

## ANTI-SOCIAL BEHAVIOUR POLICY



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## 1. PURPOSE

- 1.1. Cornwall Housing Ltd (CHL) is committed to working in partnership with Cornwall Council, the police and other relevant organisations to deter and tackle anti-social behaviour (ASB), create safer neighbourhoods for our residents and support the communities where they live.
- 1.2. This policy applies to all types of occupancy that we own and/or manage on behalf of Cornwall Council. It sets out CHL's core principles and approach to managing housing-related Anti-Social Behaviour (ASB) reports and is designed to comply with our legal requirement within the Anti-Social Behaviour Act, as it relates to ASB policies.
- 1.3. This Policy outlines the approach to defining and assessing reports of behaviour and CHL's harm-centred approach. This approach means that CHL will consider the level of harm caused to those experiencing ASB when deciding what the best course of action should be. It provides information on specific behaviour types and how this will be managed.
- 1.4. We may receive reports which do not meet CHL's definition of ASB. These reports will be dealt with in line with our Good Neighbourhood Management (GNM) Policy. CHL also have supporting policies for Domestic Abuse and Sexual Violence, and Complaints and Customer Feedback.
- 1.5. CHL defines "housing related" as per the ASB, Crime and Policing Act 2014. This means that reports and cases of ASB that are within our role as a social housing landlord will be managed in a different way, and responses will be through wider Community Safety Partnership arrangements in Cornwall Council. This policy complements the Safer Cornwall Partnership Plan and Cornwall Council's Strategy to Create a Sustainable Community.
- 1.6. CHL are governed by the Regulator of Social Housing. This ASB Policy supports the requirements outlined in the Neighbourhood and Community Standard launched 1 April 2024, the national ASB Action Plan updated March 2024, and The Respect Charter for Housing, published through the Social Housing White Paper 2023, which states that CHL will tackle anti-social behaviour by enabling tenants to know who is responsible for action and who can support and assist them if they are faced with anti-social behaviour.



## 2. WHO THE POLICY APPLIES TO

- 2.1. This Policy applies to all properties within the Housing Revenue Account (HRA) and those where CHL has been commissioned by Cornwall Council to provide specific services to properties within the General Fund (GF).
- 2.2. This Policy applies to all those who live with or visit tenants or leaseholders, alongside residents specifically named on the tenancy agreement or lease.
- 2.3. It also applies to all CHL employees, contractors, sub-contractors, and agents working for CHL. It relates to CHL as an Arms-Length Management Organisation (ALMO) working on behalf of Cornwall Council providing housing services.

## 3. PRINCIPLES OF SERVICE

- 3.1. CHL will seek to work transparently and fairly with those who report ASB, taking an objective, evidence-based approach to our investigations and decision making.
- 3.2. The approach to ASB will be harm centred, considering the behaviour type and the impact or circumstances of the behaviour. We use this to make key decisions such as whether a report meets our definition of ASB, the category to assign it and the necessary and proportionate action to take to resolve it.
- 3.3. CHL will work alongside our partners to deter and tackle ASB. CHL recognise there may be times where CHL are not the best agency to lead on a case but seek to establish this without unnecessary delay and may continue to support the case when another agency takes the lead.
- 3.4. CHL will seek to identify and understand risk and vulnerability in relation to all parties involved in a case, taking the necessary action to mitigate this risk where appropriate.
- 3.5. In considering a response, CHL will review the full range of tools and powers available when deciding the best course of action in a case, including informal and legal tools. Whilst the preference is always to resolve issues using informal means, CHL will consider the most proportionate response in each case. There may be times where a partner agency has a tool better suited to resolve harm and we will collaborate with them to determine an action plan.
- 3.6. CHL will seek to empower and involve those who report ASB. There may be things that we require the person reporting the issue to do in a case and we will ensure we are clear on what is required and that it is reasonable within the circumstances.



## 4. DEFINITION OF ANTI-SOCIAL BEHAVIOUR

- 4.1. CHL will use a two-stage approach to defining ASB, considering firstly whether the behaviour meets the statutory definition for housing related ASB and, secondly, whether the behaviour is unreasonable.
- 4.2. The statutory definition of housing related ASB will be used to defined this, as detailed in Part 1 of the ASB, Crime and Policing Act 2014 where ASB in housing is classed 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.
- 4.3. Examples of what CHL will consider as ASB include:
  - Physical violence and/or threats of violence.
  - Hate related incidents (such as those based on race, sexual orientation, gender, disability, or belief).
  - Verbal abuse, harassment, intimidation, or threatening behaviour.
  - Noise nuisance – an ongoing or persistent noise at any time of the day or night, including from any pets or machinery within the property boundary.
  - Vandalism and damage to properties, including graffiti and offensive messages, or interfering with or damaging security or safety equipment.
  - Driving, riding or using vehicles such as bikes, motorcycles or quad bikes dangerously or inconsiderately on paths or pedestrian areas.
  - Dumping rubbish including fly tipping.
  - Criminal behaviour, for example drug dealing, violence or threats of violence.
  - Pets being allowed to foul in shared public spaces.
- 4.4. When considering whether the behaviour reported is unreasonable, CHL will consider the following:
  - The type of behaviour that is being reported, how serious it is and whether it is reasonable activity or not.
  - How often the behaviour is happening, the times that it is taking place and how long it is happening for.
  - The needs of the parties involved.
  - The root cause of the issue and whether there is intention to cause harm.



- 4.5. CHL's Good Neighbourhood Management Policy sets out in more detail the types of behaviour that we are unlikely to define as ASB. In summary it includes behaviours that are unlikely to be unreasonable activities such as:
- Parking
  - DIY
  - Children playing
  - Animals fouling where it is not unreasonable
  - Use of appliances, such as washing machines.
- 4.6. For disputes between neighbours, such as situations where a disagreement has occurred between several parties, there is no clear victim and no clear person causing the harm, and all parties are contributing to the disagreement, the behaviour at the heart of the disagreement is unlikely to meet our definition of ASB. These disputes may arise from the following:
- Parking
  - Boundaries
  - The use of communal gardens
  - Lifestyle differences
  - Social media
  - Behaviour of children
- 4.7. CHL will be unable to take any action in matters where there is no intention to cause harm and/or the behaviour causing the harm is not unreasonable. Examples include:
- Noise that arises from reasonable activities but is causing a nuisance due to environmental issues such as poor sound insulation in a property or a lack of carpets on laminate floors.
  - Nuisance that arises from a disability and/or illness.
  - One-off parties and barbeques, or infrequent or occasional disturbances.
  - Day to day situations such as babies crying, smells from cooking, the closing of doors or walking upon stairs or minor vehicle repairs.
- 4.8. In these situations, CHL believe that it is more appropriate to adopt an approach that encourages negotiation, compromise and understanding, practical and pragmatic solutions and actions to try and improve the wellbeing of parties.



## 5. DOMESTIC ABUSE

- 5.1. CHL understand that we may receive reports of ASB where the nuisance is a consequence of domestic abuse. For example, a resident might hear an incident of domestic abuse occurring within a neighbour's home which they report as noise disturbance.
- 5.2. CHL recognise that dealing with these matters using a traditional ASB approach may be inappropriate. We work to ensure that the training we provide our employees, and the processes we use to assess and triage reports of ASB, help up to identify where a report of ASB may be a consequence of domestic abuse.
- 5.3. All reports of domestic abuse, whether reported expressly as such, or determined to be so by ourselves after assessment, will be dealt with in line with our Domestic Abuse policy.
- 5.4. There may be cases involving domestic abuse where CHL consider this Policy in conjunction with the Domestic Abuse Policy. This could be where we feel that adopting an ASB approach is most suitable for protecting the victim/survivor, where there is ASB occurring that is not because of domestic abuse, or where CHL needs to take action against a perpetrator as their behaviour is also having a significant impact on others. We will work with other partners involved to ensure this is an appropriate response.
- 5.5. CHL will refer cases into a Multi-Agency Risk Assessment Conference (MARAC) where appropriate for information to be shared on the highest risk domestic abuse cases.

## 6. HATE CRIME

- 6.1. Hate Crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender. Examples of hate crimes include:
  - Physical attacks, such as physical assault, damage to property, offensive graffiti and arson
  - Threat of attack, such as inciting hatred by words, pictures or videos, offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate, and unfounded malicious complaints.





- 6.2. A hate incident is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them based on their race, religion, sexual orientation, disability or because they are transgender. Not all hate incidents will amount to criminal offences. Examples of hate incidents include:
- Verbal or online abuse, insults or harassment, such as taunting, offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace.
- 6.3. CHL will encourage victims to report any potential hate crime or incident to the police.
- 6.4. Victims of hate crime or incidents may be reluctant for any further action to be taken following a report to CHL. CHL will take their feelings into account but if CHL believe that there is an immediate risk to the victim's life or safety then a report will be made to the police. If there are any safeguarding issues, then CHL will deal with these in accordance with safeguarding policies. There will always be an explanation on why CHL needs to do this and of intentions to help keep the victim safe.
- 6.5. CHL will ensure that officers are trained to recognise hate crime and incidents and ensure that they are categorised as high-risk reports, where appropriate to do so. CHL will investigate any reports in the same way as anti-social behaviour treating reports as high risk to be investigated within 24 hours.
- 6.6. This means that CHL will carry out a risk assessment with the victim and agree any actions to take. CHL will also ensure that support is offered to victims, work with partner agencies and use the wide range of tools available to resolve the issue and protect victims.
- 6.7. If the victim is unable to remain safely in their home, then CHL will advise them of their options for rehousing and support them in finding alternative accommodation in accordance with Cornwall Council's allocations policy.
- 6.8. CHL will investigate any allegations or suspected hate crime or incidents by employees or contractors acting on CHL's behalf through processes where appropriate.



## 7. EXPLOITATION

- 7.1. CHL recognises that ASB can sometimes arise from exploitation, such as cuckooing, financial abuse etc. Signs of these types of exploitation can include, but are not limited to, an increase in the number of visitors at an address, litter and drug paraphernalia, damage to property, noise nuisance etc. These may be reported to us by other neighbours as ASB.
- 7.2. In these situations, CHL will have a sensitive approach, recognising that there may be several victims, including the wider community experiencing the nuisance and the person suffering exploitation.
- 7.3. CHL will aim to ensure:
  - That officers are trained to recognise the signs of exploitation, as well as using professional curiosity to understand the root cause of reports made to CHL.
  - Where exploitation is identified, CHL notifies the appropriate partners, which may include the Police, as well as support services.
  - That any necessary safeguarding referrals are made and multi-agency risk management meetings arranged where appropriate.
  - That CHL considers the full range of tools available to deal with the harm being cause (including those of our partners) with the overall aim of reducing the harm to the wider community and the exploited person.

## 8. BEHAVIOUR TOWARDS CHL EMPLOYEES AND CONTRACTORS

- 8.1. CHL recognises that there may be occasions where the victim of the ASB is an employee or a contractor. These will be considered on a case-by-case basis, assessing the circumstances leading to the behaviour, the severity, the facts of the incident and the impact upon the person affected and may act in line with this policy as a result.

## 9. ROLE OF CHL

- 9.1. CHL can act in 'housing related' cases. This means that action can be taken against a non-tenant where their behaviour is affecting CHL residents, communities, employees or contractors. These are cross-tenure cases.
- 9.2. There will be times where CHL is not the best lead agency in a cross-tenure case. For example, where the person alleged to be causing the harm is a tenant of another social or private landlord, or where the person is known to the Police and/or other team in the council and work is ongoing.



- 9.3. CHL will make efforts to identify other agencies that need to be made aware of a report and notify them quickly, working with them to agree a lead agency and whether continued support from CHL is required.
- 9.4. There may also be cases where another agency has the most suitable tool to resolve the case. For example, noise linked to environmental protection. CHL will speak to the identified agency to agree a lead and a plan of action.
- 9.5. Where a report of ASB constitutes a possible criminal offence, CHL will encourage the complainant to make the Police aware.
- 9.6. Where the Police are investigating a criminal matter, CHL will collaborate with them to determine whether it is appropriate for 'housing related' action to be taken in parallel investigations, or whether it is more appropriate to await the outcome of their investigations first.
- 9.7. Where a Police investigation has been concluded and no further action is to be taken by them, CHL may consider taking ASB or tenancy action depending on the circumstances of the matter.
- 9.8. If a case concerns behaviour that amounts to a statutory nuisance, CHL will consider whether a referral should be made to the relevant Environmental Health Team to determine whether action under the Environmental Protection Act is appropriate.

## 10. REPORTING ASB

- 10.1. CHL will accept reports of ASB in a variety of ways, including by telephone, email, letter etc as well as visiting residents in their homes or arranging face to face meetings in offices.
- 10.2. CHL will also accept reports from third parties, such as councillors or support workers, however in most instances CHL will need to speak directly to the person experiencing/witnessing the behaviour to progress investigations.

## 11. ASSESSING ASB

- 11.1. CHL will triage all reports of ASB. This means CHL will:
  - Gather additional details.
  - Provide advice.
  - Assess vulnerability.
  - Set out how the case will be managed.
  - Say who will be dealing with it.



- 11.2. If a resident contacts CHL by phone to report ASB then the Housing Management Support Team will gather some details and carry out an initial vulnerability assessment before passing the case to CHL's Regional Housing Management Team.
- 11.3. The Regional Housing Management Team will contact residents within the timescales below to quickly determine whether it meets the definition of ASB. To inform the decision, CHL may investigate before making this determination.
- 11.4. The Regional Housing Management Team will contact residents within the timescales below to quickly determine whether the issue being reported meets the definition of ASB. To inform the decision, CHL may investigate before making this determination.
- 11.5. CHL will categorise the risk based on harm and use the following categories:

Category	Types of Behaviour	Response Time
High-risk	Hate incidents, threats of or actual violence to person, or situations where the harm to the victim's health and well-being is considered to be high.	1 working day
General	All other behaviours that are not environmental and do not fit into the high-risk category.	5 working days
Environmental	Examples include littering, graffiti, fly-tipping, dog fouling etc.	10 working days
Neighbourhood Issues	Disputes over parking, DIY, children playing, use of appliances where the behaviour is not unreasonable. (Refer to CHL's Good Neighbourhood Management Policy).	10 working days

- 11.6. The response time relates to the period between CHL receiving the report and initial attempts to make contact to arrange an interview to triage the case. This may be sooner where a resident is highly vulnerable.



- 11.7. CHL will assess risk and vulnerability using a Victim Risk Assessment (VRA). This is a risk assessment completed using the information received and is designed to be a guide only to identify risk to the victim; officers will use their professional judgement to decide any required actions and involvement of relevant partners. Initial VRA's can be completed over the phone.
- 11.8. CHL's VRA consists of three sections that are scored accordingly during a conversation. Where the assessment is 24+, it will trigger the requirement for a full VRA to be completed by the Regional Housing Management Team with the resident either in their home or in an alternative location that is suitable for them.
- 11.9. Where a full VRA scores 30+, a multi-agency case conference will be arranged with relevant partners to support the resident and to respond to the complexities identified in the VRA. CHL will request the case conference within 5 working days of the assessment being completed.
- 11.10. CHL recognises that risk can increase/decrease during an ASB case and, therefore, VRA's are kept under review during the life of a case and changes responded to as appropriate.

## 12. CLOSING AN ASB CASE

- 12.1. CHL will continue to work with complainants to resolve the reported issues around ASB and this will naturally lead to the closure of a case. There may also be times when cases need to be closed because all powers and tools have been explored but no further action is available. At the point of closing an ASB case, CHL will:
- Consider the evidence on whether the behaviour has improved to an acceptable level.
  - Review whether there is further reasonable action that CHL can take to resolve the issue.
  - Assess whether ongoing support for the resident reporting the ASB is required following case closure.
  - Seek to discuss the intention to close the case with the customer reporting the incidents before closure.
  - Only re-open a case if it is appropriate to do so.

## 13. COMMUNITIES AND SOCIAL RESPONSIBILITY

- 13.1. CHL wishes for all communities within our areas to thrive. This requires cooperation, compromise and empathy from the residents living, working, or visiting within these communities. CHL asks residents to:



- Be respectful and considerate with regards their behaviour, to listen when another person may raise concerns to them, to act within the law and to try to find compromise and solution together.
- For tenants, their families and visitors to not harass other people, including racist behaviour, inappropriate language, threats or intimidation, damage to property or actual violence which interfere with the peace, comfort or convenience of other people.
- For serious ASB, for instance where there is actual or an immediate risk of harm, that direct reports are made to the police by dialling 999. CHL will encourage people to report criminal acts to the police.
- For reports of noise from private properties, littering, dog fouling, fly-tipping, abandoned vehicles or dangerous dogs, to also be reported to Environmental Protection at Cornwall Council (0300 1234 212).

13.2. CHL residents are responsible for their own behaviour, that of any household members (including pets) and any visitors to their property, at the address and within the locality of the address. There may be times where the behaviour has occurred outside of the locality of the address but may still be considered relevant to CHL as a landlord because of the status of the person who the behaviour is directed towards. For example, where the person affected is a neighbour or one of our employees.

## 14. SUPPORT FOR RESIDENTS REPORTING ASB

14.1. CHL will seek to support residents who report ASB alongside the VRA triage by adopting the following case management principles:

- Maintaining contact with those reporting ASB.
- Being clear, transparent, and fair in communication.
- Providing updates on progress of a case as far as possible without breaching data protection laws.

14.2. CHL will also work in partnership to support residents reporting ASB. The list below is not exhaustive and gives examples of what we may consider, dependent on the circumstances of each case:

- Referrals to internal support, such as tenancy sustainment services, or extending this to other Cornwall Council services.
- Referrals to external support, such as local charities or voluntary organisations
- Referrals to safeguarding or public health teams.
- Consulting with partners to identify target hardening opportunities.



14.3. Where CHL takes legal action in ASB cases evidence from residents is important. CHL understands this can be a daunting experience and will seek to ensure appropriate support is made available to the witness should they wish to accept it. Sometimes the support available will depend on the court we are using, but types of support may include:

- Signposting to advice and guidance on being a witness, such as specialist websites.
- Arranging a pre-court visit to allow the witness to familiarise themselves with the environment.
- Helping to arrange transport.
- Arranging a separate entrance to the court and waiting room.
- Accompanying the witness around the court building.
- Ensuring they have time to speak with our legal representative to seek clarification to any questions or concerns they may have.

## 15. SUPPORT FOR THOSE CAUSING ASB

15.1. CHL understands that those perpetrators of ASB causing the harm may have needs and vulnerabilities themselves. Whilst CHL does not consider this to be a justification for causing harm to others, it is recognised that helping to meet these needs can benefit all parties, bringing resolution of the ASB for the person suffering and improving the wellbeing of the person causing the harm too.

15.2. CHL will adopt the following case management principles to identify and understand the needs that a perpetrator of ASB may have:

- Triaging and assessing reports effectively, with a focus on understanding the root cause of the problems, ensuring that CHL recognises when the person causing the harm may also be a victim (e.g. of exploitation)
- Using internal systems to see whether CHL holds information which assists us in understanding needs.
- Collaborating with partners to seek out and share information about needs.
- Discussing matters with the perpetrator and enquiring whether they require support.

15.3. Where support needs are identified CHL will determine appropriate responses which may include:

- Referrals to internal support, such as tenancy sustainment services, or extending this to other Cornwall Council services.
- Referrals to external support, such as local charities or voluntary organisations.
- Referrals to safeguarding or public health teams.





15.4. CHL will adopt a parallel approach in most cases, where CHL will offer support whilst also taking the appropriate action to try and prevent further ASB, recognising the needs of the person/s suffering the harm. For this reason, where CHL recognises the need for support, but it is not available or accepted, action may continue to be taken to deal with the ASB. Equally, if the support is accepted but CHL believes the person is not fully or genuinely engaging, action may continue to reduce the harm to those suffering.

15.5. CHL understands the duties of the Equality Act and will:

- Seek to understand whether the perpetrator has a disability as defined by this legislation and whether the ASB reported is linked. Where CHL believes it is, an assessment of the proportionality of the intended action will be completed to understand whether this is a means to a legitimate aim before making a decision to proceed.
- Ensure that CHL has complied with obligations in relation to the public sector equality duty. Before making a decision to take legal action CHL will complete an equality act assessment within the proportionality assessment to evidence this compliance.

15.6. In all cases CHL considers for legal action, a proportionality assessment will be completed to ensure that the CHL decision to proceed is necessary and proportionate.

## 16. PARTNERSHIPS AND CASEWORK

16.1. There are few ASB cases that can be resolved effectively as a single agency response. Most will require engagement with other statutory and non-statutory partners. Examples of agencies CHL works with include Cornwall Council's Community Safety Team, the Police, other housing providers, social care, public health providers, the fire service and 3rd sector organisations.

16.2. Effective partnership working relies on information sharing. We will ensure that we are sharing information with others where we have a clear lawful basis and legitimate purpose for doing so. CHL's Privacy Statement can be found on the website.

16.3. Partnership forums are designed to facilitate a multi-agency response to local issues, including ASB and related behaviour. CHL will attend and actively engage in those which are relevant to CHL's work and have similar expectations from partners.

16.4. In addition, CHL may organise professionals' meetings in relation to individual cases to ensure that all information is known by all relevant bodies and that the most informed and appropriate decisions can be made in a case.





16.5. In relation to partnership working, CHL seeks to:

- Identify appropriate partners to involve in a case and engage with them.
- Share information that is relevant to a case, in order to fully understand risk and vulnerability and ensure that we take the most proportionate and effective actions.
- Develop a joint action plan that clearly identifies a lead agency and the required actions of all involved.
- Be clear on the extent and limitations of our role and responsibilities.
- Seek the views of others before commencing legal action to ensure there is no duplication and the solution proposed is most suitable.

## 17. TOOLS AND POWERS

### General Principles

- 17.1. Where CHL has the necessary evidence to determine that the ASB reported has occurred, consideration will be given to the most appropriate next action to reduce the harm being caused.
- 17.2. CHL does not adopt an incremental approach which requires the lowest form of action first. CHL will instead consider several factors, such as severity, risk, frequency, needs etc, to determine what action is most proportionate. The lowest form of action will be taken which CHL believe has a genuine chance of achieving the outcomes for a case.
- 17.3. In most cases, non-legal interventions will be the most proportionate form of action in the first instance. Save for the most serious forms of ASB, CHL will attempt to resolve matters through practical solutions, warnings, and voluntary agreements before resorting to more formal approaches.
- 17.4. CHL will need evidence to be able to act and often will need those experiencing the ASB to provide this evidence. Evidence may include completed diary sheets, audio/visual recordings, including CCTV or video doorbell recordings, reports to agencies or signing a witness statement. Where CHL is unable to obtain this evidence, it is unlikely that action can be taken.
- 17.5. CHL is an ALMO and therefore to proceed on some powers and tools, for example community protection notices or a closure order, CHL must work alongside its Cornwall Council partners to gain their support and to use their powers. They also rely on the court deciding to grant an order when requested.



## Prevention

17.6. CHL seeks to ensure that ASB does not occur in the first place. This is done in a range of ways which include but are not limited to:

- Using a sensitive allocations/lettings policy.
- Providing advice in early stages of tenancy.
- Making customers aware of responsibilities at sign-up.
- Operating an introductory tenancy regime.
- Making advice and guidance available to customers and residents.
- Collaborating with partners to host community events and take part in estate walkabouts etc.
- Looking at environmental improvements, such as better lighting etc.

17.7. CHL, alongside its partners in Cornwall Council, operates a series of tools which help tackle ASB, such as:

### Tenancy Action

Where a breach of tenancy has occurred, CHL will take action. For introductory tenancies CHL has the option to extend the introductory period or to seek to end the tenancy. For secure tenancies, CHL can seek a suspended possession order or outright possession order on the relevant discretionary and/or absolute ground. CHL can also apply for a demotion order, reverting secure tenancy to the equivalent of an introductory tenancy.

These actions all require CHL to serve a legal notice first and where this is done to end an introductory tenancy, a demoted tenancy or are relying on an absolute ground, CHL must offer the tenant a right to appeal this decision. CHL may also seek to vary an existing suspended possession order (e.g. for rent arrears) to include ASB.

### Injunctions under Part 1 of the ASB, Crime and Policing Act 2014

These orders contain conditions which are designed to prevent further harm. They may require the person to stop doing certain things or require them to do specified things. They are available for persons over the age of 10 and a breach can result in a fine and/or a custodial sentence. Where the person with an injunction is a tenant (or linked to a tenant's property), a breach may also result in possession action under the mandatory ground.

### Criminal Behaviour Orders

These orders are similar to an injunction but can only be applied for where someone is being prosecuted for a criminal offence. CHL is more likely to support the Police in securing such an order, but CHL may work with Cornwall Council partners in limited circumstances, such as where Cornwall



Council is prosecuting a breach of a community protection notice. Where the person with a criminal behaviour order is a tenant (or linked to a tenant's property), a breach may also result in possession action under the mandatory ground.

## **Closure Orders**

A closure order is a temporary (up to 6 months) power that can be applied to a premises (including a defined area of open space). It has the impact of fully or partially closing the area where it applies. This can be flexible allowing certain categories of people to remain able to use the area, or to limit the times of day where it applies. A closure notice must be issued before seeking an order. Where a closure order is granted at a tenant's property it may also result in possession action under the mandatory ground.

## **Community Protection Warnings/Notices**

A community protection notice (CPN) can be issued to anyone over 16 or to businesses, where the legal test is met. It includes conditions in relation to things the recipient must stop doing or actions they must complete. Failure to comply is a criminal offence and can result in a range of sanctions, including a fixed penalty notice. A community protection warning must be issued, giving the recipient an opportunity to put right the harm. Failure to do so may result in service of a CPN or a decision to use another tool (such as an injunction or instigation of tenancy action), where it's felt this is more appropriate.

## **Self-Help**

- 17.8. CHL works to empower those reporting harm to be part of the solution, believing that this often results in the best outcomes for all involved. Indeed, sometimes the involvement of an agency can exacerbate a situation that could otherwise have been amicably resolved between the parties. Where it's believed appropriate to do so, CHL may ask parties to:
- Speak to the person causing them concern first to try and find a solution.
  - Consider a reasonable change in behaviour or routine to improve the problem.
  - Engage in mediation.
- 17.9. Where a party refuses to cooperate with CHL's suggestions, without good reason, CHL may not be able to take any further action.

## **Informal Actions**

- 17.10. There is a range of informal methods that CHL uses to resolve harm in ASB cases. These include, but are not limited to:
- Practical solutions, such as environmental improvements



- Warning letters
- Meetings
- Acceptable Behaviour Contracts
- Good Neighbourhood Agreements

## Legal Actions

17.11. Where CHL believes it is necessary and proportionate, and there is the required evidence, CHL may consider legal action as a response to ASB such as those outlined in the table above. Sometimes the legal tool most suitable is not one that CHL has legal recourse to. In these instances, CHL will collaborate with the partner agency that can use this tool, offering support to their case if appropriate.

## The ASB Case Review

17.12. The ASB Case Review is a legal process that every local authority area must have in place with its partners linked to the use of a Community Trigger. It allows any victim of ASB or a representative of that person with their permission, who are concerned about the progress or outcome of their ASB case to request a review, which can result in recommendations being made.

17.13. To meet the requirements of the Community Trigger threshold, one of the following criteria must be met:

- Three or more complaints in the last six months from one individual about the same problem, or
- One incident motivated by hate in the last 6-months from one individual.

17.14. An ASB Case Review is requested by contacting Cornwall Council's Community Safety Team. CHL is Cornwall Council's ALMO and will fully participate in any review.

## 18. COMMUNICATION AND CONFIDENTIALITY

### Communication and Publicity

18.1. Publicising actions that CHL takes in ASB cases can assist in reassuring communities, encouraging reporting, and deterring those causing ASB. Legal action that is taken may require the support of the local community to help CHL monitor compliance, and publicity helps raise awareness of what the person has been asked to do.

18.2. CHL alongside Cornwall Council, will make a decision on whether to publicise, and the extent/methods of doing so, on a case-by-case basis, by considering factors such as the age and circumstances of the person



causing the harm, the objectives sought from the publicity, necessity, and proportionality.

## **Confidentiality**

18.3. CHL may receive anonymous reports of ASB. This can make it challenging to investigate the matter, as CHL may not have all the information to do so. CHL will assess anonymous reports, considering whether the severity of the behaviour reported requires further investigation, whether there is an obvious reason for why the report has been made anonymously and whether there are any opportunities for investigating further that do not require knowledge of who has made the report.

18.4. Sometimes residents may wish to remain anonymous. Whilst CHL will not provide their name, CHL is required to disclose and discuss the details of the report with the person alleged to be causing the harm before action can be taken. There may be times where the nature of the report makes it clear who is likely to have made the report.

18.5. In addition, there are times where CHL's legal obligations mean that confidentiality cannot be assured. For example, if a person reports something that is a criminal offence, or it's believed that they are a risk to themselves or to others.

18.6. CHL will only share information in line with the agreed Information Sharing Agreement, which CHL has signed up to, which covers:

- What information will be shared
- What powers in law provide the ability to share information
- How the information will be shared
- Who the partners to the agreement are, and
- Any necessary security requirements

## **Vexatious, unreasonable and persistent complainants**

18.7. Whilst CHL wishes to encourage reports of ASB, there are times where this reporting can be inappropriate. This may be where:

- The report is malicious, false, or exaggerated.
- The reports relate to matters that have already been decided on and there is no new information.
- The reporting is so persistent that it is having an unreasonable impact on CHL's time and resources.

18.8. CHL will seek to understand the reason for these types of reporting, for example, whether the contact arises from an unmet support need or whether there has been a missed opportunity to intervene or made an



incorrect decision. However, CHL may need to take action in line with corporate policy to manage the inappropriate reporting.

## 19. PERFORMANCE

### Training and development

- 19.1. Managing cases of ASB can be complex, requiring a wide range of skills, knowledge, and experience. Through supervision, CHL seeks to identify the needs of case officers, sourcing relevant training where appropriate. CHL also aims to keep officers updated on changes in regulation, legislation, and best practice, via training, attendance at webinars etc.
- 19.2. Due to the breadth of knowledge officers need to deliver an effective ASB service, consideration of training requirements extends beyond ASB specific topics and covers associated areas such as safeguarding.
- 19.3. CHL case officers also attend regular case supervision sessions where they can seek advice and support in relation to casework.

### Performance management

- 19.4. CHL undertakes performance management activities focussed on ensuring the delivery of a well-performing service and that the organisation is continuously learning and improving. These include:
  - Case file audits to ensure compliance with policy and process.
  - Reviewing customer feedback to identify opportunities for service development.
  - Reviewing outcomes from service complaints, ombudsman enquiries and ASB case reviews to identify opportunities for continuous improvement.
  - Learning from serious case reviews, safeguarding adult reviews, and domestic abuse related death reviews where there are elements of ASB.
  - Providing key performance information and making this available to CHL's key stakeholders, and subject to internal scrutiny.

## 20. USE OF THE ASB POLICY

- 20.1. CHL will effectively use this ASB Policy in several ways:
  - **Clear Definition and Scope:** Ensure the policy clearly defines what constitutes ASB, including examples and the types of behaviour covered. This helps residents understand what actions can be reported.
  - **ASB Reporting Mechanisms:** Establish straightforward, user-friendly, and accessible reporting channels for residents to report ASB.



- **Partnerships:** Collaborate with local police, community organisations, and other stakeholders to address ASB to enhance the effectiveness of interventions and ensure a coordinated response.
- **Prevention Strategies:** Focus on preventative measures, such as community engagement programs, community links, and neighbourhood plans. Encouraging positive community involvement can reduce the likelihood of ASB.
- **Response Framework:** Develop a structured response framework that outlines how reports of ASB will be managed. This includes initial assessments, investigation protocols, and timelines for action.
- **Support for Victims:** Provide support services for victims of ASB, including tenancy support, and mediation. Ensuring that victims feel heard and supported can help them engage with the process.
- **Enforcement Options:** Clearly outline the enforcement actions available, such as warning letters, community protection notices, or other legal measures. Ensure that these actions are proportionate and aimed at long-term solutions.
- **Monitoring and Evaluation:** Regularly assess the effectiveness of the ASB policy through data collection and community feedback. This helps to identify trends, areas for improvement, and the impact of interventions.
- **Training and Awareness:** Provide training for staff and community members about the ASB policy, its objectives, and how to implement it effectively. Raising awareness can encourage community involvement and support.
- **Communication:** Maintain clear communication with the community about the ASB policy, its aims, and any changes. Keeping residents informed fosters trust and encourages them to report issues.

## 21. LEGAL INFLUENCES ON THIS POLICY

21.1. There are a number of legal influences which have been used to shape this Policy:

- Anti-Social Behaviour, Crime and Policing Act 2014
- Domestic Abuse Act 2021
- GDPR and Data Protection Act, 1998, 2018
- Care Act 2014
- Equality Act 2010
- Children's Act 2004, Anti-Social Behaviour Act 2004, Domestic Violence, Crime and Victims Act 2004
- Housing Act 1985, 1988, 1996, 2004
- Regulation of Investigatory Powers Act, 2000, Local Government Act, 1972, 2000
- Race Relations Act 1976, 2000
- Crime and Disorder Act 1998, Human Rights Act 1998
- Prevention from Harassment Act 1997





- Family Law Act 1996, Noise Act 1996
- Disability Discrimination Act, 1995
- Dangerous Dogs Act 1991, Dangerous Wild Animal Act 1976
- Environmental Protection Act 1990
- Protection of Children Act 1978
- Protection from Eviction Act 1977

CHL reserves the right to use any subsequent amendments to these acts and any other legislation introduced that relates to Anti-Social Behaviour, Abuse or Hate Crime.

## 22. EXTERNAL POLICY INFLUENCES

22.1. There are a number of policy influences shaping CHL's response to ASB:

- The Consumer Standards (as set by the Regulator of Social Housing)
- The Home Office ASB Principles
- The ASB, Crime and Policing Act 2014 Statutory Guidance
- ASB Action Plan (published by Government and updated 21 March 2024)

## 23. OTHER DOCUMENTS LINKED TO THIS POLICY

Good Neighbour Policy

Tenancy Fraud Policy, Tenancy Policy

Domestic Abuse and Sexual Violence Policy

Safeguarding Children, Adults and Vulnerable Adults Policy

Homechoice (Allocations) Policy

Anti-Social Behaviour Procedure

Tenancy Agreements, Conditions of Tenancies, Gypsy and Traveller Pitch Agreement

## Contact us:

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## Alternative formats:

If you would like this information on audio CD, audio tape, Braille, large print, any other format or interpreted in a language other than English, please contact [info@cornwallhousing.org.uk](mailto:info@cornwallhousing.org.uk)

