

Policy Name: Antisocial Behaviour Policy

1. Policy Summary

- 1.1 Section 218A of the Housing Act 1996 places a duty on social Landlords to prepare a policy and procedure to deal with antisocial behaviour. This Policy provides a framework on how Midland Heart will prevent and tackle antisocial behaviour. How we deal with hate crime and hate incidents, is detailed in our hate policy.
- 1.2 Midland Heart is committed to tackling antisocial behaviour. We want our neighbourhoods to be safe places for everyone. We won't tolerate behaviour that prevents our customers feeling secure in their home and their neighbourhood. It can impact in different ways and therefore, our response to tackling and preventing antisocial behaviour will be different for every case.
- 1.3 It is important that complainants and victims of ASB are clear about both the circumstances in which we can intervene and the sanctions available to us. We will not raise expectations that we can take action where we cannot do so or where primary responsibility and powers lie elsewhere.
- 1.4 There may be occasions where there is good reason to apply discretion when decision making. We will always consider the individual circumstances of the individual involved when making our decisions.

2. Policy Principles

- 2.1 Our policy aims to ensure that we:
 - Investigate complaints of antisocial behaviour as efficiently as possible, and in an impartial and professional manner.
 - Work with customers (complainants and subjects) and partner agencies where possible, to change behaviour that is having a negative impact and/ or causing a risk of harm.
 - Provide support where possible to sustain tenancies i.e. if the subject is vulnerable.
 - Prevent incidents and reoccurrence of antisocial behaviour by using effective and appropriate interventions.
 - Protect staff and contractors from harm caused by antisocial behaviour.
 - Ensure reasonable and proportionate action is taken to mitigate the risk of harm.

3. It applies to...

3.1 This policy applies to customers of all tenures living in a home owned or managed by Midland Heart, including: general needs, supported and retirement living, market and intermediate rent, service users and licensees, leasehold and shared ownership properties (it excludes Mutual Housing schemes where we are the managing agent as we are not the landlord). It also applies to staff and contractors where a Midland Heart customer perpetrates the antisocial behaviour, or a person(s) associated with a Midland Heart customer.

4. Definitions - What is Antisocial Behaviour?

4.1 The Antisocial Behaviour Crime and Policing Act 2014 defines antisocial behaviour as:

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

4.2 Midland Heart will apply a reasonable approach to all reports of suspected antisocial behaviour and will intervene only where it is in the best interests of Midland Heart and its customers to do so. Consideration will be given as to how regular or persistent the antisocial behaviour is. We will intervene when the behaviour poses a risk to a person's tenancy and/or there is a risk of harm. Midland Heart will require evidence to be able to intervene and tenants have a responsibility to support in the provision of evidence.

4.3 If the behaviour is not regular or persistent, nor is there a risk of harm, Midland Heart would not have the powers available to compel someone to stop the behaviour, and nor would it be reasonable to do so. We will inform all parties whether or not the issue is considered to be antisocial behaviour.

4.4 Incidents between residents due to lifestyle clashes or arguments/ neighbour disputes will not be investigated under our ASB policy. We expect the residents to resolve those issues between themselves, unless the situation escalates into more serious behaviour that would constitute antisocial behaviour.

4.5 Noise nuisance will be triaged in the first instance, to understand the type of noise being reported and how regular or persistent it is. Initial triaging will usually take 2 weeks. The outcome of our initial investigation will determine whether we will deal with the case under our ASB policy, or our Neighbourhood Management Policy.

4.6 Environmental issues such as fly-tipping and graffiti (unless the graffiti relates to hate – see hate policy), will be dealt with under our Neighbourhood Management Policy.

Examples of ASB	Examples of what is not ASB
Verbally abusive, threatening or intimidating behaviour	Parking or neighbour disputes
Drug dealing and use	Reasonable domestic living noises e.g. doors closing, washing machines, children playing
Persistent loud shouting and arguing	Car and intruder alarms sounding
Loud music or TV that can be heard outside	Children playing ball games and youths congregating
Persistent dog barking and pets causing damage	Dogs barking at reasonable times and acceptable levels
Targeted vandalism and damage to property	'One off' incidents such as a birthday or Christmas party

5. Accessibility and Awareness

5.1 Customers are encouraged to make initial reports of antisocial behaviour to our Customer Hub, but if for any reason this is not appropriate reports can be made through any of our communication channels.

5.2 This includes to any member of staff, via phone, email and social media. Where complaints are received through social media to maintain privacy and confidentiality, we will respond via private message. We will promote the ways in which reports can be made through our main communication channels.

6. Reasonable Adjustment and Support

6.1 We understand that some tenants and residents may have difficulty communicating their experiences with us, as such we will always make reasonable adjustments, enabling tenants and residents to report their concerns and engage in the process.

- 6.2 There is no prescribed list of reasonable adjustments; the adjustment will depend on the individual's needs. We will discuss the requirements with the person concerned and seek to reach agreement on what may be reasonable in the circumstances.
- 6.3 In the majority of cases, we will be able to agree and deliver the required reasonable adjustment with a minimum of delay. In some cases, we may need to consider in more detail how best to overcome the difficulty or seek advice from expert organisations that can assist with signposting and other forms of support.
- 6.4 There may be occasions where there is good reason to apply discretion. We will always consider the individual circumstances of the individual involved when making our decisions.
- 6.5 An equality impact assessment has been completed for this policy.

7. How Will We Respond?

- 7.1 An initial risk assessment will be undertaken by the Customer Hub to determine how we will respond and its priority. The risk of harm will be assessed and prioritised on the following basis - **see appendix 1**.
1. Personal (highest level of priority): antisocial behaviour is perceived to be targeted at an individual, rather than the community at large.
 2. Nuisance (medium level of priority): antisocial behaviour is causing trouble, annoyance or suffering to the local community at large rather than to an individual.
 3. Environmental (lower level of priority): The antisocial behaviour is not aimed at an individual or group but targets the wider environment, e.g. public spaces/ buildings.
- 7.2 Our initial response will be to provide advice and assistance to customers to help them find a solution and resolve the antisocial behaviour, without our direct intervention. Where appropriate and safe to do so, we will encourage customers to speak with their neighbours, which can often resolve matters more efficiently and effectively.
- 7.3 How each case is dealt with will depend upon the nature of the report, the individual circumstances of the complainant and the subject of the complaint. During the investigation, officers may use a wide variety of methods to tackle the antisocial behaviour which, in most circumstances, will involve speaking to the subject of the

complaint. The investigation will involve evidence gathering by the complainant and supported by Midland Heart in order to ensure that appropriate action is taken.

8. Our Commitments

8.1 We will:

- Provide the customer with a named case officer responsible for the case.
- Assess risk at the start of the case and agree an action plan that will be variable dependant on the circumstances, individual's needs, or risk of harm to the individual.
- Ensure a method and frequency of communication is agreed with the customer and ensure they are kept up to date with the progress of any action being taken.
- Identify support needs and tailor our approach, accordingly, working with partner agencies where applicable to provide appropriate levels of support.
- Encourage and support customers to be involved in remedying antisocial behaviour.
- Taking a reasonable and proportionate approach when using legal and non-legal interventions.
- Support, direct and encouraging subject of complaints to address behaviour that is putting their tenancy, themselves and others at risk.
- Working, where possible, in partnership with customers and partner agencies to facilitate the resolution of antisocial behaviour.
- Provide staff with appropriate training, support and resources to enable Midland Heart to take appropriate action to, wherever possible, ensure the problem is resolved with a sustainable outcome.

8.2 Our approach to addressing and resolving antisocial behaviour, centres around four key activities, which are detailed in **appendix 2**.

- A. Prevention
- B. Early Intervention
- C. Support
- D. Enforcement

9. Closing Cases

9.1 We aim to close all cases of antisocial behaviour with a sustainable outcome, and we will contact all parties to advise that the case is closed, outlining the actions taken to resolve the issue in writing.

9.2 The matter will be closed when:

- The issues have been resolved to the customer's satisfaction; or
- Midland Heart has taken all available action to resolve the matter; or
- The complainant fails to assist in providing evidence and we cannot take any further action without their assistance; or
- Another agency is dealing with the case, and it no longer requires involvement by our officers; or
- Following our investigation, no evidence exists or has been provided to prove that incidents of antisocial behaviour have occurred.

10. Working in Partnership and Information Sharing

10.1 We are committed to working with partner agencies who can contribute solutions to tackling problems of antisocial behaviour and who can deliver activities that will prevent antisocial behaviour from occurring.

10.2 All information will be kept confidential and not released to a third party unless we have consent to do so by the individual concerned, or there is a duty upon us to do so, and/or where information sharing protocols are in place.

11. Our Strategic Approach

11.1 We may refer cases to multi-agency panel meetings to ensure that support is received from all relevant agencies to ensure services are co-ordinated, to prioritise the safety of customers and their children.

11.2 We will work with all relevant agencies to deal with antisocial behaviour where appropriate, using our range of existing information sharing protocols to exchange information effectively.

11.3 We will review our cases and use tenant insights to understand how antisocial behaviour can be prevented and addressed in the areas we operate. We will work in partnership with statutory partners on strategic responses to antisocial behaviour and the effect this can have on homelessness, and we will support with initiatives to minimise the impact.

12. Complaints and appeals

12.1 Where a customer is unhappy with Midland Heart's response to antisocial behaviour and they believe we have not delivered our service in line with our published policies and

service standards, the customer is able to make a service complaint. Please refer to Midland Heart's complaints, comments and compliments policy for further information.

12.2 Customers who have breached their licence or tenancy agreement, where a notice to extend or end the probationary period has been served, or where a notice has been served for possession under the Absolute Grounds, have the right to appeal the decision. Please refer to Midland Heart's appeals procedure for further information.

13. External Review – ASB Case Review (Community Trigger)

13.1 All members of the public have the right to request that the Local Authority, Local Police Force and the local clinical commissioning group conduct a review of the way in which an antisocial behaviour case has been handled. Arrangements for requesting this review will differ depending upon the local authority area. These arrangements will set out a threshold that must be met for a review to be commenced. If the threshold is not met, the case will not be subject to a review.

13.2 We will work with relevant partners when a review is requested to ensure that all relevant information is provided to the review panel to enable them to respond effectively to customers who request a review. Where it is requested that Midland Heart presents a case to a review panel, the representative from Midland Heart will be of a suitably senior level to enable an effective discussion of the case.

13.3 Where actions are recommended by the review panel, we will consider these recommendations in line with the relevant Midland Heart policies and procedures. Where the recommendation is compatible with our approach and it is reasonable to carry out the recommendation, the action will be taken. Where the recommendation is incompatible with our approach, a representative will discuss the matter with the relevant panel members and advise the panel of the alternative approach that we will take.

14. Publicity and Communications

14.1 We may publish information about case resolutions where the action taken has had a positive impact, where legal action has been taken and a court order has been granted and/ or where the information is in the public domain. We may do this to encourage other victims or witnesses to come forward in other cases and where it may act as a deterrent. Publicity will always be proportionate to the antisocial behaviour that has taken place.

15. Monitoring and Review

15.1 We strive to improve the service we provide and so we will carry out surveys with customers to assess their satisfaction with the way the case was handled, and the outcomes achieved. Regular performance reporting, information on antisocial behaviour and customer satisfaction data will be used to monitor and measure the effectiveness of this policy and benchmark Midland Heart against other Registered Providers.

15.2 We will review this policy bi-yearly, or as the need arises, to ensure it is effective and comply with current legislation and good practice.

16. Legal Framework

16.1 The main pieces of legislation which Midland Heart can use are detailed below but we will also work in partnership with other agencies such as the police who may have more appropriate tools and powers to resolve antisocial behaviour issues.

Legislation	Main powers and relevance to antisocial behaviour
Housing Act 1985	<ul style="list-style-type: none"> Contains the grounds that landlords must prove to gain possession - Schedule II Grounds for Possession of secure tenancies & s84A for the Absolute Ground Contains requirement for Notices Seeking Possession – first stage in possession process (s.83) s82A added by the Antisocial Behaviour Act.
Housing Act 1996	<p>Widened the antisocial behaviour ground for possession Introduced local authority injunctions and power of arrest Introductory tenancies created</p>
Antisocial Behaviour Act 2003 (amended the Housing Act 1996)	<p>Clarified, streamlined and reinforced powers already available to social landlords:</p> <ul style="list-style-type: none"> Introduced s.143 demoted tenancies Requirement that landlords prepare and publish a statement of its policy and procedure Replaced and extended the injunctive powers available under the Housing Act 1996 with new Provisions
Housing Act 1988	<ul style="list-style-type: none"> Contains the grounds that landlords must prove to gain possession - Schedule II Grounds for Possession of assured tenancies including Ground 7A (the Absolute Ground) Contains requirement for Notices Seeking Possession - first stage in possession process (s.8). S6A added by the Antisocial Behaviour Act 2003 regarding demotion orders

Housing Act 2004	<ul style="list-style-type: none"> Provides landlords with additional tools to tackle antisocial behaviour. <p>Allows landlords to:</p> <ul style="list-style-type: none"> Extend Starter tenancies Use s21 notices Withhold consent for secure tenants to mutually exchange Suspend its obligation to complete a right to buy sale, preserved right to buy sale and right to acquire sale in certain circumstances.
Police and Justice Act 2006	<ul style="list-style-type: none"> Allows community safety officers and officers of housing associations to apply for parenting orders.
Criminal Justice and Immigration Act 2008	<ul style="list-style-type: none"> Gives Local Authorities the power to make an application for a Closure Order in respect of premises associated with significant and persistent serious nuisance.
ASB, Crime and Policing Act 2014	<p>Introduced:</p> <ul style="list-style-type: none"> Changes to civil Injunctions Absolute Ground for Possession – s84A and Ground 7A Criminal Behaviour Orders, Community Protection Notices and Community Triggers <p>Stopped parties from being able to apply for Antisocial Behaviour Orders (ASBOs) going forward</p>
Equality Act 2010	<ul style="list-style-type: none"> Landlords should consider a person’s disabilities when considering appropriate action to take in response to antisocial behaviour.
Human Rights Act 1998	<ul style="list-style-type: none"> Landlords should ensure any action they take in response to antisocial behaviour is appropriate and proportionate.

17. To be read in conjunction with

Related Documents

External:

- Antisocial Behaviour Crime and Policing Act 2014
- Antisocial Behaviour Act 2003
- Housing Acts 1985; 1988; 1996
- Data Protection Act 2018
- Equality Act 2010
- Care Act 2014
- Crime and Disorder Act 1998, as amended in 2002
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Criminal Justice Act 2003
- Racial and Religious Hatred Act 2006
- Regulation of Investigatory Powers Act 2000

- Regulatory Framework – HCA Neighbourhood and Community Standard

Internal:

- Safeguarding and Wellbeing Policy & Procedure
- Hate Policy
- Domestic Abuse Policy
- Data Protection Policy & Procedure
- Complaints, Comments and Compliments Policy
- Unreasonable and Persistent complaints guidance
- Tenancy Policy
- Risk Alerts Procedure
- Appeals Procedure
- Surveillance Policy
- Tenancy Fraud Policy