

## Anti-Social Behaviour Policy

Responsible Officer	Assistant Director Housing
This policy is applicable to	All Karbon Homes directorates including any subsidiary companies.
Approved by	Karbon Management Team (KMT)
Date approved	27 <sup>th</sup> May 2022
Frequency of review	Every 3 years
Date of next review	June 2025
Implementation date	June 2022
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>• Complaints 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>• Karbon Tenancy Agreements</li> <li>• Safeguarding Policy</li> <li>• Unacceptable Customer Behaviour 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>• Anti-Social Behaviour 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>• Criminal Justice Act 2003</li> <li>• Data Protection Act 1998</li> <li>• Environmental Protection Act 1990</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> </ul>

	<ul style="list-style-type: none"> <li>• Human Rights Act 1998</li> <li>• Mental Capacity Act 2005</li> <li>• Policing and Crime Act 2009</li> <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>• Department for Levelling Up, Housing &amp; Communities</li> <li>• Respect Charter June 2011, CIH, SLCNG and House Mark.</li> <li>• Resolve Anti-Social Behaviour policy and procedure guidance, November 2015</li> <li>• RSH Consumer Standards</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	2	Author of Policy	Laurie Edmundson
Equality Impact Analysis (see note 2)	Initial	Equality Analysis Date	18 <sup>th</sup> May 2022
Data Protection impact Assessment	Initial	DPIA Date	

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

<b>Consultation</b>	
Consultation Group (if applicable)	Date of Consultation (if applicable)

Staff	All housing teams across the Group 10 <sup>th</sup> May 2022
Union(s)	Not Applicable
Customers	Residents Committee Group 10 <sup>th</sup> May 2022
Human Resources / Organisation Development	Not Applicable
Health and Safety Working Group	Not Applicable
Data Protection	25 <sup>th</sup> May 2022
Other stakeholder (please state)	Not Applicable

## Policy statement

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

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

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

Number of new ASB cases opened



## Definitions

**Hate Crime** - is defined as 'Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.'

**Hate Incident** - is any incident which the victim, or anyone else, thinks are based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender.

**Mate Crime** - this refers to vulnerable people, generally but not always with learning disabilities or mental health issues being "befriended" by people who then exploit them.

**Cuckooing** is a practice where people take over a person's home and use the property to facilitate exploitation. It takes the name from cuckoos who take over the nests of other birds. There are different types of cuckooing: Using the property to deal, store or take drugs, Using the property to sex work, taking over the property as a place for them to live, taking over the property to financially abuse the tenant. The most common form of cuckooing is where drug dealers take over a person's home and use it to store or distribute drugs.

**Acceptable Behaviour Agreements (ABA)** – 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 a power of arrest.

**Notice of Seeking Possession (NOSP)** - This is a legal notice, stating our intention to commence legal proceedings against a perpetrator's tenancy, and our reasons for doing so. A NOSP can be issued on the grounds of ASB alone or can be issued for multiple reasons where appropriate e.g. ASB, rent arrears, or other breaches of the Tenancy Agreement.

**Mediation** – a process by which a mediator who is independent and impartial 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** – a set of questions covering areas such as the history of the Anti-Social Behaviour or offending, vulnerability and 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 managing, tackling and preventing Anti-Social Behaviour (ASB).
- 1.2 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.
- 1.3 We aim to ensure that all residents, including leaseholders, staff and contractors are able to live and work in an environment free from Anti-Social Behaviour.
- 1.4 The policy reflects Karbon Homes aim to facilitate effective sustainment of tenancies and communities, support victims and perpetrators, whilst acknowledging that taking swift action against anti-social behaviour may be needed where reasonable and proportionate to do so. Karbon Homes' will make a commitment to use eviction as a last resort.
- 1.5 Domestic Abuse is covered by a separate policy and procedure.
- 1.6 Hate Crime has direct links to our ASB approach and it is covered by a separate policy.

### 2.0 Objectives

- 2.1 This policy ensures that Karbon Homes approach to preventing and effectively tackling Anti-Social Behaviour fulfils the following policy objectives:
- Places emphasis on prevention and early intervention
  - Adopts a firm, fair and proportionate approach to tackling Anti-Social Behaviour
  - Supports victims and adopts a victim centred approach
  - Supports perpetrators of Anti-Social Behaviour to amend their behaviour
  - Considers the whole housing approach that is required in dealing with incidents of anti-social behaviour affecting individuals, our neighbourhoods and wider communities
  - Complies with relevant legislation and best practice

### **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 victim-led approach.
- 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 can take action against leaseholders committing ASB or who fail to comply with the terms of their lease agreement.
- 3.1.4 All reports of anti-social behaviour received will be treated as allegations, until evidence can support the anti-social behaviour or nuisance.
- 3.1.5 Karbon Homes will not tolerate incidents of ASB towards any employees and contractors and will ensure staff have appropriate training to recognise, challenge and respond to incidents of ASB. All staff have an obligation to report all incidents of anti-social behaviour.
- 3.1.6 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.
- 3.1.7 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.

- 3.1.8 Karbon Homes will carry out an assessment of all ASB reports 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. This will allow the support provided to be tailored to the victim's needs.
- 3.1.9 Karbon Homes will also work with perpetrators to assess, support and encourage them to amend the behaviours which have contributed to reports of nuisance or anti-social behaviour.
- 3.1.10 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).

Karbon Homes will offer support, where appropriate any customer wishing to apply for rehousing through the relevant local authority processes.

- 3.1.11 Karbon staff will remain impartial throughout any investigation to determine the facts of a case. Karbon will work in partnership with our key stakeholders such as the Police, Local Authorities, Community Safety Partners, Councilors', MPs, and we may use any information provided in statements as supporting evidence. Any decisions or actions taken on a case will be made solely by Karbon based on the evidence available in the case.
- 3.1.12 Reports of ASB will be treated in confidence and information will not be shared or exchanged with other agencies without the victim's consent unless there is a safety concern, criminal activity or 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.
- 3.1.13 We may not classify some reports as Anti-Social Behaviour. These may be about minor differences in lifestyle and reports of noise associated with everyday living. These will not be investigated under anti-social behaviour policy or procedures.

The following non-exhaustive list provides some examples: -

- 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
- People flushing the toilet
- Impact noise for example footsteps, chair scrapes, dropped items
- Noise from a child playing in or near their home

3.1.14 Karbon Homes will not take action against children playing in and around their homes, unless the children are engaged in verbal abuse, criminal damage or more serious nuisance.

3.1.15 Where appropriate and safe to do so, Karbon Homes encourages 'self-help' options to resolve more minor nuisance issues for example by encouraging customers to talk to their neighbour to resolve the issue amicably without intervention from Karbon Homes.

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

3.2.1 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.

3.2.2 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

3.2.3 We will refer all criminal activity, including threats or acts of violence to the police in the first instance. This may delay what next steps Karbon may take but we will advise customers of this.

3.2.4 Anonymous complaints of Anti-Social Behaviour can be accepted, however, this may make investigating the report 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.

3.2.5 Malicious, persistent and unfounded reporting of Anti-Social Behaviour may result in action being taken against the complainant. This may be through the use of our unacceptable customer behaviour policy, tenancy enforcement or, if significant, legal action.

### **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 reports of ASB ensures that the needs of victims and witnesses are assessed and reviewed on a regular basis to enable any 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 Anti-Social Behaviour 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 if they agree to give evidence and 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, paying reasonable costs and attending court with them.
- 3.3.6 Karbon Homes also recognises that it is important to support and encourage the rehabilitation of perpetrators of Anti-Social Behaviour to address the underlying causes and will work with them to make positive behavioral changes.
- 3.3.7 In serious and persistent cases, where support has been offered or declined or there has been non engagement, we may proceed with enforcement and legal action using the necessary tools available to us.
- 3.3.8 In serious or persistent cases, we may proceed with legal action without offering support.

### **3.4 Prevention**

- 3.4.1 Karbon Homes believes that preventing ASB creates stable and sustainable communities and has a range of tools to facilitate the prevention of ASB.
- 3.4.2 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

3.4.3 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 Anti-Social Behaviour or nuisance.

3.4.4 New tenants are contacted more regularly throughout the initial period of their 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.

3.4.5 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.

3.4.6 Karbon Homes understands the importance of providing and supporting 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.

### **3.5 Intervention**

3.5.1 Karbon Homes recognises that in order to create sustainable communities where residents can live and work in a safe environment, Anti-Social Behaviour must be dealt with effectively and at the earliest opportunity when incidents occur.

3.5.2 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.

3.5.3 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.

3.5.4 Karbon Homes will publicise positive action and appropriate cases, but we will consider each one on a case by case basis and in line with Data Protection.

### **3.6 Enforcement**

- 3.6.1 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

- 3.6.2 Karbon Homes will work in partnership with other departments of the Group and

with other agencies and partners, such as, but not limited to the police, local authority, housing associations, other central and local government authorities and agencies, where there is a shared enforcement role.

- 3.6.3 Where it is appropriate, the legal action or enforcement may be referred to another agency. Karbon may jointly work and or support other agencies in the use of enforcement or legal action towards any resident. We will advise complainants and perpetrators where needed. This will not affect any subsequent legal or enforcement action by Karbon or another agency.

- 3.6.4 Karbon Homes, after consideration and where appropriate, may approach local authorities to request delegated enforcement powers as part of future growth.

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

- 3.7.1 Karbon Homes may use Restorative Justice as one of the tools in 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 Community Safety partnerships, Fire services, youth offending teams, probation services and local authority statutory services, other support groups as well as managing agents and other housing providers to prevent and resolve issues of Anti-Social Behaviour.
- 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, prevent and tackle 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.
- 3.8.4 The Community Trigger or ASB case review gives victims the option to request a review of the actions taken, where a victim or community feel the anti-social behaviour has not been resolved appropriately. Karbon Homes will co-opt and cooperate fully with all relevant local authorities, Police and Police Crime and Commissioner processes where the Community Trigger or ASB case review is activated.
- 3.8.5 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.

## **4.0 Monitoring and Review**

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

Incidents of Anti-Social Behaviour will be mapped and monitored to identify trends to allow resources to be more effectively targeted towards preventing and tackling ASB on our estates.

## **5.0 Equality and Diversity**

This policy is applied in line with Karbon's Equality and Diversity Policy and the associated legislation including the Public Sector Equality Duty and Equality Act 2010. At Karbon we aim to eliminate discrimination, promote equality of opportunity, foster good relations and define the nine protected characteristics of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

However, we like to go even further. Beyond these protected characteristics we also take into consideration additional factors such as socio-economic status and language barriers which may also play a part. Our vision is for everyone to be treated fairly, have equality of opportunities, freedom, respect and access to our services.

To help us achieve this, we will work to improve accessibility for all, offering reasonable adjustments, adaptations and discussing ways that we can work to remove any barriers. A reasonable adjustment involves making a change to the way that we usually do things.

All of our customer policies and key information are made available on the Karbon Homes website. Reasonable adjustments that can help for example to make our information and services more accessible are sign language and language interpreters. We will work to improve accessibility for everybody that we deal with offering reasonable adjustments, adaptations and discussing ways that we can work to remove barriers that you may experience. A reasonable adjustment involves making a change to the way that we usually do things.

We work together to look at options and agree what adjustments would be reasonable in your individual circumstances. If you would like to find out more, please get in touch with the team.

## **6.0 Data Protection and Privacy**

We have a clear policy on data protection and sharing data with other partners/third parties under the requirements of the UK General Data

Protection Regulation, the Data Protection Act 2018 and other associated legislation.

This is clearly set out in the Data Protection Policy for the Karbon Homes Group which, along with its associated procedures, must be followed throughout the operation of this policy.

Karbon Homes and partner agencies have signed up to the necessary Information Sharing Protocols that enables all involved to share appropriate and relevant information when dealing with cases of anti-social behaviour. This is in order to prevent or detect crime and anti-social behaviour and conduct joint or multi-agency investigations. All information is shared in accordance with the protocol and within the terms of the relevant legislation.