



First Priority Housing Association Anti-Social Behaviour Policy

Scope	The policy applies to all of First Priority Housing Association's tenants and the neighbourhoods in which it operates.
Policy relates to	Tenancy Policy Equality & Diversity Policy Lettings Policy Domestic Abuse and Safeguarding Policy
Version	3.0
Release Date	1 April 2024
Responsible Officer	Chief Executive Officer
Review Frequency	3 years or less
Review Date	1 April 2026

1. Purpose

- 1.1. The Anti-Social Behaviour Policy describes how First Priority Housing Association (FPHA) defines and manages reports and incidences of anti-social behaviour (ASB) from and about its tenants. The policy describes how FPHA does this in a clear, consistent and transparent manner. The policy covers incidents of harassment, victimisation, nuisance and associated breaches of tenancy.

2. Introduction and Aims

- 2.1. First Priority Housing Association (FPHA) provides supported housing and intensive housing management services to tenants with complex needs. FPHA recognises that many of its tenants are vulnerable and has developed this ASB policy specifically in that context.
- 2.2. This Policy has been developed in accordance with the definitions of Anti-social behaviour in the Housing Act (1996) and the Anti-social Behaviour Crime and Policing Act (2014). This ASB policy is written to cover reports and incidences of anti-social behaviour, harassment, victimisation and nuisance behaviour. FPHA defines ASB as:
 - 2.2.1. harassment;
 - 2.2.2. using or threatening to use violence;
 - 2.2.3. bullying or intimidation;
 - 2.2.4. repeated abusive language or behaviour;
 - 2.2.5. actions of hostility or prejudice against anyone because of their actual or perceived identity;
 - 2.2.6. any incident or pattern of incidents of controlling, coercive, threatening behaviour violence or abuse between those who are, or have been, partners or family members regardless of gender;
 - 2.2.7. loud music and/or noise that is capable of causing nuisance or annoyance to a reasonable person;
 - 2.2.8. dog barking and fouling that is capable of causing nuisance or annoyance;
 - 2.2.9. making false or malicious complaints about someone else's behaviour;
 - 2.2.10. using the property or allowing it to be used for any immoral or illegal purpose;
 - 2.2.11. causing or committing any act of violence or any form of harassment, intimidation or abuse against any member of our staff or anyone authorised to act on our behalf.
- 2.3. This is not an exhaustive list and FPHA retains flexibility when listening to complaints of ASB from tenants and others.
- 2.4. While recognising that FPHA has a vulnerable client group, FPHA will sometimes receive reports of behaviour which are not covered by FPHA's definition of ASB. FPHA expects tenants and others to be tolerant of other people and their lifestyles and will not take action under this policy against behaviour which may be generally considered to be reasonable. Examples of this include:

- 2.4.1. A one-off party;
 - 2.4.2. Children playing outside i.e. playing ball games;
 - 2.4.3. Children arguing with one another;
 - 2.4.4. Actions that are considered to be reasonable everyday activities;
 - 2.4.5. name-calling or disputes via social media unless it amounts to harassment.
- 2.5. FPHA will work with statutory and voluntary agencies to support tenants who are victims of ASB and will take a multi-agency approach to finding solutions and remedies. FPHA will take seriously all reports of ASB and investigate them thoroughly according to this policy.
- 2.6. The ASB policy aims to:
- 2.6.1. Foster safe, tolerant and comfortable home environments for tenants;
 - 2.6.2. Develop measures to prevent ASB;
 - 2.6.3. Use a variety of tools, powers and interventions available;
 - 2.6.4. Deal with reports of ASB promptly, proportionately, objectively and sensitively;
 - 2.6.5. Help tenants access advice and help to tackle ASB;
 - 2.6.6. Support those affected by ASB (both tenants and those affected by our tenants) and where applicable, carry out an assessment of the vulnerability of the complainant at the earliest opportunity;
 - 2.6.7. Deal with reports and incidences of ASB in a fair, transparent and consistent manner.

3. Legislation and Regulation

- 3.1. The ASB policy is consistent with the Neighbourhood and Community Standard published by the Regulator of Social Housing.
- 3.2. The Policy has been produced to meet the duties and obligations in respect of anti-social behaviour
- 3.3. Legislation will be used as part of our approach including:
- (a) Anti-social Behaviour Crime and Policing Act (2014)
 - (b) Housing Act (1985, 1988, 2004)
 - (c) Anti-social Behaviour Act (2003)
 - (d) Crime and Disorder Act (1998)
 - (e) Social Housing (Regulation) Act (2023)
 - (f) Equality Act (2010)
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- 3.5. FPHA may take legal action in respect of ASB by serving a s21 notice as prescribed by Housing Act 1988 (as amended).
- 3.6. FPHA will also take note from other guidance produced by relevant bodies including:
- (a) Housing Ombudsman Service – Guidance for Landlords on ASB

4. Tenancy Agreements & Lettings

- 4.1. FPHA tenancy agreements contain specific clauses that prohibit tenants, other occupants or visitors to their homes, from causing ASB or allowing ASB to be caused.
- 4.2. FPHA will always ensure that tenants understand their responsibilities not to cause ASB during the lettings process. FPHA welcomes and encourages the involvement of tenant support workers and advocates in the lettings process to ensure that vulnerable tenants are given help to understand their rights and responsibilities.
- 4.3. Tenants will be made aware of what to do if they believe they are victims of ASB and how they should report it. FPHA will make this information available to tenant support workers and advocates as well.
- 4.4. The Allocations and Lettings policy describes how all FPHA tenants must have a support plan in place before they take up their tenancy. The support plan is drawn up in consultation with other agencies. The plan will, where appropriate, cover the specific measures to be taken to mitigate ASB where this has been previously, or is judged likely in the future to be, a risk.
- 4.5. Potential tenants with a history of causing ASB who do not agree to a support plan to manage their behaviour may not be granted a tenancy.
- 4.6. FPHA will rigorously enforce the tenancy agreement and take action against tenants who are found to be in breach of their tenancy.
- 4.7. FPHA reserve the right to issue a Section 21 notice if any tenant is convicted of anti-social behaviour, domestic abuse, an offence committed during a riot and any indictable offences committed in the local area. Our rights are covered by the Crime and Policing Act (2014) providing us with mandatory grounds for possession under these circumstances.
- 4.8. Tenants who lose their tenancies because of re-possession action for ASB may find it difficult to find accommodation in the future. FPHA will share appropriate details with other social landlords in response to a valid request for a tenancy reference.

5. Tenant's responsibilities

- 5.1. In addition to the legal responsibilities set out in the tenancy agreement, we will encourage all tenants to:
 - (a) Take responsibility for minor personal disputes with other tenants and neighbours to resolve any such problems reasonably. This can be done with the support of the tenant's Housing Officer or Care Provider;
 - (b) Report instances of ASB in a timely manner;
 - (c) Report all crimes, including threats or acts of violence to the Police;
 - (d) Where necessary engage with other partnership agencies such as the Local Authority;
 - (e) Respect other's right to their chosen lifestyle and be tolerant of everyday living;

(f) Work and cooperate fully to resolve disputes by attending mediation, providing written or other suitable evidence and attending court if necessary;

(g) to show consideration for other tenants and neighbours and not to cause a nuisance to them, their guests or the staff of FPHA, the managing agent, contractors or Care Provider.

6. Multi-Agency Approach

- 6.1. FPHA is committed to working with other agencies, statutory and voluntary when dealing with reports and incidences of ASB.
- 6.2. Referrals to other agencies will be guided in part, by the results of our ASB risk assessment undertaken with the individual(s) effected by the reported or suspected ASB.
- 6.3. FPHA will work closely with other organisations to ensure a holistic and coordinated approach to dealing with problems of ASB, avoiding duplication of effort.
- 6.4. Where appropriate FPHA will sign up to information sharing protocols with other statutory bodies to allow the sharing of relevant information to provide support and assistance to tenants suffering from ASB. Such information sharing will be with the consent of the tenant and be compliant with FPHA's responsibilities under the Data Protection Act 2018 and GDPR.
- 6.5. FPHA will work with relevant advice and support providers to facilitate easy referrals and improve the overall service received by victims, witnesses and perpetrators.
- 6.6. Where relevant, we will provide advice to any complainant wishing to have their ASB case reviewed by way of a Community Trigger in line with the Local Authority guidance and will fully cooperate where a Community Trigger Panel has been established.

7. Approach

- 7.1. FPHA recognises that ASB can be caused by thoughtlessness, one-off incidents through to persistent, targeted harassment and intimidation. FPHA tenants may either be the victims or the perpetrators of ASB.
- 7.2. FPHA tenants are, by definition, vulnerable and as a group are more likely to experience ASB than the general population. Some FPHA tenants have developmental and learning difficulties which creates additional vulnerabilities around their ability to report what is happening to them and in some cases to have a full appreciation of how their behaviour may affect others, including neighbours.
- 7.3. The vulnerable client group means that FPHA will approach reports of ASB from or about its tenants, with care and compassion. It can be more difficult to identify cases of ASB, but through our intensive housing management service, we will regularly conduct wellbeing checks with tenants and Care Providers to be proactive in identifying potential issues and offering the right support to tenants as a result.
- 7.4. Risk assessments
 - 7.4.1. When we receive reports or suspect that anti-social behaviour may be being experienced by one of our tenants (either as a victim or perpetrator), a risk assessment will take place to understand the impact of the behaviour taking

place on the individual. Where applicable, this will also extend to other tenants we have living at the address who may be being impacted by the behaviour.

7.4.2. The outcome of the risk assessment supports with signposting tenants to the correct support and helps to inform our overall approach to each anti-social behaviour case and the individual(s) involved.

7.4.3. Upon completing the risk assessment, it may become clear that there are safeguarding concerns for the individual(s) involved. FPHA reserves the right to apply our Safeguarding Policy to ensure that the correct support is put in place for any victims or perpetrators of ASB. This acknowledges the fact that the behaviour or reaction may be influenced or driven by the tenant's disabilities or conditions. Any response to ASB must reflect this to avoid exacerbating the stress placed on the individual(s).

7.5. Responding to reports of ASB

7.5.1. FPHA will in the first instance respond quickly to reports of ASB.

7.5.2. Incidents of reported harassment or violence will be responded to within 24 hours or less if advised by another statutory agency.

7.5.3. Other reports of ASB will be responded to within 5 working days. FPHA will advise the complainant on what actions we may be able to take within this timeframe. FPHA will also advise if we are unable to proceed with a case of ASB during this time.

7.6. Investigating ASB

7.6.1. FPHA's approach is based on taking early action to intervene before any reported situation escalates. FPHA believes this demonstrates the seriousness with which it takes reports of ASB and builds trust and confidence with tenants and partner agencies.

7.6.2. FPHA will respond by speaking to the victim and, where it is appropriate and reasonable to do so, to the alleged perpetrator. FPHA will ensure that vulnerable tenants are accompanied by an appropriate support worker. Where possible, reports will be responded to in the victim's home. Reports of ASB will be investigated by FPHA and other agencies by talking to witnesses and alleged perpetrators.

7.6.3. FPHA will keep confidential all conversations and information gathered and this information will only be shared with the express permission of the tenant or person supplying the information or where it is otherwise lawful to do so. FPHA requires the engagement and participation of people reporting ASB in order to be able to create a lasting solution to the problem. Tenants and others will be provided with support and help to encourage them to participate.

7.7. Taking action against ASB - reports of ASB are taken very seriously by FPHA and breaches of tenancy will be investigated and pursued thoroughly. FPHA will take an incremental approach to resolving ASB including some or all of these steps as appropriate:

7.7.1. Verbal and written reminders and warnings to maintain good relations and to keep to terms of tenancy agreements;

7.7.2. Restorative Justice to bring together parties through reconciliation;

7.7.3. Referral to mediation to discuss and resolve differences;

7.7.4. Injunctions;

7.7.5. Legal action including the service of s21 notices to end tenancies.

7.8. Closing ASB cases

7.8.1. FPHA will agree a plan of action with the person reporting ASB and any third parties including statutory and voluntary agencies such as the police, social services or care operators. The plan will set out what each party will do to try to resolve the ASB and what the victim needs to do. The plan will contain specific measures and have a date for review. The plan will set out how the person reporting ASB will be kept informed throughout.

7.8.2. FPHA will maintain an open case file on the ASB while the matter is subject to an agreed plan. At the conclusion of the plan, if all reasonable steps have been taken in line with this policy, FPHA will close the case in consultation with the reporter of ASB and any involved agencies.

7.9. Communication and case management

7.9.1. FPHA will ensure that regular updates are provided to the complainant throughout the duration of their case being managed and investigated.

7.9.2. We will respond to all reports within 5 working days unless there is an immediate risk to the health or wellbeing of the complainant, or they are the potential victim of a hate crime. In these instances, contact will be made within one working day of the incident being reported to FPHA.

7.9.3. All cases will be assigned to a Housing Officer or Regional Operations Manager to investigate. This named person will communicate with the complainant throughout the management of the case. Updates will be provided on a weekly basis or at a time agreed with the complainant as part of the action plan.

8. Appeals

8.1. Where a person who has reported ASB is dissatisfied with the action taken by FPHA and where FPHA have closed the case in line with section 7.9 of this policy, that person may make an appeal by email or in writing to FPHA explaining why they believe that FPHA has not followed its policy.

8.2. Appeals will be referred to a panel of two board members. A panel meeting will be held within 28 days at which the appellant will explain the reasons for their appeal. A relevant member of FPHA staff or their service provider with knowledge of the case will also attend the appeal panel.

8.3. The two board members will decide whether FPHA has followed its policy or not and may direct FPHA to take further action or it may dismiss the appeal. The panel will provide a written response to the appellant within 5 days of the panel meeting.

8.4. Appellants who remain dissatisfied with the outcome of the panel meeting may refer the matter to the Housing Ombudsman.

9. Learning from ASB cases

- 9.1. In accordance with the requirements set out by the Regulator for Social Housing's Consumer Standards, we take steps to monitor the performance of ASB case management.
- 9.2. Where possible we will ask for feedback from complainants as to how satisfied they are with how we have managed their ASB case. We will also collate feedback from colleagues and other partner agencies (where relevant) to continuously improve our service.
- 9.3. This learning will also be used to inform further policy development and staff training where required.

10. Protecting our colleagues

- 10.1. FPHA will not tolerate abuse or threats towards colleagues, contractors and/or Care Providers. Legal action may be taken against tenants and/or members of the community who assault, threaten to harm or verbally abuse our colleagues or partners.

11. Equality, Diversity, and Inclusion

- 11.1. All requirements for anti-social behaviour are managed in accordance with this policy, which has been designed to provide assistance and support to vulnerable people. Any allegation that a tenant has been treated unfairly on the basis that the tenant is a member of a protected group (defined by the Equalities Act 2010) will be investigated, with the board addressing any matters upheld from that investigation.

12. Monitoring and Reporting

The Board shall be notified of any senior ASB incident as part of its Operational Report (which is a recurring report on the board agenda) and shall be advised on what action is being pursued. At least once a year there shall be an ASB report, stating the number of serious ASB incidents recorded during the year, the nature of the ASB incidents, and what action is ongoing to bring matters to a resolution. Reporting shall adhere to protecting the personal data of the subject tenant(s).

13. Equality Impact Assessment

1. Protected characteristic	Explanation (if required)	Controls
Is it likely that the policy could have a positive or negative impact on minority ethnic groups? What	N	

evidence (either presumed or otherwise) do you have for this?			
Is it likely that the policy could have a positive or negative impact due to gender (including pregnancy and maternity)? What evidence (either presumed or otherwise) do you have for this?	N		
Is it likely that the policy could have a positive or negative impact due to disability? What evidence (either presumed or otherwise) do you have for this?	Y	<p>Tenants with learning disabilities and complex mental health conditions have been evidenced to be adversely and disproportionately impacted by ASB.</p> <p>Tenants may experience difficulty identifying and reporting ASB and require additional support.</p> <p>Equally, tenants could also inadvertently become perpetrators of ASB on the grounds of diminished capacity or misinterpreted behaviours.</p>	<p>The Policy references that support will be offered throughout the process of managing an ASB case by FPFA.</p> <p>We encourage the support of advocates to act on behalf of the tenant where there are capacity issues.</p> <p>Our contractual agreements with Care Providers also help to ensure well-rounded support is provided to the tenant to support them in preventing, managing and resolving ASB cases. Risk assessments are completed as part of the referral process to identify tenants where there may be a heightened risk of ASB occurring. Our Intensive Housing Management service can then be tailored to minimise this risk alongside recommended adjustments to the care provided to the tenant.</p> <p>Risk assessments of the individual(s) are also carried out at the beginning of any anti-social behaviour case to outline what support will be required either through our general approach to managing the behaviour as the landlord/ managing agent or to signpost to support and resources</p>

			<p>available through other external agencies.</p> <p>FPHA has also produced a Domestic Abuse and Safeguarding Policy to support tenants in the most vulnerable positions and assist colleagues in providing that support.</p> <p>As and when required FPHA will engage with appropriate agencies or make necessary referrals or signposting to support tenants.</p>
Is it likely that the policy could have a positive or negative impact on people due to sexual orientation? What evidence (either presumed or otherwise) do you have for this?	N		
Is it likely that the policy could have a positive or negative impact on people due to their age? What evidence (either presumed or otherwise) do you have for this?	N		
Is it likely that the policy could have a positive or negative impact on people due to their religious belief (or none)? What evidence (either presumed or otherwise) do you have for this?	N		
Is it likely that the policy could have a positive or negative impact on people with dependants/caring responsibilities? What evidence (either presumed or otherwise) do you have for this?	N		
Is it likely that the policy could have a positive or negative impact on people due to them being transgender or transsexual? What evidence (either presumed or otherwise) do you have for this?	N		
Is it likely that the policy could have a positive or negative impact on people due to their marital or civil partnership status? What evidence (either presumed or otherwise) do you have for this?	N		

