



Anti-social Behaviour Policy

Version:	2	Approved by:	Deputy Chief Executive
Effective Date:	April 2018	Approval date:	April 2018
Policy reviewer:	Head of Experience	Policy owner:	Head of Experience
Review period	Two Years	Next review due by:	April 2020

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 customers and communities. The well-being of our tenants and leaseholders is central to our approach.
- 1.2 This policy and the associated procedure sets out our approach to tackling anti-social behaviour (ASB) through prevention, enforcement and support. Its purpose is to prevent and minimise the amount of ASB that our customers suffer, which impacts adversely on them and our communities.
- 1.3 This policy also explains what we expect from our customers in their interactions with Red Kite, and thus links with our Feedback Policy in setting out our approach to dealing with vexatious and unreasonable customers.

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 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 un-roadworthy or un-taxed 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 see Appendix 1, and for **domestic abuse**, please see Appendix 2.

2.5 As regards vexatious behaviour, our Feedback Policy (2015) defines this as when a customer or partner acts knowingly or deliberately in such a way as to cause distress, provide false or misleading information, cause disruption or irritation without any proper or justified cause. The Feedback Policy also defines 'persistent or unreasonable behaviour', which includes when a customer has trolled or acted inappropriately online, caused distress to staff; or demonstrated an unreasonable fixation on an individual member of staff (please refer to Feedback Policy and Unacceptable Behaviour Procedure).

3. Responsibilities

3.1 The Head of Experience 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:

- Deputy Chief Executive
- Head of Experience
- Experience Managers and Sheltered Services Manager
- Anti-Social Behaviour Specialists
- Experience Specialists
- Sheltered Specialists
- Relationship Advisors
- Marketing and Communications Manager

4. Regulations and Legal Framework

4.1 The Regulator of Social Housing regulates all registered social housing providers against a set of national and local standards in key service areas including ASB. These standards were updated in April 2015.

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 properties. In their work to prevent and address ASB, registered providers have to demonstrate:

- 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 tenants and their families;
- 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;
- All 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;
- Provision of support to victims and witnesses.

4.3 There is a range of legislation and guidance that covers ASB, including:

- 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
- Domestic Violence, Crime and Victims (Amendment) Act 2012
- Anti-Social Behaviour Crime and Policing Act 2014
- Relevant Data Protection legislation
- House of Commons Briefing Paper Number 0264, 24 February 2017 'Tackling anti-social behaviour in social housing (England)'.

5. Key Principles

5.1 We recognise that ASB:

- 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 customers 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 ASB through prevention, early intervention, support and enforcement;

- To provide a victim 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 ASB and invest in our neighbourhoods;
- To promote and encourage community responsibility, self-help and involvement.

6. Policy Statement

Our responsibilities

- 6.1 We are committed to working to protect our customers 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/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 Experience Managers and/or the Senior ASB Specialist in line with our Staff Protection Policy.

Our Customers' 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 our tenants being members 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 affect non-gang members.
- 6.9 In addition to the legal responsibilities set out in their tenancy agreement or lease, we expect our customers 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 ASB;
 - 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/domestic abuse, to the police.
- 6.10 We will take seriously and instigate appropriate action if false reports are made by our customers 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 Occasionally, the excessive frequency of contact or unreasonableness from specific customers may affect our ability to properly consider their complaints and other people's. Where we believe that a customer 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 complaints or issues only.

7. Prevention and early intervention

- 7.1 Red Kite is committed to preventing ASB 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 ASB and what action can be taken against perpetrators of ASB. It will therefore be made clear from the beginning of their tenancy that ASB 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 ASB before it escalates. Any warning will be based on clear evidence, explaining to the individual the details of the ASB and the likely consequences if the behaviour does not stop.
- 7.4 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 it. New tenants on starter tenancies will be visited within 6 weeks and a check made at 6 months to ensure they have settled into their new home and to monitor the conduct of their tenancy which includes ASB.
- 7.5 In addition, near the end of the period of a fixed term tenancy, we will review conduct during the tenancy term before deciding on the next steps and whether or not to grant a further tenancy.
- 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. 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.
- 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 (ABC's) and Parenting Contracts, and may also use Good Neighbour Agreements to promote safer communities and prevent ASB.
- 7.10 If necessary, proportionate and in accordance with regulations, we will use CCTV/surveillance in line with the relevant policy. We may also use professional witnesses to assist us. Technology may be used to substantiate complaints, although it will be up to the local authority to 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 specifically on noise nuisance, see Appendix 3.
- 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 customers are welcome to attend. We will also consider funding environmental and physical improvements to help prevent ASB, 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 ASB. If we have previously evicted someone for ASB we will not accept them as a tenant in the future.

8. Support of Complainants and Victims

- 8.1 We will provide a variety of methods in order that our customers can report incidents of ASB including telephone, face to face, email, and via our website.
- 8.2 We will ensure our Relationships and Experience staff are fully trained in taking initial reports of ASB, 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 will ensure each report of ASB 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 name and contact details.
- 8.5 We will investigate all complaints of ASB promptly as defined in our agreed standards and priorities (see our ASB procedure).
- 8.6 We will keep complainants/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 'high level' case has been closed and the reasons for this. We will carry out customer satisfaction surveys for a sample of closed cases and we will learn from the feedback we receive.
- 8.7 All complainants will receive a responsive service. If we receive complaints from non-tenants about our customers, we will signpost them to the appropriate organisation/information to help them.
- 8.8 When investigating a report of ASB, 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. Their safety and well-being of the witness or victim is important to us. In exceptional circumstances we may consider a temporary or permanent move to ensure their safety.
- 8.10 Where a 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. We will also consider carrying out any additional security works where there is risk of harm to the victim or others living in the property.

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 by them remaining 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. 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, such as referring them to Home-swapper or other options.

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
- Criminal Behaviour Order
- Demotion of Tenancy
- Eviction
- Community Protection Notice
- Closure Notice/Order
- Court Undertaking
- Extension of Introductory Tenancies
- Noise Abatement Notice
- Community Remedy

Further details of the above are in **Appendix 4: Legal Remedies**. We will ensure that breaches of orders are investigated and actioned appropriately, in discussion with complainants, our partners and the courts as appropriate.

10.2 Eviction will usually only be considered where other interventions have failed and as a last resort; exceptions however might be in response to police request, serious ASB (such as when Ground 7a of Schedule 2 of the Housing Act 1988 applies), or where failure to seek eviction would result in serious reputational damage.

11. Confidentiality and data protection

11.1 Reports of ASB 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, but nevertheless 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 ASB is initially reported or at an early stage. In some instances, it may be difficult to address a complaint of ASB without the alleged perpetrator recognising who the complainant is.

11.3 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.

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 anti-social 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. We will be mindful of any victim's safety considerations.

13. Related policies and procedures

- Safeguarding Policy
- Tenancy Policy
- Allocations Policy
- Feedback Policy
- Priority moves Policy
- ASB Procedure
- Staff Protection Policy
- Unacceptable 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.
- 14.2 This policy will be reviewed on a three yearly basis or earlier in response to legislative changes, good practice or changes in other Red Kite policy. The lead responsibility for implementation is the Head of Experience.

Appendix 1: Racial harassment and hate crime

Appendix 2: Domestic abuse

Appendix 3: Noise complaints

Appendix 4: Legal Remedies