



POLICY DOCUMENT

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Service Area: Community Safety Team

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1.0 Introduction

- 1.1 Progress Housing Group ('PHG') is a housing group combining a number of companies and brands, including Progress Housing Association Limited, Reside with Progress, Supported Living, Progress Living, Progress Lifeline and Key Unlocking Futures. This Policy sets out in general terms the approach of PHG to tackling anti-social behaviour (ASB) and working with customers who experience ASB. This Policy ought to be considered in conjunction with our ASB Procedure which outlines our procedures when dealing with complaints of ASB. Reference in this policy to 'tenant(s)' may be either a customer signed up to a property under either a tenancy agreement or a licence agreement.
- 1.2 The development of this policy reflects the existing statutory obligation of Section 12 of the Anti-social Behaviour Act 2003 which requires us to prepare a policy and procedure on ASB and to publish the same.
- 1.3 We recognise that preventing and tackling ASB effectively will have a positive impact in our neighbourhoods and areas of operation. We will, where appropriate, work in partnership with other agencies to prevent and resolve ASB in our neighbourhoods and to support our customers effectively by; sharing information, providing support to individuals, identifying hot spots, taking enforcement action and delivering initiatives to reduce ASB.
- 1.4 ASB is a broad term, but for the purposes of the obligations imposed by Section 218A of the Housing Act 1996, since coming into force, the Anti-Social, Crime and Policing Act 2014, at Schedule 11, Paragraph 23 has defined ASB as:
- Conduct that is capable of causing nuisance or annoyance to some person (who need not be a particular identified person) and that directly or indirectly relates to or affects the landlord's housing management functions; or
 - Conduct that consists of or involves using or threatening to use housing accommodation owned or managed by the landlord for an unlawful purpose.
- 1.5 The term 'housing management function' is a broad term that covers anything undertaken as part of our day to day or strategic management of our housing stock. Matters which 'indirectly affect' our housing management function might relate to housing support, tenancy

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intervention or other services which promote the efficient operation of our landlord function.

1.6 PHG consider Hate Crime to be capable of being ASB and as such will be considered within the framework of this policy.

1.7 We know that ASB can have a disruptive and damaging effect on individuals within our areas of operation. It is made clear in the definition that ASB can impact upon 'any person', including, but not limited to tenants, owner occupiers, workers and visitors to our areas of operation. What does or does not amount to ASB will frequently turn on the facts of a particular case. Examples of conduct that may amount to anti-social behaviour; include (but are not limited to):

- Violence against people and/or property;
- Aggressive and/or threatening behaviour or language;
- Any type of hate behaviour that targets members of identified groups because of their perceived differences;
- Domestic violence or abuse;
- Intimidation and/or harassment;
- Alcohol and/or drug related ASB;
- Using a property for illegal or unlawful purposes e.g. the production, storage and/or selling of illegal substances, the storage of stolen goods, prostitution;
- Noise nuisance such as shouting, banging/slamming doors, loud music etc.;
- Problems caused by pets such as persistent dog barking, fouling etc.;
- Litter, graffiti or dumping of rubbish i.e. fly tipping;
- Misuse of communal areas;
- Nuisance from vehicles including abandoned vehicles;
- Making false or malicious complaints about another person.

1.8 Not all matters of concern reported to PHG will constitute ASB. Examples of issues which may not be considered ASB include:

- Living or domestic noise, including ordinary conversations heard through walls or floors, neighbours walking around their home as part of the normal use of their home, doors closing, TV or radios

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playing at a reasonable level, and domestic activities such as vacuuming or using washing machines in a reasonable and considerate manner. These are considered normal household noise.

- Neighbours smoking cigarettes, cigars and pipe tobacco in their own home or any common parts such as gardens and/or communal areas.
- Noise from children playing.
- DIY noise that happens at reasonable hours and for reasonable periods of time.
- One off incidents of noise disturbance.
- Parking on a road or in an available parking space where the car is taxed and insured, the parking bay is not designated to a specific resident and the car is parked in accordance with the law.

2.0 Hate Crime

- 2.1 PHG take hate crime extremely seriously and recognise the traumatic effect that hate crime can have on the victim and on our diverse communities. Hate crime may include, but is not limited to, violence, intimidation and/or abuse towards a person or group of people (or damage to their property) because of their race, colour, ethnic or national origin, religion, gender identity, sexual orientation or disability.
- 2.2 We will look to involve our Police partners in hate crime cases wherever appropriate, and we will consider all necessary support provisions outlined in this Policy at Section 5.1.

3.0 Policy Statement

- 3.1 This policy supports our goal to have a positive impact on people and communities in our areas of operation. The purpose of this policy is to protect our customers and people visiting, or living/working in our neighbourhoods by reducing and responding to ASB and crime. We recognise that if left unchallenged, ASB can have a significant effect on the quality of life of individuals and groups within our communities.
- 3.2 We aim to tackle what can often be diverse or complex issues around ASB using a range of tools including prevention, support and enforcement, in a proportionate and flexible response to the challenges

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that ASB presents. PHG will address ASB as early as possible, which may prevent issues from escalating and may stop the ASB. However, in some circumstances where ASB is serious, or where ASB continues despite our efforts to tackle it, we may use robust and swift enforcement action to prevent ASB.

- 3.3 We will use the tools and powers available as part of the operational delivery of this Policy by ourselves, or in conjunction with our partners, including, but not limited to; civil injunctions, criminal behaviour orders, community protection notices, closure powers, dispersals powers, and applications for possession.

4.0 Scope of this Policy

4.1 Tenants, members of their households, visitors

Our Tenants are responsible for their behaviour, the behaviour of their households and their visitors (including children), as per the terms of their tenancy agreements. The tenancy agreement contains a number of clauses relating to the standards of behaviour expected of our tenants, their households and their visitors, including, but not limited to ASB, illegal or unlawful behaviour and matters relating to animals/pets.

We will take appropriate and proportionate action under this policy to tackle ASB against our tenants, their households and their visitors, including children living in or visiting their homes.

4.2 Owner-occupiers

We recognise that the conduct of our tenants, their households and their visitors may impact on owner-occupiers, and we will take any appropriate and proportionate action under this Policy to tackle ASB. In appropriate cases, we may take action against owner-occupiers or people in other tenures to protect our tenants, their households and their visitors.

4.3 ASB not directly or indirectly affecting our housing management function

Where, in our sole discretion, the ASB being committed does not directly or indirectly affect our housing management functions we may work in

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partnership with support providers, relevant agencies, including the Police and Local Authority, to tackle ASB.

5.0 Our Approach to tackling ASB

5.1 Supporting complainants and witnesses

We will make it easy for customers to report ASB and will provide advice on the options available to resolve the issue. We will agree realistic action plans and keep customers informed throughout their case and will look to resolve any issues as quickly as possible.

We require customers to work with us to resolve their complaint, for example providing information, recording and reporting further incidents, attending court, or taking part in a mediation process where appropriate, with support and/or advice from us.

We will maintain the confidentiality of customers who wish to remain anonymous, and will provide support to victims and witnesses of ASB. However, we will make it clear that remaining anonymous may weaken a case or can preclude certain action from being taken.

We will consider any relevant target-hardening measures, such as extra door locks, security lighting, etc, where appropriate.

We will support witnesses throughout any legal process, e.g. by providing transport to court and support at court to ensure witnesses are safeguarded.

We will refer customers to support services where necessary (e.g. victim support), and consider referrals for our own in-house Witness Support Service.

We will collect customer feedback and use this to improve our service.

5.2 Prevention

We will take measures to prevent ASB from occurring, for example by applying a comprehensive allocations policy (including the use of local lettings policies), granting Starter Tenancies to new customers, making new tenants aware of their responsibilities, contributing to community and diversionary activities, offering support to help tenants manage their tenancies satisfactorily, and publicising successful legal actions against ASB.

5.3 Specialist support

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PHG recognise the positive impact that support may have on victims of ASB. We also consider the positive impact that support might have on perpetrators who might themselves be vulnerable. We recognise that ASB caused by a tenant may directly or indirectly be caused by drug use, alcohol use, mental health, learning difficulties, a relationship breakdown or a disability.

We will seek to establish the reasons why a tenancy may be failing and where appropriate we will refer tenants to our in-house Tenancy Support services and Key Support services to offer them practical help to manage their tenancies.

We will also refer tenants to external partner agencies for support, including, but not limited to Drug & Alcohol Support services, Mental Health Teams and Local Authority Social Care/Safeguarding services.

5.4 Partnership working

PHG are committed to partnership working and recognise that solutions to ASB do not always lie within the remit of a single organisation. Where appropriate we will work in partnership with community safety partner agencies such as the Police, Local Authority, Probation Service, Fire Service, Health Services and Youth Offending Service, as well as Support Providers who provide services within our Supported Living/Reside With Progress Housing Services. This may include sharing information within the bounds of relevant legislation, attending meetings and case conferences to discuss specific cases and, where appropriate, referring a customer to another agency.

Commitment to Refer: We will continue to work effectively with Local Authority Housing Options departments and will advise them of any potentially homeless person(s) or homeless person(s) in a timely manner.

5.5 Directed Covert Surveillance

Where it is appropriate and necessary to do so, PHG will consider the use of Directed Covert Surveillance to gather evidence of ASB, any such consideration will be based on the particular facts of the case.

The Regulation of Investigatory Powers Act 2000 (RIPA) governs the use of Direct Covert Surveillance to ensure it is only used when it is necessary, reasonable and proportionate. Whilst the regulation does not

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apply to housing associations, PHG will follow the RIPA code of practice when using covert surveillance as a matter of good practice.

Directed Covert Surveillance will meet the following conditions:

- It is covert but not intrusive (does not intrude into any private residential premises or private vehicle)
- It is conducted for a purpose of a specific investigation
- It is likely to result in obtaining private information about a person
- It is conducted in response to events of circumstances

Directed Covert Surveillance may be carried out for the following purposes:

- Preventing or detecting criminal activity or anti-social behaviour
- In the interests of public safety
- For the protection of public health

Directed Covert Surveillance will only be carried out when it is necessary because other forms of evidence gathering have proved impossible or impractical and the level of intrusion is outweighed by the need for the evidence obtained by the surveillance.

Directed Covert Surveillance may be used in conjunction with the Police or other community safety agencies and will be time-limited and viewable strictly by designated individuals. Any Directed Covert Surveillance will be subject to authorisation by the Head of Operations (Income and Communities) or Director (Housing Operations). Once authorised, the Data Protection Officer will be informed prior to any covert surveillance taking place.

5.6 Professional witnesses and CCTV evidence

In exceptional cases, where PHG is unable to obtain satisfactory evidence of ASB we may consider the use of professional witnesses to gather evidence of ASB. Any such consideration will only take place when appropriate to do so.

In some circumstances, customers may provide PHG with evidence of ASB that was captured on their own domestic CCTV or on a mobile phone recording.

With regards to recordings that are obtained as part of any case investigation, whether that is via our own evidence gathering or

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recordings provided by our customers, PHG recognises that it must comply with our legal obligations under the data protection laws, the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA 2018) and that we are responsible for any personal data in our possession, including the security, storage and retention of personal data.

5.7 Method

To address ASB, PHG will use a number of legal and non-legal remedies. Non-legal remedies/informal interventions may include encouraging customers to speak directly to the person who is causing ASB where appropriate; offering mediation where we deem it appropriate to do so; providing advice or support; issuing verbal or written warnings, and using Acceptable Behaviour Contracts (ABCs) to agree future conduct.

We will use the tools and powers available to tackle ASB, as listed in Section 2.3 of this policy.

We will add warnings, known as Caution Markers, to a tenancy on our case management system to alert our staff and contractors of any potential risks when visiting a tenant, in line with our Unacceptable Behaviour Procedure. Caution Markers will be added when a tenant has displayed previous unacceptable behaviour, such as violence and aggression, or when there are other potential risks such as drug paraphernalia present.

Where ASB is caused by someone between the ages of 10 and 17, and the said ASB falls within the scope of this policy, we will usually work with other agencies and take a holistic approach to working with the family of the child or young person to resolve the behaviour. We will look to use ABCs with young people where we feel these are likely to be effective.

Where a child or young person is causing ASB, we may enforce the terms of their parent's tenancy agreement if it is reasonable and proportionate to do so.

In exceptional cases, and when legislation allows us to, we may consider seeking an injunction against a child or young person in relation to the ASB they cause. In these circumstances we will ensure that we comply with any statutory consultation requirements.

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When considering any legal intervention, we will consider the particular facts of the case, the person's personal circumstances, disability, and whether the legal action is a proportionate means of achieving a legitimate aim.

6.0 Value for Money

When determining what action to take to tackle ASB we will consider value for money and evaluate the cost and time involved to ensure the most appropriate action is taken to resolve the issue.

7.0 Equality and Diversity

We recognise that certain people and groups may be disproportionately affected by crime and ASB because of their race, gender, gender reassignment, disability, sexual orientation, religion or belief or age. We have completed an Equality Impact Assessment to ensure that this policy does not discriminate against any group of people who share a protected characteristic as defined by the Equality Act 2010.

8.0 Reporting ASB

We encourage our customers and people living, visiting and working in our neighbourhoods to report ASB. We provide a range of ways to report ASB for example:-

- in person - at any of our offices
- in person – on the estates and areas in which we operate
- telephone
- email
- website
- letter
- through another agency
- text message

9.0 Associated Policies and Procedures

Anti-Social Behaviour Procedure
Complaints and Feedback Policy
Domestic Abuse Policy

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Equality, Diversity and Inclusion Policy
 Unmet Need and Child Safeguarding Policy
 Safeguarding Adults Policy
 Starter Tenancy Policy and Review Procedure
 Unacceptable Behaviour Procedure

10.0 Legislation and Regulation

Listed below is a non-exhaustive list of relevant legislation in relation to this policy and its associated procedure:

Anti-social Behaviour, Crime and Policing Act 2014
 Equality Act 2010
 Housing and Regeneration Act 2008
 Anti-Social Behaviour Act 2003
 Human Rights Act 1998
 Crime and Disorder Act 1998
 Data Protection Act 2018
 UK General Data Protection Regulation (UK GDPR)
 Housing Act 1996
 Housing Act 1988

In addition, our approach to ASB ensures that we meet the regulatory requirements of the Regulator of Social Housing.

11.0 Responsibilities

11.1 The Area Housing, Supported Housing and Community Safety Specialist Manager are responsible for the implementation of this Policy. The Community Safety Specialist Manager will ensure that any relevant procedures are up-to-date. Relevant staff will be made aware of the procedures and will receive the appropriate training to ensure that procedures are followed.

12.0 Implementation

12.1 We will ensure that the Policy and associated Procedures will be publicised throughout the Group so that it is available to all staff. The ASB policy will also be published on the Group's website.

12.2 All relevant staff who manages ASB will be trained on the ASB Policy and Procedure and an on-going development programme provided

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through the Group's Personal Review and Development Planning (PRDP) process.

- 12.3 Staff will be professional in their approach towards tackling ASB and will ensure that customers reporting and experiencing ASB are updated and relevant referrals for support are undertaken.
- 12.4 Staff will support customer training where appropriate to ensure they are aware of our policies and procedures and what they can expect from staff who deliver the service e.g. Scrutiny Pool members.

13.0 Sustainability

- 13.1 In terms of sustaining the service, PHG has produced a Community Safety strategy designed specifically to ensure that the Community Safety service provides an effective, holistic approach to preventing and tackling anti-social behaviour effectively whilst having a positive impact on people and their communities.
- 13.2 Performance and Quality Monitoring: We will monitor our Community Safety service performance and provide an annual performance report to the Executive Board. In addition we will provide reports by way of service standards monitoring, quarterly operational reports to the Housing Operations Management Team and operational monitoring within the Community Safety service. This reporting details performance against the KPI's/targets and is available on our intranet for all staff.
- 13.3 Relevant KPI's will be set, monitored and regularly reviewed.
- 13.4 We will publish a performance report that sets out how we have responded to complaints of ASB in the previous twelve months and will set out a strategy for dealing with such complaints in the next twelve months.
- 13.5 We will continue to contribute to HouseMark services so that we can benchmark our performance with our peer groups at a national level.
- 13.6 We will use IT systems available to managers to monitor individual and staff performance.
- 13.7 Regular one-to-one individual staff and team meetings will be held to drive performance and quality.

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13.8 Continuous Improvement – We will continue to review the Community Safety service delivery annually as part of the Community Safety Strategy action plan.

13.9 We will undertake customer insight surveys after the closure of cases. We will set a performance target to be achieved in relation to the satisfaction level to be achieved. Customer insight data will be monitored monthly and reported on quarterly and the outcomes fed in to individual and team action plans.

14.0 Review

14.1 We will review and update this Policy every 3 years and following any changes in legislation which affects this Policy.