

# INQUILAB HOUSING ASSOCIATION

## **Anti-Social Behaviour Policy**

### **1. Introduction**

- 1.1 Inquilab Housing Association (Inquilab) 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 Inquilab, and thus links with our Complaints Policy in setting out our approach to dealing with vexatious and unreasonable customers.
- 1.4 This policy covers:
- Regulation
  - Legislation
  - Best practice
  - Our approach
  - Our responsibilities
  - Customers' obligations
  - Prevention and early intervention
  - Enforcement
  - Support of complainants and victims
  - Re-housing
  - Confidentiality
  - Promotion
  - Related Policies
  - Review

### **2. Regulation**

- 2.1 The Homes and Communities Agency 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.
- 2.2 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 are obliged 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.

### 3. Legislation

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

- Housing Act 1985
- Housing Act 1988
- Environmental Protection Act 1990
- Housing Act 1996
- 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

### 4. Definition of ASB:

4.1 ASB, as set out in the Crime and Disorder Act 1998 means: “Acting in a manner that is unreasonable, persistent, disturbing or harassing to one or more persons not of the same household as themselves”.

4.2 The Anti-social Behaviour Crime and Policing Act 2014 has 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.

4.3 For definitions of **racial harassment and hate crime**, please see below:

- Definition of Harassment

Harassment is defined in the Equality Act 2010 as ‘unwanted contact related to a relevant protected characteristic (or diversity strand) which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.

We also recognise the definition of racial harassment as stated by the MacPherson Report: ‘A racist incident is any incident which is perceived to be racist by the victim or any other person.’

- Definition of a Hate Crime

The Association of Chief Police Officers has defined hate crime as ‘any hate incident, which constitutes a criminal offence, perceived by the victim or any other person as being

motivated by prejudice or hate' (Home Office & Association of Chief Police Officers (ACPO) 2005).

- Definition of a Hate Incident

The Association of Chief Police Officers has defined a hate incident as 'any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate' (Home Office & Association of Chief Police Officers (ACPO) 2005).

All hate crimes are hate incidents. However, some hate incidents may not constitute a criminal offence.

4.4 For definition of **domestic abuse**, please see below:

**Definitions:**

- The definition of domestic violence and abuse as used by the government states:  
*'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:*  
*Psychological*  
*Physical Sexual*  
*Financial*  
*Emotional'*
- Controlling behaviour is:  
*'A range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.'*
- Coercive behaviour is:  
*'An act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.'*
- This definition, which is not a legal definition (but is used by government departments for the purposes of, for example, targeting support services), includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

4.5 As regards vexatious behaviour, our Complaints Policy 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 in such a way that this has damaged our reputation, credibility or trust within the community, caused distress to staff including use of hostile, abusive or offensive language; or demonstrated an unreasonable fixation on an individual member of staff.

## 5. Good practice

5.1 The Respect ASB Charter for Housing is now a partnership between the Social Landlord Crime and Nuisance Group and the Chartered Institute of Housing. The seven core commitments are:

- 5.1.1 Demonstrating leadership and strategic commitment
- 5.1.2 Providing an accessible and accountable service
- 5.1.3 Taking swift action to protect communities
- 5.1.4 Adopting a supportive approach to working with victims and witnesses
- 5.1.5 Encouraging individual and community responsibility
- 5.1.6 Having a clear focus on prevention and early intervention
- 5.1.7 Ensuring a value for money approach is embedded in the service

5.2 We share these commitments and they are demonstrated in our policy below and our associated procedures.

## **6. Our approach to anti-social behaviour**

6.1 Anti-social behaviour 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:

- Noise
- Verbal abuse/harassment/intimidation/threatening behaviour
- Hate-related incidents (based on race, sexual orientation, gender, disability, religion, age, etc.)
- Vandalism and damage to property
- Pets and animal nuisance
- Nuisance from vehicles
- Drugs/substance misuse/drug dealing
- Alcohol-related
- Domestic abuse
- Physical violence (other than recorded as domestic violence)
- Litter/rubbish / fly-tipping
- Garden nuisance
- Misuse of communal areas/public space
- Prostitution/sexual acts / kerb crawling
- Other criminal behavior /crime

This list is not exhaustive.

In addition, ASB would include if a tenant or member of their household was a member of a gang as specified in Section 34 of the Policing and Crime Act 2009 as amended.

6.2 We recognise that ASB:

- Is a high profile and reputational issue;
- Can significantly ruin the 'quiet enjoyment' of a home to which everyone is entitled;
- Has an emotional and financial cost to the victims as well as a cost to us;
- Has a negative impact on people and neighbourhoods - and 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.

6.3 Our approach is therefore:

- To tackle ASB through prevention, early intervention, support and swift enforcement;

- To provide a victim centred approach, ensuring that those affected are kept informed and are reassured by our actions;
- To maintain and further develop effective partnership responses to crime and ASB;
- To provide a robust response to hate crime and domestic abuse;
- To promote and encourage community responsibility, involvement and a strong sense of community spirit;
- To tackle environmental ASB and invest in our neighbourhoods;
- To pursue costs for ASB and/or evict where appropriate.

## **7. Our responsibilities**

- 7.1 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 prevent these escalating into more serious incidents.
- 7.2 We will develop and maintain effective partnerships with local and national partners and agencies with whom we can collaborate in tackling ASB. We will always support the police in prosecutions.
- 7.3 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 issues to the appropriate specialists, or just being aware of our approach in this critical area.
- 7.4 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 Operations
  - Head of Operations
  - Customer Services Managers
  - Frontline officers
  - Anti-Social Behaviour Specialists – contractors commissioned to deal with low level ASB on behalf of Inquilab.
- 7.5 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 such as inconsiderate parking, investing in prevention such as mediation, pro-actively dealing with untidy gardens or co-working with partners. Value for money and ASB is also taken account of in our wider work, for example, we will consider the need for security and safety when we carry out improvements such as installing new windows, and will ensure we help to design out crime when we build new homes and regenerate estates.
- 7.6 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 will at times and at our discretion carry out 'two person visits' to help us manage potentially sensitive or dangerous issues. Staff and contractors have a responsibility to others to advise the Anti-Social Behaviour Specialists of customers who may require two person visits, and this will then be investigated.
- 7.7 Any reported concerns will be considered by the ASB Specialist as part of our approach to tenancy breaches and will fit within our overall approach to customer

risk. Actions resulting from a proven concern such as limiting contact, raising awareness of known issues on Open Housing, or taking action, will be conducted by the ASB Specialist. Any behaviour of this nature directed at Inquilab staff, agents or contractors is deemed to be unacceptable and appropriate action including prosecution will be taken against those responsible (see also our Unacceptable Behaviour Procedure).

## **8. Our Customers' Obligations**

8.1 We expect all our tenants and leaseholders, people living with them or visitors to their home not to cause a nuisance, disturbance or be involved in activities that can be categorised as ASB.

8.2 Our tenants are bound by their tenancy agreement and leaseholders by their lease. We do not tolerate ASB and its eradication is a priority for us. Breaches of tenancy or lease obligations will therefore be dealt with in line with the available legal remedies, including where appropriate possession proceedings on mandatory grounds.

8.3 Where necessary, for example where ASB is very serious such as conviction of a serious criminal offence, breach of an ASB injunction or Criminal Behaviour Order, or the tenant's property closed under a Closure Order, we will evict regardless of family circumstances.

We do not condone our tenants being members of a criminal gang. This could lead to aggressive behaviours and threats towards others in areas like shopping centres and communal areas within estates, and can also be more serious and involve violence, threats to kill, use of firearms, drug dealing and in some tragic cases, murder and extreme violence, which can affect non-gang members.

8.4 In addition to the legal responsibilities set out in their tenancy agreement or lease, we expect our customers to:

- Report all incidents of ASB, harassment and domestic abuse;
- Report all crimes, including threats or acts of violence, to the police;
- 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 or babies crying at night;
- Work with us to resolve disputes/issues, for example by keeping diary sheets, providing witness statements, attending court etc..

8.5 We will take 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 are made to support requests for moves. If our tenants deliberately damage our property to support false claims, we will take this very seriously including taking possible criminal action.

8.6 Occasionally, the excessive frequency of contact or unreasonableness from specific customers may affect our ability to properly consider their own 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;
- only responding to new complaints or issues.

## **9. Prevention and early intervention**

- 9.1 Inquilab is committed to preventing ASB and we will use a range of preventative actions to achieve this. We recognise that early intervention is the key to avoid escalation.
- 9.2 As part of our pre-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, including mandatory grounds for possession. It will therefore be made clear right from the beginning of their tenancy that ASB will not be tolerated.
- 9.3 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. Accurate records will be kept of any verbal or written warning so that it can be relied upon in court, if required.
- 9.4 Starter Tenancies will be used as a preventative tool. Where a tenant has a starter tenancy and there is concern about the tenant's (or household member/visitor's) conduct during the 12 month probationary tenancy period, we may end the tenancy at that point, or may serve a notice of extension for a further 6 months. Should the ASB persist at the end of the 6 months, possession action may be taken.
- 9.5 Settling in Visits: New tenants on starter tenancies will be visited within 6 weeks and a check made at 9 months to ensure they have settled into their new home and to monitor the conduct of their tenancy which includes ASB.
- 9.6 We will actively encourage the use of mediation at an early stage between parties to resolve issues, and will work closely with the Mediation Service to promote this approach. Mediation is very valuable in resolving neighbour disputes, for example, legal remedies are not appropriate for all cases and are expensive; staff from an independent organisation can be seen as impartial and without conflicting interests and it can prevent a dispute from escalating into a more serious disturbance.
- 9.7 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. Inquilab will be represented on various multi-agency groups, to share information and plan joint action to respond to ASB problems at a local level. Our electronic data management system will help us identify the causes of ASB and to identify hot spots, thus allowing us to work with partners to share resources and to prevent further ASB before it occurs.
- 9.8 Where specific vulnerabilities are identified in a case (such as mental health problems), we will endeavour to provide a tailored approach, both for victims and perpetrators, and may seek advice from professionals including social workers and fire safety experts. We will ensure we do not disadvantage those protected by the Equality Act 2010.
- 9.9 When appropriate we will also issue Acceptable Behaviour Contracts (ABC's) and Parenting Contracts, working closely with the Police and relevant local authority to ensure effective implementation.
- 9.10 If necessary and where 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 when taking enforcement action. Technology, such as equipment to record noise, may also be used to substantiate complaints.

- 9.11 We are committed to the swift 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.
- 9.12 Where appropriate, we will develop Good Neighbour Agreements to promote safer communities and prevent ASB.
- 9.13 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.
- 9.14 In 2012 we introduced fixed term tenancies as permitted by the Localism Act 2011 to replace the granting of lifetime tenancies. Towards the end of the term, these will be reviewed and the granting of a further tenancy considered. We believe this type of tenancy will help deter ASB.

## **10. Support of Complainants and Victims**

- 10.1 We will provide a variety of methods in order to report incidents of ASB including telephone, face to face, third party, email, and via our website.
- 10.2 We will ensure our staff are fully trained in taking initial reports of ASB, making sure that our policies and procedures are clear.
- 10.3 We will ensure that we consider vulnerability and safeguarding issues when investigating a case. Any safeguarding issues identified will be dealt with in accordance with our Safeguarding guidelines.
- 10.4 We will provide access to translation/interpretation in appropriate languages where needed. In cases where English is not our customers first or preferred language to communicate with us, we will make every effort to secure free translation services either internally, through an external provider or via a technology solution to improve the exchange of information and make the experience easier for our customer. This includes providing translation services on our website; however customers may need to pay for their own interpreter if these solutions are not adequate or they do not have a friend or family member to assist them.
- 10.5 We will use an electronic case management system with reporting facilities which will enable us to record and report against a range of performance measures. We will ensure each report of ASB is investigated thoroughly, treated seriously, and where a case is logged and needs follow up action, a case officer will be assigned and the complainant and any witnesses will be notified of the name and contact details.
- 10.6 We will investigate all complaints of ASB promptly as defined in our agreed standards and priorities (see our ASB procedure).
- 10.7 We will keep complainants/victims informed of developments in their case (provided this meets Data Protection guidelines). Our staff will provide the complainant with regular updates. We will inform the complainant and all other parties once a case has been closed and the issue resolved, or no further action is going to be taken by us and the reasons why.

- 10.8 All complainants will be treated equally and fairly and will receive a responsive service. This also includes the wider community as we may receive complaints from non-tenants. We may also receive counter allegations, and both reports will be investigated equally and impartially.
- 10.9 We will carry out customer satisfaction surveys for all closed cases of high level ASB and we will be committed to learn from the feedback we receive.
- 10.10 If complainants are prepared to be witnesses, we will always consider how we will support them before, during and after any court action. The safety and well-being of the witness or victim will be considered first before any action is taken by us. In exceptional circumstances we may consider a temporary or permanent move to ensure their safety (see 11.1 below).
- 10.11 Where a tenant has had their home damaged through harassment we will carry out repairs as a priority 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.

## **11. Re-housing: Moving the perpetrator or the victim**

- 11.1 In exceptional circumstances, we will consider a management transfer or "priority move". These moves can only take place with the consent of the tenant involved. This is definitely not a "nuisance pays" approach to ASB, and will only be considered where the tenant's 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. Please see our Priority Moves procedure for more details.

## **12. Enforcement**

- 12.1 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
- 12.2 We will ensure that breaches of orders are investigated and actioned quickly and appropriately, in discussion with complainants, our partners and the courts as appropriate.
- 12.3 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 or where failure to evict would result in serious reputational damage.

12.4 Community Trigger/ ASB Case Review: Where victims of ASB are dissatisfied with our response in handling their report, they may be able to invoke the “Community Trigger”, depending on the frequency of the incidents. This means an inter-agency ASB Case Review is held, and gives victims and /or communities the right to prompt a re-examination of their case.

### **13. Confidentiality and data protection**

13.1 Reports of ASB will be handled in a sensitive, professional manner by all members of staff. Our staff will respect confidentiality. It is noted however, that in some instances it may be difficult to address a complaint of ASB without the alleged perpetrator recognising who the complainant is.

13.2 Permission will be sought from the complainant before information is given to an alleged perpetrator. This should be discussed with the complainant when the ASB is initially reported or at an early stage.

13.3 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 including with Thames Valley Police.

### **14. Promoting our ASB services**

14.1 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.

14.2 This will be done in accordance with our Media Policy, and victim protection and Data Protection will be central to any publicity that is carried out.

### **15. Related policies and procedures**

- Safeguarding Policy
- Tenancy Policy
- Allocations Policy
- Vulnerable Tenants’ Policy
- Feedback Policy
- Equal Opportunities
- Priority moves
- ASB Procedure
- Unacceptable Behaviour Procedure

### **16. Monitoring and Policy Review**

16.1 Customer satisfaction on closed cases will be reported regularly to senior management, and quality checks will be made on live cases by managers to ensure consistency and quality of case handling.

16.2 This policy will be reviewed on a three yearly basis or earlier in response to legislative changes, good practice or changes in other Inquilab policy. The lead responsibility for implementation is the Head of Operations.

