

# First Wave Housing Ltd

## Anti-Social Behaviour Policy

September 2019



### Document Master Sheet

Amendments to this document detailed below:

<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Review Date</b>	<b>Comments/amendments</b>	<b>Approved by</b>
1	Ralph Gibson	August 2019	August 2020	Policy Created	FWH Board
2	Ralph Gibson	Sept 2019	Sept 2019	Policy Review	

## 1 Introduction and Scope

Part 2 of Section 12 of the Anti-social Behaviour Act 2003 requires housing organisations to prepare a policy in relation to anti-social behaviour and procedures for dealing with occurrences of anti-social behaviour. This document is First Wave Housing Ltd.'s (FWH) Anti-social Behaviour policy.

FWH believes that all of our customers should be able to live safely and securely in their homes and neighbourhoods without fear. We will use all tools and powers available to us to support our customers affected by anti-social behaviour (ASB) and to take action against perpetrators of ASB.

The ways in which we support victims and manage ASB cases follows Brent Council's ASB Policy Procedure. This policy should be read in conjunction with Brent Council's ASB Policy Procedure.

## 2 Aims and Objectives

The key aims and objectives of this policy are to:

- Ensure that FWH staff and contractors are trained and equipped to respond to and effectively manage reports of ASB;
- Support customers experiencing ASB;
- Take actions intended to manage and prevent the escalation of ASB;
- Work in partnership with community partners and specialists to effectively manage ASB;
- Take actions and engage in activities aimed to prevent ASB;
- Take reasonable and proportionate legal action against a person(s) complained about (PCA) who is our tenant when other measures have failed.

## 3 External Related Documents

**Homes England Regulatory Framework** (Neighbourhood and Community Standard, Tenancy Standard).

**Anti-social behaviour in social housing (England)** (Published: House of Commons Library, Standard Note SN/SP/264, March 2015.)

**Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance for frontline professionals** (Published: Home Office, July 2014).

**Safer Brent Partnership: Community Safety Strategy 2014 – 2017.**

**Brent Council Anti-social Behaviour Procedure/Policy**

**Brent Council's Allocations Policy**

## 4 Legal Framework

Legislation	Main Powers and Relevance to ASB
Anti-social Behaviour, Crime and Policing Act 2014	<ul style="list-style-type: none"> <li>• Part 1 – Injunctions</li> <li>• Part 2 – Criminal Behaviour Orders</li> <li>• Part 4 – Community Protection</li> <li>• Part 5 – Recovery of possession of dwelling houses; anti-social behaviour grounds</li> </ul>
Anti-social Behaviour Act 2003	<ul style="list-style-type: none"> <li>• Part 2 – Housing</li> <li>• Part 9 – Miscellaneous Powers: Section 85, Anti-Social Behaviour Orders</li> <li>• Schedule 1 – Demoted Tenancies</li> </ul>
Crime and Disorder Act 1998	<ul style="list-style-type: none"> <li>• Part 1 – Prevention of crime and disorder: Chapter 1, Section 1 – anti-social behaviour orders</li> </ul>
Housing Act 1996	<ul style="list-style-type: none"> <li>• Part 5 – Conduct of Tenants               <ul style="list-style-type: none"> <li>- Chapter 2 – Repossession: Secure and Assured Tenancies</li> </ul> </li> </ul>
Housing Act 1985	<ul style="list-style-type: none"> <li>• Part 4 – Secure Tenancies and Rights of Secure Tenants</li> <li>• Schedule 2 – Grounds for Possession of Dwelling-Houses Let under Secure Tenancies</li> </ul>

## 5 Definitions

### Anti-Social Behaviour

The Anti-Social Behaviour, Crime and Policing Act 2014 provides two definitions:

1. Conduct which has caused, or is likely to cause, harassment, alarm or distress to any person (in a public setting).
2. Conduct capable of causing nuisance and annoyance to a person in relation to that person's occupational or residential premises or conduct that is capable of causing housing-related nuisance or annoyance to any person.

Further, ASB may be grouped by the following categories:

**Personal** - perceived to be targeted at an individual or group rather than the community at large

**Nuisance** - causing trouble, annoyance or suffering to the community at large rather than an individual or group.

**Environmental** – an incident not aimed at an individual or group but targeting the wider environment, e.g. public spaces/buildings.

ASB can range from minor incidents such as occasional noise from pets to more serious incidents of neighbour conflict or criminal activity. Examples of ASB include:

- Noise
- Verbal abuse/harassment/intimidation/threatening behaviour
- Hate related incidents (see below for definition of hate related incidents)
- Vandalism and damage to property
- Pets and animal nuisance
- Nuisance from vehicles
- Drugs/substance misuse/drug dealing
- Alcohol related
- Domestic violence/abuse
- Physical violence/abuse
- Litter/rubbish/fly-tipping
- Garden nuisance
- Misuse of communal areas/public space or loitering
- Prostitution/sexual acts/kerb crawling
- Other criminal behaviour/crime

We don't consider the below cases to be examples of ASB.

- Babies crying
- One off parties / BBQ's where there's no evidence problems will re-occur
- Children's play
- Noise transference due to poor sound insulation
- Everyday behaviour occurring at unusual times e.g. due to different work patterns
- Bonfires

The above examples of ASB and non-ASB cases are not intended to be exhaustive lists. ASB and non-ASB cases are not limited to these examples. The action we take will be based on the circumstances of each case.

### **Hate Related Incidents**

A hate incident is any behaviour that is perceived by the victim or any other person as being motivated by prejudice or hostility based upon the victim's real or perceived:

- Race/Ethnicity – including ethnic origin, skin colour, nationality, culture, and/or language;
- Sexual orientation;
- Faith, religion or belief;
- Disability;
- Transgender/gender identity.

When hate incidents become criminal offences they're known as hate crimes

## **Harassment**

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

# **6 Policy Statement**

## **6.1 Introduction**

FWH is committed to contributing to creating homes and neighbourhoods where people want to live. We recognise the detrimental effect that ASB can have on individuals, their ability and desire to live and work in an area and the effect that it can have on children's education.

The term "anti-social behaviour" can be applied to a wide range of behaviours. We also work with Council-wide partners and initiatives to support our work and tackle ASB.

As FWH's properties are managed through contractors, this policy sets out the procedures we expect our contractors to follow. We will ensure our contractors work with and support our customers experiencing ASB in developing an action plan that is appropriate and proportionate to the type of ASB. All references in this document to actions 'we' will take should be taken to mean the actions we expect of our contractors.

Whilst this policy deals largely with the response after ASB has been reported, we recognise the value of preventative measures such as environmental features that "design out" ASB. Also, the clarity with which our contractors develop relationships with our customers that have a strong focus on the "responsibilities" as well as the "rights".

We expect our contractors to offer a customer-centred approach which means that we will only contact the police, Persons Complained About (PCA) or make a referral to a specialist support agency with the express agreement of the customer. Additionally, any support that we might offer as a landlord will only be with the agreement of the customer.

FWH delegates operational delivery of the policy to Brent Housing Management (BHM). FWH will request assurance statements from BHM to ensure they comply with the policy and/or best practice.

## **6.2 Agreed approach to ASB**

There are 4 key themes to our approach to preventing and managing ASB:

- Prevention activity – e.g. setting clear tenancy conditions, use of introductory tenancies, swift response to environmental problems, diversionary activities;
- Early intervention – e.g. mediation, Acceptable Behaviour Contracts
- Support – e.g. supporting the individual and family, supporting PCAs to change behaviour; safeguarding vulnerable adults and children;

- Enforcement – e.g. Civil Injunctions, repossessing the property.

### **6.3 Receiving a report of ASB**

We will:

- Record full details of any report of ASB;
- Carry out an immediate risk assessment to categorise the risk;
- Arrange an interview within 1-working day where the report of ASB involves hate crime, physical violence or threats of physical violence;
- Arrange an interview within 3-working days for all other reports of ASB.

### **6.4 Carrying out an initial interview**

We will:

- Carry out the interview in a location of the customer's choice (subject to satisfying any concerns about staff safety);
- Arrange an interpreter if needed. We will not allow children to be used as interpreters;
- Try to ascertain if there are any children at risk and follow our Joint Safeguarding Policy if that is the case;
- Try to ascertain if there are others in the household at risk and follow the Joint Safeguarding Policy if that is the case;
- Discuss ways in which we can offer landlord support regarding tenure enforcement and housing options;
- Provide information about ASB and ways of dealing with it;
- Provide information about ASB initiatives and support services and offer to make a referral (where appropriate);
- Discuss whether or not the victim wants to report the matter to the police (where appropriate);
- Agree an action plan, detailing the actions that both they and we will take;
- Record in writing all interviews, even when the victim wishes no further action to be taken.

### **6.5 Case Investigation**

FWH recognises that the complexities involved in investigating ASB cannot be readily mapped out as a “one size fits all” process. Whilst each case will require a tailored and proportionate response, there are up to six strands of activity that will act as a framework for our case management:

- Customer contact, risk and vulnerability assessments;
- PCA contact and vulnerability assessments;
- Evidence collation and statement taking;
- Interventions;
- Partnership working and ASB panels;
- ASB enforcement.

### **6.6 Case Closure**

A case can be closed in the following circumstances:

- In agreement with the complainant

- Where there's been no incidents for six weeks
- All reasonable action has been taken to resolve the matter
- The complainant hasn't co-operated
- There's no evidence to support the allegations.

We will:

- Notify any associated support services when a case is closed;
- Record and report on the reasons for case closure;
- Record and report on the number of closed cases re-occurring within 3 months

## **6.7 Monitoring and recording**

We will:

- Maintain, monitor and report on a database of "live" ASB cases;
- Monitor, review and attempt to make contact at least once a fortnight with the victims of ASB cases involving hate crime, physical violence or threats of physical violence;
- Monitor, review and attempt to make contact at least once a month with the victims of all other ASB cases.

## **6.8 Staff Training**

We expect all contractors to provide all customer-facing staff with ASB awareness training, and to provide specialists to deal with cases of ASB.

## **6.9 Confidentiality**

FWH will ensure all contractors maintain records and data on our customers in accordance with the Data Protection Act 1998 and Human Rights Act 1996. We particularly recognise the relevance of this – and the risks to personal safety - in some instances of ASB. We will:

- Not give out any information to a third party without the written consent of the victim;
- Not make contact with the PCA without the written consent of the victim. Where the victim has given consent in writing we will always inform the victim that we are planning to make contact in advance of the appointment;
- Store securely all reports and records of ASB.

FWH, through its contractors, will only share information with other agencies without the consent of the victim where it is necessary for the protection of children or we are required to provide information as part of a criminal investigation

## **7 Policy Review**

This policy will be reviewed annually by the FWH Board with interim reviews where a legislative change or other initiatives arise.