

CROYDON CHURCHES HOUSING ASSOCIATION

ANTI-SOCIAL BEHAVIOUR POLICY

1.0 Introduction

- 1.1 This policy sets out how ccha manages anti-social behaviour (ASB). This policy applies to anyone living in or visiting a property or scheme owned or managed by us and includes all residents and household members including shared owners, leaseholders and freeholders. This policy is supported by our **Anti-Social Behaviour Procedure**.
- 1.2 We believe that everyone has the right to peaceful enjoyment of their home, and not to unlawfully spoil the quality of life of others or breach the terms of their tenancy agreement, licence or lease. We recognise that ASB can have a very disruptive effect on neighbourhoods and communities, we are therefore committed to tackling ASB through balancing early intervention with enforcement action.
- 1.3 Our approach is a victim centred one, and we will work with partner agencies to tackle the causes and effects of ASB, using a consistent, clear but firm approach. We will use a risk-based approach to managing ASB to ensure matters are managed effectively. This means considering the level of harm caused to the victims throughout our case management. It is particularly important when deciding how serious a case is and what the best course of action should be.

2.0 Aims and Objectives

- 2.1 The aims and objectives of this policy are to:
- Define ASB so staff and residents are clear what it is and what it isn't
 - Manage residents expectations
 - Prevent and minimise the amount of ASB experienced by our residents and the wider community
 - Ensure we take a victim-centred and robust approach to tackling ASB, including prevention and intervention
 - Ensure we always take into account the support needs of vulnerable residents
 - Support victims and others impacted by ASB
 - Support stakeholder initiatives to rehabilitate perpetrators
 - Work with partner agencies to tackle ASB
 - Raise awareness amongst residents, staff and other relevant stakeholders of the tools and powers available to both staff and residents to tackle ASB.
 - Act quickly to prevent ASB where reasonable

3.0 What is ASB

3.1 Anti-social behaviour (ASB), as defined in the Anti-social Behaviour, Crime and Policing Act 2014 is:

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

Housing-related means directly or indirectly relating to the housing management functions of a housing provider.

3.2 ASB includes a wide range of unacceptable behaviour that affects the quality of life of our residents and others living or working in the community. It is not limited to but includes the following:

Types of ASB	Examples of ASB incidents
Verbal abuse, intimidation, threatening behaviour and harassment	Threats to cause harm to an individual(s), persistent behaviours which cause fear and upset
Hate Crimes	Hate crime and incidents based on race, religion, sexual orientation, disability or transgender identity
Domestic Abuse	Can include violence, threatening behaviour, controlling or coercive behaviour, emotional, psychological, sexual and/or financial abuse.
Noise Nuisance	Loud music, DIY at unsociable hours, dogs barking
Communal nuisance	Where youths or other persons have been hanging around in our blocks and are causing rowdy threatening behaviour or vandalism of ccha property
Animal related problems	Animals fouling communal areas or not under proper control
Environmental Abuse	Dumping rubbish in communal areas and fly tipping
Drugs, substance or alcohol abuse	Use of and supply of illegal drugs, (this is a criminal offence), alcohol related ASB (Reports of cuckooing will be managed under our Safeguarding policy)
Vehicle related nuisance	Abandoned cars, engine revving and car repairs

Other criminal behaviour	Violence against people and property, arson, prostitution and other sexual acts, gang, gun, knife crime, social media abuse
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- 3.3 **Noise Nuisance** – This is defined by the Environmental Protection Act 1990 and must meet one of the following criteria:
- unreasonably and substantially interfere with the use or enjoyment of a home or other premises; and / or
 - injure health or be likely to injure health.
- 3.4 We will only investigate noise nuisance where the noise is frequently excessive in volume and duration or occurs at unreasonable hours. It is reasonable to expect some level of noise from everyday life but if there is concern for someone’s welfare this should be investigated.
- 3.5 Noise nuisance is also covered under our Neighbourhood Policy and by our Good Neighbourhood Agreement, supporting resident initiatives which build good neighbourly relationships and a sense of community, as well as our starter and assured tenancy agreements, licences and leases.
- 3.6 When noise is reported to us, we will identify whether it should be handled under our ASB Policy, Neighbourhood Policy or our good Neighbourhood Agreement.
- 3.7 **Hate Crime** – This is any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice based on race, religion, sexual orientation, transgender identity or disability. These aspects are known as ‘protected characteristics’. A hate crime can include verbal abuse, intimidation, threats, harassment, assault and damage to property. A hate incident is behaviour which isn’t a crime but which is perceived by the victim or anyone else, to be motivated by hostility or prejudice based on the 5 protected characteristics.
- 3.8 **Staff and Contractors** - The definition of ASB extends to behaviour towards staff and contractors of ccha. We operate a zero-tolerance policy towards any intimidating, threatening or abusive behaviour (verbal or physical) aimed at our staff or contractors.
- 4.0 Non ASB/Singular Incidents**
- 4.1 Each report will be assessed on an individual basis according to the facts being reported. It is therefore essential that, in the first instance, we acknowledge what is **not** considered ASB. Not all reports relating to behaviour affecting an individual or household can be deemed ASB. The following are some examples of reports that are not deemed ASB but may still be recorded:
- Noise from everyday living e.g. opening and closing of doors, going up and down stairs
 - Noise or disturbance from children playing

- Babies crying
- Smells from cooking
- Occasional social events in the home, providing they do not cause a continuous disturbance to neighbours
- Minor personal conflict e.g., disapproving looks, fallings out between children
- Placing rubbish outside the wrong day
- Parking in wrong bay
- Personal dislikes
- Lifestyle differences, including cultural differences
- Personal relationship breakdown
- Disagreement over use of communal spaces

4.2 We will work to manage the expectations of residents in regard to behaviour that is not deemed ASB.

4.3 Where a report has been received which is considered to be **non-ASB**, we will manage the expectations of the resident and ensure all notes regarding the matter are recorded on Cx.

5.0 Our Approach to Tackling Anti-Social behaviour

5.1 ASB can be reported to us in different ways, including in person, in writing, over the phone, by email and on our website.

5.2 We will publicise our approach to tackling ASB in leaflets, residents newsletters, on our website and via social media.

5.3 All residents who wish to report an incident of ASB will be assessed for their risk and vulnerability to ensure the appropriate level of support can be provided and any safeguarding issues are identified.

5.4 We will work with partner agencies and consult with residents, statutory services, local authorities, Youth Offending Teams, Community Safety Partnerships, support providers, community groups, registered providers, and other external agencies as necessary to tackle ASB in our neighbourhoods and provide support to those with vulnerabilities.

5.5 Depending on the risk either low, medium or high, each category will have a response timescale from the initial report. Low risk cases must be responded to within 5 working days, medium risk, 3 working days and high risk within 1 working day. (The ASB Procedure provides more information on the definitions for low, medium and high risk ASB).

5.6 Where the prime responsibility and power to lead an investigation lies with another service, such as the police or the local authority, we will support the investigation and take any necessary supporting action.

- 5.7 We will promote the view that everyone has the right to their own chosen lifestyle providing this does not impact adversely on the quality of life of others. We will not usually take action where a complaint concerns behaviour that results from different lifestyles, or which would not generally be considered to be unreasonable.
- 5.8 We encourage and expect residents to take responsibility for solving personal disputes between themselves where appropriate. This may include collating evidence, liaising with other agencies and taking part in mediation.
- 5.9 We will use a range of preventative measures, early intervention, signposting to mediation services, warnings, Parental Contracts and legal action to tackle ASB. This includes the full range of tools and powers available to us as outlined in the ASB, Policing and Crime Act 2014. The methods used will be proportionate to the seriousness, impact and frequency of the behaviour, the level of risk that it poses to those affected, and the evidence available to support the case.
- 5.10 We may consider a management transfer, for those assessed as at risk, in line with the criteria outlined in our **Transfers Policy**.
- 5.11 We will agree an action plan with the victim and any witnesses and keep them informed of the actions we take. We will contact them when we close a case, giving our reasons for doing so.
- 5.12 We will clearly explain to all new residents the terms of their tenancy and licence that relate to ASB and causing a nuisance, so that expectations and consequences are clear. Relevant clauses are also included in our leases.
- 5.13 We will encourage residents to be good neighbours and promote our Good Neighbourhood Agreement which is issued at sign up.
- 5.14 We will assess what physical improvements can help reduce ASB across our neighbourhoods, including CCTV.
- 5.15 We will close a case after investigation and appropriate action is taken and:
- where it is successfully resolved
 - there are no further reports for a period of 2 months (unless we have begun legal action or are gathering further evidence) or earlier if agreed with the victim
 - or where no further action can be taken.
- 5.16 We will provide support and advice to victims and witnesses of ASB and refer them to external agencies where appropriate. We will co-operate fully with the Community Trigger process to help resolve cases of ASB.
- 5.17 We will take action against victims for breach of tenancy where we find complaints of ASB to be malicious, persistent and unfounded.
- 5.18 We will use our discretion on a case by case basis, to consider refusal of housing applicants from CBL with a known history of serious ASB within the last 6 years.

5.19 We will deal with any ASB committed against our employees and contractors in line with our internal policies and duties as an employer.

6.0 Dealing with Domestic Abuse

6.1 We believe that all our residents should be able to live without fear of abuse from a spouse, former spouse or partner or another member of their household. Domestic Abuse will not be tolerated by us. Domestic abuse can encompass a wide range of behaviours. It can but does not have to involve physical acts of violence and can include threatening behaviour, controlling or coercive behaviour, emotional, psychological, sexual and/or economic abuse. Domestic abuse can also involve abuse facilitated and perpetrated online or offline.

6.2 We take a victim centred approach to dealing with domestic abuse. Victims of domestic abuse will be given the relevant advice and support by the Tenancy Management Officer at the earliest opportunity. Victims will be provided with a list of emergency contact and support details including the police, local authority homeless person team, domestic abuse support agencies.

7.0 Safeguarding – vulnerable adults and children

7.1 We have a **Safeguarding Policy** which must be referred to in dealing with ASB and nuisance cases. This policy is for the protection of vulnerable adults and children receiving services of any kind from us. This includes protection from staff, our contractors, other customers, or other carers.

7.2 We will share concerns about safeguarding with the relevant agencies including Social Services and the Local Authority, working closely with them during investigation and action stages. Vulnerability in itself will not prevent action being taken to bring an end to complaints of ASB by an individual, their family, occupants or visitors.

7.3 The London Child Protection procedures (in response to the Victoria Climbié investigation in 2003) require all staff to report cases of possible child abuse/harm which they may witness whilst investigating cases of ASB, or at any other time.

8.0 Staff Training

8.1 We will provide staff with training, clear guidance, policies and procedures so that they can deal effectively with cases of ASB, use the appropriate enforcement tools, and are aware of the wider issues associated with ASB, including hate crime and safeguarding.

9.0 Monitoring, Evaluation and Complaints

9.1 This policy will be reviewed every three years unless legislation, business or sector developments require otherwise.

- 9.2 We will use satisfaction surveys as part of our case closure process to seek feedback and use to assist any future evaluation and review of the effectiveness of this policy.
- 9.3 As part of the Tenant Satisfaction Measures, we will also complete a quarterly perception survey and ask residents how satisfied they are with our approach to handling ASB. These results will be presented to our Leadership Team and our Board through the quarterly Acuity Reports. We will also publish this information on an annual basis along with the number of ASB cases we have received per 1000 homes.
- 9.4 We will monitor and review the feedback we receive about how we manage and respond to cases of ASB to ensure a high standard of service.
- 9.5 If a resident is dissatisfied with the service they have received they can also use our **Complaints Policy**, which will generate a review into the actions taken and establish whether processes were properly followed.

10.0 Confidentiality & Data Protection

- 10.1 Under the Data Protection Act 2018 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:
- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or committee member, or;
 - sensitive organisational information.
- 10.2 For the purposes of this policy and how we manage the information that we hold on individuals as part of our claim management processes, ccha will comply with its obligations under GDPR.
- 10.3 We will share information with third parties where we have an information sharing protocol in place, there are safeguarding concerns or we have a duty to do so for the purpose of crime prevention under the provisions of the Crime and Disorder Act 1998.
- 10.4 We will process personal data and information in accordance with the Data Protection Act 2018, General Data Protection Regulation 2018 and our Data Protection policy and procedures.
- 10.5 Whilst under legislation, we are able to, we do not always publicise the details of alleged or proven perpetrators of ASB. However, we may consider providing photographs and details of perpetrators to local people where appropriate, such as legal tools that include exclusion zones. We reserve the right to publish details of successful enforcement or prevention and diversion actions where we judge this is in the interests of the public and our residents.

10.6 We will publicise our policy on ASB to residents, staff and other stakeholders. This will include ways ASB can be reported. We may, using personal data appropriately publicise any actions, including legal.

11.0 Fair and Equal Treatment

11.1 We will make sure everyone is treated fairly and without discrimination, regardless of their race, gender, sexual orientation, disability, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership and age. We will promote inclusion, challenge discrimination and seek to make reasonable adjustments to ensure that everyone can access our services and that no one is excluded inappropriately from any services or activities provided by us.

11.2 An Equality Impact Assessment has been undertaken and has indicated that this policy would not discriminate against any specific groups.

12.0 Legislation and regulation (This is not an exhaustive list)

- Regulator of Social Housing – Neighbourhood and Community Standards
- Antisocial Behaviour, Crime and Policing Act 2014
- Crime and Disorder Act 1998
- Care Act 2014
- Environmental Protection Act 1990
- General Data Protection Regulation 2018
- Data Protection Act 2018
- Freedom of Information Act 2000
- Housing Act 1885, 1988, 1996
- Human Rights Act 1998
- Equality Act 2010
- Domestic Abuse Act 2021
- Spotlight on Noise Complaints – Housing Ombudsman October 2022

Related Documents:

- CCTV Policy
- Transfer Policy
- Sign up and Starter Tenancy Policy
- Complaints Policy
- Data Protection Policy

- Safeguarding Policy
- Neighbourhood Policy
- ASB Procedure

Version History	
Policy name	Anti-Social Behaviour Policy
Version code	2.0
Lead Officer	Director of Customers
Equality Impact Assessment	March 2023
Resident Consultation	March 2023
Colleague Consultation	March 2023
Stakeholder Consultation	November 2014
Date of Issue	March 2023
Review Date	March 2026
Policies and procedures replaced	Anti-Social Behaviour Policy v1.1
Version Changes	v2.0 Updates include: <ul style="list-style-type: none"> - Outlined our approach to tackling ASB and moved the detail about how we do this to the ASB Procedure - Reference to Domestic Abuse - Included what is non-ASB. - Reference to ombudsman report Spotlight on Noise Complaints