

**Anti-Social Behaviour (ASB) Policy**

<p><b>How are our values demonstrated/supported through this policy?</b></p>	<p><b>We welcome all</b> – this policy seeks to equip staff to deliver and manage services safely and provide a welcoming space for all clients and their visitors, family etc</p>
	<p><b>We support</b> – this policy allows staff to support resident/clients who engage in ASB and minimise the harm to themselves and others. At the same time, it provides clear procedures to be supportive within a legal framework and a procedure to respond to those who raise issues around ASB (such as neighbours, or residents themselves)</p>
	<p><b>We inspire</b> – this policy seeks to support staff to inspire resident/clients to make positive life choices around behaviour and how certain behaviours can impact others</p>
	<p><b>We speak out</b> – this policy supports staff, residents and neighbours to speak out when ASB takes place in order that we can take steps to prevent recurrence and support residents with their behaviour in a trauma informed way</p>
<p><b>Equity, Diversity &amp; Inclusion implications of this policy</b></p>	<p>This policy may impact residents who have challenges around their mental health or health conditions such as ADHD which may mean an increased chance of challenging behaviour. This policy has been drafted to set out a fair and trauma informed approach to ASB.</p>
<p><b>Policy Owner</b></p>	<p>Head of Operations East Sussex</p>
<p><b>Version Control Review information</b></p>	<p><b>Version number: 05</b></p> <p><b>Date of Policy:</b> May 2016  <b>Reviewed:</b> November 2017, September 2020, January 2024  <b>Next Review Date:</b> January 2027</p>

**Version Control**

Version #	Date of review	Reviewer	Summary of changes
04	09/08/23	Kirsten McCarthy	1.0 introduction – two new paragraphs added acknowledging Ofsted Regulations for Supported Accommodation (Reg 22) 5.3 & 5.4 – new sentence referencing who to inform of anti-social incidences and action plan to be created 5.4 – restraint clarification statement added 5.5 – reference made to Young Person’s Guide 10.3 – added Regulation Guide to Supported



			Accommodation including Quality Standards
05	21/01/24	Kirsten McCarthy	7.0 Link changed from intranet to new SharePoint Appendix 1 2.1. removal of reference to More Than A Room 4.2. addition of on-call number
05	20/12/2024	Kim Walker	Introduction - Acknowledged Housing Ombudsman Complaints Code requirement 4.2 new paragraph explaining when an ASB concern should be treated as a formal complaint.

## 1.0 Introduction

We deliver an asset-based approach when working with young people. Positive interventions lessen the risks of anti-social behaviour (ASB) however, we recognise that on occasion we will be required to manage ASB within our communities.

This policy is one of several policies that make up our approach to managing challenging behaviour. The umbrella policy is 'Managing Challenging Behaviour'. This policy refers to housing legislation; however, this document is applicable to all YMCA DLG services.

The 1996 Housing Act has been amended by the Anti-Social Behaviour Crime & Policing Act 2014 (ASBCPA) and Registered Providers of Social Housing (RPs) are required to publish a statement of their policies and procedures regarding ASB.

We have incorporated our responsibilities of the Human Rights Act (1998) and the Equality Act (2010) to eliminate unlawful discrimination, promote equality of opportunity and promote good relations between people of different groups.

Although the ASBCPA (2014) gives extended powers to tackle ASB, including the use of injunctions, there are a number of other obligations placed on us.

Homes England (the regulatory body of RP's) requires us to tackle ASB as part of its Regulatory Code; however, it requires us to focus on sustaining tenancies/licences and to use legal action only as a last resort.

We have incorporated our responsibilities for Ofsted Regulation for supported accommodation 2023, for 16/17 care experienced children and young people within this document, acknowledging regulation 22 Behaviour management of the standards.

We are required to comply with the Housing Ombudsman Complaints Code in how we deal with complaints from residents about anti-social behaviour and note the importance of having a proactive approach when tackling anti-social behaviour.

The anti-social behaviour policy and procedure outline the service approach to supporting young people to maintain a reasonable standard of behaviour that reduced the risk or impact on the welfare and protection of themselves and others.

## 2.0 Aims

YMCA DLG, through this policy, aims to:

- define the term 'Anti-Social Behaviour' and to differentiate between a report of ASB and a formal complaint
- identify what might be referred to as anti-social behaviour and help you understand why people may behave anti-socially

- provide a framework that guides your practice in assessment and intervention when dealing with ASB
- make you (paid staff or volunteer) aware of the organisation's expectations of you, your values and behaviours
- outline support and training available to you.

## 2.1 RESPECT: ASB charter for housing

YMCA DLG aims to follow the Respect: ASB charter which aims to improve ASB services, and consists of seven core commitments:

- demonstrating leadership and strategic commitment
- providing an accessible and accountable service
- taking swift action to protect communities
- adopting a supportive approach to working with victims and witnesses
- encouraging individual and community responsibility
- having a clear focus on prevention and early intervention
- ensuring a value for money approach is embedded in the service.

## 3.0 Scope

This policy applies to all staff and volunteers and is especially relevant to those who work within housing.

## 4.0 Definition

Although YMCA DLG has a range of services in addition to our accommodation services, we are obliged as an RP to ensure measures are in place to tackle ASB within our accommodation projects.

### 4.1 Definition of anti-social behaviour

ASB is defined in the Crime and Disorder Act (1998) as acting *'in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator.'* For the purposes of this policy, it includes repeated cases of excess noise.

The ASBCPA (2014) defines ASB as conduct:

- that has caused, or is likely to cause, harassment, alarm or distress to any person,
- capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- capable of causing housing-related nuisance or annoyance to any person.

ASB may not always be criminal activity.

ASB includes actions by a resident that affect another resident, neighbours, staff or other people in our communities, and actions by other people that affect our residents, neighbours, staff and other people in our communities. It includes noise nuisance, intimidation, harassment, fouling in public areas, aggressive and threatening language and behaviour, violence against people and property, hate crimes, drug related activity and possessing items that can be used as weapons on or around our premises and in our communities.

### 4.2 Definition of complaint

The YMCA DLG Complaint policy defines a complaint as, *"an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents."*

It is important to treat reports or complaints of ASB through the ASB procedure in the first instance but if a resident remains dissatisfied with our response to their request for action relating to anti-social behaviour they should be given information about how to raise a complaint and supported to do so if required.

## **5.0 Responsibilities**

### **5.1 Board of Trustees**

The Audit and Risk Committee will monitor incidents, including incidents of ASB, collected through incidents reported via In-form (our case management system) and the complaints process, and feed back to the Board of Trustees.

### **5.2 Leadership Team**

The Leadership Team will ensure that managers and staff teams have the resources to do their jobs and are able to reduce the incidences and impact of ASB in YMCA DLG or in our communities.

The Head of Improvement and Impact will report to the Audit and Risk Committee on ASB and incidents.

### **5.3 Managers**

- risk assess, with your staff, all residents and accommodation projects and put in place appropriate measures to minimise ASB risk, including raising resident awareness of the impact of ASB and consequences
- ensure staff are accessing appropriate training on ASB and where they are designated lone workers, lone working training
- only authorise lone working activity that falls under the scope of the project and work
- follow up and take action with staff who do not follow lone working procedures, or take risks with their safety (or others' safety)
- report all incidents related to ASB according to the organisation's Incident Reporting Policy
- investigate and analyse such incidents, take appropriate action and implement changes to improve the safety of staff, residents as necessary, and if appropriate liaise with the solicitors, police and Crown Prosecution Service
- offer appropriate support to staff who have been victims of ASB in the workplace
- inform the child or young person's personal assistant, social worker or duty team of any behaviour management incidents, organising/agreeing an action plan with the resident to be included.

### **5.4 Staff**

- ensure your residents/service users are informed as early as possible about any 'rules' or expectations your service has of them (you may have a statement of service, or handbook to help explain expectations)
- follow the guidelines outlined in the ASB Procedure (appendix 1) and consult specialist guidance set out in your individual project
- risk assessments should be carried out on all residents who are deemed to be at risk of causing ASB or being victim of ASB
- if you do not conform to this policy you may be subject to disciplinary action or criminal prosecution
- you should not knowingly put yourself or others at risk of personal harm or serious injury
- you must only undertake authorised lone working activity that falls under the scope of the project's activities, and of which your line manager is aware
- you must utilise all personal protective equipment provided i.e. Solo Protect whilst at work.
- report all incidents, however minor, as soon as possible in accordance with the organisation's Incident Reporting Policy
- inform the child or young person's personal assistant, social worker or duty team of any behaviour management incidents, organising/agreeing an action plan with the resident to be included.
- personal intervention should only be used in the prevention of harm or significant injury, provided it does not put you at risk of harm or serious injury. You may only use physical intervention where

someone is going to directly harm or significantly injure themselves or other people, provided it does not put you at risk of serious harm or injury. You must not physically restrain children or young people, Please see Managing Difficult and Aggressive Situations policy.

### **5.5 Residents**

Residents are responsible for their own behaviour and that of their invited visitors. This is outlined in their occupancy agreements, the Resident Handbook and the Young Person's Guide.

### **6.0 Staff Learning and Development Programme**

YMCA DLG has a learning and development programme which allows you to learn how to employ a range of behaviour change interventions to support children, young people and adults to change their ASB. Training includes: Taking a Trauma Informed Approach, Managing Difficult and Aggressive Situations, Motivational Interviewing.

### **7.0 Organisational Culture**

YMCA DLD aims to deliver psychologically informed environments, and through them take a Trauma Informed (TI) approach. This is a way of supporting and engaging people with histories of trauma that actively recognises the continued presence of trauma symptoms; it means that we want to adapt how we conduct relationships and our organisational processes in light of that understanding. For resources on the TI approach go to the Frontline Resources folder in All Staff Document Library, or click this link:

[Trauma Informed Approach](#)

YMCA DLG is a trauma informed organisation that wants to create environments where residents/service users trust our support and respect our boundaries. Sometimes we have to issue formal warnings, however, these should be used to empower residents to learn from mistakes and change behaviours that are unsafe or prevent them achieving, in preparation for independent living. See appendix 1 of the Managing Difficult and Aggressive Situations policy which gives further insight into our approach.

#### **7.1 Prevention**

YMCA DLG believes that individuals and their behaviour can change. We will consider the individual circumstances of those referred to our services before deciding if they are suitable. We will take into account a personal history regarding ASB, however, we will not prevent access to our services unless it is justified and will work with residents/service users to prevent ASB.

We consider the safety and quality of life of our residents, neighbours, staff and other people in our communities. We work with residents to prevent them behaving anti-socially, for further information see Appendix 1 of this policy.

#### **7.2 Intervention**

When residents do behave anti-socially we have a range of informal and formal interventions designed to help the resident learn and change their behaviour. We support victims of ASB, for further information see Appendix 1 of this policy.

#### **7.3 Formal Action**

As a last resort YMCA DLG will take formal action (eviction/ injunctions) against a resident who is displaying serious and/or persistent ASB. YMCA DLG may take formal action against a non-resident who perpetrates ASB in or around our projects which may include a housing-related injunction to prevent noise and annoyance (IPNA), for further information see Appendix 1 of this policy.

### **8.0 Recording and Information Sharing**

All ASB reported or witnessed within our projects will be recorded on In-form and will also be captured through our Complaints Register (e.g. when raised by neighbours as a formal complaint). Recording ASB

allows us to monitor frequency of ASB and helps ensure guidelines are followed. Details will be recorded on case notes and if appropriate on the Incident Reporting Form on In-form.

Any information given to us with regard to ASB will be treated sensitively and will not be passed to the alleged perpetrator unless express consent is given (see organisation's Information Sharing Policy). Personal information on ASB incidents will be kept in line with the Data Protection Act 2018 and our Data Protection and Information Handling Policy.

## **9.0 Partnership Working**

We are committed to taking a multi-agency approach to tackling ASB in order to seek the most appropriate solutions. We have established a range of formal and informal networks with relevant specialist services to ensure that we can effectively prevent, identify and tackle ASB. We rely on the strength and quality of these relationships to ensure we can be effective in our action to protect our residents/service users, and others in our communities.

There are certain types of ASB that occur which will require specialist interventions and specific reporting procedures; these relate to racist or homophobic ASB and domestic violence. We are committed to working with partners to take effective action against perpetrators when there are incidents of racism, homophobia, and domestic violence (see Incident Reporting Policy).

## **10. Further information**

### **10.1 Other policies**

Policies that this procedure relates to:

- Complaints Policy and Procedure
- Data Protection and Information Handling Policy
- Eviction Policy
- Incident Reporting Policy
- Information Sharing Policy
- Lone Working Policy
- Managing Difficult and Aggressive Situations Policy
- Managing Drugs and Alcohol in Services Policy
- Solo Protect Guidelines
- Warnings Procedures

Please see Appendix 1 for staff guidance covering preventative methods of working, appropriate responses, and support for both victims and perpetrators.

### **10.2 Other resources**

Housing Ombudsman guidance: [Anti-social behaviour policy - Housing Ombudsman \(housing-ombudsman.org.uk\)](http://www.housing-ombudsman.org.uk)

RESPECT Charter for Housing

<http://www.cih.org/resources/PDF/Marketing%20PDFs/respect-asb-charter-for-housing.pdf>

### **10.3 Legislation**

- Housing Act (1996)
- Anti-Social Behaviour Crime & Policing Act (2014)
- Equality Act (2010)
- Human Rights Act 1998
- Data Protection Act (2018)

- Crime and Disorder Act (2000)

Regulation – Guide to the Supported Accommodation Regulations including Quality Standards – March 2023

## **APPENDIX 1: ASB Procedure**

### **1.0 Introduction**

We recognise that ASB has its causes rooted in a large and complex number of factors, and that only by working together our residents/service users, communities, and with other agencies can we improve the quality of life of our residents/service users and the wider community. Our approach to tackling ASB involves a mixture of *prevention, intervention and support, and action.*

These guidelines need to be read in conjunction with the ASB Policy, which is part of series of policies that make up our approach to Managing Challenging Behaviour (see our overarching Managing Challenging Behaviour Policy).

### **2.0 Prevention and Intervention**

#### **2.1 Early intervention**

Staff are required to inform residents/clients at the earliest opportunity what our expectations are regarding their behaviour, the possible consequences of not meeting these expectations, as well as the support we can offer if they have difficulty meeting expectations.

For our accommodation services this will be done through our referral, interview and induction process.

In other services this will be done at the point of first access, for example through assessment, or induction conversations.

As a Registered Provider of Social Housing (RP), our tenancy and licence agreements set out clearly the type of behaviour that is considered to be unacceptable. Residents will receive copies of house rules, and the resident handbook in addition to their tenancy / licence agreement and will be notified of our behaviour management procedure.

If you identify any characteristics which may result in anti-social or criminal behaviour this must be discussed, and a Risk Management Plan (RMP) should be implemented with actions agreed to prevent it. For example, if someone who has anger management issues should be supported to access appropriate counselling or an anger management course or if the behaviour was impacted on neighbours, they would be encouraged to attend sessions around how to be a good neighbour.

#### **2.2 Staffing and other resources**

YMCA DLG supports residents/service users by staffing our projects according to the support needs of the residents/service users. For example, high support residents will benefit from 24-hour staffing. Low support housing projects benefit from Mobile Night Workers and the On-call service which help prevent and manage ASB.

Appropriate staffing helps prevent ASB occurring, recurring and escalating, or enables it to be dealt with swiftly and effectively. Staffing may take the form of paid or volunteer workers, or a mixture of both depending on the project. There is a degree of flexibility which allows us to divert staff resources to where they are most needed.

You will need to deal with all low-level disputes and nuisance cases, most of which can be satisfactorily resolved at an early stage. You will be key to ensuring that our response is fair and effective.

You will offer support to those at risk of causing ASB or who have already done so. Referrals and signposting to external agencies should be used where we cannot meet the support need within YMCA DLG.

#### **2.3 Solo Protect and Duty Systems**

Some staff who lone work will use the Solo Protect lone working system. This allows you to raise an alert and connects you to a 24-hour staffed call centre where trained staff will listen in and respond as necessary, i.e.



call the Police, ambulance, or the YMCA DLG on-call system. Relevant staff will receive training before using a device. Please see our Lone Working Policy and the Solo Protect guidelines.

There are other lone working duty systems in operation in some services such as personal alarms; you must ensure you are familiar with the systems in the service you work in.

## **2.4 Support for Staff**

You will receive training in practical areas, such as case note recording, incident reporting, lone working and dealing with challenging behaviour.

Therapeutic training will be provided to enable staff to make use of psychologically informed frameworks, models and theories to make well-informed interventions in order to help residents/service users change ASB, including:

- Cognitive behavioural techniques
- Attachment, separation and loss
- Motivational interviewing
- Solution focused approaches
- Resilience framework
- Trauma informed approach

As a trauma informed organisation, we recognise that we need to support staff in dealing with vicarious trauma. In addition to support from their line-manager, all frontline staff will have regular Reflective Practice Supervision (RPS) with their peers.

In addition to the above, YMCA DLG provides a framework of line management support where you can also talk to your line manager about your work preventing or dealing with ASB.

## **3.0 Joint working**

We work closely with partners to find support interventions and rehabilitation options for the perpetrators and victims of ASB. Some incidents may result from drug and alcohol use, mental health issues or disability and that is why you are likely to work closely with mental health teams, youth offending and probation teams, substance misuse teams and other local service providers.

More serious, long running cases of ASB cases should be referred to the Antisocial Behaviour Team / Community Safety Team in your area, for case work, in a bid to try to change this behaviour. Across the areas in which YMCA DLG operates, other projects may be able to help such as Behaviour Support Teams and Neighbourhood Housing Workers.

In cases of persistent ASB you must act to protect other people in our communities (see our Community Responsibility Policy). Effective partnership interventions prevent and deter ASB and will create safer neighbourhoods and cohesive communities so staff should endeavour to take a partnership approach.

## **4.0 Reporting Anti-Social Behaviour**

ASB may be reported to you by one of our residents/service users, or a member of the community. Please see below:

### **4.1 Standard office hours**

Within standard working hours if you receive a complaint of ASB please acknowledge the complainant and act on the complaint where appropriate. If it is necessary, please report this to your line manager who will ensure that further action is taken. All actions taken must be logged as directed by your manager.

### **4.2 Outside of standard office hours**

Outside standard working hours on-call should be contacted on 01273 007869.

### **4.3 Recording and monitoring**

Staff should record any ASB that is either witnessed or reported to them on In-form (our case management system), ensuring that the ASB box is checked. Where possible as much detail should be recorded using the exact language or behaviour and including quotation marks where appropriate.

If the ASB constitutes an incident, an incident report must also be completed on In-form (see Incident Reporting Policy), ensuring that the ASB is checked. Where ASB is in the form of verbal aggression/abuse, this needs to be recorded accurately (in quotation marks and no use of asterisks). Staff must consider whether incidents constitute a safeguarding concern and liaise with their manager for support.

We keep records of complaints regarding ASB that we receive, and the actions taken to deal with them. Complainants or perpetrators, who are unhappy with the action taken, may make a formal complaint (see Complaints Policy and Procedure).

By monitoring ASB we are able to continuously review the way we work and determine how effective our policies and procedures are, so that we can improve our performance.

### **4.4 Dealing with a complaint of Anti-Social Behaviour**

Any staff member receiving a complaint of ASB will need to acknowledge the complaint as soon as possible (and no later than 5 working days, in line with our Complaints Policy) and let the complainant (person making the complaint) know what action you will be taking. Low level ASB can usually be responded to swiftly however if the ASB is serious or you cannot deal with it then you will need to pass this on to the relevant manager to investigate. At this point our Complaints Policy and Procedure would need to be followed, and details will need to be logged in the central complaints register via named leads (restricted access, see Complaints Policy for details).

When ASB occurs, you should make contact with the perpetrator within a week to arrange a meeting to discuss their behaviour. For serious ASB the meeting should be prioritised so it can take place as soon as possible.

If a neighbour/s has been affected then a manager should contact them to apologise and outline steps taken to prevent further issues, in line with our Information Sharing Policy.

Where a report of more serious or repeat occurrences of nuisance or ASB is received, the complainant will be contacted. We will agree with the complainant a course of action to be followed. This may include asking the complainant to complete a nuisance diary, or log sheet for example.

All cases will be dealt with in a sensitive manner. It is important to listen to all parties impartially before deciding on a course of action. Further investigations may be necessary before any decision can be made regarding action to be taken.

You/the person leading on the complaint will need to keep both the complainant and the alleged perpetrator informed of relevant information and developments throughout the process.

A complaint of ASB needs to be investigated and responded to within 28 days of receiving the complaint, as set out in our Complaints Policy.

### **4.5 Supporting complainants and perpetrators through Court**

In some cases where police have been involved and a case is going to court, it is possible that you may be required to attend court and provide evidence; for example, evidence about what has been done to address the ASB, or to provide "hearsay" evidence where the witness is unable or unwilling to do so. You should gather the appropriate information and documentation with the support and supervision of your manager.

We may move residents if their safety or wellbeing are compromised. In the most serious cases we may consider moving the victims or witnesses to another local authority area. Victims will be referred to relevant

support services where appropriate. Support should be offered to perpetrators if appropriate. If the ASB is against you, your manager will decide whether you can still offer support to the perpetrator. YMCA DLG have links with a number of agencies that can offer a range of support and rehabilitation services.

## **5.0 Actions (informal/non-legal) to take**

When deciding how to tackle ASB we will take in to account the:

- Specific behaviour
- Frequency
- Severity
- Consequences of the behaviour
- Intentions behind the behaviour.
- Support needs of the perpetrator
- Support services delivered to the perpetrator

We must be able to justify action taken with regards to these points.

There are a number of tools we use to manage ASB, which are described below. Please speak to your manager for guidance.

### **5.1 Supported Accommodation**

#### Writing to or interviewing the known perpetrator(s)

A senior worker will normally visit the alleged perpetrator(s) (with the agreement of the victim, where applicable) to advise them that the concern has been raised, explain the effect that their behaviour is having and ask them to stop. It is often the case that counter-allegations are made, and the worker will then need to pursue further lines of investigation to establish the facts. It is likely that if the facts are supported, a warning will be given.

#### Warnings

A warning may be issued to a resident causing ASB. The grade of the warning will depend upon the severity and/or frequency of the ASB (see Warnings Guidelines - in draft).

If a resident is warned, a formal meeting will be held with them to discuss, make clear our future expectations, and to offer them support. Warnings relating to ASB will remain on the resident's file but may be reduced in length/finished if no more ASB occurs within three months. If there is repeat ASB within three months a higher-grade warning will be issued.

In certain projects residents can reduce the length of their warnings/finish the warning before the three-month mark if they meet certain criteria. These are listed below, or these can be actions taken in their own right and used as alternatives to issuing warnings:

#### Acceptable Behaviour Contracts (ABCs)

These are a voluntary agreement, generally used when the behaviour would not warrant an Anti-Social Behaviour Order. YMCA DLG can initiate these, but they can also be done in partnership with the police or the local authority. For example, they may be asked to engage with a Programme Co-ordinator and/or take part in diversionary activities.

#### Restorative justice

Perpetrators may be asked to do something positive for those affected by their ASB. For example, when a resident causing damage to our property, they may be asked to work with maintenance personnel to help repair the damage they caused.

#### Mediation

Where appropriate we encourage perpetrators to engage in mediation with co-perpetrators or victims as this can help gain an understanding and respect of other views. However, there are some aspects of

mediation/restorative justice that can be unmanageable for our residents/service users, so it is necessary to take into account the current skills and emotional capacity of the person. This may include coaching and support to develop insight and less public (shaming) ways of making repair.

## 5.2 Other services within YMCA DLG (non-residential)

For clients that are accessing projects that are not accommodation based, a similar pattern of actions could be taken as set out above in 5.1, however, these projects are likely to have variations on the warning system, but also provision to ban a client from using the service for a period of time if the level of ASB is serious enough (e.g. it was perceived to be of serious risk to themselves, others or property).

Examples of projects that have tailored warnings/banning procedures are:

- Advice Services such as our Youth Advice Centres (YACs)
- Youth work programmes in East Sussex

## 6.0 Formal and Legal Action

If formal or legal action is required, then full case details will be presented to the Manager for approval. This action should be a last resort.

Where YMCA DLG acts as managing agent for the landlord permission must be sought from the landlord before each stage of formal action.

### Eviction – excluded licenses only

If an individual is occupying their accommodation under an excluded licence agreement, then YMCA DLG do not need a Court Order to evict. Reasonable notice, usually 28 days, will be given. The notice period can be reduced if the ASB is very serious and places someone at risk of harm or significantly interferes with our ability to manage the project. Any eviction must be authorised by a manager (please see Eviction Policy - draft).

## 6.1 Legal Action

### Possession Proceedings (for those accommodated under an AST agreement)

We can apply to the County Court for a Possession Order if the ASB is of a serious nature. The Court would expect the organisation to have considered all other possible options to deal with the behaviour beforehand.

To grant an Order the Court must be satisfied that there is a valid reason, on one of the grounds specified in the Housing Act 1988, and in their tenancy agreement, and that it is reasonable to grant possession to us. The Order may be outright or suspended. A suspended Order means that the tenant cannot be evicted unless they break the terms of the Order. An outright Order will mean that we can evict the tenant.

### Eviction – Assured Shorthold Tenancy (AST)

If an individual is occupying their accommodation under an AST, then YMCA DLG need to obtain a court order in order to carry out an eviction. Any eviction must be authorised by a Manager and Head of Service (please see Eviction Policy -draft) **Note:** A Court Order cannot take effect within the first six-month period of a tenancy.

### Injunctions

These can apply to any resident of, or visitor to, our accommodation projects. Under the Anti-Social Behaviour Crime & Policing Act 2014 (ASBCPA) a **housing-related injunction to prevent noise and annoyance (IPNA)** can be obtained through the County Court. YMCA DLG may make an application only if the application concerns anti-social behaviour that directly or indirectly relates to or affects its housing management functions.

Terms of an IPNA:

a) Prohibitions and positive requirements

An IPNA must include:

- a prohibition, requiring a person to stop doing something (for example playing music in the home after 8pm at night), and/or
- a positive requirement aimed at getting a person to deal with the underlying cause of her/his antisocial behaviour (for example attending mediation classes with neighbours or an alcohol misuse course).

The prohibitions or positive requirements must be reasonable and, so far as practicable, must not:

- interfere with a person's time at work or school (or other educational establishment)
- conflict with requirements of any other court orders in force against that person.

b) Exclusion from the home

An IPNA can exclude an adult from her/his home where the court thinks that

- the person has engaged in violence, or threatened violence, against another person, or
- there is a significant risk of harm to another person.

Harm includes serious ill-treatment or abuse, whether physical or not. As such it could include emotional or psychological harm, such as harassment or racial abuse.

The power to exclude from the home does not apply to people aged under 18 years old.

Statutory guidance advises that the court will pay special attention to proportionality in light of the Article 8 of the European Convention on Human Rights, and as such applications for exclusion should only be made in extreme cases

c) Time-limits

For adults, any prohibition or requirement in the IPNA can be for a fixed period or 'until further order'. In the case of under 18yrs olds the maximum period is 12 months.

Criminal Behaviour Order (CBO)

These can apply to any user of our services, resident or not. Under the ASBCPA (2014) a court may impose a CBO (replaced ASBO) on any individual convicted of a crime. The CBO may only be sought by the Crown Prosecution Service or a Local Authority and must meet the following conditions:

- Conviction of offence
- Criminal standard of proof
- Person had engaged in behaviour which caused or was likely to cause harassment, alarm or distress to any person
- Order will help prevent further behaviour.

The CBO can contain prohibitions, requirements, or both.

## **7.0 Further Information**

### **7.1 Relevant YMCA DLG Policies:**

- Complaints Policy
- Data Protection and Information Handling Policy
- Drugs Policy

- Eviction Policy
- Incident Reporting Policy
- Information Sharing Policy
- Lone Working Policy
- Managing Difficult and Aggressive Situations (overarching Policy)
- Managing Drugs and Alcohol in Services Policy
- Solo Protect Guidelines
- Warnings Procedure

## **7.2 Other resources**

RESPECT Charter for Housing

<http://www.cih.org/resources/PDF/Marketing%20PDFs/respect-asb-charter-for-housing.pdf>

Shelter injunction guidance

[https://england.shelter.org.uk/legal/harassment and antisocial behaviour/harassment and antisocial behaviour/injunctions to prevent nuisance or annoyance IPNAs](https://england.shelter.org.uk/legal/harassment_and_antisocial_behaviour/harassment_and_antisocial_behaviour/injunctions_to_prevent_nuisance_or_annoyance_IPNAs)

## **7.3 Legislation referred to:**

- Housing Act (1996)
- Anti-Social Behaviour Crime & Policing Act (2014)  
<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
- Equality Act (2010)
- Human Rights Act 1998
- Data Protection Act (2018)
- Crime and Disorder Act (2000)