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## **ANTI-SOCIAL BEHAVIOUR STATEMENT**

### **Introduction**

Anti-social behaviour (ASB), harassment, hate related crime and hate incidents can have a negative impact on individuals and communities. Sutton Housing Society (SHS) takes any incident of ASB seriously. We are committed to working with partners and stakeholders to undertake a multi-agency approach to the prevention and reduction of ASB. We will work with partners to identify appropriate actions within the community, and support use of tools such as the Community Trigger (where appropriate) to address and tackle this behaviour.

This policy has been written in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 and its accompanying statutory guidance. As a Registered Housing Provider, we will also ensure we comply with the regulatory requirements in the Neighbourhood and Community standard. The aim of this policy is to prevent incidents and reoccurrence of ASB in the areas we operate and to ensure that we tackle ASB as efficiently and effectively as possible, using a flexible and varied approach.

### **What is ASB?**

SHS uses the ASB definition as set out in Section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014, which states:

“Anti-social behaviour” means –

- (a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or
- (c) Conduct capable of causing housing-related nuisance or annoyance to any person.”

SHS is also mindful of the legal threshold that must be met in injunction applications and in the discretionary grounds for possession, where anti-social behaviour is described as:

“Where the tenant or a person residing or visiting the property

- (a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality
- (aa) has been guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwelling-house or a person employed (whether or not by the landlord) in connection with exercise of the landlord’s housing management functions, and that is directly or indirectly to or affects other functions, or

(b) has been convicted off using he dwelling house or allowing it to be used for immoral or illegal purposes, or an indictable offence committed in, or in the locality of, the dwelling house.

**What is Harassment?**

Harassment is when someone behaves in a way which makes another person feel distressed, humiliated or threatened. Harassment has been the subject of a number of pieces of legislation, and it has more than one legal definition.

If someone is being harassed because of one of the following “protected characteristics” under the Equality Act 2010, this can be reported as a hate incident or a hate crime:

- Disability
- Gender-identity
- Race
- Religion to belief
- Sexual orientation.

**What is a Hate Crime or a Hate Related Incident?**

Hate incidents or hate crimes can be acts of anti-social behaviour, where the behaviours are felt, by the victim or others, to be motivated by hostility or prejudice based on disability, race, religion, sexual orientation, or gender identity. These crimes / incidents should be reported to the police.

This Anti-Social Behaviour policy encompasses incidents of ASB, harassment and hate related incidents / crime.

**What is and is not considered to be ASB?**

ASB covers a wide range of activities/behaviours that have a negative impact on the quality of an individuals’ life or that of the local community. The lists below are not exhaustive.

What is considered to be ASB	What isn’t considered to be ASB
Actual or threatened violence or abuse towards any person	Everyday living situations which are not intended to cause nuisance or annoyance or different lifestyles – children playing, babies crying, household noise due to everyday living, DIY during reasonable hours
Verbal abuse, intimidation, threatening	One off parties, BBQs, celebrations

What is considered to be ASB	What isn't considered to be ASB
behaviour or loitering	
Stalking, harassment, hate crime and hate related incidents	Cooking odours
Domestic abuse	Minor car maintenance such as tyre inflation or changing a wheel, checking fluid levels and topping up, changing wind screen wipers, car cleaning, changing a car battery, changing a light bulb, replacing a registration plate, attaching or removing a roof rack/bars, replacing a driving mirror.
Behaving in an anti-social manner e.g., shouting, screaming, swearing, making indecent/offensive gestures, misuse of communal areas	Minor disputes between neighbours/personal differences.
Pets/animals behaving in a threatening manner	Parking in the wrong bay
On-going neighbourhood nuisance – dumping litter, fly-tipping, major car works and vehicle nuisance	Putting rubbish out on the wrong day

Residents concerned with noise related ASB are advised to report this to the London Borough of Sutton's Environmental Health team; SHS' Community Housing Officers (CHOs) can support a resident to do this.

If SHS staff have a concern about a child or an adult at risk whilst investigated ASB, a Safeguarding alert will be raised in line with the SHS Safeguarding policies.

### Responsibility for Addressing Anti-Social Behaviour

SHS responsibilities relating to ASB:

- We take a victim centred, flexible approach to tackling ASB by working with the individuals, our partners and other relevant group to prevent/address ASB.
- We will use tools such as good neighbour agreements, effective neighbourhood management, multi-agency referrals and support, written and verbal warnings, acceptable behaviour contracts, parenting contraction, family intervention projects (if available) and mediation. The tools we use are decided on a case-by-case basis as we recognise that each situation is different.
- We advise residents from the outset of their tenancies with us that ASB or criminality committed by them, their family and/or their visitors could lead to the loss of their home.
- We will work with victims of ASB to agree an action plan to resolve their issue and provide regular and up to date information on their case.
- We provide an annual statement of compliance with policies (which this forms part of) for our Annual Business Assurance Statement. We will also comply with the requirements of our regulator, the Regulator of Social Housing's Neighbourhood and Community Standard.
- We actively monitor and manage all cases of ASB.

SHS residents' responsibilities relating to ASB:

- We encourage residents to take ownership of their neighbourhoods and to play an active part in preventing ASB by complying with their tenancy agreement.
- Residents, their household and visitors are expected to behave reasonably and responsibly, being respectful of their neighbours and others.
- Residents should report any suspected ASB to the relevant agency such as the police, environmental health and make their CSO aware who can assist in supporting them and addressing any relevant housing/tenancy related ASB.
- All residents are responsible for the actions of any member of their household and for visitors to their home.

**Working in Partnership**

ASB can rarely be managed and resolved by one organisation. SHS is committed to working jointly with other agencies throughout the London Borough of Sutton to manage ASB and to develop solutions. This is generally through partnerships with the police and the Council's community safety team. We are committed to protecting the quiet enjoyment of the community and helping individuals to sustain their tenancies.

SHS will contribute to relevant case reviews where requested and respond proactively to the Community Trigger process. (The Community Trigger is instigated when a victim (or a person acting on behalf of a victim) has made at least three separate complaints of ASB in the previous six months. They are able to request a review of their case. The relevant bodies and responsible authorities must come together and adopt a problem-solving approach to find a solution.)

### **Reporting and Responding to Anti-Social Behaviour**

SHS staff will respond quickly to all reports of ASB as we understand that ASB impacts different people in different ways.

Anyone can report concerns about ASB to us – victims, witnesses, staff, family members etc. Reports of ASB can be made:

- in person by visiting our office or by SHS visiting you at home or another more suitable location
- via third parties
- by phone
- by e-mail
- via our Resident App
- through our website.

Anonymous reports can be made and whilst these will be reviewed, we may not be able to act as we would do normally, particularly where additional information is needed.

If anyone feels that they are in immediate danger, they must report this to the police straightway. SHS reserves the right to involve the police, social services and other bodies where this is a risk to safety.

When closing an ASB case, the CHO will speak with the complainant and follow this up in writing, providing information on the outcome. Should the complainant not be satisfied with the closure of the case, they can make a complaint using the SHS Complaints Policy.

### **Prevention and Early Intervention**

SHS takes its responsibilities seriously and will ensure that we follow our own approach and policy relating to ASB, which should assist in preventing ASB.

Where reports of ASB are received, we will intervene, where reasonable to do so, at an early stage. Staff actions will be realistic, specific to each individual situation – but will always be proportionate, reasonable and dealt with sensitively.

We will work with victims/witnesses to manage expectations and to be realistic about what SHS, as a landlord, can and can't do. We will take account of each individual's circumstances such as:

- age
- disability
- health
- mental health
- Isolation
- Level and frequency of the ASB

### Assessing Risk

When SHS receives a report of ASB, we will carry out an initial risk assessment to determine its severity to ensure that we provide a proportionate response.

Where risk, or potential risk, is identified we aim to provide a response to the ASB report within 1 working day and will:

- Acknowledge its receipt
- Carry out a full risk assessment (where appropriate)
- Inform the complainant who will be dealing with the case
- Inform the complainant of when they will next be contacted.

The full risk assessment is carried out by the CHO to identify the issues putting the victim at risk and to tailor support to reduce the risk of harm. This risk assessment is based on the CIH recommended assessment.

In the full risk assessment, the CHO will consider:

- The welfare, safety and wellbeing of the victim
- The impact the ASB is having on their lives
- An assessment of any vulnerability suffered by the complainant or perpetrator and any support that is in place
- The history of the case
- The cumulative effect or repeated or low-level behaviour over the long term.

The risk level for any case of ASB varies depending on the circumstances. Any of the serious offences set out in Schedule 2A of the Housing Act 1985 and cases of domestic abuse will always be treated as high risk. (Appendix A to this policy advises of the content of Schedule 2A of the Housing Act 1985.)

Once a full risk assessment has been carried out, the case is placed into one of three risk levels:

- **High Risk** – our aim is to interview the complainant and agree an action plan within 1 working day of receiving the complaint.

- **Medium Risk** – our aim is to interview the complainant and agree an action plan within 5 working days of receiving the complaint.
- **Low Risk** – our aim is to interview the complainant and agree an action plan within 10 working days of receiving the complaint.

A list of High Risk and Medium Risk situations is listed in Appendix B to this policy.

The Community Housing Manager (CHM) will carry out a review of all open ASB cases on at least a six weekly basis and will agree their closure with the CHO. If a resident is unhappy with the decision to close an ASB case, they can make a complaint using our Complaints Policy.

### **Enforcement Action**

The decision on what enforcement action is required is taken by the CHO on a case-by-case basis after considering the evidence available, that the enforcement action is a reasonable and proportionate response. Legal advice from our solicitors will generally be sought before any legal enforcement action commences.

Some legal remedies include (but are not limited to) civil injunctions (with positive requirements where suitable), parenting orders and possession. We will work with the police and Council's community safety team to obtain Criminal Behaviour Orders, Dispersal Orders and/or Closure Orders. SHS is not an authorised body to administer Community Protection Notices.

Where appropriate, we will complete a Community Harm Statement alongside any legal action to demonstrate the effect of the ASB on the community.

SHS does not wish to take legal action unnecessarily and will always ensure that when doing so, it is a proportionate response to achieving a legitimate aim.

We will take reasonable steps to ensure that we are not discriminating against an alleged perpetrator in accordance with the Equality Act 2010.

Where a resident is considered to be vulnerable, SHS will consider additional help and support to resolve the situation, which may include finding alternative accommodation, reviewing the best method of communication to suit the resident, allowing extra time, contacting support/care workers.

Possession action is taken as a last resort in cases of serious ASB. Where appropriate and reasonable to do so, we will seek possession against assured tenants under the Discretionary Ground 14. In rare cases, we may use Ground 7A in the most serious cases of ASB as this is an absolute ground for possession. Doing so, we will ensure compliance with the Pre-Action Protocol and the Human Rights Act. Approval for Ground 7A must be authorised by the Chief Executive.

### **Appeals**

SHS residents have the right to appeal our decision if we serve a Notice Requiring Possession/Notice of Seeking Possession, including the absolute Ground 7A to end a tenancy.

### **Working with Victims, Witnesses and Alleged Perpetrators**

ASB can have a very disruptive impact and effect on individuals and communities. SHS has a supportive approach when dealing with victims, witnesses and alleged perpetrators.

We take the safety of victims and witnesses seriously and will support any witness that wishes to remain anonymous. We will work with partners to provide additional safety measure which may include issues such as provision of personal alarms, additional visits by staff, additional fencing etc. We will make every effort to support witnesses before, during and after any court proceedings.

Perpetrators of ASB act as they do for many reasons, which may include being drug and/or alcohol dependent, suffering from mental health issues, experiencing debt etc. SHS will work with perpetrators as far as it is reasonably able to do so to support reintegration into the community. SHS will signpost alleged perpetrators to additional services and local agencies which may assist with preventing ASB.

Where an alleged perpetrator is less than 18 years of age, SHS will involve parents/guardians to resolve the issue and liaise with social services to ensure all support available is in place. The Crime and Policing Act 2014 allows for civil injunctions to be granted where a child is aged 10 years and older. Should this action be considered, SHS would involve the local Youth Offending Team.

### **Management Moves**

In severe cases of ASB (High Risk category), SHS may consider a transfer via a management move. (Information relating to Management Moves can be found in our Lettings Policy).

### **Data Protection and Confidentiality**

SHS will comply with the Data Protection Act 1998 (DPA). We reserve the right to make a referral to social services or the police without the consent of the victim, where the situation and the provisions of the DPA allow e.g., the detection or prevention of crime or for the apprehension or prosecution of offenders.

A consent to sharing information form, as recommended by the CIH, is attached as Appendix D to this policy.

Section 115 of the Crime and Disorder Act 1998 allows SHS and its partners to share information for the purpose of preventing and detecting crime and disorder.



SHS may use publicity to promote any successful legal actions to increase resident confidence in the way that SHS addresses ASB and to deter offenders of ASB. We will consider any restrictions imposed by the court and the implications of the DPA.

### **Equality, Diversity and Inclusion**

SHS continually seeks to be a genuinely inclusive organisation, integrating equality, diversity and inclusion into all aspects of our day-to-day work.

We treat all of our residents with dignity and respect, tailoring our services to meet the needs of individuals. We provide a supportive environment for our staff, residents and visitors.

Our staff are regularly trained on issues relating to equality, diversity and inclusion. They also receive policy briefings and training.

The CHOs would usually deal with any ASB on a day-to-day basis; the CHM will oversee the work of the CHOs and review and monitor cases on a regular basis. The Operations Director is responsible for SHS's strategic approach to ASB.

All residents have access to this policy through our website [www.suttonhousingsociety.org.uk](http://www.suttonhousingsociety.org.uk)

This policy is advertised to SHS residents and stakeholders on our website and in our resident newsletter.