

# **Anti-Social Behaviour Policy – Gamesley Community Group**

## **1 POLICY SCOPE**

1.1 This Policy applies to:

- those who are victims and witnesses of ASB and in our property;
- those who are the perpetrators of ASB and are in our property;
- those who are the perpetrators of ASB and are not our clients but are causing ASB and their conduct is having a direct impact on our staff and volunteers.

1.2. This includes people who use our:

- Centre to deliver activities;
- Staff who work for hirers of our centre;
- Clients/members of groups attending;
- we also recognise that our own colleagues and contractors may be affected by ASB incidents and we are committed to supporting them if they witness or are subjected to ASB whilst carrying out their duties.

## **2 RELEVANT LEGISLATION & REGULATION**

- Housing Acts 1985, 1988 ,1996 and 2004;
- Protection from Harassment Act 1997;
- Crime and Disorder Act 1998;
- The Human Rights Act 1998;
- Data Protection Act 2000;
- ASB Act 2003;
- Criminal Justice Act 2003;
- Mental Capacity Act 2005;
- Safeguarding Vulnerable Groups Act 2006;
- Policing and Crime Act 2009;
- Equality Act 2010;
- Police Reform and Social Responsibility Act 2011;
- ASB Crime and Policing Act 2014;
- GDPR 2018;
- Domestic Abuse Act 2021.

## **3 POLICY STATEMENT**

3.1 Gamesley Community Group aims to ensure that all users enjoy the peace and quiet of their activities free from serious disturbance and intimidation. We recognise that anti-social behaviour can have a devastating impact on people's lives and we are fully committed to dealing with incidents of ASB and the causes of ASB by working collaboratively with our communities and partners. This includes supporting both those who are experiencing ASB, and to positively engage with those who are causing ASB to prevent further incidents from taking place. We will use a range of tools and powers that support the triple track approach of Prevention, Intervention and Enforcement.

3.2 We will take a victim centred approach, putting the victim at the centre of our work, focusing on the harm they are experiencing and the impact that the ASB is having on people's lives, the wider community as well as the environment.

3.3 Gamesley Community Group will not tolerate anti-social behaviour directed towards our customers, leaseholders, their visitors or any others engaged in a lawful activity in the locality of our homes, including our colleagues, contractors and others acting on our behalf.

#### **4 AIMS**

- to define what we mean by ASB and what customers can reasonably expect from us;
- use effective intervention models, as well as legal tools to assist us in developing an effective approach in the prevention and management of ASB;
- to encourage our members, where possible and safe to do so, to try to resolve their disputes themselves without the need for Gamesley Community Group to be involved as this can often create unnecessary conflict.

#### **5 DEFINITIONS**

5.1 Gamesley Community Group want to ensure that everyone within our centre feels safe and secure. Part of this involves preventing and minimising ASB. There is no commonly agreed understanding of ASB, therefore this Policy draws upon the definition in the Anti-Social Behaviour, Crime and Policing Act 2014.

- "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

5.2 Gamesley Community Group will rely upon this definition in our assessment of a report of ASB and will also rely upon the nuisance and annoyance clauses within our tenancy agreements.

5.3 Our members are responsible for:

- their own behaviour;

5.4 The legal definition of ASB is very broad and is open to interpretation, ASB can mean different things to different people and therefore Gamesley Community Group have developed a threshold and a framework within which it will operate, in order to assess those behaviours that are unreasonable and are considered to be unacceptable standards of behaviour by most reasonable people.

## **5.5 What do we consider to be ASB? (this is not an exhaustive list):**

- hate-related incidents (where the behaviour is motivated by hostility and prejudice based on race, ethnicity, nationality, sexual orientation, gender, disability, religion, age)\*;
- actual violence/threats of violence against people or property;
- serious vandalism and damage to property;
- repeated verbal abuse, harassment, intimidation or threatening behaviour;
- extreme and excessive noise that is persistent and unreasonable, and is causing unacceptable levels of disturbance to a reasonable person;
- persistent pet and animal nuisance where the animal's behaviour is unacceptable and harmful and is causing unreasonable levels of disturbance to a reasonable person.

\*Gamesley Community Group does have a separate Policy on hate related behaviour and Hate Crime

## **5.6 What we do not consider to be ASB?**

5.6.1 We recognise that sometimes customers will report certain types of behaviour as anti-social, but following our robust assessment, we may conclude that the reported behaviour is not antisocial in accordance with the definition and the framework we use, and therefore does not meet the threshold of unacceptable harmful behaviour. We must all accept that we will experience reasonable levels of disturbance from time to time, and therefore we will not accept reports of behaviour that most people accept as a reasonable part of everyday life.

5.6.2 We will not generally investigate the following unless there is clear evidence that there are unacceptable levels of behaviour taking place which is causing serious harm to others, the community or the environment, this list is not exhaustive.

- children playing outside;
- children falling out with each other;
- falling out with neighbours and friends;
- one off parties and BBQ's;
- giving dirty looks or stares;
- reasonable actions that are considered to be part of everyday activities;
- name calling and social media disputes unless it is deemed to be harassment;
- arguments about parking.

5.6.3 Our staff are appropriately trained and will exercise their professional judgement when assessing reports that they receive, and in situations where they assess the behaviour reported is not ASB, we will invite those involved to take part in mediation activities, which can be very effective if the parties involved are wanting to focus on resolution, or we can provide advice on alternative methods of conflict resolution and self-help.

5.6.4 We operate a harm centred approach when dealing with reports of ASB related nuisance, and where a customer is assessed as vulnerable we will offer support as well as signposting to other agencies.

## **5.7 Criminal Activity and drug related crime**

5.7.1 Cases of illegal drug use, including cannabis and cannabis smells, drug dealing and drug abuse, are all criminal activities.

5.7.2 Gamesley Community Group recognises that some types of ASB and crime related activity cannot be effectively tackled without collaborative working relationships with the Police as the lead agency, as well as those members of the public who are being affected by the criminal activity.

5.7.3 In cases where illegal activity, drug use, including cannabis and cannabis smells, drug dealing and drug abuse are reported, members will be advised to report crime related activity directly to the Police or to crime stoppers. If we receive reports of drug dealing or drug use, we will forward these reports to the Police in order to support the Police in any criminal investigation under the crime and disorder information sharing agreement.

5.7.4 In relation to other types of criminal activity and offences Gamesley Community Group will work with the Police as the lead agency. Gamesley Community Group will encourage and support those affected by the criminal activity, including drug related activities, to work with us and the Police, to bring about positive resolutions which in some cases may result in a criminal prosecution as well as legal action against a tenancy.

5.7.5 In the event the positive Police action, Gamesley Community Group may consider their own legal action, and this will be decided on a case by case basis, taking into account a number of factors which may include ( but not limited to):

- the impact of the local community;
- the prospects of success;
- the seriousness of the offence;
- the age of the offence;
- the proportionality of taking legal action.

## **5.8 Noise related reports**

5.8.1 If the noise related activity does not meet the threshold of ASB, i.e., unacceptable, excessively loud and persistent noise which is causing harm to others, the noise related report will be dealt through our neighbourhood/tenancy management processes and NOT our ASB process.

Any person can report complaints of anti-social behaviour in a number of ways:

- phone during office hours;
- in person at any of our offices during office hours;

## **6.10 Case Priority and investigation**

- if reports are received via email, online reporting portal, twitter or writing, these will be acknowledged and forwarded to the correct team within one working day;

- reports of ASB will be assessed and prioritised. This will involve the reporter being asked a series of questions relating to the ASB they are reporting, so that we can assess the potential risk of harm being caused. The ASB report will then be allocated to an officer;
- if the initial report involves a recent threat or use of violence, or there is a significant risk of harm, i.e. a hate crime or domestic abuse, an officer will aim to contact the reporter within one working day;
- for all other reports of ASB, an Officer will contact the reporter within 5 working days
- all reports of ASB will be taken seriously, assessed appropriately, and recorded on our internal reporting systems;
- all ASB cases will be regularly assessed throughout the investigation, using a risk assessment matrix, which will determine case priority, response times and frequency of contact with the parties and also to determine if further support is required;
- risk assessments will be carried out with both reporter and the subject and reevaluated on a regular basis and following any serious incident;
- Case Officers will maintain high quality standards of casework activity and robust record keeping throughout the investigation of a case;
- the Case Officers will keep in regular contact with the parties involved in the case, agree action plans and provide feedback on a regular basis, using the customers preferred method of communication;
- we will usually request the reporter to keep a written record of what is happening, and ask them to submit these to their case officer on a regular basis. Where this is not possible, the case officer will agree more appropriate options for collecting the details of any further incidents;
- throughout the case, Gamesley Community Group will continuously assess and review progress of the case , taking reasonable and proportionate steps at all times.

### **6.11 Support /Vulnerability**

- all customers who wish to report an incident of ASB will be assessed for their risk and vulnerability to ensure the appropriate level of support can be provided and any safeguarding issues are identified;
- we will keep reporters and witnesses informed of the progress of their case, advise them of any new developments and explain the procedures to them when necessary;
- we will also agree contact frequency with the reporter and who is their main point of contact at Gamesley Community Group;
- we will agree an action plan with the reporter and any witnesses, and keep them informed of the actions we take;
- we will send follow up communication confirming the action plan that has been set and the agreed frequency of contact;

- if we identify any safeguarding concerns, then this would override the customers refusal to give their consent, and in these situations, we will explain to the customer why the referral would still need to be made.

### **6.12 Partnership working**

- we recognise that dealing with ASB is not the sole responsibility of one agency. Multi agency working is an important tool in taking a holistic approach to tackling ASB in our communities. Where possible we will work with other agencies to combine resources and take a partnership approach to find a suitable resolution to ASB issues;
- we are involved and do contribute to local partnership meetings to identify solutions to prevent incidents of ASB, protect people who are experiencing ASB and to challenge those who are responsible for it.

### **6.14 Information sharing and data protection**

- we will treat all information received regarding cases of ASB, in a private and confidential manner;
- we will only disclose information once we have the consent of the reporter to do so, unless we have a legal obligation to pass information on, for example to the Police or Children's Services where there maybe safeguarding concerns, someone is at risk or to prevent a crime;
- we will always assess whether there is sufficient public interest to share information. This means that even where we do not have consent, we may still lawfully share with statutory agencies if it can be justified in the public interest;
- in assessing whether we can share information without consent, we will base our decisions on considerations of the safety and well-being of the person and others who may be affected by their actions;
- when we share information, we will ensure we only share what is necessary to achieve the purpose, distinguishing clearly between fact and opinion;
- we will only share with the person or people who really need to know the information.
- information shared must be accurate and up to date;
- we will share information with our partners in accordance with relevant legislation such as the General Data Protection Regulations 2018, Data Protection Act 2000 and the Crime and Disorder Act 1998, to help protect vulnerable victims and detect, prevent and take coordinated action against crime and ASB.

### **6.15 Closing a case**

- we will contact the reporter/witnesses when we are ready to close a case ,discussing the reasons for doing so and then will advise all parties in writing.
- we will look to close a case in the following circumstances:
  - reasonable and Proportionate steps have been taken and the ASB is no longer being reported;

- the subject is engaging with support services, and they are no longer causing ASB
- the subject has moved and the ASB has stopped;
- there is insufficient , evidence that ASB is still being perpetrated.
- we will always take into account the customers views when closing a case, however, we cannot guarantee that the action we take will be what the customer is expecting or wants. Gamesley Community Group must operate within legal guidelines and our policy framework which focusses on reasonableness and proportionality;
- we will not generally re -open a case without good reason; these include where there has been a change in circumstances or fresh evidence has come to light that satisfies Gamesley Community Group that ASB is occurring. If there has been a change in circumstances and new evidence come to light a new ASB case will be opened. Where a customer feels a case has been closed incorrectly, they have the option to appeal this decision, the case will be reviewed by the Community Safety Team Leader, unless they have had involvement within the case, in which case a Neighbourhood Manager will review the case and respond to the appeal.

#### **6.16 Prevention, Intervention, Enforcement (PIE)**

- we will adopt a triple track approach of Prevention, Intervention and Enforcement (PIE) to our casework, and deal with each case on its own merits. We will look at early intervention/prevention remedies first, (unless there has been a serious incident e.g. threat/use of violence);
- we use a wide range of tools and powers to challenge unacceptable behaviour and will decide on a case by case basis which tools and powers will be the most appropriate to use;
- generally, in most cases, early interventions tools and techniques will be applied based on tried and tested casework resolution, for example:
  - conflict resolution;
  - mediation;
  - restorative solutions;
  - good neighbour agreements;
  - accessing diversionary activities or support.

6.16.1 All parties involved will be encouraged to engage and participate in order to stop incidents from escalating.

6.16.2 We believe that in most of these types of reported cases, customers can bring about sustainable solutions just by communicating with each other, respecting one another's point of view and reaching a compromise.

6.16.3 We adopt a victim centred approach and therefore would seek permission first from victims and witnesses to use their evidence in any legal action we were considering. 6.16.4 We will only take enforcement action if it is reasonable and proportionate to do so. It is important that colleagues give realistic advice from the outset about what action can be

taken, the level of evidence required and the possible timescales. 6.16.5 Where enforcement action has been taken and a warrant applied for the community safety team will make a referral to Manchester City Council's homeless team.

6.16.6 Based on the case itself, and what is happening in a specific case, we will decide whether or not we should initiate our own legal action, or whether it is more appropriate and beneficial, as part of a wider community safety strategy, to support the enforcement action of a partner agency.

6.16.7 We will always work closely with the Police, our colleagues in the Local Authority, other agencies and other landlords to develop strategies and initiatives which respond to, and reduce the incidence of anti-social behaviour. 6.16.8 If court action is required, we will support reporters and witnesses throughout the court process and beyond. We understand that not everyone feels able to give evidence in court, but ASB cases are most successful where we have witnesses who can give their own account of what they have been experiencing.

6.16.9 There may be some cases reported to us where we are unable to act. In such cases, the reasons for this will be explained clearly to the reporters involved, and we will always try to signpost to other agencies where this may be relevant.

6.16.10 Where ASB is linked to domestic abuse or is hate related we will follow the relevant policies associated with these serious offences and take appropriate action against those responsible and ensure that the victims and witnesses in such cases receive appropriate levels of support and advice.

6.16.11 We will not tolerate abuse towards our colleagues, or our contractors or anyone else providing services on our behalf. This includes threats of violence, verbal abuse and intimidation, harassment and actual violence. In such situations Gamesley Community Group will always take appropriate action against those who perpetrate these types of serious offences.

## **6.17 Customer responsibilities**

6.17.1 We will encourage our tenants and residents to take responsibility for their own behaviours and actions. In situations where there is a dispute or disagreement between neighbours we will encourage those customers to try and resolve things themselves, (unless there is a serious risk of harm/violence or abuse). We will offer them advice on how they might approach their neighbour to resolve the conflict or suggest a referral to mediation to support them in reaching a resolution.

6.17.2 We do expect our tenants to show consideration to their neighbours and their community, and not commit, or allow their family or visitors to commit acts of ASB. This includes harassment, unreasonable excessive noise nuisance, unreasonable disturbance to other residents or other people in the area, including colleagues and contractors.

6.17.3 We will engage with our customers and encourage them to:

- report criminal activity to the Police;
- report all incidents of ASB, harassment, hate crime and domestic abuse to us, and to the Police and any other relevant agencies;

- take responsibility for minor personal disputes with their neighbours – resolve problems in a reasonable manner.

## **6.18 Safeguarding**

6.18.1 Our Safeguarding Policy ensures that all our staff are trained to identify and prevent safeguarding issues and understands the different aspects of safeguarding that they have a duty to report.

## **6.19 Staff training and support**

6.19.1 We will ensure that relevant staff are able to access appropriate training as well as updates on relevant legislation and changes in national policy drivers. We are committed to continuous personal development and training and will access both internal and external training appropriately.

## **6.20 ASB case review**

6.20.1 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced specific measures designed to give victims and communities a say in the way that complaints of anti-social behaviour are dealt with.

6.21.2 An ASB case review is a process tenants can use if they have reported ASB and think that no action has been taken. It makes the Police, local council and housing associations look at the situation and what they have done to resolve it. The ASB case review is managed by Manchester City Council and tenants will need to contact them if they wish to raise a review of the case.

6.21.3 The ASB case review threshold can be found at [https://manchester.gov.uk/info/20030/crime\\_antisocial\\_behaviour\\_and\\_nuisance/5654/asb\\_case\\_review/2](https://manchester.gov.uk/info/20030/crime_antisocial_behaviour_and_nuisance/5654/asb_case_review/2)

## **6.22 Quality Assurance Monitoring and Review**

6.22.1 We will monitor and learn from the feedback we receive about how we manage and respond to cases of ASB to ensure a high standard of our services, in line with the Tenants Satisfaction Measures Standard introduced in April 2023 by the Regulator for Social Housing.

6.22.2 We will invite customers to scrutinise our service and give us feedback for improvements.

6.22.3 Individual cases will be closely supervised and managed by the Community Safety Team Leader on a regular basis with the Case Officers. The Community Safety Team Leader will provide appropriate advice and support to case officers and provide direction ensuring that cases are progressed in line with operating guidelines and procedures.

6.22.4 Performance information will be collected monthly and quarterly and shared appropriately with the team, the wider Management Team, and the Board.

## **7. COMPLAINTS**

7.1 If a customer is unhappy about a decision in relation to this Policy, they should first follow our complaints process. If they are still not satisfied, they may then take the complaint to the Housing Ombudsman.

## **8. EQUALITY IMPACT ASSESSMENT**

8.1 An Equality Impact Assessment (EQIA) has been completed and there are no risks identified and no requirement for amendments. All protected characteristic impacts are considered within the Policy.

## **9. MONITORING AND REVIEW OF THE POLICY**

9.1 Compliance with this Policy shall be monitored by Head of Neighbourhoods. We will review the impact of this Policy on customers with protected characteristics.

9.2 The Policy will be reviewed in three years.

9.3 The Head of Neighbourhoods will be responsible for initiating a review of this Policy.

## **10. CONTACT PERSON**

10.1 The Head of Neighbourhoods has responsibility for the effective delivery of this Policy.