



Anti-Social Behaviour (ASB) Policy

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1. Policy Statement

- 1.1 Ekaya Housing Association (Ekaya) recognises that anti-social behaviour (ASB) can seriously reduce the quality of life for residents and can have a detrimental impact not just on the victim(s) but on the whole community. It can lead to existing residents feeling isolated, frightened or unhappy in their homes and result in properties or areas becoming unpopular and difficult to let. Ekaya recognises that everyone has the right to their chosen lifestyle, as long as it does not spoil the quality of life for others.
- 1.2 This policy applies to tenants and residents, their families and other visitors. It also applies to Ekaya's staff and agents working on behalf of the organisation.

2 Aims and Objectives

- 2.1 Ekaya aims, where possible, to work in partnership with other agencies and ensure that we take a problem solving approach to effectively resolve anti social behaviour, regardless of tenure.
- 2.2 We will take preventative measures to combat anti social behaviour and will demonstrate by our actions that it will not be tolerated. This will be made clear to all prospective and existing tenants.
- 2.3 We recognise that there is no single solution to tackling ASB, and have therefore adopted a problem solving approach. This can involve a combination of prevention, intervention, enforcement and rehabilitation.

3 Legal and Regulatory Framework

- 3.1 It is a condition of Ekaya's tenancy agreements that residents must not:

“Commit or allow members of their household or invited visitors to commit any form of harassment on the grounds of race, colour, religion, sex, disability or sexual orientation which may interfere with the peace and comfort of, or cause offence to, any other tenant, member of his/her household, visitors, or neighbours.”
- 3.2 Ekaya will abide by the relevant legislation, including statutory Housing Management Guidance issued by the Regulator of Social Housing , and the main acts listed below:
 - The Crime & Disorder Act 1998 as amended
 - General Data Protection Regulation 2018
 - The Racial and Religious Hatred Act 2006
 - The Equality Act 2010
 - Housing Act 1985, 1988 1996 & 2004
 - Public Order Act 1986
 - Human Rights Act 1998
 - Environmental Protection Act 1990 & Noise and Statutory Nuisance Act 1993
 - Homelessness Act 2002
 - Children Act 1989
 - Criminal Justice Act 2003
 - Anti-Social Behaviour Act 2003 as amended

- Anti-Social Behaviour, Crime and Policing Act 2014 as amended
- Sex Discrimination Act 1986
- Protection from Harassment Act 1997

4 Definition

4.1 This policy relates to anti social behaviour which directly affects the housing management function of Ekaya as a relevant landlord, as defined by and incorporated into sections 153A and 153B of the Housing Act 1996 as amended and the definition taken from the Anti-Social Behaviour, Crime and Policing Act 2014 which defines anti social behaviour as conduct:

- a) that has caused, or is likely to cause, harassment, alarm or distress to any person
- b) that is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- c) that is capable of causing housing-related nuisance or annoyance to any person

4.2 What is consider to be anti social behaviour:

4.3 The term 'anti social behaviour' covers a wide range of unacceptable behaviour that affects the quality of life for residents and others living or working in the community. The types of behaviour that we consider anti-social include:

- Physical violence
- Domestic violence and abuse
- Vandalism and damage to property
- Hate-related incidents based on race, religion or belief, disability, age, sexual orientation, sex, gender identity or marriage/civil partnership status
- Verbal abuse, harassment, intimidation and threatening behaviour
- Prostitution, public sex acts and kerb crawling
- Drug misuse and drug-dealing
- Alcohol and smoking misuse and related behaviour
- Misuse of communal areas and public spaces
- Noise nuisance
- Nuisance caused by pets or animals
- Vehicle-related nuisance
- Fly-tipping
- Making malicious or unfounded complaints of anti-social behaviour
- Other criminal activity

Certain breaches of tenancy, lease or licence agreements may amount to anti social behaviour if they are sufficiently serious or persistent such as using the property for business purposes or failing to keep the garden in reasonable condition.

4.4 What is not consider to be anti social behaviour:

There is certain conduct which does not amount to anti social behaviour and will not be dealt with under this policy. This includes:

- 'Daily living noise' from neighbouring properties such as people talking, babies crying, noise from the use of kitchens and bathrooms, people walking

around in their home, doors and cupboards being opened and closed (except where door slamming is a deliberate action)

- Children playing during daytime hours
- Cooking smells and smoking tobacco in private property
- Disputes arising from the use and layout of shared gardens (where there is no anti social behaviour involved)
- Complaints about lifestyle clashes due to cultural differences for example people staring

Although these are some examples of behaviour we do not generally consider to be ASB, sometimes repeated low level incidents that in isolation do not appear to be serious may be having a detrimental impact on the complainant. If therefore the repeated incidents are having a harmful impact or causing a risk we will investigate in accordance with this policy.

We will not take legal action in the above situations. When neighbours are in dispute about any of the above issues, we will normally, with their consent refer the parties to Independent mediation.

5 Our approach

- 5.1 Prevention:** Ekaya understands that it is better to prevent anti social behaviour than have residents suffer the effects of it. We will therefore, where possible include measures within our core activities with the aim of preventing anti social behaviour.
- 5.2 Allocations and Lettings:** Through the Allocations Policy, Ekaya will consider the sustainability of each letting and the impact on the community. We may consider excluding an applicant from being housed by us if there is strong evidence to suggest that he or she will cause anti social behaviour. New tenants will receive a settling in visit six weeks after the tenancy start date where Ekaya's commitment to tackling anti social behaviour will be re-emphasised.
- 5.3 Community Action:** Ekaya will encourage and assist tenants and residents to produce their own Good Neighbour Agreements, therefore encouraging a culture of respect in the community.
- 5.4 Estate Inspections:** Regular estate inspections together with residents will seek to identify possible causes of and solutions to anti social behaviour.
- 5.5 Training:** Ekaya delivers an annual training plan based on staff training needs assessments. Anti social behaviour training will enable staff to identify and deal with anti social behaviour cases effectively. Comprehensive procedures are in place for staff to follow when dealing with incidents of anti social behaviour and that are reviewed and updated every three years.

6 Reporting AntiSocial Behaviour

- 6.1** We will ensure a wide range of mechanisms are available for reporting incidents of anti social behaviour and promote these through our website. These will include:
- telephone
 - talking directly to our housing team

- e-mail
- our website
- written correspondence
- In person at our offices
- through a third party (e.g. Local Authority, Councillor, partner agency, friend or relative)
- Reports may be made anonymously; however, this may restrict the amount of investigation and action we can undertake

6.2 When a resident reports an incident of anti social behaviour, we will listen and take the report seriously and sensitively. We will ask a series of questions to gather information about the reported problem and to determine the most appropriate course of action. This may include encouraging the resident to speak to their neighbour where appropriate and safe to do so.

7 Investigating reports of Anti Social Behaviour

7.1 Ekaya aims to resolve claims of anti social behaviour and recognises that individual cases sometimes need different actions. Whilst remaining supportive; we will keep an open-mind to any investigation which focusses on stopping the problem.

7.2 During the investigation, our officers may use a wide variety of methods to tackle anti social behaviour. This will usually involve speaking with the other party in most circumstances. Our investigation will comprise of gathering evidence and addressing concerns swiftly and effectively. Our aim is to maximise opportunities to resolve the problem as early as possible.

7.3 Officers are encouraged to treat each case individually. This means that not all cases will involve the same actions, but each action will follow a proportionate and reasonable response to the problems identified within the case.

7.4 We record all cases of anti social behaviour, and our investigation will comprise of reports, phone calls, letters, diary sheets etc. This will be used as evidence to decide on the most appropriate action to resolve the problem.

8 Tackling anti-social behaviour

8.1 Our officers will take a proportionate and reasonable approach when using legal and non-legal action. We recognise that each case can be different and our focus will be to stop the problem swiftly and effectively. In some circumstances, this might mean taking legal enforcement action.

8.2 **Non-legal action:** The majority of cases will be dealt with through non-legal interventions such as mediation, warning letters, interviews, acceptable behaviour contracts and good neighbour agreements.

8.3 **Enforcement action:** Ekaya may pursue legal action where the behaviour is deemed sufficiently serious, is a criminal offence or other intervention has failed to stop or prevent persistent anti social behaviour. Legal action includes: injunctions, possession orders, parenting orders, closure notices and closure orders (in conjunction with the Police), Community Protection notice (CPN) and Criminal Behaviour orders (CBO) (in conjunction with the Police and local authorities) and various other tools that can be obtained through working in partnership with other relevant agencies.

8.4 Ekaya will utilise the tools and powers available through relevant and current legislation.

8.5 **Possession Proceedings:** Anti Social Behaviour is a breach of Ekaya's tenancy

agreement and where considered proportionate, Ekaya will use the relevant grounds for possession to evict a resident.

8.6 Ekaya will, when seeking possession of the property in all cases involving serious anti-social behaviour, rely upon the Mandatory Ground 7A of Schedule 2 Housing Act 1988 as amended so long as at least one of the following conditions are met:

- The tenant, a member of the tenant's household or a person visiting the property has been convicted of a serious offence. Examples of the serious offences include violent and sexual offences and offences relating to offensive weapons, drugs and damage to property
- The tenant, a member of the tenant's household, or a person visiting the property has been found by a Court to have breached a prohibitory part of an injunction
- The tenant, a member of the tenant's household, or a person visiting the property has been convicted of 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
- The tenant, a member of the tenant's household, or a person visiting the property has been convicted of breaching a noise abatement notice or order (under the Environmental Protection Act 1990)

This new power is a significant change to the law and has been introduced to bring faster relief to victims of anti social behaviour. Ekaya is committed to the principles behind the changes, and will/have adopt/ed to the new powers.

9 Harassment and Hate Crime

Harassment can include a range of behaviours such as threats, verbal abuse, written abuse including via social media, damage to property, violent behaviour, stalking and behaviour causing or intended to cause alarm or distress.

Hate crime includes 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 age or perceived age, disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."

These are generally criminal offences and are the responsibility of the police. Where appropriate to do so, Ekaya will take tenancy enforcement action against a perpetrator as a result of evidence obtained by the Police or upon conviction.

10 Safeguarding and Supporting residents

10.1 We recognise the importance of supporting the needs of complainants and particularly those that are at risk of harm or vulnerability. We will aim to identify any support needs at the earliest opportunity and throughout the case.

10.2 We also recognise that residents that cause anti social behaviour may have vulnerability or support needs and our officers will aim to identify those needs at the earliest opportunity and throughout the case. If we are considering an injunction we will also consider adding these support and rehabilitation needs to the injunction if suitable. This could include requirements for the perpetrator to attend courses that will help modify their behaviour.

10.3 We will aim to work with our partner agencies to provide appropriate levels of support for our residents who are experiencing anti social behaviour. We may make referrals to specific agencies that can provide tailored support for particular vulnerable residents.

- 10.4 Our officers have a responsibility to make referrals to specific agencies if a safeguarding concern is raised. Ekaya has a Safeguarding Policy which deals with safeguarding concerns.
- 10.5 We reserve the right to make a referral to social Services or the Police, this can include a safeguarding referral without the permission of the complainant or the perpetrator when the situation requires this and the Data Protection 2018 justifies it.

11 Partnership working with other statutory agencies

ASB cannot be dealt with by any one organisation or agency working in isolation. We will work alongside other partner agencies and residents to tackle these problems together. We have developed robust local partnerships and multi-agency working to address ASB with a view to signposting or referring customers where appropriate.

We will work in partnership with other statutory agencies to allow us respond quickly to anti social behavior including working with:

- Local authority community safety partnership
- Police
- Community and voluntary Agencies
- Youth offending teams
- Social Services
- Mental Health Teams
- Other landlords

12 Community Triggers

The ASB, Crime and Policing Act 2014 introduced the “Community Trigger”. This allows members of the community to ask for a review of the responses to their reports of ASB. Any concerns raised through the Community Trigger will be dealt with in line with the local authority procedure for that area. The Trigger should only be used if no action has been taken as a result of repeat reporting of ASB.

The use of the Community Trigger does not interfere with a resident’s right to follow Ekaya’s internal complaints procedure; both processes can run at the same time. The Trigger cannot be used to report general acts of crime which should be reported to police.

More detailed information on the process, which is administered by your Local Authority, following procedures set out in the Antisocial Behaviour, Crime and Policing Act 2014, including the threshold for and the ways to apply for a Trigger can all be found by accessing your local council’s website. Guidance as defined in the Anti-Social Behaviour Crime and Policing Act 2014.

13 Closing Cases

- 13.1 Ekaya aims to resolve all cases of anti social behaviour and we will close cases of anti social behaviour for a variety of reasons, but will typically do so where the anti social behaviour has ceased, been addressed or resolved, appropriate action has been taken or the behaviour upon investigation, is found not to be anti social behaviour. We may also close cases where the complainant fails to engage, submit diary sheets or where the allegations cannot be substantiated, are unproven, or are deemed vexatious or malicious.

- 13.2 We will write to complainants in all instances when ceasing investigation and closing cases and provide our reason for closing the case and any continuing support available as appropriate.
- 13.3 Complainants who are not satisfied with our reasons for closing the case can refer to our Complaints Policy if they wish to make a complaint.

14 Confidentiality

- 14.1 Ekaya will respect confidentiality when dealing with reports of anti social behaviour. The identity of the complainant and witnesses will remain confidential and no information that might identify them will be released to the perpetrator. In some cases, it might be apparent to the perpetrator, who has complained about them. Whenever possible, we will identify this possibility and discuss it with the complainant before approaching the alleged perpetrator.
- 14.2 We are required by law to disclose information given to us in some circumstances, for example in cases involving safeguarding of children or vulnerable adults.

14.3 Information exchange

- 14.5 Ekaya and agencies such as the Police, local authorities and statutory agencies may share information for the purpose of the prevention and detection of crime and anti social behaviour under section 115 of the Crime and Disorder Act 1998 as amended.
- 14.5 Ekaya will strictly adhere to the General Data Protection Regulation (GDPR). Personal information provided by the complainant will be treated as confidential at all times and only passed to external agencies with their prior consent or where required by legislation or following a Court Order.

15 Complaints

- 15.1 Where a resident is dissatisfied with Ekaya's response to their situation, they may use our complaints procedure.

16 Equality and Diversity

Ekaya is committed to eliminating discrimination and promoting equality and good relations between people of different groups. It is recognised that addressing anti-social behaviour effectively in all cases are dealt with fairly and consistently with the policy

17 Value for Money

In order to make the best use of its resources, Ekaya will keep records of all anti social behaviour cases in order to ensure that we can monitor both successfully and unsuccessfully resolved cases and share best practice.

18 Related policies and procedures

18.1 This policy is closely linked to the following policies and procedures:

- Allocations and Lettings Policy
- General Data Protection Regulations Policy
- Safeguarding Policy
- Ekaya's Guide to Anti social behaviour
- Domestic Violence and Abuse Policy
- Parking Policy

19 Policy Approval

Approval date: *February 2022*

Approved by: *Policy & Performance Committee*

Policy Author: *Housing Services Manager*

Policy Owner: *Head of Operations*

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Review gateway: *Policy & Performance Committee*

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