

1 Policy statement

- 1.1 Our Mission is to build Great Homes and support Successful Lives by being a Better Business. It is why we exist and guides everything that we do.
- 1.2 This policy outlines our approach to dealing with Anti-Social Behaviour (ASB).
- 1.3 The policy has been updated to consider the powers introduced by the ASB Crime and Policing Act 2014 and the Police and Crime Act 2017.
- 1.4 We will, in accordance with the Regulator of Social Housing's Neighbourhood and Community Standard:
 - 1.4.1 Work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where we own homes.
 - 1.4.2 In addition we will specifically intervene and where appropriate take enforcement action. where ASB is being practiced by anyone living in or visiting a property owned by us and this includes all rented tenants, leaseholders and shared owners; and where we have sold homes, where we can still enforce appropriate covenants, if required. Where our homeowner covenants are not enforceable or appropriate and where other homeowners are involved, we will provide appropriate advice and guidance which may include contacting the police or the local authority.

2 Statutory and Regulatory context

- 2.1 This policy has been developed to take into account a range of relevant UK and English legislation and regulation including:
 - Housing Acts 1985, 1988 & 1996
 - Civil Evidence Act 1995
 - Crime & Disorder Act 1998
 - Anti-social Behaviour Act 2003
 - Anti-social Behaviour, Crime and Policing Act 2014
 - Police and Crime Act 2017
 - The Regulator-for Social Housing's Neighbourhood & Community Standard.
 - Home Office ASB, Crime and Policing Act 2014 Statutory Guidance for frontline professionals
- 2.2 Copies of the original and amended legislation can be found at www.legislation.gov.uk ; copies of the Regulator of Social Housing's Standards can be found at www.gov.uk/government/organisations/regulator-of-social-housing and the Home office statutory guidance can be found at [here](#)

3 Policy Intent

- 3.1 We will, in accordance with the Regulator's specific expectations set out in the Neighbourhood and Community Standard:
- 3.2 Publish a policy on how we work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where we own properties.

3.3 In our work to prevent and address ASB, we will demonstrate:

- (a) That tenants are made aware of their responsibilities and rights in relation to ASB.
- (b) Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies.
- (c) A strong focus exists on preventative measures tailored towards the needs of tenants and their families. Preventive measures of tackling ASB are detailed within the Anti-Social Behaviour Procedure.
- (d) Prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available. Should the circumstances call for action related to external support referrals for either acting against a perpetrator, or a support referral for victim, we will accommodate this and make the necessary referrals.
- (e) All tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not.
- (f) Provision of support to victims and witnesses". We will ensure that customers are always signposted to the relevant organisation for any additional support needs, whilst also making efforts to support the customer within our own capabilities.

4 Anti-Social Behaviour

- 4.1 Anti-social behaviour (ASB) is a broad term used to describe day to day incidents of crime, nuisance and disorder – from litter and vandalism to public drunkenness, aggressive dogs to noisy or abusive neighbours. For the purpose of this procedure, Rooftop will use the term as defined in section 1 of the Crime and Disorder Act 1998 and extended by the ASB, Crime and Policing Act 2014 as being:
- 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 purposes.
 - Conduct capable of causing housing-related nuisance or annoyance to any person.
- 4.2 Those who may be affected by the conduct include, but are not limited to:
- a) Tenants and leaseholders of Rooftop and their visitors.
 - b) Owner occupiers, private rented tenants or any person suffering harassment, alarm or distress.
 - c) Any other person lawfully carrying out their work for Rooftop, or any commissioned contractor.
- 4.3 We expect our customers not to commit, or allow their family, other household members, visitors or pets to commit acts of ASB towards any person reasonably entitled to be in the vicinity of any of our properties, including Rooftop staff and contractors.
- 4.4 In addition, our tenancies, licences, leases and conveyances set out in varying degrees of detail what we also consider to be ASB, such as causing a nuisance or annoyance to other people.

5 Categorising ASB

We put all incidents of anti-social behaviour reported to us into categories, assessing both the risk and seriousness of the alleged behaviour, and the impact it is having on the victim. If an incident is made up of several types of anti-social behaviour, we will treat the most serious part of the complaint first.

Anti-social behaviour may or may not amount to a criminal act. What is important in defining anti-social behaviour is the effect of the behaviour on others. The 2014 Act defines ASB in three different categories-

Personal - behaviour that targets a particular individual or specific group or is aimed at having an impact on a particular individual or incident rather than a community at large.

Nuisance - individuals or incidents that cause trouble, annoyance, inconvenience, offence or suffering to people in the local community in general, rather than targeted at an individual.

Environmental - incidents and inconsiderate actions which impact on the surroundings including the natural, built and social environments.

We will also differentiate between serious and less serious ASB when deciding what priority to give our response.

Serious	Less Serious
Racial Harassment	Graffiti
Hate Crime	Parking Dispute
Domestic Abuse – including Mental, Psychological, Financial or Emotional Abuse	Begging
Sexual Harassment	Vandalism
Actual Violence	Abandoned Vehicles
Threats of Violence	Boundary and Hedge Disputes
Suspected drug using/dealing*	Animal nuisance (dog barking, dog fouling)
Verbal Abuse	Rubbish Dumping
Alcohol related nuisance	Litter
Using, owning or storing an illegal or unlicensed firearm or weapon	Spitting, urinating in the communal area
Intimidation	Playing ball games close to someone's property (that is causing a nuisance.)
Dangerous Dogs	
Criminal Damage	
Noise Nuisance	

5.1 What we will not consider to be ASB

5.1.1 The following will generally not be considered to be ASB – this is not an exhaustive list:

- Normal domestic everyday noise occurring at reasonable times and not for excessive periods of time.

- Cooking smells.
- Parking issues, where there are no parking regulations breached.
- Children playing.

6 Our approach to resolving ASB

In our approach to resolving ASB we will:

- Expect a reasonable amount of tolerance between neighbours and will seek to make a fair evaluation on whether complaints are reasonable. We consider that an important factor in sustaining communities is the recognition and acceptance by our residents that the initial responsibility for resolving disputes with others lies with them.
- Investigate complaints that involve one of our tenants, leaseholders or shared owners, this could be a tenant, leaseholders or shared owner complaining about another tenant, leaseholder, owner-occupier or private tenant. We also investigate complaints made by tenants of other landlords, leaseholders, owner-occupiers, private tenants about one of our tenants causing a nuisance within the vicinity of their home.
- Investigate complaints if anti-social behaviour is being caused by a visitor to our tenant's, leaseholder's, shared owner's property. Action can be taken against the tenant, leaseholder, shared owner if we believe they knowingly permit a family member or visitor to cause a nuisance whilst visiting or residing at their property or do nothing to prevent further incidents providing that the law, tenancy conditions or leasehold or shared owner covenants permit this.
- Agree an action plan with the complainant when the initial complaint is made and we will review this regularly to ensure that the complainant is kept up to date with the progress of the investigation. This action plan will outline key actions to be undertaken by yourself and also RHG. You may be asked to keep a record of incidents and report them on a regular basis.
- We will agree and set realistic targets and expectations at the first point of contact and throughout our investigations.
- Investigate anonymous complaints as far as we can; however we will not be able to provide feedback to the complainant or gain further information. Therefore, this will limit the amount of action we are able to take. If complainants wish to remain anonymous in the event of Court proceedings, we may use professional witnesses or CCTV where a case warrants it. We operate this way in order to ensure we monitor the progress of the respective case.
- Consider any Safeguarding matters and will make appropriate referrals without consent or knowledge of any parties if we believe certain thresholds have been met.
- Not move either the perpetrator or the complainant (except where there is exceptional circumstances), we will work with all parties to resolve the ASB/nuisance behaviour.

7 When you make a complaint of ASB we will:

- Acknowledge your contact with us within 1 working day for serious cases of anti-social behaviour, although in these cases we would strongly recommend that you contact the Police first and 1-8 working days for minor anti-social behaviour.
- Arrange an interview and agree an action plan with you within 5 working days

- Carry out an initial assessment of victim and witness vulnerability, risk, and harm on opening a case of ASB to determine case allocation and complete a full assessment at the initial discussion you have with your allocated case officer.
- If you report an incident to our out of hours service, the details will be passed to the appropriate housing officer who will contact you within 1-8 working days depending on the seriousness of the anti-social behaviour.
- Complete a Proportionality Assessment (Justification Prior to Legal Action to include Equality Act 2010) which will help to ensure that we appropriately respond to the alleged perpetrator e.g. if there is a possibility of mental illness. This will be signed off by a manager responsible for dealing with ASB cases.
- Ensure clear communication at the closure of a case to endeavourer that you feel reasonable action has been taken and are overall satisfied with the outcome. This will depend on the context of each case and that we have acted accordingly to manage Anti-Social Behaviour.

8 Tackling ASB through non-legal action

- 8.1 We will make every attempt to resolve anti-social behaviour through non-legal means in the first instance, as we recognise early intervention can stop anti-social behaviour from escalating.
- 8.2 Mediation
- 8.2.1 We will make referrals for mediation between parties to resolve the situation amicably. Mediation requires consent from both parties and a willingness to resolve the dispute. The complainant and the alleged perpetrator would be expected to comply with Rooftop's request for mediation. Failure to comply may result in either the case being closed or the case being escalated to legal action, depending on the circumstances of the case.
- 8.3 Restorative Justice
- 8.3.1 We will also, where appropriate, make referrals for Restorative Justice (RJ). RJ requires consent from both parties and an admittance of guilt from the alleged perpetrator or other party. The aim is to facilitate a meeting between the offender and victim that allows the offender to understand the harm they have caused; to try and make amends for their actions and reduce the likelihood of repeat behaviour. We strongly encourage the use of RJ as a means of achieving closure and resolution.
- 8.4 Warning Letters
- 8.4.1 We will issue warning letters, where appropriate and in some cases, this can be sufficient to bring the anti-social behaviour to an end.
- 8.4.2 This can be where the alleged perpetrator is either unaware of the harm their actions are causing to others or where the mention of possible legal consequences, such as the possible loss of their home, is sufficient to bring anti-social behaviour to an end.
- 8.4.3 Such letters will be carefully worded according to the circumstances of the case and available evidence at the time of writing.
- 8.5 Referral to support services
- 8.5.1 In some circumstances, other professional services may be able to provide a satisfactory end to the anti-social behaviour by providing support and guidance to the alleged perpetrator. We will always consider enlisting this additional help, whenever appropriate.

8.6 Acceptable Behaviour Contracts

- 8.6.1 These are sometimes also referred to as Voluntary Undertakings, Parenting Agreements or Good Neighbour agreements. In essence these types of agreement are appropriate for where the alleged perpetrator is willing and able to agree not to cause any further anti-social behaviour. We will monitor such agreements and take further action where appropriate.

8.7 Extending Starter Tenancies

Many of our new tenants will start their tenancies on a Starter Tenancy. This is a form of tenancy designed to see how the tenant can conduct their tenancy and if they can comply with all its conditions before we decide whether to convert it to a periodic tenancy or end their tenancy after 12 months. We do however have the power to extend a starter tenancy from 12 to 18 months where we believe the tenant may be able to adjust their behaviour and comply with the tenancy conditions, given some additional time. This, in some cases, can be sufficient to prevent further anti-social behaviour.

9 Tackling ASB through legal action

- 9.1 In some situations, non-legal means will not be possible and immediate legal action may be taken to protect our tenants, leaseholders and communities from those causing anti-social behaviour.

Resolving ASB through legal means:

- Notice of Seeking Possession
- Termination of Starter Tenancy
- Anti-Social Behaviour Injunctions for those perpetrating aged over 10
- Community Protection Orders
- Parenting Order
- Court Undertaking
- Noise Abatement Notice
- Dispersal powers
- Community protection notices
- Public spaces protection orders
- Closure Powers
- Demotion of Enhanced Assured Tenancy
- Possession and absolute grounds for possession

When resolving anti-social behaviour through non legal and legal means we may work with other partner agencies alone or in partnership.

10 Harassment/Hate Crime

- 10.1 We take harassment/hate crime in any form against any member of our community extremely seriously. Such conduct can have a very traumatic effect on the victim and a divisive effect on our communities.
- 10.2 Hate crime involves any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic. Hate crime can be motivated by disability, gender identity, race,

religion or faith and sexual orientation. However, any incident that is motivated by bias or prejudice against a person's identity can be considered a hate crime.

11 Domestic Abuse

- 11.1 The definition of domestic abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, or abuse between those aged 16 years or over who are, or have been, intimate partners or family members regardless of gender or sexuality.
- 11.2 Domestic abuse is a serious issue that can have a devastating impact upon the victim, their family, and the wider community regardless of race, geography, or social background. It is recognised that domestic abuse affects both adults and children, and it has a detrimental effect on their safety, security, health, and wellbeing.
- 11.3 Domestic abuse may fall within the definition of ASB, each case will be considered on its facts. We will be mindful of the needs of the victim to ensure they are supported. The use of enforcement tools will be used by Rooftop and or other agencies in appropriate cases (for example, to protect the victim and or impact upon the wider community).

12 Protection of staff

- 12.1 The association will take firm action if its staff, agents, or its contractors are threatened, abused, or subjected to ASB. This includes legal action, where appropriate, and referral to the police for investigation.
- 12.2 Rooftop will adopt a preventative approach to the management of its communities and ASB. All reported cases of ASB will be recorded and assessed. An Action Plan will be agreed with the complainant(s) and regularly reviewed with them.
- 12.3 Effective case management will underpin our approach to ASB, and this will include regular contact with the complainant(s) to keep them informed about the progress of their case.
- 12.4 The frequency and severity of incidents and the effect on the complainant will be considered.
- 12.5 We will build on our strong partnership working that aims to promote cohesive communities and reduce ASB.
- 12.6 When a complaint of ASB is made by or against someone we know or suspect to be vulnerable, we will tailor our approach and ensure that signposting to appropriate support is made available. We recognise that some customers may have vulnerabilities, including those with learning or physical conditions, mental health illness or other support needs. The needs of the vulnerable person will be handled appropriately, and if deemed necessary, in partnership with other agencies. While recognising an individual may have a potential disability or vulnerabilities, we will not ignore instances of ASB as it has a responsibility to the wider community and will balance these competing factors. Legal action will be pursued if it is considered necessary and proportionate.
- 12.7 Applications for accommodation with Rooftop may be refused where there has been a history of ASB. Each case will be considered on its own merits.
- 12.8 Within the legal definition of Section 1 of the Crime and Disorder Act 1988 and extended by the ASB, Crime and Policing Act 2014, this expressly includes customers that are not complying with the Government safety advice. Where a breach of injunction occurs, we will take legal advice in line with the CHIC framework and/or the police if a breach includes the power of arrest.

12.9 This will include where there is already ASB and/or there is a real risk of harm to others, in particular, within extra care and other supported housing.

13 Professional Training

13.1 All relevant staff will receive professional training on all aspects of ASB including legislation, tackling ASB effectively and supporting victims of ASB.

14 Review

14.1 This policy will be reviewed every three years unless there are major changes in legislation or good practice.

15 Consultation

15.1 Executive Team May 2023

15.2 Other (for example, customers) May 2023

16 Responsibilities

Responsible body

16.1	Formulation, amendment and approval of policy	Executive Team
	Monitoring of policy	Neighbourhood Manager
	Operational management of policy/policy author	Head of Housing
16.2	Date of formulation of policy	March 2019
16.3	Dates of policy reviews	May 2023 April 2021
16.4	Date of next policy review	May 2026

Associated documents

Internal – Rooftop policies and procedures

- ASB Process – Acceptable Behaviour Contract
- ASB Process – Cannabis
- ASB Process – Community Protection Notice Warning
- ASB Process – Cuckooing
- ASB Process – Neighbour Disputes
- ASB Process – Noise Complaint
- ASB Process – Warranted Search Procedure
- ASB Process

External

- Regulator of Social Housing's Neighbourhood and Community Standard
- ASB Crime and Policing Act 2014
- Police and Crime Act 2017