

ASB policy

Applicable to:

- All Brighter Places, previous Solon, and previous UC customers
- Previous Solon customers only
- Previous UC customers only

- All Brighter Places, previous Solon, and previous UC colleagues
- Previous Solon colleagues only
- Previous UC colleagues only

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1. INTRODUCTION

United Communities takes a zero-tolerance approach towards Anti-Social Behaviour (ASB). We are committed to making our communities safe and peaceful places to live by having an effective response to complaints of ASB as defined within this Policy.

We will work in partnership with other key stakeholders as necessary, and use a broad range of legal and non-legal tools available to support victims and deal with the perpetrators of ASB.

Our approach to the effective management of ASB is in line with our approach as an organisation, working with residents and promoting tolerance to make our neighbourhoods great places to live. Intervening early and preventing ASB from escalating, providing or referring to support as necessary.

Responding to complaints of ASB from whatever source, if it is alleged that our residents, members of their families or visitors are perpetrators.

2. WHAT IS ANTI SOCIAL BEHAVIOUR?

2.1 Definition of Anti-Social behaviour

The Anti-Social Behaviour, Crime and Policing Act 2014, defines Anti-Social behaviour as:

- 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 premises, or;
- Conduct capable of causing housing related nuisance or annoyance to any person, that is, directly or indirectly relating to our housing management functions.

'Person' includes anyone who has the right to live in the property owned or managed by us, those living in any other property in the neighbourhood (for example: owner occupiers, tenant of other landlords) and anyone else lawfully in such property or in the locality.

'Housing-related' means any activity that directly, indirectly relates to housing managements functions of us and work that is undertaken in the day to day management of our properties and neighbourhoods. This can include:

- Resident involvement
- Repairs and maintenance
- Neighbourhood management

The Housing Act 1996 defines Anti-Social Behaviour as engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to persons engaged in lawful activities.

Both of these Acts of Parliament, alongside the provisions of the Housing Act 1988, support us to take appropriate action in relation to Anti-Social Behaviour. We will investigate and if appropriate, take action where the Anti-Social Behaviour is persistent, ongoing and preventable or is a single serious incident that comes within the above definitions.

This policy applies to all types of tenure that we own and manage.

2.2 Classifications of ASB:

We classify Anti-Social Behaviour in the following ways:

2.2.1 Low level

We consider that where there is no risk of immediate harm, this is classed as Less Serious Anti-Social Behaviour. We will carry out an interview either in person or over the phone within 5 working days. This includes but is not limited to:

- Excessive noise (howsoever caused) which causes, or is capable of causing, a nuisance to another person
- Vandalism and damage to property
- Pet and animal nuisance
- Nuisance from vehicles including where vehicles are parked inconsiderately, or where people carry out work on one or more vehicles which causes a nuisance to others
- Drugs/substance misuse (e.g. smoking of cannabis)
- Loitering on the estate causing nuisance to others, with or without alcohol or drugs
- Garden nuisance including messy or overgrown gardens (which encourage rodents) or storing belongings in gardens which is unsightly
- Nuisance related to disposal of rubbish.
- Noisy parties which cause, or are capable of causing, nuisance to others

2.2.2 High level

We consider that where there is, or may be, a genuine risk of immediate harm this is classed as Serious Anti-Social Behaviour. In these cases, we will interview either by telephone or in person within 3 working days. This includes, but is not limited to:

- Criminal behaviour
- Threatening behaviour, including verbal abuse and/or threats of violence
- Where the complainant is being targeted for a specific reason (e.g. learning difficulties/vulnerable)
- Aggressive animal complaints
- Drug dealing
- Fly-tipping
- Noise, where the noise is frequently excessive in volume and duration or occurs at unreasonable hours, between 11pm and 7am.
- Making false allegations against another person in order to cause them nuisance, alarm or distress (these are vexatious complaints and could also be subject to our vexatious complainant policy)

2.2.3 Urgent level

We consider that where there is, or may be, a serious risk of immediate harm this is classed as Urgent Anti-Social Behaviour. In these cases, we will interview either by telephone or in person by the end of the following working day. This includes, but is not limited to:

- Acts of physical violence, such as attacks on a person
- Cannabis farms or factories
- Domestic Abuse or Hate Incidents
- Presence of illegal weapons or explosive devices
- Serious sexual offences

We do not consider the following to be Anti-Social Behaviour and therefore will not be investigated under this Policy:

- Noise from children playing during daytime hours
- One off parties
- Clash of lifestyles (e.g. due to working patterns) or family disputes
- Children falling out with each other
- Cooking Smells
- Animals straying and / or /fouling in gardens (e.g. cats)
- Babies crying
- People being inconsiderate or thoughtless
- People looking or staring, unless this is part of a wider case of Anti-Social Behaviour
- Noise caused by people walking across their floor in shoes
- Parking problems
- Garden maintenance issues
- Lawn mowing

We understand that living or domestic noises (e.g. vacuum cleaners, washing machines) can be annoying but, unless it is excessive or unreasonable, we will not investigate as Anti-Social Behaviour.

We will consider any definitions of Anti-Social Behaviour as stated in an individual's tenancy agreement or lease when taking actions to manage Anti-Social Behaviour.

In the first instance, serious criminal offences should be referred to the Police.

2.3 HATE CRIME

Hate crime is any criminal offence committed against a person or property that is motivated by a person's hatred of someone because of their race, colour, ethnic origin, nationality, religion, gender or gender identity, sexual orientation or disability.

We will deal with complaints of hate crime as High level Anti-Social Behaviour.

Hate crime can take many forms, including but not limited to physical attacks, a threat of attack or verbal abuse and insults; it will also include any incident which constitutes a criminal offence, or which is perceived by the victim as being motivated by hate or prejudice. Not all hate incidents will be regarded by the Police as a hate crime but this does not mean that we will be prevented from taking action on a person's behalf.

We will not tolerate residents perpetrating hate crime and will take action working in partnership with the Police and independently to ensure that all of our residents feel safe in their community.

When appropriate we can also make referrals to appropriate support agencies to provide additional support.

2.4 DOMESTIC ABUSE

We are committed to tackling all forms of domestic abuse, and anyone found committing it is in breach of their tenancy conditions. This could lead to further action being taken against them or their tenancy.

We use the Home Office definition of domestic violence and abuse which is:

“any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partner or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- Psychological
- Physical
- Sexual
- Financial
- Emotional.”

When an incident of domestic abuse is reported to us, we will contact the complainant within one working day to agree an action plan with them.

We will work with our multi-agency partners to make referrals for additional support and re-housing where appropriate. All complainants and witnesses will be supported throughout the investigation and will be dealt with in a supportive, sensitive way. It is important to note that we cannot guarantee the outcome or speed of any re-housing referrals.

We have a separate policy on Domestic Abuse and this should be referred to in addition to this policy.

3. PREVENTION

In line with our approach we will engage in the following approaches to prevent Anti-Social behaviour where possible:

- Engage with communities to identify environmental factors
- Work in partnership with other stakeholders to provide and promote diversionary activities in areas that suffer high levels of anti-social behaviour
- Explain and enforce tenancy conditions
- Invest in our communities to prevent anti-social behaviour
- Promote sustainable communities during the letting of our homes.
- Ensure all new tenants pass a probationary period. All new residents are given a 12-month probationary 'starter' tenancy.
- Consider if age or nature of the housing scheme (such as sheltered) may be causing some of the issues because of the close proximity within which people live. In such circumstances staff can advise on various aids available to help tenants with hearing and Staff will seek to obtain advice and support from the tenant's relatives where appropriate.
- Consider the design of new estates to reduce Anti-Social Behaviour at the development stage.
- All new residents sign a 'More Than' statement committing to be a good neighbour when they move in to their property

4. REPORTING ANTI SOCIAL BEHAVIOUR

In the first instance, we encourage all of our residents to approach each other to resolve their problems themselves where possible and safe to do so. Where this is not possible or the complainant does not feel comfortable to do so, there are a number of ways that anti-social behaviour can be reported to us:

- In person or via a third party
- By letter
- By telephone
- By email
- On our website
- By using the Noise app
- By using the Reportable app

5. OUR INVESTIGATION

We take all reports of Anti-Social Behaviour made to us seriously. We will interview anyone who reports Anti-Social Behaviour (as defined in **Section 2** of this Policy) in line with the timescales above.

5.1 Interviewing the complainant

During our first interview with the complainant, we will develop an action plan for how we intend to progress the case with the co-operation of the complainant and complete a risk assessment to establish risk of harm. The action plan will:

- Determine whether the Anti-Social Behaviour is Low level, High level or Urgent, or whether it is a matter that can be best resolved by the complainant in the first instance
- Set out what the options are and what first steps we might take
- Signpost the complainant to other agencies for support
- Plan for how and when to approach the alleged perpetrator(s)
- Gather evidence and consider what further evidence might be available (including from the complainant, other witnesses or other professionals)
- Agree how frequently we will keep in contact with the complainant
- Anything else relevant to the case
- Agree what a successful resolution or outcome will be.

A successful outcome might not necessarily involve eviction and the complainant's expectations will be managed accordingly.

In some cases, we may investigate and establish that there is no nuisance being caused, or that there are no grounds for us to take action within our Anti-Social Behaviour Policy. In this situation, we will explain clearly to the complainant what we can and cannot do.

We will complete an assessment where the Anti-Social Behaviour is putting a person at risk of harm due to its seriousness, persistency or where the victim has vulnerabilities, and we have assessed someone to be at risk of harm, we will consider the following:

- In-house support from our Tenancy Impact Team
- Referral to a specialist support agency such as victim support
- Additional security measures in a person's home
- Referral to the police or other crime agency
- Referral to multi-agency partnerships to support the victim
- Where the victim includes a child or disabled person, referral to the Local Authority
- Any other measures that will assist to reduce the risk of harm

5.4 Further investigation

In the case of High level or Urgent Anti-Social Behaviour, where an incident is of such severity that an immediate legal response may be required, action will be considered in line with **Section 7** of this policy. Where this is the case, we will act swiftly to gather evidence to take legal action if appropriate.

In the case of Low level Anti-Social Behaviour we will investigate the complaints over a 4-week period. This will include reviewing incident diaries, speaking to other neighbours who are being affected by or have witnessed the Anti-Social Behaviour, and, if appropriate, seeking disclosure from the police or liaising with other agencies.

If the perpetrator makes counter allegations, we will investigate the counter allegations separately. If a counter allegation is received from the perpetrator after we have applied to court, this will need to be dealt with as part of the legal process and we will not investigate the counter allegations separately.

5.5 Anti-Social Behaviour caused by occupiers, visitors or other non-tenants

All tenants are responsible for members of their household and visitors to their property. We will take appropriate action against the tenant(s) where it is deemed that the tenant(s) are in breach of their tenancy conditions by encouraging or allowing or doing nothing to stop the Anti-Social Behaviour being caused. We may also take action where the tenant omits to prevent the Anti-Social Behaviour, fails to control their family or visitors and where criminal behaviour takes place at the property or in the locality (whether the tenant states that they are aware of it or not).

Where the perpetrators are the tenants of another landlord, in the case of Low level Anti-Social Behaviour we will support the complainant by contacting the other landlord to report the issues directly to them.

In the case of High level or Urgent Anti-Social Behaviour perpetrated by a non-tenant, we will consider taking legal action in our own right.

5.6 Where we decide not to act

We will encourage and expect residents to take responsibility for solving minor personal disputes between themselves where appropriate, and to involve us only where a resolution has not been possible.

In some cases, for example if we take the view that the complaint is trivial or unreasonable, we will decide not to take action.

In a limited number of cases, if a complainant persists with further complaints that we decide are trivial or unreasonable, we will consider whether those complaints are in fact vexatious complaints (designed to cause another person harassment, alarm or distress). Vexatious complaints are also classed as Anti-Social Behaviour and we will consider taking action against that complainant to compel them to stop making these complaints.

We are subject to the 'Response to Complaints' section of the Anti-Social Behaviour, Crime and Policing Act 2014. Community Triggers enable a victim of Anti-Social Behaviour to request the relevant Local Authority to review our responses to their Anti-Social Behaviour complaints if they feel that they did not get a satisfactory response and the threshold for review has been met. The threshold for the Community Trigger will be met if someone has complained to us 3 times in a 6-month period and feels that nothing has been done.

The Local Authority will carry out the review and must inform the applicant of the outcome, as well as any recommendations to be implemented.

5.7 Role of the complainant

Where you report Anti-Social behaviour to us we will ask you to record any incidents as soon as you can after the incident. When taking records you can use the Noise app or Reportable app. Alternatively, you should keep notes to include:

- The date;
- The start and finish times;
- The exact nature of the problem;
- What effect it had on you; and
- Whether there were any witnesses.

We can give you pre-printed logs if this makes it easy for you.

Complainants may be asked to attend Court to give evidence because the Court will want to know the affect any behaviour is having on neighbours as part of its considerations.

We can support you through this process as set out below.

6. EARLY INTERVENTION

We will consider on a case by case basis what action is most appropriate. We will also consider the use of the following remedies:

- Encouraging and supporting residents to resolve disputes between themselves
- Issuing of Formal Warning letters
- Mediation and restorative justice
- Support to perpetrators whose vulnerabilities may affect their ability to fully understand their actions
- Work in partnership with other agencies
- Acceptable Behaviour Contracts (ABCs)
- Injunctions to stop Anti Social Behaviour
- Serving a Notice of Seeking Possession
- Extending a Starter tenancy

If the perpetrator does not modify their behaviour or engage with us we may consider taking further action against them or their tenancy. There will be occasions, that due to the detrimental effect that the Anti-Social Behaviour is having on the community, we will take legal action. This may include legal action, in the form of an injunction and/or a claim for possession of a person's home.

We will use a range of preventative measures, early intervention and legal action to tackle Anti-Social Behaviour. This includes the full range of tools and powers available to us as outlined in the Anti-Social Behaviour, Policing and Crime Act 2014. The methods used will be proportionate to the seriousness, impact and frequency of the behaviour, the level of risk that it poses to those affected, and the evidence available to support the case.

We will consider and support requests for re-housing if we are satisfied that is reasonable and necessary to do so to protect the victim or witness, and with advice from appropriate external agencies.

Vulnerabilities and support needs (complainants)

We aim to create sustainable communities and an environment where victims and witnesses feel confident and safe coming forward to report Anti-Social Behaviour. We will provide support complainants and witnesses of Anti-Social Behaviour by:

- Dealing with their reports promptly;
- Involving them in discussions about the action plan to resolve their issue;
- Keeping them informed of any developments;
- Referring them to appropriate support services where necessary; and
- Providing them with a single point of contact for the case.

Generally we would wish to obtain agreement with complainants about the particular actions to be followed. There may be occasions where the complainant would wish that we take no specific action on their report. The situation may however be serious enough that we feel we have little option but to pursue the issue against their wishes. In such circumstances we will take appropriate measures to protect all those affected. On the other hand a complainant may wish us to take action against an alleged perpetrator that we consider to be not appropriate to the alleged incident. In such circumstances we may decide to follow a different course of action. We will always communicate and make the complainant aware of our proposed action plan.

We are committed to resolving reports of Anti-Social Behaviour, and will endeavour to be realistic about the chances of success thereby creating reasonable optimism while avoiding unreasonable expectations.

Vulnerabilities and support needs (perpetrator)

We will work with perpetrators to help them to understand the impact of their behaviour on others with a view to helping them to stop that behaviour and make positive changes. We will take into account any underlying factors that may be causing their behaviour, such as family or relationship breakdown, age, clash of lifestyles, mental health and/or learning difficulties. Where possible, we will offer to make referrals to support agencies such as social services, floating support services, mental health partnerships, and other support groups that are available to provide additional support.

A resident's failure to engage with the support service offered to correct their behaviour may result in further appropriate action being taken against them or their tenancy, should their behaviour continue to have a negative effect on others.

However this is not possible in some cases and therefore we may take immediate legal action, for example where violence is involved. When we receive a complaint of anti-social behaviour we will attempt to make contact with the alleged perpetrator and explain the complaint to them. We will also try to arrange an interview so that we can discuss this with them and agree a resolution.

In certain cases, if the perpetrator does not modify their behaviour or engage with us we may consider taking further action against them or their tenancy. If the perpetrator is a resident and causes damage to their property as a result of Anti-Social Behaviour they will be recharged for the damage to their property under the terms of our Recharge Policy except in the event of exceptional circumstances.

Consideration will always be given to issues of vulnerability where, for example, it is felt that Anti-Social Behaviour is associated with a person's disability, mental health, or drug and alcohol abuse. In such cases we will consider the relevant provisions of the Equality Act 2010 and other relevant legislation, seeking support of other partnership agencies as appropriate.

Where there appears to be a connection between any vulnerabilities and the Anti-Social Behaviour, we will consider whether it is proportionate to take action. This will also take into account the affect of the behaviour on other residents and the likely ongoing affect unless the behaviour is addressed.

7. LEGAL ACTION

Where early intervention remedies have been exhausted, or where an incident is of such severity that an immediate legal response is required, we will consider the following legal remedies:

- Injunctions (with power of arrest and/or an exclusion if there has been violence or if threats of violence have been made) or risk of serious harm
- Referral to a multi-agency panel for consideration of partnership legal action
- Using Section 21 process to end a starter tenancy
- Applying to court on discretionary grounds for possession of the property
- Applying to court on mandatory grounds for possession of the property (please see below in relation to the use of mandatory grounds)
- Other remedies available to us under the Anti-social Behaviour Act 2003 or Anti-Social Behaviour, Crime and Policing Act 2014
- Demotion of tenancy proceedings
- Parenting contracts

The action to be taken will be decided on the circumstances of each individual case and will be proportionate to the behaviour exhibited.

In order to progress a case to court it is often the case that a complainant will need to be a witness in court. This involves that witness keeping diaries of the behaviour complained of, and coming to court to give evidence. We will offer support to anyone that agrees to give evidence in Anti-Social Behaviour cases.

Support for witnesses during legal action

Attending court to give evidence is likely to be a very daunting experience, especially for witnesses who may be required to provide evidence. We will support witnesses as necessary to ensure they are not liable to intimidation from perpetrators. Prior to a witness needing to give evidence, we will take time to ensure that the witness understands what they need to do and the process that will be followed if they need to give evidence.

We will also consider alternative steps at Court, such as asking to use separate entrances from the perpetrators, consider if anonymised statements are appropriate (whilst also considering whether this will detract from the strength of evidence) and consider the use of an advocacy service on their behalf.

Use of Mandatory Grounds for possession

We will make use of mandatory possession grounds to deal with Anti-Social Behaviour where the circumstances include serious criminal offences and serious Anti-Social Behaviour.

If we decide to take this step, then the use of Ground 7A of Schedule 2 of the Housing Act 1988 will be authorised by someone of at least Manager level due the consequences of using such a possession ground.

Where we use Ground 7A we will offer the tenant a chance to ask for a review of our decision and give them the opportunity to put forward any personal circumstances they want us to take in to account.

Any request for a review will be carried out by the relevant Director and the decision of the review will be communicated to the tenant.

Possible outcomes of legal action

Complainants should be aware that with any legal action there are several possible outcomes which do not necessarily result in the eviction of the perpetrator.

Sometimes it will be in the best interests of all parties for someone to remain in their property under strict conditions. Most of the time, this will be the decision of the Court.

Partnership working

We will adopt a multi-agency approach to tackling Anti-Social Behaviour to benefit from sharing expertise and resources, including feeding back on the effectiveness of services and working towards solutions to specific area issues. We will work in partnership with statutory organisations, partnering agents, community groups, professional bodies and other stakeholders to support individuals who report Anti-Social Behaviour, witnesses and perpetrators and to manage behaviour. We will work in partnership at a strategic and operational level.

8 ALTERNATIVES TO LEGAL ACTION

It may be considered appropriate for matters to be resolved without legal action. Such alternative actions can include (but is not limited to) the following:

- Good Neighbour Agreement
- Acceptable Behaviour Contract
- Mediation
- Formal meetings
- Warnings
- Parenting contracts/agreements

Whether we use these alternative steps will be decided on the circumstances of each case in turn and will be proportionate to the behaviour exhibited.

9. CLOSING A CASE

We will close a case after investigation and appropriate action is taken and where:

- it is successfully resolved,
- there are no further reports for a period of 6 weeks (unless we have begun legal action or are gathering further evidence), or
- no further action can be taken.

10. UNACCEPTABLE BEHAVIOUR TOWARDS OUR STAFF AND CONTRACTORS

We will not tolerate threatening, abusive or violent behaviour towards our staff and/or contractors from customers, their relatives, their visitors or occupants of their household. Where incidents of unacceptable behaviour occur towards our staff and contractors, we will take appropriate action. Due to our duty to our employees, we will always treat such incidents as High or Urgent level Anti-Social Behaviour.

11. SHARING OF INFORMATION

We are committed to working in partnership with other agencies to resolve Anti-Social Behaviour. We will work closely with Police Neighbourhood Beat teams, sharing information and carrying out joint visits when required. Personal information will not be disclosed to residents or Board members. However residents need to be aware, that when making a complaint about another resident and agreeing action with us, the alleged perpetrator is likely to know who has made the complaint

Under the Crime and Disorder Act, the Police are able to disclose information in the interests of the prevention and detection of crime, and we will disclose information that helps to resolve Anti-Social Behaviour. If we require information when considering court action, we will request disclosure from the police.

We are part of a data sharing protocol with the local Police forces where our properties are located. This means that we and the Police pass each other information relating to criminal and Anti-Social behaviour.

There may be circumstances where we cannot preserve a perpetrators' confidentiality, even where they have requested us to do so. This is most likely to be the case where a criminal offence has been committed or where someone is at risk of harm.

11. MULTI AGENCY WORKING

Multi-agency meetings will be attended when appropriate, so that joint action can be planned and vulnerable victims identified. Where formal enforcement action is needed, cases will be referred to the local authority's case conference which other statutory agencies attend.

12. LEGISLATIVE FRAMEWORK

- Anti-Social Behaviour, Crime and Policing Act 2014
- Equalities Act 2010
- Housing Act 1985, 1988 and 1996
- Anti-social Behaviour Act 2003
- Human Rights Act 1998
- Police and Justice Act 2006
- DCLG 'Performance Improvement Toolkit for Landlords' August 2007
- Home Office 'Acceptable Behaviour Contracts and Agreements' August 2007
- Government guidance – "Reform of anti-social behaviour powers: statutory guidance for frontline professionals" last updated August 2019

13. ROLES, RESPONSIBILITY & AUTHORITY

We have professional, individual and collective, responsibility to implement the policy with guidance and advice from the Housing Manager and Senior Housing Officer as necessary.

Overall responsibility for the effective management of each individual case lies with the relevant Housing Officer for the patch.

14. MONITORING

The member of the Senior Leadership Team responsible for operations will regularly monitor each case of Anti-Social Behaviour. Provide appropriate advice and support to individual case officers, ensure they receive appropriate training and ensure that all cases are appropriately recorded and dealt with in line with operating procedures.

We will benchmark performance with other organisations and will provide regular summary reports to the Senior Leadership Team and the Board on the volume, progress reports, action taken and case outcomes, together with an analysis of resident satisfaction in the provision of the service to residents.

When we close a case a satisfaction survey will be completed with the customer. We will use the results of surveys to monitor levels of customer satisfaction to improve our service. We will also continually review Key Performance Information, including cases closed and resolved.

15. EQUALITY AND DIVERSITY

We will ensure that this policy is applied fairly and consistently to all our residents.

We will act sensitively towards the diverse needs of individuals and communities. We are bound by the Equality Act 2010, and we will not directly or indirectly discriminate because of age, race, disability, sexual orientation, religion or belief, gender, transgender status, marriage or civil partnership and pregnancy or maternity.

We will act sensitively towards the diverse needs of individuals and communities and we will take positive action to reduce discrimination and harassment.

This policy is available on request in other formats (for example in an alternative language, in Braille, on tape, in large type).

16. REVIEW

This Policy is due for review in 2023. The effectiveness of this Policy will be constantly be monitored and may be updated before this date or should there be any changes to relevant legislation.