

# ANTI-SOCIAL BEHAVIOUR POLICY

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|---------------------------|---------------|-------------------------------|--|
| <b>Board/EG Approval:</b> | November 2023 | <b>Responsible Board:</b>     | Ocean Housing Ltd                      |
| <b>Next Review:</b>       | August 2024   | <b>Responsible Executive:</b> | Managing Director of Ocean Housing Ltd |

## 1.0 Policy Statement

- 1.1 This policy sets out how we deal with reports of anti-social behaviour (ASB), hate crime and hate related incidents and the action we may take against those causing ASB. Our response to ASB applies to Ocean Housing residents, other persons causing a nuisance in neighbourhoods where we own properties, and visitors to our neighbourhoods where this interferes with our housing management function. This includes ASB towards our staff and contractors. In this policy, we use the umbrella term ASB to cover anti-social behaviour, hate crime and hate incidents.
- 1.2 Ocean Housing will not become involved in disputes between homeowners. In this scenario, independent legal advice should be obtained by the individuals involved, or they can report the matter to the Cornwall Council Community Safety Team.
- 1.3 We will deliver the service in line with Ocean Housing's Service Standards. The relevant Standards are:
- Treat all reports of anti-social behaviour seriously, adopting a person centred approach
  - Respond to complaints of high risk nuisance or harassment by the next working day
  - Respond to lower risk complaints of anti-social behaviour within 10 working days
  - Provide regular updates to complainants on progress made with their anti-social behaviour case
  - Publish tenants satisfaction with the outcome of their ASB case
  - Publish tenants satisfaction with the handling of their ASB case
- 1.4 We accept that everyone has a right to their chosen, lawful, lifestyle providing this does not spoil the quality of life for others. We have an important role in making sure that such rights and obligations are managed effectively. This policy aims to prevent and reduce harm caused by ASB to people and communities.
- 1.5 The policy excludes our response to domestic abuse, as this is dealt with in a separate policy. Complaints about the way we manage our response to ASB reports are dealt with through our Compliments and Complaints policy.

## 2.0 Definitions

- 2.1 We have adopted the following definition of ASB as set in the Anti-Social Behaviour, Crime and Policing Act 2014:

*“Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”;*

*and*

*Conduct capable of causing nuisance or annoyance to a person or relation to that person's occupation of residential premises",*

*and*

*"Conduct capable of causing housing related nuisance or annoyance to any person"*

- 2.2 Harassment is the feeling of extreme upset or annoyance caused by being tormented or antagonised. When the word is used in a legal context, it refers to behaviours that have been proven to be threatening to another individual.
- 2.3 Some acts of anti-social behaviour are directed against a person or household because of their colour, disability, gender, sexuality, race, religion, or sexual orientation. These acts can be classed as Hate Crime. We have a zero tolerance approach to Hate Crime and actively work with appropriate agencies on such cases.
- 2.4 Examples of ASB could include noisy parties, loud arguments, or intimidating behaviour, as well as criminal activity such as hate crime, drug dealing, or threats of violence. Issues like pet nuisance, fly-tipping, or an untidy garden we would define as environmental ASB. We would expect the Police to lead on criminal matters.

### **3.0 General principles**

3.1 Ocean Housing will provide a service that:

- Meets our Service Standards, as agreed with our tenants
- Complies with legal, regulatory and contractual requirements to prevent and tackle anti-social behaviour
- Seeks to ensure a peaceful, quiet and clean environment in which our tenants can live
- Is harm centred. The level of harm is established by completion of a risk assessment with the complainant
- Adopts a problem solving approach
- Works in partnership to support those affected by ASB

3.2 We will:

- a) Communicate clearly with our customers to explain ASB and our approach, so they understand what they can expect from us and what we expect from them.
- b) Expect customers, members of their household and visitors to be considerate, tolerant and understanding of others and behave reasonably, in accordance with the responsibilities set out in the tenancy and lease agreements.
- c) Encourage customers to resolve matters with their neighbours where it is safe and appropriate do so, while being clear about the circumstances in which we may take action and how we will proceed where that is the case.
- d) Ensure customers can easily and safely report incidents and are kept proactively informed about our response.

- e) Risk assess the level of harm the ASB causes to individuals.
- f) Resolve cases as promptly as we can, using the wide range of methods and legal powers available to us. This means taking reasonable, timely and proportionate action where appropriate.
- g) Work in partnership with other agencies to prevent and tackle ASB.
- h) Where the ASB reported constitutes criminal behaviour we expect customers to report the criminal behaviour to the Police.
- i) Where the ASB reported is noise related we expect customers to contact and report this to Environmental Health
- j) Consider ASB in reviewing and determining whether to offer tenancies.
- k) Promote our service using media (including social media), our website and customer communications.
- l) Make it as clear as we can to existing and prospective customers that ASB is unacceptable and if it occurs, a case will be investigated thoroughly.

## **4.0 Reporting ASB**

- 4.1 ASB should be reported to Ocean Housing at the earliest opportunity. A wide range of methods can be used to do so, including letters, telephone, e-mail, in person and on-line through our website and social media.
- 4.2 We will also receive reports from other agencies such as the police or Local Authority.
- 4.3 We will only become involved in matters where we are satisfied our intervention is appropriate and may resolve the issue(s), and there is no agency better placed to respond. We will not deal with matters, which we consider to be:
- A difference in lifestyle where no actionable ASB is present
  - Entrenched personal disputes
  - Minor neighbour disputes
  - Unintentional/accidental behaviour of children
  - Children playing unless they are engaging in ASB
  - One off, low risk and non-exceptional issues
  - Parking disputes
  - Boundary issues
  - Possibly unpleasant but minor actions e.g. staring
  - Proportionate day to day household noise for example TV, music, radio, electrical items including washing machines and hoovers and DIY at reasonable hours
  - BBQ's and celebrations
  - Cooking odours and reasonable household smells
  - Smoke
  - Minor car maintenance
  - Reports that are not supported by evidence

NB. this list is not exhaustive

- 4.4 Although these are examples of behaviour we will not generally deal with as ASB, we know that sometimes repeated incidents which may not appear serious when treated in isolation, can have a significant impact on a complainant's life. Therefore, if these types of behaviours are persistent, deliberate and found to be having a harmful impact on a person then we will investigate the matter as ASB in line with this policy.
- 4.5 Where Ocean Housing receives reports of cannabis use, we will:
- Ask the customer to report this to the Police
  - Liaise with the Police where they have been involved and / or there is a proven criminal offence and take reasonable and proportionate tenancy action
  - Consider the nuisance related to the report and act accordingly and in-line with current best practice and advice

## **5.0 Response and Investigation**

- 5.1 We will adopt a harm-centred and problem solving approach to managing ASB; this means looking at and prioritising where harm is most likely to occur so it can be managed and minimised. This also ensures that the complainant is dealt with in a supportive way, and responded to within the timescales set out in our procedure. This does not mean the report will be resolved within those timescales. Where it is identified as potentially high harm this response will be on the next working day and where it is low harm the response will be within 10 working days.
- 5.2 During the investigation we will:
- Assess the impact of ASB
  - Take the complaint seriously
  - Gather evidence from other agencies
  - Expect complainants to complete diary sheets
  - Be risk and outcome focussed
  - Seek to establish facts in order to attempt to solve the problem
  - Develop an action plan with the complainant to try to resolve the problem. This includes agreeing the method and frequency of communication.
  - Consider the most appropriate action to prevent further incidents
  - Encourage, where appropriate to do so, complainants to speak with their neighbour first as this can often resolve the issue without the need for our involvement. Where this is not possible or appropriate we will consider the use of professional mediation services or refer to another agency better placed to lead on the issue.
  - Consider a wide range of actions such as, encouragement, warnings, mediation and in some circumstances legal action with a focus on solving the problem. All action taken will be reasonable and proportionate.
  - Not reveal the identity of any person unless permission is received to do so. However due to the nature of many complaints we cannot guarantee anonymity
  - Work in partnership with other agencies and stakeholders, to tackle ASB.
  - Ensure cases are updated and reviewed regularly, with outcomes and timescales recorded.

- Carry out supervisor case reviews to ensure effective case management Provide support to staff managing ASB, through training, team meetings and supervision.
- Log any complaints or reports received on our contact management system, regardless of if any further action is taken.

## **6.0 Resolving ASB**

6.1 We will consider using a wide range of tools to tackle ASB. These include but are not limited to:

- Visits including jointly with other agencies
- Mediation
- Referrals to other agencies for support / assistance
- Acceptable Behaviour Contracts (ABC)
- Written warnings
- Support including referrals / signposting to agencies
- Attending multi-agency meetings, case conferences and relevant fora
- Extending starter tenancy agreements
- Legal remedies under the Housing Acts and Anti-Social Behaviour, Crime and Policing Acts. For example, possession action and injunctions. These will usually only be considered as a last resort after all other appropriate options have been exhausted
- Support other agencies to use legal remedies; for example Closure Orders
- Target hardening in certain circumstances, for example additional locks, security lights or personal alarms

## **7.0 Support**

- 7.1 We will take reports of ASB seriously and adopt a non-judgemental approach. We will provide appropriate support to complainants throughout a case. This may also include referrals or signposting to support agencies.
- 7.2 We recognise that either a complainant, other party or a perpetrator of ASB may have a support need, and we will aim to offer support where possible.
- 7.3 The Equality Act 2010 is important when we seek to resolve ASB as it provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Act makes discrimination unlawful in relation to nine “protected characteristics” and established the Public Sector Equality Duty (PSED).
- 7.4 The PSED applies to a public authority or to a body who is not a public authority (such as a RP), when they exercise a public function. For Ocean Housing, it applies in the provision, allocation and management of social housing.
- 7.5 We will take all practical steps to safeguard and protect customers who may be vulnerable as a result of a protected characteristic or have a care and support need. This will be handled with sensitivity and whenever appropriate, in partnership with other agencies whose support and input will be actively sought. More information about safeguarding customers can be found in our Safeguarding Adult and Safeguarding Children Policies.

7.6 Should it be necessary to pursue legal action against a vulnerable customer, we will justify our reasons for taking the action beforehand, including by carrying out a proportionality review. We will work in conjunction with any support agencies involved with the customer as we move through the enforcement process.

7.7 We are aware of our Equality Act duty and will consider these responsibilities when managing cases of anti-social behaviour.

## **8.0 Partnership Working**

8.1 We recognise the importance of partnership / multi-agency working in addressing ASB. We will develop and maintain effective partnerships with local and national, statutory and non-statutory agencies who we can work with to tackle ASB.

8.2 Ocean will attend a variety of multi- agency meetings, where we can make a useful contribution. This may include Safeguarding meetings for adults and children, ASB groups, Multi-Agency Risk Assessment Conferences (MARAC) and Multi-Agency Public Protection Arrangements (MAPPA). This list is not exhaustive.

8.3 The Anti-Social Behaviour Crime, and Policing Act 2014 encourages agencies to demonstrate to the Courts that they have tried to work collaboratively to resolve anti-social behaviour and we are part of this process.

8.4 Whilst we work in partnership, our role is that of the landlord. Where responsibility for investigating an incident and/or the tools and powers available sit with another agency, such as the police or local authority, we will provide that agency with appropriate support and any relevant information to help them resolve the matter.

## **9.0 Staff training**

9.1 We will provide regular training for our customer-facing staff, who may receive reports of ASB, and annual update training for staff responsible for managing ASB cases.

9.2 To effectively tackle anti-social behaviour, it is essential that staff have the correct skills and knowledge. All new staff undergo an induction programme which includes safeguarding, equality, diversity and inclusion training and will have a dedicated training plan based upon the needs of their job role and own personal development. Training and development needs are reviewed at least annually for all staff.

## **10.0 Confidentiality and Information Sharing**

10.1 Any data we collect in the pursuance of this policy and/or performance of our obligations under the terms of the tenancy agreement will be kept securely and will not be retained for any longer than is reasonable. We will comply with all relevant legislation.

10.2 We will explain to complainants the importance of the processes in dealing with ASB and that the ability to take legal action may be adversely affected if we are unable to disclose information; and it may be necessary to disclose information to other relevant agencies. We have signed up to the appropriate information sharing protocols with partner agencies.



- 10.3 Section 115 of the Crime and Disorder Act 1998 allows Ocean Housing and partner agencies to share information for the purpose of preventing and detecting crime and disorder. Information will be shared with other agencies, where there is a duty to do so, and/or where information-sharing protocols are in place.
- 10.4 We recognise that confidentiality is important to develop a relationship of trust with complainants and we ensure that any information given will be kept in the strictest confidence. However, safeguarding concerns may overrule any confidentiality protocols. Where necessary we will liaise responsibly with other partners by way of a recognised information exchange protocol in order to help safeguard a customer from risk of serious harm or death.

## **11.0 Closing cases**

- 11.1 We will close an ASB case when the behaviour has improved to an acceptable level, or when there is no further reasonable action that Ocean Housing can take to resolve the matter or at the request of the customer reporting the ASB.
- 11.2 We will always tell the complainant when and why we are closing a case.
- 11.3 We will only consider re-opening a case if there has been a material change in circumstances.
- 11.4 We will offer each complainant the opportunity to feedback on how we have dealt with their case at the point we close it. Satisfaction figures will be reported quarterly to the Ocean Housing Board and tenant representatives.

## **12.0 Anti- Social Behaviour Case Review**

- 12.1 An ASB Case review (also known as the 'Community Trigger') gives victims of persistent anti-social behaviour the right to request a multi-agency review of their case where the required threshold has been met. The aim of an ASB Case Review is for agencies to come together to review a case and create a joined-up plan for how they can work together to prevent the anti-social behaviour continuing. In Cornwall, the agency responsible for facilitating the Anti-Social Behaviour Case Review is Cornwall Council.
- 12.2 A review can be initiated by phone, email or post and full details appear on the Safer Cornwall website - [Community Trigger | Safer Cornwall](#)
- 12.3 A review can be requested if an individual has reported an incident of ASB, relating to the same problem, to the police, local authority or a registered provider three or more times in the past six months and they do not feel they have received a satisfactory response
- 12.4 A review can also be requested if an individual has reported an incident of ASB, relating to the same problem, to the police, local authority or a registered provider two or more times in the past six months and one or more incident involves a hate crime.

## 13.0 Review and Monitoring

- 13.1 Our performance will be regularly reported to, and monitored by, Ocean Housing's Executive Group and Boards, as well as reporting to the Together with Ocean Panel, and via the website. We will collect data in accordance with the ASB Benchmarking service provided by HouseMark.