

## Anti-Social Behaviour Policy

Responsible Officer	Kath Glen Housing Manager
This policy is applicable to	All Karbon Homes directorates including any subsidiary companies.
Approved by	Karbon Management Team (KMT)
Date approved	
Frequency of review	Every 3 years
Date of next review	December 2020
Implementation date	December 2017
Key related documents (policy, procedure, customer literature)	<ul style="list-style-type: none"> <li>• Allocations Policy</li> <li>• Caution Alert Policy</li> <li>• CCTV Policy</li> <li>• Customer Service Standards</li> <li>• Data Protection Policy</li> <li>• Domestic Abuse Policy</li> <li>• Estate Management Policy</li> <li>• Equality and Diversity Policy</li> <li>• Hate Crime and Harassment Policy</li> <li>• Safeguarding Policy</li> <li>• Unacceptable Customer Behaviour Policy</li> <li>• Violence at Work Policy</li> <li>• Any relevant procedure or appendices that accompany the above policies.</li> </ul>
Sources of best practice or guidance used in developing this policy	<p>Legal references:</p> <ul style="list-style-type: none"> <li>• ASB Crime and Policing Act 2014</li> <li>• Anti-Social Behaviour Act 2003 - extended powers to tackle anti-social behaviour in local communities.</li> <li>• Civil Partnership Act, 2004</li> <li>• Crime and Disorder Act 1998</li> <li>• Data Protection Act 1998</li> <li>• Equality Act 2010</li> <li>• Gender Recognition Act 2000</li> <li>• Housing Acts (1985, 1988, 1996, 2004)</li> <li>• Housing and Regeneration Act 2008</li> <li>• Human Rights Act 1998</li> <li>• Policing and Crime Act 2009</li> </ul>

	<ul style="list-style-type: none"> <li>• Police Reform and Social Responsibility Act 2011</li> <li>• Protection from Harassment Act 2007</li> <li>• Racial and Religious Hatred Act 2006 (amended the Public Order Act 1986)</li> <li>• Serious Crime Act 2015</li> </ul> <p>Guidance:</p> <ul style="list-style-type: none"> <li>• Respect Charter June 2011, CIH, SLCNG and House Mark.</li> <li>• Resolve Anti-Social Behaviour policy and procedure guidance, November 2015</li> <li>• Tackling ASB, a toolkit for social landlords, CLG.</li> <li>• Guide to Anti-Social Behaviour Crime and Policing Act 2014, July 2014, Home Office.</li> <li>• House Mark – Benchmarking April 2010.</li> </ul>
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<b>Version control</b>			
Version number (see note 1)	1	Author of Policy	Kath Glen
Equality Impact Analysis (see note 2)	Initial	Equality Analysis Date	
Privacy Impact Analysis (see note 2)	Initial	Privacy Analysis Date	

<b>Document change history</b>		
Version	Date	Changed sections

<b>Consultation</b>	
Consultation Group (if applicable)	Date of Consultation (if applicable)
Staff	NA
Union(s)	NA
Customers	NA
Human Resources / Organisation Development	NA
Health and Safety Working Group	NA
Other stakeholder (please state)	NA

## Policy statement

Anti-Social Behaviour (ASB) has a harmful and negative impact on individuals and communities.

Karbon Homes is committed to ensuring that all residents living within our communities enjoy their right to peace and quiet and to feel safe and secure in and around their homes without disturbance or interference from others. This means being tolerant, accepting and respecting the needs and choices of other people.

This policy is written in compliance with the Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 part 2 (s) 12 and the Anti-Social Behaviour Crime and Policing Act 2014 and applies to all properties owned or managed by Karbon Homes. This includes supported housing properties, leasehold and properties managed by managing agents. This policy also applies to those residents living in any other property in the neighbourhood such as owner occupiers and tenants of other landlords and anyone else in the locality, for example working or using the facilities in the local area and includes everyone who works for or with Karbon Homes for example, agents, contractors and partners.

## Risk policy is designed to control

Failure to effectively deal with anti-social behaviour poses a minor reputational and financial risk to the organisation

## Key performance measures

## Definitions

The term anti-social behaviour covers a wide range of behaviours and conduct.

Karbon Homes adopts the definition of Anti Social Behaviour outlined in the Anti-Social Behaviour Crime and Policing Act 2014 as being:

- (a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- (c) Conduct capable of causing housing-related nuisance or annoyance to any person.

Hate Crime and harassment - any offence or incident of ASB which is committed against a person or property based on the victim's age, race, religion, belief, gender identity, disability or sexual orientation.

Mate Crime - a form of hate crime in which a perpetrator befriends a vulnerable person with the intention of then exploiting the person financially, physically or sexually.

Domestic Abuse - any incidents of coercive, controlling or threatening behaviour, violence or abuse between partners or family members regardless of gender or sexuality.

Acceptable Behaviour Agreements – Voluntary agreement between the perpetrator of Anti-Social Behaviour, relevant agencies (usually the Police) and Karbon Homes which gives specific detail of what the person can and cannot do.

Good Neighbour Agreement – voluntary code of behavior agreed among tenants.

Injunction – a civil order obtained from the County Court prohibiting a person from behaving in an anti-social way. Some injunctions can include excluding a person from a property or an area and/or include the power of arrest.

Mediation – a process by which a mediator who is separate from Karbon Homes helps people involved in a dispute to work out an agreement to resolve the situation.

Parenting order – support measures to help parents/carers improve their parenting skills and tackle the underlying cause of a child's anti-social behavior.

Risk Assessment matrix (RAM) – a set of questions covering areas such as the history of the ASB, vulnerability of the victim and their support needs.

## Abbreviations

Anti-Social Behaviour	(ASB)
Close Circuit Television	(CCTV)
Equality and Diversity	(E&D)
Acceptable Behaviour Agreement	(ABA)
Notice of seeking possession	(NOSP)
Public Space Protection Order	(PSPO)
Community Protection Warning	(CPW)
Community Protection Notice	(CPN)

### 1.0 Purpose of policy

- 1.1 The purpose of this policy is to outline Karbon Homes' approach to dealing with ASB, to ensure that all residents, staff and contractors are able to live and work in an environment free from ASB.
- 1.2 The policy reflects Karbon Homes' aim to facilitate effective sustainment of tenancies, support victims and perpetrators and Karbon Homes' commitment to use eviction as a last resort.

### 2.0 Objectives

- 2.1 This policy ensures that Karbon Homes approach to preventing and effectively tackling ASB fulfils the following policy objectives:
- Places emphasis on prevention and early intervention
  - Adopts a firm, fair and proportionate approach to tackling ASB
  - Supports victims and adopts a victim centred approach
  - Supports perpetrators of ASB to amend their behaviour
  - Complies with relevant legislation

### 3.0 Policy detail

#### 3.1 Karbon Homes Approach to tackling Anti Social Behaviour

- 3.1.1 Karbon Homes' approach to tackling ASB is multi-faceted; focussing on prevention in the first instance to ensure that incidences of ASB are minimised. Karbon Homes endeavours to offer a proactive service, which encourages diversionary activities to reduce the likelihood of certain types of ASB being committed.
- 3.1.2 Karbon Homes is committed to thoroughly investigating all reports of ASB and neighbour nuisance and will implement action which is appropriate and proportionate against those who commit ASB and nuisance. This is regardless of whether it is being caused by tenants, their family or household members and/or visitors.

- 3.1.3 Karbon Homes will not tolerate ASB including incidents of ASB towards employees and contractors and will ensure employees have appropriate training to recognise, challenge and respond to incidents of ASB.
- 3.1.4 Karbon Homes recognises that ASB and the underlying causes are complex and that organisations cannot always resolve issues on their own and is therefore committed to working in partnership with other agencies to effectively tackle and resolve issues of ASB.
- 3.1.5 Karbon Homes will carry out intervention work to prevent and deter people from acting in an anti-social manner and will take swift and decisive enforcement action when necessary.
- 3.1.6 Karbon Homes will carry out an assessment of ASB complaints at the earliest opportunity. This will include an assessment of the individual needs of the victim and the risk of harm using a risk assessment matrix (RAM). This will allow the support provided to be tailored to the victim's needs.
- 3.1.7 Karbon Homes will also work with perpetrators to support and encourage them to amend the behaviours which have contributed to complaints.
- 3.1.8 Karbon Homes will not move victims, witnesses or perpetrators involved in an active ASB case as a means to resolve disputes (except in exceptional circumstances or where the risk assessment determines that this is the safest course of action).
- 3.1.9 Reports of ASB will be treated in confidence and information will not be shared or exchanged with other agencies without the victims consent unless there are child or vulnerable adult concerns. Where there are concerns about the welfare of victims particularly children or vulnerable adults, referrals will be made to the appropriate services in line with Karbon Homes Safeguarding Policy and data sharing protocols.
- 3.1.10 Restorative Justice may be used as a tool for preventing and tackling ASB by encouraging perpetrators to take responsibility for their actions.
- 3.1.11 Minor concerns about differences in lifestyle and reports of noise associated with everyday living are considered to be tenancy and/or estate management issues and as such will be addressed through those policies respectively The following non-exhaustive list provides examples of tenancy/estate management matters:-
- People mowing the lawn at a reasonable time of the day.
  - Everyday household noise for example people using a vacuum cleaner or DIY equipment at a reasonable time of the day or people flushing the toilet
  - Impact noise for example footsteps, chair scrapes, dropped items
  - Noise of a child playing in or near their home (unless the children are engaged in verbal abuse, criminal damage or more serious nuisance.
- 3.1.12 Where appropriate and safe to do so, Karbon Homes encourages 'self-help' options to resolve more minor nuisance issues for example by encouraging

complainants to talk to the perpetrator to resolve the issue amicably without intervention from Karbon Homes. Karbon Homes information leaflet “Self Help – A Guide to Approaching your Neighbour” provides guidance on doing this).

## **3.2 Prevention**

3.2.1 Karbon Homes believes that preventing ASB creates stable and sustainable communities and has a range of tools to facilitate the prevention of ASB.

3.2.2 Karbon Homes recognises that it is important to be clear with all tenants about their responsibilities for their own behaviour as well as that of anyone living in or visiting the property. The tenancy agreement sets out expected standards of behaviour and outlines implications on the tenancy if a tenant, members of their household or visitors to the property commits ASB. Examples of unacceptable behaviour includes:

- Causing nuisance or annoyance to anyone living in, working in or visiting a local area
- Harassing, threatening, pestering or intimidating anyone in the local area
- Perpetrating domestic abuse to anyone living in or visiting their home

3.2.3 The tenancy agreement is discussed in detail with all new tenants at the start of their tenancy with a particular focus on, how to be a good neighbour and the consequences and implications for the tenancy if the tenant, their families or visitors cause ASB.

3.2.4 Starter tenants are contacted more regularly throughout the first year of their starter tenancy to enable Karbon Homes to offer appropriate support to tenants in managing their tenancy and to enable any difficulties to be identified and addressed at the earliest opportunity.

3.2.5 Karbon Homes recognises the importance of raising awareness of issues of ASB and the impact it has on individuals and communities as a tool for preventing ASB. Karbon Homes will provide opportunities for young people to learn about the impact of all types of ASB by working with schools, youth clubs and other groups.

3.2.6 Karbon Homes understands the importance of providing diversionary activities in preventing ASB on our estates and in communities and will work with other agencies to support this. Diversionary activities will be tailored to the needs and issues of the community.

3.2.7 Incidents of ASB will be mapped and monitored to identify trends to allow resources to be more effectively targeted towards preventing ASB on our estates.

3.2.8 Karbon Homes is committed to improving the services we provide to our customers and will learn from best practice in the sector to achieve this and to ensure that customers are provided with an effective and high quality service.

### **3.3 Support**

- 3.3.1 Karbon Homes recognises the crucial role complainants and witnesses play in resolving incidents of ASB and is committed to supporting victims and witnesses throughout the process.
- 3.3.2 Karbon Homes' commitment to taking a risk based approach to tackling and resolving complaints of ASB ensures that the needs of victims and witnesses are assessed and reviewed on a regular basis to enable support to be tailored to individual needs. In addition, regular updates will be provided to both victims and witnesses throughout the process.
- 3.3.3 Karbon Homes will ensure the service is accessible to all and will provide an interpreter for victims or perpetrators where required and will provide assistance for people who have a disability.
- 3.3.4 Additional security can be provided where appropriate to do so for example additional locks, security lights, fireproof letterboxes and cameras to ensure that victims of ASB feel safe in their homes and to prevent the risk of harm.
- 3.3.5 Karbon Homes recognises the importance of supporting victims and witnesses particularly if they need to attend court. Where witnesses are required to attend court the investigating officer will support them through the court process by making the arrangements, talking through the process, arranging transport and paying reasonable costs.
- 3.3.6 Karbon Homes also recognises that it is important to support and encourage the rehabilitation of perpetrators of ASB to address the underlying causes of Anti-Social Behaviour and will work with them to make positive behavioural changes.

### **3.4 Intervention**

- 3.4.1 Karbon Homes recognises that in order to create sustainable communities where residents can live and work in a safe environment, ASB must be dealt with effectively and at the earliest opportunity when incidents occur.
- 3.4.2 Early intervention to deal with incidents, for example working with the perpetrator to amend their behaviour or referring them to appropriate support services, can resolve the situation without the need for enforcement action.
- 3.4.3 Karbon Homes may obtain and use evidence from a variety of sources when dealing with anti-social behaviour for example, sound recording or photographic equipment, bodycams, CCTV, police officers, professional witnesses and social media.
- 3.4.4 Karbon Homes will use all of the tools and powers available to tackle ASB and will publicise positive action to resolve ASB wherever possible

### **3.5 Enforcement**

3.5.1 Karbon Homes will take action against perpetrators of anti-social behaviour which is both reasonable and proportionate and will use eviction as a last resort. Karbon Homes will use both legal and non-legal remedies as follows:

Non-legal action may include:

- Warnings ( Verbal and written)
- Extension of a starter tenancy for a 6 month period ( For those on a starter tenancy and where appropriate)
- Mediation ( Independent of Karbon Homes)
- Acceptable Behaviour Agreements ( ABA)
- Good Neighbour Agreements

Legal action available to Karbon Homes include:

- Injunctions
- Demoted Tenancy Order
- Court Undertaking
- Possession (known as eviction)
- Parenting Orders

### **3.6 Reporting incidents of anti-social behaviour**

3.6.1 Incidents of ASB can happen at any time and Karbon Homes is committed to ensuring that the reporting of incidents is as easy as possible for customers.

3.6.2 ASB can be reported in a number of ways to Karbon Homes:

- In person to any member of Karbon Homes staff
- By telephone ( during office hours and when Karbon Homes are closed to Karbon Homes out of hours service)
- In writing or by email
- By using the Karbon Homes online reporting system - [www.karbonhomes.co.uk](http://www.karbonhomes.co.uk)
- Via social media
- Via a local Community Safety Team – these may be named differently within individual Local Authorities
- Via a tenants/residents association, community group or community representative

3.6.3 Anonymous complaints of ASB can be accepted, however, this may make investigating the complaint or any action to resolve the issue more difficult. Complainants will be advised that they should provide contact details (which will remain confidential) if they want to be updated on progress.

### **3.7 Rehabilitation and Restorative Justice**

3.7.1 Karbon Homes may use Restorative Justice as one of the tools for prevention and dealing with anti-social behaviour to focus on the needs of victims and the

community and encourage perpetrators of ASB to take responsibility for their actions.

- 3.7.2 Karbon Homes believes that the use of Rehabilitation and Restorative Justice helps to deal with the underlying causes of anti-social behaviour, promote community cohesion and reduce reoffending.
- 3.7.3 Restorative Justice will only be used in circumstances where both the victim and the perpetrator agrees and it is safe to do so. The perpetrator must also be committed to dealing with the underlying issues which have led them to committing ASB.
- 3.7.4 Karbon Homes will not use Rehabilitation and Restorative Justice options where there is criminal activity as this will be considered through the Criminal Justice system.
- 3.7.5 Examples of Restorative Justice options include
- Mediation
  - Letter of apology from the perpetrator to the victim
  - Cleaning graffiti off walls
  - Community work

### **3.8 Partnership working**

- 3.8.1 Karbon Homes recognises that effective and sustainable solutions to ASB cannot be achieved in isolation and is committed to working with partner agencies for example the Police and Safer neighbourhood partnerships, Fire services, youth offending teams and probation services Local authority statutory services, Domestic Abuse and other support groups as well as managing agents and other housing providers to prevent and resolve issues of ASB.
- 3.8.2 Karbon Homes is committed to working with other organisations for example Social Services and Mental Health services to support vulnerable people to manage and maintain their tenancies and prevent ASB.
- 3.8.3 Karbon Homes will participate in both local and regional forums, share information and attend multi agency and risk management meetings as appropriate.

## **4.0 Monitoring and Review**

This policy will be reviewed every three years unless there are significant changes to best practice, regulatory or legislative requirements.

## **5.0 Equality and Diversity**

This policy is implemented in line with the Equality and Diversity Policy and associated legislation. Consideration will be given to all protected characteristics under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations.

This policy and associated documents are available in different languages and alternative formats where necessary.

## 6.0 Data Protection and Privacy

Karbon Homes and partner agencies have signed up to the necessary Safer Estates Information Sharing Protocols that enables all involved to share appropriate and relevant information when dealing with cases of anti-social behaviour.

All information is shared in accordance with the protocol and within the terms of the Data Protection Act 1998, under Section 115 of the Crime and Disorder Act 1998 (as amended) and inserted at subsection (2) by section 219 of the Housing Act, 1996 and Section 29 of the Act (Crime and Taxation). This is in order to prevent or detect crime and anti-social behaviour and conduct joint or multi-agency investigations.

There is a clear policy on data protection and sharing data with other partners/outside agencies under the requirements of the Data Protection Act 1998. This is clearly set out in our Data Management Policy which, along with the supporting Data Management Guidelines, must be followed throughout the operation of this policy.

## 7.0 References

Legal references:

- ASB Crime and Policing Act 2014
- Anti-Social Behaviour Act 2003 - extended powers to tackle anti-social behaviour in local communities.
- Civil Partnership Act, 2004
- Crime and Disorder Act 1998
- Data Protection Act 1998
- Equality Act 2010
- Gender Recognition Act 2000
- Housing Acts (1985, 1988, 1996, 2004)
- Housing and Regeneration Act 2008
- Human Rights Act 1998
- Policing and Crime Act 2009
- Police Reform and Social Responsibility Act 2011
- Protection from Harassment Act 2007
- Racial and Religious Hatred Act 2006 (amended the Public Order Act 1986)
- Serious Crime Act 2015

Guidance:

- Respect Charter June 2011, CIH, SLCNG and House Mark.
- Resolve Anti-Social Behaviour policy and procedure guidance, November 2015
- Tackling ASB, a toolkit for social landlords, CLG.
- Guide to Anti-Social Behaviour Crime and Policing Act 2014, July 2014, Home Office.
- House Mark – Benchmarking April 2010.