



# Wythenshawe Community Housing Group (WCHG) Anti-Social Behaviour Policy

<b>Date of approval</b>	September 2023
<b>Responsible director</b>	Executive Director – Customers and Communities
<b>Policy monitoring body</b>	Customer Experience Committee
<b>Resident input into Policy date</b>	Resident engagement as part of Independent Community Safety Review & Customer Experience Committee - September 2023
<b>Date for policy review</b>	September 2026
<b>Linked strategies/policies</b>	See Section 14
<b>Version/date</b>	V 4 – September 2023
<b>Owner</b>	Bernie Woodward - Community Safety Manager

## **1. Introduction**

- 1.1 Wythenshawe Community Housing Group (WCHG) adopts a proactive approach when tackling nuisance and anti-social behaviour (ASB). WCHG recognises that whilst the vast majority of residents are committed to the area in which they live, a disproportionately small number of people fail to maintain their tenancy to an acceptable standard which can detract from our objective to provide sustainable communities where customers want to live. This can be due to support needs, this is managed through our Living Well approach, or can be due to nuisance, antisocial behaviour or criminal activity
- 1.2 This policy supports WCHG's purpose to provide good quality homes and services to our tenants and leaseholders and to play a leading role in creating safer, healthier communities.
- 1.3 This Policy also applies where colleagues, customer representatives, contractors, partners or agents are subjected to abusive, threatening or intimidating behaviour whilst working or acting on behalf of WCHG.
- 1.4 If you require assistance with translation of this policy, large print, easy read, braille, or an audio copy, contact us by phone on: 0300 111 0000 or 0800 633 5500 or by email: [communication@wchg.org.uk](mailto:communication@wchg.org.uk)

## **2. Scope**

- 2.1 This policy sets out WCHG's approach to tackling ASB and the way we intend to work in partnership with local residents and other agencies to resolve it.
- 2.2 This policy applies to:
  - Those who are victims and witnesses of ASB and live in our properties or visit our properties.
  - Those who are victims and witnesses and are not our tenants but are experiencing ASB being perpetrated by people who live in our properties or regularly visit our properties.
  - Those who are the perpetrators of ASB and live in our properties or visit our properties.
  - Those who are the perpetrators of ASB and are not our tenants but are causing ASB and their conduct is having a direct impact on our housing management functions.
- 2.3 This includes people who live in our general needs accommodation, supported and elderly persons schemes, leaseholders, as well as people who live in other tenures (where their ASB conduct is having a direct impact on our housing management function)
- 3.4 The aims and objectives of this policy are to:
  - Define what we mean by ASB and what customers can reasonably expect from us.

- Demonstrate strong leadership, commitment, and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
- Raise awareness amongst our customers the need to act reasonably and be considerate of the different values and lifestyles reflected across our neighbourhoods and communities.
- Prevent and minimise the amount of ASB experienced by our customers and colleagues and ensure tenancy sustainability.
- Ensure we take a victim-centred approach to tackling ASB, including prevention, intervention, enforcement and support.
- Ensure we target support to the most vulnerable customers and high-risk cases.
- Offer early intervention & support to ensure customers are able to self-manage lower-level issues that they may be experiencing.
- Ensure WCHG works with statutory bodies, partners and relevant 3<sup>rd</sup> sector organisations to help resolve ASB and support the victims of such behaviour
- Meet the requirements set out by the Equality Act 2010 which aims to prevent unlawful discrimination
- Meet our legal requirement of publishing a policy and procedure statement in accordance with Section 218 A of the Housing Act 1996
- Comply with the Regulator for Social Housing's (RSH) Anti-Social Behaviour requirements of the Neighbourhood and Community Regulatory Standard
- Ensure WCHG monitors & reports the effectiveness of its approach to tackling ASB including equality, diversity and inclusion reporting
- Ensure WCHG communicates effectively to our tenants and residents relating to the services we provide, specific locality wide issues and also how we have resolved or helped customers to resolve ASB or neighbour nuisance issues.

### **3. Definition**

#### **3.1 Anti-social Behaviour**

##### **3.1.1 WCHG defines Anti-Social Behaviour as:**

- "Conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaged in a lawful activity in the locality". (Housing Act 1996).
- 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 where its direct or indirect effects are housing management function. (ASB, Crime and Policing Act 2014)

3.1.2 The service delivery approach at WCHG includes Neighbourhood Management, Living Well teams, Customer Engagement, Community and Neighbourhood Development including Youth and Play services Property Maintenance and Repairs, Income Collection, Financial Inclusion and Estate Management.

3.1.3 ASB can be defined as but not limited to:

- Noise nuisance including loud music, shouting, slamming doors;
- Behaviour which is aggressive, threatening or causes intimidation or harassment;
- Criminal activity which affects the community;
- Acts or threats of violence;
- Repeated verbal abuse
- Persistent pet and animal nuisance
- Serious vandalism and damage to property
- Offensive graffiti
- Fly tipping
- Hate related incidents\* (including harassment); a crime, typically one involving violence, that is motivated by prejudice on the basis of ethnicity, religion, sexual orientation, or similar grounds.
- Domestic Abuse /Violence, including coercive and controlling behaviour. \*

3.1.4 There are some types of behavior that may not be considered as ASB, such a baby crying, people completing DIY at a reasonable time of the day, dogs barking intermittently, one off parties, name calling, giving dirty looks and stares, social media disputes and people using household appliances at reasonable times of the day.

3.1.5 We will not generally investigate these incidents unless there is clear evidence that there are unacceptable levels of behaviour taking place which is causing serious harm to others, the community, or the environment. However, we may offer mediation and other support to help tenants deal with these issues themselves

3.1.6 If the noise related activity does not meet the threshold of ASB, i.e., unacceptable, excessively loud and persistent noise which is causing harm to others, we will provide customers with self-help options such as mediation and good neighbour agreements and consider a range of measures i.e., flooring, vibration mats under washing machines, door closers, and sound insulation wherever reasonably possible(?).

3.1.7 This approach is in line with the Housing Ombudsman's recommendations in the Spotlight report published in October 2022.

## 4. Policy

- 4.1. WCHG recognises that tackling anti-social behaviour cannot be the responsibility of one group or agency alone. Partnership working brings the best results and through integrated working WCHG are committed to working with our partner agencies and the local community to take a stand against anti-social behaviour, moving away from a situation where communities tolerate problems to one where everyone works together to tackle the problems and improve the quality of life for all.
- 4.2. WCHG will not tolerate anti-social behaviour directed towards our tenants, leaseholders, their visitors or any others engaged in a lawful activity in the locality of our homes, including our colleagues, contractors and others acting on our behalf
- 4.3. WCHG will seek to
  - Make it easy and accessible for tenants and residents to report ASB
  - Offer customers an interview in a safe place of their choice
  - Respond promptly to all complaints of ASB with appropriate action being taken against perpetrators and resolved at the earliest opportunity
  - Undertake action that is reasonable and proportionate and be clear with customers on the range of interventions and solutions available
  - Contact the complainant and witnesses when we are ready to close a case, discussing the reasons for doing so and then we will advise all parties in writing.
  - Promote community engagement and mutual responsibility and encourage and provide advice to customers to find their own solutions in the first instance by taking responsibility and ownership where appropriate.
  - Have in place a robust tenancy agreement clearly outlining our stance on anti-social behaviour, use Starter Tenancies, and adopt sensitive local lettings where appropriate
  - Tackle ASB through effective co-ordination of service actions including prevention, diversion and enforcement including where appropriate providing target hardening measures or additional security measures to protect residents.
  - Support victims and witnesses throughout the process, maintaining regular contact and providing an out of hours witness support service
  - Provide a tailored response to ASB according to individual circumstances.
  - Provide support to tenants, residents or their household members who may have difficulty in managing their tenancy or home by adopting a person-centred approach to understand the situation and where relevant work with relevant WCHG teams or partners to help to try to resolve the situation or drivers of ASB.
  - Ensure colleagues are trained, resourced and supported to enable them to identify and respond to acts of anti-social behaviour. Including how to respond to and recognise safeguarding concerns. The training will be ongoing and will consider best practice and changes in legislation and we adopt an adverse childhood experiences (ACE) approach.
  - Ensure tenants and residents are kept fully informed about action taken to tackle anti-social behaviour and publicise successful outcomes and initiatives.
  - Keep all information confidential and only pass it on to other agencies with the permission of the complainant, where required to by law or, where necessary for the protection of children and vulnerable adults

- Work closely with the Police, the Local Authority and other agencies and landlords to develop strategies and initiatives which respond to and reduce the incidence of anti-social behaviour
- Utilise the CCTV system and Assure 24 service to support the ASB team, the police and the Local Authority to act by providing intelligence, evidence and information.
- Utilise the Assure 24 service to support reporters and witnesses of ASB where appropriate.
- In all appropriate cases, make referrals to the Multi Agency Safeguarding Hub (MASH), Multi Agency Preventive and Support (MAPS), Early Help Hubs and the Police when information relating to safeguarding concerns comes to light during the investigation of ASB cases.

#### **4.4 Prevention & Support**

4.4.1 WCHG recognises that prevention and support is an essential part of its approach to dealing with anti-social behaviour and uses a full range of measures. These include:

- Providing or working with others where support is needed to help resolve a tenancy sustainability issue such as mental health support.
- The Use of Mediation services
- Use of social prescribing and Community & Neighbourhood services
- The use of Restorative Justice
- Formal tenancy warnings
- Work with partners, such as Early Help Hub,
- Youth intervention projects
- Starter Tenancies
- Placing perpetrators on the re-housing review list
- Support to enable more appropriate rehousing applications can be made

4.4.2 In addition to this, all 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

4.4.3 The purpose of the risk assessment is to determine the impact of anti-social behaviour on victims and witnesses and to identify the following:

- The welfare, safety and well-being of the person
- The impact the behaviour is having on their lives
- An assessment of any vulnerability and the support in place
- What's known about those causing the anti-social behaviour
- The cumulative effect of any repeated incidents

## 4.5 Enforcement

- 4.5.1 WCHG will fully utilise the range of tools and remedies available to it to ensure that it responds to ASB in ways which are both proportionate and effective. The tools available are below, some of which are delivered in partnership with other agencies, including:
- Injunctions – with and without notice
  - Criminal Behaviour Orders
  - Demotion orders
  - Possession orders
  - Dispersal orders (in partnership with the police)
  - Closure orders (in partnership with the police)
  - Community Protection Orders
  - Eviction - use of the discretionary and absolute grounds for possession when appropriate.
- 4.5.2 We will only take enforcement action if it is reasonable and proportionate to do so. It is important that Officers give realistic advice from the outset about what action can be taken, the level of evidence required and the possible timescales
- 4.5.3 If court action is required, we will support reporters and witnesses throughout the court process and beyond. We understand that not everyone feels able to give evidence in court, but ASB cases are most successful where we have witnesses who can give their own account of what they have been experiencing.

## 5. Partnership Working

- 5.1 We recognise that dealing with ASB is not the sole responsibility of one agency. Multi agency working is an important tool in taking a holistic approach to tackling ASB in our communities. Where possible we will work with other agencies to combine resources and take a partnership approach to find a suitable resolution to ASB issues.
- 5.2 We are involved and do contribute to local partnership meetings to identify solutions to prevent incidents of ASB, protect people who are experiencing ASB and to challenge those who are responsible for it.
- 5.3 WCHG recognise that some types of crime related activity cannot be effectively tackled without collaborative working relationships with the Police as the lead agency, as well as those members of the public who are being affected by the criminal activity.
- 5.4 In cases where illegal activity, drug use, including cannabis and cannabis smells, drug dealing and drug abuse are reported WCHG will work with the Police and other partner agencies, to bring about positive resolutions which in some cases may result in a criminal prosecution.
- 5.5 WCHG works in partnership locally and also across Manchester i.e. The MHPP Community safety Group and other local authorities where we have homes or provide services, we will ensure these partnerships enable us to share best practice and enable a continuous improvement approach to service delivery.

## **6. Customer Responsibilities**

- 6.1 WCHG will have an expectation that our tenants and residents will take responsibility for their own behaviours and actions. In situations where there is a dispute or disagreement between neighbours, we will firstly encourage those customers to try and resolve things themselves, (unless there is a serious risk of harm/violence or abuse).
- 6.2 We will offer them advice on how they might approach their neighbour to resolve the conflict and use our specialist mediation service to support them in reaching a resolution
- 6.3 We will engage with our customers and encourage them to: -
- Report criminal activity to the Police
  - Report all incidents of ASB, harassment, Hate Crime and Domestic Abuse to us, and to the Police and any other relevant agencies
  - Take responsibility for minor personal disputes with their neighbours – resolve problems in a reasonable manner

## **7. ASB Case Review**

- 7.1 The Anti-social Behaviour, Crime and Policing Act 2014 introduced specific measures designed to give victims and communities a say in the way that complaints of anti-social behaviour are dealt with.
- 7.2 The ASB Case Review is a process customer can use if they have reported ASB and think that no action has been taken. It makes the police, local council and housing associations look at the situation and what they have done to resolve it. This ASB Case Review process is managed by Manchester City Council and customers will need to contact them if they wish to invoke the ASB Case Review process

## **8. Complaints**

- 8.1 Any party involved in an ASB case can make a complaint directly to WCHG if they are not satisfied about how their case has been handled. When a complaint of this type is made WCHG will follow the process set out in our complaints policy and process.

## **9. Data Protection, Confidentiality and Information Exchange.**

- 9.1 WCHG will not disclose any information about, or provided by, a Complainant without their consent unless there are safeguarding issues that could impact on the safety of children or vulnerable adults or where there may have been a crime committed.
- 9.2 All information shared in respect of perpetrators will adhere to the principles of the UK General Data Protection Regulation (UK GDPR) and Data Protection Act (DPA) 2018, as it relates to information sharing between agencies for the purposes of the reduction of crime and disorder.



## **10. Responsibility**

- 10.1 The Executive Director of Customers & Communities shall be responsible for the implementation and review of this policy. The operational day to day delivery of the policy is the responsibility of the Head of Housing.

## **11. Consultation, Monitoring and Review**

- 11.1 We will monitor and learn from the feedback we receive about how we manage and respond to cases of ASB to ensure a high standard of our services, in line with the Tenants Satisfaction Measures Standard introduced in April 2023 by the Regulator for Social Housing
- 11.2 We will invite customers to scrutinize our service and give us feedback for improvements. WCHG will also ensure we benchmark our community safety services to understand how we are performing and to share and gather best practice. We will from time to time share the benchmarking results with our customers.
- 11.3 Indicators that will be monitored include but are not limited to:
- Number of new ASB cases arising including by type and locality
  - Percentage of cases successfully resolved.
  - Satisfaction with the outcome of the case
  - The time taken to resolve ASB by type
  - The use of legal action.
  - The use of non-legal action actions to remedy ASB cases
  - Case studies and customer experiences
  - Equality, Diversity and inclusion indicators
- 11.4 An annual report to the Customer Experience Committee and Board will provide an assurance of our compliance with the policy and our customer engagement
- 11.5 The ASB policy will be reviewed on a 3-year cycle dependant on any significant changes in legislation

## **12. Equality & Diversity**

- 12.1 WCHG will ensure that the ASB Policy and procedure is accessible to its diverse customers
- 12.2 WCHG will consider the different needs of our customers when considering action.
- 12.3 WCHG recognises that customers of all races, ages, religions, gender, sexual orientation, literacy levels and disability should be treated equally and fairly and will make every reasonable effort to ensure that no-one is discriminated against on the basis of any protected characteristic as defined by the Equality Act 2010.
- 12.4 WCHG will provide information in languages other than English, in braille, large print, easy read and Audiotape. Our receptions and interview rooms are fitted with a hearing loop system.

### **13. Legislative Framework**

13.1 This policy statement incorporates a number of legislative and regulatory requirements, which includes but not limited to:

- ASB Crime and Policing Act 2014
- Equality Act 2010
- Housing Acts 1985, 1988 ,1996 and 2004
- ASB Act 2003
- Crime and Disorder Act 1998
- GDPR 2018
- Data Protection Act 2000
- Protection from Harassment Act 1997
- Policing and Crime Act 2009
- Police Reform and Social Responsibility Act 2011
- Criminal Justice Act 2003
- Safeguarding Vulnerable Groups Act 2006
- Mental Capacity Act 2005
- The Human Rights Act 1998
- Domestic Abuse Act 2021

### **14. Associated Policies & Strategies**

- Equality & Diversity Policy
- Domestic Abuse Policy
- Data Protection Policy
- Tenancy Management Policy
- Allocations Policy
- Safeguarding Policy
- Hate Crime Policy
- Complaints Policy
- Community Safety Strategy 2023-26
- Community & Neighbourhood Development Strategy
- Living Well Strategy (In development – due May 2024)