



# Anti-social behaviour policy

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# Housing management

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**Statute:** Anti-Social Behaviour, Crime and Policing Act 2014, Anti-Social Behaviour Act 2003, Crime and Disorder Act 1998, Environmental Protection Act 1990, Licensing Act 2003, Noise and Statutory Nuisance Act 1993, The Crime and Disorder Act 1998, Race Relations Act as amended in 2000, Racial and Religious Hatred Act 2006, Domestic Violence, Crime and Victims Act 2004, The Disability Discrimination Act 1995, Dangerous Wild Animals Act 1976, Dangerous Dogs Act 1991, Noise Act 1996, The Clean Air Act 1993, Housing Act 1985, Housing Act 1996, Misuse of Drugs Act 1971

**HCA Regulatory Framework:** Neighbourhood and Community Standard

**Related L&Q documents:** Domestic Violence and Abuse Policy, Hate Related Incidents Policy, Anti-Social Behaviour Possession Procedure

## 1. Aims of the policy

This policy sets how L&Q will prevent, identify and respond to anti-social behaviour (ASB) in their neighbourhoods.

## 2. Scope

This policy covers all residents, tenants and leaseholders and their visitors, whether they are the perpetrator or the reporting party, where the ASB affects the housing management functions of the organisation.

## 3. Policy statement

Where it is our responsibility, L&Q will take prompt, appropriate and decisive action to deal with ASB before it escalates and will work with relevant partners (e.g. local authorities and police) to meet our responsibilities.

## 4. Policy approach

### 4.1 Prevention

We will work to prevent ASB by a range of means, including:

- Seeking to ensure that housing applicants who have committed serious or persistent ASB elsewhere do not become L&Q residents, in line with our Allocations & Lettings Policy;
- Assessing tenants' needs at the beginning of their tenancy and ensuring occupancy agreements contain robust ASB clauses, informing residents of their responsibility to adhere to these clauses, and the consequences of not doing so, at sign-up and throughout their tenancy. New tenants may be subject to a probationary period in line with the Tenure policy;
- Carrying out estate inspections to identify and respond to environmental issues on estates and maintaining and managing communal areas to minimise crime and ASB;
- Building mixed tenure developments and designing out crime when redeveloping estates and building new ones;
- Forming links and developing positive relationships with partners;
- Working with young people living in our neighbourhoods;
- Monitoring and reviewing our performance.

### 4.2 Resident responsibilities

In line with their occupancy agreements, residents are expected not to commit ASB, or to allow household members, visitors or pets to commit ASB.

Residents must acknowledge that day to day activities, such as noise or minor disturbances cannot be avoided, and accept that sometimes, while the behaviour of another family is frustrating it is not reasonable to place restrictions on their usual enjoyment of their home.

### 4.3 Reporting ASB

Residents, representatives, members of the community, our partners, the police and other agencies can report anti-social behaviour to L&Q either by phone, online, or in writing.

Where the reporting party, victims and witnesses fail to provide supporting evidence this will be a factor in the assessment. We will log and decide upon the report based on the information received, even if it is unconfirmed or unsubstantiated.

We will review all reported incidents and will consider the risk in each case. In cases of serious crime we usually require that the complainant/reporting party report the incident to the police before we can carry out further action.

If, after considering the complaint, we are unable to take action on behalf of the complainant/reporting party, we will explain why and point residents towards agencies or to information which may be able to offer advice and support.

We accept anonymous reports and assess them based on the evidence available, including previous reports.

We will open a separate case for counter-allegations, but they will be linked to the case from the original reporting parties to ensure that the investigations and assessments address the full circumstances.

Where reports are made by different reporting parties concerning the same incident(s) and the same alleged perpetrator, a separate case will be created for each reporting party to address the specific needs of each reporting party.

Eligible complainants may have a right to request a review of persistent ASB by their Local Authority (usually the Community Safety Partnership) under the Community Trigger processes. Where our residents have applied to a Local Authority under the Trigger, we will cooperate fully and work with them to seek a resolution.

### 4.4 Identification and assessment of ASB

We will assign a priority for the case based on the type of ASB reported and assess reports using the evidence available, the harm or potential harm to the reporting party, victims and witnesses, other residents and the local community, and the apparent motivation.

*High Priority* cases of ASB will be logged and assessed by a Case Manager within one working day. All subsequent incidents of the same ASB case will also be assessed within one working day.

*Standard Priority cases* will be logged as ASB and assessed by a Case Manager within 3 working days. Subsequent incidents will only be assessed where the substance of the report justifies the need for a further assessment. In all cases, the decision should be recorded in the case.

## 4.5 Categorisation and types of ASB

The following is a list of ASB types which will typically be recorded:

- Noise where it is persistent, deliberate or targeted
- Harassment or intimidation, including threats, stalking, bullying, malicious communications.
- Hate-related incidents,
- Vandalism, property damage and neglect, arson or graffiti
- Pets or animal nuisance, including dog-fouling and uncontrolled pets
- Vehicle nuisance, including abandoned vehicles
- Drug or substance misuse or drug dealing
- Alcohol-related incidents
- Domestic violence or abuse
- Physical violence (other than domestic violence)
- Rubbish or fly-tipping of waste on L&Q property or by L&Q residents
- Garden nuisance (including neglect, borders, fences and hedges)
- Common area misuse where it is persistent, deliberate or targeted, e.g. loitering in lifts, urinating in public areas
- Sexual- related incident – including prostitution, indecent exposure, sexual acts in public
- Criminal behaviour, including theft, gun and knife crime

For each type of ASB category, these would be further identified by their sub-category – see **Appendix E) ASB sub-categories**

We will also log the PEN categorisation of reports as follows:

**Personal** - conduct that has caused, or is likely to cause, harassment, alarm or distress to a specific L&Q person or group in relation to L&Q's properties.

**Environmental** - conduct that has a damaging impact on L&Q's properties or communal areas.

**Nuisance** - conduct capable of causing housing-related nuisance or annoyance to the local community.

## 4.6 What we will not deal with as ASB

L&Q will not normally consider the following examples of behaviours to be ASB (this list is not exhaustive):

- Smells from cooking;
- Noise caused by people going about their daily lives, e.g. using staircases;
- One-off events like a birthday or a religious celebration
- Putting out the rubbish on the wrong day;
- Minor personal differences or fall outs between neighbours;
- Young people and/or children playing in authorised play areas
- Disputes between neighbours (e.g. boundary issues or shared driveways).

Non ASB will be logged and recorded and no further action taken. The reporting party will be advised why it will not be investigated further as ASB. Potential solutions may still be offered where appropriate.

When considering whether a case is or isn't ASB, we will take into account vulnerabilities or any other issues facing a resident, and how this might impact their ability to resolve issues without support. Where issues are not ASB other housing management-related, we may refer residents to other agencies who could offer them support where required.

L&Q will encourage and advise residents to resolve minor issues themselves.

## 4.1 ASB case management

L&Q will treat those who been affected by ASB sympathetically and sensitively. During the course of receiving and logging a report we will seek to identify if there are any vulnerabilities, support needs or circumstances relating to the reporting parties, victims and witnesses, as well as of the household and the other party/alleged perpetrator who is accused of committing ASB, and adjust our approach as necessary.

In the investigation and management of ASB L&Q will:

- Keep in regular contact with the complainant/reporting party or as agreed
- Where necessary, arrange an interview at the place of choosing of the reporting party, victims and witnesses, and identify any particular circumstances or needs that should be factored into the handling of the case.
- Follow Safeguarding procedures if there are concerns regarding a vulnerable adult at risk or where children are involved. We may also, arrange support from other parties who can help, including the police and local authorities.<sup>1</sup>
- Provide advice and support. This could include making referrals to other agencies that can provide assistance and, where appropriate, empowering the reporting party, victims and witnesses to take positive action, e.g. support to gather evidence, and identifying any appropriate security measures to ensure that residents are safe in their property, or taking other necessary measures.
- Agree an action plan with the reporting party, victims and witnesses, and keep them updated throughout the case. The action plan will be updated to reflect new information or new incidents related to the case. The action plan will show decisive actions (e.g. police disclosure, interview the other party) and a prompt timeline for communicating delivery.

A Vulnerability Risk Assessment Matrix (RAM) will be completed on all high priority ASB cases (and where relevant on standard priority cases) to measure the harm caused to the victims and to guide staff on the actions to take to protect victims from further harm.

Where further evidence is provided, including in reference to earlier reports on the same concerns, there will be a further assessment of the evidence on all high priority cases, and where needed on standard priority cases.

ASB case managers will be trusted to use their skills, experience and judgement when assessing cases and agreeing on actions with the reporting party, victims and witnesses, but will also be supported (and monitored) by their managers, including ensuring that cases are progressed in a timely manner and in accordance with this policy and the related procedures.

We will keep under review the information about cases, including vulnerabilities and circumstances relating to all parties, and adjust our approach to managing the case as necessary.

We are committed to protecting personal information in line with the Data Protection Act 1998. Information Sharing Protocols are in place with key local agencies, designed specifically to facilitate and govern the effective use of information sharing relating to the

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<sup>1</sup> Note: domestic violence and abuse (DVA) and some safeguarding issues may be categorised as ASB and managed through the ASB case management IT system. However, the nature of the issue and its impact can be particularly serious. Consequently, L&Q has separate policies and procedures on DVA, Safeguarding Adults and Safeguarding Children.

prevention, detection and reduction of ASB. These ensure that all personal and sensitive information is protected in line with data protection law.

## 4.2 Enforcement and intervention actions

We will use whatever powers and remedies are available and appropriate, including those that can be used in respect of non-L&Q residents who are causing ASB. We will also work with partners, the police and local authorities to take preventative and enforcement action. A full list of tools is contained in ASB Tools Guidance. This will include:

- Communicating that L&Q takes ASB extremely seriously, and the potential consequences for any L&Q resident identified as perpetrating ASB (e.g. eviction).
- Prompt, appropriate and decisive action to prevent the problem escalating, for example the use of warning letters, mediation and acceptable behaviour contracts.
- Use of the full range of tools and legal powers available. Enforcement action will be based on the nature of the ASB and the responsibilities of the other party, e.g. in the tenancy or lease agreement. L&Q will ensure that actions are proportionate and achieve a legitimate aim (e.g. to prevent a tenant perpetrating further ASB).

We will take a multi-agency approach to preventing and tackling anti-social behaviour. By this we mean that we will work with agencies such as social services, environmental health agencies, the police, mediation services, local authorities, Youth Offending Teams and any other statutory or non-statutory agency that could contribute to the prevention or resolution of anti-social behaviour. We will ensure that where required the relevant agencies are consulted before deciding on legal action.

Where we are considering taking eviction actions, we will ensure the case satisfies the required legal conditions and if possible, that we have carried out checks to identify if the tenant is vulnerable and has capacity. Tenants have a legal right to request a review of the decision if we pursue eviction using the grounds for absolute possession or early termination of a probationary tenancy.



### 4.3 Working with perpetrators

L&Q are committed to preventing and stopping ASB by addressing the behaviour of perpetrators, and not simply moving the behaviour away from one neighbourhood into another. However this approach will be balanced against the need to protect the safety and quiet enjoyment of our neighbourhoods.

We will take a holistic approach to assessing the support needs of the perpetrators as well as their victims. We may refer residents to specialist external support agencies and/or floating support.

We acknowledge that some perpetrators of ASB may themselves be vulnerable or have been victims of ASB in the past. Where appropriate, we will signpost s to support that may be available.

Where appropriate we will work with perpetrators to understand the reasons behind their behaviour and give them an opportunity to change.

L&Q will ensure that all support needs have been considered and legal action is fully justified.

### 4.4 Case closure

L&Q will always try to contact the resident before closing a case to discuss it with them. If we are unable to make contact, we will write explaining why we are closing the case.

L&Q will close ASB cases in the following circumstances:

- Where we conclude that ASB has not taken place or has ceased.
- Where we have delivered the actions that are appropriate and we believe there is no further action necessary.
- Where we have passed the case to a third party which is better placed to deal with the problem, and there is no further action for L&Q.
- Where the reporting party, victims and witnesses fail to engage with L&Q or our assessment and/or investigations leads us to conclude that no further action is needed.

We may also close cases in the following circumstances:

- The complainant/reporting party fails to provide information requested by us to enable us to progress the case;
- There is insufficient evidence; or
- No further action is possible.

## 5. Monitoring and evaluation

Current ASB cases are monitored and residents will be kept in regular contact about their case.

Where identified, we will review and report our performance on ASB and Hate Crime and non-ASB reports to our senior management teams, our Boards, our residents, and to the regulator.

We will also contact residents who have used our services to ask them their views and this information will be reported on and used to improve the services that we offer.

## **6. Policy equality and diversity statement**

L&Q is committed to valuing and promoting equality and diversity. We recognise we have a duty to eliminate unfair treatment and discrimination in the services we provide and to promote and value respect in everything we do. We expect our staff to share these values and treat all customers with fairness and respect.

This policy is not a new policy. There has been no significant changes to the policy from the previous full review (East Thames: October 2016, L&Q: January 2017). An Equality Impact Assessment will be completed at the next full review.

## **7. Resident/Tenant involvement**

Tenants were not involved in the redrafting of this policy. There was no introduction of significant policy changes. Policy integration schedule agreed through Resident Services Group.

## a) Detailed legislation

1. ***S.218 of the Housing Act 1996 (as introduced by S.12 of the Anti-Social Behaviour Act 2003)***, which requires housing associations to prepare a policy and procedure on ASB. The Act also gave housing associations powers to evict residents for harassment and to secure injunctions to prevent racial harassment.
2. ***The Crime and Disorder Act 1998***, which places a duty on housing associations to work in partnership with the police and local authorities to tackle crime and disorder. It includes new offences and higher penalties for racist violence and harassment.
3. ***The Human Rights Act 1998***, which requires us to take action that is reasonable and fair in response to the type of behaviours committed
4. ***The Protection from Harassment Act 1997*** introduced two criminal offences: the offence of harassment and that of putting another person in fear of violence and intimidation. For both offences there must be a 'course' or conduct which is conduct on at least two occasions.
5. ***The Homelessness Act 2002***, which requires us to consider all other options before possession proceedings are pursued to prevent homelessness
6. ***The Police and Justice Act 2006***, which requires housing associations to respond to local authority scrutiny committee reports and 'Community Calls for Action'
7. ***The Data Protection Act 1998***, which requires that housing associations safeguard the rights of individuals to confidentiality and privacy
8. ***The Equality Act 2010***, which prohibits unlawful discrimination against the nine 'protected characteristics' of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation
9. ***The Anti-Social Behaviour, Crime and Policing Act 2014*** made changes to the injunctions available and introduced a mandatory ground for possession

## b) Definitions

1. **Anti-social behaviour** is defined in the Housing Act 1996 and the Anti-Social Behaviour, Crime and Policing Act 2014 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 or
  - conduct capable of causing housing-related nuisance or annoyance to any person.’
  
2. **Housing management functions:** used to describe activity which unreasonably interferes or could interfere with a resident’s ability to the normal use and enjoyment of their home, garden, or neighbourhood.
  
3. L&Q terminology:
  - **‘Reporting party’** or **‘complainant’** is someone who reports an alleged incident of ASB
  - **‘Victim’** will typically have been hurt, damaged, or suffered as a result of the action of the alleged perpetrator
  - **‘Witness’** will have seen or heard an event happening which is alleged to be ASB
  - **‘Other party’** or **‘alleged perpetrator’** is someone who is accused or been found to have committed ASB
  
4. **Hate crime:** any crime or incident which is perceived by the complainant or any other person to be motivated by hostility or prejudice towards a person’s race, religion, sexual orientation, disability, or gender identity. The Association of Chief Police Officers distinguishes between a **hate incident** and a **hate crime**:

**A hate incident** is any incident which may or may not constitute a criminal offence, which is perceived by the victim or any other person as being motivated or prejudice or hate.

**A hate crime** is any incident which constitutes a criminal offence and is perceived by the victim or any other person as being motivated by prejudice or hate.

L&Q will use the definition found in the Equality Act 2010 to identify hate-related harassment:

*Unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.*

## c) Partnership responsibilities

1. We will be proactive in developing partnership working arrangements with other agencies. The types of organisations that we will work with include:
  - National – Central Government, Homes and Communities Agency.
  - Regional – Greater London Authority, County Councils, Metropolitan Police Authority, County Police forces and other regional structures.
  - Council – Local Authorities, District/ Unitary Authorities.
  - Neighbourhood – Safer Neighbourhood teams, Housing Associations, residents associations/ committees, community groups, voluntary agencies.
  
2. We will develop partnership working by participating in, and co-operating with:
  - Crime and Disorder Reduction Partnerships (CDRPs).
  - Community Safety Partnerships.
  - Multi-Agency Risk Assessment Conferences (MARAC's).
  - Safer Neighbourhood meetings.
  - Resident Associations' meetings.
  - ASB Panels/ Forums.
  - Housing Association forums.
  - Regeneration partnership meetings.
  - ASB Benchmarking clubs.

## d) Regulatory framework

### 1. Neighbourhood and Community Standard: Required outcomes

**1.1 Neighbourhood management:** Registered providers shall keep the neighbourhood and communal areas associated with the homes that they own clean and safe. They shall work in partnership with their tenants and other providers and public bodies where it is effective to do so.

**1.3 Anti-social behaviour:** Registered providers shall work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.

### 2. Neighbourhood and Community Standard: Specific expectations

**2.3.1** Registered providers shall publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties.

**2.3.2** In their work to prevent and address ASB, registered providers shall 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

**(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

**(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

## e) ASB sub-categories

Main category	Sub-category
<b>Noise where it is persistent, deliberate or targeted</b>	<ul style="list-style-type: none"> <li>• Loud music/TV</li> <li>• Late night visitors</li> <li>• Banging doors/floors/ DIY</li> <li>• Domestic dispute</li> <li>• Mechanical noise/ alarm</li> <li>• Business being run</li> <li>• Other noise</li> </ul>
<b>Harassment and Intimidation</b>	<ul style="list-style-type: none"> <li>• Verbal abuse</li> <li>• Harassment</li> <li>• Intimidation</li> <li>• Threatening behaviour</li> <li>• Other harassment and intimidation</li> </ul>
<b>Hate Related Incidents</b>	<ul style="list-style-type: none"> <li>• Race related including refugee/asylum seeker</li> <li>• Sexual orientation related</li> <li>• Gender related</li> <li>• Disability (physical, mental health or learning disability) related</li> <li>• Religion related</li> <li>• Age related</li> <li>• Other hate related incident</li> </ul>
<b>Vandalism and Damage to Property</b>	<ul style="list-style-type: none"> <li>• Vandalism</li> <li>• Arson</li> <li>• Graffiti</li> <li>• Property neglect</li> <li>• Other vandalism or damage to property</li> </ul>
<b>Pets and Animal Nuisance</b>	<ul style="list-style-type: none"> <li>• Dog barking/noise,</li> <li>• Dog fouling/mess/smell,</li> <li>• Un-controlled or dangerous dogs,</li> <li>• Other pet or animal nuisance</li> </ul>
<b>Nuisance from Vehicles</b>	<ul style="list-style-type: none"> <li>• Parking dispute</li> <li>• Abandoned vehicles</li> <li>• Major car repairs</li> <li>• Joy riding, scooters etc driven inappropriately</li> <li>• Vehicle damage</li> <li>• Other nuisance from vehicle.</li> </ul>
<b>Drugs</b>	<ul style="list-style-type: none"> <li>• Substance misuse</li> <li>• Drug dealing</li> <li>• Evidence of sharps/syringes</li> <li>• Other drug related incident</li> </ul>
<b>Alcohol</b>	<ul style="list-style-type: none"> <li>• Alcohol misuse</li> <li>• Street/parking area drinking</li> <li>• Other alcohol related incident</li> </ul>
<b>Domestic violence and abuse</b>	<ul style="list-style-type: none"> <li>• Domestic violence and abuse</li> </ul>
<b>Physical Violence</b>	<ul style="list-style-type: none"> <li>• Assault</li> <li>• Other physical violence</li> </ul>
<b>Rubbish</b>	<ul style="list-style-type: none"> <li>• Fly tipping</li> </ul>

	<ul style="list-style-type: none"> <li>• Litter</li> <li>• Envirocrime (including waste in communal drains)</li> <li>• Other rubbish</li> </ul>
<b>Garden nuisance</b>	<ul style="list-style-type: none"> <li>• Garden neglect</li> <li>• Borders/fences/hedges</li> <li>• Other garden nuisance</li> </ul>
<b>Misuse of public space</b>	<ul style="list-style-type: none"> <li>• Children/ball games</li> <li>• Urinating in common areas</li> <li>• Gangs hanging around</li> <li>• Begging</li> <li>• Fly posting</li> <li>• Other misuse of public space</li> </ul>
<b>sexual</b>	<ul style="list-style-type: none"> <li>• Prostitution</li> <li>• Indecent exposure</li> <li>• Sexual acts in public places</li> <li>• Other sexual related incident</li> </ul>
<b>Criminal</b>	<ul style="list-style-type: none"> <li>• Theft</li> <li>• Gun/knife crime</li> <li>• Other criminal incident</li> </ul>



## Policy controls sheet

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Date of last review, who reviewed and date approved	Main changes and why (i.e. change in legislation, change in internal processes)
<b>Policies merged ML and JT December 2017.</b>	This policy is the product of the merger between East Thames and L&Q. Content was taken from the following documents: <ul style="list-style-type: none"> <li>• East Thames Anti-Social Behaviour Policy 2016</li> <li>• L&amp;Q Anti-Social Behaviour Policy 2017</li> </ul>

Date of last review, who reviewed and date approved	Main changes (i.e. change in legislation, change in internal processes)
<b>Amendments made March 2019</b>	Changes made to the policy in line with D365 IT case management system. These will now log cases by a comprehensive sub-category list which will now drive the actions and priority of the ASB report – moving away from 2011 NSIR PEN categorisation