

Paragon Asra Housing Limited

# Antisocial Behaviour Policy

August 2021

**Owning manager**

Clare Foskett, Thomas Jackson Neighbourhood  
and Safer Communities Managers

<b>Department</b>	Housing Services
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<b>Approved by</b>	EMT
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<b>Next review date</b>	December 2023
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**Paragon Asra Housing Limited (PA Housing) is committed to equality and diversity. This policy has considered the Equality Act 2010 and its protected characteristics which are: race, gender, gender reassignment, disability, religion or belief, sexual orientation, age, marriage, civil marriage and partnership, and pregnancy and maternity explicitly.**

**We will make sure that all of our communication is fully accessible and to achieve this if a policy or document needs to be available in other formats we will provide them.**

# AUDIT LOG

Date of Change	Who updated	Details of the change
19 <sup>th</sup> August 2021	Clare Foskett & Thomas Jackson	Review of policy and minor changes made.  Inclusion of Full and Partial closure orders and Community trigger under the tools available to PA.
19 <sup>th</sup> August 2021	Clare Foskett & Thomas Jackson	Under victim and witness support we amended to have frequency contact agreed as part of the victim individual action plan
19 <sup>th</sup> August 2021	Clare Foskett & Thomas Jackson	Manager review amended to monthly and case officer to fortnightly review.

## **1. Introduction**

- 1.1 Paragon Asra Housing Limited (PA Housing) is committed to tackling incidents of antisocial behaviour (ASB) through a robust victim-centred approach. PA Housing will take prompt and effective action against perpetrators of such behaviour aiming to protect the victim, stop the ASB and prevent further incidents.
- 1.2 PA Housing is committed to sustaining communities and empowering residents to resolve low level disputes themselves and therefore has separated neighbour nuisance from this policy. This ensures that we make best use of our resources to deliver high levels of customer service and appropriately manage customer expectations. The Neighbour Dispute Policy details how low level disputes are handled.
- 1.3 This policy applies to all parts of PA Housing and the organisations that PA Housing provides services to.

## **2. Objectives**

- 2.1 This policy outlines PA Housing's approach to effectively tackling all incidents of ASB where the perpetrator is a tenant or leaseholder, a member of their household or a visitor. It also applies to staff who are victims of ASB during the course of their duties.
- 2.2 This policy will be used to ensure that best practice is maintained and will be reviewed and updated on a regular basis and at least every three years.
- 2.3 Managing incidents of ASB can be complex and emotive for all parties but it is recognised as a key element to improving and sustaining neighbourhoods.
- 2.4 This policy accords with the Respect ASB Charter for Housing and the key elements that make up an effective landlord service in tackling ASB. The Charter has eight core commitments to:-
  - show accountability, leadership and commitment
  - empower tenants
  - meet tenants' expectations
  - improve satisfaction levels
  - recognise staff contribution
  - stimulate continuous improvement
  - improve partnership working
  - demonstrate value for money

## **3. Definitions**

- 3.1 The Antisocial Behaviour, Crime and Policing Act 2014 defines antisocial behaviour as conduct:

(a) that has caused, or is likely to cause, harassment, alarm or distress to any person,

(b) capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or

(c) capable of causing housing-related nuisance or annoyance to any person.

### 3.2 Examples of ASB include:

- persistent noise nuisance: e.g. loud music, persistent shouting, excessive volume from TV or radio, animal noise such as dogs barking.
- intimidation and harassment
- hate behaviour that targets members of identified groups because of their perceived differences: e.g. race and ethnicity, gender, age, religion, sexual orientation, political beliefs, mental health or disability
- aggressive and threatening language or behaviour
- actual violence against people and wilful damage to property
- domestic abuse
- using PA Housing property for unlawful or illegal activity: e.g. drug using or dealing, prostitution
- misuse of alcohol or drugs on PA Housing property that causes a nuisance to others

3.3 Harassment is violence which may be verbal or physical, bullying or cyber bullying and which includes attacks on property as well as on the person.

3.4 Harassment of any individual protected by the Equality Act 2010 is classed as Hate Crime and is dealt with under our Hate Crime Policy.

## 4. Key points of policy

4.1 For operational purposes PA Housing has divided ASB into two categories;

### **Level 1: Serious and hate related incidents.**

This includes, but is not limited to;

- Hate crime as defined in our Hate Crime Policy
- Violence (including domestic abuse)
- Serious risk of harm

### **Level 2: Persistent nuisance.**

This includes but is not limited to

- Harassment
- Threats of violence or harassment
- Conviction of a serious criminal offence, as detailed in the Antisocial Behaviour, Crime and Policing Act 2014.
- Using PA Housing property for unlawful illegal activity e.g. class A drug use or dealing, prostitution, cultivation and supply of illegal substances.
- Persistent noise nuisance
- Intimidating behaviour

- Vandalism and property damage
- Substance misuse related ASB
- Inconsiderate and intimidating behaviour, including by young people
- Dangerous animals

4.2 Our acknowledgement times are;

Level 1: One working day

Level 2: Three working days.

- 4.3 If a resident makes false or malicious complaints about a neighbour, this could result in a Notice of Intention to Seek Possession being served against them, or other enforcement action
- 4.4 PA Housing continuously works to develop ways of preventing and discouraging ASB by using a range of early intervention strategies including mediation, warning letters, tenancy cautions, family support referrals, and the use of acceptable behaviour contracts including positive requirements.
- 4.5 PA Housing will work with partner agencies to ensure early intervention in reported cases of ASB where appropriate.
- 4.6 PA Housing actively works to safeguard children, young people and vulnerable adults from harm and will respond appropriately if this occurs. PA Housing has a duty to tell Social Services if there are any protection concerns about any of our residents.
- 4.7 Support is an essential part of our approach to ASB. PA Housing also considers how alleged perpetrators who are vulnerable, can be supported, particularly if the ASB is a direct or indirect result of drug abuse, alcohol abuse, mental health or disability.
- 4.8 PA Housing has a zero tolerance approach to the verbal or physical abuse of its staff or any representatives of PA Housing and will take appropriate action against the individual or their tenancy.
- 4.9 Residents should behave in a manner that does not cause nuisance and annoyance to their neighbours and the wider community. Residents are also expected to understand and be tolerant of different lifestyles.
- 4.10 The tenancy agreement contains conditions in relation to acceptable and unacceptable behaviour. The antisocial behaviour clauses in the tenancy agreement and PA Housing's approach to dealing with ASB are explained at sign up and during the first year tenancy visits. All residents are responsible for the behaviour of those who live with them or visit them.
- 4.11 In order to build public confidence in our ability to tackle ASB, every opportunity will be used to publicise successes, but names of any individuals involved in action against perpetrators of ASB will not be published.

## **5. Managing antisocial behavior**

5.1 PA Housing will work with the community to seek to prevent ASB and this may include direct or indirect support for:

- youth projects aimed at minimising anti-social activity on our estates
- multi-agency partnerships
- youth support services and other agencies
- family support projects
- floating support/tenancy support schemes
- security improvements to estates, including CCTV
- safety and security devices for homes
- tailored victims and witness support during and after the case.

5.2 A range of tools will be used to manage antisocial behaviour and nuisance, including:

- writing to the perpetrator
- interviewing the perpetrator
- mediation
- personal undertakings
- nuisance investigation
- acceptable behaviour contracts
- installation of noise monitoring equipment and / or use of Noise App
- Local Authority intervention
- referral to appropriate agencies
- tenancy caution
- victim risk assessment matrix
- perpetrator assessment form
- injunctions, including DIY injunctions
- possession proceedings – including ground 7A schedule 2 Housing Act 1988 to seek possession on a mandatory basis if the ASB meets the requirements of the 5 triggers.
- community protection order
- community trigger
- full or partial closure orders
- forfeiture of lease
- evictions

## **6. Victim and witness support**

6.1 We recognise that gaining the trust and confidence of witnesses is key to keeping them on board from the first point of contact when an incident is reported; since this is when expectations are set.

6.2 PA Housing will encourage and support complainants to continue to live in their home and work with us to resolve the problem. In order to support people who complain of ASB. PA Housing will consider the following measures:

- A full investigation and evidence gathering
- An action plan agreed with the victim

- Interview with the alleged perpetrator(s) (this could be done without mentioning the witness depending on the nature of the complaint)
- Interventions that may help resolve the issue, for example mediation services, working with partners to try to resolve the case
- Working with the police to try to resolve the case
- Contacting the victim as specified as part of action plan
- Emergency legal action to protect the victim
- Help with security measures on their homes
- Access to interpreters
- Installation of CCTV if required
- Offer support and reassurance such as PA on tour within our neighbourhoods
- In exceptional cases, a management transfer to permanent or temporary accommodation if the witness has to be moved to ensure their safety.
- Use of hearsay evidence or professional witnesses where residents are too frightened to come forward

6.3 Witnesses may be supported to attend court by:

- Ensuring that witnesses are well prepared
- Providing transport and escort
- Providing follow up support
- Visiting court rooms in advance to help familiarisation
- Reimbursing reasonable expenses such as child care, loss of earnings, subsistence
- Reassurance following the court appearance
- Being honest from the outset about protection of anonymity

## **7. Residents' responsibility**

- 7.1 PA Housing's ability to tackle ASB is increased when residents provide appropriate evidence of the incidents and nuisance they experience. Residents are expected to make use of all the resources available to them to provide this evidence.
- 7.2 Victims of ASB are expected to meet with PA Housing staff as required whilst active work is being undertaken to tackle their complaints.
- 7.3 Failure to meet either of these responsibilities is likely to lead to PA Housing ending their efforts to overcome complaints of ASB.

## **8. Training**

- 8.1 Relevant staff will be provided with induction and refresher training and information on this policy and any relevant legislative changes. Staff will be expected to circulate new and revised information and all training material to their colleagues to ensure that knowledge is shared.

## **9. Monitoring and reporting**

- 9.1 PA Housing has a database to record and manage all cases of reported ASB and case reviews are carried out fortnightly by case officer and monthly by managers to ensure consistency in case management, and to improve performance and ensure stakeholders kept up to date.
- 9.2 In line with good practice regular checks will be undertaken on 10% of cases to ensure quality, consistency efficiency of response and to ensure victims and witness support is offered appropriately.

## **10. Resident consultation**

- 10.1 Residents were previously consulted and feedback was provided on whether this policy is clear, reasonable and easy to understand. Where residents didn't find the policy clear we changed parts of it to meet their suggestions. Residents who took part in the consultation were sent a summary to explain how their feedback was used.

## **11. Equality analysis**

- 11.1 This policy has been subject to an equality analysis to make sure that we do not illegally discriminate against anyone and that it is fair to everyone.

## **12. Legislation**

- 12.1 The following legislation has been considered:

- Housing Act 1985, 1988, 1996 and 2004
- Anti-Social Behaviour, Crime and Policing Act 2014
- Anti-Social Behaviour Act 2003
- Protection from Harassment Act 1997
- Domestic Violence, Crime and Victims Act 2004
- Public Order Act 1986
- Crime and Disorder Act 1998
- Criminal Justice and Police Act 2001
- Police Reform Act 2002
- Violent Crime Reduction Act 2006
- Police and Justice Act 2006
- Environmental Protection Act 1990
- Noise and Statutory Nuisance Act 1993
- Noise Act 1996
- Clean Neighbourhoods and Environments Act 2005
- Data Protection Act 1998
- Regulation of Investigatory Powers Act 2000
- Equality Act 2010

## **13. Linked policies**

Data Protection

Domestic Abuse  
Equality and Diversity strategy  
Hate Crime  
Neighbourhood Dispute  
Safeguarding