



Anti-Social Behaviour Procedure

Version Number	3.0	Developed by	Sarah Cottrell
Approval Date	April 22	In Consultation With	Dave Newmarch
Classification Type - (Confidential, Restricted, Internal use only, None)			None



Anti-Social Behaviour Procedure

CONTENTS

1. Introduction
2. Definition
3. Report
4. Process
5. Investigation
6. Action
7. Monitor
8. Close
9. List of template documents



Anti-Social Behaviour Procedure

1. Introduction

This Procedure sets out what Framework will do to help prevent anti-social behaviour (ASB) in dispersed housing and how we will deal with complaints about ASB in dispersed housing. All hostels should have a Locality Management Protocol that details how they manage ASB.

2. Definition

ASB is defined in 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,*
- *is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or*
- *is capable of causing housing-related nuisance or annoyance to any person*

Framework will use the above as its definition of ASB.

3. Report

An ASB report can be made in a number of different ways, including by phone, in writing or face to face. All initial reports must be documented on the template ASB Report Form. Any supporting documentation should be attached to the report (e.g. email, letter, BN1). At this stage an ASB case file is opened and all subsequent evidence and documentation should be added to the case file. Case files should be stored separately in a specific ASB folder on K drive. Some ASB reports may also be classed as incidents, in which case that procedure should also be followed separately from this one.

ASB reports can be made by an employee (or contractor), another tenant, neighbour or partner agency such as the Police or Local Authority.

The relevant Housing Officer (HO) will take responsibility for dealing with ASB reports on their patch. They should make sure the Senior Housing Officer (SHO) is aware, who will in turn update the Tenancy and Neighbourhood Manager. Before taking any action in dealing with a case of ASB the risk should be assessed. Consideration should be given to the severity of the ASB and the risk to the complainant, the community, staff and the perpetrator.

A matter should be treated as high risk where the initial report contains details of incidents that consist of:

- threats of, or actual violence to person or property
- hate crime



Anti-Social Behaviour Procedure

In high risk cases we should consider whether we need to take urgent legal action, e.g. apply for an injunction. The Tenancy & Neighbourhood Manager would make this decision and refer such cases for legal advice and then give instructions on the course of action we wish to take.

As well as using the definition of ASB as written above, when trying to establish that something is ASB, HO's should also look at whether the behaviour is having a negative effect on someone, whether it is unreasonable, or if it is persistent, continuing or serious.

If it is identified that behaviour isn't ASB, this needs to be explained to the complainant at the earliest opportunity. The issue will still need to be dealt but not by following the ASB procedure, therefore an ASB case file should not be opened.

4. Process

1. ASB report received
2. Initial details of report are recorded on a template ASB Report Form with any supporting documentation (letter, email, BN1 etc.) being attached
3. Decide whether the report should be reported to anyone else e.g. Police, Environmental Health, LA ASB team and action accordingly
4. Open a new ASB case file
5. The ASB case should also be logged on the ASB spread sheet and updated regularly as action happens.

The Admin Worker will be responsible for ensuring the ASB spread sheet is accurate and up to date on a regular basis. This information will be used by the Housing Services Manager to review performance. Findings will be reported to the Service User Advisory Group and the Operational Leadership Group (OLG) for consultation. Changes to service delivery resulting from recommendations will be documented. Performance reports will be made available to the Senior Leadership Team and Frameworks board as requested

- Check the ASB folder records to see whether there is any previous relevant involvement with the perpetrator, and if so ensure this is referred to and used as required, as part of the investigation
- The HO should make their SHO aware of the report of ASB and they should agree an initial plan of action, ensuring that this procedure is followed. The plan should state what action is needed, the person responsible for taking that action and a timescale. This plan should be recorded on the template Investigation Notes and reviewed regularly by the HO and SHO to ensure the plan is adhered to and updated as needed. The regularity of the review process should be agreed by the SHO.



Anti-Social Behaviour Procedure

- The action plan also needs to show that the risk to the complainant, the community, staff, the Organisation and the perpetrator has been considered and that appropriate management strategies have been agreed. The HO and SHO should agree this risk and in turn update the Housing Services Manager. Specific areas to consider could include:
 1. risks to staff lone working
 2. victim support for the complainant
 3. Organisational reputation
 4. information for and communication with neighbours and local community
 5. risks to other tenants if a shared property or scheme
 6. risks to the perpetrator
- If the ASB report is via email, letter or a BN1 from a support service the complainant should be contacted within 1 working day of us receiving the complaint where the template Complainant Interview Form should be completed, or an appointment made where the form will be completed. This can be over the phone or in person and needs to be agreed with the complainant
- If the ASB report is over the phone or in person the template Complainant Interview Form can be completed there and then or an appointment made for it to be completed at a later time as agreed with the complainant
- All correspondence should be recorded and referred to on the template Investigation Notes

5. Investigate

There are three parties who should be interviewed when investigating an ASB report:

The Complainant

The HO should use the template Complainant Interview Form. This is best done in person, but if it is more appropriate and preferable to the complainant it can be done over the phone. The complainant needs to be interviewed somewhere they feel comfortable and at a time that is convenient to them, if reasonable. The HO should ensure the complainant is clear on timescales and next steps and they know how to contact them.

As part of the interview with the complainant the following will be established:

- Complainant's details including address, contact number, any history we need to be aware of
- details of the actual incident(s)
- how the incident made the complainant feel
- if the matter was reported to anyone else



Anti-Social Behaviour Procedure

- we also need to agree what our future contact is going to be in terms of frequency of contact and updates from us, how the complainant wants to report issues in future, whether they are prepared to use diary sheets and how and how often these will be returned, are they willing to support our action, do they have any vulnerability issues or support in place we need to be aware of?

Others (people who can provide supporting information)

This could include other **tenants** or **neighbours** who may have witnessed this or other incidents, the **Police**, other **enforcement agencies** such as the Local Authority ASB team, environmental health etc. and **support services**.

If other tenants or neighbours are interviewed the HO should use the same interview document as used with the complainant. Any information received from the Police (convictions, arrests, call logs etc.), other enforcement agencies (reports to them, outcomes and any actions etc.) or support services (any incidents or relevant issues they're aware of etc.) should be recorded on the template Investigation Notes

The Alleged Perpetrator

Write to the alleged perpetrator explaining that there has been a report (s) of ASB and invite them for an interview where this can be discussed. This interview would normally take place at the office. Use the template Perpetrator Interview Form.

Each specific report needs to be put to them so they can respond; all responses must be recorded. If they make counter allegations these should be treated as separate ASB reports. You should discuss any support needs they may have and refer them to their support service and make their support service aware. At the end of the interview the HO should ensure perpetrator is clear on what the next steps are and timescales

If the perpetrator refuses to meet with the HO or does not attend, they can be given up to 2 chances. If no contact is made it can be assumed the incident happened and the required action as stated below can be taken.

If there is a support service involved the HO should keep them up to date with the case and ensure any risks are shared with them.

If after investigation it is concluded that there is no further action that can be taken the template No Further Action Letter should be completed and sent to the complainant.



Anti-Social Behaviour Procedure

6. Action

When dealing with ASB issues HO's should generally follow an incremented approach as detailed below. However, if the case is deemed serious enough the incremental process doesn't need to be followed if the action we decide to take is still deemed as proportionate.

For cases involving minor disputes mediation should be considered as part of the investigation stage. Where the perpetrator is under 18 we should liaise with the relevant support provider and engage with the Youth Offending Team, Children's Social Care and any other relevant support services.

If after investigating the ASB report it is determined that ASB has occurred the perpetrator should be sent a template Breach Letter. This should state the details of the incident as well as the section of their Tenancy they have breached. If previous breach letters have been issued and/or the behaviour is deemed serious enough you should complete a template Acceptable Behaviour Contract with the perpetrator. If the incident is serious enough to need immediate legal intervention a template Proportionality Assessment should be completed by the HO and SHO. The SHO should refer this to the Tenancy and Neighbourhood Manager who will then decide whether to refer the case to the legal team.

Where there is a support service involved any decisions around legal action should be discussed with them by way of a case conference to agree the action that all parties need to take. This would include the SHO, HO and a Manager from the support service. In cases where there is on-going low level ASB that may soon be leading to legal action a case conference should be held with the support service to agree actions and make all parties aware of the situation. All decisions should be recorded on the case file.

Liaison with the perpetrators support service is essential at all stages. If there is no support service involved we should discuss the tenant being referred to an appropriate service. Although we need to be mindful of someone's support needs it shouldn't put any action on hold. The possible sanctions that we can bring if the problems continue may increase the likelihood of the perpetrator engaging in support and a successful outcome. If the perpetrator has a diagnosed mental health issue or we suspect they have, we will assume that they have mental capacity unless we see medical evidence to suggest otherwise. Again, mental health issues wouldn't put our actions on hold but we need to consider this when dealing with the issue and ensure we liaise with the relevant support services.

The Housing Officer is responsible for making sure that the Investigation Notes are kept up to date. All work done and actions agreed must be recorded on the Investigation notes.



Anti-Social Behaviour Procedure

7. Monitor

ASB cases should be dealt with as quickly and effectively as possible. The caveat to this is when court action is required where timescales are directed and therefore difficult to control. Open cases should be reviewed every week by the SHO and HO so that action plans can be checked, reviewed and updated. The SHO should ensure that the Tenancy and Neighbourhood Manager is kept up to date on a weekly basis.

All cases should be monitored for at least a month after action has been taken. This depends on the nature of the case and will require agreement with the complainant over the timescale. The HO should agree the frequency of contact with the complainant. This doesn't have to be as regular as the contact during the investigation but should be at least monthly. The complainant should be given the specific contact details so they are clear on whom and how they should contact us.

The HO is responsible for ensuring the Investigation Notes are kept up to date and that all contact is recorded.

If new reports of ASB are received about the same perpetrator during this time they should be investigated as per the investigation stage. When doing this the HO and SHO should consider:

- Whether the action plan needs amending
- Whether the risk assessment needs reviewing
- Seeking updates from relevant agencies
- Whether the perpetrators needs have changes
-

The action decided must take into account the previous issues and in most cases the action should be more serious than that which was taken before.

If after the agreed monitoring period there have been no further problems, the case can be considered closed.

8. Close

At weekly caseload meetings the HO and SHO will discuss open cases and if they agree that a case should be closed, the SHO will take this decision to the Tenancy & Neighbourhood Manager who will authorise if agreed.

Before making the final decision to close a case the HO should speak to the complainant to ensure there is no further action to take and that the complainant also understand this. The final decision to close a case lies with the service but the complainant should be consulted. If the case is being closed because we cannot contact the complainant this obviously won't apply.



Anti-Social Behaviour Procedure

The SHO is responsible for ensuring the template Case Closure Form is completed, and that it clearly states the reason why the case is being closed. Once a case has been closed, the HO should ensure the relevant template Closure Letter is sent to the complainant and perpetrator. A Satisfaction Questionnaire should be sent with the closure letter to the complainant.

Satisfaction Surveys should be collated by the office administrator and information uploaded on to the ASB spread sheet.

9. List of relevant template documents

- ASB Report Form
- Complainants interview Form
- Perpetrators interview Form
- Investigation Notes
- ASB Interview Letter (perpetrator)
- No Further Action Letter
- Breach Letter
- Acceptable Behaviour Contract (ABC)
- Proportionality Assessment
- Satisfaction Questionnaire