

ANTI-SOCIAL BEHAVIOUR STRATEGY

Responsible Officer

Director of Customer Services

Statement of Intent

This Strategy and the associated Anti-Social Behaviour (ASB) procedure sets out the approach Phoenix will take to tackle ASB, through prevention, enforcement and support. Phoenix takes a zero-tolerance approach to Anti-Social Behaviour and is fully committed to using the range of tools available to it to tackle and resolve ASB in all its forms, in line with current best practice.

Our strategic objectives are:

- To provide a responsive service to Phoenix residents that meets the needs of the communities in which we operate.
- To ensure that the relevant staff are trained and equipped to respond to reports of ASB to prevent reports escalating into more serious incidents.
- To ensure that Phoenix residents can influence decision making at local and strategic levels.
- To develop and maintain effective relationships with local and national agencies with whom we can collaborate in tackling nuisance behaviour.
- To improve the quality of life for all Phoenix residents.

Aims of the ASB Service

- To have a robust set of ASB procedures that support the strategy and clearly set out actions and remedies.
- To have published service standards that explain what we do and what residents can expect of the ASB service.
- To work across the business to remove any barriers residents may have in accessing the service such as by using the major and external works programmes to help improve ASB management, CCTV in lifts, controlled access etc.
- To effectively manage Anti-Social Behaviour in its various forms.
- Meet the Respect ASB Charter for housing management.

How will we achieve our aims?

We aim to achieve this by:

- Effectively deal with any form of Anti-Social behaviour as quickly as possible based on a victim centred approach.
- Ensuring the correct implementation of ASB procedures.
- Monitoring the ASB service standards and their delivery.
- Reporting on ASB action and outcomes.
- Review the levels of resident satisfaction with action taken to combat Anti-Social Behaviour.
- Supporting and maintaining our partnership work.
- Promoting our successes.
- Being involved in the national agenda and continuing to benchmark.

Tackling ASB is also an important priority for our key partners the Police and London Borough of Lewisham. Phoenix will maintain collaborative relationships with them at local and strategic levels. This will be further enhanced by the promotion of diversionary activities implemented by partners and our Community Engagement Team.

Definition of ASB

This strategy and the associated procedure is designed to deal with ASB that affects the housing management functions of Phoenix Community Housing as a 'relevant landlord', and as defined by and incorporated into Sections 153A and 153B of the Housing Act 1996 by Section 2(1) of the Anti-Social Behaviour Crime and Policing Act 2014 which defines Anti-Social behaviour as:

- a) Conduct that has caused or is likely to cause harassment, alarm or distress to any person; or
- b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
- c) Conduct capable of causing housing related nuisance or annoyance to any person.

Anti-social behaviour exists where there is unwelcome activity that causes alarm and distress to individuals or families. Acts of ASB can range from noise nuisance to violent behaviour. Criminal behaviour includes racial harassment and hate crime and we take a zero-tolerance approach to all criminal behaviour. ASB does not include behaviour that would be deemed reasonable by most people.

The Respect ASB Charter for Housing

Phoenix is committed to providing a high quality ASB service and being accountable to our residents. We will do this by working towards the standards and seven core principles of the Respect ASB Charter for Housing:

- Demonstrating leadership and strategic commitment.
- Providing an accessible and accountable service.
- Taking swift action to protect communities.
- Adopting a supportive approach to working with victims and witnesses.
- Encouraging individual and community responsibility.
- Having a clear focus on prevention and early intervention.
- Ensuring value for money approach is embedded in the service.

Phoenix ASB Standards

Phoenix believes that our residents are entitled to benefit from enjoying a good quality of life which is not adversely affected by ASB. We accept that residents have the right to their chosen lifestyle providing this does not spoil the quality of life of others. We are committed to engaging with complainants and perpetrators and agreeing an approach that resolves incidents in partnership.

Tackling ASB is consistently one of the top three priorities set by residents.

Phoenix is committed to continuously improving our response to ASB and will establish an annual service improvement plan, incorporating the Respect Charter principles so we achieve a focused response to ASB that is reflective of the law, best practice and local need.

The Phoenix standards are incorporated into our resident handbook and published on our website.

The ASB promises - set in the Phoenix standards are:

- We will work with our partners in the police, local authority and legal representatives to act when ASB is reported.
- We will use a variety of actions to reduce ASB such as community patrols and mediation
- We will consider the causes of ASB and work in the community to provide support and engagement to tackle them.
- Anyone reporting ASB will be contacted within one working day for emergency cases (Grade 1) and five working days for other cases to arrange an interview.
- We will put in place an action plan outlining what actions will be taken to deal with a case and keep complainants updated.
- We will treat all complaints confidentially and carry out a risk assessment with all residents who report ASB.
- Phoenix will regularly consult with residents on how to improve our service and feedback on how we are doing.
- We will work with residents to consider their actions and the actions of their household or family members on others and the local community.

Anti-Social Behaviour is tackled by the Housing Management Team who uphold the principles of our standards when responding to all types of ASB. The Housing Officers work in partnership with all associated agencies and apply best practice techniques to find solutions that resolve ASB. All cases are reviewed monthly with the respective Housing Manager to ensure that cases progress appropriately and that relevant actions are taken swiftly and documented. A satisfaction survey is issued when cases are closed and is used to assess our performance and set actions in our service improvement plan.

Support for Victims, Complainants and Witnesses: A Harm Based Approach

Phoenix is committed to providing an approach that focuses on harm in relation to ASB. We will work to ensure that those who are at more risk of harm, disregarding the type of ASB, are contacted frequently and supported by signposting to appropriate agencies and/or making referrals for support as necessary.

Our harm based approach is delivered through a risk assessment framework which enables Phoenix staff to consider the physical risks to a complainant as well as the effect the ASB is having on the complainant's mental health, their perception of the risk and their vulnerability. The principle of the risk assessment matrix is to assess the effect of the ASB on the complainant, rather than the severity of an incident.

Phoenix will hold conversations with complainants at the reporting stage about steps already taken to resolve anti-social behaviour in an informal capacity. Phoenix will assess whether it is appropriate to encourage informal conversation between parties to bring resolution to incidents by increasing awareness and a neighbourly approach.

We will provide support to any person reporting ASB and witnesses to ensure their well-being and the action directed towards perpetrators is as successful as possible. Generally, we would wish to obtain the agreement of complainants about actions; however, there may be occasions where the complainant would prefer Phoenix not to act. Phoenix will usually comply with the requests of the complainant unless the situation is serious enough for us to pursue the issue against their wishes. In such circumstances, we would take appropriate measures to protect all those affected.

Alternatively, a complainant may wish us to take an action against an alleged perpetrator that we consider is not proportionate to the alleged incident. In such cases, we may decide to follow a different course of action. We will always communicate and make the complainant aware of our proposed action plan.

Active engagement with witnesses is critical to the success of our ASB service which relies on the cooperation of individuals experiencing anti-social activity. We will support residents by:

- Providing good, regular and up to date information on the progress of cases.
- Building confidence and capacity to act as witnesses by actively investing in providing advocacy, transport costs, and other reasonable miscellaneous costs required to support witnesses.
- We will consider investing in home improvements, where required.

Working in Partnership

We will maintain our commitment to the information sharing protocol for the disclosure of information required in the detection and prevention of crime and anti-social behaviour. We are committed to working with our partners and residents to prevent and tackle ASB. These agencies include but are not limited to:

Lewisham Council

We will continue to work closely with Lewisham Council through the Lewisham Crime Enforcement and Regulation Service. This ensures we share expertise and work cohesively towards shared priorities. Phoenix is actively involved in shaping Lewisham's ASB Strategy and will continue to be involved so that Phoenix and resident views are considered.

Phoenix will actively respond to the community trigger protocols implemented by the Council. We will volunteer information requested within the required timescales and will attend relevant meetings to bring a closure to complaints of ASB that meet the community trigger threshold.

Police Safer Neighbourhood Teams

We continue working closely with the police, especially the Safer Neighbourhood Teams with whom we have formed effective working relationships. This enables us to resolve shared priorities,

exchange information and support complainants of ASB. We will actively look for ways to enhance the sharing of information.

Victim Support

By working closely with Victim Support, we will ensure that victims of ASB are supported and that appropriate impartial advice is given when required.

Mediation Services

Phoenix works with independent Mediation Agencies on an ad hoc referral basis. The aim is to help residents come to mutually acceptable agreements and assist with resolving cases at an early intervention stage.

Community Mental Health Teams

By working closely with Community Mental Health teams such as South London and Maudsley (SLAM), we seek to ensure that victims and perpetrators of ASB are supported appropriately and that important information about medical situation is available and shared.

Diversionsary activities

We work with our Community Engagement Team to engage young residents in decision making and shaping our service. We will utilise and promote the use of diversionsary activities for young people whenever opportunities arise.

We will link the use of Acceptable Behaviour Agreements and Parenting Agreements wherever possible to the provision of support and diversionsary activities. Whilst most young people have not and do not cause ASB, we will seek to work with specialist agencies who work with perpetrators of ASB.

Toolkit

Phoenix will employ a range of early intervention techniques and legal remedies to resolve all forms of anti-social behaviour, as described in the ASB procedure document and contained within the ASB Crime and Policing Act 2014. These include but are not limited to positive engagement with residents and partnership agencies, diversionsary activities, proactive community engagement and acceptable behaviour agreements as well as legal remedies such as civil injunctions and possession action.

Phoenix will always seek to resolve anti-social behaviour in an informal way in the first instance by speaking with involved person and using early intervention techniques. These are especially effective when incidents of ASB are in the initial stages.

Phoenix will work with all family or household members in relation to ASB whenever this is necessary. However, we will always direct intervention or enforcement actions towards the tenant or joint tenant; making it clear to them that they are responsible for the behaviour of their family, household members and visitors and expect them to engage with us in resolution activity.

Early Intervention Remedies

Verbal Warnings

Phoenix will initially seek to contact the parties involved in the ASB incident(s) and will speak with the person responsible for the ASB. Direct conversations and/or verbal warnings can often resolve issues where the perpetrator is unaware of the impact of their behaviour on others or made aware that the behaviour needs to be addressed.

Written Warnings

Phoenix will always issue warning letters to residents where necessary to address the ASB. The letter will describe the ASB and set out the impact it is having on others. We will use this opportunity to remind residents of their obligations under their tenancy or lease and will set out the specific conditions in the letter.

Acceptable Behaviour Contracts (ABC's)

Where ASB is persistent and/or evidence of ASB is limited Phoenix will consider using an ABC which is a set of conditions intended to stop the ongoing nature of the anti-social behaviour. These will be more commonly applied to minors or under 18's but can be used to address adult behaviour. Phoenix will arrange a meeting with the perpetrator and their families if appropriate to discuss the situation, gain their consent to adhere to the conditions and resolve the ASB. Phoenix will monitor the ABC during a three-six period and hold conversations with complainants and perpetrators about progress.

Mediation

Phoenix will consider making referrals to independent Mediation Agencies so that parties involved in neighbour disputes or similar ASB are given the chance to resolve the issues in partnership through structured mutual discussion.

Diversionsary activities

Phoenix will make referrals to community groups that assist in the resolution of anti-social behaviour. Examples include and are not limited to, parenting classes, back to work scheme, employment advice, mental health or community support groups.

The progress of the early intervention techniques employed can and will be used as evidence if matters progress towards more formal legal action.

Legal Remedies

Phoenix have adopted the approach detailed in the ASB Crime and Policing Act 2014 statutory guidance when applying legal intervention. We work with members of the HALA Legal framework panel to obtain best practice advice and/or progress legal cases, where required. This approach assists our strategic aims by utilising legal casework to maximise our chances of achieving successful outcomes and ultimately resolving ASB.

Undertakings

Phoenix will consider accepting undertakings from perpetrators of anti-social behaviour as an alternative to an injunction. An undertaking is a legal promise to a court that holds the same value

as an injunction but without a power of arrest attached. Phoenix will accept an undertaking upon advice of legal representatives, where it is appropriate and proportionate to do so.

Civil Injunctions

Injunctions are intended to prevent individuals from engaging in anti-social behaviour and offer fast and effective protection for victims and communities. They are a preventative measure and will be used to address behaviour likely to cause harassment, alarm or distress and when it is just and convenient to do so. An injunction sets out a clear standard of behaviour for perpetrators and is issued by the County Court and High Court for over 18's and the Youth Court for under 18's. A breach of an injunction is not a criminal offence, but a breach must be proved to the criminal standard i.e. beyond reasonable doubt. A breach can result in a fine or up to two years' imprisonment for over 18's and a supervision order or detention for under 18's.

Criminal Behaviour Orders

Criminal Behaviour Orders or CBO's are issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. Phoenix will work the police and Crown Prosecution Service to obtain CBO's where it is appropriate to do so. An order will include prohibitions to stop the ASB but it can also include Positive Requirements to get the offender to address any underlying causes of the behaviour. The youth offending team will be consulted if a CBO is being considered for an under 18's in line with statutory guidance.

Possession

Phoenix will consider applying to the court for possession where early intervention has been unsuccessful in resolving ASB and/or the alternative remedies are either unsuitable or not cost effective to maintain.

The ASB Crime and Policing 2014 Act introduced a new absolute ground for possession of assured tenancies where anti-social behaviour or criminality has been proven by another court. This could see Phoenix bring faster relief to victims by seeking possession on a mandatory basis.

Community Protection Notices

Phoenix will implement community protection notices to stop a person aged 16 or over, committing anti-social behaviour which spoils a community's quality of life. Phoenix will consider using a CPN for businesses or organisations that equally have a persistent and continuing detrimental impact on the quality of life of Phoenix communities. A CPN will include a requirement to do or stop doing certain things, or to take reasonable steps to avoid further anti-social behaviour. A breach is a criminal offence and carries a fine.

Public Spaces Protection Orders

Phoenix will work with the Council and police to arrange for Public Spaces Protection Orders. These orders will be sought where individuals or groups commit anti-social behaviour in a public space.

Closure Orders

Phoenix will work with the Council and police to arrange for Closure Orders. These orders will be sought where Phoenix properties require closure as they are being used or are likely to be used to commit nuisance or disorder.

Phoenix will respond to reports of ASB in line with our statement of intent and will seek to recover possession for serious cases; such as where serious risk of harm, injury or safeguarding is apparent or when alternative remedies employed have been unsuccessful in resolving ongoing ASB.

On rare occasions where ASB legal powers or ASB toolkit actions are not appropriate, Phoenix will use alternative tenancy management actions that lead to the resolution of ASB.

Monitoring and Review

Phoenix will align with regulatory recommendations and operate with accountability and transparency when upholding our commitment to the standards contained within this strategy. Our ASB service will be part of our internal audit framework and be recognised in our service improvement plans.

Phoenix will continue to increase our awareness of ASB and seek to understand the nature, impact and extent of ASB. We will use mapping techniques to identify the types, frequency and locations of ASB.

We will actively seek resident feedback and will use this to improve our ASB service. We will continue to check how well we have delivered our services by using satisfaction surveys. We will meet with a focus group of residents at least once a year and use their experience or advice to shape our ASB service. This approach will be detailed in our service improvement plans.

Effective monitoring of the service standards will be conducted on an ongoing basis and performance information will be reviewed by the Phoenix board; including an annual equality impact assessment. We will also report on our performance objectives as set out in the Phoenix standards every year in our Annual Report to residents.

We also realise the importance of demonstrating that our services provide Value for Money and benchmark both the performance and the costs associated with our service against other organisations.

Publicity

We will publicise the successful use of enforcement tools and the successful resolution of complex cases using our newsletters, website, and community events.

Policy Review

We will review this strategy every three years or sooner if there are changes to legislation or best practice.

Associated documents, policies and procedures

- Phoenix ASB procedure
- Domestic Abuse Policy
- Respect ASB Charter for Housing
- Lewisham Community Trigger Protocol
- The Anti-Social Behaviour Crime and Policing Act (2014)
- Other tenancy management policies and procedures

Definitions

Term/acronym	Description
ASB	Anti-social behaviour
ASB C&P (2014)	The Anti-Social Behaviour Crime and Policing Act (2014)
Phoenix	Phoenix Community Housing
Resident	includes Tenants, Freeholders and Leaseholders

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