



ASB Policy

(Updated May 2024)

Document Title	ASB Policy
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Author Title & Issuing Department	ASB Manager Communities Team
Target Audience	All emh colleagues

Approved By	Homes Board Scrutiny Panel – July 2020 NSIG – August 2020 EMT – August 2020 Board – September 2020
Date Approved	August 2020
Review Date	October 2026

Links to Regulatory Standards – Economic/ Consumer Standards	<p>Tenant Involvement and Empowerment Standard - Customer service, choice, and complaints</p> <p>Registered providers shall have an approach to complaints that is clear, simple, and accessible that ensures that complaints are resolved promptly, politely, and fairly.</p>
Outcomes for Customers	<p>The policy will:</p> <ul style="list-style-type: none"> ▶ ensure our approach to complaints is clear, simple, and accessible. ▶ provide assurance that complaints are resolved promptly, politely, and fairly.
How were tenants, residents and service users involved in the review/development of this document	<p>The emh Scrutiny Panel who are carrying out an investigation into complaints management were asked to review and make comments on the revised policy.</p>
Training Provision	<p>Heads of Service across the business will be responsible for cascading the policy to their teams ensuring all colleagues understand and adopt the principles of the policy.</p>
Links to the Business Plan	<p>Housing and Neighbourhood Services:</p> <ul style="list-style-type: none"> ▶ Increase resident engagement, customer insight and feedback opportunities, bringing the views and comments made by our customers together into meaningful learning that influences service development.
Links to Key Values	<p>Clarity: The policy clarifies:</p> <ul style="list-style-type: none"> ▶ the definition of a complaint ▶ the circumstances in which a matter will not be considered a complaint. ▶ the different channels through which residents can make a complaint. ▶ the timescales in which emh will respond to a complaint.

Version Control

Version	Revision Date	Author: Job Title	Change Description
2	May 2024	Anti-Social Behaviour Manager	Updated in line with the Housing Ombudsman Recommendation May 2024. <ul style="list-style-type: none">▶ We will regularly review the agreed action plan with the customer, this will include how often we will contact the customer in all open cases, this will include preferred method of contact.▶ Each case opened will be opened with a named case handler.

1. Relevant Legislation and Policies

This document is produced to set out our approach to tackling anti-social behaviour (ASB) and comply with section 218(a) of the Housing Act 1996.

Other associated legislation, relevant to tackling ASB, includes but is not limited to:

- ▶ The Anti-Social Behaviour, Crime and Policing Act 2013
- ▶ Housing Act 1996
- ▶ Civil Evidence Act 1995
- ▶ Crime and Disorder Act 1998
- ▶ Data Protection Act (GDPR) 2018
- ▶ Housing Act 1988
- ▶ Children's Act 1989
- ▶ Anti-Social Behaviour Act 2003
- ▶ Human Rights Act 1998
- ▶ Equality Act 2010

There are also a number of internal policies that should be considered in conjunction with this document, including but not limited to:

- ▶ Hate Crime
- ▶ Domestic Abuse
- ▶ Housing management appeals

2. Policy Statement

- 2.1 We understand that ASB can have a negative impact on people and communities. We will not tolerate it where it affects our housing management function. This policy sets out how we aim to do this and is designed to ensure that we provide a consistent and proportionate response.
- 2.2 We offer a number of different tenancy agreements to our customers. This policy applies to our tenants. Shared owners and leaseholders will be given further advice and may be signposted to other agencies for assistance and support.
- 2.3 We judge how serious a matter is based on the behaviour type and the impact that the behaviour is having (a harm centred approach). We will work to recognise victim vulnerability and take the appropriate steps to try and reduce any risk.
- 2.4 We aim to act as quickly and decisively as we are able in each given situation. We seek to use a wide range of informal and legal tools, with

the aim of stopping the harm to the victim/s and rehabilitating the person causing the problems.

- 2.5 We believe in empowering our residents and, where appropriate, encourage them to be part of managing the case. This might include asking them to manage minor issues themselves, or to seek advice from other agencies.
- 2.6 We recognise that resolving ASB often requires a partnership response and, where appropriate to the case, we will work with other agencies.

3. Remit of Service

Definition of ASB

- 3.1 emhhomes uses the definition of housing related ASB that is found within Part 1 of the ASB, Crime and Policing Act 2014:

“Conduct capable of causing housing related nuisance or annoyance to any person”
- 3.2 In order for emhhomes to consider a report of ASB to be housing related it must affect our housing management function.
- 3.3. We may, therefore, take action against non-tenants/customers where their behaviour affects our housing management function (such as if they are causing problems to our staff or customers). In some cases there may be another agency who is better placed to manage the case (such as another Registered Provider, if the perpetrator is a tenant of theirs). This decision will be made on a case by case basis.
- 3.4 We will not tolerate ASB directed at our staff and/or contractors, whether at a customer’s property, in the locality of it, or at any other place, and will, where appropriate, take action under this policy to address any such issues.
- 3.5 We may find that a report of ASB is as a result of domestic abuse. We recognise that we must be sensitive to such matters. Where the report appears to stem from domestic abuse, this policy should be read in conjunction with our domestic abuse policy.
- 3.6 Hate crime is a serious form of ASB. Where a report of ASB appears to represent a hate crime, this policy should be read in conjunction with our hate crime policy.

Examples of ASB

3.7 Because we take a harm centred approach to defining ASB, taking into account the behaviour and the impact, we cannot produce an exhaustive list of what we consider to be anti-social. The following are the categories we use for reporting purposes and provide some guidance on the types of behaviour we are likely to consider as ASB:

- ▶ Harassment/intimidation/verbal abuse/threatening behaviour
- ▶ Domestic abuse
- ▶ Physical violence
- ▶ Hate crime
- ▶ Vandalism
- ▶ Alcohol related nuisance
- ▶ Unreasonable noise
- ▶ Pet and animal nuisance
- ▶ Garden related nuisance
- ▶ Litter/rubbish/fly tipping
- ▶ Graffiti
- ▶ Drug related nuisance

3.8 Different people have different expectations, tolerances and perceptions. There may be times where a report is made that the complainant considers to be ASB but that does not meet our definition. The decision as to whether something is ASB will be made by us on a case by case basis. The reasons we may decide something is not ASB include:

- ▶ The behaviour does not meet our definition of ASB and/or is not affecting our housing management function;
- ▶ There is no pattern of behaviour and the incident is minor;
- ▶ The behaviour is not unreasonable. The types of behaviour likely to fall under this category includes:
 - ▶ Mowing of lawn or other garden maintenance at reasonable times;
 - ▶ Carrying out DIY at reasonable times;
 - ▶ Noise generated from everyday living
 - ▶ Noise from domestic appliances, where being used at reasonable times;
 - ▶ Children playing (as long as the 'playing' does not include behaviour that could be reasonably considered as ASB)

3.9 We may receive reports relating to disputes between neighbours. Examples include arguments over boundaries, use of social media etc. It is inevitable that we are sometimes going to live next door to people that we do not get along with. We believe that this is something that the parties should try and resolve themselves and therefore we are unlikely to categorise this as ASB. Exceptions would occur where there is a

clear victim in the situation, or where the behaviour of the parties in dispute is affecting the wider community. We may refer parties in dispute to mediation services, as a way of ensuring the matter does not escalate into something more serious.

3.10 We will always take into account the views of the complainant but we are ultimately responsible for:

- ▶ Deciding if a report is ASB;
- ▶ Deciding how it should be categorised;
- ▶ Agreeing the most appropriate course of action in a case.

Expectations of our customers

3.11 Irrespective of the types of agreement, there are a number of standard requirements relating to ASB placed upon our customers. They are responsible for the behaviour of every person (including pets, children and lodgers), living in or visiting their property. This includes in the property itself, on surrounding land, in communal areas and in the wider locality. This responsibility remains whether permission was given/the behaviour encouraged or not.

3.12 Each type of occupation agreement that we operate will have conditions relating to expected behaviour. These vary across the agreements but will broadly cover the following expectations, that our tenants (or household members/visitors):

- ▶ must not use or threaten to use menacing, abusive or violent behaviour nor cause a nuisance, annoyance or disturbance towards anyone living in, visiting and engaging in a lawful activity in the locality of the property.
- ▶ must not commit or threaten any form of harassment on the ground of race, colour, religion, sex, disability or sexual orientation which may, or is likely to, interfere with the peace and comfort, or cause offence to anyone living in, visiting or engaging in a lawful activity in the locality of the property
- ▶ must not use the premises or allow them to be used for immoral or illegal purposes
- ▶ must not engage in any form of criminal activity

4. Risk and Vulnerability

Prioritisation

4.1 We seek to prioritise reports of ASB that are most serious, to ensure that any risk of harm is managed quickly and appropriately. Through a scoring system that considers the type of behaviour reports and the impact that it is having, we categorise cases as high, medium or low

risk. The category allocated determines which team within emhhomes manages the case, as well as the response that is given.

4.2 The table below indicates the behaviour that falls under each category and the response time:

Case Severity	Examples of behaviour	Response times
High Risk (likely to include matters where there is a genuine risk of physical or psychological harm)	Threats of violence, actual violence, Hate Crime, or matters where the victim/s has high levels of vulnerability	Within 24 working hours
Medium Risk	Drug related issues and criminal activity	Within 5 working days
Low Risk	Noise, pets and animal nuisance, Garden nuisance, Litter/rubbish/fly tipping	Within 5 working days

4.3 A case may be re-categorised during the course of our case management if we determine, for example, that the behaviour and/or risk has become more serious.

Victim Vulnerability

4.4 We work to identify and address victim vulnerability at various stages throughout our casework:

- ▶ Our call centre makes an initial risk assessment which is completed when a complainant makes an initial report of ASB;
- ▶ The allocated case officer will complete a full risk assessment once complete details have been obtained from the complainant. The results will guide the case management response and the steps we take to support the complainant;
- ▶ We continue to review the risk assessment throughout the case and take necessary action if the risk level changes.

4.5 Even if a complainant does not have a high level of vulnerability, we will endeavour to offer support and signposting as a matter of course, which may include:

- ▶ Managing expectations and not making promises;
- ▶ Ensuring the complainant has a point of contact;
- ▶ Maintaining regular contact until the case is closed.

Witness Support

- 4.6 Whilst our preference is always to deal with ASB through informal methods, legal action will sometimes be required. To be able to take legal action we require evidence and often this will come from complainants. We appreciate that this can be daunting and aim to make the witness feel as supported as possible during the process of giving evidence.

Perpetrator Support

- 4.7 We recognise that the people causing ASB may also be vulnerable and/or have a support need that is exacerbating the behaviour. Whilst not an excuse, we understand that leaving any needs unaddressed is likely to prolong the harm to all parties. In addition, helping the perpetrator to address a need can stop the ASB without having to resort to legal action.
- 4.8 We will consider the needs of the perpetrator at various stages throughout a case. We will consider whether we can offer any further support and/or whether a referral should be made to another agency or multi-agency group.
- 4.9 We will complete a proportionality assessment when taking legal action, in order that we are confident our action is a proportionate means to a legitimate aim. This assessment takes into account the needs of the perpetrator. In addition, where we know or believe the perpetrator to have a protected characteristic, we will consider the Equalities Act when taking legal action.
- 4.10 When managing cases involving perpetrators with support needs we adopt a twin-track approach, meaning that enforcement and intervention can be taken at the same time. Our priority is to stop the ASB and harm to complainants/victims. A support need will not stop or delay us from taking the appropriate action. Non-availability of required support and refusal or non-engagement from the perpetrator will also not be allowed to prevent or delay action being taken, where necessary.

Safeguarding

- 4.11 We recognise that employees dealing with ASB are likely to come in to contact with children and adults for whom there are concerns about safeguarding issues.
- 4.12 We will actively participate in local multi agency arrangements for safeguarding children, young people and adults.

- 4.13 Awareness of, and sensitivity to information sharing protocols and data protection is crucial however, safeguarding concerns override the need for confidentiality in respect of relevant statutory authorities as long as all activity is properly recorded.
- 4.14 All emh homes employees have a duty to act in relation to safeguarding concerns. All staff will at all times comply with the requirements of the following policies in relation to safeguarding:
- Emh Group Safeguarding Adults at Risk policy
 - Emh Group Children Young People Safeguarding policy

5. Action

- 5.1 We have a range of actions available to address ASB. We do not adopt an incremental approach and will take the action that is believed to be proportionate and that has a genuine chance of resolving the matter.
- 5.2 We believe in working with our residents to empower them in their ASB cases. If the matter is appropriate, such as a minor issue with a neighbour playing music too loud or day to day living noise, we may require residents to take action themselves to resolve the matter. This may include providing them advice and guidance about how to approach the neighbour and discuss the matters with them. We will only take this approach when the behaviour is minor and there is no perceived risk. We may also ask residents to take other steps, such as reporting noise issues to the environmental health team, or crimes to the police.

Preventative action

- 5.3 Our preference is to prevent ASB from occurring in the first place. We endeavour to achieve this through the following means:
- ▶ Obtaining full information about our customers at the pre-tenancy stage;
 - ▶ Having a robust sign-up process which clearly outlines customer responsibilities;
 - ▶ Using starter tenancies to monitor the conduct of tenants during the infancy of their tenancy, allowing us to take swift action to address any early breaches.

Informal action

- 5.4 We seek to resolve ASB at the earliest possible stage, using non-legal remedies, where possible. We have a range of non-legal remedies available, including but not limited to:

- ▶ Mediation
- ▶ Advisory letters
- ▶ Warning letters
- ▶ Acceptable Behaviour Contracts

Legal action

5.5 Where appropriate and proportionate, we will consider the use of a legal remedy to resolve the issues of ASB. The legal actions we may take includes, but is not limited to:

- ▶ A Part 1 ASB, Crime and Policing Act 2014 Injunction
- ▶ Proceedings against the tenancy. This action will depend upon the tenancy type concerned but may include proceedings under s21 of the Housing Act 1988; or using the discretionary or mandatory grounds for ASB found in Schedule 2 of the Housing Act 1988 (Ground 14 and 7(a)). We will ensure that the notices are served in the correct manner and, where a mandatory route is taken, the tenant has a right to appeal the decision.
- ▶ Proceedings against another occupancy agreement such as a licence or a lease.

5.6 In some situations we may consider that the most effective tool to tackle the issues is not one we have legal recourse to (such as the Closure Order). In these circumstances we will work with the partner agency seeking the order and support them in this action.

6. Working in partnership

Partnership Work

6.1 Partnership working is essential to achieving success in dealing with ASB. We will work in partnership with a variety of organisations across all districts where we own and manage homes including, but not limited to:

- ▶ District and County Councils
- ▶ Police Services
- ▶ Fire and Rescue Services
- ▶ NHS Medical / Mental Health Teams
- ▶ Social Care (Adult/Children)
- ▶ Youth Offending Team/Probation
- ▶ Third or Voluntary Sector service providers

6.2 In order to enable effective information exchange and partnership working, we will regularly attend partnership meetings allowing us to create clear action plans for dealing with issues that require a

partnership response. The types of meetings we will attend include (but are not limited to):

- The Multi Agency Risk Assessment Committee (MARAC)
- The Multi Agency Public Protection Arrangements (MAPPA) meetings
- Joint Action Group Meetings
- Vulnerable People and Places Forums

Information sharing

- 6.3 emh homes are party to a number of information sharing agreements to allow us to lawfully share information that is necessary for the purpose of detecting and tackling ASB and crime.
- 6.4 Where we do share information with other agencies we will ensure that the transfer of this information is done safely, the information is stored appropriately, it is not shared with a third party without permission (unless required by law) and is subject to an appropriate retention schedule. The same principles will apply where we receive information from other agencies.
- 6.5 When we receive subject access requests we will deal with these lawfully and with appreciation of the ICO guidance in relation to these requests.

Confidentiality

- 6.6 Where a complainant asks for us to keep their details/identity confidential we will explain that this will greatly impact on our ability to take action. We cannot take action without informing the perpetrator of the detail of the report made against them and often the circumstances of the incident will make clear to them who the complainant is. If the complainant is fearful of repercussions we will explain how we are able to support and protect them to encourage them to allow us to continue with our actions.
- 6.7 There may be some information that a complainant tells us that we cannot keep confidential, even if they wish us to. This would include information relating to criminal behaviour and safeguarding issues. Where appropriate we will tell the complainant that we need to share the information and who with.

7. Training and Service Development

Performance monitoring

- 7.1 We will closely monitor the quality of the service that we provide in relation to ASB. We will do this by:
- Ensuring service standards are being met
 - Completing customer satisfaction surveys (where possible)
 - Ensuring vulnerability matrixes are completed and all actions are accurately recorded
 - Conducting regular reviews of ongoing cases, to assess progress and identify any barriers
- 7.2 We will regularly, as required, collate and report statistical information about the management of ASB Cases including HouseMark. The ASB Officer will ensure that all such statistical information is supplied to HouseMark in accordance with their requests.

Staff Training

- 7.3 emh homes are committed to providing staff with the necessary training required to be able to effectively deal with ASB and related issues. This training will be regularly refreshed and updated to ensure officers are kept abreast of changes to legislation or policy.
- 7.4 Training needs are regularly explored with officers during one to one meetings, appraisals and team meetings.

Compliments, Suggestions and Complaints

- 7.5 emh homes will welcome any feedback from our customers and partners; we use to improve our service. This can be sent directly to emh homes by:
- ▶ By email to complaints@emh.co.uk
 - ▶ By telephone to 0300 123 6000
 - ▶ In writing: emh homes, Memorial House, Stenson Road, Coalville, LE67 4JP
- 7.6 Any feedback which is considered to be a complaint will be dealt with in accordance with our Complaints Policy
- 7.7 emh homes are also part of the Community Trigger process in each of the local authority areas in which it operates. This process allows residents to request a review of their ASB case, should they feel that it has not been dealt with or resolved appropriately. Each local authority area has a different process. The charity ASB Help has a directory which can be used to identify the correct process to use for the resident concerned: <https://asbhelp.co.uk/community-trigger-directory/>

- 7.8 Should a complainant continue to make reports about issues that we have already explained we do not deal with then we will consider whether we need to take action to address this. For example, the repeated calls may suggest that the complainant has some support needs or vulnerability that we may be able to offer support for. Alternatively the reports may be being made maliciously and/or having an unreasonable drain on our resources and therefore we may consider taking action in line with our persistent complainant policy.

8. Review

- 8.1 This policy will be reviewed every 3 years to ensure compliance with national best practice and legislation. This review may take place earlier if a significant change to legislation or policy occurs.
- 8.2 Responsibility for reviewing this document sits with the ASB Manager (or other appropriate officer).