

Storm Housing Group Limited (Storm) – ASB Policy

Policy Control Sheet:

Policy Name	Anti-Social Behaviour (ASB) Policy
Policy Number	7.2c
Related Procedures	ASB Procedure and Publication Community Trigger Process
Author	Josh Roden
Executive Summary	<p>This policy sets out our approach to dealing with antisocial behaviour (ASB) and applies to all Storm residents and customers. This policy aims to:</p> <ul style="list-style-type: none"> • Prevent and minimise the amount of ASB experienced by our residents and customers; • Ensure we take a victim-centred and robust approach to tackling ASB, including prevention and intervention; • Ensure we target support to the most severe cases and high-need customers, whilst offering early intervention to ensure customers are able to self-manage lower-level issues that they may be experiencing; and • Ensure all residents and customers are treated in a fair and equitable manner. We will work in partnership with communities and local organisations to ensure we tackle discrimination, promote equal rights and treat our customers according to their needs.
Legal, regulatory & compliance matters	<p>Neighbourhood and community standard Policing and Crime Act 2014 Crime and Disorder Act 1998 Data Protection Act 1998 Antisocial Behaviour, Crime and Policing Act 2014 (Note – in October 2023, the government confirmed that For-profit registered providers are not classified as a housing provider under the Anti-Social Behaviour, Crime and Policing Act 2014. This means that for-profit providers are unable to use the powers under the act designed to tackle anti-social behaviour) Housing Act 1985 Protection from Harassment Act 1997 Race Relations Act 1976 General Data Protection Regulation Equality Act 2010 Human Rights Act 1998 Home Office: ASB powers, statutory guidance for frontline professionals</p>
Definitions	<p>Antisocial Behaviour (ASB), as defined in the Antisocial Behaviour, Crime and Policing Act 2014 is:</p> <ul style="list-style-type: none"> • 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. Housing- related means directly or

	<p>indirectly relating to the housing management functions of a housing provider. A 'housing provider' per the Antisocial Behaviour, Crime and Policing Act 2014 is defined as either a housing trust, which within the meaning given by Section 2 of the Housing Associations Act 1985 is a charity. The types of behaviour that we consider to be antisocial include:</p> <ul style="list-style-type: none"> • physical violence, such as attacks on a person; • hate crime; • perpetrators of domestic abuse; • verbal abuse, harassment, intimidation or threatening behaviour; • criminal behaviour or activity; • substance misuse, cultivating drugs or drug dealing; • repeated prolonged high-level noise nuisance; • loitering or misuse of communal areas or public spaces; • nuisance from vehicles (e.g. joy riding, drag racing, loud music, excessive noise nuisance vehicle repairs); • pets and animal nuisance; • prostitution, sexual offences or kerb crawling; or • vandalism and damage to property, including hate related graffiti. <p>Low level disagreements between neighbours where there is no breach of tenancy, lease or licence will generally not be considered to be ASB cases. However, we may offer mediation and other support to help customers resolve these issues amongst themselves.</p> <p>Community Trigger Process (also known as the anti-social behaviour (ASB) case review) - This gives victims of persistent anti-social behaviour reported to any of the main responsible agencies (such as the council, police, housing provider) the right to request a multi-agency case review of their case where a local threshold is met.</p>
Risk summary	<p>There are potential health and safety risks. There is reputational risk and also financial risk to remediate any ASB damage.</p>
Approving body	Storm Housing Group Board
Approval date	November 2023
Review cycle	<p>This policy will be reviewed every year unless legislation, business or sector developments require otherwise – to ensure that it continues to meet the stated objectives and take account of good practice developments.</p>
Review date	November 2024

Policy Clauses

- 1.1 We will allow ASB to be reported to us in different ways, including in person, in writing, over the phone, by email and on our website. Customers will be kept informed about the status of their case where responsibility rests with Storm and will be appropriately signposted where it does not.
- 1.2 We will publicise our approach to tackling ASB in leaflets, resident newsletters, our website, social media and selected local press where appropriate.
- 1.3 We will ensure that tenants are made aware of their responsibilities and rights in relation to ASB.
- 1.4 We will provide staff with training, clear guidance, policies and procedures so that they can deal effectively with cases of ASB, use the appropriate enforcement tools, and are aware of the wider issues associated with ASB, including hate crime and safeguarding.
- 1.5 All residents or customers who wish to report an incident of ASB will be assessed for their risk and vulnerability to ensure the appropriate level of support can be provided and any safeguarding issues are identified.
- 1.6 We will work in partnership and consult with residents, the wider public, statutory services, local authorities, Youth Offending Teams, Community Safety Partnerships, support providers, community groups, registered providers, and other agencies as necessary to tackle ASB in our neighbourhoods and provide support to those with vulnerabilities.
- 1.7 We will endeavour to respond to reports of high risk ASB within one working day and lower risk cases within five working days (Monday to Friday).
- 1.8 Where the prime responsibility and power to lead an investigation lies with another service, such as the Police or the Local Authority, we will support the investigation and take any necessary supporting action.
- 1.9 We will promote the view that everyone has the right to their own chosen lifestyle providing this does not impact adversely on the quality of life of others. We will not usually take action where a complaint concerns behaviour that results from different lifestyles, or which would not generally be considered to be unreasonable.
- 1.10 We will only investigate noise nuisance where the noise is frequently excessive in volume and duration or occurs at unreasonable hours.
- 1.11 We will encourage and expect residents and customers to take responsibility for solving personal disputes between themselves where appropriate. This may include collating evidence, liaising with other agencies and taking part in mediation.
- 1.12 We will use a range of preventative measures, early intervention and legal action to tackle ASB. This includes the full range of tools and powers available to us as outlined in the ASB, Policing and Crime Act 2014, where properties are managed by a 'housing provider'. The methods used will be proportionate to the needs of the customer and their families, the seriousness, impact and frequency of the behaviour, the level of risk that it poses to those affected, and the evidence available to support the case.
- 1.13 We may consider a management transfer for those assessed as at risk, in line with the criteria outlined in our Transfers Policy.

- 1.14 We will agree an action plan with the complainant and any witnesses and keep them informed of the actions we take. We will contact them when we close a case, giving our reasons for doing so.
- 1.15 We will close a case after investigation and appropriate action is taken and where:
- it is successfully resolved,
 - there are no further reports for a period of 6 weeks (unless we have begun legal action or are gathering further evidence) or earlier if agreed with the complainant, or
 - no further action can be taken.
- 1.16 We will provide support and advice to victims and witnesses of ASB, and refer them to external agencies where appropriate. We will co-operate fully with the Community Trigger process to help resolve cases of ASB.
- 1.17 We will offer support to anyone that agrees to give evidence in ASB cases.
- 1.18 We will take action against complainants for breach of tenancy where we find complaints of ASB to be malicious, persistent and unfounded.
- 1.19 We will refer all crime, including threats or acts of violence, to the police.
- 1.20 We will deal with any ASB committed against our employees and contractors in line with our internal policies and duties as an employer.
- 1.21 We will share information with third parties where we have an information sharing protocol in place, there are safeguarding concerns or we have a duty to do so for the purpose of crime prevention under the provisions of the Crime and Disorder Act 1998.
- 1.22 We will process personal data and information in line with the Data Protection Act 1998, General Data Protection Regulation and our Data Protection policy and procedures.
- 1.23 We will monitor the feedback we receive about how we manage and respond to cases of ASB and, to ensure a high standard of services.
- 1.24 Where we are using a third party managing agent, we will work with the agent to ascertain where their existing policies and processes do not align to Storm policies. In these instances, we may opt to follow the managing agent's policies where appropriate.