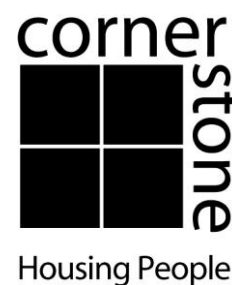


Anti-Social Behaviour Policy



Section;	Housing
Policy name;	Anti-Social Behaviour (ASB) Policy
Executive responsible;	Head of Housing
Review by;	Head of Housing, Staff, Tenant Performance Panel
Type of review;	Full
Authority to amend;	Chief Executive
Frequency of review;	Every three years
Last review;	June 2022
Next review;	March 2025
Responsibility for delivery;	Housing Team
Strategy;	Housing Management Strategy
Supporting Documents;	ASB procedure and associated tenant and staff forms
Associated risk;	8. Inadequate and ineffective customer service and/or engagement 9. Health and safety failure or neglect
Equality & diversity	Particular types of ASB, such as hate crime and harassment, are closely linked to equality and diversity. Our approach to victims and alleged perpetrators will adhere to our equality and diversity policy.
VFM & benchmarking;	Tenant satisfaction with case management will be benchmarked against peer groups.

VERSION CONTROL			
Version Number	Sections Amended	Date of update	Approved by
1.0	First issue in new template	1.0	GH
2.0	General update	16.12.15	Board
3.0	Full review	08.01.19	Chief Executive
4.0	Full review	01.06.2022	Chief Executive

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1. OBJECTIVE

ASB can have a detrimental effect on the quality of life for our tenants, their families and their communities. If allowed to continue it can negatively affect tenants' health and wellbeing and how they view their living environment, their neighbourhood and us, as their landlord.

Our overall objective is to prevent and resolve anti-social behaviour wherever possible and we will achieve this through a three-step approach: 1) Prevention, 2) Intervention, and 3) Enforcement. These steps are set out later in this policy.

We will encourage a degree of tolerance for the needs and choices of others whilst accepting that we have a duty of care to our tenants, to ensure they can have quiet enjoyment of their homes. Where possible, we will take reasonable and appropriate action to help those affected by ASB, but we cannot be held responsible for the actions of others who are outside of our control.

2. DEFINITION OF ASB

A definition of ASB is set out under the Anti-Social Behaviour Crime and Policing Act 2014; we have adopted this definition as follows:

- (a) behaviour which has caused, or is likely to cause, harassment, alarm or distress to any person,
- (b) behaviour capable of causing nuisance or annoyance to a person in relation to that person's occupation of premises, or
- (c) behaviour capable of causing nuisance or annoyance, which relates to Cornerstone's housing management functions, to any person.

What is antisocial behaviour?

There are three main categories for antisocial behaviour, depending on how many people are affected:

1. Personal antisocial behaviour is when a person targets a specific individual or group.
2. Nuisance antisocial behaviour is when a person causes trouble, annoyance or suffering to a community.
3. Environmental antisocial behaviour is when a person's actions affect the wider environment, such as public spaces or buildings.

Harassment is when someone is made to feel distressed, humiliated or threatened and includes being in fear of violence. It can be caused by one or more people and victims can be individuals or groups of people. It can include domestic abuse; which we have a separate policy on, and hate crimes.

Hate related incidents are acts of hostility or prejudice against someone which are motivated by a victim's disability, transgender-identity, race, religion or belief, or sexual orientation. When an incident becomes a criminal offence, they are known as hate crimes. Hate crimes can include threatening behaviour, assault, robbery, damage to property, inciting others to commit hate crimes, and harassment.

ASB can include, but is not limited to:

- Rowdy behaviour such as insults, shouting and swearing
- Noise nuisance
- Verbal abuse
- Threatening behaviour Drug related offences
- Damage to property such as graffiti

- Alcohol related incidents
- Pets and animal nuisance
- Garden nuisance/misuse of communal areas (including littering or fly tipping)
- Hate crimes
- Criminal behaviour (including domestic violence and abuse)
- Street based crime or nuisance including street drinking/begging/prostitution
- Vehicle nuisance/abandoned property

The following are NOT normally considered to be ASB:

- Sounds of everyday life, such as opening and closing doors, going up and down stairs, toilets flushing.
- Children playing.
- Smells from cooking.
- One-off parties.
- Clashes in lifestyle or cultural differences.
- Minor personal differences, such as receiving dirty looks, children falling out or comments on social media.
- Minor situations where residents are inconsiderate, such as parking disputes.
- CCTV use and disputes, such disputes will be directed to the relevant authority (police and/or ICO)

3. CATEGORISING ASB

The action we take in response to an ASB complaint will be based on our assessment of the seriousness of it; this can range from low level nuisance to the most serious ASB, as set out below. We will also consider the level of risk to the complainant, the community, Cornerstone and/or others.

Low level nuisance includes:

- noise nuisance which is not persistent
- untidy/messy gardens and driveways or misuse of communal areas
- pets and animal nuisance
- minor car repairing problems
- minor problems with children/youths

Low level nuisance can become more serious ASB if it persists or escalates.

The most serious ASB includes:

- threats of or actual acts of violence

- domestic violence and abuse
- hate related incidents
- harassment
- drug dealing
- persistent noise nuisance
- other criminal activity, including sex offences

4. PREVENTION

To prevent ASB we will:

- Have clear clauses in our tenancy agreements explaining tenant responsibilities
- Use 'starter tenancies' for all tenants new to social housing
- Provide new customers with information on this policy when they move in
- Make it as easy as possible for ASB to be reported to us
- Complete regular estate inspections
- Publicise our commitment to dealing with ASB, including on our website and social media
- Let properties appropriately, in line with our lettings policy
- Consider the design of new developments and where possible improvements to existing developments, to reduce the potential for crime and ASB
- Work collaboratively with our partners and stakeholders on prevention initiatives
- Take part in community initiatives, where appropriate
- Make support referrals for perpetrators to reduce the risk of further incidents.

5. INTERVENTION

Early intervention can prevent ASB from escalating; action can be taken by the complainant, the victim and/or Cornerstone as follows:

What the complainants/victims can do:

- Politely and clearly raise the issue with the other party, if it is safe to do so
- Keep records and/or other evidence of what has happened
- Contact Cornerstone
- Contact the Police, where relevant
- Contact Environmental Health, where relevant

More formal action under the enforcement stage of this policy is dependent upon complainants/victims providing us with evidence throughout the case which could lead to them attending court to give evidence.

Anonymous complaints will generally not be investigated although the information may be passed onto other agencies such as the Police, if appropriate.

What Cornerstone can do:

- Listen and take details of what is being complained about
- Explain the process and next steps to the complainant
- Agree an action plan with the complainant
- Undertake a vulnerability and/or risk assessment
- Keep complainants updated in accordance with the agreed plan.
- Review records and/or other evidence of what has happened
- Liaise with other agencies, e.g. the Police, Environmental Health, Social Services, Support workers etc.
- Raise the issue with the party complained about
- Set up mediation
- Make referrals for support and/or signpost to other relevant services
- Issue verbal and written warnings
- Use acceptable behaviour contracts

We will usually respond to initial complaints of serious ASB within one working day and all other complaints within five working days.

Where it is appropriate to do so, we will encourage complainants to try and resolve the issue amicably themselves in the first instance, this can avoid escalation through our involvement.

The alleged perpetrator will usually be given the opportunity to respond to allegations; an exception may be where our investigations, assessment of risk, or the behaviour complained about show that immediate enforcement action is appropriate.

6. ENFORCEMENT

Where earlier interventions have failed to resolve the ASB and the problem is persisting or in the case of the most serious ASB, we will consider enforcement action. This action could include the following which will be authorised by the Head of Housing:

- Extension of a starter tenancy (where the tenant is on this tenancy type)
- Not renewing fixed term tenancies (where the tenant is on this tenancy type)
- Ending a starter tenancy (where the tenant is on this tenancy type)
- Injunctions

- Demotion of tenancy
- Possession of the property

We will take action that we consider to be reasonable and proportionate to the ASB that is taking place. Eviction will be a last resort, but possession claims will be made for serious or persistent ASB cases or where all other interventions have failed.

To inform and support our enforcement action we may take our own legal advice and seek information from other parties, such as the Police, via Information Sharing Protocols. We may decide not to take legal action where it is unlikely that we would succeed as this does not represent value for money.

We can make possession claims on discretionary grounds and in some specific circumstances on mandatory grounds. Discretionary grounds are where the Court will decide based on the evidence, if they consider it reasonable to grant us possession of the property or not. Mandatory grounds are where the Court has no discretion and possession of the property should be granted by the Court if the required conditions are met.

We will use mandatory grounds, where the tenant or a person residing in or visiting the property has:

- Been convicted of a serious criminal offence
- Breached a criminal behaviour order or an ASB injunction
- Breached a notice or court order in relation to noise nuisance

Serving notices (Section 21) to end starter or fixed term tenancies are also considered mandatory grounds, where the Court has no discretion as to whether we are granted

Where our action means a tenant is at risk of homelessness we will try to get their consent to make a Local Authority referral for housing advice. Where we have safeguarding concerns we may refer without consent.

7. SUPPORTING VICTIMS AND COMPLAINANTS

We know that reporting ASB can be daunting for some so we will take all complaints from victims and complainants seriously and will aim to respond promptly, with empathy, and in a supportive manner.

Some victims or complainants may be more vulnerable than others; we will aim to identify this at the earliest opportunity, undertake adequate assessment of any vulnerabilities and/or

risk and offer appropriate advice and referrals for support. Our safeguarding policies will be considered in relation to any vulnerabilities and implemented where necessary.

We will consider the following:

- Whether their vulnerability puts them at an increased risk of harm and take steps to mitigate that where possible.
- Whether additional help is needed for them to record or report incidents and offer that where possible.
- Whether they will need additional support to attend Court, this could include a private room away from the alleged perpetrator, video testimony etc.

We will not normally rehouse victims or complainants; we will follow our own Lettings Policy and accept the recommendations of the Police, and other relevant agencies, based on an assessment of risk.

8. SUPPORTING PERPETRATORS

We recognise that some ASB can be as a result of or made worse by other factors in tenants' lives, for example poor mental health, drug or alcohol dependency. We will aim to identify these factors as early as possible and refer tenants for appropriate support.

Our ultimate aim is to resolve this issue through support or advice but where this is not engaged with or it fails to resolve the issue we will consider the most appropriate enforcement action available to us. Our safeguarding policies will be considered in relation to any vulnerabilities and implemented where necessary.

9. RIGHT OF REVIEW, COMMUNITY TRIGGER AND COMPLAINTS

Where a tenant has been served with a notice telling them that we intend to seek possession of their home due to ASB and this notice is on mandatory grounds, the tenant will have a right to request a review of that decision.

Review requests should be received from the tenant in writing within fourteen days of the decision to end the tenancy (the fourteen days will start five days from the date we send the letter). Review requests should detail why the tenant believes their tenancy should not be ended. Tenants will be signposted for support in writing a review request where appropriate.

Requests for reviews will be dealt with by the Chief Executive normally within 21 days. During this time there may be a meeting or hearing with the tenant to hear from them directly and to give them an opportunity to get their views across. They will be permitted to have

representation with them or someone to represent them at a hearing, or to provide written representation if required. The Chief Executive may consult with the Board during the appeals process. The tenant will receive a written response to their review request within 28 days of their original request or within ten days of any hearing.

The Community Trigger

Anyone experiencing persistent anti-social behaviour has the right to initiate a multi-agency review of their case where a local threshold of at least three qualifying complaints within a six month period is met.

How to activate the Community Trigger

In order to monitor the number of activations of the Community Trigger in this area Devon and Cornwall Police have agreed that members of the public can request a case review by dialling the non-emergency telephone number 101.

Complaints about how we have dealt with an ASB case will be dealt with under our standard complaints process.

10. RECORDING, INFORMATION SHARING AND MONITORING

Incidents of alleged ASB will be logged and, where these are serious or on-going, cases will be opened on our ASB recording system.

Progress with cases will be monitored by the Senior Housing Officer and/or the Head of Housing to ensure that cases reach early resolution where possible.

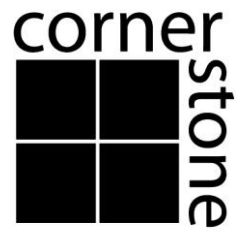
The number of cases, their location and the type of ASB will be monitored to assess if hotspots are occurring which may need other forms of prevention or intervention.

Complainants will be invited to complete a satisfaction survey when a case is closed, the outcomes of which will be used to help improve the service, where appropriate.

Key performance indicators, such as complainant satisfaction with case handling, will be reviewed by the Executive Team and the Board and benchmarked against peers.

In managing information related to anti-social behaviour cases, Cornerstone Housing do so in compliance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018). Cornerstone Housing are also work in partnership with the Local Authority and Devon & Cornwall Police and, where necessary to support enforcement or

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Housing People

safeguard children or vulnerable adults, share information within the Information Charter agreement with the Strategic Alliance managed by Devon & Cornwall Police.