

ASB

(Anti-Social Behaviour)

and your ASB Complaint



A guide on what to expect

What is anti-social behaviour?

In this leaflet we will try to explain what Sandbourne Housing Association views as anti-social behaviour and what the expectations are from all sides.

All our tenants are responsible for the behaviour of members of their household and visitors. You are breaking the conditions of your tenancy agreement if anyone in your home causes, or are likely to cause, alarm, distress or nuisance, or continually annoys anyone in the locality.

Anti-social behaviour is any behaviour or action (which does not have to be deliberate) that interferes unreasonably with the quality of life of other tenants or prevents them living peacefully in their homes and surroundings.

What is harassment?

Harassment is the deliberate interference with the peace, comfort or safety of other persons. It can be physical, verbal or written abuse or intimidation, and includes attacks on and damage to property.

What are examples of anti-social behaviour?

The following are examples, but this list does not cover everything:

- loud music, shouting, swearing, slamming doors or drunken behaviour;
- selling, storing or taking illegal drugs;

- dogs barking, left to roam, or making a mess;
- playing ball games near someone else's home;
- inconsiderate parking or abandoned cars;
- conducting any criminal, illegal or immoral activities in or around your home;
- undertaking major car repairs in communal areas, or
- misuse of the communal areas.

What will Sandbourne do?

We will take any report of anti-social behaviour seriously and we will:

- respond promptly to any report you make to us;
- need your co-operation to carry out an investigation and, where possible, speak to all parties involved;
- collect evidence, which may involve completing diary sheets;
- take any action necessary;
- support anyone who is suffering from anti-social behaviour, as well as any witness;
- assess any vulnerabilities and needs you and your household have and signpost/refer you for further support, if necessary;
- work with tenants and other agencies to use the most effective approach to resolve the issue (this may be an action by another agency rather than Sandbourne);
- we may take action to evict, or obtain an injunction against, any tenant who is causing and/or convicted of harassment, though we will have to demonstrate to the

court that our action is both 'reasonable' and 'proportionate';

- expect you to attend court with us, if necessary; and
- support you, as a witness, throughout any legal action;

Our timescales for responding to you will normally be:

- 10 working days for most ASB (nuisance from pets, deliberate or continual household noise)
- 5 working days for serious ASB (verbal abuse, threats, harassment, potential threat of harm)
- 24 hours for domestic violence, hate crime, physical assault, severe threat to life or serious harm.

What will Sandbourne expect you to do?

We will expect you to:

- Help in any reasonable way to resolve the problem.
This may include:
 - participating in mediation
 - avoiding contact with the other party
 - working with other agencies such as the Police, Council ASB team or the NHS.
- Keep Sandbourne up-to-date about any further incidents in a timely way – this may include keeping and giving us diary sheets on a weekly basis and contacting us within seven days of an incident.

- Provide evidence of the problem – this could be:
 - diary sheets, including saying how it affected you, eg couldn't sleep from 2am to 5am, etc
 - witness statements
 - emails, letters
 - photographs
 - contacting other relevant agencies
- Be patient – our housing team have a lot of other work to undertake at any given time and we will prioritise those with the greatest risk of harm.
- In some cases of low level nuisance, you may be asked, if appropriate, to discuss the issue with your neighbour.

What will Sandbourne not do?

We will **not**:

- Seek to evict or move any resident, except in the most serious sustained case of ASB.
- Normally move you to another home because of ASB.
- Keep a case open without a realistic prospect of action working or being possible.
- Discourage you from seeking your own independent legal advice.
- Take action for one-off normal lifestyle noise, including children playing or having a party.
- Normally act on anonymous complaints.

What will Sandbourne not expect you to do?

We would **not** expect you to:

- Retaliate – however tempting or whatever the provocation. Retaliation will seriously undermine Sandbourne’s ability to take any action and may result in the case being closed and/or action being taken against you, for example, being verbally abusive or seeking to intimidate or harm anyone involved and/or making false accusations to, say, the Police.
- Refuse to provide evidence.
- Refuse to be involved in gathering evidence, if required.

What can Sandbourne do?

Only in the most serious of cases will legal action be a remedy to the ASB you are suffering. Most ASB is resolved by all the parties talking and coming to an understanding. Often mediation between the two parties in a neighbour dispute brings a positive result. On other occasions a verbal or written warning or an Acceptable Behaviour Contract can have a positive effect.

In the meantime, you may need extra support and we may be able to signpost you to services, or even some protective measures to help make you feel and be safer. One of our housing team will discuss all these options with you. Some nuisance behaviour or neighbour disputes can be difficult and time consuming to resolve and, in fact, might never be resolved. They may not even be within the remit or scope of Sandbourne to intervene.

General Data Protection Regulations (GDPR)

During the time that your complaint is open to us we may collect and hold personal or sensitive data about you, your family and other people involved. We need this data to progress the case, identify risks and provide appropriate support to understand motivations and signpost appropriately. All information will be treated confidentially and stored securely. Information will normally only be shared with a third party as appropriate, ideally with your permission but not necessarily. We will normally hold this information for three years from the date we close your case.

All information held will be compliant with the principles of the Data Protection Act 1998.

See: Data Protection Policy 'Subject access request' and Sandbourne's Privacy Notice. A more detailed leaflet is available on this subject. Copies of both are available on our website or from our registered office on request.

What Sandbourne cannot do

Sandbourne cannot normally take sides, unless we witness the events or have evidence from other parties, eg the Police.

We cannot force people to do or stop doing things.

We can only take legal action that we consider is both 'reasonable' and 'proportionate' based on the individual circumstances and evidence available at the time.

Information sharing

Whilst investigating your issue, we may need to share relevant information with other agencies we work with, such as the Police, Social Services, Health, Safer Community Team, or Youth Offending Service to help us resolve the matter. The Crime & Disorder Act 1998 allows us to do so and over-rides certain aspects of the Data Protection Act in regard to public safety and preventing or detecting crime and disorder.

We will always try to protect your information and share only what is relevant and appropriate. We may share your information with partner agencies in relation to the case under investigation. If we have any concerns regarding the welfare or safeguarding of any children, young people or vulnerable adults we will inform the relevant Social Services Department and/or Police.

Need more information?

You can:

Write to us at our registered office:

Craigleith First Floor Office, 9 Derby Road, Bournemouth, BH1 3PX

Email us on: info@sandbourne.org.uk

Website: www.sandbournehousingassociation.org.uk

Telephone us on: 01202 671222

Please note that telephone calls to the registered office number above may be recorded for information and training purposes.

In addition, we do have a range of other leaflets on specific topics, available on our website or upon request from our office.

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