

**Anti-Social Behaviour Policy**

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#### 1. MANAGEMENT INFORMATION

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## 2. POLICY STATEMENT

### OUR COMMITMENT TO TACKLING ANTI-SOCIAL BEHAVIOUR (ASB)

LMH is a signatory of the Liverpool Social Landlord's Commitment to Tackling anti-social behaviour (ASB).

This Policy outlines Liverpool Mutual Homes (LMH) approach to tackling ASB.

LMH takes all reports of ASB seriously and will make full use of the powers available in considering appropriate action. LMH adopts a professional and objective approach when investigating complaints of ASB with all reported cases treated confidentially.

LMH is committed to providing excellent customer services that represent a value for money service to our customers and partners. LMH recognises that nuisance and ASB can be upsetting and impact people's lives on many levels. LMH is committed to dealing firmly and fairly with all forms of ASB arising in its properties and neighbourhoods.

LMH believes all residents have the right to enjoy the peace and quiet of their home and community free from disturbance or intimidation, and LMH is committed to promoting a culture where ASB of any description is not tolerated and LMH customers, other residents and people working in those communities are confident in reporting ASB to LMH.

LMH adopts a 'victim centred approach' to managing reports of ASB and utilises a national standard vulnerability risk assessment matrix to tailor responses, and our case management to the individual circumstances and needs.

LMH will work with its key partners such as the Police or Local Authority at both operational and strategic levels. LMH's approach to tackling ASB issues when they arise is a balanced one, looking at prevention and diversion where possible, enforcement when necessary and rehabilitation when appropriate.

LMH recognises its ability to take appropriate enforcement and legal action against perpetrators of ASB is strengthened and more effective where residents provide witness evidence.

LMH encourages and supports customers and other residents in providing witness statements and helping LMH take action to resolve ASB issues. The safety of LMH tenants and any witnesses is important to us and LMH is committed to providing witness support throughout the course of an ASB investigation and will keep the victim informed and engaged as part of its case management approach.

## SCOPE OF POLICY

**NB: For the purpose of this Policy, tenants and leaseholders are referred to as customers.**

### What LMH defines as ASB

There are many classifications and interpretations of what ASB is and what is perceived by individuals, partners and other agencies to be ASB.

LMH acknowledges there is no one overall definition but for the purposes of taking legal action including injunctions LMH favours the meanings of ASB as defined in the Anti-Social Behaviour, Crime and Policing Act 2014. These are:

- conduct that has caused, or is likely to cause, harassment, alarm or distress to any person **or**
- 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

### What constitutes ASB and general housing related nuisance or annoyance.

ASB can range in severity from serious acts of violence or harassment to more everyday nuisance such as loud music or overgrown gardens.

LMH accepts such incidents and behaviours can be personal to an individual or group and the reporting of ASB to LMH may be dependent upon how it is making that individual or group feel at the time.

These circumstances can create a raised level of expectation from customers and groups in terms of what they believe LMH can or should do to resolve such matters. LMH has to balance these expectations against what is reasonable and proportionate in the particular circumstances.

LMH also considers other related behaviours such as hate crime, harassment, and domestic abuse to be ASB and has developed and operates specific policies and procedures for dealing with these matters.

The categorisation initially determines which officer at LMH will respond to the complaint of ASB. All serious cases are dealt with by specialised Safer Estates Officers with less serious cases managed by local Housing Officers.

Some reports to LMH of ASB will require a more immediate response from officers compared to other cases. Examples of these will be reports of Hate Crime or Domestic Violence compared to reports such as noise nuisance, drug dealing or fly tipping which have an extended target response time.

LMH is flexible in its approach to managing ASB and recognises the circumstances of a case can change and become more or less serious, and will tailor its approach and response accordingly.

## POLICY DETAIL

### 1. Examples of ASB categories and LMH target response times:

#### Serious: 1 WORKING DAY

- harassment, intimidation or threatening behaviour
- hate related incidents
- domestic violence / abuse
- physical violence
- threats to staff/contractors

#### General: 5 WORKING DAYS

- vandalism and damage to property
- loud and frequent noise disturbances
- pets and animal nuisance including dangerous dogs and irresponsible dog ownership
- nuisance from vehicles
- substance misuse, drug dealing and cultivation
- litter, rubbish and fly tipping
- alcohol related nuisance
- verbal abuse
- criminal behaviour / crime
- garden nuisance
- misuse of communal areas and public space

### What types of behaviour LMH may consider as constituting ASB

Not all complaints LMH receive are classified as being ASB and LMH operates at first contact a triage approach for any initial complaint to ensure it is investigated by the appropriate service team and in accordance with service standards.

For example, LMH will assess each ASB report to decide whether the issues raised are classified and investigated as ASB, or could be considered matters of

everyday living noises or lifestyle differences which our tenancy management service can deal with.

## **Examples that LMH does not class as ASB**

- one-off parties, unless such a party leads to any of the ASB listed in the examples table above
- children playing out with each other or playing in their own gardens/ home during appropriate hours
- general household noise such as vacuuming, using a washing machine
- cooking smells
- people walking across wooden floors whilst wearing shoes
- DIY at reasonable hours of the day

## **2. CROSS TENURE APPROACH TO REPORTING ASB**

LMH manages other tenancy types across the business such as RTB leaseholders, shared ownership, and rent to buy schemes as well as general needs, sheltered, and supported housing.

LMH offers RTB leaseholders the same service to that operated for its general needs tenants in relation to the reporting and case management of ASB.

For shared ownership schemes LMH has separate remedies available in the management of ASB and utilise a specific clause contained in section 3.18 'Restrictions of Use' contained in the shared ownership agreement.

LMH will investigate allegations of ASB against one of its customers, made by private tenants, owner occupiers or tenants of another Registered Provider and its partners e.g. police and local authority.

Equally LMH will investigate complaints made by LMH customers regarding private tenants, owner occupiers or tenants of other registered providers and seek the support of other agencies to reach a solution.

### 3. ANONYMOUS COMPLAINTS OF ASB

LMH will treat all reports received of ASB confidentially, working with the complainant to discuss how the investigation can most effectively be progressed.

LMH will respect the wishes of those complainants who insist on remaining totally anonymous but will explain that this is very likely to limit LMH's opportunities to provide customer feedback. It may reduce significantly LMH's ability to undertake an effective investigation and take subsequent tenancy enforcement action where appropriate.

LMH's approach to anonymous complaints is flexible and will look at the balance on what to do with the information received, and the risk to complainants and the wider community, against probable outcomes, including possible legal action, also taking into account commitments arising from its safeguarding policies.

At times the nature of what is reported may mean the customer is advised of those limitations and/or of LMH's ability to take meaningful action. In some cases this may mean that information may be recorded but no subsequent action is taken.

On other occasions information provided may support other evidence already received or it may be appropriate to share the information given with other agencies such as the Police or other protection agencies such as Children's' and Adult Services.

### 4. TENANTS RESPONSIBILITIES

LMH tenants have a responsibility to behave in a manner which is in keeping with the terms of their tenancy.

By signing a tenancy agreement tenants accept responsibility for their own behaviour and the behaviour of their children and other family members along with anyone else living at the tenancy or visitors (whether invited or not).

LMH tenancy, leasehold, shared ownership and rent to buy agreements make it clear that ASB and criminal activity is unacceptable under the terms of the agreement.

LMH will take action against customers (tenants/leaseholders), household members and visitors (invited or not) who commit ASB or crime affecting the

landlord function, even if it occurs elsewhere in the neighbourhood (where permitted by law).

LMH will take action under the Housing Act 1988 section 8 as amended by section 151 of the Housing Act 1996, section 97 of the Anti-Social Behaviour, Crime and Policing Act 2014, and section 41 of the Immigration Act 2016.

LMH recognises it may be possible for a customer to deal with issues with their neighbour(s) directly depending on circumstances and LMH encourages:

- Customers to consider if the neighbour causing the problem is doing so deliberately or is it the unintended result of a different lifestyle or culture.
- The customer to speak to their neighbours directly to try to find a neighbourly and amicable solution but recognising, due to safety reasons, that this may not be appropriate.
- Customers to consider whether the issue could be resolved through a referral to an independent mediation service subject to all party agreement.

## 5. Working with vulnerable people

### Victim/ Witness Support

LMH has a victim centred approach and seeks to support complainants through the process of investigation. The LMH witness support approach is covered by a separate policy that explains the service aims and support arrangements.

Support provided to the victim will be based upon the outcome from the risk assessment carried out as part of the investigation process

In most cases of reported ASB LMH will carry out an initial assessment to determine a level of risk and help identify vulnerability issues. Where appropriate for the customer LMH may make support referrals to other agencies regarding any vulnerability issues identified.

As part of the case management approach LMH officers will maintain regular contact with victims throughout the live case investigation process and LMH acknowledges the importance of supporting customers who may be required to provide witness statements.

LMH officers will take victims through any legal processes initiated, keeping them up to date throughout the legal process, and advising what happens at court and provide realistic expectations on what may happen. The aim is to support victims/witnesses as the case develops, and LMH will continue to offer advice, sign-posting to other support services and reassurance as appropriate.



In more serious cases LMH may make referrals to, and work closely with, other agencies and partnership forums such as a Multi-Agency Risk Assessment Conference (MARAC) for Domestic Violence cases and via the Hate Crime Joint Action Group (JAG) for victims of Hate Crime to ensure effective action is taken.

In certain instances we may look to obtain legal protection for a victim via an injunction and also consider supporting a victim/witness through alternative rehousing to remove them from risk or harm.

## **Support for vulnerable perpetrators**

LMH is committed to taking appropriate, reasonable and proportionate action against perpetrators of ASB action, but recognises in some instances perpetrators may exhibit or demonstrate vulnerabilities or support needs which may impact on their behaviour.

LMH will look to make referrals on behalf of a vulnerable perpetrator to the relevant support bodies/agencies, medical professionals, the Local Authorities, Police etc. Any assessment LMH officer's undertake is dependent upon the status, cooperation, and full engagement from the perpetrator, but should not preclude the needs of the victim/witness.

LMH officers will organise and attend agency case meetings with and on behalf of any vulnerable perpetrators of ASB to help identify and find solutions to address unacceptable behaviour from those individuals.

LMH will take reasonable steps to ensure vulnerable perpetrators receive the support they may require, linked to their individual needs but this will require their engagement and co-operation. Should LMH still receive complaints and the perpetrator refuses or ignores that support LMH will consider pursuing tenancy enforcement action.

## **6. Taking Action**

### **Preventative Action**

All prospective or new LMH tenants who accept an allocation of an LMH property are required to attend a Pre Tenancy Interview with a Tenancy Support Officer. This highlights any support needs for the applicant and also details the tenancy requirements and behaviour expectations for LMH tenants.

The obligations relating to ASB are also emphasised at sign up and all new tenants are required to sign a tenant's protocol (behaviour code) which details how LMH expects all its tenants to behave. This is further reinforced by LMH officers during the visits made to tenants throughout the starter/new tenancy period.

LMH has assured shorthold (starter) tenancies for some new tenants which last for 12 months before conversion to an assured tenancy. LMH can sanction a 6 month delay in conversion if the tenancy obligations are breached during this period.

Other preventative action can include but is not limited to:

- Dealing with reported incidents quickly and effectively.
- Arranging for target hardening or additional security work to be carried out where appropriate and where budget allows.
- Writing to all customers/residents in the immediate neighbourhood, street block or estate to inform of incidents (this may also help to gather information) and remind tenants about conditions of tenancy.
- Publishing articles on local media and internet as well as in community newsletters/leaflets delivered to customers/residents.
- Working with customers, residents, partner agencies and local community groups to promote and encourage community resilience and cohesion in the neighbourhoods where we work.
- Supporting diversionary and capacity building activities within our communities.
- Making referrals to the appropriate support, partner, safeguarding agencies.

## **Types of Enforcement Action**

Any action LMH may take relating to ASB complaints is decided on the circumstances of each case and is proportionate to the behaviour exhibited. In some cases LMH may need to go straight to legal action whilst in other cases a more informal approach may be appropriate and effective.

LMH will utilise a range of actions prior to initiating legal proceedings which can include but are not limited to:

- Ask victims and witnesses to keep diaries of events using ASB diaries or other methods of recording incidents.

- Working with partner agencies in supporting perpetrators to correct their Anti-Social behaviour.
- Considering use of surveillance to gather evidence.
- Interviewing alleged perpetrators (with parents, if minors) and explaining the policy and consequences of the antisocial behaviour.
- Using training/education as a tool to tackle perpetrators perceptions to help modify their behaviour.
- Giving verbal warnings.
- Sending warning letters and tenancy enforcement notices.
- Using Acceptable Behaviour Contracts (ABC's), Parenting Orders, estate agreements.
- Using Good Neighbour Agreements and making tenants sign the Tenants' Protocol.
- Making referrals to an independent Mediation Service to try to resolve low level ASB neighbour dispute cases.
- Perpetrators/households causing or responsible for ASB being made ineligible to apply to the housing waiting list.
- Current housing waiting list applications being made ineligible or given reduced preference/priority where perpetrators/households are causing or responsible for ASB.

## Legal Action

LMH will seek to take legal action against the perpetrator(s) of ASB incidents committed against its customers, residents, staff or contractors but this will be appropriate and proportionate to the case complaint and/or where evidence can be obtained to support any legal action LMH wishes to take.

The nature of the action will depend upon the seriousness of the case, the level of evidence, and in line with the ASB, Crime and Policing Act 2014, Housing Act 1988 and any other relevant legislation and guidance, and appropriate review mechanisms cited within the act.

The types of legal action taken may include but is not limited to:

Applying for injunctions / tenancy demotion/possession.

Absolute ground for possession may be considered where appropriate and in accordance with the ASB Crime and Policing Act 2014, where there has been a serious criminal offence, a breach of an ASB related injunction, Criminal Behaviour Order, Noise Abatement Notice or Closure Order for more than 48 hours.

In such cases written notices will be served with an offer to review the decision in line with best practice recommendations relating to the ASB, Crime and Policing Act 2014.

Those tenant(s) defending absolute ground for possession must submit a review request in writing within a maximum of 7 days of service of the absolute ground possession notice.

LMH recognises other agencies may be best placed in certain cases to take appropriate or proportionate enforcement action and LMH will work with agencies such as the Police and Local Authority to utilise legal remedies available to them from the ASB, Crime and Policing Act 2014, in implementing such actions including: - Criminal Behaviour Orders, Community Protection Notices, Community Protection Orders, Public Spaces Protection Orders and Closure Orders on premises.

In exceptional circumstances, and at the discretion of the Housing Director, perpetrators of ASB may be considered for and supported in rehousing but offers of support will not necessarily mean a move to another LMH property.

## Legislation

LMH recognises its duty to comply with legislation and will operate this policy within the relevant statutory framework. We also recognise our obligations to comply with current good practice guidelines.

Relevant legislation in relation to this policy includes, for example, the following:

- ASB, Crime & Policing Act 2014
- The Equality Act 2010
- The Mental Capacity Act 2005
- The Housing Act 1996
- The Housing Act 1988
- The Housing and Regeneration Act 2008
- Human Rights Legislation
- Disability Discrimination Act 2005
- Data Protection Act 1998
- The Immigration Act 2016
- Human Trafficking Act 2015

LMH will also use new legislation mechanisms and powers introduced by Government in tackling ASB.

## **7. Working in Partnership**

### **Multi Agency work.**

LMH's tenancy agreement includes a wide range of robust clauses with regard to ASB. We will enforce conditions within our tenancy agreement and work with other agencies to take action in order to resolve instances of ASB.

Working with other agencies may include but is not limited to:

LMH working within the local community safety partnership (Citysafe) at operational and strategic levels and participating in and supporting the multi-agency approach to ASB cases where appropriate.

Attending meetings to enable a strategic Community Safety Partnership (Citysafe) approach to be taken.

Attending multi-agency meetings Information Sharing and Joint Action Group (JAG) meetings across the neighbourhood and the city. These can include the local MARAC, MAPPA (Multi Agency Public Protection Arrangements) and DISARM forums, and can be subject to requested attendance.

Information sharing - Mindful to the Data Protection Act (DPA) guidelines and information sharing agreements that may be in place between LMH and other agencies.

Responding to and co-operating with Community Trigger enquires/requests.

Supporting Community Remedy implementation and solutions.

## **8. Information sharing and confidentiality**

LMH treats the information it receives confidentially and will not disclose that information to other parties without the permission of the person providing the information.

There may be occasions however where confidentiality cannot be preserved, such as when a criminal offence has been committed, or when someone is a risk to themselves or others for example in instances of safeguarding matters.

LMH has an information sharing protocol with Merseyside Police called the PACT system. This secure email system enables the sharing of information within the terms of the Data Protection Act for the purpose of combatting crime and ASB in the local area. LMH is also a signatory to the Liverpool City Council information sharing agreement developed in support of the strategic crime and safety partnership, Citysafe.

Authority is obtained from the complainant to seek information prior to contacting Merseyside Police for information relevant to the allegations made.

## 9. Training and Service Development

LMH is committed to improving the ASB service it provides and to achieve this it undertakes:

- Staff training
- Regular monthly case reviews
- Seek Customer feedback
- Consult with tenants before making any service changes
- Monitor performance via management and governance arrangements

### Service Monitoring

All reports of ASB are recorded and monitored on LMH's Anti-Social Behaviour Software (CRM) System. This enables LMH to monitor performance measures on dealing with cases as well as assisting in managing cases in a timely and consistent manner.

Weekly, monthly, and quarterly ASB performance reports are produced and discussed at operational management and governance levels. LMH also benchmarks ASB KPIs as well as reporting via Regulatory Statistical Return (RSR).

Performance KPIs are shared with tenants via newsletters and website as well as via the LMH Customer Involvement structure.

KPIs for the Community Safety Service are:

	KPI	Target (2018-19)
i)	Average days to close a case	70 day target
ii)	Follow up contact within target timescale (24 working hours for serious cases/5 working days for general cases)	99%

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iii)	Customer satisfaction with case management	70%
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Performance Management information is also produced in relation to the percentage of closed cases as resolved and unresolved.

## RELATED POLICIES / DOCUMENTS

None

## POLICY REVIEW

This Policy outlines LMH's approach to tackling ASB and in part the review considers the impacts of operational changes and the subsequent changes in LMH's approach to dealing with complaints of ASB moving forward via the triage process.

It contributes positively to LMH Group's principles and particularly supports LMH's key focus on communities and customers enabling them to have the quiet enjoyment of their home and the neighbourhoods they live in.

The Policy supports LMH's Equality and Diversity Policy and looks to complement LMH's VFM principles in delivering excellent cost effective services and protecting the investment in LMH properties and neighbourhoods.

This policy has been reviewed in line with LMH Policy Review Framework. The next review will be completed in April 2019