Trident Group

a beacon of hope

Anti-Social Behaviour

Department: Homes and Communities

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1. Policy Context

This policy has been developed in conjunction with the Anti-Social Behaviour Act 2003, the Crime and Disorder Act 1998 as amended, and the Anti-Social Behaviour, Crime and Policing Act 2014 as amended, to ensure that anti-social behaviour is dealt with consistently and robustly and that prompt, proportionate and justified action is always taken using a victim centred approach.

The policy conforms to the requirements of the Regulator for Social Housing and the Neighbourhood and Community Standard of the Consumer Standards.

2. Policy Statement

At Trident we believe that the needs of our Residents and Customers are our top priority, and we are committed to providing them with quality services in the most effective and efficient way possible.

Trident aims to ensure that residents live peacefully within their own homes and communities. We recognise that failure to tackle anti-social behaviour (ASB) effectively can significantly affect quality of life for our residents and customers and that dissatisfaction with the living environment can affect our ability to develop sustainable communities. Trident is committed to tackling ASB in a responsive and robust manner.

Trident Group ensures that the service that we provide is delivered both effectively and efficiently, showing strong leadership, commitment, and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies.

The policy applies to:

- all general needs tenants, leaseholders, shared ownership, supported housing tenants living in properties managed and owned by Trident Group and care home residents living in care homes managed and owned by Trident Group.
- Occasions when Trident receive reports from an owner occupier/freeholder or non-service user about any of our residents or customers.
- Any other person lawfully carrying out their work for Trident or any commissioned contractor

3. Policy Objectives

The aim of our ASB Policy is to provide a framework that shows how we manage and tackle ASB and to have a balance between Prevention, Early Intervention, Enforcement, Support and Partnership working. We have the following aims:

- To ensure that the ASB policy and procedure is available and accessible to all who access Trident services including provided accessible formats when requested.
- To provide appropriate and effective interventions when dealing with Anti-Social Behaviour, providing support to those affected where needed and accepted.
- Acknowledge reports made in person, by phone, by email or in writing. Where a report is received via social media we may 'hide' the message to maintain confidentiality and privacy and contact the individual directly.
- Accept reports from, and liaise with advocates or representatives acting on behalf of the complainant where there is authority for them to do so, or where it is clearly reasonable for them to do so (for example where the complainant does not have capacity and the advocate is their relation or carer)
- To be accessible and responsive to residents in preventing and reducing the occurrence of ASB for our customers and in our properties. We will be open and transparent, ensuring comprehensive recording of all ASB cases.
- To intervene effectively and swiftly, where applicable, to ensure reasonable and proportionate action is taken to mitigate the risk of harm.
- To use a range of methods to resolve ASB with early intervention, prevention, and full range of non-legal and legal tools.
- To work in partnership with the Police, Local Authorities, and other specialist agencies where applicable.
- To provide residents and customers with appropriate advice and support.
- To analyse and use information gathered from complaints to improve services

4. Legal Framework

• Housing Act 1985, updated in 1988, 1996 and 2004
• Crime and Disorder Act 1988
• Human Rights Act 1998
• Environmental Protection Act 1990
• Statutory Nuisance Act 1993

• Data Protection Act 2018
• Race Relations Act 1995, amended in 2000
• Anti-Terrorism Crime & Security Act 2001
• Anti-Social Behaviour Act 2003
• Racial & Religious Hatred Act 2006
• Equality Act 2010
• Anti-Social Behaviour, Crime and Policing Act, 2014

5. ASB Definition

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

a) Conduct that has caused or is likely to cause harassment, alarm or distress to any person

b) Conduct that is capable of causing a nuisance or annoyance to a person in relation to that person's occupation of residential premises

c) Conduct of capable of causing housing-related nuisance or annoyance to any person.

The following are some examples of ASB, but not limited to:
• Physical violence
• Threatening behaviour
• Criminal Damage
• Verbal abuse/ harassment
• Alcohol-related ASB
• Drug production/ supply/ dealing/ use in the property or the vicinity
• Immoral use of property- sex work, brothels
• Loud voices, arguing and shouting in or around the property
• Domestic noise – playing loud music or TV so that it can be heard outside of the home
• Pet noise/causing damage to the property
• Litter/rubbish/ fly tipping
• Verbal abuse/threatening behaviour/Intimidation

- Criminal Offences such as, (but not limited to) threatening behaviour, harassment, hate crime, assault, arson, sexual offences and/or drug related crime should be reported to both Trident and the Police immediately.

Not all reports relating to an individual's behaviour can be deemed as ASB. It is important to show tolerance and be respectful of differing lifestyles and circumstances. Examples of such behaviour are:

- Complaints relating to sounds of normal day to day living such as opening and closing of doors, noise generated by everyday living, i.e. walking across laminate flooring wearing shoes, going up and downstairs, vacuuming or using other domestic appliances reasonable times and frequency, carrying out DIY repairs at reasonable times, mowing their lawns or using other garden maintenance at reasonable times and frequency.
- Smells from cooking, clashes of lifestyle including cultural differences, who people socialise with.
- One-off parties such as BBQ's, birthday's, Christmas, and New Year's celebrations.
- Minor personal differences such as 'dirty looks' or fall outs between children, people not being pleasant to each other but are not sufficiently serious to justify our involvement.
- Complaints about others being inconsiderate or thoughtless where there is no breach of tenancy.
- Children playing in their homes or in the locality of their homes or a designated playing area.
- Children playing ball games is normally not considered to be ASB. Unless there are exceptional circumstances we will not fit "no balls games" signs to our communal areas or open green spaces as they are unenforceable. Children playing ball games is not considered to be ASB unless those playing ball are engaged in other more serious nuisance, such as verbal abuse or criminal damage, we will not usually take action against children for playing ball games. This would be unreasonable and disproportionate.

Although people are expected to hear a certain amount of noise from their neighbours, they are not expected to have to endure unreasonable and persistent levels of noise nuisance. Even some of the examples used above could be a noise nuisance if they were to regularly occur late at night or for an excessive period of time.

6. Dealing with Hate Crime

Hate crimes are any crimes that are targeted at a person because of hostility or prejudice towards that person's:

- Disability
- Race or ethnicity
- Religion or belief
- Sexual orientation
- Transgender identity

Trident Group considers that ASB that is motivated by hate is totally unacceptable. Hate Crime will not be tolerated, and all cases will be dealt with as a Category A high priority.

We will encourage and support victims of hate crime and hate incidents to report their experiences.

We will proactively engage with neighbourhoods and communities to tackle the impact of hate crime on our residents.

- Domestic Abuse is a serious crime and Trident Group has an important role in reducing such incidents and in providing support to victims. All cases of Domestic Abuse will be dealt with under the Group's Domestic Abuse Policy.

7. Domestic Abuse

Trident Group believes that Domestic Abuse is unacceptable and will not be tolerated.

Domestic Abuse often has consequences for the housing situation of those affected and victims/ survivors will frequently turn to their landlords for help.

Trident Group aims to:

- Listen, believe and act on disclosure of all reported Domestic Abuse
- Increase awareness and understanding of Domestic Abuse and its impact
- Work alongside partner agencies and stakeholders and maintain multi-agency working to ensure a seamless service to victims/ survivors and their children and families
- Improve the safety and welfare of adults and children who are affected
- Hold perpetrators of abuse to account for their actions
- Work in accordance with the Customer Domestic Abuse policy
- Keep updated case management systems so that all records are maintained and recorded in a confidential manner

8. Prevent Agenda

The Prevent Agenda gives powers to stop people becoming terrorists or supporting terrorism and violent extremism. Employees receive training on the Government's CONTEST strategy including the four strands: Prevent, Pursue, Protect and Prepare and also ensure that they are aware of possible indicators of radicalisation. The Designated Lead Officers for safeguarding are the organisation's named Prevent Leads and will advise and oversee referrals to the local counter terrorism unit.

Channel is a national Home Office Safeguarding project which aims to prevent children and adults from being drawn into radicalisation or becoming involved in terrorist related activity Trident Group will inform the appropriate authority immediately on any suspicion or any related activity.

9. Support for those reporting ASB

Vulnerability assessment will be undertaken as part of a risk assessment, ensuring the principles of the Equality Act are considered in any potential action.
We will work in accordance with Trident's Vulnerability Policy.
We will draw up an action plan with the customer and keep them informed of our actions as agreed.

10. Safeguarding

Trident understands the importance of safeguarding both vulnerable adults, children and families such as those who are at risk of abuse, harassment, and violence and, when dealing with ASB cases, staff work in accordance with Trident's safeguarding policies and procedures and work alongside partners to ensure that the appropriate support and protection is in place.

11. Perpetrator Support

- Trident recognises that some perpetrators will be vulnerable and therefore we may offer support, where we feel appropriate by working with both internal and external services and agencies.
- Where it has been identified that perpetrators are in need of more specialist or supported accommodation, we will make appropriate referrals to our partner agencies. However, we recognise that the availability and acceptance into such accommodation is a decision that is not in our control and subject to outside controls and constraints.

12. Roles and Responsibilities

12.1 Complainants and Witnesses

It is important that all witnesses and complainants understand the importance of working with our staff to resolve issues of ASB. This includes:

- Responding to calls and /or letters
- Providing information required
- Providing written statements to support legal action
- Attending Court to give evidence where necessary
- Engaging with suggested methods of resolution
- Report crimes including threats or acts of violence to the Police.
- Take responsibility for minor personal disputes and try to resolve the issues themselves in a reasonable manner.

12.2 Tenants, Licensees and Leaseholders

All customers will be expected to show consideration to their neighbours by complying with the terms of their occupancy agreement and not to commit, or allow their household members, visitors, or pets to commit acts of ASB.
Regardless of the type of agreement, there are a number of standard requirements relating to ASB that must be adhered to by tenants, licences and leaseholders. Trident will take legal action if:

- You or anyone living in or visiting your home have caused or are likely to cause a nuisance or annoyance to anyone in the locality or you have been convicted of using your home for illegal or immoral purposes or of a serious criminal offence.
- You or a person living in or visiting your home is guilty of conduct likely to cause nuisance or annoyance to the landlord, or someone employed in connection with their landlord's housing management functions, where the conduct relates to or affects those functions. There is no requirement for this conduct to have taken place within the locality of your home.
- You or a member of your household has been convicted of a serious offence.
- You, a member of your household or a person visiting the property has been found by a court to have breached a civil injunction.
- You, a member of your household or a person visiting the property has been convicted for breach of a criminal behaviour order

- Your property has been closed under a closure order and the total period of closure was more than 48 hours.
- You, a member of your household or a person visiting the property have been convicted of a breach of a notice or order to abate noise in relation to your property under the Environmental Protection Act 1990.

  This list is not exhaustive.

12.3 The Wider Community

We will encourage the wider community to challenge ASB, report it to us and work with us to resolve any issues in their area and not to engage in behaviour that constitutes ASB.

12.4 Trident Staff

Trident recognises that in order to resolve anti-social behaviour effectively, it requires knowledge and well-trained staff to deliver the service. Trident will provide support and appropriate training to help staff challenge difficult situations with confidence and have the knowledge to identify and investigate reports of ASB.

Trident will not tolerate any verbal or physical abuse or threats towards our staff, agents or contractors and will take appropriate action as set out in this policy to tackle such incidents.

13. Reporting ASB

Allegations of ASB can be reported to us in the following ways:

By telephoning the main Trident telephone number 0121 633 4633 and reporting ASB to our Customer Contact service.
On-line by completing the form in the ASB area of our website www.tridentgroup.org.uk

Face to face at our central office at 239, Holliday Street, Birmingham. B1 1SJ

ASB reports can be received by any member of Trident staff

Trident Group offers a 24 hour out of hours service, whereby residents can report serious incidents of ASB and can receive advice and guidance from staff on duty.
In an emergency situation, where there is an immediate risk to life or property, complainants and witnesses should always dial 999 and ask for the police

14. Responding to reports of ASB

An initial ASB case would be opened by staff upon receiving a report of ASB and an ASB Risk Assessment will be completed to determine its priority and categorisation. Appropriate advice and support will be given at this time.

Reports of ASB will be prioritised as follows:

Category A – 1 Working Day

Category B - 3 Working Days

Category C – 5 Working Days

- **Category A - high**

This category includes complaints of hate crime, domestic abuse, physical violence and any other serious intimidation.

- **Category B - medium**

This category includes serious breaches of Conditions of Tenancy, verbal abuse, harassment, intimidation, allegations of petty criminal activity, some neighbour disputes, complaints regarding pets.

- **Category C - low**

This category includes minor breaches of Conditions of Tenancy, “domestic noise” such as the noise from vacuum cleaning, washing machines or other everyday noises, garden issues, unauthorised vehicles, refuse, fly tipping, graffiti. Everyday noise potentially becomes noise nuisance if it is at unreasonable times or excessive in duration.

15. Case Management

All reports of ASB will be risk assessed and we will record on our case management module that a risk assessment has been carried out and the outcome. Risk assessments will help to direct and shape a case management response which is sensitive to the victim’s circumstances and needs.

An Action Plan will be developed that is solution-focussed, including involving other agencies and professionals where appropriate and should be signed by all parties.

Lead Officers will update the ASB area of the module after all contacts and will formally review their cases with their line manager and the Community Safety and Safeguarding Officer every 4 weeks.

16. Preventing ASB

Trident Group recognises that the prevention of ASB is key to developing sustainable and safe neighbourhoods. We aim to prevent anti-social behaviour from happening by adopting several approaches including:

Ensuring all new customers are made aware of their rights and responsibilities in relation to anti-social behaviour, harassment, and intimidation.

Using starter tenancies in compliance with our Lettings Policy.

In some cases, in line with our Lettings Policy we refuse access to our homes or refuse nominations made from other organisations.

Carrying out thorough risk assessments for customers.

Signpost to supporting agencies for customers if applicable.

Working alongside the Neighbourhood Policing Teams to carrying out estate improvements to existing schemes to achieve improved levels of safety and security.

Being active with local multi agency partnership groups and initiatives.

Use recorded data of ASB to analyse hot spots and develop community plans in conjunction with our residents

17. Early Intervention

Except in very serious cases, the aim of our initial intervention is to stop the problem behaviour. We will consider several interventions according to the nature of the anti-social behaviour.

We will offer advice and support to customers on self-help options. Sometimes we encourage customers to talk to approach one another directly, as they don't always know that we are causing a nuisance or upset.

Other early intervention options, where applicable, include but are not limited to:

- Initial investigations by Interviews and verbal warnings.
- Formal warnings – 3 stage warning process.
- Acceptable Behaviour Contract or Agreements.
- Mediation.
- Restorative Justice Referrals.
- Starter Tenancy extensions.
- Support referrals.

18. Partnership Working

- Multi agency partnership working is vital for Trident Group to prevent and resolve ASB quickly and effectively.
- We will use a use a clear and consistent approach and share knowledge and expertise, including feedback to assess the effectiveness of the interventions used
- Trident Group is members of many Community Safety Partnerships who are made up of organisations such as the Police, Local Authorities, Health Services, Probation Services, Education, Fire Services, Youth Offending Services, and other social housing providers.

- With our partner agencies we are signed up to an information sharing protocol, which enables us to share appropriate and relevant information with each other, in line with the Data Protection Act 1998 and Crime and Disorder Act 1998.
- The aim of partnership working is to identify and support strategic priorities within each represented area. Thus, working together to resolve specific problems and issues, provide information to trace trends and identify problem areas, and contribute where possible, to initiatives, campaigns, and promotions to prevent and tackle anti-social behaviour.

19. Enforcement

Trident Group will consider legal enforcement in tackling ASB which will be used when it is proportionate and appropriate to do so in conjunction with partner agencies.

Legal Remedies include:

- Civil Injunction
- Possession Proceedings
- Forfeiture of Lease
- Section 21 Notice to end an Assured Shorthold Tenancy whilst in the probationary period and NTQ to terminate Licences.

20. Appeals for Mandatory and Discretionary Possession

Mandatory:

- The ASB Crime and Policing Act 2014 introduced a new absolute ground for possession of secure and assured tenancies where ASB or criminality has already been proven by another court – Mandatory Ground 7a Possession. The absolute ground for possession is intended to be used in the most serious cases and landlords are encouraged to ensure that the ground is used sensitively. The Act specifies the conditions that must be met in order to issue proceedings on this ground.
- If such a notice is served, Trident will offer, dependent on tenancy type either a statutory review or a right of appeal against this ground for possession, whereby customers are able to appeal the intention to serve a Notice under section 7a.
- If a starter tenancy is not conducted satisfactorily within its probationary period, Trident can serve a notice to bring the tenancy to an end. A Section 21 notice under the Housing Act 1988 will be served and customers are able to appeal the decision according to the Starter Tenancy procedure.

Discretionary:

- In many ASB cases, possession is taken under discretionary grounds of either Grounds 1 and 2 of Schedule 2 of the Housing Act 1985 (secure tenancies) or 12 and 14 of Schedule 2 of the Housing Act 1988 (assured) and/or injunction proceedings. In such cases the proceedings are facilitated through County Court and a hearing will take place and all evidence is taken into consideration by the Courts before a Judge makes their ruling. Customers may be able to access free and impartial advice via legal aid, Citizens Advice Bureau, housing advice centres and other duty solicitor system that operate within the County Court.

21. ASB Case Review

- The Government has encouraged professionals dealing with ASB to consider more importantly than before the impact of the ASB on the victim as the focus, rather than looking at the actual behaviour causing the ASB.
- The ASB Case Review now gives the victims the ability to demand action, starting with a review of their case by a multi-agency panel, where the locally defined threshold is met. The ASB Case Review is coordinated by the Police, Local Authority, and relevant support services
- A victim, 3rd party (including a business or association) or local elected representative (MP) can request the local authority to hold a review of how an ASB case has been handled. If this report meets a locally set threshold, usually when 3 or more ASB incidents have been reported within a 6-month period and you are still suffering, then a multi-agency case review can be carried out.

22. Closing an ASB Case

After a report of ASB has been investigated, Trident will draw it to a close and to prevent cases from being left open indefinitely.

A case may be closed where:

- An investigation has been concluded, and appropriate action has been taken and no further incidents have occurred over a given period (which may vary depending on nature of complaint).
- We are unable to gather sufficient evidence to take any action.
- When another agency is dealing with the case, and it no longer requires involvement by our officers.
- Lack of contact and engagement from the complainant

- Staff will consult with the complainant(s) before proposing to close the case and explain our intensions for doing so.
- The Customer Engagement Team will contact the complainant to complete a satisfaction survey once the case has been closed. Satisfaction levels are reported in our KPIs and out Tenant Satisfaction Measures.

23. Unreasonable, Persistent and Malicious Complaints

Trident understands that its residents/customers have the right to complain about ASB, however, if following and/or during our investigations, all complainants have a responsibility not to make malicious complaints about their neighbours, visitors or anyone engaged in lawful activity around their property.

If it is found that the reports are unreasonable, malicious and that if a customer is persistently being unreasonable, then our investigations into the ASB will stop and Trident may act against the complainant when it is reasonable and proportionate to do so.

24. Equality and Diversity

Trident will treat all customers with fairness and respect. Trident will ensure that this policy is applied fairly and consistently and not directly or indirectly discriminate against any person or group because of their religion, race, age, gender, disability or sexual orientation or any protected characteristic.

25. Internal Review

If a customer is unhappy with Trident's response to a report of ASB and believes that the case has not been handled in accordance with our published policy and/or service standards, they have the right to make a service complaint and would be referred to our Complaints Policy for further information.

26. Confidentiality

We understand that making a complaint of ASB can be frightening, therefore we will respect the rights of our complainants to confidentiality and will, where appropriate, request their permission before sharing any information they give us with third parties. Trident Group have data exchange/sharing protocols and agreements in place with external partners.

There may be some information that we cannot keep confidential, even if a complainant wishes for us to do so, for example criminal behaviour, safeguarding concerns, therefore, we will inform the complainant that we would need to share such information and with whom.
We may also receive anonymous reports; we will assess how serious the issue is and decide on whether to investigate the matter further. We may speak to other partners both internally and externally (e.g. Police) to ascertain whether they have further details that we can act upon.

27. Monitoring, Review and Evaluation

Trident is committed to continuous improvement in this area, and to ensure that this policy is effective and complies with current legislation and good practice.

Trident strives to improve the service it provides and therefore will carry out satisfaction surveys with customers to evaluate their satisfaction with both the way the case was handled, and the outcomes achieved.

All learning identified must be checked against policies and procedures and where relevant these documents should be updated and or amended to address the learning points.

Such information together with Key Performance Indicators will be provided to the Housing and Communities Committee to ensure effective service delivery.