



# Anti-Social Behaviour Policy

## 1. Aim of policy

This policy sets out our approach to anti-social behaviour (ASB) including domestic abuse and hate crime. It covers how we manage anti-social behaviour, the support we offer to our customers and how we work with partner agencies.

## 2. Scope of policy

This policy applies to anti-social behaviour carried out in the locality of our homes, by people who live in or visit any property owned, part owned or managed by us.

The policy is essential for neighbourhood officers and tenancy enforcement officers who manage ASB cases. It will be important to customer experience teams and tenancy support teams who may be in contact with customers who are involved in ASB cases. It could also be relevant to any members of staff who witness ASB whilst at work.

## 3. Policy statement

This Policy sets out what we expect from our customers and what they can expect from us.

We aim to stop the behaviour that is causing issues and prevent it starting again. In most cases we do this by helping customers recognise the impact of their behaviour, understand the consequences if it continues, and help them making lasting changes. In very serious cases, we might start legal action straight away with the aim of keeping residents and staff safe.

We'll meet our aims by:

- Assessing and prioritising ASB cases to ensure our resources are targeted and used efficiently
- Having a specialist tenancy enforcement team to manage high level cases and legal action
- Taking appropriate and proportional action when there is enough evidence
- Promoting a customer-centred approach, providing support to victims and witnesses
- Work with partner agencies to ensure that the most appropriate powers are used to tackle the issues

Anti-social behaviour can be subjective in nature so we will retain flexibility in how we implement this policy to ensure that we are delivering the intended outcomes.

## 4. Policy

### 4.1 What is ASB?

ASB incorporates a very wide variety of behaviours ranging from for example, noise nuisance through to criminal activities including domestic abuse, hate crime, assault and criminal damage.



The following list provides examples of what we will investigate as anti social policy within this policy :

- Domestic abuse
- Hate crime
- Violence or threats of violence
- Verbal abuse (such as shouting or swearing at someone)
- Criminal damage
- Harassing someone for any reason
- Being very noisy or rowdy
- Taking or selling illegal drugs
- Nuisance from pets and animals
- Using a home for illegal things like prostitution

We don't treat these types of behaviour as ASB:

- Noise from children playing or babies crying
- Personal disputes such as falling out with neighbours
- Normal living noise such as closing doors, going up and down stairs or people talking
- Smells from someone cooking
- Noise of a vacuum cleaner, washing machine or DIY
- Clashes of lifestyle
- Parking issues

We want children to have active, healthy lifestyles and don't treat ball games as ASB. We won't get involved unless the children are causing other issues such as verbal abuse or criminal damage.

Sometimes we won't take any action. Here are some examples:

- The alleged perpetrator is not our customer or a visitor to our properties
- There isn't enough evidence or support from victims and witnesses
- The alleged nuisance is caused by reasonable everyday behaviours, such as living noise
- We believe that the complaints are malicious
- As a landlord, it isn't something we believe that we should be involved in

In these cases, we will offer advice and guidance to encourage customers to manage the situation themselves.

The legal definitions of ASB, domestic abuse and hate crime are in appendix A.

#### **4.2 Customers' responsibilities**



We expect our customers not to act anti-socially, or to allow their family, household members, visitors or pets, to do so. This can be towards other customers, their visitors or other people in the area including our staff and contractors.

In addition to the legal responsibilities set out in tenancy agreements, licences or leases, we will encourage all residents to:

- Be realistic about what we can do as a landlord
- Try to resolve problems with neighbours themselves, acting reasonably and not retaliating
- Respect other peoples' right to live as they choose, and be tolerant of minor disturbances
- Let us know when ASB is happening, including the dates, time, who was involved and what happened
- Report crimes to the Police and noise complaints to Environmental Health
- Co-operate with us to help resolve the issues, for example by engaging with assessment, attending mediation, providing statements, attending court etc.

#### 4.3 Reporting ASB

We'll take reports of ASB from our customers, other residents, advocates and anyone else who is affected by the behaviour. We also receive information about ASB cases from other agencies, such as the Police, Environmental Health and Community Safety teams.

Customers can report ASB by:

- Using the online form on our website [www.vividhomes.co.uk](http://www.vividhomes.co.uk)
- Emailing us at [customer@vividhomes.co.uk](mailto:customer@vividhomes.co.uk)
- Calling us on 0800 652 0898 during opening hours

We encourage customers to keep a track of what is happening and how the issues are affecting them. Our website has advice for customers about different ways to record what is going on.

We'll categorise incidents based on the type of anti-social behaviour and will also consider the risk posed to the victims and impact on the neighbourhood. A case may be re-categorised at any stage.

- **Category A** - domestic abuse, hate crime, violence, drug dealing etc  
These are managed by the Tenancy Enforcement team. We make initial contact on the same working day.
- **Category B** – noise nuisance, pet nuisance, etc  
These are managed by the Neighbourhood teams. We contact complainants by the end of the next working day.

#### 4.4 What we do



We'll assess each case and contact the people involved. We'll often use early interventions such as warning letters, meetings, partnership visits, Acceptable Behaviour Agreements, Good Neighbour Agreements.

If appropriate, we may refer the case to an Assessment or Mediation service. These services are provided by an independent company.

A range of legal tools can be used if it's appropriate and there is sufficient evidence, such as:

- Notice of Seeking Possession (NOSP)
- Section 21 Notices
- Undertakings
- Civil Injunctions
- Demoted tenancies
- Suspended Possession Order (SPO)
- Possession Proceedings
- Mandatory Ground for Possession
- Forfeiture of Lease

We consider the Equalities Act and Human Rights Act when considering and taking legal action; we'll review the proportionality of the action, the needs of the victim, perpetrator and wider community.

#### **4.5 Community trigger**

A Community Trigger is a process customers can use if they have reported ASB and think that no action has been taken. It makes the police, local council and housing associations look at the situation and what they have done to resolve it. The community trigger is managed by Community Safety Partnerships and customers can contact their local council for more information.

#### **4.6 Support**

We aim to create an environment where victims and witnesses feel confident and safe in coming forward to report ASB. We'll support complainants by:

- Offering a variety of methods to report ASB and stay in contact with us
- Contact complainants weekly, unless we've agreed something different with them
- Agree an action plan with them so that we all know what is expected
- Be honest about what we can and can't do
- Assess any support or vulnerabilities, and refer to support services where needed
- Referring to our ASB worker at Victim Support, if needed
- Using translation services if required
- Offer witnesses pre-hearing court visits, pre-trial briefings, and pay for reasonable travel and work expenses.



We realise that some customers who behave anti-socially will need support to help them change behaviours, sustain their tenancy and reduce the risk of them losing their home. Where appropriate, we will work with support services to help them make lasting changes.

Whilst managing and investigating an ASB case, any concerns regarding the well-being of an adult or child will be reported using the Safeguarding procedure.

#### **4.7 Partnership working**

We work in partnership with other agencies to tackle ASB. We'll let customers know about other agencies who have powers to deal with the problem and how we will work with those agencies to help resolve the issue. If appropriate, we'll support the agency with action they may take and build relationships with them so that they also support any action we make take. A decision will be made at the start of the case who will take the lead.

Our partner agencies' powers include:

- Closure Notices & Orders
- Criminal Behaviour Orders (CBO)
- Dispersal Orders
- Noise Abatement Notices
- Public Space Protection Orders
- Community Protection Notices

We may share information with key agencies involved with community safety partnerships and statutory partner agencies. Personal data regarding individuals may be disclosed for one or more of the purposes of:

- Preventing anti-social behaviour, crime and disorder
- Detecting offences
- Apprehending offenders
- Assisting in the prosecution of offenders, both civil and criminal
- Providing support for the victims of crime
- Making our communities safer

We will treat as confidential all ASB information provided by either party in accordance with the Data Protection legislation and VIVID policies. We will however, disclose information to the Police, Children's and Adult Services and other partnership agencies for the prevention and detection of crime, apprehension or prosecution of offenders and the protection of children, young people, vulnerable adults or where failure to disclose would be likely to prejudice these objectives.

#### **5. Statutory requirements**

- The Anti-Social Behaviour, Crime and Policing Act 2014
- Housing Act 1985
- Housing Act 1988

- Data Protection Act 1998
- Equality Act 2010
- Localism Act 2011
- Mental Capacity Act 2005

#### 6. Related policies

- Housing Management Policy
- Lettings Policy
- CCTV Policy
- Complaints Policy

#### 7. Monitor and review process

Regular case reviews will be undertaken by managers to ensure that appropriate actions are being taken and good case management is being undertaken.

At intervals we arrange for an independent audit of our procedures and records to ensure that they reflect good practice and are being followed.

We will monitor new legislation and best practice and may make use of any new legislation or tools as required.

This policy will be approved by the Executive and reviewed every year.

Author	Owner	Date approved	Review date
Beth Holmyard	Tenancy Enforcement Manager	19 <sup>th</sup> September 2019	September 2020



## Appendix A: Definitions of ASB, Domestic Abuse and Hate Crime

### 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.*

We will also consider any definitions as stated in relevant tenancy agreements, licences or leases when managing ASB.

### Hate crime

Hate crime is used to describe behaviour which is driven by hatred or prejudice towards particular social groups, race and ethnicity, religion or beliefs, sexual orientation, disability, transgender identity.

- A hate incident is defined as:  
*A hate incident is any non-crime perceived by the victim or any other person, as being motivated by prejudice or hate*
- A hate crime is defined as:  
*A criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate*

### Domestic abuse

We've adopted the government definition of domestic violence and abuse:

*"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 partners or family members regardless of gender or sexuality".*

The abuse can encompass, but is not limited to:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

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