

Cheshire West and Chester Council
Housing Management

Anti Social Behaviour Policy

Including Hate Behaviour and Domestic Abuse

1 MANAGEMENT INFORMATION

Approval Date – V2	To be advised
Next Review Date	To be advised
Responsible Service Area	Strategic Housing and Commissioning
Responsible Director	Gemma Davies, Director Economy, Housing & Policy

Aim of Policy

This policy applies to all housing management services delivered on behalf of Cheshire West and Chester (CW&C) Council.

Strategic Statement

Cheshire West and Chester (CW&C) and ForHousing recognise the impact that Anti-Social Behaviour (ASB) can have on the lives of tenants and aim to enable a living and working environment that is free from any form of intimidation, harassment, discrimination or victimisation because of a person’s age, gender, sexual orientation, disability, race, nationality, ethnic origin, or religion.

CW&C and ForHousing are committed to delivering services through a non-judgemental, balanced approach. All cases of ASB will be treated fairly, considering the needs of all individuals involved, including the complainants, witnesses and alleged perpetrators.

CW&C and ForHousing believe that all tenants should be able to live without fear of abuse from a spouse or partner, former spouse or partner or other member of their household and understands that any person can experience domestic abuse. CW&C and ForHousing provide victim-centred, accessible, and flexible assistance to tenants who are suffering domestic abuse and hate behaviour, as well as offering advice and support to perpetrators.

Policy

This Policy sets out how CW&C and ForHousing will endeavour to prevent and tackle ASB and applies where the alleged perpetrator and/or the complainant lives in, or is visiting, a property managed by ForHousing or is within a neighbourhood where ForHousing manages homes. This could also apply if an incident takes place elsewhere, for example at the housing office.

This Policy also applies where staff, tenant representatives, contractors, partners, or agents are subjected to abusive, threatening, or intimidating behaviour (including hate behaviour) whilst working or acting on behalf of ForHousing.

Definition of Anti-Social Behaviour

Anti-Social Behaviour is defined in the ASB Crime and Policing Act 2014 as conduct that:

- Behaviour which caused or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator.
- Conduct which can cause nuisance or annoyance to any person occupying residential premises or
- Is capable of causing Housing related nuisance or annoyance to any person.

The following is not an exhaustive list, but examples of ASB can include:

- Noise nuisance including loud music, shouting, slamming doors;
- Behaviour which is aggressive, threatening or causes intimidation or harassment;
- Criminal activity which affects the community;
- Problems caused by animals (uncontrolled behaviour, or persistent barking);
- Graffiti;
- Abandoned cars and other vehicle nuisance including motorbikes/mopeds;
- Acts or threats of violence;
- Hate behaviour (including harassment);
- ASB as a result of misuse of drugs or alcohol;
- Domestic abuse.

There are some types of behaviour that may **not** be considered as ASB, such a baby crying, people completing DIY at a reasonable time of the day or dogs barking intermittently.

ForHousing will assess each report individually when deciding whether it is ASB, considering factors such as frequency and circumstances.

Definition of Hate Incidents/Hate Crime

A Hate *Incident* is: Any non-crime incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a personal characteristic.

A Hate *Crime* is: Any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a personal characteristic.

There are five centrally monitored strands of hate crime:

- Race or ethnicity
- Religion or belief
- Sexual orientation
- Disability
- Transgender identity

CW&C and ForHousing adopt a zero-tolerance approach to all hate crime and hate related incidents. This is set out within this Policy.

Definition of Domestic Abuse

Domestic Abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence, or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The Domestic Abuse Act 2021 defines abusive behaviour as the following:

- psychological
- physical
- sexual
- controlling or coercive
- violent or threatening
- financial
- emotional

Domestic Abuse can encompass, but is not limited to, the above types of abuse. It does not matter whether the behaviour consists of a single incident or a course of conduct. Both parties must be 16 and over and “personally connected”, defined as being married or civil partners; or have agreed to a marriage or civil partnership; are or have been in an intimate personal relationship with each other; or have a parental relationship with same child; or are relatives. Domestic Abuse can also occur between adult children and parents, or those in similar relationships.

Categories of Behaviour

ForHousing categorises and prioritises types of ASB as follows:

- ForHousing will acknowledge a report within one working day and arrange to discuss the problem with the Complainant.
- If the problem does not include violence or harassment, ForHousing will speak to the Complainant within five working days of receiving the report and interview the alleged perpetrator within five working days of them being identified.
- If the problem involves harassment (including hate behaviour or domestic abuse) ForHousing will meet with the Complainant within two working days and interview the alleged perpetrator (where appropriate) within two working days of them being identified.
- If the Complainant is suffering violence (or the threat of it) ForHousing will meet with them within one working day and (where appropriate) take action against the perpetrator on the same day.

Obligation of Tenants

CW&C's tenancy agreements set out the tenant's responsibilities to behave in a reasonable manner and to ensure that their family and any visitors do so as well. ForHousing will take appropriate action against tenant, members of their household or their visitors if they do not comply with the conditions of the tenancy agreement.

Where it is reasonable and safe to do so, ForHousing will encourage and support complainants to try to resolve issues themselves by speaking directly to the other party or by attending a joint meeting facilitated by ForHousing.

Multi-agency Working

Many ASB cases will require the involvement of other agencies and services to be able to resolve them. ForHousing will work with partner agencies such as the Police, Council and other providers as well as support services, for example Social Services, Education, Health, Youth and Fire Services. This can include carrying out joint interviews or home visits to Complainants or Perpetrators to assess support needs or issue warnings.

ForHousing's involvement with partners includes:

- ForHousing meet on a local level with Cheshire Police, sharing information, reviewing cases, and identifying hot spot areas. They are also involved in the Police's Problem Solving Group where agencies meet to discuss issues and seek resolutions via a multi agency approach.
- MARAC for Cheshire (multi-agency risk assessment conference).
- With support agencies such as Turning Point (Drug and Alcohol support) to support both victims and perpetrators of ASB and domestic abuse.
- ForHousing works with West Cheshire Homes in relation to allocations and sharing information to help protect communities.
- ForHousing works closely with CW&C social services (both adults and children) on Safeguarding cases.

Support for Victims and Witnesses

ForHousing will ensure that appropriate support is provided on a case-by-case basis. This will include carrying out a comprehensive Victim Risk Assessment; ensuring that the complainant's support needs are met throughout the duration of the case.

This can include:

- Support for victims and witnesses of ASB (and their families, where required) tailored to their individual needs, including pre and post court support.
- Referrals to other agencies such as drug and alcohol services, mental health, social services.

There may be limitations to what ForHousing can do to help if the Complainant wishes to remain anonymous or does not want to accept support.

Support for Vulnerable Perpetrators

Support will be offered and provided to Perpetrators who exhibit vulnerabilities or support needs. This will be reviewed by ForHousing on a case-by-case basis.

ForHousing will assess the needs of a perpetrator during the initial interview and throughout the duration of the case. Where appropriate, ForHousing will work with specialist services, such as drug and alcohol, mental health, and Council services, to ensure appropriate support and advice is provided.

However, it may not always be possible to offer support before action is taken, for example in circumstances where ForHousing apply for a 'without notice' injunction.

Prevention

ForHousing is committed to preventing ASB happening in the first place by:

- **Working with partner agencies such as the Police, Local Council and other agencies to maintain joint working arrangements;** this includes attending strategic and operational meetings to manage demand, threat, risk, and harm in community safety across our areas of operation. Through multi agency operational case management meetings, individuals and families involved in ASB are discussed and action plans agreed.
- **Working with statutory and voluntary organisations, Residents groups and other organisations to assist in the provision and delivery of diversionary activities;** for example, if we need to, we may bring in other agencies such as Social Services. This might be to help deal with the root cause of a problem, for example, mental health difficulties or drug and alcohol abuse. Likewise, we may involve sport and youth projects to provide diversion and other activities to help deal with problems caused by children or young people.
- **Carrying out effective pre-tenancy checks** - prior to new sign-ups, we carry out a pre-tenancy interview which includes identifying potential support needs so that measures can be put in place to reduce the risk of a failed tenancy.
- **Applying a robust tenancy sign up process** – there is a section in the tenancy agreement dedicated to ASB, this clearly states what is expected of tenants and the legal remedies available to us if the tenancy agreement is breached. Neighbourhood Officers draw specific attention to this section of the tenancy agreement at sign up.
- **Using Introductory tenancies** - all new tenancies are 'introductory tenancies'. We conduct regular reviews during the initial 12-month period of an introductory tenancy to ensure that any support needs are identified and met, and any problems around the conduct of the tenancy (e.g., rent arrears and/or anti-social behaviour) are discussed with the tenant. We instigate a 'current tenant visit' where any concerns are raised regarding the property or occupants of an ongoing tenancy. We make use of introductory tenancies and will instigate the extension process, where appropriate, to monitor tenancies which may be at risk and allow the opportunity for issues to be addressed with a view to the tenancy being successfully sustained in the long term.

Resolving an ASB Case

ForHousing will explore all avenues available and always try to resolve ASB cases through informal action. This includes, but is not exhaustive to:

- Where additional needs have been identified such as mental health difficulties (inclusive of dementia) ForHousing will work to resolve ASB cases seeking additional support as required.
- Where appropriate, make use of Warning Interviews, Restorative Justice, Good Neighbour Agreements and Mediation methods.
- When necessary, install noise monitoring or surveillance equipment or make use of professional witnesses.
- Upon resolution of a case, when appropriate, publicising successful outcomes through various media to demonstrate CW&C and ForHousing's commitment to tackling ASB, to inform staff and the wider community and to deter potential perpetrators.
- If a tenant feels that their ASB case has been incorrectly closed, they have the option to appeal the decision made to close their case, with the appeal being fully investigated by a manager who has had no involvement with the case; and
- Where tenant express dissatisfaction with the way that ongoing live cases are handled or complain that they do not feel the process is being followed, they will also have the opportunity to have their case reviewed through the appeal process, as above.

Legal Action and Enforcement

When all options to resolve a case have been exhausted, appropriate, reasonable, and proportionate legal action will be sought. There will also be occasions where immediate legal action is required such as where serious threats have been made or violence has occurred.

CW&C and ForHousing aim to do this whilst keeping the need for evictions to a minimum.

ForHousing will take necessary action against tenants, members of their household or their visitors if they do not comply with the conditions of the tenancy or lease agreement.

Possession of a CW&C property may also be sought where ASB and/or criminality has already been proven by another court (e.g., Magistrates Court). This can apply when the perpetrator is the tenant, a member of the tenant's household or a person visiting the property.

In some cases, it may be more appropriate for ForHousing to support other agencies in taking legal action.

Data Protection, Confidentiality, and Information Exchange

ForHousing will not disclose any information about, or provided by, a Complainant without their consent unless there are safeguarding issues that could impact on the safety of children or vulnerable adults or where there may have been a crime committed.

All information shared in respect of Perpetrators will adhere to the principles of data protection and in accordance with legislation as it relates to information sharing between agencies for the purposes of the reduction of crime and disorder.

How the Policy Will be Delivered

ForHousing's Housing Services teams will have day to day responsibility for delivering this Policy.

If employees become aware that there are problems with effective operation of this Policy or the associated procedures, they should report this to the Housing Manager. This feedback will be incorporated into the policy and procedural review process.

Related Documents

Policies, procedures and website pages in the following areas:

- ASB
- Domestic Abuse
- Hate Crime
- Safeguarding
- Data Protection
- <http://www.legislation.gov.uk/ukpga/1998/37/contents> (Crime and Disorder Act 1998)
- http://www.legislation.gov.uk/ukpga/2003/38/pdfs/ukpga_20030038_en.pdf (ASB Act 2003)
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf (ASB Crime and Policing Act 2014)

Equality Analysis

Date of approved EA	To be advised
Results of EA / Actions taken forward to mitigate any potential negative impacts	To be advised

Data Protection Impact Assessment

Data Protection Impact Assessment (DPIA)

Under the UK GDPR and the Data Protection Act 2018, you are required to carry out a DPIA when developing a new Policy or Procedure that will have a widespread or serious impact on data held on individuals. Careful consideration should be given as to whether the policy or process will have an impact on any processing of personal information that is large scale, involves profiling or monitoring, decides on access to services or opportunities, or involves sensitive data or vulnerable individuals. Information and support regarding this can be obtained from the Data Protection Officer (DPO).

Has a DPIA been completed?	
If a DPIA has been completed, was the DPO consulted?	
If a DPIA has been completed, were any risks identified?	

Consultation & Business Intelligence

To be advised.

Monitoring Arrangements

ForHousing will monitor and report performance in compliance with this Policy through the in-house IT system, performance indicators and tenant satisfaction feedback.

This ASB Policy will be available to all ForHousing employees through the intranet and via ForHousing websites for tenants and partner agencies. Regular training will be provided to relevant employees on all ASB policies and procedures.

Control Data & Approval History

Policy Owner:	CW&C: Alison Amesbury, Strategic Housing & Commissioning Senior Manager
Next review date:	

Issue	Approved By	Date
Approval	ForHousing SMT	30 th April 2018
Approval – V1	CW&C, Cabinet Member - Housing	8 th September 2018
Approval – V2	CW&C, Cabinet Member Housing, Planning and Climate Emergency	17 th February 2022

Document Revision History

Date	Version Number	Key Changes
8 th September 2018	1	Original version
15 th March 2021	2	Updated to strengthen the policy by being more explicit about our focus on 'Prevention'. Updated CW&C responsible Director name and title.