

Anti-Social Behaviour Policy

2019 - 2022

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4	April 2017	Neighbourhoods & Tenant Sustainability Manager & Safer Communities Manager	Revision of previous policy, minor grammatical amendments made.
5	May 2018	Compliance & Strategy Advisor	Vulnerable Customers Statement incorporated into the policy.
6	April 2019	Safer Communities Manager	Updates to reflect changes in Job titles, Partner organisations and the introduction of our In-House Tenancy Sustainability Team
7	Sept 2019	Safer Communities Manager	Reviewed in line with publication of Statutory Guidance for Frontline Professionals published August 2019

1. Introduction

This document sets out the organisation’s policy in dealing with Anti-Social Behaviour (ASB). We aim to work in conjunction with customers, residents and partner agencies to prevent and where necessary, deliver sustainable reductions in ASB. We recognise that ASB, where it exists within communities, can substantially blight the lives of tenants, leaseholders and the wider community and prevent them from living peacefully in their own homes. We expect individuals and groups to behave with respect to others and in a manner which does not interfere with the comfort or well-being of other individuals or groups in our communities. This is equally applicable to those individuals or groups who live and/or work in our communities as well as those people who are lawfully visiting.

1.1 Our Vision

The vision of for the ASB service is summarised as:

“We are committed to preventing anti-social behaviour, but where it does occur, we will work in partnership to tackle it effectively and robustly, recognising that failure to do so can have a devastating effect on our communities”.

We recognise that in order for us to fulfil this statement we will seek out best practice and adopt new and pioneering working methods to improve the neighbourhoods we manage within Knowsley. We work with our customers and tenants and the people in our neighbourhoods to support and empower them to be brave and take a stand against unacceptable behaviour. We place our customer journey at the heart of our procedures and are open and realistic to customer expectations, but ultimately we ensure that we are fair in our approach and that we will combine appropriate support for victims with prevention.

We combine enforcement action towards perpetrators from the full range of tools and powers available with offers of rehabilitation and re-education opportunities. We are bold, in our approach and will not hesitate to proactively tackle Anti-Social Behaviour when it becomes necessary.

2. Regulatory/Legal Obligations

2.1 The Legislative and Regulatory Framework

Legislation such as the Housing Act 1996, the Anti-Social Behaviour Act 2003 has equipped housing organisations with tools and legal options/remedies specifically designed to tackle ASB. In 2014, the Anti-Social Behaviour Crime and Policing Act introduced new powers and replaced many others. Statutory Guidance for Frontline Professionals, published in August 2019 provided further clarity and guidance on the use of these new powers.

The ‘Respect - ASB Charter for Housing’, fully acknowledges the pivotal role that social landlords have to play in relation to dealing with crime and disorder and positively influencing the cessation of anti-social behaviour. We signed up to the charter in October 2011, and has embedded this in the way we work.

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We comply with the Regulatory Framework as prescribed by the Regulatory of Social Housing with particular emphasis on the Neighbourhood and Community Standard, which covers the Regulator's expectations on tackling ASB.

2.2 Definition of ASB

Anti-Social Behaviour' is a broad term but for the purpose of the obligations imposed by Section 218A Housing Act 1996 ["the 1996 Act"] since the coming into force of the Anti-Social Behaviour, Crime and Policing Act 2014 ["the 2014 Act"] 'Anti-Social Behaviour' has been defined in Schedule 11 Part 1 paragraph 23 of the 2014 Act as:

- conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord's housing management functions; or
- conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.

The term 'housing management function' is broad and covers anything undertaken as part of our day-to-day role or strategic management of our housing stock. Matters which indirectly affect our housing management function might relate to housing support, tenancy intervention or other services that promote the efficient operation of our landlord function.

We recognise incidences of Hate Crime, Harassment and Domestic Abuse to be capable of being regarded as anti-social behaviour and such, matters of this nature will be considered within the framework of this policy.

ASB can include but is not limited to:

- Excessive/unreasonable noise
- Verbal abuse/harassment/intimidation/threatening behaviour. Hate related incidents (Race, Colour, ethnic origin, nationality, Religion, Gender or gender identity, Sexual orientation, Disability or Age).
- Vandalism and damage to property
- Nuisance from pets and animals
- Nuisance from vehicles
- Drugs/substance misuse/drug dealing
- Alcohol related behaviour
- Domestic Violence/Abuse
- Physical violence
- Litter/rubbish/fly tipping
- Garden nuisance
- Misuse of public/communal areas
- Prostitution/sexual acts/kerb crawling
- Criminal behaviour

What is considered anti-social behaviour will differ based on the consideration of the circumstances presenting in each case however not all matters of concern will constitute anti-social behaviour. The

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final decision relating to what constitutes anti-social behaviour will be made by our Safer Communities Team.

Examples of issues, which may not be considered to be anti-social behaviour and are considered to be everyday living noises and lifestyle differences include:

- One-off parties
- Children playing out with each other or playing in their own gardens
- Household noise that would be considered reasonable depending on the time of day – e.g. vacuuming or using domestic appliances
- Cooking smells
- Living or domestic noise including ordinary conversations heard through walls or floors, people walking around the home as part of the normal use of their property.
- DIY at reasonable hours of the day
- Parking disputes

Our tenancy agreements set out the rights of tenants but also outlines the obligations and responsibilities of tenants. We expect our tenants to behave appropriately and in accordance with the terms of their tenancy agreement and we set out a number of conditions relating to the conduct of tenants, those who live with tenants and those who visit tenants as part of this agreement. These conditions cover a range of matters including, but not limited to, anti-social behaviour, criminal conduct and matters relating to animals and pets.

Our tenants are responsible for their own conduct, the conduct of any person residing at or occupying their property (whether adults or children) and of any lawful visitor to their property.

2.3 Use of Legal Tools and Remedies

We aim to tackle ASB as quickly and efficiently as possible and in most cases this will result in early intervention and resolution. It is inevitable in some cases that are more serious or prolonged that legal action may be the only option. We will pursue legal action where all other non-legislative options have been tried and failed or when the situation is so serious that legal action is considered the most appropriate response.

We will make most appropriate use of the available legal powers to bring about resolution to cases. Whilst it is not our preferred approach, we reserve the right to pursue possession proceedings where this is the most appropriate response. This is not always a backstop approach and for those cases where the severity is considered profound this may be our first intervention pursued.

3 Policy Detail

3.1 Policy Statement

We will ensure that it has robust procedures in place for responding to complaints of ASB. When disputes occur, we will strive to empower customers to reach their own resolutions, by giving advice, facilitating mediation or by adopting early intervention/conflict resolution techniques. In cases that

are more serious, we will take swift and decisive action to protect victims and witnesses and to reassure the wider community.

3.2 Commitment to Tackling the Effects of ASB

We recognise that left unchallenged, anti-social behaviour can have a very significant effect on the quality of life of individuals and groups within our communities and can impact on the welfare of a community as a whole. We recognise that ASB can:

- ruin the “quiet enjoyment” of a home, to which everyone is entitled;
- have both an emotional and financial cost to victims;
- have a financial cost to the organisation, for example, by adversely impacting on demand for its properties in areas with high incidents of ASB;
- have a negative impact on people and neighbourhoods by threatening the sustainability of communities;
- can lead to overall decline of areas and neighbourhoods;
- can undermine the positive interventions made by the organisation, its tenants and its partners in our communities;
- cause damage to the reputation of the organisation.

We are committed to tackling ASB wherever it occurs in order to fulfil our commitment to promoting safe and sustainable neighbourhoods within Knowsley.

3.3 Prevention and early intervention against Anti-Social Behaviour

As an organisation, we are committed to preventing ASB before it occurs by taking preventative or early intervention measures. We work to prevent nuisance and ASB through effective education and communication, diversionary activities and environmental improvements including:

- We have a proactive lettings policy
- Explanation at tenancy sign up of what is meant by ASB, and the expectations of our tenants in maintaining good conduct that supports our neighbourhoods. We outline potential consequences of ASB including reference to the existence of a mandatory possession ground;
- Packages of support at sign up for potentially vulnerable customers, or those at risk of perpetrating ASB via the in-house Tenancy Sustainability Team
- Starter tenancies for new tenants where the probationary nature of the first twelve months of the tenancy is explained at sign up and starter tenancy reviews are carried out in line with the needs risk assessment process at month 1 and month 9 to ensure that tenants are complying with their tenancy requirements;
- Designing out crime as part of our development and regeneration work;
- Non-legal early stage actions such as, warning letters, formal interviews, Acceptable Behaviour Contracts or Good Neighbour Agreements, joint agency visits ,
- Mediation – aiming to get disputing parties to agree to stick to some simple mutually designed guidelines regarding their behaviour;

4 Implementation

In implementing this policy we are committed to implementing a robust and detailed approach to the reporting, management and resolution of all incidents of ASB. Our approach includes:

- Appropriate recording and investigation of complaints of ASB;
- Officers will take all complaints seriously and ensure the complaint is investigated thoroughly and the complainant is fully updated on the progress of the complaint;
- Reports of ASB will be prioritised and investigations will start at the earliest possible time after receipt of the complaint and conducted in a timely manner.
- The appointed officer will investigate every report of ASB and will respond appropriately based on the presenting circumstances. When appropriate we will consider the use of legal enforcement.
- Action against perpetrators will be proportionate to the situation. We will make every effort to help and seek support for tenants who perpetrate nuisance and ASB but if they are unwilling to co-operate we will take decisive action against them. In appropriate circumstances we may consider that legal action is necessary for the protection of others or as the only resort to stop the behaviour.
- We will endeavour to help tenants whose vulnerability may be the cause of their inappropriate behaviour to others. This would be done by referrals to other agencies
- We will endeavour to help those whose vulnerability makes them more sensitive to other tenants/residents behaviour by alerting relevant support agencies to give some assistance in the matter.
- We will take strong action against tenants who cause nuisance or ASB that is targeted at individuals from minority groups and motivated by racism or other discriminatory practice.
- We will continue to provide training and support services to our staff who deal with ASB so that they feel confident in supporting victims and witnesses, interviewing and challenging perpetrators, negotiating actions and delivering services to achieve successful outcomes.
- We will design out ASB and crime wherever possible in our regeneration and improvement schemes.
- We will ensure that all tenants have fair and equal access to our service.

4.1 Domestic Abuse

We believe that no one should live in fear of a current or former spouse or partner or other household member. Domestic Abuse may be physical, emotional, sexual psychological or economic. We acknowledge that a specialist approach may be needed for victims of Domestic abuse and we have a dedicated Domestic Abuse co-ordinator who manages our response to each case and is an expert in helping victims to sustain their tenancy. In certain circumstances where there is a concern for an

individual's safety, options will be considered for re-housing and we will work with each person to agree the most appropriate course of action.

4.2 Hate Crime

We will not tolerate Hate Crime of any description and will seek to deal efficiently and effectively with any reports from its tenants/residents or staff members.

A Hate Crime is any offence or incident committed against a person or property that is motivated by an offenders dislike or hostility to someone because of their: Race, Colour, ethnic origin, nationality, Religion, Gender or gender identity, Sexual orientation, Disability or Age.

We operate a victim centred approach to Hate Crime, and recognises that victims may wish to report incidents of Hate crime to agencies they are familiar and comfortable with. We recognise that a specialist approach may be needed for victims of Hate Crime therefore we respond to each case based on the issues presenting and work in partnership to offer the necessary specialist support to enable tenancies to be sustained.

4.3 Support for Complainants and Witnesses

We encourage the reporting of ASB and will provide support for victims and witnesses who fully engage in the case management process. Support will be provided from the date of the initial complaint and continue throughout the whole process until an appropriate resolution is achieved. On receipt of an anti-social behaviour report, a designated officer will be assigned who will agree an action plan with the customer detailing when and how the customer will be contacted and updated on the case progress. The action plan will ensure that that the case management approach is agreed and meets the needs of the customer.

We recognise that occasionally we will receive reports of ASB from customers who wish to remain anonymous to people and authorities outside of the organisation. Where an anonymous complaint is received, we will Attempt to confirm the substance of the complaint, which can be difficult without knowing who is making the complaint. This may result in an inability to proceed with investigation and could see the case being recorded for information only.

Where court action is to be taken, our officers will ensure that complainants and witnesses are fully aware of the legal processes involved. Arrangements can be made for witnesses and complainants to travel to the court venue with officers if they choose in order to provide a feeling of greater security. Where a potential witness or victim is particularly vulnerable or there has been damage to their property or intimidation is ongoing, we will consider target hardening of the witness victims home address by the installation of equipment to deter continuing incidents.

Where appropriate, we may consider the use of professional witnesses to gather evidence in partnership with our partners. This will usually be where the use of victims and witnesses are not possible and there is no other viable option available.

Rehousing of victims of ASB is only considered as a last resort and when all other appropriate options have been explored. We will also consider rehousing where the incident(s) are so serious that the risk posed to the victim suggests there is no alternative option available. We will look to our partners to support these cases.

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We are committed to putting victims first, ensuring that we provide support and a victim centred approach. We acknowledge that witnesses of ASB and crime require additional support and are committed to ensuring that we consistently communicate with all potential victims and witnesses to understand the wider harm to individuals and the community.

4.4 Working in Partnership

We are committed to working in partnership both at strategic and operational levels when dealing with ASB as we acknowledge that we cannot work in isolation. As part of the Safer Knowsley Partnership, we work in partnership with partners including:

- Merseyside Police
- KMBC Crime and Communities Team
- KMBC Environmental Health
- Health Services
- Merseyside Fire and Rescue service
- Merseyside Probation Service
- Merseyside Community Rehabilitation Company
- Children and Young People’s Services
- Youth Offending Service
- Mental Health Services
- Office of the Police and Crime Commissioner
- The First Steps Domestic Abuse support

We are a co-opted member of the Safer Knowsley Partnership Strategy Group (Executive Team), where we have signed information sharing protocols to ensure data protection and confidentiality. We exchange information with those agencies where it may further the prevention of crime and disorder within the Borough.

We are committed to working in partnership with other members of the Knowsley Partnership to ensure that there is effective multi-agency collaborative working to address any ASB that people within our communities in Knowsley may be suffering

We recognise the Community Trigger, introduced by s104 ASB Crime and Policing Act 2014, which aims to give victims and communities the right to request a review of their case.

4.5 Support for and Rehabilitation of Perpetrators of ASB

We are committed to ensuring that all tenants who are recognised as being at risk of perpetrating ASB are given appropriate support packages should they be offered a tenancy. Where appropriate we will engage our in-house Tenancy Sustainability Team who provide support and practical advice via the use of a “tenancy passport” to enable them to manage their tenancy effectively.

Often the support required will involve specialist agencies that the Tenancy Enforcement Co-ordinators will refer tenants into, for example, the involvement of Probation and Youth Offending Services for ex-offenders, or Drug Intervention Programme workers for people with substance misuse problems. We have well-established links within the local community with such support agencies, and will seek to refer people as early as possible. We are committed to taking a firm line with

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perpetrators of ASB and making them realise that there are consequences for their behaviour, and that we will use our legal powers including eviction as a remedy. Support will be offered which encourages people to change their behaviour which can include referrals to Parenting Teams, Social Services or Community Mental Health teams, in addition to the use of Acceptable Behaviour Contracts, or Good Neighbour Agreements. Ultimately, if the behaviour continues, there will be consequences.

Starter Tenancies (new tenants in the first 12 months of occupancy), will be reviewed at month 1 and month 9 to check that the tenancy agreement has been complied with. During these reviews we will also remind tenants of support services available, and signpost them for extra help where necessary.

4.6 Protection of Staff and Contractors

The protection, health and safety and well-being of staff and contractors is of paramount importance at all times. As such, we have adopted a number of procedures to safeguard staff against harm. Such procedures include the Lone Worker Procedure and Guidance.

Unfortunately, from time to time, officers employed by the organisation or contractors/agents acting on behalf of the organisation, may be threatened, abused or harmed when carrying out their normal duties or specifically when endeavouring to deal with ASB. We take such incidents very seriously, and will take appropriate action every time. This may include reporting the incident to the police and pursuing criminal action alongside possession action, injunctions, criminal behaviour orders or closure orders as necessary.

There is a separate policy governing how we deal with incidents involving staff and/or contractors. The Serious Threat Assessment Group (STAG) procedure should be read in conjunction with this policy.

4.7 Publicity

We recognise the importance of communicating successful resolution of ASB cases, not just to victims and witnesses who are directly involved in cases, but also to the wider community. This builds confidence that the organisation is committed to community safety and will take strong and decisive action against any behaviour that has the potential to disrupt the communities we serve. We believe that demonstrating consequences of actions can also act as a deterrent to other potential perpetrators of ASB.

We will give due consideration to the restrictions on reporting created under the Children and Young Persons Act, which creates restrictions on reporting of incidents involving children.

4.8 Safeguarding of Vulnerable Adults and Children.

We are committed to supporting the safeguarding of vulnerable adults and children and where appropriate will make referrals to the Multi Agency Safeguarding Hub (MASH) when information relating to safeguarding concerns comes to light during the investigation of anti-social behaviour cases. All staff responsible for the management and investigation of anti-social behaviour incidents

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receive appropriate and regular training and guidance on how to recognise and respond to safeguarding concerns.

5 Equality and Diversity

This policy meets the requirements of the group's Equality & Diversity Policy. An Equality Assessment has been completed to ensure that the policy does not have an adverse effect on any of the protected characteristics outlined in the Equality Act 2010.

6 Responsibility

The Head of Neighbourhoods is responsible for the implementation of this policy. The Safer Communities Manager has responsibility for disseminating, promoting, and reviewing this policy and for providing advice and guidance to all staff across the group on the delivery of Anti-Social Behaviour service.

7 Consultation

This policy has been developed and reviewed in consultation with operational staff, and the organisation's Customer Assurance Panel (CAP), which is made up of tenants and community representatives. The views of these groups have been incorporated herein.

8 Monitoring & Review

We will monitor the effectiveness and implementation of this policy to ensure that it achieves its aims of protecting its tenants and residents within its communities. The review of this policy will ensure that it takes account of legislative changes as they happen and the development of best practice initiatives internally or externally so that improvements in performance can continue to be made.

We continually monitor the performance of the ASB service against key performance indicators and targets. Where appropriate we will seek to learn from others and will benchmark our performance against that of other providers in order to identify areas of continuous improvement.

9 Associated Documents

- Tenancy Agreements
- Tenants Handbook
- ASB Procedure
- STAG Procedure
- Lettings Policy