

Anti-social (ASB) Policies - Summary of Changes

Corporate ASB Policy

Current Version	Revised Version	Reason
	Introduces relevant commitments from Council Plan	Provides context
Policy statement and commitment	Remains the same, but under new heading of 'Policy Aims' at 1.2	Greater clarity
	New explanation of partnership working at 1.5	Provides clarity and context
	New section on promotion of tolerance and role of community at 1.6 and 1.7	Important statements on balancing individual liberties and the crucial role of the community.
Authority to issue formal notices	Retained and moved to 1.8 as a statement of policy	Retention of necessary statement
Definition of ASB	Revised description of ASB at 2.1	Enables ASB legal tools and powers to be used under all legislation available to CBC services
Description of various types of ASB	Deleted	Unnecessary in a broad enabling policy

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		which already has a definition of ASB
	New chapter (2) – <i>‘Definitions, responsibilities, powers, descriptions’</i>	Provides clarity and context
	New section on powers and responsibilities (2.2 and 2.3). Outlines CBC’s position as a local authority, social landlord and key member of the Community Safety Partnership.	Provides clarity and context
	New statement at 2.3 that the views of those involved are taken into account, but the decision about appropriate action rest with officers.	Provides authority for services to take action that is appropriate in the professional judgement of officers.
Our approach to tackling and reducing ASB describes some early intervention tools and states that we will use a range of legal interventions with partner agencies, giving some examples	Revised Chapter (3) <i>‘Our general approach’</i> which incorporates key national and local themes.	<ul style="list-style-type: none"> • Provides clarity, context and corporate consistency • Avoids details of specific tools and interventions which may change during the term of the policy
	New sections (3.1 and 3.2) which specify how we will put victims first.	
	New sections 3.3 to 3.5 that recognise that services may be needed to prevent people	Provides specific authority to take legal action where people who are engaging

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	<p>from engaging in ASB where the behaviour may be attributable to a disability. However, the Council must still be capable of acting without a supportive intervention is circumstances warrant. Also, the protection of rights afforded to a disabled person under equalities and human rights legislation must be balanced against the rights of those affected by the behaviour.</p>	<p>in ASB may also have rights under equalities and human rights legislation.</p>
	<p>New section 3.6 on incremental approach. Includes capability to act without preliminary action where necessary.</p>	<p>Important principle of case management</p>
	<p>New section 3.7 explaining that action must be based upon evidence</p>	<ul style="list-style-type: none"> • Statement of key principle • Reduces risk of assumption that action can be taken based, for instance, on the “type” of person, how influential someone may be, intensity of emotion, etc
<p>Section on working together, sharing information, managing cases and assessing risk.</p>	<p>Reorganisation into separate chapters. Chapter 4 - '<i>Information exchange, disclosure and publicity</i>' expands and provides more detail on information exchange and disclosure as key issues</p>	<p>Provides further clarity and context</p>

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	within the policy. The assessment of risk to victims is covered in separate sections (3.1 and 3.2)	
The section on how to make a complaint/report an incident provides specific details about reporting incidents, including an explicit statement that reports can be made via a third party or anonymously.	Incorporated under new Chapter 3 - ' <i>Our general approach</i> ', which has general statements (3.8 and 3.9) about accessibility rather than specific means of contact (which is descriptive procedure).	Avoids description of current arrangements which may change during the term of the policy and allows for developments.
	Revised statement at 3.9 that third party or anonymous reports will not normally be accepted.	<ul style="list-style-type: none"> • Third party reports can cause significant problems for investigations and their use may provide a defence against legal action • Anonymous reports may not be capable of being properly investigated and validated and are not admissible evidence
	ASB reports and service requests are often referred to as complaints. A new distinction is made at 3.10 between complaints (i.e. complaints about services or employees) and reports (i.e., requests for service).	<ul style="list-style-type: none"> • Greater clarity • Avoids confusion between complaint handling and case management

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	New statement on safeguarding	Reflects local and national priorities
	New section on information exchange, disclosure and publicity reflecting legislation and the joint agreement with the police and Derbyshire Safer Communities Board.	Key elements in responding to ASB that should be made explicit in an ASB policy.
	New section 5.1 to 5.3 stating that abuse and violence to employees, councillors and contractors will not be tolerated and that there will be an assumption that legal action will be taken where appropriate against those who engage in abusive or violent behaviour.	<ul style="list-style-type: none"> • Important statement of policy • Improves confidence of employees, councillors and contractors
The section on how we will ensure the policy is implemented states that CMT is responsible for ensuring that the policy is communicated to all employees and they can access training supported by the Community Safety Partnership	The section on staff training (5.4 to 5.6) is updated and recognises the difficulties faced by staff dealing with ASB.	Important commitment to training
	New section 6.2 provides for a three year term before the policy is updated	Ensures timely policy revision

Housing ASB Policy

Current Version	Revised Version	Reason
Introduction	Deleted	Purpose and aims of policy provide all the explanation needed, so the introduction is superfluous.
	Introduces relevant commitments from <i>'Council Plan'</i>	Provides context and corporate consistency
	Moves <i>'Policy Aims'</i> to the beginning of the policy and amends them to replicate the corporate policy	Provides a more logical order and corporate consistency
	New section on <i>'Respect ASB Charter for Housing'</i>	As a signatory to achieve these standards, they should be reflected in the policy
Definitions and Powers to Act	Incorporated, updated and condensed into revised Chapter 3 – <i>'Responsibilities, definitions, powers, descriptions'</i> .	Provides a more logical order, clarity and context
	New sections in Chapter 3 describing the responsibilities of the housing service in relation to the Council and in its role as a social landlord	Provides clarification and context

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	New definition of ASB at 3.4	Ensures: <ul style="list-style-type: none"> • Actions are not limited any further than legislation allows • Actions are limited to ASB involving CBC tenants or that affects our housing management functions
	New statement of what is not likely to be ASB at 3.5	Provides authority for officers not to be expected to intervene where nuisance or irritation is a result of reasonable behaviour under the circumstances
Limits to involvement	Revised and extended at 3.5 and 3.6	Provides greater clarity on circumstances where we may not intervene or take enforcement action
Descriptions of ASB	Deleted	Unnecessary as: <ul style="list-style-type: none"> • The definition of ASB covers all the types of ASB described • It is not possible to describe all types of ASB
	New section 3.8 about speed of response according to seriousness of ASB and specifying types of ASB considered to be serious	With a different level of response for serious ASB it is necessary to state what serious ASB is.

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General Policy Statement of Approach to ASB	Key themes governing the approach to ASB moved to Chapter 4 – ‘ <i>Our general approach</i> ’.	Provides a more logical order, clarity and context
	New sections 4.13 and 4.13 on incremental approach and proportionality. Includes capability to act without preliminary action where necessary.	<ul style="list-style-type: none"> • Important principles of case management • Needs statement to allow exceptions to incremental action
	Section on evidence moved to 4.15 to 4.20 to reflect its importance as a key theme of the response to ASB.	<ul style="list-style-type: none"> • Statement of key principles of case management • Corporate consistency • Reduces risk of assumption that action can be taken based, for instance, on the “type” of person, how influential someone may be, intensity of emotion, etc
Service Standards and local offers	Deleted	Service standards and local offers may change during the term of policy. They are better published as separate documents.
Tenant obligations and standards of behaviour	Deleted	Tenant obligations and standards of behaviour are described in the tenancy

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		agreement and there is no need to duplicate them in a policy.
The role of the community	New sections 2.5 and 2.6 on promotion of tolerance, balancing liberties with the impact of behaviour on others and a condensed section on the role of community	Sufficiently important to be key statements of policy.
Generalised statements and detailed descriptions about supporting witnesses, including descriptions of specific job roles	Condensed into new sections 4.1 to 4.3 <i>'Putting victims first'</i> . This now provides clear standards and commitments which are of sufficient importance to be reflected explicitly in policy.	<ul style="list-style-type: none"> • Simplification • Clarity • Corporate consistency
Generalised statements and detailed descriptions about domestic abuse, including descriptions of other services involved	Largely deleted as the provisions are covered in other sections (e.g., types of serious ASB, support for victims)	<ul style="list-style-type: none"> • Simplification • Clarity
Detailed descriptions of types of prevention and arrangements for provision.	Revised section 4.4 to 4.10 stating what our general approach is on early intervention, prevention and support for vulnerable people engaging in ASB.	<ul style="list-style-type: none"> • Extension • Clarification • Avoidance of description of specific tools, services and arrangements
Health and safety of staff	Sufficiently raised priority to warrant its own chapter (Chapter 6) and to be	<ul style="list-style-type: none"> • Important statement of policy • Improves confidence of employees,

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	extended to include councillors and contractors. New statement that abuse and violence to employees, councillors and contractors will not be tolerated and that there will be an assumption that legal action will be taken where appropriate against those who engage in abusive or violent behaviour.	<p>councillors and contractors</p> <ul style="list-style-type: none"> • Corporate consistency
Detailed descriptions of the reasons for support for perpetrators and the services available to provide support	Condensed sections (4.10 and 4.11) that recognise that services may be needed to prevent people from engaging in ASB where the behaviour may be attributable to a disability. However, the Council must still be capable of acting without a supportive intervention is circumstances warrant. Also, the protection of rights afforded to a disabled person under equalities and human rights which also makes clear that we must balance the rights under equalities law of those engaging in ASB with the prevention of ASB under the law. Also	<ul style="list-style-type: none"> • Clarity • Corporate consistency • Provides specific authority to take legal action where people who are engaging in ASB may also have rights under equalities and human rights legislation • Avoids description of arrangement and specific services that may change during the term of the policy
Applicant for housing and new tenants	Realigned and condensed in sections at 4.8 and 4.9 as measures to prevent ASB	

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Detailed and descriptive chapter on key partnerships, including descriptions of the roles of some internal and external services.	Sufficiently important to become key statements of policy in Chapter 2. Condensed into 2.4 to provide broad context of how partnership occurs rather than detailed descriptions of various partners and their responsibilities	<ul style="list-style-type: none"> • Provides a more logical order, clarity and context • Simplification • Partner details can change during the term of the policy
Descriptions of surveillance	Deleted because as a result of changes in the law, directed covert surveillance is now beyond the scope of the housing service.	<ul style="list-style-type: none"> • No longer necessary
Data protection, information exchange, confidentiality, disclosure	Condensed into Chapter 5 and updated to take account of changes in the law.	<ul style="list-style-type: none"> • Update • Corporate consistency
	New section 2.7 on employee authority ensures that legal measures are taken by trained staff with relevant authority	<ul style="list-style-type: none"> • Corporate consistency • Responsible governance
Training and awareness raising	Updated section 6.4 to 6.7	Corporate consistency
Detailed descriptions of circumstances in which publicity may be used, the form that publicity may and compliance with human rights	Condensed into 5.8 and 5.9	<ul style="list-style-type: none"> • Unnecessary description and detail • Corporate consistency