

Neighbourhood Services Policies & Procedures



Anti-Social Behaviour Policy

1. Policy objective & Scope	
1.1	Watford Community Housing ('WCH') is committed to tackling anti-social behaviour (ASB) in a responsive and robust manner. Our approach is victim-centred and we will work with partner agencies to tackle the causes and effects of ASB, using a consistent, clear, firm but fair approach.
1.2	WCH uses a risk-based approach to managing ASB. To ensure ASB matters are managed effectively, we will adopt a balanced approach, which will reflect our coaching methods and aim to minimise ASB arising in the first place. Where cases do arise we will aim to:- <ul style="list-style-type: none"> • log incidents on the Community Action System (CAS); • prevent incidents of ASB escalating; • take the necessary management, intervention and legal action to deal with Alleged Perpetrators of ASB; • provide Complainants with appropriate advice and assistance; • work in partnership with other specialist agencies where appropriate; • support staff to tackle ASB; and • support Tenants in sustaining their tenancies.
1.3	As part of our balanced approach we have adopted a triple aspect approach in tackling ASB, which can be demonstrated throughout this Policy:- <ul style="list-style-type: none"> • Engagement including preventative measures; • Support for Victims; and • Enforcement against Perpetrators including legal action.
1.4	<u>Scope</u>
1.4.1	This Policy cover all WCH Tenants, Leaseholders and their visitors, whether they are the Alleged Perpetrator or the Complainant, where a case of reported ASB affects the housing management functions of WCH.
1.4.2	All staff (including temporary staff), Group Board members, volunteers and contractors working for or on behalf of WCH must adhere to this Policy.
1.4.3	It is important to note that options for the Complainant may be limited due to the terms of their Licence or Tenancy Agreement. If the Alleged Perpetrator is a leaseholder, there will be limited legal actions WCH can take against them. All Case Officers in these situations will be required to consult the terms of the relevant leases before advising the Complainant. Further guidance on managing breaches of the lease can be found within the Leaseholder Management Policy.

2.	Contractual, Legislative and regulatory requirement
2.1	<u>Contractual</u> <ul style="list-style-type: none"> • Tenancy agreement • Lease • Licence to Occupy
2.2	<u>Legislative</u> <ul style="list-style-type: none"> • Anti -Social Behaviour, Crime and Policing Act 2014 • Children’s Act 2004 • Crime and Disorder Act 1998 • Care Act 2014 • Dangerous Dogs Act 1991 • Dangerous Wild Animals Act 1976 • Domestic Violence, Crime and Victims Act 2004 • Environmental Protection Act 1990 • Equality Act 2010 • General Data Protection Regulation 2016 & Data Protection Act 2018 • Housing Act 1988 • Human Rights Act 1998 • Noise Act 1996 • Protection From Harassment Act 1997 • Protection of Children Act 1978
2.3	<u>Regulatory</u> <u>Regulator of Social Housing Regulatory (RSH) Standard (April 2012)</u> <ul style="list-style-type: none"> • Neighbourhood and Community Standard <p>1.3 Anti-social behaviour Registered providers shall work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.</p> <p>2.3 Anti-social behaviour</p> <p>2.3.1 Registered providers shall publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties.</p> <p>2.3.2 In their work to prevent and address ASB, registered providers shall demonstrate:</p> <ul style="list-style-type: none"> (a) that Tenants are made aware of their responsibilities and rights in relation to ASB (b) strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies (c) a strong focus exists on preventative measures tailored towards the needs of Tenants and their families (d) prompt, appropriate and decisive action is taken 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 (e) 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 (f) provision of support to Victims and Witnesses.

3.	Definitions
3.1	<u>Definitions</u>
3.1.1	<p>Anti-Social Behaviour (ASB) as per s2(1) Anti-Social Behaviour, Crime and Policing Act 2014:</p> <p><i>“anti-social behaviour” means—</i></p> <ul style="list-style-type: none"> <i>a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,</i> <i>b) conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or</i> <i>c) conduct capable of causing housing-related nuisance or annoyance to any person.”</i>
3.1.2	<p>Anti-social behaviour may include (but is not limited to):-</p> <ul style="list-style-type: none"> • Actual or threatened violence against people or property; • Harassment or Hate Crime – see also section 3.2 below; • Criminal activity; • Threats, intimidation or verbal abuse; • Vandalism, graffiti and other criminal damage; • Drug and alcohol related nuisance; • Vehicle-related nuisance; • Fly-tipping; • Noise; • Uncontrolled pets and pet nuisance.
3.1.3	<p>We will manage cases of ASB in accordance with the following (non-exhaustive list of individuals):-</p> <ul style="list-style-type: none"> • WCH occupiers; • Persons living in another property within a Gateway community area; or • Anyone else lawfully occupying a property or in the locality, for example those working nearby or using local facilities.
3.1.4	<p>ASB also covers situations where a person’s behaviour negatively affects our ability to deliver any of the services we provide in the course of our business.</p>
3.2	<p>We will manage all matters of harassment and hate crime as an ASB matter. All cases of harassment and hate crime (as per 3.2.1 and 3.2.2 below) should also be managed in accordance with our Harassment and Hate Crime Policy.</p>
3.2.1	<p>Hate Incident : is any non-criminal incident which is viewed by the victim as being caused by prejudice or hate because of their disability, gender identity, race, religion or belief or sexual orientation.</p>
3.2.2	<p>Harassment : is the deliberate interference with the peace, comfort and safety of any person on the grounds of race, colour, religion, sexual orientation, disability, age, nationality or ethnic origin.</p>
3.3	<p>Cases involving domestic abuse should be managed in accordance with the Domestic Abuse Policy and Procedure.</p>
3.4	Non-ASB matters
3.4.1	<p>We acknowledge that our Tenants hold different values and opinions and that this can sometimes present problems. We expect our Tenants to show due consideration to their neighbours as well as understand that we all have a right to live our lives.</p>

3.4.2	It is therefore vital at first instance that we acknowledge what is not considered to be ASB. WCH's 'Safety and Guidance' documents (available at www.wcht.org.uk) contain advice on what may and may not be ASB including lifestyle choices that are not regarded as ASB. We will seek to manage the expectations of Tenants regarding behaviour that is not deemed to be ASB. We may issue Incident Sheets to the Complainant in these circumstances to monitor persistent behaviour that becomes ASB.
3.5	' Complainant ' or ' Victim ' : the person reporting the anti-social behaviour.
3.6	' Alleged Perpetrator ' : the person accused, or who has been found to have committed, an act of ASB.
3.7	Community Action System (CAS) : the system within Orchard used to log and manage ASB incidents.
3.8	The ' Case Officer ' : the WCH officer managing the case, whether it is an ASB and Fraud Officer or Neighbourhood Officer.
3.9	' Incident Sheets ' provide evidence of the matter. The Case Officer may issue Incident Sheets to ensure the Complainant is keeping records of incidents occurring.
3.10	' Tenants ' (referred throughout this Policy) means Tenants within WCH general needs properties, leaseholders and shared owners.
3.11	A ' Witness ' will have seen or heard an event which is alleged to be ASB.
3.12	' Agreement ' will refer to either a Tenant's tenancy agreement or a leaseholder's lease.
3.13	Safeguarding - safeguarding is a vital part of our work as a housing provider in that we come into daily contact with tenants, residents and other people who use our services in the wider community eg via our hubs who may be encountering harm or the risk of harm. We have clear legal duties as a housing provider under the 2014 Care Act (as well as the RSH's regulatory framework) to act on any Concerns we may have about those who may be vulnerable.
4.	Engagement
4.1	We will engage our communities in developing strategies aimed at preventing ASB. Such strategies could include neighbourhood agreements, a neighbourhood or estate improvement plan, the establishment of a residents' association or neighbourhood watch scheme or close liaison with police / our local authorities in creating cohesive communities.
4.2	WCH is committed to building sustainable communities, by working with both formal and voluntary resident groups. We will develop communities empowered to enforce and agree their own boundaries of behaviour and resist ASB.
4.3	Examples of how we will do this are as follows: <ul style="list-style-type: none"> • Working to engage with all our Tenants including young people and those who are typically harder to reach through our Involvement Menu; • Promoting initiatives which build community cohesion and foster feelings of security and wellbeing; • Promoting schemes which encourage good behaviour such as 'good neighbour' awards and garden(ing) competitions; • Raising awareness and supporting Tenants to take control of their community and deal with anti-social behaviour; and

	<ul style="list-style-type: none"> Working in partnership with the police, local communities, Tenants and other third parties/agencies where physical improvements or 'secure by design' initiatives might prevent or reduce ASB.
4.4	Tenant Responsibilities
4.4.1	<p>Tenants must comply with the terms of their Agreement. As landlord we set out our Service Standards, which include the following sections on ASB:</p> <p>"We will work with partners (such as the police, fire service and local charities) to try to make our neighbourhoods safer. We will give you clear timescales and an action plan when you report incidents of anti-social behaviour or hate crimes.</p>
4.4.2	<p>"We will keep to any timescales and action plans agreed with you and we will contact you in advance of closing your case to ask how satisfied you were with how we handled it.</p> <ul style="list-style-type: none"> We will encourage Tenants to be good neighbours by supporting activities that make our communities friendlier. We will not tolerate anti-social behaviour and will have fair policies and procedures to manage issues in a consistent manner. We expect you to adhere to these as well".
4.4.3	<p>Tenants are responsible under the terms of their Tenancy Agreement for:-</p> <ul style="list-style-type: none"> the behaviour of all members of their household and their visitors; and ensuring their household members and visitors comply with the terms of their Agreement concerning ASB. This includes harassment, noise, nuisance and/or annoyance to neighbours, other people in the area and towards staff/contractors whether intentional or unintentional. <p>Leaseholders agree to similar provisions in their standard form WCH leases.</p>
4.4.4	<p>To assist with the ASB investigation and resolution Tenants will be required to co-operate with us appropriately. This includes:-</p> <ul style="list-style-type: none"> Completing Incident Sheets and returning these within agreed timescales; Ensuring reports are promptly made to us; Being available for appointments; Cooperating with any ongoing investigations; Engaging with other partner agencies and, where relevant, the police; and Committing to the agreed Action Plan.
4.4.5	<p>We will communicate to Tenants that engaging with early intervention methods and remaining open to advice and information provided by our staff or partner agencies will secure the best outcome.</p>
5.	Support
5.1	Preventative Action
5.1.1	<p>We are committed to taking swift, effective and proportionate action to tackle ASB, using a full range of interventions and where necessary the use of the legal tools and powers outlined at section 6 below. We aim to do this whilst keeping the need for evictions to a minimum and avoiding re-housing Complainants where possible.</p>
5.1.2	<p>We will also adopt a coaching strategy to assist Tenants in dealing with neighbour disputes in the first instance. Should this fail in bringing resolutions however, WCH will assist Tenants by using other approaches under this Policy.</p>

5.1.3	<p>We also aim to use preventative approaches (where reasonable, appropriate and available) such as:-</p> <ul style="list-style-type: none"> • Seeking to ensure that housing applicants who have committed serious or persistent ASB elsewhere do not become a Tenant at WCH, in line with our New Tenant Sign Up Procedure; • The use of Starter Tenancies for new Tenants before progression to Fixed Term/ Assured Tenancy following continuous appropriate behaviour; • Clear clauses in Agreements prohibiting ASB and detailing Tenant responsibilities; • Carrying out estate inspections to identify and respond to environmental issues on estates and maintaining and managing communal areas to minimise crime and ASB. (Further guidance can be found in our Estates Services Policy); • Publicising our commitment to dealing with ASB, for example in newsletters and on our website; • Community initiatives in conjunction with partners; • Assessing support needs, providing support directly or referring customers to external agencies as necessary. (This is applicable to both Victims and Alleged Perpetrators); • Monitoring and reviewing our performance on a monthly basis with the aim of reducing incidents of ASB.
5.2	<p>Reporting an ASB matter</p> <p>5.2.1 Tenants, Leaseholders, their representatives, members of the community, the police and other agencies can report anti-social behaviour to WCH by phone, via Digital Tenancy Services at www.wcht.org.uk or in writing.</p> <p>5.2.2 The reporting process is as follows:</p> <ul style="list-style-type: none"> • We will log cases of what is deemed ASB (in accordance with sections 3.1 and 3.4) on CAS. If we do not believe a customer has an ASB case we will inform them and coach them to find an appropriate solution; • Where the Complainant, Victim or a Witness fails to provide supporting evidence, this will be a factor in our assessment of the case. We highly recommend the use of Incident Sheets as supporting evidence which can be obtained from the Case Officer; • We will assess all logged incidents and apply a risk category: <ul style="list-style-type: none"> ○ Low Category <ul style="list-style-type: none"> ▪ Cases that are considered a low category include low impact ASB issues such as environmental issues (e.g. fly tipping), neighbour disputes and nuisance (e.g. noise). ▪ These cases will be responded to within 5 working days. ○ Medium Category <ul style="list-style-type: none"> ▪ Cases that are considered a medium category include a higher intensity of threat experienced by the Complainant and/or ASB issues that escalate from a low level. An example of this can be persistent neighbour disputes or verbal/ abusive behaviour. ▪ These cases will be responded to within 3 working days. ○ High Category <ul style="list-style-type: none"> ▪ Cases that are considered high category include victimised attacks and crime-related matters. These may include harassment, hate crime or domestic abuse. ▪ These cases will be responded to within 1 working day. • If after assessing the report of an incident, we are unable to take action on behalf of the Complainant, we will explain why and point the Complainant towards agencies who may be able to offer advice and support, in accordance with section 7 below;

	<ul style="list-style-type: none"> • We accept anonymous reports and assess them based on the evidence available, including previous reports, and take necessary action. This may require us to monitor the case for a period of time and work with other agencies during this period; • We will open a separate case for counter-allegations, but they will be linked to the case from the original reporting party/parties. This is to ensure that the investigations and assessments address the full circumstances; • Where reports are made by different reporting parties concerning the same incident(s) and the same Alleged Perpetrator, a separate case will be created for each reporting party to address the specific needs of each reporting party; • Complainants may have a right to request a review of persistent ASB by their Local Authority under the Community Trigger processes (see section 7.4 below). Where the Local Authority has issued a Community Trigger, we will cooperate fully and work with them to seek an appropriate resolution.
5.3	Responding to ASB reports
5.3.1	We recognise that early intervention is important in preventing cases from escalating. On receiving a report of ASB, we will (according to the risk category timescales at section 5.2.2), respond to reports and provide advice to Complainants on next steps and what they can expect from us.
5.4	Supporting the Complainant and Witness(es)
5.4.1	<p>We aim to foster an environment where Victims and Witnesses feel confident and safe in coming forward to report ASB. We will work with our partners to provide support to the Complainant and Witnesses to achieve this. We will support them by:</p> <ul style="list-style-type: none"> • Dealing with their reports and maintaining confidentiality (except where there are safeguarding concerns); • Creating and agreeing the Action Plan to resolve the matter; • Keeping them informed of progress; • Informing them of appropriate support services where appropriate; • Where attendance at court is required, explaining court procedures and offering any necessary pre-visits to court to familiarise nervous participants with the surroundings and process. Where we are supporting the Victim/Witness we will also consider reimbursing reasonable costs (e.g. travel expense); and • Taking practical action to protect Complainants and Witnesses in ensuring that they and their property remain as safe as possible.
5.4.2	On some occasions, an Alleged Perpetrator may make a counter-claim against the Complainant. We will adopt this same approach in responding to counter-claims.
5.5	If it becomes evident that there is a high risk of harm to a WCH Complainant and the police support rehousing, WCH will help facilitate this move within our housing stock using our Decant Policy and Procedure.
6.	Enforcement
6.1	We have a range of legal and non legal options available in managing ASB that occurs between residents and in the community. These tools include Mediation, Acceptable Behaviour Agreement and working with specialist local partners to issue Community Protection Notices (CPN) / Community Protection Warnings (CPW) and Closure Orders.
6.2	We will actively encourage residents to try to address any issues directly with their neighbours in the first instance. However, we understand that this can sometimes be difficult when communication has broken down.

6.3	Mediation can also help to address low-level disputes or nuisance complaints. In these cases, we are able to offer a referral to our Mediation partner who can work with residents to discuss their concerns in a controlled environment. This service is independent from WCH and provided by trained mediators.
6.4	WCH work under the Community Safety Partnership, which enables us to consider issuing Community Protection Warnings (CPW) and Community Protection Notices (CPN). Staff are committed to working closely with local authorities and the police to consider where these powers can be enforced. CPN enforcement can cover Tenants challenging behaviour and estate management / environment issues such as flytipping and dog fouling.
6.5	The actions taken by the Case officer will vary depending on the nature and type of ASB reported. When a problem first arises, and where appropriate, we may encourage Complainants to speak to the person causing the problem with a view to resolving the problem. If this is inappropriate, an Action Plan will be developed with the Case officer and Complainant as per section 7.3.1 below.
6.6	If it has been agreed under the Action Plan, and is part of the investigation, we will interview the Alleged Perpetrator to make them aware of the allegations and listen to their response. We will inform the Alleged Perpetrator of the possible outcomes of their behaviour if the matter continues or escalates.
7.	Working with other agencies
7.1	We recognise that any one agency alone may be incapable of resolving ASB in the community.
7.2	We will continue to work positively with a broad range of external agencies, such as: <ul style="list-style-type: none"> • Community Safety Partnerships; • Police - community support officers and neighbourhood police teams; • Fire Service; • Environmental Health Departments; • the Probation Service; • Substance Misuse Agencies; • Health Services; • Local Authorities, Social Services, including children's and adult's services teams; • Schools; • Youth Offending Teams; • Intensive Families Support Team (IFST); • Floating Support Agencies and in particular (Aldwyck Housing and New Hope); and • Other support and advocacy agencies.
7.3	We will work in partnership at both the strategic and operational level. WCH is represented at, and actively involved with, both the Watford and Three Rivers Anti-Social Behaviour Action Groups (ASBAG) and the Joint Action Groups (JAG) which address issues at a more strategic level.
7.3.1	We will contribute to these meetings by referring individuals or families for discussion who are causing significant problems in their property or neighbourhood and who require a multi-agency response. We will agree a Multi-Agency Action Plan with partners using a broad range of preventative, support and enforcement interventions to modify behaviour and provide respite for communities.
7.4	<u>Community Trigger</u>

7.4.1	The Community Trigger is one of a number of tools available to agencies under the ASB, Crime and Policing Act 2014. We will participate in the procedure adopted by associated local authorities and work with partner agencies to ensure that Victims of ASB are heard and action is taken as appropriate.
7.4.2	We will appoint a 'specific point of contact' (SPOC) to liaise with the relevant body and cooperate fully if a request for review is made. The SPOC will coordinate our response and oversee the implementation of any actions or recommendations that we may be required.
7.5	We will also work with partner agencies to support the specific action(s) below:
7.5.1	<ul style="list-style-type: none"> • Noise abatement notices issued by local authorities; • Premise closure orders for premises where drugs are used unlawfully or where the premises is associated with significant and persistent disorder (in partnership with the police); • We may consider the use of CPW and where warnings are breached CPN. Financial fines will be applicable and will be collected by the local authority;
8.	Data Protection, Information Sharing and Confidentiality
8.1	Section 115 of the Crime and Disorder Act 1998 and the Data Protection Act 2018 allow agencies to disclose information for the detection or prevention of crime and ASB. These may be relevant legal grounds to rely on in sharing personal data regarding ASB. Alternatively we may seek to rely on our regulatory duties to provide safe homes and communities under the RSH Neighbourhood and Community Standard. Where we are unable to rely on legal or regulatory grounds we will need the individual's express written consent (eg by email) to share personal information with a third party such as the police or local authority.
8.2	In all cases we will only share personal information necessary in the case and in accordance with the Data Sharing Policy and Procedure. Further advice should be sought where necessary from a WCH Data Champion or the Company Secretary, Performance and Regulation Manager.
9.	Approval
	Approved by : EMT
	Date of approval : 4 Sept 2019
	Review date : Sept 2020
	Policy 'owner' : Neighbourhood Services Manager