

ANTI SOCIAL BEHAVIOUR POLICY

1 Purpose

- 1.1 Red Kite Community Housing 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 well-being of our tenants and leaseholders is central to our approach.
- 1.2 This policy and associated process sets out our approach to tackling anti-social behaviour (ASB) through prevention, enforcement, and signposting support. Its purpose, by working with tenants, residents, and partners is to prevent and minimise the amount of ASB that our tenants suffer, which impacts adversely on them and our communities.
- 1.3 This policy also explains what we expect from our tenants in their interactions with Red Kite, and interconnects with our **Tenancy Policy**.
- 1.4 This policy also links to our **Feedback Policy**, **Staff Protection Policy** and **Unacceptable Behaviour Policy** in setting out our approach to dealing with vexatious and unreasonable tenants.

2 Definitions

- 2.1 The Crime and Disorder Act 1998 describes ASB 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 Anti-social behaviour can cover 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. Depending on the severity of the report we will either respond within 1 or 5 working days.
- 2.4 On receiving a report of any of the following examples of ASB, we will make initial contact within 24hrs/one working day:
 - physical violence / serious threats of violence
 - hate crime
 - drug dealing & supply

- drug use and misuse / communal area rough sleeping
- ongoing harassment, alarm, distress or intimidation
- Criminal Offence (ASBC&P Act 2014).

2.5 On receiving a report of any of the following examples of ASB, we will make initial contact within five working days:

- damage to property
- neighbour dispute
- drug misuse (in communal areas)
- noise Nuisance
- pet nuisance & dangerous animals
- prostitution & sexual activity
- vehicle nuisance

2.6 Hate Crime, as defined by HM Government services, is defined as 'Crimes committed against someone because of their disability, transgender-identity, race, religion or belief, or sexual orientation'.

Hate crimes can include:

- threatening behaviour
- assault
- robbery
- damage to property
- inciting others to commit hate crimes
- harassment

Hate Crimes should be reported to the police and secondly to Red Kite.

3 Responsibilities

3.1 The Head of Community is responsible for managing, monitoring, reviewing and implementing this policy. In addition, all our staff have a degree of responsibility for dealing with anti-social 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.

3.2 Staff who have specific responsibilities - such as giving strategic leadership, recording ASB reports on the system, giving advice, taking action or promotion - include the following:

- Director of Customer Services
- Head of Community
- Homes Manager
- Estate Manager
- Sheltered Services Manager
- Senior Anti-Social Behaviour Specialist
- Anti-Social Behaviour Specialists
- Lead Community Specialists
- Community Specialists
- Sheltered Specialists
- Relationship Advisors
- Repairs Specialist
- Head of Communications and Brand

4 Legal Framework

4.1 The Regulator of Social Housing (RSH) regulates all registered social housing providers against a set of national and local standards in key service areas including ASB. These standards are within the RSH Neighbourhood and Community Standard and are subject to amendment.

4.2 Registered providers are obliged to publish a policy on how they work with relevant partners to prevent and tackle ASB in areas where they own homes. In their work to prevent and address ASB, registered providers must demonstrate activity within the service. We do this by ensuring that:

- tenants are made aware of their responsibilities and rights in relation to ASB;
- strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies;
- a strong focus exists on preventative measures tailored towards the needs of our tenants and their families;
- where current evidence is provided, prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem and having regard to the full range of tools and legal powers available;

- our tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not;
- signposting to support is offered.

4.3 There is a range of legislation and guidance that covers ASB, including (and as amended):

- Housing Acts 1985, 1988, 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
- Anti-Social Behaviour Crime and Policing Act 2014
- Data Protection Act 2018
- House of Commons Briefing Paper Number 0264, 23 August 2019‘ Tackling anti-social behaviour in social housing (England)’

5 Key Principles

5.1 We recognise that ASB:

- has a negative impact on individuals and communities;
- is a high profile and reputational issue;
- can create resentment and bad feelings between neighbours;
- can have an emotional and financial cost to those involved;
- can have a significant direct cost and resource cost to Red Kite and other partners;

5.2 Our approach is therefore:

- to tackle ASB through prevention, early intervention, signposting 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;

- where possible, to take a proactive approach using shared intelligence to tackle issues before they escalate;
- to maintain and develop effective partnerships;
- where current evidence exists 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 ASB and invest in our neighbourhoods;
- to promote our service, 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 their local communities from the harm that can be caused by ASB. To do this, we will ensure that relevant staff are trained and equipped to respond swiftly and effectively to reports of ASB 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 ASB, including working with the police.
- 6.3 Leaseholders will be able to access our ASB services as well as our tenants, although the service they receive will vary according to the nature of tenure and the appropriate remedy.
- 6.4 We have a responsibility to ensure value for money when managing our ASB service. This is integrated with our approach, whether it is about encouraging self-help for minor issues, considering the need for security and safety when we build new homes, or deciding what specific course of action is most appropriate depending on our resources and chance of success.
- 6.5 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/home 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 Senior ASB Specialist in line with our **Staff Protection Policy**.

Our Tenants' Obligations

- 6.6 We expect all our tenants and leaseholders, 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 ASB.
- 6.7 Our tenants are bound by their Tenancy Agreement and leaseholders by their lease. Breaches will be dealt with in line with the available legal remedies, such as taking possession proceedings on mandatory grounds including when tenancies began before these remedies/grounds were introduced. 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.
- 6.8 We do not condone membership of a criminal gang. This 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, which can impact individuals and communities.
- 6.9 In addition to the legal responsibilities set out in their tenancy agreement or lease, we expect our tenants to:
- take responsibility for personal disputes with their neighbours and to try to resolve any such problems themselves first in a reasonable manner, for example via conversations and/or mediation;
 - respect us and other peoples' right to their chosen lifestyle and everyday reasonable level of disturbance. Examples may include food and tobacco smells, children playing or babies crying at night and parking disputes, which we do not consider to be ASB;
 - work with us to resolve disputes/issues by providing current evidence in the form of diary sheets, noise app recordings, providing witness statements, attending court etc.; without current evidence being provided this will limit our ability to take further action and may stop a case being progressed.
 - Report all criminal behaviour to the police
- 6.10 We do take seriously and will instigate appropriately if false reports are made by our tenants to cause someone distress and/or waste staff time, including if false reports of ASB or falsification of the cause of property damage are made.
- 6.11 Tenants and leaseholders have a right to occupy their home without undue interference. This is referred to as 'quiet enjoyment' in a tenancy agreement. Where there is no or minimal evidence of actual ASB or complaints are about issues which are not defined as ASB in this policy, we will not contact the tenant or leaseholder against whom the allegations are made unless we feel appropriate, for example to offer conflict resolution like mediation.
- 6.12 When instances of unacceptable behaviour occur, we may choose to cease dealing with that tenant or put in place a limited contact arrangement as set out in our **Unacceptable Behaviour Policy**. However, in the event that a

serious breach of tenancy has taken place, action may be taken in line with our **Staff Protection Policy**.

Prevention and early intervention

- 6.13 Red Kite is committed to preventing ASB and we will use our range of preventative actions and will work with partners to achieve this, where current evidence has been provided. We recognise that early intervention is often the key to avoid escalation.
- 6.14 As explained in our **Tenancy Policy**, our ambition is that each tenancy is sustained. Advice will be offered by our staff or relevant support will be signposted through our partners to all residents who either ask for support or where we identify a need.
- 6.15 Our Tenancy Agreements contain clauses which allow us to deal with ASB and/or unacceptable behaviour. We may use verbal or written warnings with the intention to stop ASB before it escalates. Any warning will be based on current evidence, explaining to the individual the details of the ASB and the likely consequences if the behaviour does not stop.
- 6.16 Starter Tenancies and fixed term tenancies will be used as a preventative tool. Where a tenant has a starter tenancy and there is substantiated concern about conduct during the probationary tenancy period, we may end the tenancy at that point if there is sufficient evidence or may decide to extend the tenancy. New tenants will be visited within 6 weeks and a further check will be made at 6 months to ensure they have settled into their new home and to monitor the conduct of their tenancy, which includes ASB.
- 6.17 In addition, near the end of the period of a fixed term tenancy, we will review tenancy conduct during the tenancy term before deciding on the next steps of whether or not to grant a further tenancy.
- 6.18 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.
- 6.19 We will adopt a multi-agency approach when dealing with some cases and will work with partner agencies such as the Police, Probation, Social Services, Education and Youth Services. Red Kite will be represented on various multi-agency groups, to share information and plan joint action to respond to ASB problems at a local level. We will engage with multi agency Community Trigger investigations.
- 6.20 Where specific vulnerabilities are identified in a case (such as mental health problems), we will endeavour to seek advice from professionals including social workers. With all cases, we will comply with the requirements of the Equality Act 2010.

- 6.21 When appropriate we will issue Acceptable Behaviour Contracts (ABC's) and may also use Good Neighbour Agreements to promote safer communities and prevent ASB.
- 6.22 If necessary, proportionate and in accordance with regulations, we will give permission to partners use CCTV/surveillance in our communities in line with the relevant policy. We may also use professional witnesses to assist us.
- 6.23 Technology may be used to substantiate complaints, i.e. the Noise App.
- 6.24 There will be instances where the level of sound transference between homes can be the cause of complaint. We will work with other agencies as appropriate to undertake relevant assessments and consider practical, cost-effective solutions. Our intention will always be to meet the guidance and requirements for sound transmission in place at the time a home was constructed.
- 6.25 We will work with tenants constructively to manage and try to resolve any problems raised without the need for physical works. Hard floor coverings, such as laminate or engineered flooring is also not permitted as acceptable flooring in flats to avoid sound transference.
- 6.26 If we feel an issue falls under the Environmental Protection Act 1990, we will refer the case to the local authority to investigate if a 'statutory nuisance', and if it is the local authority will act under the powers they hold.
- 6.27 We are committed to providing safe and sustainable communities. Within the **Neighbourhood Management Policy**, we explain that we will deal promptly with—graffiti, fly-tipping, abandoned cars and litter to discourage further incidents, and we will carry out regular estate inspections that our tenants and partners are welcome to attend. Where it's evidenced that on-going ASB could be improved through an environmental enhancement, we will provide information to aid the relevant team to also consider funding environmental and physical improvements to help prevent ASB, such as additional lighting or fencing.
- 6.28 We are committed to ensuring we continue regular estate inspections in communities or areas of our communities that may be under re-development to manage any potential ASB and continue to provide a visible presence in those communities.
- 6.29 Our **Allocations Policy** makes it clear that an offer of accommodation may be withdrawn or refused if the applicant has declared or been found to have perpetrated instances of previous ASB activity.

Support of Tenants

- 6.30 We will provide a variety of methods in order that our tenants can report incidents of ASB including telephone, face to face, email, and via our website.
- 6.31 We will ensure our staff are fully trained in taking initial reports of ASB, making sure that we have clear policies and processes in place.

- 6.32 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 processes.
- 6.33 We will record and report all cases of ASB on a housing management system. We will ensure each report of ASB is managed effectively. Each report will be issued a case reference number.
- 6.34 We will initially contact all complainants of ASB within the timescales set out in 2.3, dependent on the nature of the concern raised by the tenant.
- We will keep our tenants informed of developments in their case and will set an agreed contact plan. We will attempt to contact our tenants before we close a case to discuss the reasons for this and we will carry out tenant satisfaction surveys for all closed cases where we have tenant contact details. We will not survey cases where the outcome is 'quick close', non-ASB related, cancelled, or where the complaint has been closed because we deem the case as being vexatious. We will learn from the feedback we receive.
- 6.35 If we receive complaints from non-tenants about our tenants, then as a responsible landlord we will assess and investigate where appropriate. We play an important role in the community, and we will have appropriate engagement with the non-tenant in the absence of a tenant and landlord relationship. We may also signpost non-tenants to appropriate organisations or supply information to help them. If we receive complaints about non-tenants from our own tenants (e.g., their neighbours), we will guide our tenants to the appropriate agent or Landlord where possible.
- 6.36 When investigating a report of ASB, we may also receive counter allegations, and both reports will be investigated equally and impartially.
- 6.37 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 any witness (tenant or otherwise) is important to us. In exceptional circumstances we may consider a temporary or permanent move to ensure their safety.
- 6.38 Where our tenant has had their home damaged through substantiated harassment, we will carry out repairs providing there are police reports to substantiate the cause of the damage.
- 6.39 We will consider carrying out appropriate additional security works where there is risk of harm to our tenant/s.

Re-housing

- 6.40 In exceptional circumstances, we may consider moving a tenant/s through our **Priority Moves Policy**. This may be a temporary or permanent move and could be considered where the tenant/s are at serious risk of physical harm or mental health, or if the home is unsuitable. The application will need to be supported by evidence and support from other partners, normally the police or health professionals. As we do not have emergency housing, where

necessary, the tenant will be advised to contact the police or the local authority for assistance. Where support for a Priority Move doesn't exist, we will provide advice, so the tenant/s can make their own arrangement to find alternative housing, such as the council waiting list or referring them to mutual exchange opportunities such as home swapper.

Enforcement

6.41 There will be cases where non-legal interventions have not been successful, in such circumstances, where sufficient and current evidence is available, enforcement action will be pursued. A range of tools are available to us to take action against perpetrators, including:

- injunctions
- demotion of tenancy
- possession proceedings
- court undertaking
- extension of introductory tenancies.

We will ensure that breaches of court orders are investigated and actioned appropriately, in discussion with tenants, our partners and the courts as appropriate.

6.42 Possession will usually only be considered where other interventions have failed and as a last resort.

6.43 In response to a serious criminal offence, as defined in schedule 2 of the Housing Act 1988 we may use Ground 7a to begin possession proceedings. When this Ground is used, the tenant will have the right to appeal our decision, and will be informed of how to make an appeal through our Procedure for Conducting a Review Panel Hearing for a Notice served on a Mandatory Ground

6.44 We will work with partner agencies such as the Police or Local Authority by sharing evidence or intelligence which supports enforcement action they may choose to take. This action may include, for example, a Closure Order, a Community Protection Warning or Community Protection Notice under the Anti Social Behaviour Act 2014 which help to improve our communities.

Confidentiality and data protection

6.45 We comply with the Data Protection Act 2018 (DPA 2018), and the General Data Protection Regulation (GDPR) as it applies in the UK.

6.46 Although we recognise it can be frustrating for tenants not to know details of the actions we take as a result of their complaint, we will comply with-GDPR and explain this to our tenants.

- 6.47 The **Red Kite Group Privacy and Data Protection Policy** explains clearly when we will share information. Before information is shared, we will seek permission from our tenant. In some instances, it may be difficult to address a complaint of ASB without the alleged perpetrator recognising who the complainant is.
- 6.48 As a registered provider, we 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 Data Protection legislation and any information sharing protocols we have in place.

Promoting our ASB services

- 6.49 Publicity, such as promoting news of successful outcomes, is important in terms of reassuring our tenants and the wider community that we are taking effective action to tackle anti-social behaviour. This will not only help to reduce the fear of crime but also act as a deterrent.
- 6.50 If we publicise any specific actions we have taken, this will be in accordance with our **Media & Publicity Policy** and Privacy and **Data Protection Policy**. We will be mindful of any tenant safety considerations.

7 References

- 7.1 The Regulator of Social Housing *Neighbourhood and Community Standard*.
<https://www.gov.uk/government/publications/neighbourhood-and-community-standard/neighbourhood-and-community-standard-2015>
- 7.2 HM Government services website <https://www.gov.uk/report-hate-crime>
- 7.3 Anti-Social Behaviour Principles
<https://www.gov.uk/government/publications/anti-social-behaviour-principles/anti-social-behaviour-principles>
- 7.4 Our internal policies and procedures, see section 8 for more details.

8 Related Policies & Procedures

- Safeguarding Policy
- Tenancy Policy
- Allocations Policy
- Feedback Policy
- Priority moves Policy
- ASB Process
- Staff Protection Policy
- Unacceptable Behaviour Policy
- Neighbourhood Management Policy
- Red Kite Group Privacy and Data Protection Policy
- Procedure for Conducting a Review Panel Hearing for a Notice served on a Mandatory Ground

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			
Version:	2	Effective date:	January 2024
Subject Matter expert drafter:	Head of Community	Process owner:	Head of Community
Related Pod	Community Relationship	Related Policy	Neighbourhood Management Policy Tenancy Policy
Review period	3 years	Next review due by:	January 2027
Delegated approvals			
<i>The 3 lines of defence have been checked within the framework and are valid</i>			<input checked="" type="checkbox"/>
Approved by EMT	Sarah Mei Ying North	Approved Date:	29.01.2024
Approved by Board/ Committee/ RRT		Approved Date:	