

## **Anti-Social Behaviour Policy**

### **1.0 Policy Statement**

- 1.1. This Anti-Social Behaviour (ASB) Policy aims to set out what Falcon Housing Association C.I.C (FHA) approach to anti-social behaviour is, and what FHA will do about it.
- 1.2. There is a legal framework that determines FHA's responsibilities as a landlord. This policy will also outline the approach in areas not determined by law.
- 1.3. Although there are several legal and other remedies available, FHA's aim is to prevent and stop anti-social behaviour occurring without causing the loss of tenancies. Court proceedings for possession or other formal legal remedies will usually only be used in a minority of serious cases where other intervention actions have not been successful in stopping or reducing the nuisance occurring.
- 1.4. The aim of the policy is to show how FHA will:
  - Prevent/reduce incidents and reoccurrence of anti-social behaviour in properties where FHA are the landlord. This may include taking action against any person, who may or may not be a FHA tenant.
  - Not tolerate any behaviour that is designed to threaten, intimidate, or abuse staff or contractors.
  - Create a safe environment for tenants and/or care providers to report anti-social behaviour.
  - Ensure that cases of anti-social behaviour are treated in a consistent and effective manner.
  - Work in partnership with other agencies.
  - Ensure that information is treated confidentially.
  - Assist tenants and witnesses to obtain support.
  - Promote fair and equal treatment for everyone.
  - Ensure that FHA tackle ASB as efficiently and effectively as possible using a variety of approaches. Early intervention and swift action are a key priority.
  - Take a customer centred approach and ensure that appropriate support is provided to witnesses, victims, and their households, at every stage of the case.
  - Work with vulnerable residents, both victims, perpetrators, and partner agencies to provide a holistic and appropriate response to deal with anti-social behaviour.

- Use legislation and other tools to assist in developing an effective approach in the prevention and management of anti-social behaviour.
- Assist perpetrators to change their behaviour and where possible ensure they have access to the relevant support through early intervention. Where necessary, FHA will take appropriate enforcement action against perpetrators.

## **2.0 Scope**

- 2.1 This policy concerns anti-social behaviour that directly affects the housing management functions of FHA. The policy will deal with incidents or reported incidents where one or more of the alleged perpetrators or complainants live in an FHA property.
- 2.2 This policy also applies when anti-social behaviour affects staff, contractors, care providers and partners. FHA will take reports of anti-social behaviour from tenants, those supporting them (relatives, appointee's and/or care/support providers) and neighbours.
- 2.3 FHA will obtain agreement of the complainant before acting. FHA will not disclose the complainant's name to those complained about without the complainant's permission.

## **3.0 Legal Framework**

- 3.1 FHA has a duty of care to victims of crime and anti-social behaviour and is required to meet regulatory and legislative guidance.
- 3.2 FHA will keep up to date with changes in Government policies and guidelines and will review this policy and the service provided accordingly.
- 3.3 FHA's policy complies with all the relevant legislation, including section 218A of the Housing Act 1996 which places a duty on social landlords to publish anti-social behaviour policies and procedures.
- 3.4 FHA's approach to dealing with nuisance and anti-social behaviour also meets the requirements of the Regulator of Social Housing's (RSH) Neighbourhood and Community Standard which requires that:

*“Registered providers shall work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.”*

3.5 At the time of writing, the regulatory and legal framework was as follows:

- Anti-social Behaviour, Crime and Policing Act 2014
- Equality Act 2010
- Crime and Disorder Act 1998, as amended 2002
- Housing Act 2004
- Human Rights Act 1998

#### 4.0 What is Anti-Social Behaviour?

4.1 The term anti-social behaviour can mean different things to different people.

4.2 FHA consider behaviours that cause:

- Damage to the internal and/or external of the property
- Damage to the individual
- Damage to any neighbours
- Damage to any employees
- Damage to the reputation of FHA
- Criminal activity
- harassment, alarm, or distress to one or more person.

4.3 The definitions of anti-social behaviour in relation to tenancy management contained in the Anti-Social Behaviour, Crime and Policing Act 2014:

*“Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises,” and “Conduct capable of causing housing related nuisance or annoyance to any person.”*

4.4 Not all behaviour that is reported will necessarily be considered anti-social behaviour. FHA do expect tenants to show tolerance of their housemates and neighbours normal living activities and therefore do not consider the following, (even though they may cause annoyance to some people) to be anti-social behaviour:

- Normal household sounds (cleaning, footsteps, doors closing)
- Cooking smells
- DIY
- Instrumental practice within reasonable hours
- Screaming, shouting if part of tenant’s medical condition (within reason and not excessive or prolonged)

4.5 FHA accept that some of these activities where repeated or extreme could be considered anti-social behaviour and each case will be assessed on its own merits. Not all activity that a complainant might consider to be anti-social

behaviour will be a tenancy breach, and this may limit intervention action which is possible.

4.6 Other activities that could be considered anti-social behaviour will be assessed on their merits.

4.7 FHA will not get involved in behaviour that is not related to the housing management function, unless it is also connected to harassment for e.g. neighbour disputes, rudeness, staring or disputes on social media.

## **5.0 Prevention, Early Intervention and Support**

5.1 FHA is committed to preventing incidents of ASB occurring in the first instance and will use a range of preventative actions to achieve this. Where incidents have occurred, FHA recognise that early intervention is the key to avoid escalation. If necessary and appropriate, legal action will be taken resolve the situation.

### **Prevention and Early Intervention**

5.2 In relation to Prevention and Early Intervention measures, FHA have the following in operation:

- Carry out pre-tenancy checks and house people appropriately.
- Tenancy agreements contain clauses which allow FHA to deal with unacceptable behaviour and clearly sets out the tenant's obligation not to carry out anti-social behaviour, and to be responsible for the behaviour of their family and visitors.
- Property Inspections are undertaken so that FHA are aware of, and can act on, unreported early problems.
- The sign-up process and house rules give a clear message on FHA expectations of tenant behaviour.
- Use of a wide range of tools including carrying out joint meetings with care/support teams, family members, warning interviews and using formal warnings.
- Adoption of a multi-partnership approach when dealing with cases working with partner agencies such as Police, Probation, Social Services, Care Providers, Support Team, and other landlords
- Work with partner agencies to ensure appropriate packages of support are available to help perpetrators address their behaviour, and to support those affected by unacceptable behaviour
- Where specific vulnerabilities are identified in a case, FHA will endeavour to provide a tailored approach to those suffering and those perpetrating.

## Support

5.3 FHA is eager to offer support and reassurance to all victims and witnesses of anti-social behaviour. FHA will agree clear actions with them on how the case will be tackled.

FHA will:

- Provide a variety of methods to report incidents of anti-social behaviour including telephone, face to face, third party, email, and via the website [www.falconha.org](http://www.falconha.org)
- Ensure that a risk assessment of complainants is completed where appropriate during the initial investigation, assessing any vulnerabilities and safeguarding issues. Safeguarding issues identified will be dealt with as per the Safeguarding processes.
- Provide access to translation/interpretation in appropriate languages. Documents will be produced in large print, Braille or audio format where required.
- Ensure each report of anti-social behaviour is investigated. A plan of action will be agreed with every complainant and any witnesses, however there may be cases where it is not appropriate (e.g. anonymous reports, or where the reporter does not want to be engaged with the process).
- Ensure that evidence collected is in the most appropriate and effective manner, offering a range of methods e.g. diary sheets in appropriate community languages or recorded evidence or picture/videos. If necessary and where proportionate; FHA will seek the use of professional witnesses or CCTV.
- Consider the need for additional security and target hardening measures as appropriate.
- Ensure that witnesses and victims are kept informed at all stages of the investigation and ensure that FHA work with other relevant agencies e.g. Care Providers, Families, Victim Support, and advocacy services for support before and after any court appearances.
- In extreme cases where there is a significant risk of harm that cannot be addressed by other interventions, FHA will work, alongside the Care Provider and Support Team to consider alternative rehousing options.

## **6.0 Process**

- 6.1 Instances of Anti-Social Behaviour will be dealt with by the Housing Officer who will review and take action accordingly.
- 6.2 Upon receiving an anti-social behaviour case the Housing Officer will complete an investigation by contacting as relevant the victim, perpetrator, care provider and any other relevant individuals involved. The Housing Officer will also review any other relevant evidence such as CCTV.
- 6.3 The standards for acknowledgement and investigation of anti-social behaviour complaints are:
- High Priority – 1 working day for initial acknowledgement and follow up by Housing Officer
  - All others – 2 working days for initial acknowledgement and 5 days for follow up by Housing Officer. Acknowledging a case may be either sending an acknowledgment letter/email or telephoning the complainant, depending upon which is most appropriate.
- 6.4 FHA will only take action if, following investigation, they are satisfied that the evidence gathered can demonstrate that an individual or individuals have acted in an anti-social manner.

## **7.0 Action and Enforcement**

- 7.1 FHA may choose to introduce remedies which be either legal or non-legal.
- 7.2 Non-legal remedies include:
- Warnings for breaches of tenancy – Housing Officers to follow the Unacceptable Behaviour Warning Letter process.
  - Multi-agency working – Case conferencing and holistic joined up working see point 10.0 below.
  - Mediation – FHA may use external mediation organisations to help resolve disputes between neighbours, with the consent of all parties.
  - Restorative Justice

### **Enforcement**

- 7.3 FHA recognises that there will inevitably be cases where conciliation, mediation and working with other partners/agencies may not be successful, and that in such circumstances where there is sufficient evidence, legal action may be taken. Most cases do not require legal action. FHA can only consider applying to court if there is confidence that the strength of the evidence is such that a court is likely to agree to the request.

7.4 FHA will decide what action to take having considered the circumstances of each case, and whether the proposed action would be proportionate to the behaviour taking place. Legal action may involve either a Section 8 or Section 21 notice.

## **8.0 Dealing with Vulnerable Perpetrators and Victims**

8.1 FHA is a registered provider of specialist supported housing to vulnerable adults with complex needs that require additional support.

8.2 Where a perpetrator of anti-social behaviour has such vulnerability, FHA will ensure that they have access to support to help address any unacceptable behaviour. This may include liaising with relevant professional organisations or additional support being provided in-house.

8.3 On occasion, and where appropriate, FHA may seek advice from independent professionals including medical, mental health, fire safety.

## **9.0 Monitoring and Review**

9.1 FHA will work with all relevant partners in order to progress casework to a satisfactory conclusion. Accurate records will be kept of all ASB cases.

9.2 FHA will close an anti-social behaviour case when (this list is not exhaustive):

- The problem has been resolved.
- There is insufficient evidence to proceed.
- The evidence does not warrant action.
- The witness does not respond to FHA or withdraws their complaint.
- The decision to close the case will be made by the Housing Officer in partnership with all concerned parties.

## **10.0 Multi Partnership Working**

10.1 FHA recognises that dealing with anti-social behaviour is not the sole responsibility of any single entity. FHA will work closely across all Local Authorities with all relevant agencies and will share information with appropriate partners.

## **11.0 Data Protection and Information Sharing**

11.1 As a registered provider, FHA have a duty to share information with relevant agencies as set out by the Crime and Disorder Act 1998. This will be done in accordance with General Data Protection Regulation 2018 (GDPR) and any information sharing protocols FHA have in place.

## 12.0 Monitoring the policy

- 12.1 This policy will be reviewed periodically every 3 years, or sooner in the event of any relevant legislation regulation or operational changes.

This policy will be reviewed every 3 years or following changes to regulations and guidance or organisational learning.			This policy will be reviewed by Chief Operating Officer.	
Version Control				
Version	Date document created and approved	Previous review date	Next review date	Owner
V1	July 2018	N/A	July 2020	Sharon Scollen
V2	July 2020	January 2018	July 2023	Sharon Scollen
V3	December 2023	July 2020	30 November 2026	Lesley Earnshaw
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