**ASB Policy**

**1. Overview**

This policy and the associated procedures set out Care Streams’ approach to tackling anti-social behaviour (ASB).

**2. Version History**

V1.0 31/05/2023

V2.0 01/01/2024

V2.1 03/01/2025

Reviewed by Director of Operations (Eamonn Cummings)

**3. Introduction**

‘Anti-Social Behaviour’ (ASB) can take many forms, ranging from noise nuisance, criminal damage, verbal abuse and other types of criminality. This policy establishes Care Streams’ role in tackling ASB. It covers issues of ASB, harassment, domestic abuse and hate crime and unless stated otherwise, it uses the term ASB to incorporate all or any of these acts.

We recognise that ASB can have a very disruptive effect on neighbourhoods and communities and does not just affect those who are directly involved in the situation. We take ASB seriously and aim to balance enforcement action and intervention with prevention. We adopt a supportive approach when dealing with victims, witnesses and alleged perpetrators, and will be flexible in our approach to managing incidents, working in partnership with both internal and external partners to tackle it.

Care Stream is committed to taking effective action and using the powers available to us, where we consider they can provide effective remedy. We recognise that individuals and other agencies share this responsibility and it will not always be appropriate for Care Stream to lead. We recognise the detrimental effect that ASB can have on the lives of our individuals and communities, but it is important that complainants and victims of ASB are clear about both the circumstances in which we can intervene and the sanctions available to us. We will not raise expectations that we can take action where we cannot, or where primary responsibility and powers lie elsewhere.

We believe that everyone has the right to their chosen lifestyle providing this does not breach the terms and conditions of any tenancy agreement or lease and/or affect the quality of life of others. This necessitates a degree of tolerance of, and respect for the requirements and needs of other people, and we will promote this to individuals when responding to their concerns.

**4. Scope and Policy Objectives**

4.1 This policy applies to individuals of all tenures living in a home owned or managed by Care Stream, this includes but is not limited to: general needs, supported and sheltered housing, temporary accommodation, market and intermediate rent, service users and licensees. It also applies to individuals in leasehold and shared ownership properties. If necessary, we may take legal action under the terms of the tenancy agreement, lease, licence and other relevant legislation available to us.

This policy will not apply to issues involving Care Stream employees or our contractors, even if the allegation made meets the definition of ASB. All allegations involving employees or contractors will be dealt with under our [**Complaints Policy**](https://www.thrivehomes.org.uk/my-home/introduction-to-the-thrive-deal/our-relationship/complaints-process/).

4.2 This policy aims to ensure that:

* we are clear on how and when Care Stream can intervene in ASB and when we cannot
* Care Streams’ individuals can enjoy occupation of their homes regardless of ethnicity, religion, sexuality, age, gender, disability or any other protected characteristic
* our staff and people being supported understand that we take ASB seriously and are committed to tackling it with all concerned
* Care Stream understands that the most effective resolution is often for neighbours to resolve disputes locally themselves where feasible and relevant.
* we take positive action, working closely with partner organisations, to encourage them to take the lead in tackling crime and serious ASB in or around our properties, and to ensure a collaborative approach is taken in tackling other forms of ASB
* we use evidence obtained from CCTV footage as well as a range of sources, including statutory agencies to take enforcement action where appropriate
* victims and witnesses of ASB receive a tailored response and appropriate support and advice
* all individuals are treated in a fair, equitable and consistent manner and we consider the needs and vulnerabilities of all our individuals when we respond, investigate or take enforcement action during the management of an ASB complaint

**5. Definitions**

5.1

**What is ASB?**Anti-social behaviour is defined by Section 2(1) of 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
* is capable of causing nuisance or annoyance to a person in relation to that persons’ occupation of residential premises
* is capable of causing housing-related nuisance or annoyance to any person

**Domestic Abuse**is defined as behaviour of a person (A) towards another person (B) if:

(a) A and B are each aged 16 or over and are personally connected to each other,

and

(b) the behaviour is abusive

Further definitions of what is considered abusive and what defines personally connected can be found in the Domestic Abuse Act 2021.

**Hate Incidents**are any incidents perceived by the victim or any other persons to be motivated by prejudice or hate. This includes direct or indirect discrimination against a person’s disability, gender, gender reassignment, pregnancy and maternity, race, religion/belief, sexual orientation, and age.

Care Streams’ involvement in domestic abuse or hate crime will only be sanctions related to breaches of tenancy or lease. Investigations of these allegations will be carried out by the police and/or the local authority in line with their responsibilities.

5.2

**What is not ASB?**

* Reports around ball games, disputes over boundary issues, actions which amount to people being unpleasant (e.g., staring at or ignoring people), parking and other neighbourhood issues are not considered to be ASB. Care Stream staff should report any illegal drug use and supply to the Police, where it does not have any other associated ASB issues.
* Reports due to different lifestyles or everyday living situations which are not intended to cause nuisance or annoyance are not considered as ASB. This includes children playing and babies crying, household noise due to everyday living (e.g., proportionate TV, music/radio noise, noise from electrical items such as washing machines or vacuum cleaners and DIY during reasonable hours as defined by local authorities), one-off parties, BBQs and celebrations, cooking odours and reasonable household smells, smoke, minor car maintenance and minor disputes between neighbours or personal differences.

These are examples of possible reports that are not ASB and it is not intended to be a definitive list.

Where the behaviour is deemed not to be ASB, support staff will advise individuals to enable self-resolution. If we continue to receive repeated reports of non ASB issues, we will refer the individual back to the original advice given. No further investigation will take place.

**6. The Policy**

6.1

To effectively prevent and tackle ASB, harassment and hate crimes, we will take the following actions;

1. Demonstrate leadership, accountability and commitment in working with statutory partners to tackle ASB so that we all fulfil our respective responsibilities and give a clear message to everyone that we take ASB seriously.
2. Ensure staff are well-trained, have the knowledge and confidence to identify and investigate incidents/reports of ASB and work collaboratively alongside appropriate agencies who are leading on such cases.
3. Assess each complaint reported of ASB on its own merits and specific circumstances when deciding whether or not to classify it as ASB.
4. Clearly explain to all new individuals at the sign-up of their tenancy and welcome visits, the terms of their tenancy that relate to ASB and causing nuisance, so that expectations and consequences are clear.
5. Explain to individuals that it is their responsibility to try and resolve disagreements and neighbour disputes by talking to each other and reach a solution based upon mutual understanding. Where resolution is not possible, we may suggest mediation where we believe it could assist in resolving a situation.
6. Log all reports of ASB and any referrals to statutory bodies and monitor the outcomes.
7. Respond sensitively to the victim and adopt high standards of confidentiality when dealing with victims and witnesses.
8. Adopt a victim-centred approach in responding to harassment and hate crime.
9. Offer advice and signposting to appropriate third-sector support for witnesses and victims of ASB.
10. Develop robust local partnerships and multi-agency working to address ASB through a range of diversionary activities or enforcement action and to share experience and expertise. This may include joint working with the Police, local authority services, and participation in local Multi-Agency Risk Assessment Conferences where appropriate to do so, as well as a range of other statutory and non-statutory agencies.
11. Ensure we consider a range of interventions (e.g. ABC’s, tenancy support, warning letters – this list is not exhaustive) to deter or prevent ASB and where appropriate take legal action by way of injunctions and/or possession proceedings – using mandatory grounds where applicable.
12. Offer support to vulnerable perpetrators, where necessary and appropriate, to help them make the changes necessary to prevent a re-occurrence of the ASB.
13. Promote the view that individuals have the right to their chosen lifestyle providing it does not impact adversely on the quality of life of others.
14. Take action to evict a perpetrator where it is reasonable and proportionate to do so and the evidence is sufficient and robust enough for a successful possession action.

**6.2**

Care Stream will categorise ASB complaints as follows:

* **Very Serious**– this includes (but is not limited to) hate-related incidents, physical violence, threatening behaviour and drug production or supply. We will make first contact within one working day and agree an action plan, taking agreed actions within one working day.
* **Serious**– this includes (but is not limited to) verbal abuse, harassment, alcohol-related ASB, noise nuisance and criminal behaviours. We will make contact within three working days and agree an action plan, taking agreed actions within three working days.
* **Minor**– this includes (but is not limited to) vandalism, animal nuisance, garden nuisance, fly-tipping and vehicle nuisance. We will make contact within five working days and agree an action plan, taking agreed actions within ten working days.

**6.3**

Care Stream will:

* respond to ASB reports in line with the severity of the incident
* be clear about what action we can or cannot take
* involve individuals in the action plan to resolve the issue
* communicate with individuals in their preferred method and reasonable levels of frequency, and provide up-to-date information on the progress of the case
* carry out a risk assessment and refer to an appropriate third-party support service, or other agency where necessary.

**6.4**

Care Stream expect individuals not to commit, or allow their family/household / members/visitors or pets to commit acts of ASB as defined in sections 5 and 6.2 above. In addition to the legal responsibilities set out in the tenancy and lease agreements, Care Stream will encourage all individuals to;

* take responsibility for minor personal disputes with their neighbours and to try to resolve any problems themselves
* report incidents of ASB to Care Stream
* report domestic abuse, hate crimes and all other crimes to the police
* respect other peoples’ lifestyles

**6.5**

Care Stream does not use CCTV on its estates or around its properties, however, where this equipment is required to aid the resolution of the case, Care Stream will refer this request to the relevant ASB partnership group to facilitate this data/evidence gathering. Care Stream individuals who have CCTV installed (including Ring Doorbells), should ensure they respect people's privacy rights and take steps to minimise intrusion to neighbours and passers-by. Further guidance on how to do this and individuals responsibilities can be found at:

[**http s://ico.org.uk/your-data-matters/domestic-cctv-**](https://ico.org.uk/your-data-matters/domestic-cctv-systems-guidance-for-people-using-cctv/) [**systems-guidance-for-p eop le-using-cctv/ ℑ**](https://ico.org.uk/your-data-matters/domestic-cctv-systems-guidance-for-people-using-cctv/)

**6.6**

Care Stream will only deal with cases which involve at least one of our individuals and where the conduct either directly or indirectly relates to our housing management function. In cases involving a non Care Stream individual, we will liaise with other agencies and Housing Providers as necessary.

**6.7**

**Confidentiality and Data Protection**

Care Stream Hoes will explain to the complainants that it may be necessary to disclose information to other statutory agencies such as the local authority or the police. Information will be shared with other agencies where there is a duty to do so, and/or where information-sharing protocols are in place.

We will only share information in line with the agreed Information Sharing Agreement, which Care Stream 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 required