

	<b>Title</b>	ASB 01 Anti-Social Behaviour and Hate Incident Policy		
	<b>Reference</b>	Volume 2	<b>Owner</b>	Karen Haywood
	<b>Approved by</b>	Holly Dagnall	<b>Approval date</b>	14/08/2023
	<b>Issue date</b>	14/08/2023	<b>Review date</b>	16/06/2024

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## POLICY STATEMENT

We believe that NCHA customers, colleagues, contractors, members of the public and anyone living or working within the locality of an NCHA property have the right to live and work in a safe environment free from the fear of crime, anti-social behaviour, threatening and aggressive behaviour, abusive language and persistently unreasonable behaviour.

Everyone has the right to adopt the lifestyle that they choose so long as this does not impact upon the lives of other customers and colleagues in circumstances that would amount to a breach of their tenancy, lease or licence agreement. We will encourage complainants to be more tolerant with their neighbours where a life style difference does not amount to such a breach.

This policy covers the behaviours of NCHA customers towards our colleagues or contractors and has 3 main objectives:

- To ensure that NCHA operates within a framework that complies with its statutory obligations and also promotes best practice to help deliver 'great services'.
- To provide customers and colleagues with clear requirements and expectations and also provide a flexible range of tools with which to manage these.
- To adopt approaches that will ensure that NCHA's strategic objectives are achieved and to support customers, staff, contractors and anyone else whose life is blighted by crime and ASB to lead 'better lives'.

NCHA recognises that it is important to work collaboratively with the police and other partner agencies to help minimise crime and ASB. We will share information with agencies where we are legally able to do so and will seek information from agencies that will assist NCHA in taking enforcement action. We will also engage in target hardening (fitting security measures to a victim's home) and other security enhancement activities to prevent crime and ASB wherever it is reasonable and would be effective to do so.

Where our customers report ASB from other households or individuals who are not our customers we will advise and support them, and through our partnership relationships assist them to make an appropriate report to the relevant agency. We will support the partnership when required and where our intervention will help in resolving these cases. We will also provide or refer our customers to appropriate support to mitigate the impact that ASB is having on their lives.

We will ensure colleagues are competently and suitably trained to be equipped to respond swiftly and effectively to reports of ASB and prevent reports escalating into more serious incidents. **Where ASB is reported to us, we will allocate a named ASB Investigator, complete a risk assessment and follow our internal procedures with an incremental approach to triggers and/or serious and persistent ASB.**

## 1. Purpose and scope

1.1 This policy applies to customers of all tenures living in a home owned by NCHA and has 3 main objectives in dealing with ASB:

- To ensure that NCHA operates within a framework that complies with its statutory obligations and also promotes best practice to help deliver 'great services'.
- To provide customers and colleagues with clear requirements and expectations and also provide a flexible range of tools with which to manage these.
- To adopt approaches that will ensure that NCHA's strategic objectives are achieved and to support customers, staff, contractors and anyone else whose life is blighted by crime and ASB to lead 'better lives'.

## 2. Responsibilities and risk

Community Safety Manager

Anti-social Behaviour Investigators

Your Community Co-ordinators

All Colleagues

Failure to deal with ASB effectively and in a way that meets reasonable expectations has a number of risks to NCHA as follows:

- Exposing customers, staff, contractors and other visitors to NCHA properties to a risk of harm.
- Increased tenancy failure and higher property turnover leading to less stable communities and extra costs.
- Reducing the quality of life of customers as well as negatively affecting their life opportunities.
- Adversely affecting communities which could make properties difficult to let
- Adversely affecting the wellbeing and ability of staff, contractors and other visitors to NCHA properties to go about their normal day to day work and other lawful activities.
- Negatively affecting the reputation of NCHA with customers, staff, contractors, external agencies, local residents and regulating bodies. This may lead to a loss of further business opportunities and higher staff turnover.
- Increasing the demands on NCHA for services thereby increasing management costs.

## 3. Policy details and guidance

### 3.1 Ways to report ASB

- In an emergency customers and colleagues affected should always call 999 in the first instance.
- Between 9.00am and 5.00pm, Monday to Friday via our customer contact team on 0800 013 8555.
- Out of business hours on 0800 013 2653
- Via our online reporting form on the NCHA website.
- By email to [info@ncha.org.uk](mailto:info@ncha.org.uk)

All reports made of ASB will be recorded and dealt with promptly to the current Service Standard guidelines.

### 3.2 NCHA's Response to ASB

3.2.1 Every NCHA customer has entered into either a tenancy, lease or licence agreement with NCHA which set out conditions of expected behaviour. The person that has entered into this legal

agreement is also responsible for the actions and behaviour of other home occupants (including any children) and visitors to the property.

- 3.2.2 Every report of anti-social behaviour will be logged to an ASB investigator so that each customer knows who their point of contact is.
- 3.2.3 NCHA uses risk assessments to identify vulnerable and high risk victims that may require additional support and intervention measures to resolve their problems. This may include referrals to other appropriate agencies. Further risk assessments may be carried out whenever there are significant changes to the circumstances to ensure that this assessment is up to date.
- 3.2.4 NCHA will adopt an incremental approach to manage customer behaviour into line with their tenancy/lease/licence agreement starting with the lowest appropriate sanction and escalating as required to deter and restrict repeated misbehaviour. Informal sanctions will always be considered first but in cases where there is a serious breach of agreement NCHA may use legal remedies immediately.
- 3.2.5 Common sanctions that may be imposed include verbal and written warnings, Acceptable Behaviour Contracts, injunctions, Suspended Possession Orders and possession proceedings i.e. eviction.
- 3.2.6 In order to help manage the interactions between customers and members of NCHA staff, where this behaviour becomes problematic in that it has been proven to be persistent, offensive or threatening NCHA may also utilise a number of other interventions. These include the use of a 'red flag' system to identify customers who may pose a risk to the health and safety of colleagues and contractors, single points of contact and other restrictions on contact methods. NCHA staff and contractors have the right to end any visit, meeting or telephone call with a customer where they believe that their health and safety is at risk or when they are subjected to abusive language or threatening and aggressive behaviour.
- 3.2.7 Problematic behaviour as described in 3.2.5 can include unreasonable and persistent demands such as:
- Repeated requests for information
  - Excessive levels of contact through emails, telephone calls, website inquiries, letters and visits to offices
  - Demanding service within unreasonable response times
  - Insistence on contact with a particular member of staff or refusing to deal with a particular member of staff
  - Refusal to accept a decision or response provided
  - Continued contact regarding resolved complaints investigations
- 3.2.8 Any report of a hate incident or crime will be responded to within 1 working day. All other incidents will be responded to within 3 working days. These non-hate incident events will be categorised as being either 'personal', 'nuisance' or 'environmental'.
- 3.2.9 When a report is made that does not amount to ASB the complainant will be informed of this at the earliest opportunity.

- 3.2.10 We expect customers to take responsibility for minor disputes with neighbours. Much of what is perceived as nuisance is not done intentionally and the effect that it has on others may not have been fully considered. Where it is safe to do so we would encourage customers to engage with their neighbours in the first instance in an attempt to resolve these issues before making a complaint to NCHA or other agencies.
- 3.2.11 At the outset of every investigation we will agree an action plan setting out what NCHA will do and what we expect the complainant to do. **This will include actions required to gather evidence to support the investigation and necessary for any legal proceedings that may follow as a result. Where possible this will include timescales for those actions. The customer will be provided a copy of each action plan.**
- 3.2.12 **In response to allegations of noise nuisance we will ask complainants to use suitable methods of recording incidents for a reasonable period of time, usually three weeks, to establish if the noise constitutes a tenancy breach. The factors that we will take into account include:**
- the time of day
  - how long the noise lasts
  - how often the noise happens
  - the type of noise
  - the volume of the noise
- 3.2.13 We will maintain regular contact with the complainant throughout the investigation so that we understand the current circumstances and to provide updates about any actions taken. **The frequency of this contact will be customer led with the aim of being no less than every 10 working days.**
- 3.2.14 We will never reveal the identity of a complainant to an alleged perpetrator unless we have been provided with permission to do so. Complainants will be advised when appropriate that in some circumstances it is not possible to carry out an investigation without the alleged perpetrator being aware of where the complaint has come from.
- 3.2.15 We will carry out thorough investigations in a timely manner to ensure that we have secured sufficient evidence to be able to make a reasoned judgement about whether the alleged behaviour is proven or not.
- 3.2.16 **At the end of the investigation the ASB Investigator will conclude whether the allegation is proven or not and if it is, impose the appropriate sanction upon the perpetrator. The factors that could be taken into account before making this decision include:**
- the seriousness of the behaviour
  - the impact upon the victims
  - the personal circumstances of the perpetrator and any mitigating factors
  - the persistence of the behaviour
  - what other sanctions have been imposed in the past for similar behaviour
  - how long ago previous sanctions were imposed.

- 3.2.17 Our response will be reasonable and proportionate to the alleged breach. We will utilise all appropriate tools at our disposal and also seek the assistance of other appropriate agencies when required.
- 3.2.18 In cases where NCHA deems that external mediation is the appropriate method of dealing with a neighbour dispute we expect complainants to actively engage in this.
- 3.2.19 NCHA recognises that some customers and households will be affected by multiple social and medical problems including physical disabilities, personality disorders, mental health diagnoses or alcohol and drug misuse issues. We will offer support and make referrals to appropriate support agencies where we identify this to be the case. This may include the use of positive requirements in agreed contracts or legal sanctions. NCHA will seek to sustain tenancies through the use of these initiatives and unless there is serious criminal behaviour NCHA will not seek the eviction of customers who are actively engaged with NCHA or other agencies to address these identified issues.
- 3.2.20 The aim of NCHA is to deal with ASB to ensure that victims are able to remain in their home and to avoid anyone having to move to another property because of this. It is also NCHA policy that perpetrators of crime and ASB will be sanctioned appropriately and that an internal transfer for them will only be considered where there are considerable overriding reasons for doing so.
- 3.2.21 **After a sanction has been imposed on the perpetrator the case will remain open for an appropriate period of time (at least two weeks) during which it will be monitored to ascertain if the sanction has been successful or not.**
- 3.2.22 Before a case is closed we will discuss this with the complainant. We will use satisfaction surveys to obtain feedback from customers and then use this information to assess service effectiveness and promote service improvements.
- 3.2.23 NCHA will seek to publicise the outcome of appropriate cases to increase customer and community confidence, deter perpetrators and to demonstrate to the wider public our ability and willingness to take the necessary action to fulfil the aims of this policy. We will never disclose the identity of witnesses or complainants in such publicity.
- 3.2.24 There are a number of behaviours and community situations that individuals may find annoying or not consistent with their own personal standards and beliefs which are nevertheless not considered to be ASB and which NCHA will not investigate as such. These include, but are not limited to, the following scenarios:
- Children playing
  - Babies crying
  - Household noise caused by everyday living, e.g. reasonable use of television and music players, noise from electrical items such as washing machines and vacuum cleaners at normal hours of the day, DIY during reasonable hours, using stairs, walking about and going in and out of cupboards and doors.
  - One off parties that are not of an exceptional nature
  - Normal social events in gardens and outside spaces such as barbecues and celebrations
  - Cooking smells

- Smoking cigarettes and cigars

3.2.25 In the instances above, we will encourage customers to be more tolerant of their neighbours, to build a relationship with their neighbours so that they can discuss any concerns they have constructively.

3.2.26 The following are behaviours that even though they may be breaches of tenancy will be dealt with outside of this policy and procedure unless there is evidence that they are persistent, deliberate and carried out with an intention to harm the lives of other residents.

- Normal vehicle maintenance
- Overcrowding or allowing others to frequent or reside within the property
- Untidy gardens and boundary issues
- Untaxed and unlicensed vehicles or parking problems
- Property maintenance
- Bin misuse and fly-tipping
- Ownership of pets not causing a noise nuisance

### **3.3 Complaints about NCHA's response to ASB**

3.3.1 When a report of ASB has been received, it will be managed through this policy not NCHA's Complaints policy.

3.3.2 If a customer is dissatisfied with the service provided by a member of the Community Safety Team they can make a complaint as per NCHA's Complaint Policy, further information is available on the NCHA website.

3.3.3 Complaints about the outcome of an investigation will be dealt with by the Community Safety Manager in the first instance.

3.3.4 NCHA encourages the use of the Community Trigger in cases where a complainant is not satisfied with the outcome of an investigation and will support customers who wish to make such an application to the local authority in line with conditions laid down in respect of Community Triggers in that particular local authority area.

### **3.4 NCHA's Allocations**

3.4.1 Our allocations for Affordable Social Housing and lettings for submarket rent properties seek to prevent and minimise ASB and nuisance and promotes balanced, sustainable and cohesive communities by:

- Excluding applicants where they or a member of their household have been guilty of conduct that would have been grounds for seeking possession of the property had they already been an NCHA customer.
- Excluding applicants that have received a court sanction which undermines their suitability as an occupant of that property such as a Possession Order, ASB Injunction or criminal conviction.
- Following local lettings plans to prevent a high turnover of residents, abandonments, high levels of crime and disorder and high concentrations of vulnerable persons.

- Ensuring that all prospective customers undergo an assessment to not only identify the above but to also identify any support needs that can be addressed to help them sustain the tenancy or licence. There will be follow up contact during the early part of the residency to reinforce this.
- All new customers will have their responsibilities regarding expected behaviour in respect of the relevant agreement clauses explained to them during the sign up process.
- Prospective tenants of Care & Support projects or properties will have an in depth and comprehensive needs assessment so that high risk issues are identified and a robust and comprehensive support plan can be put in place to either minimise the risk of ASB, or in exceptional circumstances to evidence an exclusion of that individual from the property.

#### **4. Supporting documentation and key legislation**

4.1 Forms  
None

4.2 Guidance  
[Regulator of Social Housing Consumer Standards](#)  
[Neighbourhood and Community Standard](#)

4.3 Legislation

There is a range of relevant legislation some of which gives powers to the police and local authorities that we will work with to maximise our ability to deal with ASB.

- [Housing Act 1985](#), [Housing Act 1988](#) and [Housing Act 1996](#) which provide grounds for seeking possession and making demotion orders.
- [Protection from Harassment Act 1997](#) enacts the offence of harassment.
- [Crime and Disorder Act 1998](#) enables information sharing with the police and encourages partnership working.
- [Anti-Terrorism, Crime and Security Act 2001](#) extended the scope of the Crime and Disorder Act and sets out new racially aggravated offences.
- [Anti-Social Behaviour Act 2003](#) contains references to Parenting Orders, the demotion of tenancies and amendments to the Ground 14 possession clause.
- [Anti-Social Behaviour Crime and Policing Act 2014](#) introduced all of the new orders and powers for dealing with ASB, injunctions, the absolute Ground 7A for possession and the Community Trigger.

4.4. Related policies

Allocations Policy  
Estate Management Policy  
Ineligible Applicants Policy  
Safeguarding Adults, Children and Young Persons  
Domestic Abuse Policy

#### **5. Monitoring and reporting**

5.1 Individual case management and performance management will be conducted by the Community Safety Manager at regular one to one meetings. Each open case will be reviewed with ASB Investigators to ensure that service standards are being complied with and that the cases are being efficiently and pro-actively managed to achieve the best outcome for customers.



5.2 Performance against service standards and KPI's will be reported to senior managers and the Customer Committee.

5.3 The policy, supporting procedures and ASB cases are subject to compliance audits both internally and through NCHA's annual audit programme. Recommendations to improve the service will be supported by NCHA's senior leadership and executive team.

## 6. Definitions

**Anti-social behaviour**, and the threshold for the imposition of an injunction, is defined within Section 2(1) of the Anti-Social Behaviour Crime and Policing Act, 2014 as:

- conduct that has caused, or is likely to cause, harassment, alarm and 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.

**In possession proceedings** the discretionary grounds for possession define ASB as:

The tenant or a person residing in or visiting the dwelling-house:

(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, or

(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 the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions; or

(b) has been convicted of:

(i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or

(ii) an indictable offence committed in, or in the locality of, the dwelling-house.

**Harassment** is a criminal and civil offence that is committed when:

A person pursues a course of conduct:

(a) which amounts to harassment of another, and

(b) which he knows or ought to know amounts to harassment of the other.

Point (b) is proven if a reasonable person in possession of the same information would think that the course of conduct amounted to harassment of the other.

A 'course of conduct' means conduct on at least two occasions.

Harassment also includes causing alarm or distress.

**A hate incident** or crime has taken place when the victim or any other person believes that it has been carried out whilst motivated by hostility based upon any of the relevant protected characteristics i.e. age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation.

All hate incident investigations will be initiated within the enhanced response timescales and all appropriate measures will be put in place to support the victims.

**Domestic abuse** - NCHA have a separate policy for domestic abuse but we recognise that there will be some reported nuisance (e.g. shouting, banging and disturbances) that may indicate domestic abuse as a factor and we will instigate safeguarding measures where this is considered to be the case.

**7. Equality and diversity**

7.1 This procedure has been written in line with NCHAs Equality, Diversity and Inclusion Policy and Equality Statement.

7.2 This policy is supported by an Equality Impact Assessment

**8. Appendices**

None

**9. Policy Approval**

9.1 This procedure has been approved prior to issue by the Director of Homes and Wellbeing or if applicable by NCHAs Board or Customer Committee.