Anti-Social Behaviour Policy

Version Number	5
Date Applies From	09/09/24
Policy Owner	Director of Neighbourhoods
Next Review Date	15/03/27
Strategy Link	Customer focused and equitable services

Key connected legislation/regulation:

- ASB Crime and Policing Act 2014
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final__2_.pdf
- Domestic Abuse Act 2021
- Data Protection Act 2018
- Modern Slavery Act 2015
- Serious Crime Act 2015
- Protection of Freedoms Act 2014
- Equality Act 2010
- Safeguarding Vulnerable Groups Act 2006
- Family Law Act 1996Housing Act 1988
- Housing Act 1985
- Housing Act 1988

Annual Checks

Policy owners should ensure that an annual check of hyperlinks, roles, and names is undertaken. These checks are in addition to formal review process. Please see Policy and Procedure framework guidance for further details.

If you need this information in an alternative language please call

0161 605 7260

For other formats please call

0300 123 5522

Introduction

ForHousing owns properties which are spread over a large geographical area and therefore there will be reference in parts of this policy to specific areas and the policy will otherwise be common between the areas.

Strategic Statement

ForHousing recognises the impact that Anti-Social Behaviour (ASB) can have on the lives of customers and aims 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.

ForHousing is committed to delivering services through a non-judgemental, balanced approach. All cases of ASB will be treated fairly, taking into account the needs of all individuals involved, including the complainants, witnesses and alleged perpetrators.

Scope of Policy

This Policy sets out how ForHousing will endeavor 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 has homes. This could also apply if an incident takes place elsewhere, for example at one of the housing offices or is posted on a social media platform such as Facebook.

ForHousing may take action for ASB against perpetrators or on behalf of victims who live in housing not managed by ForHousing such as Leaseholders, shop owners and owner occupiers. The decision to do so will be dependent on the individual circumstances, such as any action that is already being taken by another agency, for example the police. Any action considered, will be determined on a case by case basis.

This Policy also applies where staff, customer 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 Anti-Social Behaviour, Crime and Policing Act 2014 as conduct that:

- Has caused, or is likely to cause, harassment, alarm or distress to any person;
- Is capable of causing nuisance or annoyance to a person in relation to that person's occupation of 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:

- Behaviour which is aggressive, threatening or causes intimidation or harassment;
- Acts or threats of violence;
- Hate behaviour (including harassment);

- Using social media platforms such as Facebook to perpetrate any of the above;
- Noise nuisance such as persistent loud music, shouting and arguing;
- 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;
- ASB as a result of misuse of drugs or alcohol.

There are some types of behaviour that may **not** be considered as ASB, such as 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

However, other protective characteristics include :

- Age
- Gender reassignment
- Marriage and Civil partnership
- Pregnancy and maternity
- Sex

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

Categories of Behaviour

ForHousing categorises and prioritises types of ASB as follows:

- ForHousing will acknowledge and triage a report within two working days 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 triaging the report and interview the alleged perpetrator within five working days of them being identified if appropriate;
- If the problem involves harassment (including hate behaviour), ForHousing will meet with

the Complainant within one working day and interview the alleged perpetrator (where appropriate) within two working days of them being identified. The decision to do so will be dependent on the individual circumstances of the incident and any action that is already being taken by another agency such as the police.

- If the Complainant is suffering violence (or the threat of it) ForHousing will meet with them within one working day and may, (where appropriate) take action against the perpetrator on the same day. The decision to do so will be dependent on the individual circumstances of the incident and any action that is already being taken by another agency such as the police.

Obligation of Tenants

ForHousing'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. They include specific clauses regarding ASB which includes Hate Behaviour. ForHousing will take appropriate action against tenants, members of their household or their visitors if they do not comply with the conditions of the tenancy agreement. However, the decision to do so will be dependent on the circumstances of the case and will be reviewed on a case by case basis.

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 of ForHousing's 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. The latter can include carrying out joint interviews or home visits to Complainants or Perpetrators to assess support needs or issue warnings.

There may be circumstances where we do not consider or take tenancy action until the conclusion of a police criminal investigation. In these circumstances we will make all parties aware of the reasoning, including partner agencies, victims and witnesses.

In addition, we will consider whether it is reasonable and appropriate for ForHousing to take legal action, where there are in place measures which provide for the complainant a similar level of protection to that which ForHousing could obtain using the powers available to us, such as where the Police have put in place bail conditions.

Across ForHousing, our involvement with partners varies, dependent on stock numbers and profile within each area. Due to small numbers of properties within Oldham and Fylde for example, involvement is less formal and more on an operational level than in Salford where we are a key housing provider. The partners with which we work in the different areas are shown below:

<u>Oldham</u>

- Oldham Metropolitan Borough Council (OMBC). We are members of Oldham's Strategic Housing Partnership and contribute to decisions relating to housing, including community safety issues.
- OMBC**,** in relation to a Common Allocations Framework and sharing information to help

protect communities.
- ForHousing is also represented on OMBC's Hate Crime Working Group.
- Greater Manchester Police Oldham Division**.** We meet on a local level with police, sharing information, reviewing cases and identifying hot spot areas**.**
- We attend Domestic Abuse MARAC (Multi-Agency Risk Assessment Conference) meetings as required.

Fylde

- Fylde Borough Council. We work with the Council in terms of allocations and safeguarding issues such as making referrals if necessary.
- Lancashire Police Fylde Division. We work with the police to share information to assist in the protection of the community.

Knowsley

- Merseyside Police. We attend high level meetings, led by the police, relating to serious crimes including gun crime in the Knowsley area. We meet on a local level with police, sharing information, reviewing cases and identifying hot spot areas.
- Knowsley Community Safety Partnership is attended by statutory partners only, which does not include ForHousing, however we support the delivery of the Community Safety Strategy.
- We are members of a number of groups at both strategic and operational level. These include: the Domestic Abuse Partnership Board, Domestic Abuse Operational Group, Domestic Abuse MARAC (Multi-Agency Risk Assessment Conference), MATAC (Multi-Agency Task and Co-ordination) addressing high risk perpetrators of Domestic Abuse, Local Problem-Solving Group and MARTHR (Multi Agency Threat, Harm & Risk), Combating Drugs Partnership.

Salford

- Salford City Council. We are members of a number of groups at both strategic and operational level. These include the Community Safety Partnership, Partnership Delivery Group, Tackling Domestic Abuse Board, MARAC (multi-agency risk assessment conference).
- Other key Housing Providers, Salix Homes and Pendleton Together. We work together to provide joint information to the strategic boards operating in Salford. We also share information about individuals to help protect our communities.
- Greater Manchester Police. We attend a range of meetings that are led by the police including gold, silver and bronze meetings where different levels of community safety related crimes are monitored and managed.

ForHousing is involved in multi-agency meetings such as action planning meetings to discuss victims and/or perpetrators, Community Safety Partnership meetings, MARAC (high risk domestic abuse) and Child Protection Professionals meetings.

ForHousing supports the Community Safety Partnership's 'ASB case review process'. This gives victims of persistent anti-social behaviour cases the right to request a review of their case and bring agencies together to find a solution, if issues haven't been addressed. This process is coordinated by the relevant Council and does not replace ForHousing's own complaints procedures.

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 out of hours support and pre and post court support;
- referrals to other agencies such as drug and alcohol services, mental health, social services and language translation 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 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 a Vulnerability Matrix to identify 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 our 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 and the new tenant is provided with a copy of our ASB Handbook or directed to the electronic version available on our tenant website. The Handbook contains more detailed information about what constitutes anti-social behaviour and "Your obligation" as a tenant.

- **using starter tenancies** - all new tenancies are 'Starter tenancies'. We conduct regular reviews during the initial 12-month period of a starter 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 Starter 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 ForHousing's commitment to tackling ASB, to inform staff and the wider community and to deter potential perpetrators;
- if a Complainant feels that their ASB case has been incorrectly closed, or has concerns about how it was handled by the investigating officer, they can raise a service complaint: By telephone - Customer Connect Hub on 0300 123 5522, or email stage1complaints@forhousing.co.uk. This also applies to Perpetrators in ASB cases.
- Alternatively, the Complainant can also request an Anti-Social Behaviour case review by contacting their Local Authority (Council).

Legal Action and Enforcement

When all options to resolve a case have been exhausted, where 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. In some circumstances it may be more appropriate for the police to be the lead agency and take action, as the powers available to them afford the complainant with a greater level of protection than could be provided by ForHousing, or they can put in place protective measures in a more timely manner than ForHousing is able to.

ForHousing aims to do this whilst keeping the need for evictions to a minimum.

ForHousing may take legal action against tenants, members of their household or their visitors if they do not comply with the conditions of the tenancy agreement (or any lease or transfer

deed for owner occupiers who have exercised their right to buy/acquire).

ForHousing may also take action against people who cause ASB in neighbourhoods where ForHousing has homes even if the perpetrators are not tenants of ForHousing.

Possession of a ForHousing 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.

ForHousing will also use available powers to protect non-ForHousing customers from unacceptable behaviour that may occur in neighbourhoods where ForHousing has homes. In some cases, it may be more appropriate for ForHousing to support other agencies in taking legal action.

If ForHousing serve a Notice of intent to seek possession or apply to court for a warrant, the community safety team will make a referral for the tenant to the relevant Local Authority homelessness team.

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.

Equity, Diversity, and Inclusion

We value diversity and work to create an inclusive environment for our customers and colleagues, where everyone has access to the same opportunities. We welcome our responsibility to comply with equalities legislation and regulatory requirements that relate to equity, diversity and inclusion and aim to do more. Through our activities we aim to remove systemic barriers to equal opportunities and eliminate all forms of discrimination, harassment, and victimisation within our organisation.

We are committed to providing excellent customer services, which are fair, equitable and inclusive. As such, we will endeavour to understand and make any reasonable adjustments required for customers in line with ForHousing's Reasonable Adjustment Statement and the Equality Act 2010. Any reasonable adjustment provided will be recorded and kept under active review.

Implementation and Communication

Our Neighbourhood Services Teams situated in our relevant subsidiaries 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 Policy Owner. This feedback will be incorporated into the policy and procedural review process.

Monitoring, Recording, Reporting

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

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

Related Documents

- ASB
- Domestic Abuse
- Hate Crime
- Safeguarding
- Data Protection
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final__2_.pdf

Co-production

The Policy was reviewed in consultation with colleagues and tenants of ForHousing.

Approval & Review History

With effect from 23/10/2024 the approval route for the Anti-Social Behaviour Policy is:

- SLT – EMT(Noting)

Date	Version	Approved by	Detail
20.03.19	1		Previously ForViva ASB Policy v1. • Updated to reflect transition to ForHousing • The ASB Acknowledgement service standard has been updated to incorporate triage process. • Complainants reporting any serious ASB, including use or threat of violence, harassment, Hate Behaviour and Domestic Abuse will now be interviewed within one day.
February 2020	2		Updated to strengthen the policy by being more explicit about our focus on ‘Prevention’.

Date	Version	Approved by	Detail
March 2022	3		• Where appropriate replaced 'Customer' with 'Tenant' • Updated definition of ASB regarding relevant legislation • Added using social media platforms such as Facebook to perpetrate ASB • Added process for making referral to relevant Local Authority homelessness service in cases where a Notice intent to seek possession is served or court warrant applied for • Added other Equality Act protective characteristics in addition to the five centrally monitored strands of hate crime • Updated Local Authority partnership details for Oldham and Knowsley • Added use of language translation services to support for victims and witnesses section
15.03.24	4	Relevant Director	• Removal of reference to Domestic Abuse (Standalone Domestic Abuse Policy now in place) • Categories and Prioritisation section – Added words 'where appropriate' to interview the alleged perpetrator within 2 or 5 working days of them being identified • Replaced ASB appeals process with how to raise a service complaint or request a partnership ASB case review by the relevant Local Authority • Updated section on ForHousing attendance at partnership meetings
August 2024	5		Updated to make it clearer when ForHousing will take perpetrator action and circumstances when it may be more appropriate for another agency such as the police to take the lead.