

## **POLICY: ANTI-SOCIAL BEHAVIOUR**

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Copies of this Policy may be made available in alternative formats on request.

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## **POLICY: ANTI-SOCIAL BEHAVIOUR**

All reference to 'we', 'our' or 'us' in this Policy should be read as meaning Sandbourne Housing Association.

### **1. Purpose and aim of the Policy**

1.1 We will:

- 1.1.1 consider complaints regarding Anti-Social Behaviour (ASB) on a risk of harm basis using the information available to us.
- 1.1.2 have a holistic approach to dealing with ASB.
- 1.1.3 aim to explain clearly what the complainant and alleged perpetrator can expect and what is expected of them as the case progresses.
- 1.1.4 adopt a professional and objective approach to dealing with matters.
- 1.1.5 aim to take action quickly and decisively, particularly where the issue affects our ability to manage tenancies. This is known as the 'housing management function'.

### **2. How do we Define ASB?**

2.1 ASB is behaviour by tenants, members of their household or visitors to their property which causes, or is likely to cause, annoyance, nuisance or disturbance to anyone in the locality.

2.2 There is currently no single definition of ASB, however it has been defined in the *ASB, Crime and Policing Act 2014* as:

*“Conduct that has caused, or is likely to cause harassment, alarm or distress to any person, conduct capable of causing a nuisance or annoyance to a person in relation to that person’s occupation of residential premises or of conduct capable of causing housing related nuisance, or annoyance to any person.”*

2.2.1 We recognise this definition or subsequent definitions that occur and are generally accepted in between policy reviews.

2.3 We also define ASB in our tenancy agreements, licences or leases and such definitions will also be considered when taking action to manage ASB.

2.4 Our ASB Policy and procedures cover starter tenancies, secure tenancies, assured and assured shorthold tenancies, licences, leases and non-secure occupation agreements.

2.5 Other behaviours such as hate crime; or domestic abuse may be considered ASB if they meet the above definition or if they affect our housing management function and will be managed in accordance with those policies.

### **3. Confidentiality**

3.1 Personal or sensitive data may be disclosed or requested to prevent or detect crime or ASB and/or to catch or prosecute an offender or to prevent crime or harm.

3.2 Information about ASB complaints may be shared with the local authority, Police, Fire Brigade, and other agencies who are party to an Information Sharing Protocol.

3.3 Our aim is to resolve most cases without needing to go to court. If court action is to be taken, we will usually take all reasonable steps to liaise with witnesses before evidence which may identify them is disclosed.

### **4. What is not considered ASB?**

4.1 This includes:

- (a) Parking/undertaking minor vehicle repairs
- (b) Smoking
- (c) Boundaries
- (d) Dogs barking
- (e) Cats in gardens
- (f) Fences
- (g) Untidy gardens
- (h) Cooking smells
- (i) Babies crying
- (j) Placement of refuse bins
- (k) Children playing ball games or riding bikes
- (l) People looking/staring at each other

- (m) Littering
- (n) General living noise
- (o) One off celebrations
- (p) Occasional noise made by a tenant or someone in their household who has protected characteristics for example a mental health condition or physical disability.

This list is not exhaustive, and mirrors the examples provided in our Good Neighbourhood Management Policy.

- 4.1 Further information is available in our 'Your ASB (Anti-Social Behaviour)' leaflet/guide.

## **5. What is our approach to tackling ASB?**

- 5.1 Our approach to tackling anti-social behaviour focuses on prevention, diversion, early informal intervention, support and enforcement. This holistic approach involves working closely with other partner agencies.
- 5.2 Whenever possible, we will encourage and facilitate appropriate changes in behaviour, to achieve long-term resolution of anti-social behaviour cases.
- 5.3 We will not normally move complainants or alleged perpetrators who are tenants as a way of stopping anti-social behaviour unless, in our opinion, there are clear benefits in doing so. Our preferred option will be to try and resolve the situation.
- 5.4 We take the safety of our members of staff and contractors, suppliers, etc., very seriously and will normally take action to protect them if they are threatened or abused. This could include legal action such as a civil injunction, or possession proceedings.
- 5.5 Any action we take will be considered and will be, in our opinion, a reasonable and proportionate response to the reported behaviour. We will record our reasons for taking formal action.
- 5.6 Our aim is to create an environment where people feel confident in approaching us with information about anti-social behaviour. Where complainants wish to remain anonymous, we will try to respect their wishes, but this may not prevent us from investigating their reports and taking appropriate action (although the lack of direct evidence can hinder the ability to proceed with legal action).
- 5.7 We will examine every complaint of ASB and assess whether: it constitutes a breach of tenancy; there is a realistic prospect of resolution; it affects the housing management function; and there is evidence to support action.
- 5.8 Complainants will be expected to: co-operate, provide evidence of the problem and work with the most appropriate partner agencies to resolve the

issue; this may not always be us. Complainants will also be expected not to retaliate as this can severely limit our ability to take action and may result in action being taken against them.

## **6. What do we do to Prevent ASB?**

- 6.1 We will undertake pre-tenancy checks and will try to work with our partners to ensure, as far as practicable, that applicants are risk assessed and housed appropriately.
- 6.2 We will gather appropriate information about tenants and members of their household through our sign-up process. We will also explain our expectations in relation to behaviour to new tenants and highlight and explain relevant parts of the tenancy agreement.
- 6.3 We normally continue to use starter tenancies as a way of ensuring that tenants understand our expectations and have the opportunity to demonstrate that they can comply with the requirements of being a tenant. We will continue to use starter tenancies until such time as there is a change to legislative and/or regulatory requirements.
- 6.4 Where we identify areas of concern, we will endeavour to work with partners to undertake targeted interventions aimed at preventing escalation and improving the situation.
- 6.5 Where possible we will recommend 'Safe by Design' standards, or their equivalent, on our new build developments.

## **7. How do we manage a complaint of ASB?**

- 7.1 We use a process to:
  - (a) quickly assess the nature of any complaint;
  - (b) the likely impact of the behaviour and activity, and
  - (c) the vulnerabilities (if any) of the complainant and alleged perpetrator.
- 7.2 We will normally use the results to determine whether any further investigation or action is likely to be necessary and how quickly we will respond:
  - (a) Level 1 – these are the most serious complaints and may include but are not limited to e.g.: threat of or violence, racial harassment/other hate crime/verbally abusive or intimidating behaviour/arson or attempted arson/behaviour resulting in danger to a child. We will provide an initial response within 24 hours.
  - (b) Level 2 – may include, but are not limited to e.g.: damage to property/using the home for an unlawful purpose, drug dealing/loud shouting and arguing in and around a property/animals causing damage to property belonging to someone else within the

vicinity/behaviour of visitors that seriously impacts on the quality of life of residents, neighbours or the wider community/playing music or television so loud that it causes a disturbance and can be heard outside of the home. We will provide an initial response within 5 working days.

- (c) Level 3 – may include but are not limited to e.g.: occasional noise/fly tipping/unauthorised use of car parks/dog fouling/personal items left in communal areas. We will provide an initial response within 10 working days.

- 7.3 When appropriate, we will undertake a further information and evidence gathering exercise, to identify the most appropriate course of action and we will advise the complainant and alleged perpetrator of the outcome.
- 7.4 Any action we do take will take into account the particular circumstances of the case, including the level of risk, and will be what we consider to be a reasonable and proportionate response to the behaviour or activity exhibited.
- 7.5 When deciding on a course of action we will give consideration to relevant legislation including the Equality Act 2010 and the Human Rights Act 1998, as well as our duties and responsibilities as a registered provider of housing with the Regulator of Social Housing.
- 7.6 Action may include informal intervention, referral to a partner agency, the offer of support, legal action, or a combination of such options, if appropriate.
- 7.7 If we decide that we do not need to take any action, then we will normally explain the reason for this to the complainant.
- 7.8 Cross tenure issues
  - 7.8.1 Many of our homes are in communities with owner occupiers, private renters and other social housing providers. We aim to work with other agencies to deal with cross tenure ASB that involves or affects our tenants and communities, in a joined-up way.

## **8. How do we support complainants of ASB?**

- 8.1 We will consider the needs of complainants of ASB as a priority when managing reports of ASB and try to work with partner agencies to minimise the risk of harm (both physical and psychological).
- 8.2 We will normally respect the wishes of any complainant or witness to remain anonymous. An example of an exception to this would be if a crime or safeguarding concern is identified. Also as referred to above, the inability to provide direct evidence may limit the ability to commence legal action.

- 8.3 We will discuss with the complainant the consequences of giving anonymous evidence, giving hearsay evidence that identifies them, and directly giving evidence in person.
- 8.4 When a case is opened, we will normally try to agree how frequently we will contact the complainant, and how (for example, by telephone, visit, letter or email).
- 8.5 We will normally carry out an assessment with complainants and witnesses to assess their level of risk and/or vulnerability. This helps us to try and ensure people receive the right support to manage and minimise their vulnerability.
- 8.6 Other support may include:
- 8.6.1 Carrying out works to the complainant's home, to increase the security.
- 8.6.2 Referring the complainant to another team or agency that may be able to provide appropriate support, specific to the complainant's circumstances. This includes:
- (a) Housing Support
  - (b) Victim Support
  - (c) Adult Social Care
  - (d) Children and Young Persons Social Care
  - (e) Community Mental Health
  - (f) Local Authority Housing and Communities Services (or equivalent), for example ASB teams.
- 8.6.3 Supporting the complainant if they needed to attend court.
- 8.6.4 Arranging for the complainant to visit the court before any hearings.
- 8.7 We may refer the complainant to a specialist Victim Support Officer to provide telephone or face-to-face support.
- 8.8 As the case progresses, we will review the support arrangements and assess any changes to the complainant's circumstances or level of risk that we are aware of.

## **9. What about support for alleged perpetrators?**

- 9.1 Wherever possible, and we consider it reasonable to do so, we will seek to offer support when a need is identified. This may run in parallel with informal or legal interventions, or on its own. We have access to various support services that are provided by partner agencies. These services can provide support to both complainants and alleged perpetrators where a need is identified, and any qualifying criteria are met.



## **10. Early informal intervention**

10.1 We utilise a range of informal actions to try and resolve issues of anti-social behaviour at an early stage and prevent escalation.

10.2 Early informal interventions may include the following:

- (a) Verbal warnings
- (b) Written warnings
- (c) Meetings or home visits
- (d) Mediation
- (e) Restorative justice solutions
- (f) Acceptable Behaviour Contracts
- (g) Parenting Contracts

10.3 This is not an exhaustive list.

## **11. Engagement and enforcement**

11.1 Our housing team will utilise the most appropriate informal and/or legal interventions to try and secure positive engagement from alleged perpetrators. They will also make referrals to appropriate support services, when necessary, or signpost complainants or alleged perpetrators to relevant partner agencies for support or assistance.

11.2 We will normally take appropriate legal action to bring about a resolution when alleged perpetrators continue to behave in an anti-social manner and have failed to engage with our staff or support and when, in our opinion, it is a reasonable and proportionate action.

## **12. Legal intervention**

12.1 When a need for legal action is identified we and/or our partner agencies may use one, or a combination of remedies including:

- (a) Extension of a starter tenancy
- (b) Possession
- (c) Civil Injunction
- (d) Criminal Behaviour Order
- (e) Dispersal Order

- (f) Community Protection Notice
- (g) Public Spaces Protection Order
- (h) Closure Order
- (i) Noise Abatement Notice
- (j) Other options that may become available in between policy reviews.

12.2 Some of the legal interventions listed above are available for use by partner agencies such as the local authority or Police or Probation Service, rather than by us. We will offer support and assistance to the lead agency in cases where the use of such remedies is appropriate.

### **13. Training**

13.1 We are committed to continual development of skills and tools to deal with ASB.

13.2 This is achieved in a number of ways:

- (a) Continuing Professional Development
- (b) Staff induction
- (c) Staff training
- (d) Case review
- (e) Lessons from customer feedback
- (f) Consulting with residents before making changes to service
- (g) Providing information and advice leaflets/guides.

13.3 We encourage staff to learn from their peers and share successful strategies for changing anti-social behaviours, enforcing the tenancy and engaging with residents.

13.4 Service development can also result from monitoring our performance as well as seeking and incorporating the current best practice from the best performing organisations.

### **14. Performance and monitoring**

14.1 Performance is reported to tenants via the website and tenants' newsletter. Key performance indicators are also reported to the Board on a regular basis, and the Regulator of Social Housing annually.

- 14.2 The Policy will be reviewed every three years. A review may be conducted more frequently to reflect significant new legislation or best practice.

**15. Monitoring**

- 15.1 Customer satisfaction with the ASB service is gathered and learning points help to guide future improvements.

- 15.2 Tenants are consulted on service standards.

**16. Equality impact assessment/Protected characteristics (as at 3 January 2025 or later amendments/additions).**

- 16.1 Neutral.

**17. Consultation arrangements**

We will consult all residents and recognised tenants' bodies on this Policy and their views will be considered by the Board before adopting it. Our staff will also be consulted on this Policy and any reasonable suggestions will be considered before the Policy is approved by the Board.