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### Housing & Support Manual extract:

### Anti-social behaviour

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| Policy author (name and title) | Business Improvement Team |
| Executive approval date | N/A |
| Board / Committee approval date | 7 February 2022 |
| Review frequency | 3 years |
| Next Review Date | October 2024 |
| Version number | 1.0 |
| Has the Client Forum been consulted on this policy? (if applicable)? | No |
| Who does this policy apply to? | All Operational Staff |

## Values

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| --- | --- |
| Respect | Empowerment |
| * Value diversity and fairness * Act with honesty and integrity * Treat people with care and compassion | * Support the needs of each individual * Encourage personal development and independence * Provide safety, stability and security |
| Responsibility | Excellence |
| * Work together, in partnership * Take responsibility for our actions * Continue learning and improving | * Provide a first-class service * Deliver excellent value for money * Explore innovative ways of working |

#### Anti-social behaviour

* 1. Transform recognises the harmful impact that anti-social behaviour (ASB) can have both on our clients and the wider community. We are committed to tackling all forms of ASB at the earliest possible opportunity and promoting a culture of respect and tolerance. To achieve this, we will:
* Work to prevent ASB before it occurs. This will include raising awareness of anti-social behaviour issues and providing information to clients.
* Respond promptly to all reports where it is alleged that our clients, or visitors of our clients, are perpetrators of ASB
* Work with and support any of our clients who experience ASB

**Definitions**

* 1. ASB as defined under the Anti-Social Behaviour, Crime and Policing Act 2014 is:
* 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 client premises, or
* Conduct capable of causing housing-related nuisance or annoyance to any person
  1. Examples of ASB include:
* Persistent noise nuisance
* Intimidation and harassment whether intended or perceived
* Threats of violence and actual violence
* Threatening language and/or behaviour
* The use of spray paints etc. for graffiti
* Racial, homophobic, sexist or other discriminatory language
* Trading in illegal drugs
* Use of a client property for any illegal or immoral activity
* Vandalism and criminal damage
* Nuisance from vehicles
* Behaviour linked to alcohol or drug abuse

**Prevention of ASB**

* 1. The interaction between Transform clients and the communities in which they are based should be one of mutual benefit and tolerance. Through working closely with clients and tackling the causes which underlie anti-social behaviour, we seek to prevent ASB from occurring in the first place.

Examples of action taken by Transform to prevent ASB include:

* Clearly worded tenancy and licence agreements and house rules which explain that ASB will not be tolerated
* A client leaflet explaining our approach to ASB and the action Transform will take should ASB occur
* Helping clients to identify behaviour which others may consider anti-social and providing them with support to address this behaviour
* Working alongside other agencies, such as drug and alcohol support agencies and mental health support services, to ensure clients receive appropriate support
* Close liaison with partner agencies (please see below)

**Responding to ASB**

* 1. Despite the preventative actions identified above, sometimes ASB will occur. When it does,

Transform will:

* Take all reports of ASB seriously
* Not pre-judge the situation
* Support clients throughout the process
* Advise complainants to report any criminal activity to the police
* Work with the complainant to collect evidence relating to ASB
* Assess and monitor risk
* Keep the complainant informed of developments
* Intervene at an early stage to prevent ASB from escalating
* Implement appropriate management interventions and, where necessary, legal actions to address ASB (please see below)
* Support our clients should they wish to originate a complaint of ASB

**Management interventions**

* 1. In dealing with ASB Transform takes a proportionate approach; we recognise that legal action should be the final option rather than the first. We will therefore attempt appropriate management interventions (non-legal actions) before pursuing any legal action. Management interventions which Transform staff might consider include:
* **Mediation between parties** – this may involve mediating between the perpetrator and victim to find a way forward that is acceptable to everybody. Often this provides the quickest and most effective solution.
* **Warnings** – where the perpetrator of ASB is a Transform client or client and they are in breach of their licence or tenancy agreement, consideration can be given to issuing a verbal or written warning if their behaviour persists.
* **Diversionary action** - this is a course of action intended to move perpetrators away from causing ASB. An example is a group of teenagers causing nuisance in an area where a number of elderly people are living. Youth services might organise some activity (e.g. a five-a-side football tournament) that would remove the group from the scene and act as a positive alternative to the ASB.
* **Acceptable Behaviour Contracts (ABC)** - an informal contract, drawn up by staff with clients in the early stages of ASB, with the aim of keeping the individual within acceptable bounds of behaviour.
* **Involvement of other services** – seek the support of other service providers in instances where perpetrators have, for example, mental health problems, recognised behavioural problems or substance dependency issues.
* **Environmental Health Department** - for issues relating to noise disturbance, a referral to the Environmental Health Department may be appropriate. ‘Night noise’ (noise between 11.00pm and 7.00am) can be punished by a fine and noisy equipment can be confiscated under certain circumstances.
* **Counselling for individuals causing ASB**

**Legal actions to address ASB**

* 1. Where management interventions fail to resolve the ASB, Transform will give consideration to the use of legal actions. This may involve reporting the ASB to the police and taking action under the Anti-Social Behaviour, Crime and Policing Act 2014[[1]](#footnote-2). Provisions under the Act include:
* Community Triggers
* Community Resolutions
* Community Protection Notices
* Civil Injunctions
* Criminal Behaviour Orders
* Public Spaces Protection Order
* Closure powers
* Absolute grounds for possession
  1. In serious cases, where all other action has failed and where the perpetrator is a Transform client, we may consider ending their licence agreement or taking legal action to end their tenancy.

**Joint working**

* 1. To achieve the best results, Transform will attend and provide active co-operation to forums where ASB is a central or major component. In addition, Transform will work and co-operate with external agencies such as:
* Police
* Local authorities
* Social services
* Probation
* Youth offending teams
* Substance misuse services
* Health services
  1. Transform will also work with multi-agency fora including:
* Community Incident Action Groups (CIAG): convened and overseen by the Community Safety Officer which each local authority is obliged to appoint. They have representatives from the police, RSLs, Youth Services, Social Services, Education, Drug and Alcohol services etc. The purpose is to monitor individuals and families known to the local services, to discuss and implement a course of action to prevent them engaging in ASB and to share information that will help these ends.
* Joint Action Groups (JAG). Similar to the CIAG but with a brief to monitor locations rather than individuals.
* Multi-agency Risk Assessment Conference. (MARAC) This is a regular, confidential, local meeting to discuss how to help victims at high risk of serious harm. Police, social services, health and other relevant agencies attend the meeting and agree an action plan for each victim.
* Information Sharing Protocol (ISP). A system for sharing information between statutory and voluntary services. Transform is a signatory to several ISPs and this allows us to share and receive information to/from partner agencies in accordance with the Data Protection legislation and Transform’s Confidentiality policy.

**Closure notices and orders**

* 1. Closure notices and orders can be used by the council or the police against a premises that is causing nuisance or disorder. Such nuisance or disorder may be associated with drug use, but this does not necessarily have to be the case. A closure order can prohibit access to those who routinely live at the premises and as such could have serious repercussions for Transform as a landlord.
  2. To avoid closure notices or orders being issued against our own premises, Transform will monitor all situations where drugs are used unlawfully or where the premises is associated with significant and persistent disorder and will take all necessary steps to prevent a situation escalating to a point where the police are required to act. This course will also protect the rights of other Transform clients. Should drug use or persistent disorder in a neighbouring property give rise to unacceptable disturbance, Transform staff will co-operate with the police and other agencies to provide information relating to levels of disturbance and criminal activity. Should Transform clients be under threat in this type of situation, staff will provide whatever support and protection is available.

**Confidentiality**

* 1. Transform will adhere to our Confidentiality policy at all times when dealing with complaints of anti-social behaviour and we will do everything possible to protect a complainant’s identity. Information on the identity of a complainant will only be shared with other agencies where permission has been given. The only exception to this would be where we had reason to believe that someone may be at risk of serious harm or where a crime had been committed. We will ensure that any information sharing with other agencies is carried out securely and in accordance with the General Data Protection Regulations. It should be noted that, if a client chooses to remain anonymous, this may limit the action that Transform is able to take. In some instances (for example, in Court) it may not be possible to preserve the anonymity of the complainant.

**General procedures for dealing with ASB**

* 1. All complaints whether from a Transform client or a member of the public, will be taken seriously. It will be discussed with the appropriate manager as soon as possible. The manager will approach his/her line manager for advice as soon as it becomes evident that the complaint relates to ASB, that is serious and/or shows probability of repetition. It is probable that Transform clients will make their initial complaint to their keyworker and all staff have a responsibility to record and report all such complaints to the scheme manager without delay. External complaints should be logged by whichever member of staff receives them and passed to the scheme manager as soon as possible.
  2. When any complaint is brought to the attention of staff, an Incident Reporting Log must be issued to the complainant if there is a risk of repetition. Advice and assistance in recording incidents should be given to the complainant. Consideration can then be given to any other persons who may also be able to keep an Incident Reporting Log, and these should be offered with the necessary advice and assistance. The use of the log will help to demonstrate that Transform staff are taking the problem seriously and are committed to doing something about it.

**Procedure to follow when a complaint is received from a Transform client about another Transform client**

* 1. Interview the complainant fully allowing as much time as the complainant is comfortable with. Notes should be taken of this interview and details should include:
* the nature of the alleged behaviour.
* the frequency.
* the date(s) and time(s) that it occurred.
* the name(s) of the perpetrator(s).
* names of any persons who could corroborate the testimony.
* the actions taken by the complainant, if any (e.g. police involvement, or if complaint made to other agency such as Social Services).
  1. At this stage staff should consider the following:
* Might the ASB have been motivated by prejudice based on the complainant’s disability, race, religion, sexual orientation or transgender identity? Where this may be the case, staff should refer to the policy “Racist and hate incidents” when deciding the best course of action.
* Is the complainant a child, young person or adult at risk? If so, staff should refer to the policy “Safeguarding children, young people and adults at risk” when deciding the best course of action.
  1. If the complainant’s version of events appears to present a clear picture, then arrange to interview the alleged perpetrator. An open mind must be kept at this point; there is a responsibility on Transform to investigate the matter fully and without prejudging the outcome. There is always a possibility of a malicious/exaggerated accusation but it is also quite possible that the complainant may be entirely accurate. The interview with the alleged perpetrator should also be noted carefully.
  2. Interviews should be arranged with any other person who may be able to corroborate either/both versions of events. Again, careful notes need to be kept.
  3. The available evidence should then be discussed with the appropriate line manager to decide on the next course of action. Such a decision should include reference to:
* whether the complainant’s version of events is likely to be true on the balance of probability (third party testimony to be included in this decision).
* the seriousness of the behaviour.
* the effect on the complainant.
* the repetitive nature of the behaviour, if any.
* the possibility of the behaviour increasing in intensity, seriousness or regularity.
  1. If there is no proof of ASB, staff should monitor the situation closely, keeping in touch with the complainant on a regular basis. The complainant and others should be asked to keep a note of incidents using the Incident Recording Log (Appendix 9). A path of dialogue should, where feasible, be kept open between the parties at this stage to maximise the possibility of reconciliation. If staff are experiencing little success with this, then the local authority should be contacted with a view to involving the local Mediation Service.
  2. If the behaviour is thought to be anti-social and proven, then the line manager should conduct a formal interview with the perpetrator. This interview should stress the seriousness of the situation and seek to find ways of minimising it or stopping it altogether. Such ways might consist of reconciliation of the parties, the parties merely agreeing to stay apart, or an informal warning to the perpetrator.
  3. Should none of the above prove appropriate, or where there is repetition of the behaviour, then, where Transform provides housing to the perpetrator, action under their tenancy should be considered. Formal mediation must be considered at this point if it had proved impossible previously. The Environmental Health Department can be contacted in cases of noise nuisance.
  4. In the case of the perpetrator being a Transform client to whom we do not provide housing (e.g. a housing related support client) where applicable all matters relating to tenancy obligations and rights should be directed to the relevant RSL.
  5. Consideration of a breach of the criminal law should also be given and police involvement should be sought if a crime has been committed. Full records of all actions taken must be kept.
  6. It must be borne in mind that Transform retains a duty of care to the perpetrator and full support should be given to them throughout the procedure.
  7. Other factors that should be taken into account at this point are:
* Is there evidence of drug or alcohol abuse on the part of the perpetrator?
* Is there a mental health or learning disability issue present?
  1. If either of the above is likely, then the perpetrator should be offered the chance of assistance from a specialist agency. At this point, all multi-agency options should be considered for the perpetrator as for the complainant.
  2. Should repetitive ASB occur and there is some police involvement then the possibility of an Acceptable Behaviour Contract (ABC) should be considered. This will involve contacting the police who will consider the possibility of an ABC and then draw it up with the perpetrator if appropriate. The subsequent behaviour of the perpetrator should be monitored by staff, recorded and any breaches reported to the police as soon as they occur.
  3. Even if the police are not involved, a behaviour contract can be drawn up between staff and the client if they are willing to agree to it.
  4. Should none of the above prove effective then, where Transform provides housing to the perpetrator, the following should be considered (Note – where Transform does not provide housing to the perpetrator the following actions may be considered by the relevant RSL where applicable):
* Where a breach of Tenancy or Licence Agreement has occurred, then consideration should be given to issuing warnings in line with the Eviction procedures below.
* Staff may choose to consider offering alternative accommodation to the perpetrator or the complainant. Such consideration would normally only be given on the part of the perpetrator if there were sound reasons for believing that s/he would not repeat their ASB in an alternative tenancy.
* For Assured Clients Court action can be taken to have that Tenancy demoted to an AST. This allows a landlord the future option of issuing a Notice Requiring Possession (NRP) in full which is not possible with an Assured Tenancy. A Court will grant a Demoted Tenancy only if it considers it reasonable to do so.
* Service of NRP should be considered for the perpetrator only after all other options have been exhausted.
* In some circumstances, it is possible that the perpetrator will have a degree of vulnerability that renders eviction an unacceptable option. In this instance, it may be a preferred course of action to pursue other legal options (e.g. Civil Injunctions) with conditions which prohibit the perpetrator from visiting the address of the complainant or approaching them in person.

**Procedure to follow if a complaint is received from a neighbour about a Transform client**

* 1. Follow steps 1.16 to 1.23 above as far as possible.
  2. In the case of the alleged perpetrator being a Transform client to whom we do not provide housing (e.g. a housing related support client) all matters relating to tenancy obligations and rights should be directed to the relevant RSL where applicable.

**Procedure to follow where a complaint is received from a Transform client relating to ASB from unwanted visitors to their accommodation or groups of people in the vicinity.**

* 1. If possible, follow steps 1.16 to 1.21 after a full risk assessment has been undertaken. If the complaint involves threats or harassment, it may not be possible to communicate effectively with the alleged perpetrators and staff should always proceed with due care for their safety.
  2. If the perpetrator is an unwanted visitor:
* Explore ways that the complainant might handle the situation informally. If there is no risk of violence, then all reasonable assistance should be offered, including advocating on the client’s behalf with the visitor. This might include assisting the client in telling the visitor to leave and not to return.
* Ascertain if the visitor(s) are guests of another Transform client in the same or adjoining property. If so, follow steps 1.24 to 1.25 above.
* Partner agencies might assist with an informal solution and should be informed of all developments that occur. They may also bring additional information about the visitor which may lead to the situation being dealt with in an informal way.
* Should there be a risk of violence at any time, then the police should be called. Close liaison should then be maintained with the police should there be repetition of the visits.
* Consideration of a breach of the criminal law should also be given and police involvement sought if a crime has been committed. Full records of all actions taken must be kept.
* The Head of Housing and Support should be kept appraised of developments.
  1. If the perpetrator is causing the alleged ASB in the vicinity but not on Transform premises:
  2. Interview the complainant and take notes.
  3. Interview other clients/clients in the same or adjoining properties. If the property is surrounded by those of another RSL, contact that organisation to ascertain if other complaints have been received from their clients.
  4. Contact the police to ascertain if they have been called to the scene or taken any action against the alleged perpetrators.
  5. At this point, the evidence against the alleged perpetrators should be reviewed with the Head of Housing and Support to decide on the next steps.
  6. If the police are willing, they may be able to take informal action and cease the ASB. If this is not possible, speak to the Police Officer with Community Responsibilities for advice on other courses of action. At the same time, the local authority Community Safety Officer should be contacted to look at multi-agency methods of countering the problem. This might include presenting a case at the local CIAG or JAG. It is possible that the CIAG/JAG may have access to diversionary/mediation services for the alleged perpetrators and this might halt the problem.
  7. Should the ASB continue, then formal action such as a Civil Injunction or Criminal Behaviour Order must be considered. If the case has been taken to the CIAG, it is possible that the police will take up proceedings. If not, then the Head of Housing and Support and the members of the team involved will look again at the evidence and assess the need and possibility of obtaining an Injunction.
  8. The welfare of Transform clients should be kept as a priority throughout this procedure and consideration should be given to moving the complainant to another property, permanently or temporarily. This should particularly be the case if his/her mental health is suffering or s/he is likely to place themselves in danger by attempting to intervene personally with the alleged perpetrators. If the case comes to Court and the victim is to appear as a witness, support should be given throughout the Court case. Victims should also be referred to relevant support agencies e.g. Victim Support, if necessary.

**Procedure to follow if a complaint is received from a Transform client relating to a neighbour in a nearby property.**

* 1. Follow steps in 1.16, 1.17, 1.19 and 1.20 as far as possible.
  2. It is unlikely that conducting an interview with the alleged perpetrator will be possible unless s/he is a client of another RSL whose staff may co-operate when contacted.
  3. If criminal behaviour is demonstrated, contact the police. If the grounds for action are limited, take the case to the local CIAG with a view to keeping the ASB monitored by the widest possible circle of professionals.
  4. All avenues should be explored with regard to diversionary action being used with the perpetrator. If the perpetrator is a client of another RSL, it is possible that they may use any evidence gathered by Transform staff to apply to a Court for a demoted tenancy or eviction. Such evidence should be supplied within the bounds of any locally relevant ISPs.
  5. Follow steps 1.36 a) – d) above.

1. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf> [↑](#footnote-ref-2)