

ANTISOCIAL BEHAVIOUR POLICY & PROCEDURE

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Introduction

As a responsible social landlord, Hornsey Housing Trust (HHT) is committed to preventing and addressing incidents of Antisocial Behaviour (ASB) and supporting tenants and other residents who suffer as a result.

1. Scope

1.1 This policy applies to tenants of Hornsey Housing Trust (HHT):

1.2 This policy applies when Hornsey Housing Trust receives reports from or about the following tenure/s: Assured, Assured Shorthold, supported housing, and commercial premises.

1.3 This policy applies when Hornsey Housing Trust receives reports from a freeholder or a non-service user about any of the above; however, where Hornsey Housing Trust receives reports from a freeholder about another freeholder or a non-service user about another non-service user, this does not apply.

1.4 The policy provides that:

- HHT will respond to reports of ASB if it is alleged that our tenants, members of their household or visitors are perpetrators of ASB;
- HHT is committed to finding ways of acting with and on behalf of our tenants who experience ASB caused by people who are not our tenants; and
- As far as is reasonably practicable, HHT will provide a range of measures designed to prevent ASB, such as setting clear policies for managing ASB, explaining the rights and obligations contained within the tenancy agreement, carrying out follow on visits to tenants and HHT sites, promoting and encouraging mediation where applicable, publicising successful outcomes, and working with partner agencies to tackle ASB.

2. Main Provision of Policy

- 2.1 HHT will strive to create an environment in which ASB of any nature will not be tolerated and which empowers communities to deal with problems before they escalate.
- 2.2 HHT will deal sensitively with all reports of ASB and promote a culture that encourages victims to report any incidents that affect them.
- 2.3 HHT will investigate reported incidents and deal with incidents of ASB appropriately and flexibly and as quickly as possible.
- 2.4 HHT will seek to support victims of ASB by working with them to find an approach with which they are comfortable.
- 2.5 HHT will ensure victims of ASB are kept up to date with issues relating to them and agree when and how we will communicate with them.
- 2.6 HHT reserve the right to consider all available management and legal remedies to deal with ASB.
- 2.7 HHT aims to take strong but fair action against the perpetrators of ASB where it has the powers to act as a landlord. To this purpose, where appropriate, HHT will take possession action against perpetrators. In some cases where the perpetrator(s) is/are not the tenants we will take action against any tenants who are responsible or associated with the perpetrator(s).
- 2.8 Where HHT do not have the power to act, or where other agencies are better placed and equipped to deal with a solution, we will make this clear in our response to a complaint of ASB. In such situations HHT will work with other agencies and, where possible, take action to complement their approach. For example, where an instance of ASB is also a criminal offence, HHT will work with the police to deal with the problem.
- 2.9 **HHT will not investigate criminal matters perse and will signpost complainants to the Police which is the most appropriate agency to investigate criminal matters.** HHT will however work with partner agencies, including the Police, to find strategies for supporting victims and dealing with the perpetrators of ASB.
- 2.10 HHT will promote any partnerships with other Housing Associations, the Local Authority or Police to combat and /or prevent ASB.

Responsibility

- 2.11 HHT expects all tenants to comply with the standards of acceptable behaviour which are set out in their tenancy agreement.

Monitoring, Review and Evaluation

2.13 HHT will review our policy and procedures regularly to ensure they remain up to date.

3. Policy Statement

3.1 This policy and the associated procedure sets out HHT's approach to tackling ASB, through prevention, enforcement and support. Its purpose is to prevent and minimise the amount of ASB that our tenants and service users suffer, which impacts adversely on our communities.

3.2 This policy sets out what HHT expect from our tenants and service users and what they can expect from HHT to protect their right to peaceful enjoyment of their home and their community.

3.3 HHT accepts that:

- Everyone has the right to their chosen lifestyle providing this does not spoil the quality of the lives of others. This implies tolerance, consideration and respect for the requirements and needs of others;
- HHT has a role as landlord in ensuring that such rights and obligations are realised in individual cases; and
- The Local Authority and Police Authority have a larger role within the arena of the public interest to promote and protect the interests of those living within their boundaries.

3.4 HHT will demonstrate by its actions that it will not tolerate ASB. HHT will make this absolutely clear to our tenants and service users and to any person who is seeking or entering into a tenancy.

4. Policy Aims

- To ensure that the relevant employees of HHT are trained and equipped to respond swiftly and effectively to reports of ASB and prevent reports escalating into more serious incidents.
- To raise awareness amongst tenants, staff and other relevant stakeholders of the tools and powers available, to both staff and tenants, to tackle ASB.
- To minimise the amount of ASB that HHT tenants experience through preventative action, rehabilitation of perpetrators and community cohesion activities.
- To develop and maintain effective partnerships with local and national agencies with whom HHT can collaborate in tackling ASB.

5. Definitions

Anti-Social Behaviour

- 5.1 This policy and associated procedure is designed to deal with ASB that directly affects the housing management functions* of HHT, as a 'relevant landlord', and as defined by and incorporated into Sections 153A and 153B of the Housing Act 1996 by Section 12 of the ASB Act 2003 and the ASB Crime and Policing Act 2014.
- 5.2 The term 'ASB' is used to describe actions that unreasonably interfere with or could interfere with a tenant's normal use and enjoyment of their home, garden or neighbourhood. The definition extends to behaviour that can create a nuisance or annoyance for another person connected with the property, including HHT's staff and contractors (*see Anti-Social Behaviour, Crime and Policing Act 2014 for full definition*).
- 5.3 The housing management function of the landlord covers any activity that the landlord would undertake in the day to day and strategic management of their properties. This would include but is not limited to:
- Tenant and occupier participation;
 - Maintenance and repairs;
 - Rent collection;
 - Site management.
- 5.4 Matters that might indirectly affect the housing management function include social care and housing support, environmental health, disposal of rubbish and other services that enable the efficient operation of the landlord.

Hate Crime

- 5.5 HHT defines Hate Crime as any crime or incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a persons' race, religion, sexual orientation, disability or gender identity. Hate crimes include but are not limited to:
- Threatening behaviour;
 - Assault;
 - Robbery;
 - Damage to property;
 - Inciting others to commit hate crimes;
 - Harassment.

6. ASB or not ASB?

- 6.1 HHT accepts that neighbours may naturally have different values or opinions and sometimes this can cause problems. HHT expect our tenants to show consideration to their neighbours as well as understanding that we all have a right to live our lives.
- 6.2 Not all reports relating to behaviour that impacts on an individual can be deemed ASB. It is important to show tolerance and be respectful of differing lifestyles and circumstances.
- 6.3 The following are some examples of reports that are not deemed to be anti-social behaviour:
- Family disputes;
 - Smells from cooking;
 - Sounds of normal living that can be heard such as opening and closing of doors, going up and down stairs;
 - One-off parties such as BBQs, birthday or Christmas parties providing they don't cause an unacceptable disturbance;
 - Clashes of lifestyle, including cultural differences;
 - Minor personal differences between households such as dirty looks or fall outs;
 - Putting rubbish out on the wrong day;
 - Parking in the wrong bay.
 - Social Media use, posts or comments
 - Noise due to lack of insulation between properties
 - Day to day household noise during daylight hours (7.00am – 11.00pm)
- 6.4 HHT will work to manage tenant's expectations in regards to behaviour that is not deemed ASB. HHT will offer advice and guidance to encourage and enable them to deal with or manage the situation themselves.

7. Tenant's Responsibilities - Conditions of Tenancy Agreement

- 7.1 HHT expect our tenants not to commit, or allow their family, household members, visitors or pets to commit acts of ASB. This includes harassment, noise nuisance, annoyance or disturbance, whether to other tenants, their visitors or other people in the area, such as our staff and contractors.
- 7.2 In addition to the legal responsibilities set-out in their tenancy agreement, we will encourage all tenants to:
- (i) Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner.

- (ii) Report all incidents of ASB.
- (iii) Report all crimes, including threats or acts of violence, to the Police.
- (iv) Respect other peoples' right to their chosen lifestyle and be tolerant of everyday, reasonable levels of disturbance; examples may include cooking smells, household noise, or religious practices.
- (v) Work and cooperate with HHT fully to resolve disputes/issues, for example by:-
 - Reporting matters to us promptly,
 - Not engaging in any kind of retaliatory ASB themselves
 - Following our reasonable instructions or advice to manage cases/resolve issues,
 - Managing their own wellbeing by for example asking for help from their GP, other health professionals or engaging with other support agencies,
 - Agreeing to or attending mediation,
 - Providing witness statements,
 - Attending court etc.
 - Accepting or taking any practical measures to alleviate the impact of any ASB

8. Action to Deal Effectively with ASB

- 8.1 The HHT response to allegations of ASB will be proportionate and appropriate and will commit to the following:
- Preventative action; setting clear ASB policy and expectations, signing of tenancy agreement including clauses on what constitutes ASB, making referrals for support where support needs are notified to us and where perpetrators pro-actively engage with support agencies etc
 - Early intervention e.g. warning letters, advice from housing officers, reminders of tenancy obligations, offer of Mediation, Acceptable Behaviour Contracts, working jointly with partner agencies etc
 - Provision of support and advice for those reporting ASB and witnesses;
 - Provision of support or referrals to other agencies for perpetrators;
 - Legal action against perpetrators (whether by us or another agency), including the use of injunctions and possession action
- 8.2 Except in very serious cases, HHT initial intervention will aim to stop the problem behaviour, prevent re-occurrence and achieve effective and long-lasting solutions.
- 8.3 HHT aim to provide a balanced approach between protecting the quiet enjoyment of the community, with helping individuals to sustain their tenancies by addressing the ASB.
- 8.4 HHT believe that in many incidences, ASB can be stopped when challenged early enough. Wherever possible, HHT will use early non-legal remedy intervention measures.

- 8.5 Where non-legal remedy is unsuccessful in resolving the ASB, HHT will consider taking legal action in order to do so.
- 8.6 HHT will only consider eviction as a last resort either where other action has been unsuccessful or where the ASB is of a serious or persistent nature.
- 8.7 HHT will ensure any legal action is taken in line with the Pre-Court Action Protocol.

9. Service Standards

- 9.1 HHT service standards in relation to ASB are:
 - Respond within HHT published timescales when you report ASB.
 - For high-risk cases, HHT will develop an appropriate action plan with you (high-risk cases, for example, are those involving hate crime, domestic violence, or violent actions).
 - Agree a timescale with you for keeping you informed of the progress of your case.
 - Contact you to discuss your case before we close it.
- 9.2 HHT aim to deal effectively with all cases in order to resolve them at the earliest opportunity. HHT will record anonymous reports, but only take action if the ASB can be substantiated either by staff or where additional evidence is forthcoming.
- 9.3 All parties in an ASB case will be treated fairly and listened to on an equal basis. Counter allegations will be treated as separate cases and action will be taken based on the evidence available.

10. Support

- 10.1 HHT aim is to create sustainable communities and an environment where victims and witnesses feel confident and safe in coming forward to report ASB. HHT will provide support to the person making the report and witnesses to ensure their own well-being and that action against perpetrators is as successful as possible. HHT will support complainants of ASB by:
 - Dealing with their reports fairly
 - Managing their expectations and being realistic about what HHT can and can't do;
 - Involving them in discussions about the action plan to resolve their issue;
 - Agreeing with them a preferred method and frequency of communication;
 - Carrying out risk assessments and referring them to appropriate support services where necessary;
 - Signposting and referring them to other agencies;
 - Providing good, regular and up-to-date information on the progress of cases;

and

- Offering advice and making referrals for re-housing, in high risk cases, where we are satisfied that it is reasonable and necessary to protect the individual.

10.2 HHT recognises that we cannot always prevent people becoming repeat victims of ASB; therefore, it is important that we ensure there is a suitable and appropriate support network around each individual to enable them to manage their situation until a satisfactory resolution is achieved.

10.3 HHT will offer support to perpetrators of ASB in order to assist them in resolving problems on a long term basis; we will support perpetrators by:

- Reminder them of their tenancy obligations
- Offering advice and giving warnings about unacceptable ASB behaviour
- Giving them a chance to resolve the problem by changing their behaviour;
- Signposting and referring them to other agencies who can offer support.
- Expect perpetrators to take active steps to engage with their health or support providers to address their behaviour, health or support needs

10.4 In serious cases where anyone involved is at risk of violence or threat of violence or where we deem the ASB to be serious in nature, we may proceed immediately to legal action, without offering any form of support to the perpetrator.

11. Partnership Working

11.1 HHT will adopt a multi-agency approach to tackling ASB to benefit from sharing of expertise, data and resources, including feeding back on the effectiveness of services and working towards solutions to specific area issues. HHT will work in partnership with statutory organisations, partnering agents, community groups, professional bodies and other stakeholders to support individuals who report ASB, witnesses and perpetrators' and to manage behaviour. We will work in partnership at a strategic and operational level.

12. Protection of Staff

12.1 HHT acknowledges that all of our staff, agents or contractors are entitled to expect to work in an environment that is safe, secure and free from fear of violence, threats of violence or abuse. As such, any behaviour of this nature directed at HHT staff, agents or contractors is deemed to be unacceptable and appropriate action will be taken against those responsible

13. Regulatory Code & Legal Framework

- 13.1 The Homes and Community Agency's Neighbourhood and Community Standard for ASB require Registered Providers to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where they own homes. This standard also requires that in their work to prevent and address ASB Registered Providers demonstrate:

- That tenants are made aware of their responsibilities and rights in relation to ASB
- Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
- Preventative measures are considered
- 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
- 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
- Provision of support to victims and witnesses.

14. Training

14.1 HHT is committed to ensuring staff have the confidence and knowledge to identify and investigate incidents and reports of ASB. All relevant staff will receive an induction into ASB and access to up-to-date ASB information.

15. Monitoring, Review & Evaluation

15.1 Monitoring of ASB cases will be done on a regular basis.

15.2 HHT monitor satisfaction levels and use tenant's views to improve our ASB service.

15.3 This policy will be reviewed at least every three years and updated to reflect any changes to corporate/customer requirements and targets; and updates to legislation.

16. Diversity & Inclusion

16.1 HHT will treat all customers with fairness and respect. HHT recognise that we have an ethical and a legal duty to advance equality of opportunity and prevent discrimination on the grounds of age, sex and sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

16.2 All customers will have access to this document either through our website or on request from our office.

17. Publicising the Policy

17.1 HHT will publicise its policy on ASB to customers, staff and other stakeholders in a number of ways:

- Tenants newsletters;

- Tenants handbook;
- HHT website;
- Promoting the action taken or success with dealing ASB;
- Working with and through local partner agencies

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Examples of Grade 1 ASB

- Acts of physical violence or threats of violence or acts that represent a significant risk of harm (physical, mental, emotional) to the complainant or their household or visitors to their household;
- Racial abuse / harassment / offensive graffiti which is hate crime related;
- Arson to property;
- Homophobic or sexist abuse / harassment/ graffiti or that which identifies an individual or is directed at them.
- Serious ASB in terms of its nature and frequency; causing fear and intimidation;
- Noise nuisance deliberately aimed at an Individual;
- Intimidating and threatening behaviour by an individual or a group of individuals, aimed at complainant or member of their household or their visitors;
- Confirmed / evidenced threatening or offensive material / correspondence;
- Using premises for immoral / unlawful behaviour e.g. prostitution or drug dealing.

How Hornsey Housing Trust respond to Grade 1 ASB

HHT aim to:

- Make contact with victims within **5 working days of the complaint being received or 1 working day if there have been actual violence or racist abuse or graffiti** which is hate crime related.
- Make contact with the perpetrator within **5 working days or 1 working day if there has been violence or the threat of violence.**
- Make contact with any witnesses to the incident within 10 working days of the complaint being received.
- After carrying out the interviews the initial grade will be reassessed, and an appropriate action plan will be drawn up with the victim.

Examples of Grade 2 ASB

- Behaviour which, although a breach of tenancy, is neither intimidating nor threatening and does not appear personally targeted;
- Drinking and drugs use associated rowdy behaviour (non-threatening);
- Conducting a business from someone's home;
- Regular noise nuisance between the hours of 11pm and 7am (or at other times, according to reported severity and frequency);
- Blocking access to communal areas;
- Criminal damage to communal areas and association property;
- Persistent/frequent dumping of rubbish /fly-tipping/posting.
- Setting fires in external communal areas (e.g. bonfires);

How Hornsey Housing Trust respond to Grade 2 ASB

HHT aim to:

- Make contact with the victim and any **witnesses within 10 working days** of the complaint being received.
- Make contact with the **perpetrator within 10 working days** of the complaint being received.
- After carrying out the interviews the initial grade will be reassessed, and an appropriate action plan will be drawn up with the victim.

Examples of Grade 3 ASB

- Acts of ASB that have either not occurred before and do not, by their nature, belong in categories 1 or 2 and/or are not in themselves, breaches of tenancy;
- Doing one's own car repairs;
- Car parking;
- Allowing a visitor to reside in your home
- One-off / intermittent indiscriminate noise nuisance (e.g. a party);
- Throwing things (unless deliberately aimed at someone, in which case, according to what exactly is being thrown, would put the behaviour into categories 1 or 2);
- Climbing up on buildings (if no damage occurs);
- Animal problems (e.g. dogs barking; but would be Grade 3 if persistent/frequent);
- One-off neighbour arguments.

How Hornsey Housing Trust respond to Grade 3 ASB

- HHT will record your complaint but will not usually open an ASB case. Instead, we will usually offer advice to complainants or perpetrators. We will also encourage you/both parties to reconcile the difference yourselves or to consider mediation.
- If any action is required we aim to interview both the victim and the perpetrator within **20 working days** of the complaint being received.
- After carrying out the interviews the initial grade will be reassessed, and an appropriate action plan will be drawn up with the victim.

Appendix 1

ASB CHECKLIST FOR STAFF

All cases under this policy should be assessed on a case by case basis, the following actions may not be sequential, professional judgement should be exercised in all cases.

	Possible Action	YES/ and Date	NO	Previously Tried (PT) or NA
1	Interview complainants within timescales for grades 1,2 and 3			
2	Complete risk assessment at first interview for complainants/use professional judgement if any referrals to victims panels/MARAC or social services			
3	Interview perpetrator within timescales for grades 1,2 and 3			
4	Electronic marker added to Messages & Warnings system for perpetrator if appropriate (send template letter)			
5	Home visits restricted /not offered (where staff safety concerns)			
6	Double/Two staff visits only to perpetrators home address agreed			
7	Add Support Sentence to all perpetrator correspondence e.g “If you require any support or referrals to be made by HHT, please let us know, and we will be more than happy to assist.” OR “If you have any medical or health issues, I would strongly advise that you make contact with your GP or health professionals to ensure you receive the appropriate care and support.” * Add this to every letter sent*			
8	Statements obtained from any victims/staff/contractors about perpetrators behaviour			
9	Make referrals for support for perpetrator			
10	Make referral support for victim/complainant			
11	Case referred to local authority ASB case panel;/Vulnerable Victims Panel			
12	Issue warning letter to perpetrator for ASB if any allegations admitted			
13	Issue warning letter No.2 if further ASB proven. Provide copy of tenancy agreement pointing out tenancy ASB closes.			
14	Mediation offered (where appropriate)			
15	Send perpetrator GP consent form if any health/disability issues			
16	Case reviewed by Manager			

17	Update risk assessment for complainant if more than 2 months old or significant change in circumstances or increase in ASB			
18	Single Point of Contact (SPOC) for phone calls notified if perpetrator abusive to staff			
19	Complete Equality Impact Assessment before any legal action			
20	Consider ABC for perpetrator where warnings ignored			
21	Consider using checklist in Unacceptable Behaviour Policy if perpetrator is abusive to staff			
22	Police disclosure obtained for perpetrator			
23	If drug use, drug dealing or drug presence, consider closure order in conjunction with police or local authority			
24	ASB Injunction applied for / Legal action commenced			
25	Consider using NOSP if all other warnings and actions have failed			
26	NOSP served / Legal action commenced			
27	Suspended Possession granted by Court			
28	Eviction/Outright Possession granted by Court			
29	Recovery of legal costs or enforcing terms of any Court order			

National Standards/Regulation:

RSH Consumer Standards 2024 – Neighbourhood & Community Standard

Key Legislation:

Anti-Social Behaviour Crime and Policing Act 2014, Equality Act 2010, Human Rights Act 1998, The Crime and Disorder Act 1998, Housing Act 1996, Anti-Social Behaviour Act 2003

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