

Cornwall Rural Housing Association Limited

Anti-Social Behaviour Policy

1. Introduction

- 1.1 Cornwall Rural Housing Association (CRHA) is committed to maintaining thriving, safe communities, and we recognise that antisocial behaviour can have a detrimental impact upon individuals and communities.
- 1.2 This policy sets out our commitment to meeting the Regulator of Social Housing (RSH) Neighbourhood and Community Standard, which states:

‘Registered providers, having taken account of their presence and impact within the areas where they own properties, shall:
 - Identify and publish the roles they are able to play within the areas where they have properties.
 - Cooperate with local partnership arrangements and strategic housing functions of local authorities, where they are able to assist them in achieving their objectives.
 - Publish a policy on how they work with relevant partners to prevent and tackle antisocial behaviour in areas where they own properties.
- 1.3 In particular, this policy is to raise awareness of how to report anti-social behaviour and what we or other agencies can do to prevent and address it using a full range of tools and legal powers available.

2. Anti-social behaviour Definition

- 2.1 The Anti-social behaviour Act 2003 defines anti-social behaviour as “conduct which is capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions of a relevant landlord”.
- 2.2 Where anti-social behaviour is housing related or linked to a residential property, the definition is any behaviour capable of causing or likely to cause a nuisance or annoyance. This definition sets the legal threshold that must be met in injunction applications and in possession proceedings.
- 2.3 CRHA issues its customers two types of Tenancy Agreement namely an Assured Non-Shorthold Tenancy Agreement and an Assured Shorthold Fixed Term Tenancy Agreement. Within both agreements customers are obligated to adhere to conditions relating to nuisance, racial and other harassment and noise. Where a customer is displaying anti-social behaviour CRHA will take legal action on Grounds 12 and 14 of the Housing Act 1988 Section 8, as amended by Section 151 of the Housing Act 1996, and Section 97 of the Anti-Social Behaviour. Crime and Policing Act 2014.

2.4 Anti-social behaviour can range from nuisance behaviour through to serious or criminal activity and includes but is not limited to:-

- Fly-tipping
- Garden nuisance
- Animal nuisance, such as allowing dogs to stray
- Vehicle nuisance such as car repairs
- Noise nuisance, such as loud music
- Using or dealing drugs
- Harassment
- Verbal abuse
- Violence or threats of violence
- Damaging, or threatening to damage, property
- Drunken or rowdy behaviour
- Criminal activity.

2.5 Hate crime, hate-related incidents and harassment are also considered as anti-social behaviour within the framework of this policy. CRHA pride themselves on putting our customers at the heart of what we do and want to create an inclusive environment, treating people as individuals and celebrating their diversity. We will not tolerate hate crimes/incidents in any form. We aim to ensure that no one is treated less favourably on the grounds of disability, race or ethnicity, religion or belief, sexual orientation, or transgender identity.

2.6 A hate crime can include verbal abuse, intimidation, threats, harassment, assault, bullying, damage to property and the perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the victim for financial gain or another criminal purpose.

2.7 Reports of hate crime or hate incidents will be dealt with as high-priority cases of anti-social behaviour.

3. Legislation and Regulation

3.1 This policy incorporates a number of legislative and regulatory guidance. The following is a list of documents and associated policies and publications:-

- Housing Act 1996/2004
- Housing Act 1988
- Equality Act 2006/2010
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Landlord and Tenant Act 1985
- RSH Consumer Standards
- Data Protection Act 2018
- Safeguarding Vulnerable Adults Act 2006
- Safeguarding Vulnerable Groups Act 2006
- Mental Capacity Act 2005
- Criminal Justice Act 2003
- ASB Action Plan 2023

- Antisocial Behaviour, Crime and Policing Act 2014
- Anti-Social Behaviour Act 2003
- Protection from Harassment Act 1997
- Domestic Abuse Act 2021
- The charter for social housing residents: social housing white paper
- Social Housing Regulation Act 2023
- National Housing Federation Document Retention Schedule

4. Reporting Incidents

- 4.1 CRHA aim to create sustainable neighbourhoods where people feel safe and confident to come forward and report anti-social behaviour. We will encourage the reporting of ASB in a number of different ways, including:-
- In person to our visiting Officers
 - via CRHA's My Home Portal
 - telephone
 - email
 - text including our social media platforms
 - our website
 - a third party, such as a local Councillor
- 4.2 When a customer reports incidents to us, we will encourage them to do so as they occur. Any delay in reporting may limit any action we can take if the report relates to historic events. This will be discussed with the customer as part of the reporting and risk assessment process.

5. CRHA's Response to Reports

- 5.1 All reports will be dealt with promptly and within the specific timescales set out in this policy. We will take a reasonable and proportionate stance to reports, considering the individual circumstances of each case. The majority of anti-social behaviour reports will not require legal action and will be resolved through early intervention from our Tenancy Management Officer.
- 5.2 CRHA will encourage its customers to be considerate neighbours and to resolve issues between themselves. Where appropriate we will support them to reach a solution including outsourcing mediation to intervene.
- 5.3 CRHA will manage expectations and keep victims informed about the progression of their case. In addition, we will assist customers and signpost them to agencies who can give them appropriate support and assistance (where required). We will agree a specific action plan with each complainant, including timescales for how often they would like to be contacted.
- 5.4 CRHA will carry out a risk assessment of each complainant, in order to assess whether there is any additional support that they need.
- 5.5 In cases of repeat or vulnerable victims we will work with them to ensure that there is a support network to help them manage the situation.

- 5.6 CRHA will also offer support to perpetrators of anti-social behaviour to assist them to resolve problems on a longer-term basis; however, in some serious cases, we may proceed immediately with legal action without offering support.
- 5.7 CRHA will deal with all reports of anti-social behaviour in a sensitive manner. We appreciate that some customers will be concerned about revealing their details when reporting anti-social issues; however, in most cases, we will need this in order to take effective action.
- 5.8 CRHA will treat all reports as confidential, unless we have permission to share information, if there is an immediate risk to the complainant and/or other residents, or if there are safeguarding concerns. Where possible we will try to protect anonymity, however, in some cases, where legal action is required, it may be necessary to reveal the identities of complainants (with prior agreement) as, without first hand evidence, it may not be possible to put forward a strong legal case. When anonymous complaints are received, where we can, we will investigate these complaints, however, we may be limited in the action that we can take without having a named complainant.

6. Type and classification of Anti-Social Behaviour

- 6.1 The table below identifies the types of ASB that may be reported, and how we classify them:-

One working day priority – initial contact attempted with complainant to be made within one working day	<ul style="list-style-type: none"> • Hate crime • Domestic abuse • Threats of violence • Intimidation/harassment • Criminal behaviour • Drugs/alcohol • Verbal abuse* • Dangerous dogs* • Noise* • Serious youth disorder*
Five working days' priority – initial contact attempted with complainant to be made within five working days	<ul style="list-style-type: none"> • Vehicle nuisance • Noise* • Verbal abuse* • Minor youth disorder* • Animal nuisance • Litter/fly-tipping • Garden nuisance • Dangerous dogs*

- 6.2 As the table above shows, there are many different types of anti-social behaviour. However, not everything that is reported to us will be classed as anti-social behaviour, and there are some minor complaints which we will not investigate; for example, noise which would be classed as everyday household noise, such as someone using a washing machine at a reasonable time of the day.

- 6.3 * In cases of noise, youth disorder, verbal abuse, and dangerous dogs, reports will be assessed and allocated a response time depending upon the nature, frequency and severity and risk associated to the nuisance being reported.
- 6.4 CRHA will consider enforcement action against complainants in cases where investigations lead us to believe that complaints are being made falsely or maliciously to cause upset or distress to others.
- 6.5 Cases will be closed when they have been resolved, and when the complainant is happy for us to do so. However, there may be circumstances when we close a case, even when the complainant does not want us to do so. These may be cases where we feel that we have done everything which is reasonable and proportionate to resolve the complaint and/or where there are no breaches of the Tenancy Agreement. In general, if there has been no contact made or any further complaints received within a 28-day period, we will look to close the case. CRHA will not assume that a case has been resolved, or a situation has improved, because we have not heard from the complainant; we will make every effort to contact them by a variety of methods prior to closure.
- 6.6 On closing each case we will record our reasons for closure and will ask the complainant for feedback about their experiences of using the service.

7. Tools and Powers

- 7.1 CRHA has a number of options available when dealing with anti-social behaviour, from early intervention through to legal action.
- 7.2 Where it is safe to do so we will encourage and support customers to resolve issues themselves with/without our involvement or using mediation.
- 7.3 Realistic advice from the outset will be given about what action we may be able to take, the level of evidence that will be required, and possible timescales. CRHA will take appropriate action where we have sufficient evidence to do so.
- 7.4 The tools and powers used to tackle the issue will be proportionate, considering the seriousness, frequency and impact of the anti-social behaviour as well as the level of risk that it poses. There may also be some cases reported to us where we are unable to act. In such cases, the reasons for this will be explained clearly to the complainants involved, and CRHA will always try to signpost customers to other agencies where this may be relevant.
- 7.5 The following is an explanation of some of the tools and powers that will be used, where appropriate, to resolve anti-social behaviour:

Written or verbal warnings

Early and informal interventions can establish clear standards of behaviour and reinforce the message that anti-social behaviour will not be tolerated. In many cases, the perpetrator may not be aware of the impact that their behaviour is having on

others, and the threat of more formal enforcement tools can be a sufficient incentive for an individual to change their behaviour.

Verbal warnings might be used where CRHA colleagues have reason to believe that anti-social behaviour has occurred or is likely to occur, and that the individual's behaviour could be considered to be unreasonable. Issuing a verbal warning, CRHA colleagues will explain what type of behaviour is causing the issue, and what effect it is having on the victim or the community and they will also explain the consequences if the perpetrator does not comply with the warning.

Written warnings will also contain specific information about the unacceptable behaviour, and the effect it is having on the victim or the community. They will also include references to particular clauses from the Tenancy Agreement, which the behaviour may be in breach of.

Records will be kept of any written or verbal warnings, so that they can be used as evidence at a later stage, should legal action be required.

Mediation/Restorative Approaches

Mediation or restorative approaches can be effective tools in solving issues by bringing all parties together. Mediation can be helpful in neighbour disputes, family conflicts and similar situations where it is difficult to identify the victim and the perpetrator.

Restorative approaches are useful where there is an admission of guilt and/or there is a clearly identified perpetrator.

For mediation or restorative approaches to be successful, all parties involved must be willing to come together to discuss their issues. To deliver long-term solutions, parties should agree a solution or a compromise that everyone is agreeable to. An independent third party will facilitate the conversation, and also ensure that all parties adhere to a set of ground rules so that everyone gets a chance to speak, and to put their point of view across. They can also draw up a written agreement, if required, that all parties can sign to formalise what has been agreed.

Mediation and restorative approach will only be offered where both parties agree to the process, there is no serious criminality involved and there is not an imbalance of power between the parties.

Acceptable Behaviour Agreement

Acceptable behaviour agreements are a written agreement between the perpetrator of the anti-social behaviour, and the agency (or agencies) who are working with them. The aim of the agreement is to put boundaries or rules in place to prevent further anti-social behaviour, and also to put forward some positive requirements for the perpetrator to work towards.

The terms of the acceptable behaviour agreement can be discussed with the perpetrator (and their parents or guardians, if the perpetrator is under eighteen years of age) before it is signed.

Acceptable behaviour agreements are voluntary, and there is no formal sanction associated with refusing to sign, therefore, if an individual does not want to sign, they cannot be made to do so. However, refusal to sign an acceptable behaviour agreement if followed by further incidents of anti-social behaviour, could lead to further enforcement action.

Injunctions

An injunction is a court order that prohibits a particular activity or requires someone to take a particular course of action. Where appropriate to do so, we will seek injunctions against perpetrators of anti-social behaviour, and particularly in cases involving harassment, threatening behaviour, or violence.

In addition to prohibiting certain types of behaviour, injunctions can also include positive requirements that the perpetrator must adhere to; for example, to engage with a particular agency or receive support for a particular issue.

Notice of Seeking Possession

This is a written warning, stating our intention to commence legal proceedings against a perpetrator's tenancy, and our reasons for doing so. A notice of seeking possession can be issued on the grounds of anti-social behaviour alone, or can be issued for multiple reasons where appropriate; for example, anti-social behaviour, rent arrears, or other breaches of the Tenancy Agreement.

Possession Orders/Absolute Ground for Possession

A possession order is a civil order which is granted in a county court, where anti-social behaviour is serious and persistent and where all appropriate methods of resolution have been tried but have been unsuccessful and there is merit in applying to court for a possession order.

Possession orders may be outright, meaning that the tenant is given a fixed period of time (usually between 14 and 42 days) to vacate the premises; or suspended or postponed, meaning that the tenant is allowed to remain in the premises provided that they abide by certain conditions and do not continue to breach their tenancy.

The Housing Act 1988 provides mandatory and discretionary grounds for possession. The Absolute Ground for Possession is intended for the most serious cases of anti-social behaviour and can be used for possession of Assured Tenancies where anti-social behaviour or criminality has already been proven in another court. For an absolute ground to be considered the tenant, a member of the tenant's household, or a person visiting the premises must meet one of the following conditions:-

- Convicted of a serious offence (specified in Schedule 2A to the Housing Act 1985)
- Found by a court to have breached a civil injunction
- Convicted of breaching a Criminal Behaviour Order
- Convicted of breaching a Noise Abatement Notice
- The tenant's property has been closed for more than 48 hours under a Closure Order for anti-social behaviour.

Closure Order including Partial Closure Order

The purpose of a Closure Order/Partial Closure Order is to allow the police or local authority to quickly close premises that are being used, or are likely to be used, to commit nuisance or disorder.

A Closure/Partial Closure Order can prohibit access to the premises at all times, or at specified times only. It may also prohibit access to the premises by everyone (including the tenant), or by specified persons only.

A Closure/Partial Closure Order can be made for a maximum of three months; however, the police or local authority can apply for an extension to this for up to a maximum of six months.

8. Partnership Working and Sharing Information

- 8.1 CRHA recognises that dealing with anti-social behaviour is not the sole responsibility of one agency. Multi-agency working is an important tool in taking a holistic approach to tackling anti-social behaviour in our communities. Where possible, we will work with other agencies to combine resources, and take a partnership approach to find a suitable resolution to anti-social behaviour issues.
- 8.2 CRHA will regularly review (with partner agencies where relevant) the areas where anti-social behaviour is reported, in order to identify any trends or 'hot spots'. Plans will then be agreed and will outline what measures will be put in place to tackle the problems.
- 8.3 Examples of our partner agencies include, but are not limited to:-
 - Devon and Cornwall Constabulary
 - Cornwall Fire & Rescue Service
 - Cornwall Council (including Neighbourhood Wardens, ASB Officers, Environmental Health, Children and Adult Services, Housing and Education)
 - Probation Service
 - First Light and other domestic abuse support services
 - Substance misuse support services.

9. Confidentiality, Data Protection and Information sharing

- 9.1 Data sharing with the police, local authority and other partners is limited by the Data Protection Act 2018, and we will agree data sharing protocols with them.

- 9.2 While we respect privacy and confidentiality and are mindful of our obligations under the Data Protection Act, tackling anti-social behaviour requires the ability to exchange information with statutory and non-statutory agencies.
- 9.3 In addition to sharing information to resolve anti-social behaviour, we will also share appropriate information with statutory agencies where we have reason to believe that there are safeguarding concerns, or where someone may be at risk.

10. Performance monitoring and review

- 10.1 CRHA will collate and monitor performance in relation to anti-social behaviour and hate crime reports as part of their complaints handling.
- 10.2 CRHA will, as part of their customer satisfaction surveys, ask customers every two years a set of standard questions relating to anti-social behaviour to gather feedback. Feedback and analysis will be used to identify any trends and to continuously improve service delivery.
- 10.3 In seeking to meet the Regulator of Housing consumer standards, we will closely monitor and measure the quality of the service we provide.
- 10.4 Performance will be reported to CRHA's Board of Management.

11. Roles, Responsibilities and Review

- 11.1 The Head of Homes and Customers will be responsible for the implementation and review of this policy.
- 11.2 The operational day to day delivery of the policy is the responsibility of the Tenancy Management Officer.
- 11.3 All CRHA colleagues are responsible for reading and familiarising themselves with this policy.
- 11.4 CRHA will ensure that all relevant colleagues receive anti-social behaviour training. Due to the range of skills required to effectively manage complaints of anti-social behaviour, and identify any vulnerabilities or support needs, all appropriate training will be provided.
- 11.5 In addition, all colleagues will be given regular safeguarding and domestic abuse training, and will be updated on any changes to policy, procedure or legislation around anti-social behaviour.
- 11.4 This policy will be reviewed every three years or is subject to changes in relevant legislation.

12. Complaints

- 12.1 If a customer is unhappy about a decision in relation to this policy, they should make their complaint to CRHA in the first instance, or alternatively seek advice from the Housing Ombudsman before doing so.

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