

ASB Policy

Name	Reason for change	Date
Andrea Baker	Review	May 2017

Approval process for current version

Presented to	Date	Outcome
Services Committee	May 2017	Approved
Services Committee	March 2016	Approved
JEP	January 2016	Approved

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1. Definition

- 1.1. For the purposes of this policy, Anti-Social Behaviour (ASB) is behaviour which adversely affects another person's quality of life, and which Poplar HARCA can tackle using the legal tools and powers available to it.

2. Incident Reports

- 2.1. Incidents will be investigated impartially.
- 2.2. Residents will be contacted the next working day after making a report.
- 2.3. An incident report may not be investigated if it is about something which, even if proven, would not constitute a breach of a Poplar HARCA tenancy or lease.
- 2.4. Time and resources will be allocated to an investigation on the basis of the severity of the incident, the effect on the complainant and an assessed level of risk.
- 2.5. After one month, an investigation will be made not active if:
 - evidence has not been proven; and/or
 - the perpetrator has not been identified; and/or
 - the behaviour has not recurred; and/or
 - after three separate attempts to contact them, the complainant has not responded.
- 2.6. An investigation can be extended, or reactivated, if:
 - new evidence comes to light; and/or
 - the perpetrator is identified; and/or
 - the behaviour has recurred; or
 - there are exceptional circumstances as determined by the Assistant Director or Director.
- 2.7. Legal enforcement will be used as a last resort when other strategies have failed; or if the behaviour is serious enough to justify immediate use.

3. Working with Partners

- 3.1. To tackle ASB, Poplar HARCA will work with the Police, London Fire Brigade, Tower Hamlets Council and other statutory, third sector or other agencies.

4. Confidentiality

- 4.1. Personal data will be collected, stored, shared and retained in line with the Data Protection Act 1998.
- 4.2. Disclosure must be approved by the Head of Service, Assistant Director or Director.

5. Domestic & Hate Abuse

- 5.1. Domestic abuse is any incident of threatening behaviour, violence or abuse between adults who are family members or who have been intimate partners.
- 5.2. Hate abuse describes behaviour motivated because of who someone is or what they believe.
- 5.3. Residents reporting domestic or hate abuse will be provided with information about specialist or statutory agencies that may be able to provide support.

6. Support

- 6.1. A risk of harm assessment will be carried out for each person reporting ASB.
- 6.2. If the risk of harm assessment indicates support may be needed, the person will be provided with information about specialist or statutory agencies that may be able to provide support.
- 6.3. Perpetrators identified as vulnerable will be provided with information about specialist or statutory agencies that may be able to provide support.

7. Mediation and Restorative Justice

- 7.1. All complainants and perpetrators will be referred for mediation and/or restorative justice with a view to normalise their relationship unless the risk of harm assessment indicates this could be harmful.

8. Re-housing

- 8.1. Poplar HARCA will not consider requests for additional priority for re-housing (colloquially known as 'management transfers') as a result of ASB. This is because of the potentially very long wait for a permanent offer of re-housing even with additional priority.
- 8.2. Anyone wishing to be re-housed as a result of ASB will be referred to the Local Authority with a statutory duty to carry out an assessment of whether a duty owed.
- 8.3. Anyone who has been subject to enforcement action for ASB will not normally be registered on the housing list nor considered for a tenancy with Poplar HARCA.

9. CCTV

- 9.1. Requests to install CCTV, or view or download CCTV images, can be approved only by the Head of Service, Assistant Director or Director.

- 9.2. In exceptional circumstances where the assessment of risk is significant, Poplar HARCA may install covert or directed CCTV. This can be approved only by the Assistant Director or Director.
- 9.3. Recorded material will be kept for 21 days from the date of initial download, unless needed for evidence in an on-going investigation or legal proceedings.

10. Noise

- 10.1. Poplar HARCA will investigate complaints of noise that are a nuisance in law. Consideration will be given to:
- how long the noise lasts
 - how loud the noise is
 - how many people are affected
 - how often the noise occurs
 - what time of day the noise happens
 - whether the noise can be avoided
- 10.2. Noise as a result of normal or customary use of a property will not be investigated as ASB.

11. Policy review

- 11.1. Policies are reviewed every 5 years or sooner if they no longer reflect best practice.

12. Appendix 1: Impact assessment

How does the policy/procedure/strategy contribute to Poplar HARCA's aims?	Creating opportunity requires people to be, and feel, safe.
Which group(s) of people benefit from the policy/procedure/strategy? If any group could be disadvantaged, what is the mitigation or justification?	Making the area safer for those who live there, work there or who are visiting is central to securing a good quality of life for all.
How have residents been involved in developing the policy/procedure/strategy? If they have not been involved, why not?	Feedback from Estate Boards, JEP, annual resident survey, complaints and Members' enquiries
How will the policy/procedure/strategy be monitored and measured? (e.g. performance indicators?)	Indicators are reported to Services Committee and Poplar Board each quarter.
If any, what are the Value for Money implications?	Early intervention and management of expectations prevents escalation and avoids costly and resource intensive casework.
Will personal data be collected, stored, used or shared? If yes, a privacy impact assessment must be carried out.	