# 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, Pivotal will consider behaviour against the statutory definition of anti-social behaviour set out in section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014. We will consider the nature, frequency, seriousness, impact, vulnerability and risk associated with the reported behaviour when determining the appropriate response.

2.3 In addition, we recognise harassment against all protected characteristics under the Equality Act 2010.

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***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.

*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.

## 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. In delivering this policy, Pivotal seeks to create sustainable communities where residents feel safe, supported and able to thrive. We will take a compassionate, person-centred approach while balancing the needs of victims and perpetrators and the wider community.

**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.

We recognise that victims and perpetrators may be coping with trauma, exploitation, mental ill-health or crisis and shall apply a trauma informed approach ensuring our response to ASB reflects our values:

## 5.0 Examples (not an exhaustive list) of when Pivotal may be unable to prevent ASB

Pivotal may determine that a matter is outside its direct enforcement powers, but will not automatically close of decline a report solely because the alleged perpetrator is not a Pivotal customer.

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; Pivotal may determine that a matter is outside its direct enforcement powers, but will not automatically close of decline a report solely because the alleged perpetrator is not a Pivotal customer. Customers may also be encouraged to contact the Police.

- where allegations cannot be substantiated to a reasonable and proportionate evidential threshold, Pivotal may be unable to take enforcement action. However; the absence of evidence sufficient for enforcement will not automatically prevent Pivotal from undertaking risk assessment, providing support, monitoring the situation, gathering further evidence or referring the matter to another appropriate agency.

- 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.

6.2 In addition to the legal responsibilities set out in the tenancy or licence agreement we will encourage customers to contribute positively to their communities by treating others with dignity, respect and consideration, in the following:

- 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 on Pyramid. Every ASB case must have a documented assessment of the victim's circumstances, vulnerabilities, risk and desired outcomes. The victim's views should inform the action plan, but should not determine whether Pivotal takes appropriate action.

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- Record and initial victim/risk assessment
- Initial assessment and categorisation
- Ongoing risk/action plan review
- Communication and revised timescales.

7.2 Pivotal will undertake an initial assessment of each report to determine the nature and seriousness of the reported behaviour, the potential impact on the victim, and wider community, any identified vulnerabilities and the level of risk. The assessment will inform the categorisation of the case, the appropriate response and action plan.

7.3 Risk assessments and action plans will be reviewed throughout the life of the case whenever there is a significant change in circumstances, further incident, escalation in behaviour, disclosure of vulnerability or safeguarding concern, or any information that may affect the level of risk.

7.4 Pivotal will seek to understand individual circumstances and vulnerabilities while taking proportionate action to address anti-social behaviour. Pivotal will agree with the victim, where appropriate, the actions to be taken, the desired outcomes and how and when they will receive updates. Where an investigation or action is delayed or is likely to exceed a timescale previously provided. Pivotal will explain the reason for the delay and provide a revised timescale.

7.5 Domestic abuse will be managed in accordance with Pivotal's Domestic Abuse Policy and relevant statutory guidance. Domestic abuse will not normally be treated as a neighbour dispute or matter suitable for mediation between victim and perpetrator.

## 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.

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 and will be determined by the assessed risk and impact rather than solely by the type of behaviour reported.*

The response timescales set out above relate to an initial assessment of the circumstances and risk and agree appropriate actions and desired outcomes where appropriate. These response timescales do not represent a deadline for completing the investigation, which will be determined by the complexity, seriousness and circumstances of each case. Risk will be assessed throughout the investigation and the case may be re-categorised where circumstances or new information requires this.

Where an investigation is likely to exceed the timescale originally communicated, Pivotal will explain the reason for the delay, provide a revised timescale and maintain appropriate contact with the victim.

8.4 Pivotal will investigate and 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. See Pivotal's Eviction Policy and Eviction Procedure.

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 is committed to providing sustainable homes with specialised support and compassionate care. This includes supporting those affected by anti-social behaviour and working proactively to help sustain safe and successful occupancies.

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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.

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;
- use a person-centred and trauma informed approach with considerations on vulnerabilities and reasonable adjustments where required;
- 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.

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). We will ensure our services are accessible, inclusive and responsive to the diverse needs of our customers and communities.

## 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 Pyramid. This will be inspected monthly by Pivotal's Housing Services Manager for review.

15.3 We will regularly seek feedback from customers who report ASB and use learning from complaints and customer satisfaction to improve our service. Customers who remain dissatisfied with the handling of an ASB case may use Pivotal's Complaints Policy. Making a complaint does not stop us investigating the ASB report. We will use customer feedback, complaints learning and service data to continually improve our services.

15.4 The number and type of ASB cases, their outcomes and methods of resolution will be monitored by the Housing Services Manager 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
Domestic Abuse Policy

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**Legislation & Regulation**

The Anti-Social Behaviour, Crime and Policing Act 2014
Housing Act 1985
Housing Act 1988
Social Housing (Regulation) Act 2023
Data Protection Act 2018
Equality Act 2010
Localism Act 2011
Mental Capacity Act 2005
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
UK GDPR

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