



Housing Services Anti-Social Behaviour Policy

Approved by: Executive Committee

Approval date: May 2024

Next review date: May 2027

Applies to: RHP (Association)

Anti-Social Behaviour

INTRODUCTION

The policy outlines RHP's approach to supporting customers in preventing and tackling anti-social behaviour (ASB) in and around the properties it manages. We believe that our customers should be able to feel safe and secure in their home and the local environment without suffering the anti-social activities of others.

This policy outlines how ASB will be tackled by RHP employees, the responsibilities of RHP customers, the standards of behaviour that are expected of customers and the service standards that customers can expect from RHP.

This policy applies to our management of ASB for all RHP tenants and leaseholders as well as other residents who live on RHP estates.

RHP'S APPROACH

RHP will investigate all reports of ASB about our customers who hold Periodic Assured, Fixed Term or Affordable Rents Tenancies and leases.

RHP define ASB in line with the Anti-Social Behaviour, Crime and Policing Act 2014 as follows:

- ▶ Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.
- ▶ Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises.
- ▶ Conduct capable of causing housing-related nuisance or annoyance to any person. Within the 2014 act it is defined as meaning directly or indirectly relating to the Housing Management functions of RHP.

RHP recognises the negative effect that anti-social behaviour can have upon people or communities and will deal with it efficiently and effectively. In doing this, we will apply a victim and harm centered and problem- solving approach to anti-social behaviour case management and work with other local agencies and other partners where appropriate.

Harassment is any unwanted conducted related to a relevant protected characteristic which has the purpose or effect of violating that persons dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Hate incidents and/or hate crimes

RHP is committed to tackling all forms of hate incidents and/or hate crimes that target people that are either actual or perceived based on their age, disability, ethnicity, religion, sex, sexual orientation or any other protected characteristic outlined in the Equality Act 2010. We will encourage customers to report all forms of hate incidents and/or hate crimes to RHP and we will work in partnership with other agencies to resolve it. We will take a victim- centered approach to dealing with reported incidents.

Hate crime can fall into 3 main types: physical assault, verbal abuse and incitement to hatred.

We have adopted the definition of "hate incident" used by the Home Office and the Association of Chief Police Officers ("ACPO"):

"Any incident which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate".

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We have adopted the definition of “hate crime” used by the Crown Prosecution Service and ACPO: “Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility.

For 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.”

We will use our powers to take action against any individual involved in any such behaviour where either the victim or the perpetrator (including household members/persons the tenant is responsible for) is a customer of RHP.

Preventative action

Prevention is an essential part of RHP’s approach to tackling ASB. Our approach to prevention is diverse and includes community development work which may include:

- ▶ Referrals to Independent Mediation Services to help neighbours in dispute find a resolution to their difficulties with each other.
- ▶ Acceptable Behaviour Contracts to resolve ASB.
- ▶ Multiagency meetings with the Community Safety Partnership to tackle and prevent ASB across the boroughs.
- ▶ Tenancy Support Services for those who have difficulty maintaining their tenancy.

Any action we take will be determined based on the particular facts of the case and will be proportionate to the behaviour. We will consider the impact to the victim the evidence presented and the conduct of the perpetrator.

Use and Storage of Information Confidentiality

Where reports of ASB are received, RHP employees will not reveal the identity of the reporter to the other party unless the reporter agrees that this information may be disclosed or RHP is required to do so by court order.

National Standards for Incident Recording

RHP will ensure all incidents of ASB are recorded within our case management system and shared within the guidelines of the Information Sharing Protocol with all the boroughs we work in and the Police. When information is shared by us, we will share it in a consistent and accurate manner so that the data can be used to assist in preventing further ASB, securing alternative ASB remedies and prosecutions for criminal behaviour, and to provide management and performance information for all stakeholders at a local and national level.

Data protection and information exchange

RHP is a signatory to information sharing protocols with the London Boroughs of Richmond, Kingston and Hounslow and the Metropolitan Police. These allow agencies to share information where this may prevent or reduce ASB, crime and disorder. The information shared remains confidential and is stored and used according to a strict protocol.

Reporting anti-social behaviour

RHP customers are able to report ASB online, in writing or verbally. Other residents of the neighbourhood who wish to report ASB issues about one of our customers can also report to us using these methods.

An Initial Reporting Form will be completed with the customer or reporting party to identify the problem, those affected, and all risks involved. Following an Incident Report Form being completed we will provide the reporting party with help and advice and give clear advice about what we can do to help. In some cases we may not be able to share information about the specific action taken if it would be considered a breach of GDPR. All high-risk cases, cases involving suspected Fraud and cases which involve vulnerable children or adults will be referred to the Housing Team to be investigated.

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Types of anti-social behaviour

RHP takes a harm and victim centered problem-solving approach to managing reports of ASB. We recognise that each case is different, and our staff are trained to use problem solving techniques and to manage risk of harm. RHP considers that any of the following issues is capable of falling within the definition of ASB, however this list is not exhaustive, and staff are encouraged to use their professional judgement in understanding what is or isn't ASB:

- ▶ Harassment, including hate incidents.
- ▶ Violence or threatening behaviour.
- ▶ Criminal behaviour, including drug use or dealing.
- ▶ Persistent and or serious threats or verbal abuse,
- ▶ Persistent and or serious neighbour noise. However, we recognise not all noise reports can be classed as ASB and such reports can be dealt with outside this policy and in accordance with our Maintaining and Improving Neighbourhoods Policy.
- ▶ Nuisance relating to animals.
- ▶ Vandalism or Damage to property

There are reports that we would not consider ASB for example –

- ▶ Cooking smells.
- ▶ Reasonable DIY.
- ▶ Someone parking lawfully outside your home.
- ▶ BBQs in private gardens.

RHP deals with Domestic abuse through a separate Domestic Abuse Policy.

Investigation

Our first line team will deal within initial reports of ASB. We encourage our customers to try and resolve the problem with their neighbour before contacting RHP where appropriate and safe to do so.

The Customer Advisor will initially discuss the issue reported by the customer and triage the case, offering suggestions on how to resolve the issue. If the issue is determined to be high risk, then the case will be passed over to the Housing Team who will undertake an Initial Report Form and Risk Assessment to better determine the seriousness of the reported ASB.

We encourage residents to contact their local Environmental Health Officer to report noise nuisance.

The Housing Team will investigate high risk nuisance and antisocial behaviour where behaviour is repetitive or is of such serious nature that further investigation and/or enforcement is necessary.

Intervention and Enforcement

We will use what we assess to be the most appropriate and proportionate intervention and enforcement method based on the circumstances of the particular case. These interventions include but are limited to:

- ▶ Verbal warnings.
- ▶ Support methods involving RHP or other agencies.
- ▶ Warning letters.
- ▶ Mediation.
- ▶ Diversionary activities.
- ▶ Acceptable behaviour agreements.
- ▶ Injunctions.
- ▶ Possession Orders.

Any action we take will be determined based on the particular facts of the case and will be proportionate to the behaviour. We will consider the impact to victims, evidence presented and conduct of the perpetrator. Other factors may include the seriousness and frequency of the behaviour, the level of risk posed and evidence available. We will not take action where there is insufficient evidence. We will support other agencies in taking action where they have the main responsibility and powers to do so and where there is a police investigation, we may await the outcome before taking further action.

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Further guidance on what is and what is not ASB and on remedies are contained within the ASB Toolkit.

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Tenants' responsibilities

Our tenancy agreements contain clauses requiring customers to adhere to a set of terms agreed at the start of their tenancy. Therefore, anything occurring within or related to their property which causes a nuisance or annoyance to their neighbours or others in the locality is their responsibility. Customers are responsible for the actions of all members of their household, including children, lodgers, animals and visitors. It is also important that residents exercise a degree of tolerance to the different lifestyles of others.

For neighbour disputes and low-level nuisance, we expect customers to take steps to resolve issues between themselves. In these instances, we may offer a mediation service as a tool for neighbours to come to agreement.

Where juveniles are suspected of causing ASB, RHP may refer the case to the appropriate multi-agency panel or children's social care before deciding on appropriate intervention or enforcement action. Customers who are Parents or Guardians will be expected to work with the statutory agencies to resolve the anti-social behaviour caused by their children.

As a landlord we acknowledge that there are occasions this won't be appropriate, due to circumstances of either or both parties, for example vulnerabilities or criminal behaviour. In these cases, we will investigate and take any appropriate action, and work in partnership with other agencies supporting that person.

We also expect customers to report crimes to the Police. We may ask them to do this rather than reporting incidents to us, so that the Police can take appropriate steps to investigate and enforce crime.

Homeowner responsibilities

Our lease agreements require homeowners (leaseholders), members of their household or visitors, not to behave in a way that is likely to cause nuisance or annoyance to their neighbours. Homeowners are also responsible for the behaviour of their tenants. Breaches of the terms of their lease can result in enforcement action being taken.

Absolute Possession (Ground 7a mandatory) and Proportionality

Absolute ground for possession is intended to significantly reduce the length of the possession process for serious ASB in order to provide faster relief for victims and witnesses. Landlords are able to choose to use the absolute ground, where any of the following conditions are met:

Conditions:

1. The tenant, a member of the tenant's household or a person visiting the property has been convicted for a serious offence and the serious offence:
 - ▶ Was committed (wholly or partly) in, or in the locality of the property.
 - ▶ Was committed elsewhere against a person with a right (of whatever description) to reside in or occupy housing accommodation in the locality of, the property or
 - ▶ Was committed elsewhere against RHP, or a person employed (whether or not by RHP) in connection with the exercise of RHP's housing management functions, and directly or indirectly related to or affected those functions.
2. The tenant, a member of the tenant's household or a person visiting the property has been found by a court to have breached an injunction to prevent anti-social behaviour.
3. The tenant, a member of the tenant's household or a person visiting the property has been convicted for breaching a criminal behaviour order.
4. The tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour; or
5. The tenant, a member of the tenant's household or a person visiting the property has been convicted for breaching a noise abatement notice or order.

Where a landlord applies for possession under the absolute ground the Court would have to grant an order for possession, subject to considerations of proportionality and the landlord having followed the correct procedure.

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RHP will apply certain considerations when assessing whether it is “proportionate and reasonable” to apply for absolute possession and any application will be based on the overall circumstances of the case. In particular we will consider:

- ▶ The composition of the household and any disabilities/vulnerabilities.
- ▶ The level and nature of ASB and the impact that this has had on victims and the local community.
- ▶ The location of the ASB and the frequency and
- ▶ The persistence and risk of the behaviour.

When issuing a Notice of seeking possession using grounds 7a (mandatory grounds) the tenant may appeal this decision in writing. RHP will provide details of how to appeal the notice within the covering letter served with the notice. The tenant should include within their appeal the reasons they are appealing the notice and any personal circumstances or other matters that wish to be taken into account in the appeal hearing.

Tenants can request a face to face appeal panel or submit their appeal reasons in writing for the panel to consider. If the tenant requests a face to face appeal they have the right to be accompanied by a representative to support them in the appeal process. RHP will hold the appeal panel within 14 days of receipt of the appeal request (If for any reason it isn't possible for the appeal to happen within the 14 days, RHP will notify the tenant of this and explain the reason). The panel will consist of a Senior Manager and two other managers at RHP who are independent from the Housing Team and have had no involvement in the management or decision making in the case. The meeting will be minuted. The panel will consider the reason for RHP issuing the Notice of seeking possession using ground 7a and whether it considers this to be proportionate and reasonable based on the evidence and the appeal reasons presented for review. The panel outcome will be shared in writing to the tenant within 21 days of the Appeal hearing.

Supporting Vulnerable People

Customer Advisors and Housing Advisors will use the Initial Reporting Form as well as customer records to identify at first contact whether a customer has any vulnerabilities. Where a customer is identified as vulnerable the appropriate supporting service should be notified of their report.

There may be reports of ASB that constitute abuse or neglect of a child or adult with care and support needs. In these circumstances, RHP will refer to its Safeguarding Policies in order to safeguard our customers from abuse and neglect.

Supporting Victims and Witnesses

All reporters and witnesses will have access to various support networks throughout the process.

If a decision is taken to proceed with court action, victims and witnesses will be given a clear explanation of what will be required of them, what is likely to happen if they give evidence and some idea of the timescale involved. At all times, we will endeavour to protect the safety and well-being of victims and witnesses, including referring them to victim support, and providing them with alternative options to enhance their safety.

RHP's website provides self-help ASB guidance and gives our customers useful tips on how to tackle and deal with issues of ASB. www.rhp.org.uk

Supporting perpetrators

Perpetrators of ASB may also require support from RHP.

Allegations of ASB against people with disabilities are investigated in accordance with our equality and diversity policy. Perpetrators whose behaviour is affected by drug or alcohol abuse, mental ill-health or disability will be referred to the appropriate support agencies. RHP will apply a multi agency approach to assist those agencies in supporting the perpetrator where reasonable and practical but will also consider other actions to resolve ASB if appropriate.

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Closing Cases

RHP will endeavour to solve the reported ASB as swiftly and efficiently as possible. We recognise that some cases may be complex and may include a series of different approaches to achieve a successful outcome. RHP will close an ASB case when:

- ▶ The reporter has informed us that the ASB has stopped.
- ▶ RHP has investigated the case and decides that no further action is required.
- ▶ There is no evidence to suggest that ASB is occurring.
- ▶ A partner agency is leading on the case and no action is required by RHP.

RHP will contact the reporter (where appropriate) to inform them of its intention in closing the case and agree for the case to be closed. Customer can use RHP's complaints process if they feel that there has been a service failure the handling of their case.

RHP will seek views and comments from customers when closing ASB cases via a customer satisfaction survey.

Training and development

RHP's first line team and Housing Team will undergo specialist ASB case management training to ensure that they are knowledgeable and have the right skills to effectively manage cases of ASB.

Regular ASB case reviews will take place to ensure that cases are proactively managed in line with RHP's policies.

ASB Review

Where any ASB Case Review is requested of the local authority by an RHP customer, or the ASB complained of is said to be being perpetrated by an RHP customer, we will appoint a lead officer to:

- ▶ Liaise with the local authority and other relevant bodies.
- ▶ Co-ordinate RHP's response.
- ▶ Oversee the implementation of any recommendations concerning RHP.

Our lead officer will usually be the Head of Housing Services.

Connected Documents

- ▶ Domestic Violence Policy.
- ▶ Tenancy Agreement.
- ▶ RHPs Safeguarding Children and Adult Policy.
- ▶ RHP Equality and Diversity Strategy.
- ▶ Maintaining and Improving Neighbourhoods Policy.

Explicit exclusions

Closure Notices/Orders, Criminal Behaviour Orders and Fixed Penalty Notices (for dog fouling and littering) are excluded from this Policy and led by the Metropolitan Police and Local Authority.

Responsibilities

The Housing Services Manager and Head of Housing Services are responsible for ensuring the policy is consistently applied and through this protect RHP and its customers.

The Head of Housing Services is responsible for updating this Policy every three years.

Relevant Legislation

RHP will consider its obligations under relevant legislation and regulation when managing cases of ASB. Key legislation includes:

ASB, Crime and Policies Act 2014 Crime and Disorder Act 1998 Human Rights Act 1998 Equalities Act 2010.

The Care Act 2014

The Regulator for Social Housing – Consumer Standards 2015

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Measures of success

We will monitor performance through a range of performance indicators and service standards, and these are reported periodically to RHP customers and other stakeholders. Performance is monitored against a range of indicators including:

- ▶ Number of cases closed successfully.
- ▶ Customer satisfaction with case handling and case outcome.

There are a number of service standards for the ASB service, including:

- ▶ Our Housing Team will make contact with all reporters of serious ASB within five working day or as soon as possible.
- ▶ We will agree an action plan with the reporter of the ASB explaining what we will do (we may not be able to share all of the information if it would breach GDPR).
- ▶ We will tell reporters clearly what we can and cannot do to help.

We will keep reporters updated with progress where appropriate and within an agreed timescale. Performance indicators and service standards will be reviewed annually.