

RADIUS HOUSING ASSOCIATION 	Document No: HPO001	
	Prepared by:	C Cackett
TITLE: Anti-Social Behaviour Policy	Authorised By:	L. Wilson
	Date:	2 May 2025
	Version No:	4
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1.0 Introduction

- 1.1 It is the intention of this Statement of Policies & Procedures to demonstrate Radius Housing commitment to deal effectively with reported incidences of Anti-Social Behaviour (ASB). This Policy provides an overview of the principles underlying Radius' approach to ASB and is supported by our ASB Procedure (HPR001) which provides details on how reports of Anti-Social Behaviour will be processed by Radius and the remedies used to tackle Anti-Social Behaviour.
- 1.2 In September 2004, the then Department for Social Development (DSD) now Department for Communities (DFC) issued a directive under Article 10 of the Housing (Northern Ireland) Order 1981, that all Registered Housing Associations in Northern Ireland have in place a policy and procedures for dealing with ASB and that they are adhered to at all times.
- 1.3 This directive has been superseded by Article 27A of the Housing (NI) Order 2003 as inserted by Section 10 of the Housing (Amendment) Act (NI) 2010.

2.0 Legislation

- 2.1 Part II of the Housing (NI) Order 2003 was designed to extend powers to tackle ASB in local communities. It provides for Introductory Tenancies and includes measures for developing the use of injunctions and extending the grounds for possession. In addition, Part IV of the 2003 Order provides for persons who are unsuitable to be tenants because of their unacceptable behaviour to be treated as ineligible for housing accommodation or homelessness assistance.
- 2.2 The Anti-Social Behaviour (NI) Order 2004 enables the Housing Executive, District Councils and the PSNI to apply to the courts for Anti-Social Behaviour Orders (ASBOs). Housing Associations are not empowered to apply for ASBOs but can apply to the above relevant authorities to issue ASBOs on their behalf.
- 2.3 The Housing (Amendment) Act (NI) 2010 has also amended the Housing (NI) Order 2003 to provide that a conviction for any offence which involved the use of a dwelling house for illegal or immoral purposes will be grounds for possession.
- 2.4 The Housing (Amendment) Act (NI) 2011 provides for social landlords to withhold consent to an exchange of tenancies where an order or injunction relating to anti-social behaviour is in place; where an application for an order or injunction is pending before any court and where the tenant or proposed assignee, or person residing with either of

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them, has been convicted in connection with an offence which involves the use of the tenant or assignee's home for immoral or illegal purposes, or has been convicted of an indictable offence.

- 2.5 Furthermore, The Housing (Amendment) Act (NI) 2016 has also amended the Housing (NI) Order 2003 to allow the disclosure of information relating to ASB if the information is disclosed for a relevant purpose.

3.0 What is Anti-Social Behaviour

- 3.1 For the purposes of this policy ASB is defined as engaging in or threatening to engage in behaviour which:

- Causes or is likely to cause nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in or in the locality of any housing accommodation owned or managed by Radius, or
- Involves the use of housing accommodation owned or managed by Radius for an unlawful or immoral purpose.

- 3.2 In addition:

An individual may be deemed to have acted in an anti-social manner if he/she has:

- Been convicted of an offence which involves using the dwelling-house or allowing it to be used for illegal or immoral purposes
- Been convicted of an indictable offence committed in, or in the locality of the dwelling house, or
- Directly or indirectly affected Radius' management functions or matters relating to those functions.

- 3.3 ASB might include amongst other things:

- Violence or the threat of violence
- Hate behaviour that targets members of identified groups because of their perceived differences (e.g. race, religion, political affiliation, disabilities or sexual orientation)
- Noise Nuisance (e.g. rowdy parties, loud music/TVs, dog barking)
- Arguing and door slamming
- Environmental quality issues (e.g. litter, dog fouling, graffiti, fly tipping, nuisance vehicles)
- Offensive drunkenness
- Using housing accommodation for selling drugs or drug abuse or other unlawful purposes

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- Intimidation and Harassment.

3.4 The above list includes typical types of behaviour which trigger consideration for action by Radius. The list is not exhaustive and the policy statement is not an undertaking to act in every instance. Radius acknowledge that not every behaviour reported is best placed to be investigated in line with our ASB policy so have developed a Neighbourhood Management Procedure (HPR055) to provide an alternative approach to better manage expectations of the complainant.

4.0 Strategic Context

4.1 Tackling ASB must be seen within the context of existing statutory obligations which include but are not limited to:

- Anti-Social Behaviour (NI) Order 2004
- The Housing (Northern Ireland) Order 1988 (Part II) Article 7A and The Housing (Northern Ireland) Order 1981 Article 22A
- The Children (Northern Ireland) Order 1995 (in particular Article 46)
- The Disability Discrimination Act 1995 (in particular 22(3)(c))
- The Race Relations (Northern Ireland) Order 1997 (in particular articles 21 and 22)
- The Human Rights Act 1998
- The Northern Ireland Act 1998 (Section 75 Equality of Opportunity).

4.2 The Housing (Northern Ireland) Order 2003 affords Housing Associations with specific powers to tackle ASB in local communities by the:

- Introduction of introductory tenancies

4.3 This Order also enhanced and extended the existing powers afforded to Housing Associations in relation to:

- Possession and injunctions proceedings.

4.4 Injunctions and Anti-Social Behaviour Orders proceedings are not restricted to Housing Association tenants but can be initiated in respect of any individual involved in ASB in the locality/vicinity of Radius owned/managed stock.

4.5 The Housing (Amendment) Act (NI) 2016 has extended powers for Housing Associations to request disclosure of information about any person relating to anti-social behaviour if

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the information is being disclosed for a relevant purpose. This includes applying for possession, injunctions against breach of tenancy, withholding consent to a mutual exchange and considering allocating accommodation to any person.

- 4.6 This Statement of Policy and Procedures is compatible with the Northern Ireland Housing Executive's Homelessness Strategy and other housing strategies.

5.0 Our Approach to Anti-social Behaviour

- 5.1 Radius acknowledges that every individual is entitled to live in peace within their neighbourhood and that to provide a quality service, ASB must be addressed effectively. We are committed to tackling ASB wherever it occurs in whatever form it presents itself.

- 5.2 Not every behaviour reported is best placed to be investigated in line with our ASB policy so we have introduced a Neighbourhood Management Policy (HPO055) to provide an alternative for low level incidents.

- 5.3 Radius provides an ASB toolkit on our website to help tenants establish if the behaviour is normally classed as ASB and how to report incidents.

- 5.4 Radius will:

- Request that all new tenants and re-lets sign a Good Neighbourhood Agreement (HF177) at the beginning of their tenancy. This document refers to the conduct that is expected of each tenant as well as incorporating community safety and shared neighbourhood principles. This is a stand-alone document and is a voluntary charter that is additional to the legal tenancy agreement
- Quickly and formally acknowledge all reports of ASB
- Seek to investigate all reported instances of ASB at office level in a timely manner
- Provide advice and support
- Identify and interview all interested parties
- Establish inter-agency working where appropriate
- Use legal action when all efforts at conciliation have failed. Action can include possession, injunction and applying to relevant authorities for an Anti-Social Behaviour Order. It should be noted that conciliation is not always appropriate and sometimes it is necessary to resort to legal action immediately.
- Endeavour to take action on behalf of Radius tenants who are the victims of ASB
- Seek to respond to instances of ASB on Radius Housing land whether the complainant is a tenant, private tenant or owner occupier, and

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- In the context of re-housing, take full account of any ASB carried out by the housing applicant or their household, to the extent that this is legally permissible.

6.0 Reporting Anti Social Behaviour

- 6.1 Complaints of ASB can be forwarded to (any of) the following address(es). Complaints may be made in person, in writing, via phone, or by e-mail to:

Communities Department
Radius Housing
Cameron House
3 Redburn Square,
Holywood,
Co Down,
Northern Ireland
BT18 9HZ

Tel: 0330 123 0888

Email: info@radiushousing.org

Website: <https://www.radiushousing.org/tenants/tenant-support/anti-social-behaviour-toolkit/asb-form>

- 6.2 Any reports of ASB will be quickly and formally acknowledged and all reported instances will be investigated. If appropriate the complainant and Radius will agree a plan of action. If the problem persists, it may be appropriate to consider taking legal action and in such circumstances the complainant will be asked to complete an incident diary which will be provided.

7.0 Support for Complainants & Witnesses

- 7.1 Witnesses have a crucial role to play in tackling ASB and will require support throughout the process.
- 7.2 If evidence from a witness is to be relied upon at court, this will be discussed with the prospective witness and, any legal constraints permitting, an agreement will be reached as to how that evidence is going to be presented in the legal action.
- 7.3 Radius will:
- Initiate and maintain regular contact with complainant(s)/witness(es)

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- Explain how the case is developed and the legal options available
- Keep the complainant(s)/witness(es) informed of the progress of the case, providing a timetable of the various stages. Advise them of any new developments, explain the procedures of the court and if appropriate seek their agreement to proceed with their evidence
- Advise them of other agencies – there are a number of other agencies which may be able to offer additional advice and assistance
- Make any necessary arrangements to ensure the complainant(s)/witness(es) attends the court hearing, considering assistance with transport provision if necessary
- Wherever possible, provide support during the court procedures and investigate the availability of a separate waiting room for the complainant(s)/witness(es) in the court, and
- After legal action, provide ongoing support if necessary and monitor the situation.

8.0 Expert Witnesses

- 8.1 Radius will give careful consideration to the safety of complainants/witness(es). Where they are not willing to provide direct evidence to the court, Radius will endeavour to use expert witnesses and hearsay evidence. These expert witnesses may be officers from the statutory agencies, social workers, police officers etc.

9.0 Sectarian and Other Harassment Policies

- 9.1 Section 75 of the Northern Ireland Act (1998) requires Housing Associations, in carrying out all its functions, powers and duties, to have due regard to the need to promote equality of opportunity:
- Between persons of different religious belief, political opinion, racial group, age, marital status, and sexual orientation
 - Between men and women generally
 - Between persons with a disability and persons without, and
 - Between persons with dependants and persons without.
- 9.2 In addition, and without prejudice to its obligations set out above, the Act requires Housing Associations in carrying out their functions, to have regard to the desirability of promoting good relations between those persons of different religious belief, political opinion or racial group.
- 9.3 Radius will treat any racial, sectarian harassment or harassment on the grounds of sexual orientation or disability as a form of nuisance or annoyance likely to cause alarm or distress.

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10.0 Domestic Violence

- 10.1 The Housing (Northern Ireland) Order 2003 extended the grounds for possession to include domestic violence. Radius is empowered to respond where a partner has vacated the dwelling house as a result of violence or threats of violence by the other partner, whether the violence or threat of violence is directed at the partner or at other family members living with the partner.
- 10.2 As in any case of ASB Radius recognises the need to ensure the safety of the individual experiencing the ASB.
- 10.3 The decision to return to the family home after an abusive partner has been removed is entirely a matter for the individual concerned.

11.0 Prevention of Anti-Social Behaviour

- 11.1 Preventative measures open to Radius include:
- 11.2 *Introductory Tenancies*
Introductory Tenancies, which were introduced in April 2004 are intended to address the specific problem of ASB and allow Radius to assess the suitability of an individual to hold a secure tenancy.
- 11.3 *Transfer List*
If a notice of possession is sought against a tenant due to ASB they will generally not be eligible to access the transfer list. Eligibility to access the Transfer List is available in the Transfer Policy (HPO008).
- 11.4 *Mediation*
All cases of ASB will be treated seriously and thoroughly investigated. However, if appropriate, attempts will be made to resolve the problem via conciliation as opposed to confrontation and ultimately legal action.

Mediation permits individuals to discuss their grievances and resolve their own disagreements. It can offer a more positive alternative to legal action.

Once a case is reported, mediation should be considered. Radius will contact the parties involved and arrange to meet with them. Mediation can go ahead with all the parties to the dispute in the same room, or with the mediators meeting people separately.

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11.5 *Multi-Agency Partnerships*

Radius recognises that in some communities the ASB problems faced are complex and there is no single solution and no single organisation can address these on its own. For these cases Radius are committed to interagency working to address ASB problems together.

Radius will actively engage with all relevant authorities including Probation, Health and Social Services, Youth Justice and Education Welfare to provide a comprehensive assessment of the problem behaviour and, where possible, refer individuals to an appropriate organisation for support, diversion or another early intervention.

Where possible, Radius will actively develop Multi-Agency protocols with the Probation Board for Northern Ireland and the Prison Service on reducing re-offending and homelessness among offenders by early identification of the underlying causes that contributes to their re-offending behaviour.

11.6 *Acceptable Behaviour Contracts (HF147)*

This is a written agreement between Radius and a person who has been involved in ASB.

11.7 *Warning Letters*

Use of a warning letter to the individual committing the ASB will be considered at an early stage.

11.8 *Floating Support/Tenancy Support Schemes*

Under the Supporting People programme which was introduced in Northern Ireland on 1st April 2003, Radius provides a floating support service to its vulnerable tenants and housing applicants. This service aims to encourage and assist people to live independently and sustain their tenancy, thus preventing a cycle of eviction because of ASB.

11.9 *Secured by Design*

Secured by Design is a national policy initiative to encourage the adoption of crime prevention measures in the design, layout and construction stages of homes. This initiative helps to reduce the opportunity for crime and the fear of crime, and to create a safer and more secure environment.

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The Department for Communities requires all Association new build homes, as well as major rehabilitation and re-improvement schemes, seeking government funding to achieve the 'Secured by Design' award.

Whilst Secured by Design does not guarantee that a particular area will be crime-proof it indicates that the site has been subject to a design process and improved levels of security which, in the experience of the PSNI and other agencies, have been shown to significantly reduce the risks and the fear of crime.

11.10 *Withhold Consent to an Exchange of Tenancies*

Radius may withhold consent to an exchange of tenancies where the following orders or injunctions in relation to ASB are in force or an application for such an order or injunction is pending before any court:

- A (statutory) injunction against anti-social behaviour;
- A (non-statutory) injunction against breach of tenancy agreement on grounds relating to anti-social behaviour
- An Anti-Social Behaviour Order (ASBO)
- An interim ASBO or
- An order for possession on the grounds of causing nuisance, etc.

Housing Associations may also withhold consent to an exchange of tenancies where the tenant or proposed assignee or a person residing with either of them has been convicted in connection with an offence which involves the use of the tenant or assignee's home for immoral or illegal purposes, or has been convicted of an indictable crime.

11.11 *CCTV*

Where required, Radius will consider CCTV systems to assist in the prevention and detection of crime or ASB. This is managed in line with Radius' CCTV & Data Protection Policy (HPO072).

12.0 **Tenants Obligations**

- 12.1 The tenant is responsible for the behaviour of every person (including children) living in or visiting the tenants home. This includes responsibility for their behaviour in the home, on surrounding land, in communal areas (stairs, lifts, landing, entrance halls, paving shared gardens, parking areas) and in the locality of the dwelling house.

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12.2 Whether the tenancy is secure or introductory, breaching any of the General Conditions of Tenancy or statutory obligations may result in Radius issuing possession, injunction proceedings or applying to the relevant authorities for an Anti-Social Behaviour Order.

12.3 Furthermore, anyone who has been involved in serious ASB may find they are ineligible for housing and homelessness assistance in the future. Instances of serious ASB include but are not limited to the following:

- The sale, supply and possession of illegal drugs;
- Harassment and intimidation;
- Any behaviour which causes, or is likely to cause, any significant or persistent danger, injury, loss or fear to any person living, working or otherwise lawfully in, or in the vicinity of, a dwelling.

12.4 This disqualification criterion would apply where a tenant has been evicted on the grounds that he / she or any person in the dwelling has been guilty of conduct which a nuisance of annoyance to neighbours, or has been convicted of using the dwelling house or allowing it to be used for immoral or illegal purposes.

13.0 Support for Perpetrators

13.1 When dealing with alleged perpetrators Radius' response will depend on the nature of the offending behaviour. In many cases of ASB there may be underlying causes such as:

- Drug Addiction
- Alcohol Addiction
- Mental Health Issues
- Learning Difficulties
- Family or Relationship Breakdown
- Domestic Violence

13.2 Individuals whose ASB is a consequence of one or more of the issues listed above may sometimes require support in maintaining their tenancies and addressing their behaviour. When dealing with vulnerable individuals Radius will consider the factors which may be contributing to neighbour nuisance before deciding on an appropriate course of action. Radius will liaise with the individuals and other service providers to identify the availability of appropriate support packages. Radius' Adult Safeguarding Policy (P311) provides guidance for reporting concerns that an adult is, or may be, at risk of being harmed or in need of protection and how these will be responded to.

13.3 Juvenile Perpetrators

When dealing with young people Radius will attempt to ascertain the causes of the ASB and involve parents/guardians. Consultations with appropriate agencies will be

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undertaken i.e. Probation, Youth Justice, Health & Social Services and Education Welfare. In particular Social Services will be advised of Radius' involvement with any young person participating in ASB given the former's duty under Article 18 of the Children (Northern Ireland) Order 1995.

14.0 Data Protection and Information Exchange

14.1 The General Data Protection Regulation (GDPR) and Data Protection Act 2018 set the foundation for Radius' Data Protection and Compliance Policy (HRPO0068). These pieces of legislation inform, guide and provide acceptable boundaries for the processing of personal data, which directly or indirectly, identify a living person. As a data controller, Radius must comply with the requirements of GDPR.

14.2 *The Data Protection Principles*

Article 5 of GDPR sets out seven key principles in relation to data protection:

Lawfulness, fairness and transparency

- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity & confidentiality (security)
- Accountability

14.3 *Lawful Release of Data*

To ensure responsible data sharing with agencies, such as the PSNI, Radius has applied clear processes that prioritise fairness and consistency in compliance with GDPR requirements. Prior to release of data, Radius will establish if at least one of the 6 lawful basis to disclose information (Article 6) applies and consult with Radius Data Protection Officer. Information will be processed in line with the privacy policy and legal requirements.

Legitimate Interests (Article 6(1)(f))

This exemption allows disclosure when Radius has a legitimate interest to process the data. For example, in connection with legal proceedings in relation to a contract with have with the tenant such as their tenancy agreement. Legitimate interests can be established via a three part test before processing begins:

- **Purpose test:** are you pursuing a legitimate interest?
- **Necessity test:** is the processing necessary for that purpose?
- **Balancing test:** do the individual's interests override the legitimate interest?

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14.4 The Housing (Amendment) Act (Northern Ireland) 2016 allows for any person to disclose information relating to crime or ASB to a Registered Housing Association where such information is required to enable the Housing Association to take a decision in relation to an exchange of tenancies, the right to buy, an allocation of housing accommodation (including a transfer of an existing tenant) or an application for an order for possession.

14.5 Radius will only collect, process and store information and data that is necessary to its ongoing operations and functions in line with our Data Management & Retention Policy (HRPO0073).

14.6 The Police Referral Policy (Information Sharing Protocol) (HRPO011) sets out our approach to sharing information with the PSNI.

15.0 Confidentiality

15.1 Subject to any legal requirements, any information received by Radius will be treated with the utmost of confidence. In any particular case of ASB, disclosure of information by Radius to any other party (subject to any legal requirements) will not occur without the permission of the person who provided the information unless required to do so by law.

15.2 As detailed in the Data Protection section above, information may be shared with other agencies for the purpose of crime prevention, prosecution of offenders and legal proceedings.

15.3 In ASBO applications, hearsay evidence and professional witnesses may be used to protect the identity of complainants.

16.0 Protection of Staff

16.1 In keeping with its overall objectives and in accordance with the requirements of the Health and Safety at Work (Northern Ireland) Order 1978 and associated legislation, Radius recognises and accepts its responsibility as an employer for providing a safe and healthy workplace and as far as is reasonably practicable, a risk free working environment for all its employees.

16.2 Where employees are required to work outdoors or at locations away from their normal base, Radius will ensure that, so far as is reasonably practicable, all steps are taken to ensure their health and safety. Radius will also conduct its activities in a way that minimises and, where possible, eliminates the risk to which others may be exposed.

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Lone workers must follow the Lone Working Device Procedure (HRPR00032) and wear lone working devices to enhance safety.

16.3 Radius will take all reasonably practicable steps within its power to meet these responsibilities.

16.4 All Radius staff are provided with appropriate training and personal safety awareness. They are also trained in how to deal with difficult situations. Training needs are kept under review.

16.5 Radius staff handling ASB cases have access to a 24/7 counselling service as part of their role. Radius operated a zero-tolerance approach to threatening behaviour towards staff and contractors as this will be treated as ASB

16.6 To ensure the safety of staff during visits, Radius will:

- Proactive Risk Identification: before visits the visiting officer will check for any “visit in pairs” or other alerts to potential safety concerns.
- Clearly document any alerts of risk for clear communication to Radius staff and agencies working on our behalf e.g. contractors.
- Document potential risks on our housing management system when they are identified.
- Take the appropriate steps to mitigate any known risk before proceeding with a visit.

17.0 Staff Training

17.1 Radius will ensure that all relevant staff receive adequate training in dealing with ASB.

18.0 Tenant Engagement

18.1 The Department actively encourages tenant participation in discussing and developing local services and addressing housing issues generally. By being more involved, tenants will be better informed, contribute to better decision making, improve services and standards locally and develop their own skills and opportunities.

18.2 To achieve this, the Department for Communities, together with the Northern Ireland Housing Executive funds Supporting Communities NI (SCNI) an independent voluntary organisation to work with community groups and housing providers to achieve meaningful community participation.

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19.0 Performance Management

19.1 Radius will ensure effective measures are in place to ensure that how ASB is managed is effectively audited, monitored and reported in accordance with the KPIs set out in the annual Operational Plan.

19.2 Radius will annually report ASB performance to the Department of Communities via the Regulatory Standards Annual Return (RSAR).

20.0 Review of Policy

20.1 Radius Housing will review the effectiveness of this policy at least every three years unless good management practice or changes to legislation dictate that earlier amendment is necessary.

21.0 Accessibility

21.1 This document is available on Radius website www.radiushousing.org and can be made available upon request in large print, braille audio or other languages if required.

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Associated Policies & Procedures

HPR001	Anti Social Behaviour Procedure
HPO008	Transfer Policy
HRPO072	CCTV & Data Protection Policy
HPO041	CCTV & Video Doorbells Policy
HRPO0011	Police Referral Policy (Information Sharing Protocol)
HPR055	Neighbourhood Management Procedure
HRPO0068	Data Protection & Compliance Policy
HRPO0073	Data Management & Retention Policy
P311	Adult Safeguarding Policy

Associated Documents

F7	Acceptable Behaviour Contract
HF177	Good Neighbour Agreement
	General Conditions of Tenancy

This Policy has been screened and complies with Section 75.