

# Antisocial Behaviour Policy

Pinnacle Group



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## 1. Policy

This Antisocial Behaviour (ASB) Policy explains how Pinnacle Group deals with ASB. It sets out what we do to help prevent ASB, how we respond when ASB is reported, what support may be available, and what action we may take when needed.

This policy applies to people living in homes owned or managed by Pinnacle. This includes tenants, licensees, leaseholders, shared owners, intermediate market rent customers and private market rent customers. It also applies to commercial premises.

We will use this policy when ASB is reported and the person involved has a link to Pinnacle, such as living in, visiting, using or occupying a home or premises we own or manage. This includes reports made by freeholders or by people who do not receive services from Pinnacle. We will not use this policy for reports about people who have no link to Pinnacle.

This policy gives an overview of our approach. It should be read alongside the relevant occupancy agreement, ASB guidance and ASB procedures.

Pinnacle is committed to making its services accessible. We want all customers to be able to use our services, including customers with disabilities and customers with temporary or short-term conditions. Where needed, we will make reasonable changes to the way we provide services. These changes may include practical changes to premises, where our clients agree, changes to our policies or procedures, or providing information in a different format.

Pinnacle understands and will follow its duties under the Equality Act 2010. The Act does not give one fixed definition of a 'reasonable adjustment'. When we decide whether an adjustment is reasonable, we will consider:

- How much the change would help the customer.
- Whether the change can be made in practice.
- Whether the change would cause too much disruption.
- How much the change would cost.
- What resources are available.
- Whether funding or other support is available.

If we are told that a customer, or someone in their household, may be disadvantaged because of a condition or situation, we will consider whether a reasonable adjustment is needed. We will look at each case using the information available and in line with Pinnacle's Vulnerability Policy and Aids and Adaptations Policy. We will not assume what a customer needs. Where possible, we will agree and make reasonable adjustments within a sensible timescale. Sometimes we may need specialist advice before deciding what to do. If this causes a delay, we will keep the customer informed.

## 2. Policy Key Objectives

This section explains the main aims of this policy. These aims show what Pinnacle wants to achieve by putting the policy into practice.

All staff and managers are responsible for following these aims and helping to deliver them.

| No. ASB Policy Key Objectives |                                                                                                              |
|-------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1                             | Follow all relevant laws, regulations and recognised good practice.                                          |
| 2                             | Help prevent ASB by tackling the causes where possible.                                                      |
| 3                             | Take action early to help stop ASB from getting worse.                                                       |
| 4                             | Take appropriate management action or legal action where needed to deal with people causing ASB.             |
| 5                             | Give residents and service users suitable advice and support.                                                |
| 6                             | Work with the Police, local authorities and specialist agencies where appropriate to prevent and tackle ASB. |
| 7                             | Support staff so they can help prevent and respond to ASB effectively.                                       |

### 3. Legal Framework

A number of laws help organisations, the Police and local authorities prevent and respond to ASB. Some of these laws give specific powers to the Police and local authorities. Where appropriate, we will work with them so that the right tools are used to help tackle ASB on the estates we manage. Key legislation includes:

|                                                   |                                                                                                                                                                                                                                                         |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Housing Acts 1985, 1988 and 1996                  | <b>These Acts set out grounds for possession and allow landlords to apply for injunctions in relevant cases.</b>                                                                                                                                        |
| Protection from Harassment Act 1997               | This Act allows injunctions to be used and allows courts to issue restraining orders to protect people from harassment.                                                                                                                                 |
| The Crime and Disorder Act 1998                   | This Act gives the Police powers to take action where offences are racially aggravated.                                                                                                                                                                 |
| Anti-terrorism Crime and Security Act 2001        | This Act extended the Crime and Disorder Act by creating specific offences linked to religiously aggravated behaviour.                                                                                                                                  |
| Anti-social Behaviour Act 2003                    | Together with the Housing Acts, this Act supports social landlords to take action against residents who cause nuisance in or around their homes or estates.                                                                                             |
| Racial and Religious Hatred Act 2006              | This Act made it an offence to stir up hatred against people because of their religion.                                                                                                                                                                 |
| Antisocial Behaviour, Crime and Policing Act 2014 | This Act introduced important ASB powers, including a mandatory ground for possession in serious ASB cases, civil injunctions and the Community Trigger. It also replaced ASBOs with new powers for the Police, social landlords and local authorities. |

Other legislation may also be relevant when preventing ASB, taking enforcement action or providing support. This includes:

|                   |                                                |
|-------------------|------------------------------------------------|
| Equality Act 2010 | Race Relations Act 1976 and Amendment Act 2000 |
|-------------------|------------------------------------------------|

|                                                                              |                                       |
|------------------------------------------------------------------------------|---------------------------------------|
| Police and Justice Act 2004                                                  | Housing Act 2004                      |
| Criminal Justice and Public Order Act 1994                                   | Human Rights Act 1998                 |
| Dangerous Dogs Act 1989, 1991                                                | Mental Health Act 1983, 2007          |
| Health Act 2006                                                              | Noise Act 1996                        |
| Environmental Protection Act 1990                                            | Noise and Statutory Nuisance Act 1993 |
| Immigration Act 2016                                                         | Homelessness Act 2002                 |
| UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 | Health Act 2006                       |
| Health Act 2006                                                              | Noise Act 1996                        |

## 4. ASB Definitions

‘Antisocial behaviour’ means a wide range of unacceptable behaviour that can affect people’s quality of life, both in the community and in their own homes.

We use the definition of ASB set out in the Antisocial Behaviour, Crime and Policing Act 2014. This says ASB can include:

- a) Behaviour that has caused, or is likely to cause, harassment, alarm or distress to any person;
- b) Behaviour that is likely to cause nuisance or annoyance to someone in relation to their home;
- or
- c) Behaviour that is likely to cause housing-related nuisance or annoyance to any person.

Examples of behaviour we may treat as ASB include:

- Physical violence, such as attacking another person.
- Hate crime.
- Verbal abuse, harassment, intimidation or threats.
- Criminal behaviour or activity.
- Repeated, prolonged or high-level noise nuisance.
- Loitering or misusing communal areas or public spaces.
- Vehicle-related nuisance, such as joy riding, drag racing, loud music, excessive noise or nuisance vehicle repairs.
- Nuisance caused by pets or animals.
- Prostitution, sexual offences or kerb crawling.
- Vandalism or damage to property, including hate-related graffiti.

The people affected by nuisance or annoyance may include:

- Anyone who has the right to live in a property owned or managed by Pinnacle.
- People living in other properties in the neighbourhood.

- Anyone else who is lawfully in the property or local area, such as someone working nearby or visiting the property or neighbourhood.

## 5. ASB Policy Statement

Pinnacle is committed to dealing with ASB quickly, firmly and fairly. We know that, if ASB is allowed to continue, it can seriously affect the quality of life of residents and service users. It can also make it harder for us to manage our homes and communities effectively.

ASB can take many forms and can happen for different reasons. This means we may need to use different responses depending on the situation. We will balance enforcement action with support and prevention work that aims to stop ASB happening or continuing.

We expect all residents to be considerate towards their neighbours and to follow the terms of their tenancy or occupancy agreement. Residents must not cause ASB or allow members of their household, visitors or pets to cause ASB. This includes behaviour that harasses, annoys or disturbs other residents, visitors, staff, contractors or other people in the area, whether the behaviour is deliberate, unintentional or personally motivated.

We will deal with ASB in a way that is fair, proportionate and appropriate to the circumstances. This may include speaking with the person who reported the ASB, speaking with the person accused of causing it, offering support and, where needed, taking enforcement action.

We will take a customer-focused approach. We will work with the person who reported the ASB and, where appropriate, the person accused of causing it. We will aim to agree actions, timescales and a clear way to bring the case to a close. Except in very serious cases, we will first try to stop the problem behaviour through early action. We know that acting early can help resolve cases and stop them from getting worse.

We will consider legal action where there is enough evidence. Eviction will usually only be considered where other action has not worked and will be used as a last resort. In very serious cases, we may consider eviction where it is needed to protect people.

We will work with partner agencies, statutory services, local authorities and community safety partnerships to tackle the causes and effects of ASB. We will aim to use a clear and consistent approach. Where needed, we will work with other agencies, share information and expertise appropriately, and review whether the action taken has worked. If another organisation, such as the Police or local authority, is best placed to lead an investigation, we will support that investigation and take any action we need to take.

We will work with colleagues and other agencies to help build stronger, safer communities. This includes supporting community cohesion, building trust and reducing the risk of people becoming involved in ASB.

We will not tolerate physical or verbal abuse towards staff or contractors. We will take appropriate action against customers or members of the public who are abusive, in line with this policy and the related guidance and procedures.

We are committed to keeping our staff safe. We will support staff by providing appropriate training and guidance so they feel confident and informed when identifying and investigating ASB reports. This support will also help staff deal with difficult situations and stay up to date with good practice and relevant legislation, including safeguarding children and adults at risk.

## 6. ASB or not ASB?

Pinnacle believes everyone has the right to live as they choose, as long as this does not unlawfully affect other people's quality of life. This means we all need to be tolerant, accepting and respectful of other people's needs and choices.

Pinnacle will tell customers about the Community Trigger where ASB is ongoing and they believe their reports have not been dealt with properly, or that no effective action has been taken.

Pinnacle will take a reasonable approach to all reports of suspected ASB. We will only get involved where it is appropriate and in residents' best interests. We will consider the harm caused, or the harm likely to be caused, to the people affected.

Not every report about behaviour that affects someone will be ASB. People may have different lifestyles, habits or circumstances, and it is important to show tolerance and respect where behaviour is not unreasonable or harmful.

The following are examples of reports that are usually not treated as ASB under this policy:

- Noise from children when they are playing.
- Family disputes.
- Babies crying.
- Smells from cooking.
- Normal everyday living noises, such as doors opening and closing or people using stairs.
- One-off parties, such as BBQs, birthdays or Christmas parties, as long as they do not cause an unacceptable disturbance.
- Differences in lifestyle, including cultural differences.
- Minor personal disagreements, such as dirty looks or fallouts between children.
- Putting rubbish out on the wrong day.
- Parking in the wrong bay.

Where behaviour is not ASB, we will help residents understand what we can and cannot do. We may offer advice and guidance, and where appropriate, we will expect residents to try to resolve the issue themselves.

## 7. Associated Policies and Procedures

- ASB Procedure
- Domestic Abuse Policy and Procedure
- Eviction Procedure
- Hate Crime Procedure
- Safeguarding Adult Policy
- Safeguarding Children Policy

- CCTV and Video Doorbell Guidance

## 8. Zero Tolerance

Pinnacle will not tolerate threats, abuse, aggression, discriminatory behaviour or violence towards our colleagues or contractors. If someone behaves in this way towards anyone working for or on behalf of Pinnacle, we will take prompt action. This may include legal action where appropriate. The person responsible may be:

- Reported to the Police.
- Told to contact us only through specific communication channels.
- Stopped from attending Pinnacle premises.
- Have services temporarily withdrawn while we put arrangements in place to protect colleagues and contractors.

## 9. Monitoring, Review and Evaluation

We monitor key performance measures at group, directorate and local team level.

We will review this policy every three years as a minimum. This helps us check that the policy is still meeting its aims and reflects good practice. We may review it sooner if there are changes in law, the business or the wider sector.

## 10. Diversity and Inclusion

Pinnacle will treat all customers fairly and with respect. We have both a legal and ethical duty to promote equality of opportunity and prevent discrimination. This applies to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

We can translate or interpret this policy and any related documents, or provide them in accessible formats, where this is needed.