

## 1. Aim of the Policy

1.1. To ensure that St Mungo's:

- Provides a clear and comprehensive sequence of steps for dealing with different incidents in relation to anti-social behaviour (ASB).
- Ensure that ASB is managed consistently throughout St Mungo's accommodation where we have housing management responsibilities.
- Require staff to be thorough from the outset in dealing with ASB, and to keep good quality records of progress and actions on each case.
- Provide realistic time scales for progressing cases.

1.2 St Mungo's has a duty to respond to and tackle all incidents of alleged hate incidents or hate crimes regardless of intent or outcome by requiring staff and encouraging clients/tenants and the local community to report any hate incidents and crimes at the earliest opportunity through our [incident reporting](#) process which includes making a report to the police.

1.2. Tackling ASB can be complex and emotive and there are many risks of not managing cases effectively which include:

- Harm caused to St Mungo's clients, staff, volunteers, contractors, visitors or neighbours
- Creates an unwelcoming living environment for clients/tenants which may not feel safe
- St Mungo's acquires a poor reputation in the local community
- Take up staff time if not managed efficiently and effectively
- Potentially high legal costs
- Increased repairs and maintenance costs as a result of damage caused.

1.3. In light of identified good practice in identifying risk of harm to individuals, St Mungo's has adopted the P.E.N approach. P.E.N. is a typology aimed at managing risk and prioritising cases by identifying three principal categories of ASB (see the table in 1.4 of the procedure). This stands for –

- **Personal** (targeted behaviour to an individual, therefore likely to have a higher risk of harm),
- **Environmental** (affecting the community as a whole, rather than targeted at an individual, therefore likely to have a lower risk of harm) and
- **Nuisance** (causing a nuisance to the community rather than necessarily targeted at an individual/family, therefore likely to have a lower risk of harm).

## 2. Scope

2.1 This policy applies to clients living in all type of tenancy (including licences) managed by St Mungo's and their visitors, whether they are the alleged perpetrator or the person reporting ASB. It sets out a clear process for how to investigate and respond to ASB concerns.

2.2 This policy applies to both St Mungo's clients living in accommodation where we provide housing management service and support, and tenants where we just provide a housing management service only (e.g., Real Lettings).

2.3 This policy does not apply to any service where we do not provide a housing management service (i.e. support-only services).

- 2.4 The policy is to be used in line with the [Responding to Challenging Behaviour \(Accommodation-based\)](#) policy and procedure which sets out our approach on how we work with our client around challenging behaviour (both informal and more formal approaches).
- 2.5 This policy applies to complaints of anti-social behaviour when made by a third party (i.e. another client or neighbours) and not to incidents of ASB witnessed by a staff member (although the incident report created by the staff member might be used as evidence in the ASB case).

### 3. Diversity Implications

- 3.1 St. Mungo's will apply this policy consistently and fairly, and will not discriminate against anyone based on protected characteristics as set out in the Equality Act 2010.
- 3.2 We must consider the impact of an individual's protected characteristics when deciding on the most appropriate action to take in responding to anti-social behaviour. All actions must be proportionate and geared towards a legitimate aim, namely: protecting the rights and freedom of all clients and/or tenants; ensuring the safety of the service; keeping staff safe and protecting their rights e.g. the right not to be discriminated against; and securing compliance with the client's licence or tenancy agreement. This includes complainants should they use discriminatory language.
- 3.3 St Mungo's staff are in a position of authority in relation to clients. As a result, clients/tenants may be anxious about speaking up due to concerns that there may be negative consequences for them, including eviction (where they live in St Mungo's accommodation), victimisation or withdrawal of support. The procedure is designed to standardise working practices and minimise the potential risk of staff using their position, or being perceived to do so, to discriminate against specific individuals or groups of clients/tenants.

### 4. Definitions

- 4.1 Anti-Social Behaviour is defined as someone behaving in a manner that has caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household.
  - 4.1. The ASB, Crime and Policing Act 2014 defines ASB as conduct:
    - a) that has caused, or is likely to cause, harassment, alarm or distress to any person,
    - b) that is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises,
    - c) capable of causing housing-related nuisance or annoyance to any person
  - 4.2. To assist and make it easier for our colleagues and residents to understand what is appropriate to report, the following list some examples of incidences which will be considered as ASB:
    - a) Violence or threats of violence by clients or their visitors.
    - b) Anybody causing nuisance or annoyance which directly or indirectly affects our housing management functions.
    - c) Rubbish which has not been properly disposed of.
    - d) Vandalism and graffiti.
    - e) Hate incidents motivated by someone's age, disability, faith, sexual orientation or race

This list is not exhaustive and we will thoroughly assess and investigate all reports of ASB.

## 5. Aims and Objectives

- 5.1. We aim for all our housing accommodation to be places where people want to live and feel safe, and be free from violence and nuisance. We recognise that people being and feeling safe in their home is important to how they feel about where they live.
- 5.2. Tackling Anti –Social Behaviour (ASB) and Nuisance is essential to achieving this outcome. We aim through this policy to prevent and reduce harm caused by ASB to individuals and communities.
- 5.3. Our priorities and focus are:
  - To ensure we have a good understanding of the causes and consequences of ASB in our services
  - To understand that sometimes ASB can be indicators of client’s increasing support needs so that we can integrate our response to ASB with our assessment and support processes.
  - To deliver and promote a preventative approach using a range of intervention tools, (including the Challenging Behaviour policy and procedure)
  - To tackle ASB swiftly and effectively and to only use enforcement actions as a last resort.
  - To maintain and improve relationships with other agencies, including local authorities and neighbourhood police teams
  - To continuously assess and improve on our approach to ASB.
  - To be good neighbours and play a positive part in the communities our services are located in.

## 6. Complaints

- 6.1. Where a client/tenant feels that St. Mungo’s has not investigated their reports of ASB in compliance with this procedure, they can submit a formal complaint and can refer to St Mungo’s [Complaints Policy and Procedure](#).

## 7. Monitoring / Auditing and Controls

- 7.1. St. Mungo’s is committed to monitoring and improving its performance in managing and resolving ASB. Monitoring will include:
  - Regular performance reporting.
  - Benchmarking our service against other Registered Providers, including through the Tenant Satisfaction Measures.
  - Reviewing customer experience using satisfaction surveys.

## 8. Regulation

- 8.1. St. Mungo’s is a registered provider of social housing which is regulated by the Regulator for Social Housing. We will deliver services in line with the consumer standards highlighted by the regulator. When developing this policy, we pay particular attention to [The Neighbourhood and Community Standard](#).

## 9. Legislation

- 9.1. St. Mungo’s continues to monitor and review the relevant legislation in tackling ASB. We pay particular attention to the following legislation when writing this policy:

Housing Act 1985  
ASB, Crime and Policing Act 2014  
Equality Act 2010  
Mental Capacity Act 2005  
The Care Act 2014  
The Children’s Act 2004

## 10. Relevant Documents, Policies and Procedures

### ***Supporting Documents***

1. Good Neighbour Plan
2. ASB Initial Report Form
3. Meeting with Complainant Practice Notes
4. Action Plan Practice Guide
5. Meeting the Other Party Practice Note
6. Investigation Practice Note
7. Community Harm Statement
8. Legal Enforcement Justification Exercise

### ***Policies***

[Responding to Bullying and Harassment](#)

[Domestic Abuse](#)

[Drugs](#)

[Incident Reporting](#)

[Responding to Challenging Behaviour \(Accommodation-based\)](#)

[Responding to Challenging Behaviour \(Non-accommodation services\)](#)

[Working with the Police and Enforcement Agencies](#)

[Safeguarding Adults](#)

[Safeguarding Children](#)

[Visitors of Clients](#)

[Complaints](#)

<b>This policy was developed in consultation with:</b>
<ol style="list-style-type: none"><li>1. All Services Managers (via Managers Digest)</li><li>2. Client Services Leadership Team</li><li>3. Head of Housing Management</li><li>4. Outside In</li><li>5. Quality and Continuous Improvement team</li></ol>