

Anti-Social Behaviour Policy



Introduction

Great Places aims to promote a safe and secure environment for our customers by working in partnership with other statutory agencies to prevent anti-social behaviour (ASB) and any form of harassment. We work across diverse communities and are committed to working with our customers and their families to help address anti-social behaviour, harassment, nuisance and crime.

We are committed to delivering an excellent service, working with and alongside our customers to help stop ASB and create a culture of respect. We will work in partnership with key stakeholders to deliver these core commitments and the corporate objectives of Great Places.

Service Delivery Framework: our relationship with our customers goes two ways with responsibilities on both sides. We ask customers to take responsibility, with our support if needed, for looking after their home and respecting their neighbours, their community and our colleagues. Where we need to assist, we will do things 'with' not 'for' our customers, providing the right level of support to empower customers to tackle issues themselves wherever possible.

What is anti-social behaviour?

The term anti-social behaviour can mean different things to different people. Great Places considers anti-social behaviour to be:

'A wide-range of unacceptable activity that can negatively impact the lives of many people, often on a daily basis. It can leave those affected feeling helpless, desperate and with a seriously reduced quality of life.'

There are also legal definitions of anti-social behaviour which are subject to a number of legal tests in order for action to be taken.

Nuisance and harassment is behaviour that unreasonably interferes with other people's rights to the use and enjoyment of their home and community, and which is likely to cause offence, alarm, or distress to another individual or household.

What is not anti-social behaviour?

General disagreements, staring or looking at someone, life style clashes, children playing or youths innocently congregating, ball games, parking disputes, children falling out or arguing, a one-off party or BBQ, or household noise such as toilets flushing, washing machines, babies crying, smoking in own property or doors closing. This is not a definitive list and reports will be assessed on a case by case basis.

Tenancy management refers to activity that is specifically linked to an address where we have a tenancy agreement in place, and the behaviour can be dealt with as a tenancy management matter.

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Context

Great Places will keep in touch with changes in Government policies and guidelines and will continuously review this policy in a national and local context. At the time of writing, the regulatory and legal framework was as follows:

Regulatory Framework: Neighbourhood and Community Standard

Under the Neighbourhood and Community Standard, registered providers are required to publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties. In addition, registered providers shall demonstrate:

- That customers 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 on preventative measures tailored towards the needs of customers and their families
- Prompt, appropriate and decisive action to deal with ASB before it escalates, which focuses on resolving the problem, having regard to the full range of tools and legal powers available
- All customers 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.

Legal Framework

Great Places has a duty of care to victims of crime and ASB and is required to meet regulatory and legislative guidance as follows:

- Anti-social Behaviour, Crime and Policing Act 2014
- Equality Act 2010
- Crime and Disorder Act 1998 , as amended 2002
- Housing Act 1996
- Human Rights Act 1998

Great Places works across a number of Local Authority areas in the North West and Yorkshire. This ASB policy overarches our approach to dealing with ASB. Some operational activities and practices will be shaped by local priorities and local standards.

Aims and Objectives

The overall aim of this policy is to outline our approach to dealing with specific incidents that impact on creating cohesive and safer neighbourhoods.

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Our key objectives are:

- Work in partnership to prevent incidents and reoccurrence of ASB in the communities where we operate. This may include taking action or supporting action being taken against any person, who may or may not be our customer.
- Work with vulnerable customers, both victims and perpetrators, and partner agencies to provide a holistic and appropriate response to ASB.
- Not tolerate any behaviour that is designed to threaten, intimidate or abuse our colleagues or contractors. Should we deem it necessary, where colleagues are subjected to this type of behaviour from customers, we may seek legal remedies.
- Ensure we work with partner agencies who are best placed to deal with the reported ASB, where the agency holds a responsibility to do so, in order to tackle ASB as efficiently and effectively as possible using a variety of approaches. Early intervention and swift action is a key priority.
- Use legislation and other tools to assist us in developing an effective approach in the prevention and management of ASB.
- Promote fair and equal treatment for everyone.
- Ensure that information is treated confidentially and responsibly.

What is involved?

Early intervention and support

Great Places is committed to preventing incidents of ASB occurring in the first instance and will use a range of preventative actions to achieve this. Where incidents have occurred, we recognise that early intervention is the key to avoid escalation.

- We will assess the information provided to us when responding to a report of ASB, and offer advice and support to help individuals and communities find solutions independently.
- We will use a combination of professional judgement and our ASB risk assessment framework to adopt a harm based approach where appropriate.
- We will seek a multi-agency approach when dealing with reported issues and will work with partner agencies such as the police, probation, social services, education and youth services.

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- We will actively encourage engagement between parties in our approach to mediation, aiming to resolve issues before they escalate.
- Our tenancy agreements contain clauses which allow us to deal with unacceptable behaviour. Starter Tenancies will be used as a preventative tool in line with our Starter Tenancy Policy.
- Where specific vulnerabilities are identified, we will endeavour to provide a tailored approach to those suffering and those perpetrating.

Enforcement

Great Places recognises that there will inevitably be cases where conciliation, mediation and working with other agencies may not be successful, and in such circumstances, where sufficient evidence is available, enforcement action will be pursued in partnership with other statutory agencies.

A range of tools are available to Great Places in order to take action against perpetrators. These include:

- Injunctions (including: undertakings, exclusions and positive requirements)
- Possession proceedings
- Absolute possession powers
- Demotion of tenancies

We will work with partners to consider other potential solutions, including:

- Noise Abatement Notices
- Closure of Premises in partnership with the police and Local Authority
- Criminal Behaviour Orders (CBOs)
- Dispersal Orders
- Parenting Orders

Tailored support

We will:

- Ensure reports of ASB are assessed and resolved at the point of contact wherever possible.
- Provide a variety of methods in order to report incidents of ASB including telephone, face to face, third party, email, and via our website. This will also include an ASB out-of-hours reporting line.
- Ensure that we assess reports made to us in line with equality and safeguarding frameworks, so that we can identify vulnerabilities to inform our approach. Safeguarding concerns that meet the national definition, will be dealt with as per the Safeguarding and Protection from Abuse Policy and Procedures.

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- Provide access to translation/interpretation in appropriate languages. Documents will be produced in large print, Braille or audio format where required.
- Consider the need for additional security and target hardening measures as appropriate.
- Make arrangements to remove offensive graffiti.
- Agree a frequency of contact that meets both our needs, and ensure that we work with other relevant agencies, such as victim support and advocacy services, for support both before and after any court appearances.
- In extreme cases, where there is a significant risk of harm that cannot be addressed by other interventions, we may consider rehousing options in line with our Allocations and Lettings Policy.

Dealing with vulnerable perpetrators and victims

In addition to the above, we recognise that some customers, whether they are the victim or perpetrator, may have complex needs and may require additional support. This could include those who have issues such as:

- Drug abuse
- Alcohol abuse
- Mental health issues or any form of disability
- Children at risk
- Young people leaving care

Where a perpetrator of ASB has such vulnerability, while this will not be a barrier to taking enforcement action when necessary, we will try and ensure that they have access to support to help address any unacceptable behaviour. This may include liaising with relevant professional organisations or support being provided in-house. We will work with partner agencies where support is available.

We will undertake an equality impact assessment as appropriate to ensure we make adjustments to our approach in order to avoid causing any disadvantage to those protected by the Equality Act 2010.

On occasion, and where appropriate, we may seek advice from independent professionals including medical, mental health, fire safety.

Confidentiality, data protection and information sharing

We will treat all information received with the strictest of confidence. In the first instance, the best interest and wishes of the complainant will drive the actions that we will take. 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 the General Data Protection Regulations 2018 and any information sharing protocols we have

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in place. It is important to understand that in certain circumstances confidentiality may be subjected to a duty to disclose relevant information to other statutory agencies e.g. if there is any reason to suspect that children are at risk.

Multi agency working

Great Places recognises that dealing with ASB is not the sole responsibility of any single agency. We will work closely across all of the Local Authorities with all relevant agencies, and will share information with appropriate partners within the framework in which we work. We have a commitment to the rehabilitation of offenders and will work within existing frameworks and develop information sharing protocols. Interface agreements may also be developed in order to share information.

Hate and harassment

We strongly believe in equality of opportunity and are committed to ensuring that customers are able to live without fear of harassment, intimidation or attack motivated by hate.

Great Places takes a robust approach to supporting individuals who are affected by incidents motivated by hate or harassment as a result of any of the protected characteristics in the Equalities Act (2010). We recognise that harassment could also be motivated by a number of other factors including appearance, perceived differences, mannerisms, or any other prejudice.

Definition of a racist incident:

Great Places accepts the MacPherson (Stephen Lawrence Inquiry) definition of a racist incident as follows:

'A racist incident is any incident which is perceived to be racist by the victim or any other person.'

This means that if anyone – the victim, a witness, a police officer or housing officer – believes an incident may be due to racist motives then it will be recorded as such by Great Places and approached as a priority demand.

Definition of harassment:

Great Places have adapted the MacPherson definition of racial harassment to capture the other protected characteristics in the Equality Act as follows:

'An incident or series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, nationality, religion or beliefs, sexual orientation, gender, age or disability.'

Harassment and hate crime can take many forms, including but not limited to:

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- Verbal abuse or conduct that ridicules a person's ethnic origin, nationality, religion or beliefs, sexual orientation, gender, age or disability. This can include mimicking a person's accent, speech or mannerisms.
- Making threatening, intimidating and derogatory remarks about a person based on any protected characteristic.
- Unprovoked assault including actual bodily harm and grievous bodily harm.
- Sending threatening letters or correspondence through the post, by email, over the phone or through social media.
- The display or distribution of derogatory materials which relate to ethnic origin, nationality, religion or beliefs, sexual orientation, gender, age or disability.
- Damage to property and possessions, including arson, graffiti and vandalism.
- Repeated unfounded complaints to the landlord.

Definition of hate crime:

A hate crime is a criminal offence committed against another person or their property that is motivated by hate or prejudice because of the person's:

- Race, colour, ethnicity, nationality or national origin
- Religion or faith
- Gender or gender identity (including transphobia)
- Sexual orientation (including homophobia)
- Disability
- Age

As incidents motivated by hate fall under criminal law, we will provide information and advice on what Great Places can do, and work with those affected and other statutory agencies such as the police, to ensure those affected have the right support and are clear on the best path to find a resolution.

- We aim to promote the safety, security and confidentiality of the victim and staff members. Wherever possible we will be sympathetic to any request to be interviewed by an officer of the same gender or ethnic origin.
- We take a zero tolerance approach towards incidents of hate and harassment of our staff.

Demotion of tenancy

Great Places is committed to preventing ASB and promotes safety and security for all customers living in our communities. In order to achieve this objective, we will use a range of tools to tackle ASB in our communities, and demotion of tenancy is one of the options available to us.

Early intervention tools and the relevant legal protocols and litigation tests must have been implemented prior to any consideration of demotion.

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What is a demotion of tenancy?

The standard Great Places tenancy is an assured non-shorthold tenancy which provides our customers with security of tenure. A demoted tenancy (assured shorthold tenancy) replaces the assured non-shorthold tenancy and reduces the customer's security of tenure and gives them less rights.

We do also have some secure tenancies at Great Places, and following a demotion the secure tenancy would be replaced with an introductory tenancy.

Under the terms of a demoted tenancy, if there are further breaches of tenancy (namely ASB issues), Great Places can apply for mandatory possession of the property to end the tenancy without the need to rely on the discretionary grounds for possession.

Demotion and vulnerable customers with support needs

Some perpetrators of ASB may have complex needs and require additional support. A Demotion Notice against vulnerable perpetrators would only be sought in severe circumstances where all other feasible avenues have been exhausted.

At Great Places, demotion of tenancy will be used as an alternative to a possession. Demotion serves as a last chance incentive to perpetrators of ASB to address their behaviour before possession proceedings are taken, and potentially provides witnesses with some relief from future detailed and involved court proceedings should a breach be sufficiently evidenced.

Absolute grounds for possession

The absolute ground for possession was introduced by the ASB, Crime and Policing Act (2014) which is intended to be used to gain possession of the property where one of the following has taken place:

- Conviction of a serious offence in the locality (specified in Schedule 2A of the Housing Act 1985)
- Found by a court to have breached a civil injunction
- Convicted for breaching a Criminal Behaviour Order (CBO)
- Convicted for breaching a Noise Abatement Notice
- Customer's property has been closed for more than 24 hours under a closure order

Registered providers can apply for a possession order without the need for a full trial to prove the detail of specific breach, due to the breach itself having been previously proven in a court of law. Legal tests and thresholds still apply and not every case that corresponds with the above list will be suitable for absolute possession.

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Where Great Places decide to take absolute possession proceedings, all cases will be provided with the opportunity to have the decision reviewed. The process and timescales for secure tenancies are set out in the legal framework, however assured tenancies will be processed in line with the timescales for our starter tenancy appeals process.

Surveillance

All data collected in this respect will be managed in accordance with the Data Protection Act 2018 and the General Data Protection Regulations 2018.

Sound monitoring equipment

We may use sound monitoring equipment to investigate reports of noise nuisance. Evidence gathered may be shared with relevant authorities in line with legislation and information sharing protocols.

Covert surveillance

Any consideration for the use of covert surveillance, will be robustly assessed at a senior level and managed in accordance with our legal obligations.

Overt surveillance

Where we consider the use of temporary, targeted overt surveillance, this will be conducted in line with the relevant data laws and national guidance on public space CCTV produced by the Information Commissioners Office (e.g. privacy impact assessments).

Public space CCTV

Great places have a number of permanent public space CCTV systems employed across areas in which we operate. For information in relation to how these systems are managed please refer to the CCTV Policy.

Plumlife: leasehold tenure

When it comes to our Plumlife properties on a leasehold tenure, our approach to dealing with ASB is led by the relevant leasehold covenants. On occasions, our responsibilities to customers of different tenures can cross over – in these cases we will assess the duty we have to each party and provide clarity on the support available to address the issues they are facing, which may involve Great Places, depending on the cause of action and contractual relationship.

Monitoring and reporting

We will use performance data we collect to report against a range of measures. Our performance is reported to customers on a regular basis and through regular performance reports to our Senior Leadership team, and Great Places Board.

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Links to relevant policies

- Service Delivery Framework
- Equality, Diversity and Inclusion Strategy
- Safeguarding Policy
- Domestic Abuse Policy
- Lone Working Policy
- Responsive Repairs Policy
- CCTV Policy
- Scheme and Neighbourhood Management Policy
- Tenancy Management Policy
- Tenancy and Neighbourhood Management Policy
- HR Policies

Equality Impact Assessment Screening

Question	Yes/No (add explanatory notes if appropriate)
Could there be any equality issues arising from this policy? (If no, you do not need to answer the following questions but must provide justification for why)	Yes
Is there any reason that some groups may not receive a fair and equal service?	Yes
Could this issue have a significant impact?	Yes
Will the policy impact on a significant proportion of people? (include justification for why you think it is significant or not)	No
Is there any reason to believe service user/employee profile is not consistent with community profile?	No
Is there any evidence to suggest that any part of the policy, practice or procedure could discriminate unlawfully, directly or indirectly, against different groups?	Yes
Total	4

Score:

5-6 = high priority

3-4 = medium priority

1-2 = low priority

0 = no EIA required

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Equality Impact Assessment Summary

1. Is this a key strategic document, major policy or procedure or service change? Examples may include: Homeless Strategy/ Customer Involvement Strategy	YES		NO	
			X	
2. What impact will your document or service delivery change have on the public or staff, giving particular regard to potential impacts on minority groups? Issues to consider include race, disability, gender, sexual orientation, religion, age, carers and other socio-economic factors	HIGH	MEDIUM	LOW	DON'T KNOW
3. Please explain your answer: Provide a narrative explaining why you gave the impact rating above.	The policy is under minor review. It is a policy which impacts on diverse customer groups, particularly in relation to hate crime reporting.			

1. If, for question 2 you have answered LOW, there is no need to continue to an Equality Impact Assessment.
2. If, for question 2 you have answered DON'T KNOW, please discuss with a member of the EIA Group who can confirm whether an EIA is required.
3. If you have answered YES to question 1, and you have identified MEDIUM or HIGH impact in 2, you should move on to an Equality Impact Assessment and complete the section below:

If you have completed a full Equality Impact Assessment please provide the following:

What are the main conclusions of the Equality Impact Assessment? (Q10 from the full EIA form)

The minimal changes to this policy mean that previous EIA's have already assessed the impact of the majority of the document, and findings have already been incorporated. It is expected that the current project work around this service area (and potential changes to the operating environment) will result in further EIA work within 12 months as part of an updated policy position.

As a result of these conclusions what actions (if any) will be included in your business actions and wider review processes? (Q11 from the full EIA form)

A recent amendment to the Domestic Abuse Bill (amendment 87B) will require police forces in England and Wales to record misogyny as a hate crime from August 2021. This policy will require a review in line with the proposed changes. It is proposed that this is carried when considering the proposals from the service development/ project review work stream.

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Policy Approval Date:	18 th March 2021
Equality Impact Assessment Date:	16 th March 2021
Policy Review Date:	18 th March 2022
Lead Team:	Neighbourhoods
Level of Authorisation Required:	Director