

1 Policy statement

- 1.1 At Rooftop Housing Group (Rooftop) we understand the significant negative impact that Anti-Social Behaviour (ASB) and hate incidents can have on our customers whether experiencing them directly or living in a community where the ASB and hate incidents are occurring. We are committed to providing our customers with safe and pleasant places to live and to work with partners with a common aim to reduce these incidents. We will provide support to those who have been affected by ASB and remove any barriers to reporting incidents.
- 1.2 This Policy outlines our approach to dealing with ASB and hate incidents ensuring that we meet the relevant statutory and regulatory standards.

2 Statutory and Regulatory context

- 2.1 This document has been reviewed in line with the Regulator of Social Housing's (RSH) Neighbourhood and Community Standard (April 2024) which states: "Registered providers must work in partnership with appropriate local authority departments, the Police and other relevant organisations to deter and tackle anti-social behaviour (ASB) and hate incidents in the neighbourhoods where they provide social housing".
- 2.1.1 "Registered providers must have a policy on how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing".
- 2.1.2 "Registered providers must clearly set out their approach for how they deter and tackle hate incidents in neighbourhoods where they provide social housing".
- 2.1.3 "Registered providers must enable ASB and hate incidents to be reported easily and keep tenants informed about the progress of their case".
- 2.1.4 "Registered providers must provide prompt and appropriate action in response to ASB and hate incidents, having regard to the full range of tools and legal powers available to them".
- 2.1.5 "Registered providers must support tenants who are affected by ASB and hate incidents, including by signposting them to agencies who can give them appropriate support and assistance".
- 2.1.6 "Registered providers must have a policy for how they recognise and effectively respond to cases of domestic abuse. Our approach to dealing with domestic abuse is set out in our Domestic Abuse Policy.
- 2.2 This Policy also considers a range of relevant UK legislation and regulation including:
- Housing Acts 1985, 1988 and 1996
 - Civil Evidence Act 1995
 - Crime & Disorder Act 1998
 - Anti-social Behaviour Act 2003

- Anti-social Behaviour, Crime and Policing Act 2014
- Police and Crime Act 2017
- Home Office ASB, Crime and Policing Act 2014 Statutory Guidance for frontline professionals
- Environmental Protection Act 1990
- Protection from Harassment Act 1997

3 Policy Outline

3.1 In our work to prevent and address ASB, we will ensure:

- (a) Customers are made aware of their rights in relation to ASB.
- (b) Strong leadership, commitment and accountability for preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies.
- (c) A strong focus on preventative measures tailored towards the needs of customers and their families.
- (d) Prompt, appropriate and decisive action is taken to deal with ASB before it escalates which focuses on resolving the problem having regard to the full range of tools and legal powers available to us. Should the circumstances call for action related to external support, referrals for either acting against a perpetrator, or a support referral for a victim, we will accommodate this and make the necessary referrals.
- (e) All customers and members of the community can easily report ASB via phone, email, or by accessing the reporting portal on our website. Our website offers an accessibility tool to accommodate the various needs of our customers. Customers are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not.
- (f) Support to victims and witnesses is made available. We will ensure that customers are always signposted to the relevant organisation for any additional support needs, whilst also making efforts to support the customer within our own capabilities.

3.1.1 In addition, we will specifically intervene and, where appropriate, take enforcement action where ASB is being practiced by anyone living in or visiting a property owned by us and this includes all tenants, leaseholders and shared owners and where we have sold homes where we can still enforce appropriate covenants, if required. Where our homeowner covenants are not enforceable or appropriate and where other homeowners are involved, we will provide appropriate advice and guidance which may include contacting the Police or the local authority.

4 Equality, Diversity and Inclusion: Principles

4.1 At Rooftop we are committed to creating and sustaining a diverse and inclusive environment achieving positive outcomes for potential and existing customers, our colleagues and the wider community. Our commitments to our customers, colleagues and communities are detailed in our Equality, Diversity and Inclusion (EDI) Strategy. We are an organisation that values diversity, champions equality and inclusion. We demonstrate this through the activities and the services we provide. This means living by, working to and acting on our Values.

5 Vulnerability: Reasonable Adjustments

- 5.1 There are occasionally circumstances where we need to consider working outside of the parameters of this Policy. This may be where there are several complexities present, or where customers have vulnerabilities that may lead us to make reasonable adjustments to the way we apply this Policy. In such cases, a referral should be made to the Complex Cases Review Group via the Head of Housing, where any approach outside of this Policy (and potentially other policies) will be considered and recorded, if agreed. This will always be considered in the context of the Assessing and Supporting Vulnerability Policy.

6 Data Protection: Principles

- 6.1 Rooftop recognises the importance of protecting the personal data of our customers, colleagues, contractors and other stakeholders and our commitment to compliance with data protection laws and managing personal data responsibly. As an organisation, we are committed to ensuring everything we do with personal data follows the principles of lawfulness, transparency, fairness and accuracy whilst minimising the amount of data we collect and only using it for specific, explicit and legitimate purposes until we no longer need it.

7 Objective

- 7.1 We are committed to providing a safe and secure environment for all our customers. We recognise that ASB and hate incidents can have a detrimental impact on individuals, families, and communities. Therefore, we have developed this Anti-Social Behaviour and Hate Incidents Policy to outline our approach in dealing with such issues and to ensure that appropriate measures are taken to address them effectively. We understand that addressing ASB requires collaboration and partnership with other agencies, such as the Police, local authorities, and community safety organisations. We will actively engage with these stakeholders to share information, co-ordinate effort, and develop effective strategies to ASB collectively.

8 Definitions - Anti-Social Behaviour

- 8.1 ASB is a broad term used to describe day to day incidents of crime, nuisance and disorder – from litter and vandalism to public drunkenness, aggressive dogs to noisy or abusive neighbours. For the purpose of this Policy, Rooftop will use the term as defined in section 1 of the Crime and Disorder Act 1998 and extended by the ASB, Crime and Policing Act 2014 as being:
- 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 of residential purposes.
 - Conduct capable of causing housing-related nuisance or annoyance to any person.
- 8.2 Those who may be affected by the conduct include, but are not limited to:
- a) Tenants, leaseholders and shared owners of Rooftop and their visitors.
 - b) Owner occupiers, private rented tenants or any person suffering harassment, alarm or distress.
 - c) Any other person lawfully carrying out their work for Rooftop, or any commissioned contractor.

- 8.3 We expect our customers not to commit, or allow their family, other household members, visitors or pets to commit acts of ASB towards any person reasonably entitled to be in the vicinity of any of our properties, including Rooftop staff and contractors.
- 8.4 In addition, our tenancies, licences, leases and conveyances set out in varying degrees of detail what we also consider to be ASB, such as causing a nuisance or annoyance to other people.

9 Hate incidents

- 9.1 We take hate incidents in any form against any member of our community extremely seriously. Such conduct can have a very traumatic effect on the victim and a divisive effect on our communities.
- 9.2 We will work with external agencies, such as the Police, to tackle any hate related incident and ensure proportionate action is taken to safeguard the victim and local community.
- 9.3 We will make the appropriate safeguarding referrals depending on the context of the case. This could be, but not limited to, MARAC, Adult Safeguarding, Child Safeguarding, and Women's Aid.
- 9.4 In cases where a hate incident has been confirmed to be a hate crime, especially when a conviction has been obtained, we will consider proportionate action against the perpetrator.
- 9.5 In most crimes it is something the victim has in their possession or control that motivates the offender to commit the crime. With hate incidents it is 'who' the victim is, or 'what' the victim appears to be that motivates the offender to commit the crime.
- 9.6 A hate crime is defined as 'Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.
- 9.7 A hate incident is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender.

10 Domestic Abuse

- 10.1 The definition of domestic abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, or abuse between those aged 16 years or over who are, or have been, intimate partners or family members regardless of gender or sexuality.
- 10.2 Domestic abuse is a serious issue that can have a devastating impact upon the victim, their family, and the wider community regardless of race, geography, or social background. It is recognised that domestic abuse affects both adults and children, and it has a detrimental effect on their safety, security, health, and wellbeing.
- 10.3 Domestic abuse may fall within the definition of ASB, and each case will be considered on its facts. We will be mindful of the needs of the victim to ensure they are supported. The use of enforcement tools will be used by Rooftop and or other agencies in appropriate cases (for example, to protect the victim and or impact upon the wider community).

10.4 We have a separate Policy for Domestic Abuse.

11 Categorising ASB

11.1 We put all incidents of ASB reported to us into categories, assessing both the risk and seriousness of the alleged behaviour, and the impact it is having on the victim. If an incident is made up of several types of ASB, we will treat the most serious part of it first.

11.2 ASB may or may not amount to a criminal act. What is important in defining ASB is the effect of the behaviour on others. The 2014 Act defines ASB in three different categories:

11.2.1 **Personal** – behaviour that targets a particular individual or specific group or is aimed at having an impact on a particular individual or incident rather than a community at large.

11.2.2 **Nuisance** – individuals or incidents that cause trouble, annoyance, inconvenience, offence or suffering to people in the local community in general, rather than targeted at an individual.

11.2.3 **Environmental** – incidents and inconsiderate actions which impact on the surroundings including the natural, built and social environments.

We will also differentiate between serious and less serious ASB when deciding what priority to give our response.

Category	Example of Behaviour	Example of action Rooftop may take
Serious	Racial Harassment / Sexual Harassment	Report to Police, seek injunction and possession
Serious	Hate incidents	Multi-agency safeguarding referral, report to Police, seek injunction and possession
Serious	Domestic Abuse (Mental, Psychological, Financial, Emotional)	Work with MARAC, issue injunction, consider management move and possession
Serious	Actual Violence	Immediate legal action (injunction/possession) and liaise with Police
Serious	Threats of Violence	Warning letter, possible injunction, joint working with Police and possession
Serious	Suspected drug using/dealing*	Notify Police, gather evidence, possible possession action and injunction
Serious	Using, owning, or storing illegal weapons	Urgent Police referral and initiate legal action (injunction/eviction)
Serious	Intimidation	Issue warning and escalate to legal intervention depending on risk
Serious	Dangerous Dogs	Report to Environmental Services, Regulatory Services, Dog Warden and enforcement through tenancy conditions
Serious	Criminal Damage	Investigate, recharge costs, issue tenancy warning or notice and Injunction/possession
Serious	Breaches of civil/criminal orders or injunctions	Legal enforcement action (injunction or possession proceedings)

Less Serious	Verbal Abuse	Investigate and issue verbal or written warning
Less Serious	Alcohol-related nuisance	Referral to support services and warning letters and tenancy monitoring
Less Serious	Statutory Noise Nuisance	Work with Environmental Health, noise monitoring equipment and Acceptable Behaviour Contract
Less Serious	Graffiti	Removal, recharge where appropriate and warning to perpetrator
Less Serious	Parking Dispute	Mediation between customers and signage and warning letters
Less Serious	Begging	Liaise with local support services and issue advisory warning
Less Serious	Vandalism	Investigate, repair, recharge and potential enforcement action
Less Serious	Abandoned Vehicles	Report to local authority and arrange removal
Less Serious	Boundary/Hedge Disputes	Mediation, signposting to legal advice and informal resolution
Less Serious	Animal Nuisance (barking, fouling)	Warning letter and referral to dog warden or EH team
Less Serious	Fly-tipping	Investigate and arrange clearance
Less Serious	Litter	Community clean-up engagement and warning letters
Less Serious	Spitting	Verbal or written warning depending on frequency/severity
Less Serious	Urinating in communal areas	Warning letter, consideration of CCTV evidence and enforcement
Less Serious	Playing ball games causing nuisance	Informal warning and letter to parents/guardian
Less Serious	Staring/gesturing looks	Monitor behaviour and mediation

11.3 What we will not consider to be ASB

11.3.1 The following will generally not be considered to be ASB – this is not an exhaustive list:

- Normal domestic everyday noise occurring at reasonable times and not for excessive periods of time.
- Cooking smells.
- Parking issues, where there are no parking regulations breached.
- Children playing.
- Behaviour related to a protected characteristic, including prescription use.

12 Our approach to resolving ASB

12.1 In our approach to resolving ASB we will:

- Expect a reasonable amount of tolerance between neighbours and will seek to make a fair evaluation on whether complaints are reasonable. We consider that an important factor in sustaining communities is the recognition and acceptance by our customers that the initial responsibility for resolving disputes with others lies with them.

- Investigate complaints that involve one of our customers. This could be a tenant, leaseholder or shared owner complaining about another tenant, leaseholder, shared owner, owner-occupier or private tenant. We also investigate complaints made by customers of other landlords, leaseholders, owner-occupiers, or private tenants about one of our customers causing a nuisance within the vicinity of their home.
- Investigate complaints if ASB is being caused by a visitor to our customer's property. Action can be taken against the customer if we believe they knowingly permit a family member or visitor to cause a nuisance whilst visiting or residing at their property or do nothing to prevent further incidents, providing that the law, tenancy conditions or leasehold or shared owner covenants permit this.
- Agree an action plan with the complainant when the initial complaint is made and review this regularly to ensure that the complainant is kept up to date with the progress of the investigation. This action plan will outline key actions to be undertaken by the complainant and also Rooftop. The complainant may be asked to keep a record of incidents and report them on a regular basis.
- Set realistic targets and expectations at the first point of contact and throughout our investigations. Providing clarity around timeframes and the practicalities of escalating cases to the Courts attention.
- Investigate anonymous complaints as far as we can; however, we will not be able to provide feedback to the complainant or gain further information. Therefore, this will limit the amount of action we are able to take. If complainants wish to remain anonymous in the event of Court proceedings, we may use professional witnesses or CCTV where a case warrants it. We operate this way in order to ensure we monitor the progress of the respective case.
- Consider any Safeguarding matters and make appropriate referrals without consent or knowledge of any parties if we believe certain thresholds have been met.
- Not move either the perpetrator or the complainant (except where there are exceptional circumstances). We will work with all parties to resolve the ASB/nuisance behaviour.
- Make use of Performance Indicators (PI) to monitor the quality of each case of ASB and ensure a consistent service delivery.
- Monitor Tenant Satisfaction Measures (TSM) to ensure consistency in service delivery and the perception of ASB within our communities.
- Track the five working day response time to complaints of ASB, striving for completion at the earliest opportunity. If the case presents as serious, aim to contact the victim within 24 hours.
- We will support the victim in our capacity as a social landlord. Support may include, but not limited to, making referrals to external support agencies, such as Victim Support, consideration for a management move where applicable, installing additional safeguarding measures, such as additional locks or CCTV, and working with the respective county council within their means as a stakeholder and responsible body for safeguarding measures.

12.2 Rooftop will adopt a preventative approach to the management of its communities and ASB. All reported cases of ASB will be recorded and assessed. An action plan will be agreed with the complainant(s) and regularly reviewed with them.

- Effective case management will underpin our approach to ASB, and this will include regular contact with the complainant(s) to keep them informed about the progress of their case.
- The frequency and severity of incidents and the effect on the complainant will be considered.
- We will build on our strong partnership working that aims to promote cohesive communities and reduce ASB.
- When a complaint of ASB is made by or against someone we know or suspect to be vulnerable, we will tailor our approach and ensure that signposting to appropriate support is made available. We recognise that some customers may have vulnerabilities, including those with learning or physical conditions, mental health illness or other support needs. The needs of the vulnerable person will be handled appropriately, and, if deemed necessary, in partnership with other agencies. While recognising an individual may have a potential disability or vulnerabilities, we will not ignore instances of ASB as we have a responsibility to the wider community and will balance these competing factors. Legal action will be pursued if it is considered necessary and proportionate.
- Applications for accommodation with Rooftop may be refused where there has been a history of ASB. Each case will be considered on its own merits.
- Within the legal definition of Section 1 of the Crime and Disorder Act 1988 and extended by the ASB, Crime and Policing Act 2014, this expressly includes customers that are not complying with the Government safety advice. Where a breach of injunction occurs, we will take legal advice in line with the CHIC framework and/or the Police if a breach includes the power of arrest.
- This will include where there is already ASB and/or there is a real risk of harm to others, in particular, within extra care and other supported housing.

13 When a customer makes a complaint of ASB:

13.1 We will:

- Contact and acknowledge all reports of ASB from customers within five working days and, where applicable, we will recommend that they contact the Police. Where we deem a report involves a sufficiently serious/significant incident, for example a breach of injunction or Police reports of serious threats of violence, we will make contact as soon as possible.
- When a case of ASB is created, we will complete a Vulnerability/Risk assessment with the source of the complaint.

13.2 The complainant will be given clear instruction on how to report incidents of ASB to the assigned case manager. The case manager will update the complainant on any developments with their case, whilst agreeing a frequency of contact.

13.3 If the complainant is a non-tenant, complaining against an RHA customer, the complainant will receive a response within five working days. Where a complaint involves a serious incident(s) of ASB, we will attempt to make contact as soon as possible. When the complainant details ongoing or persistent reports of ASB, we will open a case, using the complainant as the primary source of contact. A vulnerability and risk assessment will be completed on behalf of the complainant when a case is created.

- 13.4 If an incident is reported to our out of hours service, the details will be passed to the appropriate Neighbourhood Housing Officer who will contact the complainant within five working days depending on the seriousness of the ASB.
- 13.5 We will complete a Proportionality Assessment (Justification Prior to Legal Action to include Equality Act 2010) which will help to ensure that we appropriately respond to the alleged perpetrator for example, if there is a possibility of mental illness. This will be signed off by a manager responsible for dealing with ASB cases.
- 13.6 We will ensure clear communication at the closure of a case to endeavour that the complainant feels reasonable action has been taken and is satisfied overall with the outcome. This will depend on the context of each case and that we have acted accordingly to manage ASB.

14 Tackling ASB through non-legal action

- 14.1 We will make every attempt to resolve ASB through non-legal means in the first instance, as we recognise early intervention can stop ASB from escalating.

14.2 Mediation

- 14.2.1 We will make referrals for mediation between parties to resolve the situation amicably. Mediation requires consent from both parties and a willingness to resolve the dispute. The complainant and the alleged perpetrator would be expected to comply with Rooftop's request for mediation. Failure to comply may result in either the case being closed or the case being escalated to legal action, depending on the circumstances of the case.

14.3 Restorative justice

- 14.3.1 We will also, where appropriate, make referrals for Restorative Justice (RJ). RJ requires consent from both parties and an admittance of guilt from the alleged perpetrator or other party. The aim is to facilitate a meeting between the offender and victim that allows the offender to understand the harm they have caused; to try and make amends for their actions and reduce the likelihood of repeat behaviour. We strongly encourage the use of RJ as a means of achieving closure and resolution.

14.4 Warning letters

- 14.4.1 We will issue warning letters, where appropriate and, in some cases, this can be sufficient to bring the ASB to an end.
- 14.4.2 This can be where the alleged perpetrator is either unaware of the harm their actions are causing to others or where the mention of possible legal consequences, such as the possible loss of their home, is sufficient to bring ASB to an end.
- 14.4.3 Such letters will be carefully worded according to the circumstances of the case and available evidence at the time of writing.

14.5 Referral to support services

- 14.5.1 In some circumstances, other professional services may be able to provide a satisfactory end to the ASB by providing support and guidance to the alleged perpetrator. We will always consider enlisting this additional help, whenever appropriate.

14.6 Acceptable behaviour contracts

- 14.6.1 These are sometimes also referred to as Voluntary Undertakings, Parenting Agreements or Good Neighbour agreements. In essence, these types of agreement are appropriate for where the alleged perpetrator is willing and able to agree not to

cause any further ASB. We will monitor such agreements and take further action where appropriate.

14.7 Extending starter tenancies

- 14.7.1 Many of our new customers will start their tenancies on a Starter Tenancy. This is a form of tenancy designed to see how the customer can conduct their tenancy and if they can comply with all its conditions before we decide whether to convert it to a periodic tenancy or end their tenancy after 12 months. We do, however, have the power to extend a starter tenancy from 12 to 18 months where we believe the customer may be able to adjust their behaviour and comply with the tenancy conditions, given some additional time. This, in some cases, can be sufficient to prevent further ASB.

15 Tackling ASB through legal action

- 15.1 In some situations, non-legal means will not be possible and immediate legal action may be taken to protect our customers and communities from those causing ASB.

15.2 Resolving ASB through legal means:

Notice of Seeking Possession

Termination of Starter Tenancy

Anti-Social Behaviour Injunctions for those perpetrating aged over 10

Community Protection Orders

Court Undertaking

Noise Abatement Notice

Dispersal powers

Community protection notices

Public spaces protection orders

Closure Powers

Demotion of Enhanced Assured Tenancy

Possession and absolute grounds for possession

- 15.3 When resolving ASB through non-legal and legal means, we may work with other partner agencies alone or in partnership.

16 Working with partnering agencies

- 16.1 We will provide an effective collaborative approach with external partners, utilising all resources each respective organisation has at its disposal. We will work effectively with local partners and stakeholders to ensure we play an effective role in service delivery and investment within the neighbourhoods and communities that we serve. Our partnerships support our ability to ensure our neighbourhoods remain safe and issues identified are promptly resolved.

- 16.2 Examples of partnerships include, but are not limited to, Worcestershire and Gloucestershire Strategic Housing Partnerships, Police and probation, local authorities, local community groups and residents' associations, Multi-Agency Public Protection Arrangements (MAPPA), Gloucestershire Hate Crime and Incident Strategic Group, Fire and Rescue Service, Worcestershire and Gloucestershire Health and Wellbeing Boards.

- 16.3 Our Customer Engagement Framework outlines the roles of customers and stakeholders in delivery, which is published on our website.
- 16.4 We will operate a Police Liaison Meeting within each locality where we are a predominant stakeholder (Worcester, Pershore, Gloucester, Evesham) as well as evidence actively working with Police and partnering agencies in all localities.
- 16.5 We will work with any respective local authority should a Community Trigger Process be activated. The Community Trigger Process relies on stakeholders involved in active cases of ASB to agree a best practice approach. We will always work with professionals when seeking resolution in all cases of ASB.

17 Protection of colleagues

- 17.1 Rooftop will take firm action if its colleagues, agents, or its contractors are threatened, abused, or subjected to any form of ASB. This includes legal action, where appropriate, and referral to the Police for investigation.

18 Professional Training

- 18.1 All relevant colleagues will receive professional training on all aspects of ASB including legislation, tackling ASB effectively and supporting victims of ASB.

19 Review

- 19.1 This Policy will be reviewed every three years unless there are major changes in legislation or good practice.

20 Consultation

- | | | |
|------|--------------------------------|-----------|
| 20.1 | Leadership Team Sub-Group | |
| 20.2 | Executive Team | July 2025 |
| 20.3 | Other (for example, customers) | N/A |

21 Responsibilities

- | | Responsible body |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 21.1 | <div>Formulation, amendment and approval of policy</div> <div>Monitoring of policy</div> <div>Operational management of policy/policy author</div> |
| | <div>Executive Team</div> <div>Leadership Team</div> <div>Head of Housing</div> |
| 21.2 | Date of formulation of Policy |
| | March 2019 |
| 21.3 | Dates of Policy reviews |
| | July 2025 |
| | July 2024 |
| | April 2024 |
| | May 2023 |
| | April 2021 |
| 21.4 | Date of next Policy review |
| | July 2028 |

Associated documents

Internal – Rooftop policies and procedures

- Domestic Abuse Policy
- Neighbourhood and Estates Management Policy
- ASB Procedure

External

- Regulator of Social Housing's Neighbourhood and Community Standard (April 2024)
- Relevant UK and English legislation and regulation as listed at 2.2.