

## Antisocial Behaviour Policy

Staff roles listed in the **Competency Standards section** must be acquainted with contents of this document and have had documented instructions and training on its use. Authority to amend can only be undertaken by the **Process owner** with the relevant **Delegated approvals**.

For information on interpretations and instructions staff should contact the **Subject Matter expert** or **Process owner** and under no circumstances should any deviation be permitted without prior approval as above.

Document Controls			
<b>Version:</b>	2	<b>Effective date:</b>	December 2020
<b>Subject Matter expert drafter:</b>	Head of Community	<b>Process owner:</b>	Homes Manager
<b>Related Pod</b>	Community	<b>Related Policy</b>	Tenancy Policy Allocations Policy Safeguarding Policy
<b>Review period</b>	3 years	<b>Next review due by:</b>	December 2023
Delegated approvals			
<input checked="" type="checkbox"/> <i>The 3 lines of defence have been checked within the framework and are valid</i>			
<b>Approved by AD</b>	Helen Anderson	<b>Approved Date:</b>	15 <sup>th</sup> December 2020
<b>Approved by EMT</b>	Alan Keers	<b>Approved Date:</b>	23 <sup>rd</sup> December 2020
<b>Approved by Board/ Committee/RRT</b>	n/a	<b>Approved Date:</b>	n/a
Competency Standards			
<b>Roles using this document</b>	Homes Manager Senior ASB Specialist ASB Specialist Lead Community Specialist Community Specialist Community Potential Specialist	<b>Mandatory training frequency</b>	3 Year Cycle

<b>Associated legislation</b>	Housing Acts 1996 and 1988 Environmental Protection Act 1990 Crime and Disorder Act 1998 Anti-social Behaviour Act 2003 Anti-social Behaviour, Crime and Policing Act 2014	<b>Vocational training frequency</b>	
<b>Consumer Standards</b>	Neighbourhood and Community Standard	<b>Other</b>	

<b>Three Lines of Defence</b>	
<b>Evidence</b>	
Lines of defence 1	<ol style="list-style-type: none"> <li>1. Policy approved, with relevant cover sheet.</li> <li>2. All staff and Board briefed and trained on the policy, forming part of inductions for new staff.</li> <li>3. Assessment during 121 sessions.</li> <li>4. Reporting process for breaches of the policy.</li> </ol>
Lines of defence 2	<ol style="list-style-type: none"> <li>1. GROW team to provide exception report on training on monthly basis to Heads of Service and Policy Owner.</li> <li>2. Any breach of the policy reported to Company Secretary.</li> <li>3. Case reviews and audits by Senior ASB Specialist and Homes Manager</li> <li>4. Monthly legal spend reviews by Head of Service</li> </ol>
Lines of defence 3	<ol style="list-style-type: none"> <li>1. Audit programme – audits will identify any housekeeping or recommended. actions relating to non-compliance with all policies.</li> <li>2. Quarterly report to the Audit and Risk Committee.</li> </ol>

## 1. Purpose

- 1.1 The Red Kite Group including Twenty11 has a key role in creating safe and sustainable communities. This can only be achieved if we work in partnership with the police, local authorities, other agencies and partners, and, most importantly, our tenants and communities. The wellbeing of our tenants is central to our approach.
- 1.2 This policy and the associated procedure sets out our approach to tackling antisocial behaviour through prevention, enforcement and support. Its purpose is to prevent and minimise the amount of antisocial behaviour that our tenants experience, which impacts adversely on them and our communities.
- 1.3 This policy also explains what we expect from our tenants in their interactions with us, and thus links with our Feedback Policy in setting out our approach to dealing with vexatious and unreasonable tenants.

## 2. Definitions

- 2.1 The Crime and Disorder Act 1998 describes antisocial behaviour as: “Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as themselves”.
- 2.2 The Anti-social Behaviour, Crime and Policing Act 2014 expanded on this as follows:
- *“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; or*
  - *Conduct capable of causing housing-related nuisance or annoyance to any person.”*
- 2.3 Antisocial behaviour thus covers a wide range of activities that have a negative effect on the quality of community life and the lives of people within those communities. This includes harassment, nuisance and annoyance or disturbance to other residents, their visitors or other people in the area such as our staff and contractors. Examples could be:
- verbal or physical abuse
  - unreasonable noise such as playing loud music, shouting or screaming, revving car or motorcycle engines, banging on party walls, throwing furniture or other items about causing noise
  - intimidation or threatening behaviour
  - damage to property, including graffiti
  - taking part in criminal activity, including drug dealing
  - carrying out car repairs in communal areas or on other land belonging to us

- leaving unroadworthy or untaxed vehicles on communal land
  - dumping or hoarding rubbish
  - keeping gardens in an untidy state so they are an eyesore or attract vermin
  - allowing animals to foul common areas or cause a noise nuisance
  - being a member of a criminal gang.
- 2.4 For definitions and details of our approach to racial harassment and hate crime, please refer to Appendix 1.
- 2.5 As regards unacceptable behaviour, this is defined as when a tenant, because of the frequency or nature of their contact with us, hinders our consideration of their or other people's concerns and/or intentionally or otherwise damages our reputation or credibility. The terms 'unreasonable', 'persistent' and 'vexatious' may apply and are summarised as 'unacceptable behaviour' (please refer to our Feedback Policy).

### **3. Responsibilities**

- 3.1 The Head of Community is responsible for managing, monitoring, reviewing and implementing this policy.
- 3.2 All our staff have a degree of responsibility for dealing with antisocial behaviour, whether it is identifying issues while they are out and about, referring concerns to the appropriate specialists or partners, or just being aware of our approach in this critical area.
- 3.3 Staff who have specific responsibilities - such as giving strategic leadership, recording antisocial behaviour reports on the system, giving advice, taking action or promotion - include the following:
- Chief Executive
  - Head of Community
  - Homes Manager
  - Estates Manager
  - Senior Antisocial Behaviour Specialist
  - Antisocial Behaviour Specialists
  - Realising Potential Specialists
  - Community Specialists
  - Relationship Advisors
  - Head of Communications and Brand
- 3.4 The Head of Community will review this policy on an annual basis or earlier in response to legislative changes, good practice and learning or changes in other relevant policies.

## **4. Legal Framework**

4.1 There is a range of legislation and guidance that covers antisocial behaviour, including:

- Housing Acts 1988 and 1996
- Environmental Protection Act 1990
- Crime and Disorder Act 1998
- Dangerous Dogs Act 1989, 1991
- Anti-social Behaviour Act 2003
- Police and Justice Act 2004
- Equalities Act 2010
- Domestic Violence, Crime and Victims (Amendment) Act 2012
- Anti-social Behaviour, Crime and Policing Act 2014
- General Data Protection Regulations 2018

## **5. Key Principles**

5.1 We recognise that antisocial behaviour:

- Has a negative impact on individuals;
- Can lead to the decline of estates and damage whole communities;
- Can undermine the good work that we carry out and our relationship with our tenants and communities;
- Is a high profile and reputational issue;
- Can affect the 'quiet enjoyment' of a home to which everyone is entitled;
- Can have an emotional and financial cost to the victims as well as a cost to us.

5.2 Our approach is therefore:

- To tackle antisocial behaviour through prevention, early intervention, support and enforcement;
- To provide a confidential tenant-centred approach, ensuring that those affected are kept informed of developments where possible and are signposted to other agencies as appropriate;
- To maintain and develop effective partnerships;
- To provide a robust response, including to hate crime and domestic abuse, which may include eviction of perpetrators;
- To provide a reasonable, appropriate and proportionate use of our powers to target evidenced problems;
- To pursue costs for actions we may take against the perpetrators;
- To tackle environmental antisocial behaviour and invest in our neighbourhoods;

- To promote and encourage community responsibility, self-help and involvement.
- To use tenant feedback to learn and improve our service

## **6. Policy Statement: Our responsibilities**

- 6.1 We are committed to working to protect our tenants and our local communities from the harm that can be caused by antisocial behaviour. To do this, we will ensure that relevant staff are trained and equipped to respond swiftly and effectively to reports of antisocial behaviour and, where possible, to prevent these escalating into more serious incidents.
- 6.2 We will develop and maintain effective partnerships with local and national partners and agencies with whom we can collaborate in tackling antisocial behaviour, this includes working with the police.
- 6.3 We have a responsibility to ensure value for money when managing our antisocial behaviour service. This is integrated within our approach, such as encouraging self-help for minor issues, or deciding what specific course of action is most appropriate depending on our resources and chance of success.
- 6.4 We have a responsibility to our staff, agents, and contractors who are entitled to work in an environment that is safe, secure, and free from fear of violence, threats of violence, or abuse. We therefore have a Staff Protection Procedure which includes identifying when a person/property may present a risk and the appropriate steps to take to help us manage potentially sensitive or dangerous issues. Any reported concerns in relation to Staff Protection will be considered by our Homes Manager and/or the Senior Antisocial Behaviour Specialist in line with our Staff Protection Policy.

### **Our Tenants' Obligations**

- 6.5 We expect all our tenants, people living with them and/or visitors to their home not to cause a nuisance, disturbance or be involved in activities that can be categorised as antisocial behaviour.
- 6.6 Our tenants are bound by their tenancy agreement and will be dealt with in line with the available legal remedies. We will ensure that our powers are used appropriately to provide a proportionate response to the behaviour that is causing harm or nuisance, and that there is sufficient evidence to justify such actions.
- 6.7 It is a breach of our Tenancy Conditions for our tenants or anyone in their household to be members of a criminal gang or to engage in an activity that is likely to bring retribution or trouble to their home or estate. Being part of a gang could lead to aggressive behaviours and threats towards others, and can also be more serious and involve violence, threats to kill, use of firearms, drug dealing and extreme violence, also reprisals, which can affect non-gang members.
- 6.8 In addition to the legal responsibilities set out in their tenancy agreement, we expect our tenants to:

- Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner, for example via mediation;
- Respect other peoples' right to their chosen lifestyle and everyday reasonable level of disturbance. Examples may include food smells, children playing or babies crying at night, which we do not consider to be antisocial behaviour;
- Work with us to resolve disputes/issues, for example by keeping diary sheets, providing witness statements, attending court;
- Report all crimes, including threats or acts of violence and incidents of hate crime or domestic abuse, to the police.

6.9 We expect our tenants to act reasonably and to be honest with us at all times. We will take seriously and instigate appropriate action if false reports are made by our tenants to cause someone distress and/or waste staff time, including if false reports of antisocial behaviour or falsification of the cause of property damage are made. This type of behaviour, if evidenced, will result in robust enforcement action, see section 10 below.

6.10 Occasionally, the excessive frequency of contact or unreasonableness from specific tenants may affect our ability to properly consider their complaints and other people's. Where we believe that a tenant is behaving unreasonably, we may take action to limit the amount of contact they have with us. This action may include the following:

- limiting the person to contacting us via written communication only;
- limiting the person to contact with a named member of staff only;
- responding to new, evidenced complaints or issues only.

## **7. Prevention and early intervention**

7.1 Twenty11 is committed to preventing antisocial behaviour and we will use a range of preventative actions to achieve this. We recognise that early intervention is often the key to avoid escalation.

7.2 As part of our pre-tenancy and early tenancy work, new tenants will be informed about how to be a good neighbour, how to report antisocial behaviour and what action can be taken against perpetrators of antisocial behaviour. It will therefore be made clear from the beginning of their tenancy that antisocial behaviour will not be tolerated.

7.3 Our Tenancy Agreements contain clauses which allow us to deal with unacceptable behaviour. We may use verbal or written warnings to stop antisocial behaviour before it escalates. Any warning will be based on clear evidence, explaining to the individual the details of the antisocial behaviour and the likely consequences if the behaviour does not stop.

7.4 Our Tenancy Sustainment Licence will be used as a preventative as well as an enforcement tool. Where there is substantiated concern about conduct, we will give penalty points in accordance with our Tenancy Sustainment Licence approach. For further details, see section 10 below and also our Tenancy Policy.

- 7.5 New tenants will be visited within four weeks and a review carried out at six and also nine months to ensure they have settled into their new home and to monitor the conduct of their tenancy which includes antisocial behaviour. Where there have been examples of poor conduct, these checks may result in negative penalty points on their Tenancy Sustainment Licence.
- 7.6 We will actively encourage the use of mediation between parties to resolve issues and will work closely with Mediation Services to promote this approach. Mediation is very valuable in resolving neighbour disputes, and it can prevent a dispute from escalating into a more serious disturbance.
- 7.7 We will adopt a multi-agency approach when dealing with cases and will work with partner agencies such as the Police, Probation, Social Services, education and youth services. The Red Kite Group will be represented on various multi-agency groups, to share information and plan joint action to respond to antisocial behaviour problems at a local level.
- 7.8 Where specific vulnerabilities are identified in a case (such as mental health problems), we will endeavour to provide an appropriate approach, both for victims and perpetrators, and may seek advice from professionals including social workers. With all cases, we will comply with the requirements of the Equality Act 2010.
- 7.9 When appropriate we will issue Acceptable Behaviour Contracts, Parenting Contracts and/or Good Neighbour Agreements to promote safer communities and prevent antisocial behaviour. For further details on legal remedies, please see section 10 below and also refer to Appendix 3.
- 7.10 If necessary, proportionate and in accordance with regulations, we will use CCTV and/or surveillance in line with the relevant policy. We may also use professional witnesses to assist us. Technology may be used to substantiate complaints. The local authority may take action under the Environmental Protection Act 1990, if it is satisfied that certain 'statutory nuisances' exist or are likely to occur in the area. For more information on noise nuisance, please refer to Appendix 2.
- 7.11 We are committed to the prompt removal of graffiti, fly-tipped rubbish, abandoned cars and litter to discourage further incidents, and we will carry out regular estate inspections that our tenants are welcome to attend. We will also consider funding environmental and physical improvements to help prevent antisocial behaviour, such as additional lighting or fencing.
- 7.12 Our Allocations Policy makes it clear that an offer of accommodation may be withdrawn or refused if the applicant (or others on the application) are or have been responsible for committing serious and persistent antisocial behaviour. If we or another landlord have previously evicted someone for antisocial behaviour we will not accept them as a tenant of Twenty11 in the future.

## **8. Supporting Complainants and Victims**

- 8.1 We will provide a variety of methods in order that our tenants can report incidents of antisocial behaviour including face to face, email, and via our portal on our website.
- 8.2 We will ensure our Relationships and Community staff including our



Realising Potential Specialists are fully trained in taking initial reports of antisocial behaviour, making sure that we have clear policies and procedures in place.

- 8.3 We will ensure that we consider vulnerability and safeguarding issues when investigating a case. Any safeguarding issues that are identified will be dealt with in accordance with our Safeguarding Policy and Procedures.
- 8.4 We will use an electronic case management system with reporting facilities which will enable us to record and report against a range of measures. We are committed to information security; to this end, we have access and permission controls for our antisocial behaviour software to ensure sensitive data is protected and kept confidential. We will ensure each report of antisocial behaviour is investigated thoroughly, treated seriously, and where a case needs follow up and ongoing actions, a case officer will be assigned and the complainant and any known witnesses will be notified of the staff member's name and contact details.
- 8.5 We will investigate all complaints of antisocial behaviour promptly as defined in our agreed standards and priorities (see our antisocial behaviour procedure).
- 8.6 We will keep complainants and victims informed of developments in their case where possible and practical, unless this would mean a breach of confidentiality or data protection legislation. We will inform the complainant once a case has been closed and the reasons for this. We will carry out customer satisfaction surveys for a sample of cases that have been closed and we will learn from the feedback we receive.
- 8.7 All complainants will receive a responsive service. We only act for customers of the Red Kite Group, but we will refer or signpost other individuals to various organisations as appropriate, and we will also work with other partners and agencies to support safer neighbourhoods, help tackle issues of concern and prevent community ASB.
- 8.8 When investigating a report of antisocial behaviour, we may also receive counter-allegations, and both reports will be investigated equally and impartially.
- 8.9 If our tenants are prepared to be witnesses in court, we will consider how we will support them before, during and after any court action. The safety and wellbeing of a witness or victim is important to us. In exceptional circumstances we may consider a temporary or permanent move to ensure the safety of a tenant or a member of their household.
- 8.10 Where a tenant has had their home damaged through substantiated harassment we will carry out repairs providing there are police reports to verify the cause of the damage. We will also consider carrying out any additional security works where there is risk of harm to the victim or others living in the home.

## **9. Re-housing**

- 9.1 In very exceptional circumstances, we may consider a management transfer or "priority move". This will only be considered where the tenant's

safety and/or welfare is being seriously compromised if they remain at their address, and the request is supported by evidence and support from other partners, normally the police or health professionals. The move may be temporary.

- 9.2 Such moves will always be viewed as an exception. We do not have emergency housing, so if this is necessary, the tenant will be advised to contact the police or the local authority for assistance. We will also provide advice should a tenant want to make their own arrangement to find alternative housing. Please refer to our Tenancy Policy for more information.

## **10. Enforcement**

- 10.1 There will be cases where conciliation, mediation and working with other agencies may not be successful or appropriate. In such circumstances, where sufficient evidence is available, enforcement action will be pursued. A range of tools are available to us to take action against perpetrators, including injunctions and possession proceedings. For further details please see Appendix 3: Legal Remedies. We will ensure that breaches of orders are investigated and actioned appropriately, with reference to complainants, our partners and/or the courts as appropriate.
- 10.2 Where there has been substantiated antisocial behaviour, and/or there are negative penalty points on the tenant's Tenancy Sustainment Licence, then possession action, eviction or not renewing a tenancy will be considered. Serious antisocial behaviour, known as 'red line behaviour' (see Tenancy Policy for details), will result in the ending of a tenancy or its non-renewal.

## **11. Confidentiality and data protection**

- 11.1 Reports of antisocial behaviour will be handled in a sensitive, professional manner by all members of staff. Our staff will respect the laws that relate to privacy and confidentiality including data protection legislation. We recognise it can be frustrating for the complainant not to know details of the actions we take as a result of their complaint, however we need to respect both sides' privacy and rights to confidentiality.
- 11.2 Permission will be sought from the complainant before information is given to an alleged perpetrator or another party. This should be discussed with the complainant when the antisocial behaviour is initially reported or at an early stage. In some instances, it may be difficult to address a complaint of antisocial behaviour without the alleged perpetrator recognising who the complainant is.
- 11.3 We may share information with relevant agencies as set out by the Crime and Disorder Act 1998. This will be done in accordance with data protection legislation and any information sharing protocols we have in place.

## **12. Promoting our ASB services**

- 12.1 Publicity, such as promoting news of successful prosecutions of perpetrators, is important in terms of reassuring our customers and the wider community

that we are taking effective action to tackle antisocial behaviour. This will not only help to reduce the fear of crime but also act as a deterrent to perpetrators.

- 12.2 If we publicise any specific actions we have taken, this will be in accordance with our Media Policy and Data Protection guidance. We will be mindful of safety considerations for any victim.

**13. Related documents**

- Red Kite Group Safeguarding Policy
- Red Kite Group Staff Protection Policy
- Twenty11 Allocations Policy
- Twenty11 Tenancy Policy
- Twenty11 Realising Potential Approach
- Twenty11 Feedback Policy
- Antisocial Behaviour Procedure

**14. Monitoring and Policy Review**

- 14.1 Customer satisfaction on closed cases will be reported regularly to senior management, and quality checks/case reviews will be regularly carried out by managers to ensure consistency and quality of case handling.

**15. Appendices**

Appendix 1: Racial harassment and hate crime

Appendix 2: Noise complaints

Appendix 3: Legal Remedies