



Anti-Social Behaviour (ASB) Policy 2024 - 2027

Prepared by:

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| 1.3 | September 2019 | Katie Burton | Full Review. Insertion of last paragraph in Section 3, reasons for repeated ASB reports. |
| 1.4 | November 2022 | Katie Burton | Full Review |
| 1.5 | October 2024 | Katie Burton | General review. Incorporates use of Community Triggers. |

1. Policy Statement

Pickering and Ferens Homes (PFH) has a key role in creating safe and sustainable communities and therefore we will do all that we can to prevent Anti-Social Behaviour (ASB). We can only achieve this by working in partnership with other relevant organisations and agencies and also our residents and the local communities that we work in.

This policy covers how PFH sets out to prevent and tackle ASB through prevention, enforcement and support. This policy and the associated procedures are designed to give PFH the opportunity to address concerns quickly, effectively and efficiently and to learn from issues arising on our housing schemes and the local area. PFH recognises that some residents may experience some form of ASB and it is important for them to know that their concerns will be taken seriously and they will be offered the appropriate support and assistance.

PFH customers are in the best position to make us aware of any problems in the area where they live, and how it is affecting them. We are committed to working with residents and their families to tackle ASB, harassment, nuisance and crime and we are keen to receive suggestions as to how improvements could be made to the services they receive.

We will also work in partnership with key stakeholders so that we can prevent ASB and deliver a safe environment.

2. Context

Regulatory Framework – Neighbourhood and Community Standard

The Regulator of Social Housing requires registered social housing providers to work to a set of national and local standards in key service areas including ASB. The Neighbourhood and Community Standard (Consumer Standard) sets out how landlords must work with partners to prevent and tackle ASB in areas where they own properties.

Under the Neighbourhood and Community Standard registered providers are required to publish a policy on how they work with relevant partners to prevent and tackle ASB in areas where they own properties.

In addition the association must work to prevent and address ASB and registered providers are obliged to 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
- a strong focus exists on preventative measures tailored towards the needs of tenants and their families
- 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

Legal Framework

PFH has a duty of care to victims of crime and ASB and there is a range of legislation and guidance that covers ASB including as follows:

The Housing Acts 1985, 88, 96 and 2004
Anti-Social Behaviour, Crime and Policing Act 2014
Equality Act 2010
Crime and Disorder Act 1998, as amended 2002
Noise Act 1996
Dangerous Dogs Act 1989, 1991
Environmental Protection Act 1990
Human Rights Act 1998
Data Protection Act (General Data Protection Regulations) 2018
Regulation of Investigatory Powers Act 2000
Criminal Justice Act 2004

3. What is Anti-Social Behaviour?

Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014, has expanded on this and defines ASB in the following way:

- a) conduct that caused, or is likely to cause, harassment, alarm or distress to any person,
- b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- c) conduct capable of causing housing-related nuisance or annoyance to any person.

The ASB Crime and Policing Act also focuses on 'Putting Victims First' and there is a strong emphasis on partnership working to support the resolution of anti-social behaviour.

ASB therefore includes a wide range of unacceptable activity that can negatively impact the lives of many people, often on a daily basis. It can leave those affected feeling helpless, desperate and with a seriously reduced quality of life. Examples of ASB are as follows:

- harassment on the grounds of age, gender, gender reassignment, religion or belief, race, colour, size, appearance, disability, sexual orientation, ability, cultural background, domestic circumstances, illness or lifestyle.
- violence or threats of violence to any person (including domestic violence or abuse).
- abuse or insulting words or behaviour (to staff, contractors, residents or any other member of the community).
- offensive drunkenness or drug use.
- damage or threat of damage to property belonging to another person including damage to any part of a person's home.
- writing graffiti and in particular graffiti which is abusive, threatening or insulting.
- making unnecessary or excessive noise.
- using or allowing the premises to be used for illegal or immoral activity, such as prostitution, handling drugs and handling or storing stolen goods.
- any nuisance or annoyance caused by pets or other animals including barking (dogs) and fouling.
- fly tipping

- inconsiderate parking that may cause an obstruction.
- breach of Local Authority Byelaws such as dog fouling
- Facebook/social media or text abuse

4. **What ISN'T Anti-Social Behaviour?**

There are many variations of what the term 'Anti-Social Behaviour' can be and PFH is committed to tackling all types of ASB. However we do not classify as ASB everything that is reported to us. We expect our residents to respect other people's right to their chosen lifestyle and everyday reasonable level of disturbance examples of this are:

- people mowing the lawn
- people using their vacuums at a reasonable time of the day
- people using DIY equipment at a reasonable time of the day
- people using washing machines at a reasonable time of day
- Other sounds of normal day to day living such as opening and closing doors, going up and down the stairs
- cooking smells
- noise of a child(ren) playing in or near their home
- snoring
- Babies crying
- Parking disputes
- Putting rubbish out on the wrong day
- One-off parties such as barbecues, birthdays, Christmas parties providing they don't cause an unacceptable disturbance
- Personal differences such as dirty looks
- Clashes of Lifestyle including cultural differences providing this does not include or relate to incidents of hate crime

The above list is not exhaustive.

PFH considers the list above to be examples of everyday living noise or minor differences in lifestyle rather than ASB. They will not be investigated under the ASB policy. We will however work with residents and offer advice and guidance and where appropriate we will expect them to take appropriate steps to resolve the situation.

Although people should expect to hear a certain amount of noise from their neighbours, they are not expected to have to endure unreasonable and persistent levels of noise nuisance. Some of the examples listed above could become a noise nuisance if they occur regularly late at night or very early in the morning. Cases of noise nuisance related ASB may be investigated by PFH and the Local Authority Environmental Health Team to ascertain whether it is a statutory nuisance or not. (What is a Statutory Noise Nuisance? - see Definitions Appendix 1).

Unreasonable or Vexatious Behaviour

PFH defines vexatious behaviour as a complainant who institutes a complaint without sufficient grounds and is knowingly or deliberately acting in such a way as to cause distress, provide false or misleading information, serving only to cause disruption or annoyance without proper or justified cause. Appropriate and proportionate action will be taken against the person.

PFH will also take action where we believe that a complainants' behaviour is unreasonable and they are pursuing the matter vexatiously or unreasonably. Examples of this might be someone who has

acted inappropriately online such as internet trolling and their actions could/has caused damage to PFH's reputation and trust in the community, hostile, abusive or offensive language has been used against staff/customers which has caused distress or the complainant has demonstrated an unreasonable fixation on an individual such as a member of staff.

How can Anti-Social Behaviour affect residents and communities?

PFH recognise that anti-social behaviour can have a dramatic negative impact upon individual residents and communities as a whole. ASB can be very distressing to those affected and can contribute towards a person's mental and physical decline as well as the decline of communities if it is not acted on appropriately. ASB may also result in PFH receiving higher numbers of internal transfer requests or residents wishing to move to another housing provider. It can have an emotional and financial cost to the victim as well as PFH, and consequently we believe that preventing the causes of ASB is key to creating communities where people choose to live. It is therefore very important that where ASB incidents have occurred that we take early intervention using the tools available so that we avoid the problem escalating. We will therefore ensure that residents are aware of their responsibilities, that staff are fully equipped to deal with cases of anti-social behaviour and that we work in partnership with other agencies to deliver a joined-up approach.

5. General Principles

i) Our Responsibilities

PFH are responsible for making sure that we:

- meet the standards expected by our customers,
- meet the standards expected by our regulator,
- ensure a peaceful, quiet and clean environment for people to live in,
- allow those residents who comply with their Licence to live peacefully and free from interference,
- are cost-effective, ensuring a value for money approach is embedded in the service.

We aim to do this by:

- taking steps to prevent incidents and reoccurrence of ASB in the neighbourhoods and communities that we operate in,
- tackle ASB through prevention, early intervention, support and swift enforcement,
- provide a customer centred approach in dealing with cases of ASB and ensure that appropriate support is provided to witnesses, victims and their households at all stages of the case,
- take firm action against any person found responsible of ASB,
- remove abusive, threatening, insulting, racist, sexist or homophobic graffiti within 24 hours of an incident being reported,
- work with vulnerable residents both victims and (where appropriate and possible) perpetrators and partner agencies to help provide appropriate support,
- promote and encourage community responsibility, involvement and a strong sense of community spirit,
- take appropriate action against perpetrators of ASB as well as assisting them to modify their behaviour – working with partner agencies so that where possible we ensure that they have access to the relevant support,

- use legislation and other tools to assist us in developing an effective approach in the prevention and management of ASB sharing information with local partners to ensure the full range of criminal and civil remedies can be pursued.
- Acknowledge low-level ASB reports within 3 working days and provide a full written response within 10 working days.
- If the ASB response/investigation letter is sent within the acknowledgement timescales of 3 working days, it is not necessary to send the acknowledgement letter. Acknowledge serious ASB within 1 working day and provide a full written response within 5 working days.
- If the serious ASB response/investigation letter is sent within the acknowledgement timescales of 1 working day, it is not necessary to send the acknowledgement letter.
- Maintain communications during the investigation, including checking-in with the complainant between two and four weeks after the response letter has been sent, or as otherwise agreed with the resident. Further check-ins may be appropriate if it is not resolved or until the complainant is satisfied that all appropriate actions have been taken.
- Before closing an ASB case, the AC/SM will discuss it with the resident reporting the ASB. The case will not be closed if ASB continues or if the resident does not agree that it should be closed, however cases will generally only remain open if there is still active ASB occurring, or if the resident does not feel that the outcome or resolution is appropriate. If the resident does not agree that the case should be closed, this should be referred to the RSM to review before deciding whether it should be closed or if further action is needed.
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- Request feedback on satisfaction with the handling of the ASB report, and the outcome.
- Quality check at least a 50% sample of all ASB reports received each month to ensure cases are dealt with sensitively, within timescales, conversations and actions are logged, appropriate agency involvement and communications are maintained throughout with all parties involved.

ii) Resident Responsibilities

We expect all residents, their families and any other person(s) living with them or visitors to their home not to cause a nuisance, disturbance or be involved in any ASB activity.

Residents must abide by their Licence and any breaches will be dealt with in line with the available legal remedies, including serving a Notice to Quit (NTQ) and possession proceedings where appropriate.

We expect our residents to also:

- Take responsibility for minor disputes with neighbours and try to resolve any such problems themselves in a calm and reasonable manner, before escalating to PFH
- Report all incidences of inappropriate behaviour including ASB, harassment, domestic abuse to PFH as soon as possible,
- Immediately report crimes, threats, racial abuse, acts or threats of violence to the police,
- Respect other resident's rights to their chosen lifestyle and everyday reasonable level of disturbance. Examples of this may be mowing the lawn, using the washing machine.
- Work and fully cooperate with the investigation to resolve disputes, including completing incident logs, making audio or video recordings, and working with other agencies
Show a commitment to resolving the ASB by taking part in independent mediation or Restorative Practice
- Provide witness statements or act as a witness should this be necessary – the association recognises that if people are prepared to be witness that we will support them through the process i.e. before, during and after any court action. Therefore the safety and wellbeing of

the witness or victim will be considered first prior to any action being taken by the Association. Attend court if necessary.

6. Prevention and Early Intervention Actions

Every report or report of ASB will be assessed against our definition and if appropriate will be fully investigated. We will use various tools to resolve the problem and these will include prevention, early intervention and enforcement actions.

PFH is committed to preventing incidents of ASB in the first instance as we recognise that this is the key to avoiding the matter escalating and there are number of ways that we have in place to achieve this including:

- The Letter of Appointment (Licence) contains a clause which allows PFH to deal with unacceptable behaviour whether this is by the resident or anyone residing with them or their visitors
- As part of the sign-up process staff will fully explain to residents their rights and responsibilities with regard to behaviour as well as the organisation's responsibilities. PFH will advise new residents about the need to be respectful to neighbours when they move in including being aware of neighbours when living in close proximity to them. PFH will be clear about what behaviour is/is not acceptable when discussing this with new residents. Information about our ASB policy is contained within the Resident Handbook and on PFH's website.
- We will use a variety of methods such as personal visits (this may include carrying out joint visits with the appropriate agencies such as the Police, Social Services, Health professional where applicable), carrying out interviews.
- An assessment of the risks relating to the ASB in order to determine the timescales and nature of the investigations. We will also develop an action plan with complainants and perpetrators (where possible) so that all parties are clear on what action is to be taken, by when, and by whom.
- Issuing verbal/written warnings* early, informal interventions such as this can establish clear standards of behaviour and reinforce the message that ASB will not be tolerated.
- Using Acceptable Behaviour Contracts* (ABC's) where applicable
- We will encourage the use of mediation* (Restorative Practice) to try to resolve the issues. However Mediation / Restorative Approach can only be pursued if:
 - both parties agree to the process
 - there is no criminality involved
 - there is not an imbalance of power between the parties
- We will work with partner agencies such as the Police, Anti-Social Behaviour team, Environmental Health, Social Services to try to resolve disputes/ issues and to provide appropriate support to those affected by ASB.
- We will look to design out crime in new developments using initiatives such as "secure by design" and will consult with the Police on refurbishment and regeneration projects on existing housing schemes.

- Where specific vulnerabilities are identified we will look to provide a tailored approach to the victim and the perpetrator. We may also seek advice from other professionals such as the Police, Fire Safety experts or Health professionals
- Where appropriate and in accordance with regulations we will support the use of CCTV
- We provide the 'Respect' document in the Residents Handbook, to promote tolerant and safe communities and prevent ASB.
- Should a Community Trigger* be enacted, PFH will work closely with agencies involved. (*see Definitions Appendix 1)

We will as far as possible take action against the perpetrator of ASB rather than moving the person affected by it. However, in cases where there is a significant risk of harm that cannot be addressed in any other way, or the resident's welfare is compromised, and their request is supported by partners such as police, social services or health professionals, PFH will consider rehousing.

7. Enforcement Action

PFH recognise that there will be times when methods such as mediation (restorative practice, warnings and working with other agencies may not be enough, and that where PFH has sufficient evidence then we will take enforcement action against perpetrators of ASB.

Action may not be taken in all cases but may depend on the investigation and evidence available to support a case. However we will take appropriate and proportionate action using the range of tools available to us whilst balancing the needs and vulnerabilities of both the complainant and the perpetrator

We recognise therefore that legal action will be required in some more serious cases. Eviction may be required in extreme circumstances and/or where the resident causing the ASB has not engaged with support or is reluctant to change their unacceptable behaviour. This does not mean we will try to evict every individual accused of ASB; however, where we have no choice we will use the full power of the law against perpetrators who refuse to change their behaviour.

Where appropriate we will also work with other partners to consider other potential solutions. Under the Anti-Social Behaviour Crime, and Policing Act 2014 agencies will need to demonstrate more than ever to the Courts how they have tried to work collaboratively to resolve ASB and PFH will be part of this process. It is now a duty and requirement of the legislation that agencies enter into consultation when bringing certain matters before the Court.

We will therefore use a range of methods to take action against perpetrators including:

- Injunctions*
- New types of Closure Orders*
- Criminal Behaviour Orders (CBOs)*
- Community Protection Orders (CPNs)*

(*Definitions Appendix 1)

8. Supporting Victims and Witnesses

PFH understands the importance of supporting residents, especially for older or more vulnerable residents, who are going through what can be a traumatic time when dealing with an ASB incident

or case. We are eager therefore to support and reassure both victims and witnesses. PFH has therefore adopted the following definitions of a witness:

- a person who has experienced nuisance, harassment, alarm or distress because of ASB or
- a person who has seen something or was present when an incident of ASB took place.
- a victim can also be a witness.
- an intimidated witness is a witness whose quality of evidence is likely to be diminished because they are in fear or distressed about testifying

PFH believes that we need to support witnesses and victims of ASB to feel empowered to come forward and support the Association in taking action against a perpetrator and we will therefore offer a range of flexible services. We will:

- Provide a range of ways that incidents of ASB can be reported including telephone, e-mail, face to face, third party and via our website (including an ASB 24-hour reporting system, via the resident's PFH Connect device))
- Ensure that front line staff are fully trained in taking initial reports of ASB, making sure that our policies and procedures are clear
- Provide regular contact with a designated member of staff – providing a service that gives support from initial report to case closure and beyond where necessary,
- Ensure that each report of ASB is investigated by the appropriate Area Co-ordinator (AC) or Scheme Manager (SM). The complainant and any witnesses will be notified of the name of the staff member dealing with the case and their contact details. An action plan will be agreed with the complainant, any witnesses (and where applicable the perpetrator). There may however be some instances where we may not be able to do this for example where the report is made via an anonymous report or where the person making the report does not want to be part of the process.
- The agreed action plan will form the basis of the investigation and the ASB case log will be regularly reviewed and updated to provide a full summary of the case, actions taken, outcomes achieved and timescales.
- Responses could, as necessary and as appropriate, range from advice, mediation and support for residents own action, to legal action on behalf of victims of ASB.
- Ensure where appropriate that during the initial report conversation a risk assessment of the complainant is carried out to assess any vulnerabilities or particular needs they may have.
- Ensure that victims and witnesses are kept informed at all stages of the investigation and ensure that we work with other relevant agencies such as victim support.
- Ensure that we collect evidence in the most appropriate and effective way, accepting a range of methods such as diary sheets (in appropriate languages or dictaphones), mobile phone video or audio recordings, CCTV footage or professional witnesses should this be the most appropriate method.
- Ensure that graffiti which is abusive, threatening, insulting, racist, sexist or homophobic will be removed within 24 hours of being notified of its presence.
- Provide physical enhancements such as secure locks and telecare systems for those most at risk

- Provide access to translation/ interpretation in appropriate languages. Documents will be produced in large print, audio format or Braille where required,

The remedies offered are to be considered on a case-by-case basis. Consideration will be given to the seriousness of the ASB, the victim's vulnerability, risk assessment, the circumstances of the perpetrator, previous action taken against the perpetrator and the legal framework.

9. Vulnerable Perpetrators and Victims

PFH recognise that some residents whether they are the victim or perpetrator, may have complex needs and may require additional support this could include people who have issues with one or more, but not limited to, the following

- Alcohol
- Drugs
- Mental Health or physical disability

PFH will seek to support the victim wherever possible. We will also support the perpetrator so that they can obtain help in addressing their behaviour. We will try to ensure that they have access to relevant professional organisations.

We may where we think it is appropriate seek advice and assistance from other independent professionals such as social services, fire service and mental health teams.

10. Staff Welfare

PFH recognises that dealing with victims and perpetrators of anti-social behaviour can be difficult and can impact on the welfare of the staff that deliver the service. Measures are in place to support staff, such as regular check-ins, manager oversight of cases, and the availability of free counselling. PFH also reserve the right to change the ASB officer allocated to the case.

PFH take a zero-tolerance approach towards any threatening, aggressive or abusive behaviour directed at or carried out against our staff or any contractor employed on our behalf and we will deal with any reported incidents of such behaviour robustly. Appropriate and proportionate action will be taken against any such person found responsible for such behaviour and will be dealt with through enforcement of the Licence.

11. Who can make a report of ASB?

ASB reports can be made on behalf of the resident by an advocate; this could include a relative, carer, Councillor, MP, a member of the CAB, a solicitor or any other individual with power of attorney. Responses will in the first instance be addressed back to the resident unless they give written permission for responses to be sent elsewhere.

ASB reports can be made by current residents, or their family members/friends. We may also receive reports of ASB from non-PFH residents where the alleged perpetrator is a PFH resident or the area in which PFH residents live.

Councillors and MP's often raise issues on behalf of their constituents and many are requests for information or service rather than formal ASB reports and as such will be dealt with by PFH as a request for information or service.

If a number of people make the same report (for example as on a petition) this will be dealt with by PFH as one ASB case.

PFH will help any resident who makes a request for help to make a report.

12. Anonymous ASB Reports

Anonymous ASB reports cannot go through PFH's Anti-Social Behaviour procedures but PFH will still record, investigate and review the report as far as is possible.

13. Other feedback and issues

Complaints relating to PFH's services and practices are to be directed through the Complaints, Compliments and Suggestions policy. However, PFH deals with a number of other issues that constitute feedback from residents that are not covered by this policy, or the Complaints, Compliments and Suggestions policy. These include;

- Insurance claims - these will be dealt with via PFH's Insurance policy and procedures, any complaint that is also being dealt with as an insurance claim will be suspended whilst the insurance claim is dealt with
- Legal action - complaints will be suspended whilst legal action is taking place if the matter that is the subject of legal action has also been raised as a complaint. However this should not prevent PFH responding to urgent or emergency situations that pose, or have the potential to pose a risk to the resident. Allegations of malpractice, these will be dealt with via PFH's Public Interest Disclosure policy and procedures
- Domestic Abuse - will be dealt via PFH's Domestic Abuse policy and procedures.
- Hate Crime – will be dealt with via PFH's hate Crime policy and procedures.

14. What can a resident do if they are not satisfied with the response made by PFH?

Those who have reported ASB will be given the opportunity to tell PFH how they felt their ASB report was handled. They will be asked to complete an ASB feedback survey as well as being asked questions against Tenant Satisfaction Measures.

If the complainant is not satisfied with the way that their ASB report has been dealt with by PFH, they may submit a formal complaint using the association's Complaints, Compliments and Suggestions policy.

15. Our Commitment to Equalities

Everyone at PFH has a responsibility to ensure that this policy is put into practice. We expect a commitment from everyone to ensure that their action does not lead to unlawful discrimination.

Deliberate acts of discrimination, including victimisation, harassment, instruction or pressure to discriminate, will result in serious disciplinary action taking place possibly including dismissal of employees and termination of contracts with external agents.

PFH can provide access to interpreters for minority languages, sign language and can organise written material in large print and Braille where required, including all documents relating to ASB.

Our offices, Retirement Plus Schemes and Pop-In Centre's are wheelchair accessible. An induction loop has been provided in the main reception area and board room at our main office.

The Association will aim to ensure that no individual or group is treated less favourably on the grounds of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. We aim to recognise the needs of individuals and treat each person through the ASB process with dignity and respect.

PFH will take account of the individual needs of residents who may require additional support and services in its Anti-Social Behaviour procedures so as to provide an individual reporting process where necessary.

16. Using and Reporting Feedback

All information that is recorded via PFH's Anti-Social Behaviour procedures is an opportunity for PFH to learn about the issues affecting our residents and the areas in which they live, and also to understand what or how it might change or improve its services. This also gives us a valuable insight into how the location, design and type of accommodation we provide may impact upon ASB and how we can consider these matters with future new-build accommodation or acquiring stock. In order to do this PFH will record and monitor ASB, harassment and hate crime reports.

Action against the timescales detailed in PFH's ASB procedure will be monitored by the association as will the quality and completeness of cases and satisfaction with responses. PFH will monitor feedback on satisfaction on the ASB process and report on outcomes annually. PFH will report monthly on the number of cases and whether they were responded to within timescale.

PFH will carry out regular reviews in order to continuously improve and are accountable to our residents and Board, regularly reporting PFH's ASB case handling performance and lessons learned to internal directorate meetings and the Residents Committee, as well as through PFH's annual report and website.

17. Controls

The RSM will quality check each ASB report for assurance that reports are acknowledged and responded to within target times, and that feedback will be invited from all those who have reported ASB once the ASB has been resolved or the investigation has otherwise been completed.

The RSM will provide appropriate guidance on individual cases, as well as regular refresher guidance for all those responsible for managing ASB cases.

18. Data Protection and Information Sharing

As a registered provider we have duty to share information with the relevant agencies as set out by the Crime and Disorder Act 1998. This will be done on accordance with the Data Protection Act (General Data Protection Regulations) 2018 and any information sharing protocols that are in place.

19. Publicity

PFH's ASB Policy and Guide for Residents will be publicised in the following ways;

- In the Residents Handbook (given at sign-up and via the website)
- On the noticeboards at Pop-In Centres
- On the noticeboards and digital kiosks at PFH Plus Schemes

- Via articles in People First
- Via PFH's Facebook page
- On PFH's website
- Via PFH Connect

20. Related Policies and Procedures

Equality and Diversity

Safeguarding

Domestic Abuse

Lone Working

Allocations including internal transfers and mutual exchanges

Hate Crime

APPENDIX 1

Definitions

Closure Orders - are a civil order, issued under the civil jurisdiction of the magistrates' court, which stop anyone entering, or residing, at a property. The order lasts for an initial period of three months.

A police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds that the use of the particular premises has resulted or is likely soon to result in nuisance to members of the public, or that there has been or is likely soon to be disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

A closure notice prohibits access to the premises for a period specified in the notice and may prohibit access by all persons except those specified, at all times and in all circumstances (or those specified).

Whenever a closure notice is issued an application can be made to a magistrates' court for a closure order. This can be made by a constable or the local authority and must be heard by the magistrates' court not later than 48 hours after service of the closure notice. A closure order can be for up to 3 months.

Community Protection Notices (CPNs) - An Authorised person may issue a community protection notice to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that

- (i) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality; and
- (ii) the conduct is unreasonable.

A CPN may be issued by a constable, the relevant local authority, or a person designated by the relevant local authority for the purposes of this section. A CPN imposes any of the following requirements on the individual or body issued with it:

- a) a requirement to stop doing specified things
- b) a requirement to do specified things
- c) a requirement to take reasonable steps to achieve specified results.

They can only be issued if the offender has been given a written warning that the notice will be issued if their conduct doesn't change and that they have been given enough time to have reasonably made those changes, and yet have chosen not to do so.

A person issued with a CPN who fails to comply with it commits an offence.

Criminal Behaviour Orders (CBOs) - replaces the former powers of the court to make orders such as an ASBO or a drinking banning order on conviction. A CBO is an order designed to tackle the

most serious and persistent anti-social individuals where their behaviour has brought them before a criminal court.

The CBO was introduced to give agencies and communities what they need to deal with the hard-core of persistently anti-social individuals who are also engaged in criminal activity. The court may make a criminal behaviour order against the offender if two conditions are met:

- (i) the person has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the offender; and
- (ii) the court considers that making the order will help in preventing the offender from engaging in such behaviour.

The court may make a criminal behaviour order against the offender only if it is made in addition to a) a sentence imposed in respect of the offence, or

b) an order discharging the offender conditionally. If the offender is under 18, the prosecution must find out the views of the local youth offending team before applying for a criminal behaviour order.

A criminal behaviour order is granted for a specific period of time and if it includes a requirement, must specify the person who is to be responsible for supervising compliance. It may include provision for the order (or a prohibition or requirement included in the order) to cease to have effect if the offender satisfactorily completes an approved course specified in the order. Breaching the order would have tough criminal sanctions with a maximum sentence of 5 years in prison.

Community Trigger

The Community Trigger is an ASB case review and is designed to give victims of anti-social behaviour the right to a review of their case, bringing together partner agencies to find a joined-up solution or identify additional tasks that will bring about a resolution. It allows victims of persistent ASB the opportunity to voice their concerns and be heard. The process is a safety net for victims of anti-social behaviour who believe they have not had a satisfactory response to their reports of anti-social behaviour. Any case that meets the threshold requires the relevant organisations to undertake a formal review of the case, to find out the impact on the victim and the effect that it is having. Organisations include police, local authorities, health services and providers of social housing. A qualifying report is:

- reported at least three anti-social behaviour incidents or at least one hate crime to either the police or the housing provider in the last six months
- reported the incident within one month of it happening
- request a case review within six months of when the incidents were reported.

The case review only ensures there is a review where incidents have been reported and no action has been taken. In addition, the Community Trigger can be activated by a person on behalf of the victim, someone who is aware of the circumstances and acts with the victim's consent. This might include a family member, friend, carer, councillor, Member of Parliament or other professional.

Domestic Abuse - Domestic Abuse includes all kinds of physical, sexual, emotional and financial abuse between people who are or have been partners or are related.

Harassment - Harassment is defined as

“unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading or offensive environment”.

Harassment is premeditated and targeted and is usually motivated by prejudice and can be verbal and or physical and can be suffered by individuals or groups. The reason for the prejudice is often because of a person's:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Policy Documents are being produced for dealing with Harassment and Domestic Abuse.

Injunctions - an injunction is a court order that prohibits a particular activity or requires someone to take action, e.g. to avoid causing a nuisance. Where appropriate PFH will seek injunctions against residents in an attempt to tackle vandalism, violence, noise, harassment, and /or threatening behaviour in the areas we manage.

An injunction under Part 1 of the Anti-social Behaviour Crime and Policing Act 2014 is a civil injunction which can be applied for to deal with anti-social individuals. The subsidiaries will be able to apply for these injunctions where conduct is capable of causing a nuisance or annoyance to a person in relation to that person's occupation of residential premises or where the conduct is capable of causing a housing related nuisance or annoyance to any person. In addition to prohibiting certain behaviour, the injunctions may impose positive requirements.

Neighbour dispute - may include neighbours who have fallen out/do not get on/do not approve of others lifestyle choices but where there is no evidence to suggest that the behaviour is directly affecting other persons. Ultimately these matters should be dealt with sensitively and in liaison with both parties to reach a conclusion which is satisfactory to all however staff and residents need to understand the limitations of PFH in terms of what actions can and cannot be taken in order to address such issues. Ultimately, such matters should be resolved under the appropriate policy and would not normally fall within the remit of the ASB policy.

Statutory Nuisance - a very simple definition of Statutory Nuisance is

"a legal term which has been developed over many years and has come to mean something which is stopping someone from enjoying their land or property".

Statutory nuisance specifically includes:

- noise emitted from premises such as barking dogs and noisy parties
- noise from vehicles, machinery or equipment in the street
- the state of premises such as damp and vermin-ridden conditions
- accumulations or deposits such as rubbish dumping
- smoke, gas, fumes or noise emitted from premises
- nuisance arising from the manner in which an animal is kept such as keeping an unreasonable number of dogs, nuisance arising from loud persistent night time noise.

Statutory nuisance is defined by the Environmental Protection Act 1990 and in the UK there is no absolute right to silence within your home. Therefore, although you may be unhappy with the level of noise you are exposed to, if it does not amount to a statutory nuisance you may have to endure it.

A statutory noise nuisance therefore is more than where the noise is a mere annoyance but where it is viewed to have a significant impact on the health and wellbeing of those affected. Many factors are taken into account in determining if the noise amounts to a statutory nuisance, including:

Location, Time of day, Frequency Duration Intensity, Number of people affected.

Investigating and taking action to abate statutory nuisance is the responsibility of the Local Authority.

Housing Management issue - may include for example a report against about a resident parking their car inappropriately or putting their bins out in the wrong place. Ultimately this type of issue can be addressed using ensuring relevant policies are followed and ensuring that all concerned are aware of them and would not fall within the remit of the ASB policy.

Verbal Warnings - these might be used where staff has reason to believe that anti-social behaviour has occurred or is likely to occur and that the individual's behaviour could be considered to be unreasonable. In issuing a verbal warning staff will make clear to the individual what behaviour is causing the issue and what effect it is having on the victim or community and the consequences of non-compliance.

Written Warnings - as with a verbal warning, a written warning will contain specifics about what behaviour has occurred and why this is not acceptable, including the impact on any victims or the local community. Records will be kept of any verbal or written warnings given that they may be used as evidence in court proceedings if required.