



# Anti-Social Behaviour Policy

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<b>CONTENTS</b>	<b>PAGE</b>
<b>1. Introduction</b>	<b>3</b>
<b>2. Aims and Objectives</b>	<b>3</b>
<b>3. Responsibility</b>	<b>4</b>
<b>4. Legislation and Guidance</b>	<b>8</b>
<b>5. Related Policies and Procedures</b>	<b>9</b>
<b>6. Appendices</b>	<b>10</b>

## **1. Introduction**

**Bromsgrove District Council recognises that the problems created by Anti-Social Behaviour (ASB) need to be dealt with in a robust but proportionate manner. Our residents are entitled to live in a quiet and peaceful environment; so when it is appropriate for the Council to act we will aim to work quickly and efficiently to tackle incidents of ASB.**

- 1.1 The Council's ASB policy applies to all tenants and residents (regardless of tenure), their family members and other occupants and visitors.
- 1.2 ASB is defined in 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,
  - Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation or residential premises, or;
  - Conduct capable of causing (housing-related) nuisance or annoyance to any person

## **2. Aims and Objectives**

**The aim of this policy is to set out Bromsgrove District Council's approach to responding and effectively dealing with various aspects of ASB. It sets out the obligations of relevant departments and the commitments the Council makes to tenants, residents and the wider community as it delivers its services.**

- 2.1 This policy supports the Council's corporate priorities which are set out in the Bromsgrove District Council Plan 2019 – 2023. The Council Plan identifies reducing crime and disorder as one of its priorities and provides a commitment to work with partners to reduce crime and disorder, which includes targeting the causes of ASB across the District and addressing the ASB issues affecting our communities.
- 2.2 The Council is committed to promoting equality of opportunity in its services and has procedures in place to ensure that all residents are treated fairly and without unlawful discrimination. The Equality Act 2010 provides a framework to ensure council services are not provided in a discriminatory manner, having due regard to eliminating discrimination, harassment and victimisation, advancing equality of opportunity and fostering good relations between people from all communities.
- 2.3 The Council believes that consideration of the impact of incidents on victims and neighbourhoods is crucial and therefore takes a victim-centred approach when dealing with ASB. How each case is handled will vary depending on the specific circumstances of the victim and the perpetrator and all service users will be treated with dignity and respect. Language barriers and certain forms of mental illness or disability may make it difficult for some people to express themselves or communicate clearly, so officers will consider use of advocates, translation services and/or make reasonable adjustments to meet the needs of each individual.
- 2.4 Under this policy, the Council will:
  - demonstrate that we have considered any vulnerability identified within the Equality Act when deciding to proceed with legal action.

- determine whether legal action is needed, due to the effect of the anti-social behaviour on either the health & well-being and quality of life of the victim[s] and/or the perpetrator[s].
- ensure that the proposed legal action is a proportionate response to the anti-social behaviour taking place.

### **3. Responsibility**

#### **3.1 Our role as a statutory member of the Community Safety Partnership**

Under the Crime and Disorder Act 1998, the Council must work with the Police, Fire & Rescue Services, Public Health Bodies and other statutory agencies to reduce crime and disorder in Bromsgrove. In this role, we play a key part in dealing with ASB of all kinds and to comply with the legislation, the Council across all of its relevant service areas must be able to take appropriate action to tackle the problems that ASB cause within and to local communities.

#### **3.2 Our environmental protection role**

The Council has a range of responsibilities to deal with “environmental” ASB, such as noise, litter, fly tipping and abandoned vehicles etc. These responsibilities arise primarily from the Environmental Protection Act 1990. The Council also has responsibility for a number of parks, open spaces and waterways that it manages and maintains for the enjoyment all of our residents and visitors to the District.

#### **3.3 Whilst these are two distinct roles, there are very strong links between them and close working arrangements have developed between the different teams that deliver the various services involved.**

#### **3.4 Worcestershire Regulatory Services**

Complaints regarding certain types of noise, artificial light, odour, insects, animals, smoke, fumes/gases and accumulations or deposits may constitute a statutory nuisance and are dealt with by Worcestershire Regulatory Services (WRS). The problem must be excessive or unreasonable rather than an annoyance and would not include issues such as children playing, babies crying, ordinary domestic living noise or road traffic noise as these circumstances are outside the scope of the law. Behaviours within the scope of WRS are not addressed as part of this policy but more information about these types of environmental nuisances and how to report them can be found [here](#).

#### **3.5 Dealing with Anti-Social Behaviour**

Anti-social behaviour (ASB) can be a destructive force within communities and the lives of a significant number of people can be negatively affected by the behaviour of an unreasonable minority. Everyone has a right to live in a safe environment that allows them the quiet enjoyment of their home and neighbourhood and equally, every resident has the responsibility not to interfere with their neighbour’s quiet enjoyment of life.

#### **3.6 The term ASB is used to describe a wide range of issues from some crimes and serious nuisance to less severe but frequent and annoying behaviour. Some examples of ASB include:-**

**Noise:** This includes but is not restricted to, extremely loud televisions and music, persistent, unnecessary or excessive noises such as banging on walls, shouting and yelling or excessively loud or frequent parties.

**Intimidation, harassment and violence:** Such as verbal or written abuse, threats of violence **that have also been reported to Police**, threatening or aggressive behaviour, harassment, assault, damage to property, keeping and failing to control an aggressive dog, using or allowing premises to be used for illegal or immoral activity such as selling, handling or storing or using illegal drugs, prostitution, handling stolen goods or domestic abuse.

**Environmental ASB:** Such as dumping rubbish and littering, vandalism, dog fouling, bonfires, graffiti, fly-posting, abandoned vehicles.

**Behaviour motivated by hate directed at a person's Race or nationality, gender, sexual orientation, disability, faith/religion or age:** The Council recognises that hate-motivated incidents and harassment are serious offences that are often under-reported. The Council will remove hate-motivated graffiti and carry out any emergency repairs required, as a matter of urgency after a hate crime or incident is reported. The Council will also support and encourage victims and witnesses to report these types of incidents to the Police and relevant support agencies at the earliest opportunity.

The above is not an exhaustive list of conduct falling within each aspect of ASB and should not be read as such.

### 3.7 When we may not be able to get involved

We are unable to control human relationships. ASB can be difficult to define and there are some types of behaviour that are not classed as ASB and will not be investigated by the Council's service areas.

Examples include, but are not limited to: Children playing in the street or communal areas or young people gathering socially, unless they are being threatening or deliberately intimidating, parking issues (such as not being able to park outside of your property), civil disputes between neighbours e.g. shared driveways, fences, complaints about normal household noise or a single minor incident.

### 3.8 Our Commitments

The Council's Anti-social Behaviour Policy is founded on the following five commitments.

- No one should have to tolerate ASB
- Reports of ASB will be treated seriously and dealt with professionally
- ASB will be dealt with firmly, fairly and proportionately
- We will work with our partners in order to deliver an effective, value for money ASB service across the community
- We will provide a high quality service that meets people's identified needs

### 3.9 No one should have to tolerate ASB

Our policy is to:

- Make people aware of what anti-social behaviour is.
- Publicise and promote our various services to combat ASB.
- Encourage people to report ASB.
- Seek to respond to each reported case of ASB as quickly as possible.
- Support victims of ASB throughout the case

### 3.10 Reports of ASB will be treated seriously and dealt with professionally

Our policy is to:

- Assess (and re-assess, when the Council considers it necessary) the seriousness of the ASB reported to us using a nationally recognised ASB risk assessment tool. See **Appendix 1**
- Treat all reports as confidential, sharing information only with other organisations that can help with the problem (e.g. the Police, housing associations, other landlords etc.) and observing data protection laws, information-sharing agreements and any other relevant legislation.
- Ensure that criminal ASB reported to the Council is quickly passed on to the Police.
- Register and record each case we take on.
- Fully investigate the complaint, which may involve interviewing any alleged perpetrator(s) and may involve interviewing third party witnesses.
- Quickly involve different departments of the Council and other agencies as necessary.
- Formally close all cases in writing.
- Where we feel no action is appropriate, explain our reasons and provide advice on self-help or other alternative courses of action, whenever it is possible and appropriate to do this.
- Periodically seek information on how cases have been handled and look to improve our service based on feedback from customers and partners.

### 3.11 ASB will be dealt with firmly, fairly and proportionately

Our policy is to:

- Take any necessary early action to protect people and property.
- Investigate the circumstances and seek to understand all the facts of the matter reported to us.
- Seek always to resolve cases at the lowest level of intervention, taking formal action only when the ASB is serious or persistent or when it threatens people's safety or health.
- Use any of the tools and powers available to us under the law and Council policy, according to our best professional judgment.
- Take into account (and adjust our approach as necessary) when a victim or perpetrator is a vulnerable person by utilising Equality Act Assessment guidance when considering cases of ASB. See **Appendix 2**
- With the consent of the people involved and where both parties are willing to contribute financially, we may refer suitable cases to a mediation service.
- Not necessarily intervene where there is no statutory duty on the Council to act. For example, where the issue solely involves private sector housing or private businesses.

- Recommend that when dealing with a neighbour dispute, that mediation be attempted. This may be the only action taken by the Council, where there is no impact on the wider community.

### 3.12 We will work with partners in order to deliver an effective, value for money ASB service across the community

Our policy is to:

- Play a full part as a key member of the North Worcestershire Community Safety Partnership.
- Work with housing associations, private landlords, letting agents and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB, making use of their own resources.
- Participate in relevant strategic forums and preventative initiatives.
- Participate in permanent or ad-hoc multi-agency working groups dealing with specific ASB issues.
- Consider whether reports or actions are considered inappropriate or unreasonable and ensure such reports do not take up a disproportionate amount of officer time, to ensure public money is not misspent.

### 3.14 We will provide a high quality service that meets people's identified needs

Our policy is to:

- Ensure that officers dealing with ASB are appropriately trained.
- Ensure that officers dealing with ASB understand and follow agreed policies and procedures.
- Focus the response to ASB on the needs of those most affected by adopting a victim-centred approach.
- Review this and other relevant policies to reflect any new legislation and lessons learnt.
- Seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need; sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.
- Ensure all steps are considered in line with the Equalities Act and that if there is a known vulnerability, or if one becomes known during the course of the investigation, that details are recorded and taken into account when deciding how to proceed or respond. See **Appendix 2**

### 3.15 Support for victims and witnesses

The Council is committed to providing a high level of service to victims and witnesses of ASB. Residents and Tenants should always report housing related ASB to the Housing Association or Landlord directly involved, in the first instance. Council officers from services such as Community Safety, Environmental Services and Planning are available during normal office hours to support residents and customers wishing to report other types of ASB issues. Depending on the issue being reported, these council officers will normally be the first point of contact and will make an initial assessment of the severity of the problem. A lead officer may work alongside and draw on the expertise of other relevant officers of the Council and/or other agencies and may, if necessary, refer the case to an anti-social behaviour specialist.

Whether the victim is working with a council officer or an ASB specialist, an action plan will be completed which will detail what can be expected from the Council and what the investigating officer will need from the victim/witness in order to progress the case. Council officers can also work with other local agencies and community groups to help provide both practical and emotional support for victims of ASB.

#### **4. Legislation and Guidance**

- 4.1 There are a number of different tools and remedies available to Local Authorities and Housing providers to address ASB problems, ranging from written warnings and acceptable behaviour contracts to criminal prosecution and even eviction.

Using relevant legislation, such as the ASB Crime and Policing Act 2014, the Council will aim to take the lowest level of intervention appropriate to the circumstances. In exceptional circumstances, formal legal action can be taken immediately but only where the case is serious enough to warrant this type of urgent intervention. Any actions that are taken will be based on consideration of the facts, evidence gathered and officer's professional judgement.

A list of the types of interventions and powers available to tackle ASB can be found at **Appendix 3**

- 4.2 Alongside the ASB, Crime and Policing Act 2014, the following legislation will also be taken into consideration when implementing this policy:

- Data Protection Act 1998, 2003 and 2018 (GDPR)
- Crime and Disorder Act 1998
- Anti-social Behaviour Act 2003
- Police and Criminal Evidence Act 1984 (PACE)
- Mental Health Act 1983 (amended 2007)
- Environmental Protection Act 1990
- Criminal Justice and Police Act 2001
- Housing Act 1996
- The Noise Act 1996 as amended by the Anti-social Behaviour Act 2003 and the Clean Neighbourhoods and Environmental Act 2005
- Children's Act 2004
- Harassment Act 1997
- Human Rights Act 1998
- Homeless Reduction Act 2018
- Freedom of Information Act 2000
- Equality Act 2010
- Police Reform and Social Responsibility Act 2011

#### **4.3 Confidentiality and information sharing**

Where appropriate, the Council will share information with the Police and other key agencies under joint information sharing protocols, so that all agencies can carry out their function and duties in accordance with the Crime and Disorder Act 1998.



The Council works within the provisions of the General Data Protection Regulations (GDPR) / Data Protection Act 2018 which provide the framework for the sharing of information and the need for confidentiality and privacy. There is more information on how we use your information in our Privacy Policy, which is available on our website.

In certain circumstances, the Council will consider using professional witnesses and hearsay evidence where it is appropriate to do so. Specific actions, details of proposed action or any measures being taken with a third party will not be disclosed to the complainant by any investigating officer, unless there is a valid legal reason for the Council to do so.

#### **4.4 Discretion**

This policy commits the Council to dealing with ASB in Bromsgrove in a way that will always be fair and, in all-important aspects, is consistent across cases of a similar kind. However, our services are constantly evolving to meet customer need and each case that is dealt with is likely to be unique in some respect. This means that occasionally our discretion may be used to vary our approach from that described in this document. We may do this in any individual case, with appropriate consultation, or we may make any changes to our approach apply to all future cases. In this instance, we will formally amend this policy and our procedures.

### **5. Related Policies and Procedures**

#### **5.1 Links to other corporate documents**

This policy links to and should be read in conjunction with the following Bromsgrove District Council corporate policies and strategies:

- Safeguarding Children and Vulnerable Adult Policy
- Lone Working Policy
- Environmental Enforcement Strategy
- Bromsgrove Housing Strategy
- North Worcestershire Community Safety Partnership Plan

#### **5.2 There are many partner agencies that we work with to address anti-social behaviour such as:**

- North Worcestershire Community Safety Partnership members - [NWCSP](#)
- West Mercia Police and Crime Commissioner
- Housing Associations and Registered Landlords
- Neighbouring Local Authorities
- Her Majesty's Prison Service
- Schools and Colleges
- Victim Support
- Other voluntary, community and business sector organisations

#### **5.3 ASB Case Review (Community Trigger)**

An ASB Case review (Community Trigger) gives victims and communities the right to request a review of their existing ASB case. If the review criteria are met, it will bring agencies together to take a joined-up, problem solving approach to finding solutions to the issues in the case.

In Bromsgrove, the Case Review (Community Trigger) criteria will be met if:

- an individual has made 3 or more reports of ASB within a 6 month period and they consider no action has been taken, or
- a group of 3 or more individuals or organisations from the local community have separately reported incidents of ASB within the last 6 months and they consider that no action has been taken.

If an application qualifies for a review, each stage of the process is communicated with the applicant to let them know what is happening and what the next steps will be. More information about the North Worcestershire Community Safety Partnership's ASB Case Review process which covers Bromsgrove District can be found [Here](#)

## **6. Appendices**

- 6.1 ASB Risk Assessment & Re-assessment Tool
- 6.2 Equalities Act Guidance and Assessment Form
- 6.3 Tools and Remedies available to address ASB

## ASB Risk Assessment Matrix

<b>Name:</b>	<b>Address:</b>
<b>Incident No:</b>	<b>DOB:</b>

<b>History</b>	1. Other than this occasion - how often do you have problems	5 3 2 1 0	Daily Most days Most weeks Most months Only occasionally
	2. Do you think the current incident is linked to previous incidents? If so why? Details:	2 0	Yes No
	3. Do you think that incidents are happening more often and/or are getting worse?	2 0	Yes No
	4. Do the offenders know each other?	2 1 0	They know each other well They are 'known' to each other They do not know each other
	5. Does the perpetrator (or their associates) have a history of or reputation for harassment or intimidation?	6 4 2 0	Perpetrator or their associates are currently harassing the complainant Perpetrator or their associates have harassed the complainant in the past Perpetrator or their associates have not harassed the complainant but have a history or reputation for harassment or intimidation Perpetrator or their associates have no history or reputation for harassment or intimidation
	6. Have you informed any other agencies about what has happened? If yes, are you happy for us to discuss this problem with them? Details:	0 1	Yes No

<b>Vulnerability</b>	7. Which of the following do you think that this incident deliberately targeted? Specify	4 3 1 0	You Your family Your community None
	8. Do you feel that this incident is associated with your faith, nationality, ethnicity, sexuality, gender or disability? Details:	3 0	Yes No
	9. In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (e.g. because of personal circumstances) Details:	3 0	Yes No
	10. How affected do you feel by what has happened? Details:	0 1 2 3 5	Not at all Affected a little Moderately affected Affected a lot Extremely affected

<b>Support</b>	11. Has your or anyone's health been affected as a result of this any previous incidents? Details:	3 3 0	Physical health Mental health No
	12. Do you have a social worker, health visitor or any other type of professional support? Details:	0 1	No Yes
	13. Do you have any friends and family to support you?	3 3 1 0	Complainant lives alone and is isolated Complainant is isolated from people who can offer support Complainant has a few people to draw on for support Complainant has a close network of people to draw on for support
	14. Apart from any effect on you, do you think anyone else has been affected by what has happened? Details:	1 3 0	You family Local community / other No
	<b>TOTAL SCORE:</b>		

**CONSENT TO SHARE INFORMATION**

I consent to agencies obtaining and sharing information as part of the multi-agency work to help and secure my safety and that of my family.

If there are child protection concerns, information will be shared regardless of whether this form is signed.

**SIGNATURE:**

**DATE:**

**PRINT NAME:**

Version 1 28/06/16

Low	0	4	8	12	16	20	22	24	26	28	30	High
<b>Medium</b>												
<b>HIGH</b>	34	<p>This matrix is not designed to be an exact science and the protection or interventions put in place is determined as much by the assessor as the scores. The assessor should also consider allocating a higher score to Q8 if disability is a reason for targeted ASB.</p> <p>I have carried out the risk assessment and the result indicates a level of risk within the <b>HIGH</b> range, or having carried out the risk assessment and considered the circumstances the risk is not scored as high but I believe that the conduct in question is having an adverse impact on the victim, which includes the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p><b>Signed</b> _____ <b>Date</b> _____</p> <p><b>Name</b> _____ <b>Role</b> _____</p> <p><b>Action</b>  <i>Take any immediate steps required to reduce the risk of harm. Refer the case to ASB Manager (local equivalent) for a Complex Case Group referral using the Victim Referral Form.</i></p>										
	32											
	28											
<b>LOW</b>	24	<p>I have carried out the risk assessment and the result falls within the <b>MEDIUM</b> range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p><b>Signed</b> _____ <b>Date</b> _____</p> <p><b>Name</b> _____ <b>Role</b> _____</p> <p><b>Action</b>  <i>Ensure that relevant multi agency support is in place and the appropriate and proportionate use of tools and powers is considered to resolve. Consider ASB Co-ordinator (local equivalent) advice. Consider Victim Support re: consideration of referral. Regularly monitor changes in risk factors.</i></p>										
	22											
	20											
16												
8												
4												
0	<p>I have carried out the risk assessment and the result falls within the <b>LOW</b> range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p><b>Signed</b> _____ <b>Date</b> _____</p> <p><b>Name</b> _____ <b>Role</b> _____</p> <p><b>Action</b>  <i>In relation to numerous repeat calls and identified problematic locations develop a problem solving response. Consider ASB Co-ordinator (local equivalent) advice to ensure that multi agency support is in place and the appropriate and proportionate use of tools and powers is considered. Regularly monitor changes in risk factors. Isolated incidents should be dealt with in accordance with agency minimum standards.</i></p>											

# ASB (& HATE INCIDENT) RISK RE- ASSESSMENT MATRIX

To be completed 8 weeks from original risk assessment

Name:	Address:
Incident No:	DOB:

<b>History</b>	1. At this present <b>time i.e. in the last two weeks</b> how often have you had problems?	5 3 2 1 0	Daily Most days Most weeks Most months Only occasionally
	2. Have there been any incidents since the last risk assessment? If yes, give details	2 0	Yes No
	3. Are the incidents reducing?	0 2	Yes No
	4. Do the offenders know each other?	2 1 0	They know each other well They are 'known' to each other They do not know each other
	5. If you have had recent incidents and if you know the perpetrator/s do they (or their associates) have a history of or reputation for harassment or intimidation?	6 4 0 0	Recent perpetrators are the same ones as before Recent perpetrators are different from before <b>and</b> I know they have a reputation for harassment and intimidation Recent perpetrators are different from before <b>and</b> I know they have no reputation for harassment and intimidation There have been no incidents <b>or</b> I do not know the recent perpetrators

<b>Vulnerability</b>	6. <b>If there have been any recent incidents</b> , do you feel any of the following are being deliberately targeted? Specify why:	4 3 1 0	You Your family Your community None
	7. <b>If there have been any recent incidents</b> , do you feel that this incident is associated with your faith, nationality, ethnicity, sexuality, gender or disability? Details:	3 0	Yes No

	8. In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (e.g. because of personal circumstances) Details:	3 0	Yes No
	9. <b>At this present time</b> how affected do you feel by what has happened? Details:	0 1 2 3 5	Not at all Affected a little Moderately affected Affected a lot Extremely affected

<b>Support</b>	10. Has your or anyone's health been affected as a result of this any previous incidents? Details:	3 3 0	Physical health Mental health No
	11. Do you have a social worker, health visitor or any other type of professional support? Details:	0 1	No Yes
	12. Do you have any friends and family to support you?	3 3 1 0	Complainant lives alone and is isolated Complainant is isolated from people who can offer support Complainant has a few people to draw on for support Complainant has a close network of people to draw on for support
	13. At this present time apart from any effect on you, do you think anyone else has been affected by what has happened? Details:	1 3 0	You family Local community / other No
	<b>TOTAL SCORE:</b>		



**CONSENT TO SHARE INFORMATION**

I consent to agencies obtaining and sharing information as part of the multi-agency work to help and secure my safety and that of my family.

If there are child protection concerns, information will be shared regardless of whether this form is signed.

**SIGNATURE:**

**DATE:**

**PRINT NAME:**

Version 1 28/06/16

Low	0	4	8	12	16	20	22	24	26	28	30	High
<b>Medium</b>												
<b>HIGH</b>	34	<p>This matrix is not designed to be an exact science and the protection or interventions put in place is determined as much by the assessor as the scores. The assessor should also consider allocating a higher score to Q8 if disability is a reason for targeted ASB.</p> <p>I have carried out the risk assessment and the result indicates a level of risk within the <b>HIGH</b> range, or having carried out the risk assessment and considered the circumstances the risk is not scored as high but I believe that the conduct in question is having an adverse impact on the victim, which includes the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p><b>Signed</b> _____ <b>Date</b> _____</p> <p><b>Name</b> _____ <b>Role</b> _____</p> <p><b>Action</b>  <i>Take any immediate steps required to reduce the risk of harm.</i>  <i>Refer the case to ASB Manager (local equivalent) for continued discussion at the ASB Complex Case Group meeting.</i></p>										
	32											
	28											
<b>MEDIUM</b>	24	<p>I have carried out the risk assessment and the result falls within the <b>MEDIUM</b> range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p><b>Signed</b> _____ <b>Date</b> _____</p> <p><b>Name</b> _____ <b>Role</b> _____</p> <p><b>Action</b>  <i>Ensure that relevant multi agency support is in place and the appropriate and proportionate use of tools and powers is considered to resolve.</i>  <i>Consider ASB Co-ordinator (local equivalent) advice.</i>  <i>Consider Victim Support referral.</i>  <i>Regularly monitor changes in risk factors.</i>  <i>If previously adopted by the ASB Complex Case Group, consider discussion to close the case</i></p>										
	22											
	20											
<b>LOW</b>	16	<p>I have carried out the risk assessment and the result falls within the <b>LOW</b> range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p><b>Signed</b> _____ <b>Date</b> _____</p> <p><b>Name</b> _____ <b>Role</b> _____</p> <p><b>Action</b>  <i>In relation to numerous repeat calls and identified problematic locations develop a problem solving response.</i>  <i>Consider ASB Co-ordinator (local equivalent) to ensure that multi agency support is in place and the appropriate and proportionate use of tools and powers is considered.</i>  <i>Regularly monitor changes in risk factors.</i>  <i>Isolated incidents should be dealt with in accordance with minimum standards.</i>  <i>If previously adopted by the ASB Complex Case Group, consider discussion to close the case</i></p>										
	8											
	4											
0												

# Equality Act Assessment Guidance

## Summary

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

Under the Act the Council has a duty not to discriminate against any person on the grounds of:-

- Age
- disability
- race
- religion or belief
- Gender (including gender reassignment)
- sexual orientation
- Pregnancy or maternity
- Marriage of civil partnership
- Sex

Discrimination can include treating a person unfavourably because of something arising from their disability, unless the Council can show that this treatment is justified.

**Section 35** prescribes that we must not discriminate, and we must show proportionality when taking action against a person known to have a disability under the Act.

**Section 149** outlines the Public Sector Duty, which ensures that we have policies and procedures that pay due regard to disability and prevent us from acting in a discriminatory manner.

## Why complete an Equality Act Assessment (EAA)

The purpose of completing the Equality Act Assessment is to demonstrate that you have shown due regard to the customer's disability/protected characteristic and how you have adapted the service to meet their needs where possible.

Should the situation need to progress to legal action in the future you will have already demonstrated what you have done to try and resolve the matter in a different way and shown due regard to the customers disability.

As a Council we must demonstrate that we have taken the disability into account particularly if we are considering legal action against an individual.

## When to complete an EAA

If you are aware that a resident has a protected characteristic or disability you should complete an EAA prior to considering any form of action. This is relevant to all operations across our business and when considering action for Antisocial Behaviour such as an NOSP, Injunction or possession action.

You may not be aware that the resident has a disability from the outset and this may come to light during engaging with the customer or after you have already commenced legal action. You should commence the assessment at the earliest point that you become aware.

You can do an EAA even if you are not considering legal action to demonstrate how you have done things differently and shown due regard to the customer's disability.

### **Anti-Social Behaviour**

As soon as you are aware of a disability you must complete an EAA to assess what action is appropriate. You may need to consider whether a lesser action could be considered rather than legal action.

**Example:** if you are considering serving a Notice of Seeking Possession or seeking an Injunction or a notice, is there a lesser action you could try first such as an Acceptable Behaviour Contract, mediation or working with support workers to try and remedy the behaviour. You should show due regard to the customer's disability and consider all other avenues before legal action and demonstrate on the EAA what you have done to address this.

There will be occasions when it may be appropriate to proceed with legal action, particularly when the antisocial behaviour is impacting on a wider community. If you consider that this is the only route available you should discuss this with your line manager and review the EAA prior to seeking permission to commence legal action.

### **Reviewing the Equality Act Assessment**

Once you have commenced an EAA you should regularly review and update it. It should be updated at any significant stages throughout managing an ASB case.

- When the case is opened complete the EAA
- When you engage with a resident or to demonstrate that they are not engaging.
- Prior to taking any formal action
- Prior to proceeding to apply to court
- Prior to court hearings
- On receipt of a medical report or information from any other agencies

### **Working with Other Agencies**

If you are aware that the customer has support agencies in place you should try and work closely with them and demonstrate actions and outcomes as part of the EAA. You may also need to engage support agencies on behalf of the customer.

### **Authorisation for Legal Action**

When completing a request to proceed with legal action if there is an EAA in place this should also be provided to the appropriate Manager to consider prior to approving. Managers should consider whether all steps have been taken to show due regard to the customer's disability and whether proceeding with legal action is proportionate.

### **During Legal Action**

It may only come to light that a customer has a disability once we have already commenced legal action. This can often happen when an expert's report is submitted as part of the case. Once you have received a copy of the report you must demonstrate that you have read and considered all of the information and make adjustments to the action where possible.

### **Storage and Recording EAA's**

You should retain copies of EAA's securely in case files. Also, record that you have completed an EAA on any case processing documentation where appropriate e.g. for referral to external support agencies, escalation to senior managers or when preparing a case file for Legal Services.

## Equality Act Impact Assessment

Name of Resident(s)	
Address	
Tenancy	<u>Type of Tenancy</u>  <u>If RBC, outline tenancy clauses relevant to breaches</u>
Policy and Procedure	<i>Outline the ASB Policy, Procedure or Tenancy Management Policy, Procedure specific to case and where breaches are</i>
Rent Arrears History	<i>(If an arrears case or linking arrears with ASB actions) (Include any recharges)</i>
ASB Case Details	<i>Provide an overview of the case. List correspondence, nuisance diary sheets, file notes, complaints made, any police or other information</i>
Details of known disability & Evidence.	<i>Outline known or suspected disability or protected characteristic; include Doctors reports, liaison with other agencies. Provide any evidence you have of the disability. This will be required for any court action.</i>
If ASB is the behaviour causing an impact on others	<i>Provide an outline of what the impact is e.g. on other residents, the community</i>
Other material relevant to the type of case	<i>Any other relevant information to the case, tenant history, support needs, safeguarding, signposting</i>

1	Is there a relevant "Protected Characteristic"?	<i>(Disability, age, race, religion or belief, sex, sexual orientation, gender reassignment, marriage/civil partnership status, pregnancy/maternity)</i>
2	Is there a disability/suspected disability, what is this?	<i>(Disability is defined as a physical or mental impairment that has a substantial and long term adverse effect on the person's ability to carry out normal day to day activities).</i>
3	What action is proposed?	<i>(E.g. service of Notice, Order, NOSP, issue of possession claim, enforcement of warrant, issue of Injunction application etc.)</i>
4	Is this action proposed because	<i>Describe the behaviour and how this links to the disability.</i>

	of behaviour arising from the disability?	
5	List alternative action which has been considered and/or attempted to address the problem.	<i>Show what you have done prior to considering legal action e.g. ABC, mediation, Community Protection Warning, action plans</i>
6	List any reasonable adjustments which have been made, or could be made to take account of the disability and state what action taken.	<i>(e.g. visually impaired tenant – letters sent in large font size; tenant with learning difficulties – social services assistance in understanding tenancy agreement)</i>  <i>What have you done to try and resolve the behaviour e.g. contact other services, Drs, partner meetings and liaison with other agencies, alternative actions such as ABC's? Ensure that you document any failed visits and non-engagement by the resident.</i>
7	Is the proposed action a proportionate means of achieving a legitimate aim?	<i>Why do you feel the action is justified? E.g. to protect the health and safety of other residents, reduce impact on community</i>  <i>Is the action appropriate e.g. does the resident have capacity, an injunction would not be appropriate if there is no capacity</i>
8	Decision marked for review at what stage	<i>This assessment should be reviewed at regular intervals e.g. Prior to serving NOSP, prior to the court hearing, if there is a change in circumstances or condition. List here all the dates it has been reviewed and for what reason.</i>

I have had due regard to the Aims and Objectives set out in the Public Sector Equality Duty in Section 149 of the Equality Act 2010, including the need in appropriate circumstances to treat persons with a disability more favourably than persons who do not have a disability. I have however concluded that notwithstanding this, it is appropriate that the action outlined should be taken.

Form completed by:

Name:

Job Title:

Date:

## **Tools and Remedies to address ASB**

Most neighbour problems can be resolved by talking to each other in the first instance and we always encourage this approach. A friendly conversation with a neighbour to make them aware of a problem is often effective.

However, in some circumstances this may not be possible, or it may have been tried and the behaviour still continues. In these cases, the Council can look at other options available, placing an emphasis on early intervention and prevention. The options available will be assessed on a case by case basis and only used when reasonable and proportionate to the ASB problem at hand.

ASB by its nature is subjective and it can mean different things to different people, impacting on them in a variety of ways. Officers will risk assess reports to determine an appropriate response to the ASB being reported; based on type, frequency, severity of incidents and impact on the victim. We will pursue all available remedies by working with our partner agencies with a view to modifying the behaviour of offending individuals and achieving a lasting solution.

Working with our partner agencies, these are some of the tools and remedies available when dealing with cases of ASB. Support is provided throughout the process and referrals to other organisations can be made as and when it is appropriate.

### **Preventative/Early Intervention Tools**

Where necessary, the Council will use early intervention methods to assist in preventing the escalation of problems; these could include **home visits, letters** and **early advice**.

### **Introductory Tenancies**

Introductory Tenancies/Starter Tenancies allow Housing Managers to deal quickly with problems like ASB. We will explain to new tenants at sign-up and settling in visits, the terms of their tenancy relating to ASB/causing nuisance. We will clarify our expectations and any consequences, to ensure residents understand their responsibilities from the outset of their tenancies.

### **Warnings and Agreements**

Verbal or written warnings can be issued to challenge unacceptable behaviour, and reinforce that ASB isn't tolerated in our communities. The Council will use warnings to remind residents of their obligations under their tenancy/lease or the rule of law and we will set out the specific clauses/conditions/legislation that has been breached. When issuing warnings we will clarify the issue, advise the individual we are monitoring their behaviour and warn them that further enforcement action will be taken if their behaviour continues.

### **Acceptable Behaviour Contract (ABC)**

An ABC is a non-legally binding written agreement. We will use an ABC to engage an individual to get them to acknowledge their behaviour and the effect it has on others, with the aim of stopping the ASB. The agreement will be signed by the individual, the Council and the Police and it can be signed with any resident aged 18 and over. Failure to adhere to a signed contract could be used as evidence in any formal action that may be required in the future

### **Parenting Contract Agreement (PCA)**

A PCA is a written agreement made with parents of children under the age of 18, which is used to address the behaviour of a child. The contract places the emphasis on the parent(s) to address the child's behaviour with the support from relevant agencies, to prevent the child from becoming involved in further ASB. Similar to the ABC, the Council and the Police can be involved in signing the agreement. We may involve other Youth Services too, to provide advice on interventions/activities to assist the young person with changing their behaviour.

### **Mediation / Restorative Justice**

The Council can use external mediation organisations to help resolve disputes. The types of situation they can assist with include, but are not limited to, noise, youth nuisance, pets, shared spaces and lifestyle differences. We will pass residents' details to the Mediation Service, to discuss the benefits with the parties and assist them in resolving their dispute. The Mediation Service can also work with young people to resolve ASB in the wider community.

### **Diversionsary Activities for Young People**

Young people are often profiled as causing ASB, sometimes, mistakenly or unintentionally, i.e. not understanding that loitering can be perceived as intimidating to others. The Council is committed to providing opportunities for young people, to help challenge some of these beliefs and behaviours and provide a platform for young people to engage and find new interests, including activities such as, youth clubs (in partnership with Youth Services Providers and the Police) or after school clubs in partnership with local schools and voluntary organisations.

We will utilise and promote the use of activities for young people and where appropriate, can link these activities with the use of Acceptable Behaviour Contracts and Parenting Contract Agreements, by including terms within the contract/agreement requiring a young person to engage in relevant activities.

### **Designing out ASB – Environmental Visual Audits**

Where there are instances of ASB activity in an area or estate, we will carry out joint visits with residents and other relevant partners to identify improvements, repairs and additional security that may benefit an estate / area. We will aim to identify physical improvements to areas and neighbourhoods to help reduce ASB and tackle location specific issues, for example, mopeds in pedestrianised areas, people congregating in stairwells to smoke and drink etc. We will work with a range of agencies to ensure we deal with ASB in a holistic manner and our partners include the Police, local Residents, Housing Providers, Businesses and Community and Voluntary organisations.



## **Legal Remedies**

We will use legal remedies where non-legal action is not appropriate, proportionate or fails to resolve ASB. The various legal options we may pursue are set out below.

### **Possession (Eviction) Proceedings**

The Council will consider applying to the Court for possession where early intervention has been unsuccessful in resolving ASB and/or alternative remedies are not suitable. The County Court can issue a Suspended Court Order on specific terms, Outright Possession Court Order or a Warrant of eviction

### **Mandatory Grounds for Possession**

The ASB Crime & Policing 2014 Act introduced an absolute ground for possession for secure/fixed term secure tenancies, where ASB or criminality has been proven by a conviction in another court. The purpose of this power is to speed up the possession process in cases where there has already been a criminal or ASB conviction. Landlords no longer have to prove that it is reasonable to grant possession but, instead courts must grant possession if the correct procedure has been followed and at least one of the specified conditions has been met.

### **Civil Injunction**

An injunction can be used to stop/prevent individuals engaging in ASB, aiming to tackle problems before they escalate. Councils, Social Landlords and Police can all apply for an Injunction, which can be used when an individual's behaviour is likely to cause harassment, alarm or distress or is capable of causing nuisance or annoyance. It is issued by the County Court or to under 18s, in the Youth Court. The injunction sets a clear standard of behaviour and includes prohibitions and can also include positive requirements (e.g. to attend substance misuse meetings) to get the perpetrator to address the underlying causes of their ASB.

Breach of an injunction is not a criminal offence but is dealt with by a civil contempt of court, which is punishable by up to two years in prison and/or an unlimited fine. For those aged under 18, breach proceedings are dealt with in youth court and could result in a supervision order, curfew or an activity requirement.

### **Criminal Behaviour Order (CBO)**

A CBO can be given to an individual on their conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court (i.e. an anti-social individual commits a criminal offence and is prosecuted). The CBO must clearly define what the offender is not allowed to do as well as what they must do (prohibitions and requirements) and it must also be determined what is required within the CBO to tackle the underlying cause of the behaviour.

The penalty for a breach, upon summary conviction, could result in a sentence up to a maximum of 6 months in prison, or up to 5 years on indictment. For under 18s they would be called in front of a youth court, which could result in a 2 year detention and training order.

### **Community Protection Notice (CPN)**

A CPN is intended to deal with on-going problems or nuisances caused by a person aged 16 or over or a business/organisation which negatively affects the community's quality of life. A CPN can be issued, following a formal warning, if there are reasonable grounds that conduct is having a negative effect on the quality of life of those in a locality, is persistent and unreasonable.

Council Officers, Police Officers, PCSOs and Social Landlords can all issue a CPN, which is written notice to the individual demanding they stop the behaviour that is detailed and a requirement to take reasonable steps to stop further incidents in the future.

The CPN can be used against a wider range of perpetrators and can be used to deal with noise nuisance and litter on private land. A breach is a criminal offence which could be prosecuted and a person found guilty of failing to comply with a CPN without reasonable excuse is liable to a fine of up to £2,500, with unlimited fines for a business or organisation.

### **Premises Closure Power**

The Closure Powers allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder. A Closure Notice can be applied for if there is a nuisance to the public and the disorder is related to the premises in question. A Closure Notice is issued out of court and allows closure for up to 48 hours but cannot stop those who live there from accessing premises. A Closure Order can last for up to 6 months and restricts all access to the premises. This can be sought through the Courts once the Closure Notice has been issued.

A Closure Order can be applied for if there is disorderly, offensive or criminal behaviour taking place near the premises which is a serious nuisance to the public.

Breach of either is a criminal offence with penalties including:

Notice - Up to 3 months in prison

Order -Up to 6 months in prison; and

Both - An unlimited fine

### **Public Space Protection Order**

The purpose of a PSPO is to stop individuals or groups committing ASB in a public space. The behaviour in question has to be having, or be likely to have, a detrimental effect on the quality of life of those in the locality. It will also be of a persistent nature and be unreasonable.

The restrictions and requirements in the order are set by the Council after consultation with the Police, PCC and other relevant bodies. A PSPO may include preventing certain behaviours or restricting access to certain areas of a public area. A breach is a criminal offence and is enforced by a fixed penalty notice of up to £100 or a further fine upon prosecution. More than one restriction can be added to the same PSPO, meaning that a single order can deal with a wide range of behaviours that prevent people enjoying the use of a public space.