

# Co-op Homes

## Anti-Social Policy & Procedure

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Policy details	
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### 1. Policy

This policy sets out Co-op Homes' (CHS) approach to preventing and tackling anti-social behaviour (ASB) in and around the properties it manages. We believe that our customers should have the right to live safely, securely and peacefully in their home and in their local environment.

This policy sets out how ASB will be tackled by CHS, what standards of behaviour are expected of customers and outlines the service standards that customers can expect from us as their landlord or managing agent.

Responsibility for implementation of this policy lies with the Business Services Manager and the Head of Client Services but ultimately with the Managing Director and Board of CHS. Day to day responsibility lies with the Housing team.

### 2. Guiding Principles

CHS will investigate all reports of ASB about our customers who hold tenancies with us or with our affiliated housing co-ops.

CHS defines ASB in line with the Anti-Social Behaviour, Crime and Policing Act 2014 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.
- Conduct capable of causing housing-related nuisance or annoyance to any person

CHS is therefore concerned about behaviours which could be capable of causing nuisance or annoyance to any person or community. CHS recognises that customers are responsible for their own and their visitors' behaviour and expects the terms of tenancy agreements to be adhered to. CHS may refer cases of ASB to other local agencies; for example, the Police.

### 3. Connected Documents and Relevant Legislation

- Anti-Social Behaviour Procedure
- Safeguarding Policy
- Complaints Policy

CHS will consider its obligations under relevant legislation and regulation when managing cases of ASB. Key legislation includes:

- ASB, Crime and Policies Act 2014 Crime and Disorder Act 1998 Human Rights Act 1998 Equalities Act 2010
- The Care Act 2014
- The Regulator for Social Housing – Consumer Regulation Review 2021

#### 4. Overview

##### **Types of anti-social behaviour**

There are a wide range of anti-social behaviours where CHS can take positive action. In the majority of cases, dealing with such issues is part of the day-to-day service provided by our Housing Management teams.

We have adopted the RHP Group categories of ASB, so the types of low-level ASB enquiries we will deem as “nuisance” include:

- Alcohol Abuse
- Nuisance caused by pets
- Noise
- Threatening Behaviour
- Neighbour Dispute
- Drugs
- Environmental nuisance including graffiti and fly tipping
- Untidy gardens
- Low level noise nuisance
- Graffiti (unless related to hate in which case it will be considered ASB)

And categories for “ASB” will include the following as well as instances where low-level nuisance is repeated or is of a sufficiently serious nature that referral to another agency is required.

Examples include:

- Cuckooing
- Criminal behaviour, including drug use or dealing
- Violent or threatening behaviour
- Hate Crime and Race Hate incidents
- Harassment
- Statutory Noise Nuisance
- Domestic Abuse and violence
- Persistent threats or verbal abuse
- Persistent and serious neighbour noise

CHS takes a harm and victim centered problem-solving approach to managing reports of ASB and recognise that each case is different. Our staff are trained to use problem solving techniques and manage the risk of harm. CHS considers that any of the above issues are capable of falling within the definition of ASB, however this list is not exhaustive, and employees are encouraged to use their professional judgement in understanding what is ASB or mere nuisance.

##### **Investigation and detection**

Our Housing Officers, at first point of contact will deal with initial reports of ASB and will respond in 5 working days.

Where the report is of neighbour nuisance we will encourage our customers to try and resolve the problem with their neighbour before escalating this to CHS where appropriate and safe to do so. The Housing Officer will therefore initially discuss the issue reported by the customer and triage the case, offering suggestions on how to resolve the issue.

Complaints about ASB will be accepted verbally, in writing or electronically from residents or people in neighbouring properties who wish to report behavioural issues about one of our residents. Reports of ASB will be logged on the internal management system

When CHS takes action it will use the most appropriate intervention and enforcement methods, including:

- Verbal warnings
- Support methods involving CHS or other agencies
- Warning letters
- Noise app monitoring systems
- Mediation
- Diversionary activities
- Acceptable Behaviour Agreements (ABAs)
- Community Triggers
- Neighbourhood agreements
- Injunctions
- Criminal Behaviour Orders
- Closure order
- Demotion Orders

ASB can be a complex matter, and whilst every effort will be made to resolve issues quickly, it is not possible to guarantee a time by which the case will be resolved. It is therefore very important that customers are made aware of this when raising their concerns.

### **Possession Orders**

#### Absolute Possession (Ground 7a mandatory) and Proportionality

Absolute ground for possession is intended to significantly reduce the length of the possession process for serious ASB in order to provide faster relief for victims and witnesses. It will expedite the process where serious housing related ASB or criminality has already been proven in another court. Landlords are able to choose to use the absolute ground, where any of the following conditions are met:

- the tenant, a member of the tenant's household or a person visiting the property has been convicted for a serious offence.
- the tenant, a member of the tenant's household or a person visiting the property has been found by a court to have breached an injunction to prevent anti-social behaviour.
- the tenant, a member of the tenant's household or a person visiting the property has been convicted for breaching a criminal behaviour order.

- the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour; or
- the tenant, a member of the tenant's household or a person visiting the property has been convicted for breaching a noise abatement notice or order

Where a landlord applies for possession under the absolute ground the Court would have to grant an order for possession, subject to considerations of proportionality and the landlord having followed the correct procedure.

CHS will apply certain considerations when assessing whether it is "proportionate and reasonable" to apply for absolute possession and any application will be based on the overall circumstances of the case. In particular we will consider:

- The composition of the household and any vulnerabilities,
- The level and nature of ASB and the impact that this has had on victims and the local community
- The location of the ASB and the frequency and
- The persistence and risk of the behaviour

After issuing a Notice of Seeking Possession using grounds 7a (mandatory grounds) the tenant has the right to appeal the decision within 7 working days of receiving the Notice in writing. CHS will provide details of how to appeal the Notice within the covering letter served with the Notice. The tenant should include within their appeal the reasons they are appealing the Notice and any personal circumstances or other matters that they wish to be taken into account in the appeal. The Appeal will follow the process of Stage 2 of CHS' Complaints Policy.

### **Supporting Vulnerable People**

Where a customer is identified as vulnerable the appropriate supporting service will be notified.

We may receive reports of ASB that constitute abuse or neglect of a child or adult with care and support needs. In these circumstances, CHS will refer to its Safeguarding Policies in order to safeguard our customers from abuse and neglect.

### **Supporting victims and witnesses**

All reporters and witnesses will be afforded as much support as possible throughout the process. If a decision is taken to proceed with court action, victims and witnesses will be given a clear explanation of what will be required of them, what is likely to happen if they give evidence and some idea of the timescales involved. At all times, CHS will endeavour to protect the safety and well-being of victims and witnesses – this may include referral to victim support, issuing of personal alarms, injunctions and requesting police protection.

Where cases are particularly serious, we may consider the use of professional witnesses and/or professional investigators, subject to consultation with the appropriate multi-agency panel.

### **Support for and rehabilitation of perpetrators**

Allegations of ASB against people with disabilities are treated fairly and equitably. Perpetrators whose behaviour is affected by drug or alcohol abuse, mental ill-health or disability will usually be referred to appropriate care or support agencies. CHS employees may assist agencies in supporting the perpetrator where this is reasonable and practical.

Where juveniles are suspected of causing ASB, CHS may refer the case to the appropriate multi-agency panel or children's social care before deciding on appropriate intervention or enforcement action. Customers who are Parents or Guardians will be expected to work with the statutory agencies to resolve the anti-social behaviour caused by their children.

### **Customers' responsibilities**

Our tenancy agreements contain clauses requiring residents not to do or permit anything that causes a nuisance or annoyance to their neighbours or others in the locality. Customers are responsible for the actions of all members of their household, including children, lodgers, animals and visitors. It is important, though, that customers make allowances for the different lifestyles of others and accept that a reasonable level of household noise as is likely to occur amongst neighbours and these messages will be reinforced from time to time in customer newsletters and correspondence from housing officers.

For neighbour disputes and low-level nuisance, we expect customers to take steps to resolve issues between themselves. In these instances, we may offer a mediation service as a tool for neighbours to come to agreement.

As a landlord we acknowledge that there are occasions this won't be appropriate, due to circumstances of either or both parties, for examples vulnerabilities or criminal behaviour. In these cases, we will investigate and take any appropriate action, and work in partnership with other agencies supporting that person.

We also expect customers to report crimes to the Police. We may ask them to do this rather than reporting incidents to us, so that the Police can take appropriate steps to investigate and enforce crime

Breaches of the terms of the tenancy agreement will result in enforcement action being taken.

### **Hate crime and hate incidents**

CHS is committed to tackling all forms of hate incidents and/or hate crimes that target people based on their age, disability, ethnicity, religion, sex, sexual orientation or any other protected characteristic outlined in the Equality Act 2010. We will encourage customers to report all forms of hate incidents and/or hate crimes to CHS and we will work in partnership with other agencies to resolve it. We will take a victim- centered approach to dealing with reported incidents.

We have adopted the definition of "hate incident" used by the Home Office and the Association of Chief Police Officers ("ACPO"):

*"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender."*

CHS is therefore committed to combating all forms of hate incidents that target people based on their age, disability, ethnicity, religion, sex, sexual orientation, or any other protected characteristic outlined in the Equality Act 2010. Hate crime is not always reported because victims often feel that they do not want to “make a fuss” or that insufficient importance will be attached to their complaint. We will encourage customers to report all forms of hate incidents and/or hate crimes to CHS and we will work in partnership with other agencies to resolve it. We will take a victim-centred approach to dealing with reported incidents and will use our powers to take action against any individual involved in a hate motivated incident, where either the victim or the perpetrator is a customer of CHS.

### **Closing Cases**

CHS will endeavor to solve the reported ASB as swiftly and efficiently as possible. We recognise that some cases may be complex and may include a series of different approaches to achieve a successful outcome, however, CHS will close an ASB case when:

- The reporter has informed us that the ASB has stopped
- CHS has investigated the case and decides that no further action is required.
- There is no evidence to suggest that ASB is occurring
- A partner agency is leading on the case and no action is required by CHS

CHS will contact the reporter (where appropriate) to inform them of its intention in closing the case and agree for the case to be closed. Customers can use CHS’s complaints process if they feel that there has been a service failure the handling of their case.

### **Community Trigger**

Where any ASB Case Review is requested of the local authority by an CHS customer, or the ASB complained of is said to be being perpetrated by an CHS customer, we will:

- Liaise with the local authority and other relevant bodies.
- Co-ordinate CHS’s response.
- Oversee the implementation of any recommendations concerning CHS

### **Training**

CHS recognises the importance of regular specialist training for employees involved in countering ASB and will commit the appropriate resources to ensure employees’ knowledge and skills remain up to date. Regular ASB case reviews will take place to ensure that cases are proactively managed in line with CHS’s policies

### **Use and storage of information**

#### Confidentiality

Where reports of ASB are received, CHS employees will not voluntarily reveal the identity of the reporter to the alleged perpetrator. It should be noted that most court action cannot proceed without the evidence of witnesses; however, we will not disclose information to the perpetrator, their legal representatives or other involved parties, without seeking the permission of the reporter.

#### National Standards for Incident Recording

We will ensure all incidents of ASB are recorded within our case management system and where appropriate shared with the relevant local authority and the Police in a consistent and accurate

manner, so that the data can be used at a local and national level to provide management and performance information for all stakeholders.

#### Data protection and information exchange

Due to the widespread distribution of its housing stock across many local authorities and unitary authorities, CHS does not have formal Information Sharing Protocols in place with all of them. Appropriate data information requests will therefore be required from any agency before information is shared. Such requests will not be unduly refused. All information shared remains confidential and is stored and used according to a strict protocol and in line with CHS Group's Data Protection Policy.

### **5. Monitoring**

The Senior Management Team will monitor performance, trends and outcomes through a range of performance indicators, which include:

- Number of cases raised
- Number of cases closed successfully
- Time taken to resolve
- Nature of complaints
- Volume of cases in a given area
- Outcomes of complaints and any positives step needed to prevent further incidents

CHS performance on ASB will also be anonymously scrutinised by a panel of customers from the Customer Focus Group on a periodic basis.

CHS will also invite customers to reply to service survey texts in line with the Government's New Tenant Satisfaction Measures which will enable services to be transparent. CHS results will be amalgamated with the overall RHP Group figures and available to view on the Housing Regulator's website.