



# Anti-Social Behaviour Policy

March 2024

<b>MONITORING, APPROVAL AND REVIEW</b>	
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# ANTI-SOCIAL BEHAVIOUR POLICY

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# 1 What is the purpose of this Policy?

## 1.1 Scope

- 1.1.1 First Choice Homes Oldham (FCHO) are committed to creating safe, resilient, and sustainable communities for our customers.
- 1.1.2 Anti-social behaviour (ASB) can have a disruptive effect on communities and neighbourhoods as well as those who are directly involved or affected by the situation.
- 1.1.3 FCHO is dedicated to addressing issues of ASB including adopting a balanced approach between prevention, timely intervention, support, and necessary enforcement action.

## 1.2 The aims of this policy are to:

- Outline FCHO's approach to addressing and preventing Anti-Social Behaviour (ASB).
- Highlight how FCHO provides customers with relevant advice and assistance, emphasising our commitment to managing cases involving vulnerable victims and perpetrators.
- Outline how FCHO will work in partnership with specialist and statutory agencies to tackle ASB.
- Set out the approach for tackling and deterring hate crime and incidents within neighbourhoods.

## 2 Policy Details

2.1 This policy aligns with the definition of Anti-Social Behaviour (ASB) outlined in the Anti-Social Behaviour, Crime and Policing Act 2014 as:

- Conduct that has caused, or is likely to cause harassment, alarm, or distress to any person.
- 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:

The definition of Hate Related Crimes as defined by the Crown Prosecution Service as:

- A Hate Crime is any criminal offence (a Hate Incident is a non-crime) which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's disability, race, religion, sexual orientation or gender identity or perceived disability, race, religion, sexual orientation, or gender identity.

Further specifics regarding what FCHO classifies as Anti-Social Behaviour (ASB) and hate crime can be found in the customer easy read guide.

## 2.2 Reporting

2.2.1 Customers are encouraged to report instances of Anti-Social Behaviour (ASB) directly to FCHO using the methods outlined in the customer friendly guide that is available on the website. Prompt reporting as close to the time of the behaviour as possible and no later than 6 months of the incident, other than in exceptional circumstances.

## 2.3 Partnership Working

2.3.1 FCHO acknowledges that tackling and deterring anti-social behaviour typically requires collaborative efforts across various agencies. The main partner agencies we collaborate with are outlined in the customer friendly guide that is available on the website.

## 2.4 Support for all parties involved in ASB incidents.

2.4.1 Our approach to tackling ASB prioritises the well-being of the victim(s). We commit to addressing reports of ASB promptly, keeping the complainant informed about any developments in their case, and making referrals to support services when required.

2.4.2 In cases where the perpetrator has vulnerabilities, FCHO will take measures to consider these vulnerabilities and ensure that appropriate support is in place.

2.4.3 In instances where we identify an individual with a disability as defined by the Equality Act 2010, we will conduct an assessment concerning legal action to ensure that such measures are proportionate.

2.4.4 In cases where a safeguarding concern is identified, appropriate referrals will be made in accordance with the Safeguarding Policy.

## 2.5 Hate Incidents and Hate Crime

2.5.1. FCHO take a zero-tolerance approach to all forms of hate crime and all reports will be taken seriously.

2.5.2. If an incident of ASB is perceived by the customer or another person, to be motivated by hate, then it will be treated as a hate crime and reported to the Police.

2.5.3. FCHO is committed to working in partnership to tackle and deter hate crime in our neighbourhoods. We will sign post customers to the appropriate agencies for support whenever needed.

## 2.6 Legal tools & powers

2.5.1 Where warnings and early intervention attempts prove ineffective or when the behaviour is severe, FCHO will assess the need for enforcement action on a case-by-case basis. Determinations regarding the most suitable

enforcement actions will be made based on reasonableness in the circumstances, in collaboration with our internal Legal Services Team.

### **3 Equality and Diversity**

3.1 The Equality Act 2010 requires that landlords must not engage in discrimination against individuals with protected characteristics by treating them less favourably. FCHO will conduct an Equality Impact Assessment before initiating legal action against an individual with protected characteristics.

3.2 FCHO understands that in some cases there may be some vulnerabilities and support needs that are contributing to the situation that has occurred.

- FCHO will look to signpost perpetrators of antisocial behaviour who are vulnerable themselves to specialist services to prevent or manage issues as they arise. Our ability to do so may be impacted by a perpetrators unwillingness to engage or provide authority.
- Specialist services may include, but are not limited to, Social Services, and community-based organisations such as drug and alcohol support, and mental health services.
- Where FCHO believe someone has a disability as defined by the Equality Act 2010, we will ensure that a proportionality assessment is carried out in respect of legal action to ensure that such steps are proportionate.

### **4 Confidentiality**

4.1 Information received by individuals will be treated in confidence. We may share information with third parties where:

- we have an information sharing protocol in place.
- there are safeguarding concerns.
- we have a duty to do so for the purpose of crime prevention under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.

4.2 We will handle personal data and information in accordance with the Data Protection Act 2018, General Data Protection Regulation, and our Data Protection policy and procedures.

### **5 Responsibility and Performance Monitoring**

5.1 The Executive Director of Customer Experience is responsible for the effective implementation of this policy.

5.2 This policy will undergo regular monitoring by the Head of Tenancy and Neighbourhood Services.

5.2 The following performance measures will be monitored:

- % of cases responded to in time
- % of satisfaction with your landlord's approach to handling ASB
- Number of hate crime incidents reported – rolling 12 months.

## **6 Legislative or Other Guidelines**

6.1 The legislation considered for this policy is:

- Anti-Social Behaviour, Crime and Policing Act 2014
- Housing Act 1988
- Protection from Harassment Act 1997
- General Data Protection Regulation
- Equality Act 2010
- Human Rights Act 1998
- Housing Ombudsman Spotlight Report on Noise Nuisance