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|  | Title | ASB01 Anti-social Behaviour and Hate Crime Policy & Procedure | | |
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1. Purpose and scope

- 1.1 This Policy is the practical interpretation of the aims and objectives of NCHA's ASB Strategy. The Policy describes what we will do regarding anti-social behaviour (ASB) prevention and management.
- 1.2 The Policy has three main purposes:
- (i) To ensure NCHA operates to a framework that complies with its statutory and best practice obligations to deliver 'great services'.
 - (ii) To provide colleagues and customers with a flexible but clear range of requirements, expectations and tools.
 - (iii) To adopt approaches that will enable our strategic objectives to be achieved through which NCHA customers and their neighbours are supported to have 'better lives' and will not be blighted by the behaviour of a minority who act irresponsibly and in an anti-social manner.
- 1.3 This Policy applies to customers of all tenures living in a home owned by NCHA, including; general needs (known internally as Affordable Social Housing) intermediate rent, supported housing, care and support service users and licensees. It also applies to customers in leasehold and shared ownership properties. If necessary we may take legal action under the terms and conditions of the tenancy agreement, lease, licence and other relevant legislation available to us.
- 1.4 Where our customers report ASB from other households or individuals who are not our customers we will advise and support them, and through our partnership relationships assist them to make an appropriate report to the relevant agency. We will support the partnership when required and where our intervention will help in resolving these cases. We will also provide or refer our customers to appropriate support to mitigate the impact that ASB is having on their lives. We will consider the use of relevant legal powers to tackle the ASB only in exceptional circumstances, in partnership with other agencies and when considered the most reasonable and proportionate approach to take.
- 1.5 Where reported ASB amounts to criminal behaviour we will expect customers to report this to the police or other appropriate body, such as the local authority. We will encourage appropriate agencies to utilise their powers to help resolve the ASB and support partners where required and where our intervention will help in resolving these cases.
- 1.6 We recognise the importance of working collaboratively with the police and local authorities to support and encourage their role in enforcing law. We will also use the evidence they provide (such as details of calls or a criminal conviction) together with evidence we may obtain to take enforcement action where appropriate.
- 1.7 We recognise the detrimental effect that ASB can have on the lives of our customers and communities but it is important that complainants and victims of ASB are clear about both the circumstances in which we can intervene and the sanctions available to us. We will not raise expectations that we can take action where we cannot do so or where primary responsibility and powers lie elsewhere.

- 1.8 We recognise and accept our role as a responsible landlord to tackle and prevent ASB but we also recognise that residents and other agencies share this responsibility, including but not limited to police, social care for example.
- 1.9 We will work to minimise ASB through preventative action and will develop and maintain effective partnerships with local and national agencies with whom we can collaborate in tackling ASB. Preventative action can include working with local community safety partnerships where local initiatives can be accessed such as target hardening, designing out crime in a local area, promoting diversionary activities that are available for young people to engage in.
- 1.10 We believe that everyone has the right to their chosen lifestyle providing this does not breach the terms and conditions of any tenancy agreement or lease and affect the quality of life of others. This necessitates a degree of tolerance of, and respect for the requirements and needs of other people, and we will promote this to customers when responding to their concerns.
- 1.11 We will ensure relevant colleagues are competently and suitably trained to be equipped to respond swiftly and effectively to reports of ASB and prevent reports escalating into more serious incidents.

2. Responsibilities and risk

Failure to deal with ASB effectively and failure to deal with it in a way that meets reasonable and negotiated expectations has a range of risks for NCHA:

- Reducing customers' quality of life and life opportunities because they are associated with others whose behaviour is well known as problematic, or they remain trapped in chaotic lifestyles
- Adversely impacting areas, making properties difficult to let
- Negatively affecting customers' perception of NCHA at local and wider community levels.
- Exposing customers, communities, colleagues and contractors to risk of harm on and around our estates or in our offices
- Increased tenancy failure
- Leading to tenancy turnover resulting in unstable communities and increasing costs to re-let properties
- Restricting business opportunities because of a poor perception from partners
- Increasing management costs for NCHA with disproportionate demands on services

3. Policy details and guidance

Ways to report ASB

- 3.1 In an emergency customers should always call 999 in the first instance
- 3.2 Customers can report ASB incidents to NCHA;
- via our contact centre on 0800 013 8555 or 0115 844 3150. The contact centre is open Monday to Friday 9am to 5pm

- or out of hours on 0800 013 2653 and a colleague will take a message which will be passed on the following working day.
 - Via our online contact form of the website
 - Or by email to info@ncha.org.uk
- 3.3 We keep records of all reports of ASB, treat them seriously and deal with them promptly and efficiently.

Our response

- 3.4 The tenancy agreement, lease or licence are the legally binding contracts between NCHA and customers. Each sets out obligations, terms and conditions on both parties. These explain what type of behaviour they are responsible for and what type of behaviour is unacceptable. Customers are responsible for the behaviour of those who live with them and visitors, this includes children.
- 3.5 NCHA groups adopts a victim centred approach based on risk assessments primarily to ensure we provide appropriate support to our customers. The higher the risk, the quicker our response will be.
- 3.6 We also recognise that some cases are by their nature high risk, i.e. domestic abuse, hate crime, physical violence and we will respond to these accordingly.
- 3.7 For high risk cases we aim to respond within 1 working day. For low risk cases our response will not be longer than 10 working days
- 3.8 We will be clear from the outset if the complaint is not ASB.
- 3.9 We expect customers to take responsibility for minor personal disputes with their neighbours. We also recognise that much of what is perceived as nuisance is not always deliberate and is done without realising how it impacts others and therefore we will encourage customers to discuss this with their neighbours in the first instance unless it is clearly unsafe to do so.
- 3.10 We will carry out a risk assessment for all complainants upon initial ASB report to identify any potential vulnerabilities and support needs. We will use this information to either provide or refer to appropriate support provision and we will review this risk assessment throughout ongoing cases. We will continue to explore and offer support to those affected by ASB.
- 3.11 We will agree a course of action with complainants so that they know what we will do, what we expect them to do and when these things will happen. We will keep complainants informed of the case's progression at regular intervals.
- 3.12 We will not reveal the identity of a complainant to an alleged perpetrator without permission beforehand but will also advise complainants that in some instances a perpetrator may easily work out who has complained about them.

- 3.13 We will carry out a thorough and timely investigation into reports made, seeking to secure evidence from other witnesses, other agencies or CCTV to establish the facts before concluding that an allegation is proven and that the alleged perpetrator is guilty.
- 3.14 We will utilise all tools available, where deemed appropriate to manage nuisance and harassment and where those tools are not directly available to us we will work with the relevant agency or statutory body in order to access those tools. Our response will be reasonable and proportionate to the alleged tenancy breach. In neighbour disputes this may involve a referral to mediation services and we would expect complainants to be willing to engage with this where there is no criminal investigation underway.
- 3.15 We expect customers to report crimes to the police and we will actively participate in information sharing protocols with the police, Community Safety Partnerships and all other such multi-agency case management or victim support forums to ensure a co-ordinated response.
- 3.16 NCHA believes in the effectiveness of prevention and so we work with 'at risk' households providing floating support to ensure tenancy sustainment. We use these principles to challenge the behaviour of perpetrators by working in partnerships with social care family support provision, joint working with local authority environmental health teams, working with Police, Probation and other social landlords with homes near ours to address ASB.
- 3.17 We support rehabilitation initiatives that seek to have a positive impact on the behaviour of alleged perpetrators, especially where they are vulnerable and / or their behaviour is a consequence of drug abuse, alcohol abuse, mental health issues or disability.
- 3.18 Where feasible and applicable, we seek to include positive requirements within any ASB injunction applications. We will not evict any tenant who actively works with us to change their unacceptable behaviours and is making progress unless they have committed a serious criminal offence.
- 3.19 We recognise the benefits of diversionary activities and promote, support and facilitate these activities where appropriate and possible.
- 3.20 We will consider ASB and crime prevention through environmental design, also known as 'target hardening' in response to proven ASB issues to reduce the risk of recurrence where this is appropriate to do so. Our consideration will include ensuring that lessons learned from Secured by Design are used on older homes and communal areas. Investment will be made available for these environmental works where possible. Secure by Design is the official police security initiative that works to improve the security of buildings and their immediate surroundings. Further information can be found at www.securedbydesign.com.
- 3.21 We encourage and support customers affected by ASB to continue to live at home and work with us to resolve the problem, rather than to move away.

- 3.22 We will discuss case closure with the complainant before doing so. When we close a case we will seek feedback to assess the satisfaction of the customer in order to continually assess the effectiveness of our service delivery and inform continuous improvement.
- 3.23 We will consider the use of publicity in successful cases in order to increase community confidence, deter offenders and provide our communities with the information they need to report ASB, including breaches of ASB injunctions, unless the Court has imposed reporting restrictions. A complainant's details will never feature in any publicity without their informed consent and involvement in the production of that publicity.

What is not considered ASB?

- 3.24 Reports around ball games, disputes over boundary issues, actions which amount to people being unpleasant (e.g. staring at or ignoring people), parking and other neighbourhood issues are not generally considered to be ASB.
- 3.25 Reports due to different lifestyles or everyday living situations which are not intended to cause nuisance or annoyance are not generally considered as ASB. This includes: children playing and babies crying, household noise due to everyday living (e.g. proportionate TV, music / radio noise, noise from electrical items such as washing machines or vacuum cleaners and DIY during reasonable hours), one off parties that are not of an exceptional nature, BBQs and celebrations, cooking odours and reasonable household smells, smoke, minor car maintenance and minor disputes between neighbours of personal differences. These are examples of possible reports that are not ASB and it is not intended to be a definitive list. In those instances we will encourage customers to be more tolerant of their neighbours, to build a relationship with their neighbours so that they can discuss any concerns they have constructively or where necessary make referrals to support providers or mediation.
- 3.26 Although these are some examples of behaviour we do not generally consider to be ASB, we know that sometimes low level and repeated incidents treated in isolation which may not appear serious or even as ASB, may be having a serious impact on the complainant's life. Therefore for low level reports of ASB, if the behaviour is persistent and deliberate and is found to be having a harmful impact on a person or they are at risk or potentially at risk then we will investigate the matter as ASB in line with this policy.

Complaints about our response

- 3.27 When a report of ASB has been received, it will be managed through this policy not NCHA's Complaints policy.
- 3.28 If a customer is dissatisfied with the service they have received from the ASB team they can make a complaint in line with NCHA's Complaint policy. Further information is available on our website <https://www.ncha.org.uk/contact-us/complaints/>.
- 3.29 We will support complainants wishing to have their issues reviewed by way of the Community Trigger. The Community Trigger is a process that enables complainants to have a review of the way their reports have been investigated where they feel they did not get a satisfactory response. Any concerns raised through the Community Trigger will be dealt

with in line with the local authority procedure for that area. Information about each area's Community Trigger process should be available of the local authority website.

Rental allocations

- 3.30 Our Allocations policy for affordable social housing contributes to preventing ASB and nuisance, and to create sustainable, balanced and cohesive communities by;
- excluding applicants where they or a member of their household have been guilty of conduct which if the applicant had been a customer of NCHA would have been grounds for possession as well as applicants who have received a court sanction which affects their suitability e.g. possession order, criminal conviction, ASB injunction,
 - local lettings plans to prevent or address high turnover, abandonment, high levels of ASB or criminal activity, and high concentrations of vulnerable customers.
 - Ensuring all applicants undergo a Pre-Tenancy Assessment to identify possible exclusions but also identify support requirements to ensure that new customers are supported into their tenancy. New customers also have follow up visits at 4 weeks.
 - The sign up process for any new customer will ensure their rights and responsibilities in relation to ASB are clearly explained.
- 3.31 In Sub Market Rent, Rent to Home buy and Almshouse lettings, a Pre tenancy assessment is carried out including gathering reference information. This is carefully considered prior to offering properties to ensure any ASB risk is minimised.
- 3.32 In Care and Support lettings, comprehensive needs assessments are carried out by the support teams which includes establishing historical issues of ASB. If the support teams feel that the risk is too high to allocate the property, they will collaborate with the housing officer to either put robust plans in place as part of move in process to minimise reoccurrence or (in exceptional circumstances) exclude the customer being allocated a property within that service.

4. Supporting documentation and key legislation

4.1 Forms

ASB 1 – Diary Sheets

ASB 2 – Support for ASB Victims

ASB 3 – Parenting Contract

ASB 4 – Notice for Demotion of a Secure Tenancy

ASB 5 – Notice for Demotion of an Assured Tenancy

ASB 6 – Schedule of Ground 7A Serious Offences

ASB 7 – Authority to Serve Notice Seeking Possession on Ground 7A

ASB 8 – Letter with Ground 7A Notice Seeking Possession

ASB 9 – Guidance for developing an action plan / standard letter to complainant

ASB10 – Template letters and guidance for completion

ASB 11 – Case review template

ASB 12 – Initial Contact Form used by Smart and Customer Contact

4.2 Guidance

[Regulator of Social Housing Consumer Standards](#)

[Neighbourhood and Community Standard](#)

4.3 Legislation

There is a range of relevant legislation that addresses different aspects of ASB. Much of the legislation gives power to the police and local authorities and we will work with them to maximise the tools available to tackle ASB.

Housing Acts 1985, 1988, 1996 – provide grounds for possession and seeking injunctions:

- [Protection from Harassment Act 1997](#)
- [Crime and Disorder Act 1998](#) - enables information sharing, ensure a partnership approach, and enables the police to impose charges for racially aggravated offences.
- [Anti-terrorism Crime and Security Act 2001](#) – extended the scope of the Crime and Disorder Act by creating new specific religiously aggravated offences.
- [Anti-Social Behaviour Act 2003](#) – along with the Housing Acts provides guidance to social landlords to take action against residents causing nuisance and annoyance in or around their property and estates.
- [Racial and Religious Hatred Act 2006](#) – created a new offence of inciting hatred against people on religious grounds.
- [ASB, Crime and Policing Act 2014](#) – introduced a mandatory ground for possession for ASB, introduced a new civil injunction, abolished the Anti-social Behaviour Order (ASBO) and introduced a range of other new powers such as the Community Trigger for the police, local authorities and social landlords to tackle ASB.

4.4 Related policies

Allocations Policy

Domestic Abuse Policy

Estate Management Policy

Ineligible Applicants Policy

Safeguarding Adults Policy

Safeguarding Children Policy

Tenant Risk Policy – covers incidents where customers or members of their household are abusive towards colleagues.

5. Monitoring and reporting

5.1 Individual case performance management will be conducted by line managers through one to one meetings. Each open case will be reviewed with the investigating officer to ensure service standards are being met and that cases are pro-actively managed to ensure the best outcomes for customers.

5.2 Performance against service standards and key performance indicators will be reported to senior managers and the Customer Committee.

6. Definitions

Anti-social behaviour is defined by Section 2(1) of the Anti-Social Behaviour, Crime and Policing Act 2014 as:

- conduct that has caused, or is likely to cause, harassment, alarm and distress to any person,

- conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- conduct capable of causing housing-related nuisance or annoyance to any person.

This definition sets the legal threshold that must be met in injunction applications, and in possession proceedings the discretionary grounds for possession define ASB as:

Where the customer or a person residing or visiting the property:

- has been investigated and found guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality,
- has been investigated and found guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwelling-house or a person employed (whether or not by the landlord) in connection with exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects other functions, or
- has been convicted of using the dwelling-house or allowing it to be used for immoral or illegal purposes, or an indictable offence committed in, or in the locality of, the dwelling-house.

Harassment can include a range of behaviours such as threats, verbal abuse, written abuse including via social media, damage to property, violent behaviour, stalking and behaviour causing or intended to cause alarm or distress. These are generally criminal offences and are the responsibility of the police, however NCHA will be able to take tenancy enforcement action against a perpetrator as a result of evidence obtained by the police, upon conviction or evidence provided directly by victims and witnesses.

Hate crime and incidents. The police record a crime or incident as a hate crime or hate incident if the victim or anyone else believes it was motivated by hostility based on any of the nine protected characteristics: age, disability, gender reassignment, marriage & civil partnership (employment only), pregnancy & maternity, race, religion or belief, sex, and sexual orientation. This includes crime against a person's property as well as the person themselves. A victim does not have to be a member of the group to which the hostility is targeted.

NCHA will respond robustly and swiftly to reports of hate crimes and incidents. In these instances we will take a victim centred approach and accept all reports on face value, acting promptly and decisively to protect and support the victim.

Domestic abuse. NCHA have a separate policy for domestic abuse and also recognise that some reports of noise nuisance, disturbances and / or anti-social behaviour could be an indicator of potential domestic abuse and / or safeguarding issues (e.g. reports about noisy arguments could suggest that a domestic incident is taking place). We will ensure that any potential indicators for domestic abuse and / or safeguarding matters are actively considered as part of our ASB investigation and will take appropriate actions including raising safeguarding alerts in line with our policies and procedures.

NCHA will respond robustly and swiftly to reports of domestic abuse. In these instances we will take a victim centred approach and accept all reports on face value, acting promptly and decisively to protect and support the victim

7. Equality and diversity

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

7.2 This policy is supported by an Equality Impact Assessment.

8. Appendices

N/A

9. Policy Approval

8.1 This policy' has been approved prior to issue by the Director of Homes and Wellbeing and Customer Committee.

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

