in the locality.

Residents are responsible for the actions of all members of their household, including children, lodgers, animals and visitors. It is important that customers make allowances for different lifestyles of other neighbours living in close proximity and accept that a reasonable level of household noise may occur.

For neighbour disputes and low-level nuisance, we expect customers to take steps to resolve issues between themselves. In these instances, we may offer a mediation service as a tool for neighbours to come to agreement.

As a landlord we acknowledge that there are occasions this won't be appropriate, due to circumstances of either or both parties, for examples vulnerabilities or criminal behaviour. In these cases, we will investigate and take any appropriate action, and work in partnership with other agencies supporting that person.

We also expect residents to report crimes to the Police. We may ask them to do this rather than reporting incidents to us, so that the Police can take appropriate steps to investigate and enforce crime. Breaches of the terms of the tenancy agreement will result in enforcement action being taken.

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## Hate crime and hate incidents

CHS is committed to tackling all forms of hate incidents and/or hate crimes that target people based on their age, disability, ethnicity, religion, sex, sexual orientation or any other protected characteristic outlined in the Equality Act 2010. We will encourage customers to report all forms of hate incidents and/or hate crimes to CHS and we will work in partnership with other agencies to resolve it. We will take a victim-centred approach to dealing with reported incidents.

We have adopted the definition of "hate incident" used by the Home Office and the Association of Chief Police Officers ("ACPO"):

"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender."

CHS is committed to combating all forms of hate incidents that target people based on their age, disability, ethnicity, religion, sex, sexual orientation, or any other protected characteristic outlined in the Equality Act 2010.

We encourage customers to report all forms of hate incidents and/or hate crimes to CHS and we will work in partnership with other agencies to resolve it. We will take a victim-centred approach to dealing with reported incidents and will use our powers to take action against any individual involved in a hate motivated incident, where either the victim or the perpetrator is a customer of CHS.

## Community Trigger

Where any ASB Case Review is requested of the local authority by an CHS customer, or the ASB complained of is said to be being perpetrated by an CHS customer, we will:

- ▶ Liaise with the local authority and other relevant bodies including the Police.
- ▶ Co-ordinate CHS's response to the trigger.
- ▶ Oversee the implementation of any recommendations concerning CHS.

## Training

CHS recognises the importance of regular specialist training for employees involved in countering ASB and will commit the appropriate resources to ensure employees' knowledge and skills remain up to date.

## USE AND STORAGE OF INFORMATION

### Confidentiality

Where allegations of ASB are received, CHS employees will not reveal the identity of the complainant to the alleged perpetrator. It should be noted that most court action cannot proceed without the evidence of witnesses; however, we will not disclose information to the perpetrator, their legal representatives or other involved parties, without seeking the permission of the reporter.

### Data protection and information exchange

Due to the widespread distribution of its housing stock across many local authorities and unitary authorities, CHS does not have formal Information Sharing Protocols in place with all of them.

Appropriate data information requests will therefore be required from any agency before information is shared. Such requests will not be unduly refused. All information shared remains confidential and is stored and used according to a strict protocol and in line with CHS Group's Data Protection Policy.

## 5. MONITORING

The Head of Housing will monitor ASB performance, trends and outcomes through a range of performance indicators, which include:

- ▶ Number of cases raised.
- ▶ Volume of cases in a given area.
- ▶ Nature of complaints.
- ▶ Number of cases closed successfully.
- ▶ Time taken to resolve.
- ▶ Outcomes of complaints and any positives steps needed to prevent further incidents.