



Anti-Social Behaviour Policy and Procedure (Pivotal Housing Association)

1.0 Introduction

- 1.1 As a Registered Provider of social housing, Pivotal Housing Association (PHA) operates within legislative and regulatory requirements. The Regulator for Social Housing's Regulatory Framework requires providers to work in partnership with other public agencies to prevent and tackle anti-social behaviour (including harassment) in the neighbourhoods where we provide homes. Pivotal respects the right of all to enjoy a peaceful and secure environment.

2.0 Definition of terms

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 defines Anti-Social Behaviour (ASB) as:
- 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.
- 2.2 For the purposes of this policy, ASB is defined as 'Behaviour which causes or is likely to cause a nuisance or annoyance to another person or the use, or threat to use, housing accommodation for immoral or illegal purposes.'
- 2.3 In addition, we recognise harassment against all protected characteristics under the Equality Act 2010.

Harassment Any incident or intimidating act that is persistent and deliberately directed at a person or group of people for a specific reason e.g., sexual, cultural, ageist or homophobic, which results in causing offence, concern and distress to that person or group of people.

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Anti-social behaviour can also include (not an exhaustive list):

- Intimidation of others through threats or actual violence;
- Harassment (including racial harassment);
- Domestic, verbal, or other abusive behaviour (e.g., homophobic behaviour);
- Noise nuisance, including persistent disturbances from building or renovation work;
- ASB linked to mental health crises impacting the community;
- Fly-tipping, dumping of rubbish, animal nuisance;
- Vandalism, property damage, and graffiti;
- Use of the property for illegal purposes.
- Vexatious customer complaints

3.0 Scope

- 3.1 This policy applies to Pivotal Housing Association colleagues, ASB reports from, or about, any property owned or managed by Pivotal, and the customers we support. It also includes visitors to our properties and private residents in local areas where we provide services.
- 3.2 Pivotal Housing Association acknowledges that some ASB matters fall beyond the Association's remit, requiring intervention by the Police or Local Authorities.

4.0 Aims

- 4.1 This policy aims to outline our approach to ASB, including domestic abuse and hate crime. It outlines how, taking a preventative approach and acting with the aim of stopping problem behaviours and preventing their recurrence, we will manage ASB, support our customers, and work with partner agencies to tackle and prevent wider issues relating to it.

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Policy statement

Where ASB occurs, Pivotal is committed to taking a balanced approach with a focus on:

- prevention;
- early intervention;
- information, advice and assistance;
and
- where necessary, enforcement action.

5.0 Examples (not an exhaustive list) of when Pivotal will not take action to address ASB

5.1 These include:

- when a customer makes a complaint about ASB and the perpetrator is not our customer or a visitor to our property (the customer will be encouraged to contact the Police);
- when there is insufficient evidence to support an ASB complaint from customers or those in other agencies;
- when nuisance is suffered as a result of others doing something that is deemed reasonable and is the result of everyday living activity;
- minor disputes between customers living in Pivotal accommodation. In such circumstances, we would encourage those involved to resolve these issues between themselves or with the assistance of Pivotal colleagues.

6.0 Customer responsibilities

6.1 We expect our customers not to commit, or allow their visitors or pets (where allowing pets has been agreed with Pivotal) to commit ASB in respect of other customers, visitors or other individuals in the area including our staff and contractors.

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6.2 In addition to the legal responsibilities set out in the tenancy or licence agreement we will encourage customers to:

- be realistic in their expectations of what we can do as a housing provider;
- take responsibility for minor personal disputes and to try to resolve issues themselves in a reasonable manner before contacting us;
- report all incidents of ASB and report all crimes to the Police, Environmental Health or other appropriate department;
- not to retaliate when faced with ASB as this could result in counter allegations being made;
- co-operate with any ASB investigations if allegations are made and we gather evidence (we take a sensitive and respectful approach to victims and witnesses of ASB and ensure staff use appropriate measures to assess risk and protect customers);
- respect equality, diversity and inclusion and the rights of other people to their chosen lifestyle, being tolerant of everyday, reasonable disturbances;
- co-operate with us fully to resolve ASB issues.

Procedure

7.0 Acting on reports of ASB

7.1 All ASB reports will be recorded on the ASB register.

8.0 ASB reports from, or relating to, Pivotal customers or properties

8.1 All ASB reports from, or relating to, Pivotal Housing Association customers or properties will be immediately referred to the appropriate Housing Officer.

8.2 As a first step, the Housing Officer will categorise the reported incident depending on their assessment of the seriousness of the incident, the risk posed to the victim(s) and the impact on others and the neighbourhood.

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8.3 Reported incident categories are (in order of importance):

- **Urgent:** e.g., hate crime, domestic abuse (PHA aims to contact within 24 hours);
- **Serious:** e.g., suspicion of drug dealing (PHA will respond the next working day following receipt of a report);
- **Minor:** e.g., official reports about non-offensive graffiti, inconsiderate household noise (PHA will respond within five working days of receiving the report).

Note: An ASB case may be re-categorised at any stage of our investigation.

8.4 Pivotal will assess each case and use early interventions if appropriate to do so e.g., warnings, meetings, partnership visits, acceptable behaviour agreements.

8.5 Where appropriate Pivotal may refer an ASB case to an Assessment or Mediation service. These services will be offered by a company independent of Pivotal.

8.6 In serious cases of proven ASB, Pivotal may act to evict a customer (see Pivotal's Eviction Policy and Procedure). At such times we will always act equitably and proportionately, in alignment with legal and regulatory requirements and the needs of the victim, perpetrator and wider community.

8.7 We will investigate anonymous ASB reports if the report can be substantiated e.g., by evidence from a third party. If allegations of ASB cannot be substantiated e.g., drug-dealing, we may refer this information to a more appropriate agency to investigate.

9.0 ASB Warnings procedure

9.1 Pivotal expects its customers to act responsibly, in accordance with Section 6.0 of this policy and procedure. Where ASB occurs, we will take a fluid approach, including a staged process of warnings, providing information and advice and working with other support agencies as appropriate.

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9.2 Depending on the level and severity of the ASB identified this may range from an informal verbal warning (recorded on the customer file) to taking a more formal approach, including the following:

- Sending a first formal letter advising that the ASB is alleged, including an invitation to meet with the Housing Officer (see template on the P drive/Properties/8.ASB).
**The Housing Officer should confirm in writing the outcome of the meeting.*
- Sending a second formal letter advising that the ASB is known to have continued and this is unacceptable (see template on P drive/Properties/8.ASB).
**The Housing Officer should confirm in writing the outcome of the meeting.*
- Issuing an Anti-social Behaviour Agreement (ABA). An ABA may be issued at any stage during the warning procedure (see template on the P drive/Properties/8.ASB) for more information about ABAs).

9.3 Where it is identified that a crime has been committed Pivotal will also inform the Police.

10.0 Recording and monitoring ASB

10.1 Pivotal colleagues must always record and monitor cases of ASB on the ASB register.

10.2 The ASB register will be inspected monthly by Pivotal's Housing Services Manager.

11.0 Support

11.1 Pivotal Housing Association will always aim to work positively in the areas where we provide housing and support services and ensure that all victims reporting ASB feel confident in coming forward.

11.2 Pivotal Housing Association will provide support both to the person reporting ASB and witnesses to ASB to ensure their own well-being and that action against perpetrators is as successful as possible.

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11.3 Pivotal Housing Association will:

- offer a range of methods for reporting ASB e.g., face to face with Pivotal colleagues, by contacting us via the Pivotal website, by phone or letter;
- use translation services if these are required;
- deal with ASB reports promptly;
- manage customer expectations and be realistic about what we can and can't do;
- discuss the ASB issue and any action plans we formulate to try to resolve the situation with the complainant;
- update risk assessments during the initial investigation, assessing any support or vulnerabilities, signpost, and make referrals to other support agencies where necessary;
- in serious cases, offer pre-hearing court visits accompanied by Pivotal Housing Association colleagues and pre-trial briefings which would be undertaken by a solicitor.

11.4 Pivotal appreciates that some perpetrators of ASB may be vulnerable and in need of support to enable them to sustain their accommodation. If appropriate, we will work with other agencies to support them.

11.5 Pivotal Housing Association is committed to holistic support, including referrals for vulnerable perpetrators to specialised agencies to address underlying issues like mental health challenges or substance abuse.

12.0 Partnership working

12.1 Pivotal does not operate in isolation in respect of tackling anti-social behaviour. We work in partnership with other agencies to find solutions and we will signpost to other agencies who have effective powers to deal with an issue. If appropriate, we will support the agency with any action they may take. This could be formal action (as listed below) or lower-level interventions.

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12.2 These powers include but are not limited to:

- Community Trigger;
- Closure Notices and Orders;
- Noise Abatement Notices;
- Criminal Behaviour Orders;
- Dispersal Orders;
- Public Space Protection Orders;
- Community Protection Notices.

13.0 Information sharing

13.1 We may share information with statutory partner agencies and key agencies involved with Community Safety Partnerships. Personal data regarding individuals may be disclosed for one or more of the purposes of:

- preventing crime and disorder;
- preventing anti-social behaviour;
- detecting offences;
- apprehending offenders;
- assisting in the prosecution of offenders (civil and criminal);
- providing support for the victims of crime;
- making the local neighbourhoods where we operate safer.

13.2 Pivotal Housing Association is committed to secure data-sharing practices in line with UK GDPR and the Data Protection Act 2018, sharing information only when necessary for the purposes stated above.

14.0 Equality, diversity, inclusion and ASB

14.1 Equality and diversity affects every aspect of our business and, as such, its principles are integral to all our operations. We always aim to recognise and respond positively to people's differences, while providing equality of opportunity in relation to the services and careers we provide and support.

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14.2 We will not treat anyone less favourably when dealing with any complaint, including complaints about ASB (see Pivotal's Equality, Diversity and Inclusion Policy).

15.0 Monitoring and review

15.1 This policy will be monitored and reviewed by the Senior Leadership Team every two years, following an incident, where learned experience may improve practice, and when changes are made to legislation or regulation.

15.2 ASB cases will be recorded on the ASB register. This will be inspected monthly by Pivotal's Housing Services Manager.

15.3 The number and type of ASB cases, their outcomes and methods of resolution will be monitored by the Heads of Operations and reported to Pivotal Boards quarterly.

Related Pivotal Policies and Procedures

Equality, Diversity and Inclusion Policy

Eviction Policy and Procedure

Safeguarding Vulnerable Adults Policy and Procedure

Safeguarding Children Policy and Procedure

CCTV Policy and Procedure

Vexatious Contact/Complaints and Compliments Policy and Procedures

Whistleblowing Policy and Procedure

Legislation & Regulation

The Anti-Social Behaviour, Crime and Policing Act 2014

Housing Act 1985

Housing Act 1988

Data Protection Act 1998

Equality Act 2010

Localism Act 2011

Mental Capacity Act

Public Order Act 1986

Domestic Violence, Crime and Victims Act 2004

Protection from Harassment Act 1997

Human Rights Act 1998

Crime and Disorder Act 1998

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