

Anti-Social Behaviour & Hate Incident Procedure

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Procedure author/holder:	Regional Housing Manager North
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1 Introduction

We work closely within the framework of the wider community safety partnerships and the governments set of core principles to help us develop a consistent approach to managing ASB in our communities

<https://www.gov.uk/government/publications/anti-social-behaviour-principles/anti-social-behaviour-principles>

These five principles are fundamental to our approach to managing ASB cases:

- Customers should be encouraged to report ASB and expect to be taken seriously. They should have clear ways to report, have access to help, support, and restorative approaches.
- Our approach will be clear and transparent.
- We will work across boundaries with our partner agencies to promote pathways such as Community Triggers.
- We will develop our ASB expertise and will share best practice.
- Those customers who develop ASB will have the opportunity to take responsibility for their behaviour and repair the harm caused.

2 Principle 1

Customers should be encouraged to report ASB and expect to be taken seriously. They should have clear ways to report, have access to help, support, and restorative approaches.

2.1 How we define ASB

The Anti-Social Behaviour, Crime and Policing Act 2014, defines anti-social behaviour as:

- Conduct that has caused, or is likely to cause, harassment alarm or distress to any person
- conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- Conduct capable of causing housing related nuisance or annoyance to any person, that is, directly or indirectly relating to our housing management function

If enforcement action is taken LiveWest must prove on the balance of probabilities, that the behaviour meets this threshold and provide supporting evidence. We will also need to demonstrate that any action we take is proportionate.

We will investigate and if appropriate act, where the anti-social behaviour is persistent, ongoing, and preventable, or is a single serious incident under the terms of the tenancy agreement, which has been reported to the police. This action could be informal or formal, dependant on the circumstances.

Appendix 1 is a guide of what we consider to be ASB and what we consider is not ASB; this list is not exhaustive and is subject to assessment.

2.2 Reporting ASB

Anyone affected by anti-social behaviour (ASB) related to our homes and communities can report incidents directly to us, in addition to other agencies. Our service offer encourages the use of online Apps, these are available for reporting incidents at all times:

- Through online reporting Apps such as the Noise/ASB App
- E-mail through our customer service centre
- Website

For those who do not have access incidents can be reported to us during normal office hours in the following ways:

- Telephone call to our Customer Service Team
- In writing
- In person
- Via a third party with the reporter's consent

We do not provide an out of hours response or operate an emergency response service to ASB. All emergencies should be reported to the police.

We are not always able to respond to anonymous reports; if the information is connected to a crime, it should be reported to the police. We have a duty of care to share any information that we feel represents a safeguarding risk, if it is relevant to do so and should make sure our customers are aware of this when doing so.

2.3 Building positive relationships

Unless there is a risk of harm, customers shall have attempted resolution with neighbours prior to contacting us. Our website provides information and support on the best way of doing this such as “Dear Neighbour” letter templates, which customers should be encouraged to use. This is the most neighbourly way of resolving disputes. Often neighbours are unaware of the impact of their behaviour on others and welcome the opportunity put things right. We will provide advice and support and direct customers to our website which contains help and advice.

Where we provide this advice, we will log the contact so that we have a record of concerns but will not open an ASB case unless the customer reports continuing issues.

Where the customer has attempted resolution, or we assess that there is a clear risk of harm, we will log cases within two working days using a harm centred approach.

2.4 Mediation

Mediation can be used between two or more people. If informal discussions between neighbours do not resolve problems, we may refer them to a professional mediation service. Mediation may be appropriate for use between two or more LiveWest Housing customers, or between a LiveWest Housing customer and a neighbour who is not an LiveWest Housing customer.

We will promote mediation to resolve disputes between neighbours around Tenancy Breach and ASB issues such as noise nuisance & neighbour disputes. Mediation may not be appropriate where there is a genuine fear or threat of violence, or racial or sexual abuse or harassment, however if these risks are managed mediation may still be considered.

Any mediators we use will be appropriately trained and experienced. Some mediation services may use restorative justice. Restorative justice may be used as an early intervention as well as after enforcement action has been taken, it may be used in conjunction with other action.

3 Principle 2

Our approach will be clear and transparent.

3.1 Who manages ASB cases?

These are the teams involved in the ASB process:

- **Customer Service Team:** Signposting, receiving initial reports
- **Neighbourhood Coordinators:** manage ASB Apps such as the Noise App and send communication out. Log cases, signpost to other agencies and provide information on mediation.
- **Housing Officers/Scheme Manager:** log and manage lower-level amber cases from first report through to case closure. Where a case is escalated to a red priority it can be escalated to an ASB & Enforcement Officer.
- **ASB & Enforcement Officers-** Our ASB experts who log and manage all ASB cases that include a red priority, from first report through to case closure, lead on enforcement action, and provide advice and support to other teams.
- **Supported Housing Team-** log and manage all ASB cases connected to supported housing.
- **Team Manager –ASB & Enforcement- leading** on community safety partnership work, oversees/audits the management of the Enforcement Team and professional standards for ASB case management.
- **Area Housing/Sheltered Manager:** auditing of lower level ASB cases and working across teams to reduce the risk of harm from ASB and build strong communities.
- **Regional Housing Manager:** authorises use of solicitors and evictions.

3.2 Case Management

On receiving a report, we will assess whether a case is a qualifying ASB case and whether the customer has taken appropriate action to resolve issues. We will provide the case number and agree a written action plan, which will be shared with the reporter and saved on our systems. The action plan can be an email, letter or form and will include actions for the reporter and the investigating officer and will be the basis on which we proceed with our investigations.

All notes and actions will be recorded on an ASB case file and kept under close review.

3.3 Supporting customers

We need to consider the support needs of customers throughout the case. This enables us to ensure that any action is proportionate and that we understand the risk of harm for all parties; our support offer for those experiencing ASB is:

- Referral to Tenancy Sustainment
- Mediation Referral
- Referral to “BeMe” cognitive behaviour therapy
- Information on how to activate the Community Trigger
- Referrals/advice on how to access external support such as SARI/victim support, ASB Help and partner agencies, such as the Police and Environmental Health.
- Safeguarding or early help
- Additional security measures or emergency repairs to a resident’s home.

3.4 Assessing Risk

To target resources effectively we have adopted a harm centred approach to ASB and hate incidents. We will decide if a case is priority 1 or 2 when it is received. On red priority cases we will assess the risk using a risk assessment matrix (Appendix 2). Where there is a risk of harm multi agency partnership work should be considered, including contact with the police We may also look at a safeguarding referral.

3.5 Categorisation of cases

Red: Urgent where harm has occurred, and an approach is needed to manage this harm. Examples include serious assault, hate crime and arson. Such incidents should always be reported to the Police as their evidence will be crucial in how a case progresses and our ability to deal with it.

Where a hate crime/incident occurs connected to any protected characteristic, we will categorise the case as a Priority 1 hate incident and make sure the Police are aware. We may also make a referral to SARI. We will review the case to de-escalate the risk. Legal action should only be taken as part of a multi-agency framework where we are the appropriate agency to take this action.

Red: High Risk where there is a risk of harm, but this is not immediate and is manageable; we will complete a risk assessment (Appendix 2) on all cases that fall within a red category, and it may be necessary for us to act under our safeguarding procedures.

Amber: – lower risk of harm. This includes cases categorised as “Noise” (please refer to Noise guidelines) where evidence is being gathered. Support from an ASB & Enforcement Officer should be sought where there is evidence of statutory noise nuisance.

3.6 Customer responsibilities

In addition to the legal responsibilities set out in our tenancy and lease agreements, we expect all customers to:

- Take responsibility for minor personal disputes with their neighbours and to speak with them to resolve any such problems themselves in a reasonable manner
- To undertake mediation when recommended by us.
- Report incidents of ASB in a timely manner
- Report crimes that have happened at, or in the locality of their home, to the police first, including threats or acts of violence and suspected drug use.
- Respect other people's right to their chosen lifestyle and be tolerant of everyday, reasonable level of disturbance; examples may include, odours, babies crying or religious practices
- Work and cooperate with us to resolve disputes and issues, this would include providing us with updates of incidents, attending mediation and attending court.

When a customer fails to engage with us during a case investigation and this impedes our ability to address the issues being raised, we may close the case.

3.7 Case Management

Good case logging and notes are crucial in any anti-social behaviour case. Without good notes, case management is not clear which leads us to be exposed to complaints and court action may not be possible.

Notes should be kept concise and factual and not contain speculation, uninformed opinion, or gossip. Only matters that are relevant to the case should be recorded.

Notes must be made to cover the following:

- All Incidents - when they happen and what was the response
- All Interviews
- Phone calls from relevant parties
- Decisions about interventions used and reasons behind those decisions
- Case action reviews
- Details of meetings that are relevant to the case
- Referrals made to other organisations
- Relevant information received from other organisations (such as multi agency information sharing, other factors known about an involved person).

It is important to remember that anything recorded could be disclosed to the customer in a Subject Access Request made under the Data Protection Act 1998.

A case can be locked to restrict access to the case officer and manager. This will be required where:

- The reported person is an employee or linked to an employee
- The reporter is an employee with a personal connection
- The case is particularly sensitive.

The decision to lock a case will be made by the case owner and their manager.

3.8 Action plans

An action plan must be recorded for each case that is logged. Important aspects to consider are:

- Regular updates to the Reporter
- Taking a “can do” approach
- Appropriate responses to ongoing incidents.
- Signposting and reminding the reporter of the role of other agencies

An action can be agreed by email, text or through a phone call but should always be shared with the reporting customer. It is important to complete actions as agreed on the plan - these can be for the case officer, the victim, or others. The Action Plan should be updated following new incidents, if required.

The case officer must keep in regular contact with the person reporting the ASB. This should be via the method and frequency that has been agreed with the reporter. High risk customers may require more contact.

Circumstances often change for our customers that can impact on their willingness to work with us on solutions; we should continually review options even where the customer has previously been reluctant to engage.

3.9 Investigation

We take a digital by default approach to case management and use technology such as Apps, Techsee and phone calls where we can resolve cases this way. We will request details of incidents from the customer to enable us to identify whether the ASB is persistent, we can provide diary sheets to assist customers in recording information.

We will work closely with other agencies such as the police and local authorities who have greater abilities to investigate cases to make sure we maximise use of the tools available under the ASB, Crime and Policing Act 2014.

3.10 Interventions

Cases will be managed on an incremental approach unless an incident is serious and requires immediate action.

The case officer should consider the frequency and impact of an incident, the seriousness of the behaviour, and the pattern of behaviour that has led up to the incident. Action taken will focus on repairing harm caused and restoring neighbourly relationships.

Appropriate interventions for each case type listed in Appendix 3 (Appropriate case interventions).

3.11 Case Reviews

Cases should be kept under regular review (minimum of monthly) by the Case Manager, in some cases we may hold a wider review involving other teams/agencies.

Case review notes should be recorded on each case and should include updated Action Plans and contact with the customer.

3.12 Legal Action

The decision to progress a case for legal action will be considered at a Case Review meeting. Consideration will be given to any vulnerabilities of any parties involved; what is the most proportionate intervention, what evidence is available and whether the action should be taken by the wider community safety partnership.

If a case is extremely urgent it may be necessary for the ASB & Enforcement Officer to take emergency legal action. In these cases, a review should be held as soon as it is practical to do so, decisions to take legal action should be signed off by the case officer's manager.

We will not take legal action just because a customer feels we should; customers are able to seek their own legal advice regarding action against a neighbour for nuisance behaviour and can ask for a case review of the case if they are dissatisfied with outcomes.

We procure to external legal services who offer a free advice line where initial advice can be sought. The Procurement team are able to provide details of legal tenders. For complex defended cases it might be necessary to instruct a solicitor/barrister to act for us, this would need to be reviewed by the ASB & Enforcement Manager and approved by the Regional Manager.

Evicting a resident is a last resort and only used in exceptional cases. Authority to evict must be approved by the Regional Manager Neighbourhoods.

3.13 Case closure

A case should be closed when the ASB has either been resolved or where there has been a significant improvement and the case can be closed and monitored by the Housing Team.

There are some scenarios where a case cannot be progressed further and will need to be closed: examples are:

- The reporter has made no further contact.
- There have been no reports of ASB for 28 days.
- The reporter is unwilling to consider mediation where it is recommended.
- You have been unable to determine a breach of tenancy by the person reported.
- Evidence (witnesses, interviews, etc) does not support the claims made.
- Interventions have been successful in improving the behaviour.

Make sure that the reporter and the reported are clear about the reasons why you are closing the case. If it is not possible to speak to the reporter prior to case closure, an email/letter can be sent.

4 Principle 3

We will work across boundaries with our partner agencies to promote pathways such as Community Triggers.

4.1 Community Trigger

The purpose of a Community Trigger is to give victims and communities the right to request a review of their anti-social behaviour case and to bring agencies together to take a joined up, problem solving approach to finding a solution.

In other words, for those who do not feel that their reports about anti-social behaviour have been dealt with satisfactorily they can request a review of the case which will involve all the agencies involved.

<https://asbhelp.co.uk/community-trigger/>

4.2 Criminal activity

As our powers are through civil law rather than criminal law it is important that the Police lead on investigating crime such as use, and supply of illegal substances; this advice should always be given to those reporting criminal activity.

Where we receive reports of crime such as drug dealing/misuse we will be proactive in our approach, through customer visits and routine estate inspections. We will support the Police with enquiries and initiatives, which will include enforcement action where there is a risk to our community and the evidence is available.

4.3 Mandatory Possession Orders

Eviction is our last resort and should only be considered where other actions have failed to resolve issues or the situation is so serious that it poses a significant risk to our communities. In cases which meet the criteria for use of mandatory Ground 7a the risk/impact on the community of the behaviour should be considered.

To support the wider community safety partnership some of the circumstances in which we would consider the use of mandatory grounds for possession would include where a closure order is granted or where there is a multi-agency approach connected to serious ASB such as a Community Trigger which is impacting on our communities. Where tenancy action is linked to criminal proceedings this will be delayed until the criminal proceedings are concluded.

4.4 Safeguarding

Where there is a safeguarding concern, a referral must be made through LiveWest Safeguarding procedure and recorded on our internal systems. The case officer should consult closely with local safeguarding teams and provide any input into local safeguarding meetings where requested.

4.5 Information Sharing

We will enter information sharing partnerships with the Police and other agencies, where they exist and will seek information to support our investigations in compliance with existing protocols and GDPR (General Data Protection Regulations).

4.6 Surveillance

Where customers are reporting noise nuisance, we should offer the use of the "Noise App"/ "ASB App" as our primary evidence gathering methods. We should also provide advice on the role of the local authority Environmental Health team and their statutory responsibilities.

Where a customer does not have access to the online apps, we will assess the best way of supporting them using the technology available.

Where customers request to install surveillance equipment this will need to comply with our surveillance procedures.

CCTV requested due to neighbourhood issues would be service chargeable and should form part of a wider consultation with residents.

Covert CCTV for the purpose of detecting crime should be provided by the police or the wider community safety partnership.

4.7 Requests for Exceptional Transfers

We work closely with local authorities to allocate properties to those most in need, through the available Choice Based Lettings (CBL) schemes. Where a reporting customer is at risk, they should register with their local CBL scheme who will be able to assess the risk and award the appropriate banding for this.

We will only consider transferring customers outside of this process in exceptional circumstances, where a Case Review identifies that there is an immediate threat and unmanageable danger to life, which cannot be reduced through enforcement action and there is a property available which can be offered within our housing stock.

4.8 Local Lettings Plans

Where an area is adversely impacted by ASB we should consider the use of Local Lettings Plans and work with other teams and partner agencies to make sure that we reduce the risk of harm to our communities.

5 Principle 4

We will develop our ASB expertise and will share best practice.

5.1 Community Safety Partnership

Part of our role is to develop our ASB expertise and share best practice internally and externally. We should attend multi-agency meetings and make a positive contribution to the wider community safety partnership. We will provide support and training to partner agencies to help them understand the role of social landlords and the tools available and promote professionalism in our landlord duties.

We will attend multi agency training and forums and contribute to these. We will work closely within strategic partnerships at a senior level and support initiatives to improve safety in our homes.

6 Principle 5

Those customers who develop ASB will have the opportunity to take responsibility for their behaviour and repair the harm caused.

6.1 Tenancy Sustainment

If there is a support need that is either causing ASB or increasing the impact of ASB, and there is no relevant support in place already, a referral to Tenancy Sustainment should be made. This should be noted on the ASB case file.

6.2 Starter Tenancies

New customers will be issued with starter tenancies which should be closely monitored during the first 12 month of the tenancy. Where there are reports of ASB against a customer, the case officer should engage with that customer using informal approaches such as ABC's and extensions of the starter period to help repair any harm caused. Where there is evidence of serious ASB the case should be reviewed. Where the customer refuses to engage or provide a commitment that they are willing to repair the harm done and equality act assessment should be completed to consider whether to issue notice on the tenancy.

6.3 Informal agreements

Informal agreements are an effective way of dealing with anti-social individuals especially where there are multiple problem behaviours and provide opportunities for those causing ASB be put things right. Good Neighbour agreements work well where there are a number of minor issues involving multiple households.

ABCs are voluntary written agreements which where possible should include other agencies. They focus on the persons reported and set out terms which they agree to adhere to. The relevant officer should discuss the terms with the person reported to encourage compliance.

The ABC will make clear what further action will be considered if the terms are breached. This may include injunctive action, or in serious cases, possession action.

In serious cases where there is a risk to the community, it may not be appropriate to enter an ABC and it may be necessary to proceed to legal action.

6.4 Equality Act 2010

An Equality Act Assessment must be completed to comply with our Public Sector Equality Duty (PSED). They should be completed before legal proceedings are commenced (service of notice) and updated at pertinent points including, but not limited to:

- Before an application to court is made
- Before a warrant of eviction is applied for
- Upon receipt of new and relevant information, for example a psychiatric report

Where someone has a protected characteristic, we will consider the most proportionate action to take to make sure our communities are safe places to live.

Information for this assessment can be sought from internal records such as the Housing Application Form, any customer assessment processes, and any new information received throughout the case. Information may also be sought from external organisations, via multi agency meetings or ad hoc contact as appropriate.

We will monitor satisfaction by the nine protected characteristics under the Equality Act 2010 legislation and report on this annually. Where a report is motivated by Hate we will look to refer/seek support from SARI.

6.5 Reasonable Adjustments

A Reasonable Adjustment is a legal term described in the Equality Act (2010). It means that LiveWest has a duty to make reasonable adjustments where its working practices put a customer living with disability at a substantial disadvantage in comparison with customers who are not living with disabilities. We should discuss the customers' needs with them, take a flexible and honest approach to any requests for additional support and seek assistance where we are unsure on whether we can support a specific request.

Some examples are:

- Provision of auxiliary aids such as hearing loop
- Provision of information in appropriate alternative formats (large print, Braille, coloured paper)
- Extension of time limits (where it is lawful to do so)
- Use of email or telephone in preference to hard copy letters
- Communication through a single point of contact or a representative
- Rest or comfort breaks in meetings.
- Providing translation or interpreting services
- Providing written communication in an alternative format/colour for customers who are colour blind.

7 Performance monitoring

We will monitor our performance by:

- Customer satisfaction results
- The amount of ASB cases per 1,000 properties
- Feedback from complaints and compliments
- STAR (Situation, Task, Action, Result) survey satisfaction
- Cases where legal action is taken
- The number of cases resolved
- The amount of hate related cases
- The amount of Community Triggers called

8 Complaints

For complaints related to our handling of ASB we will investigate that we are operating in line with our ASB Policy this will be in isolation to any ongoing ASB case; we will not review any decisions made during ongoing ASB case investigations.

Complaints from one resident about another resident should be responded to by our neighbourhood housing team who are able to provide advice on neighbour disputes.

Customers seeking a review of the decisions made connected to their ASB case are able to request an ASB case review to be completed within 28 days by an independent ASB expert.

9 Satisfaction Surveys

A satisfaction survey will be conducted at points throughout the case and once the case is closed. We will use results of this to monitor levels of customer satisfaction and improve the service whilst cases are open.

10 Linked/associated policies and other references

Policies and Procedures

- Anti-social behaviour and hate crime/incidents Policy
- Allocations Policy
- Domestic Abuse Policy
- Safeguarding children and adults at risk Policy and Procedure
- Tenancy reviews procedure
- At Risk customer guidelines
- Data Protection and Compliance Policy
- Exceptional Transfer Procedure

Appendices available on OurSpace:

Appendix 1	What is and is not ASB?
Appendix 2	ASB Risk Assessment
Appendix 3	ASB Appropriate case interventions
Appendix 4	ASB Action Plan
Appendix 5	ASB Written Warning
Appendix 6	ASB Good Neighbour Agreement
Appendix 7	ASB Acceptable Behaviour Contract ABC
Appendix 8	ASB Unacceptable Behaviour Notice
Appendix 9	ASB Out of Court Undertaking
Appendix 10	ASB Case Action Review (CAR)
Appendix 11	ASB Equality Act Assessment
Appendix 12	ASB Case Closure
Appendix 13	Noise Procedure
Appendix 14	ASB Cannabis Process <ul style="list-style-type: none">• ASB Cannabis Individual Letter 1• ASB Cannabis Communal Areas Letter 2

Version Control:

Version Ref:	Date of change	By whom	Reason
2.1	27 September 2023	Regional Manager Neighbourhoods	Section 8. Complaints Update on how we respond to complaints
2.2	21 November 2023	Team Manager – ASB and Enforcement	New ASB Cannabis process and accompanying letters added as Appendix 14