



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 agents to tackle and prevent anti-social behaviour.

Except in very serious cases, our initial approach will aim to stop the problem behaviour, prevent re-occurrence and achieve effective and long-lasting solutions.

2. Scope of policy

This policy applies to reports from or about the following tenure(s): Assured, Secure, Assured Shorthold, Supported Housing, Licenses, Leaseholders, Shared Ownership, Intermediate market rental, Private Market Rent and Commercial premises or any property owned or managed by us. We will refer to tenants, leaseholders and shared owners as customers.

We will tackle ASB that either affects or is carried out by people living within our stock and the communities we serve. This includes tenants and leaseholders, their family members, friends, visitors, pets, owner-occupiers, lodgers or private residents.

The policy is particularly relevant to Neighbourhood Managers and Anti-Social behaviour officers but will also be relevant to the tenancy and community support teams.

3. Policy statement

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

- Assess and prioritise anti-social behaviour cases to ensure our resources are targeted and used efficiently.
- Take appropriate and proportional action
- Work with partner agencies ensuring that in each case the most appropriate agency takes the lead in case management.
- Encourage good resident relations so as to minimise the risk of ASB
- Take appropriate action where there is sufficient evidence of ASB, harassment or hate motivated behaviour
- Promote a customer-centred approach where actions are aimed at providing appropriate support and protection to the victim/witnesses, enabling him/her to continue living in his/her home where possible
- Use our discretion, with management approval, in the implementation of this policy and may at times make a decision outside but within the spirit of the policy



4. Policy

4.1 ASB DEFINITIONS

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

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

We will also consider any definitions as stated in an individual’s tenancy agreement, licence or lease when taking action to manage ASB.

Examples of ASB (this list is not exhaustive)

- Noise
- Verbal abuse
- Intimidation and harassment
- Threatening or aggressive behaviour
- Violence against people or property
- Hate motivated behaviour
- Graffiti
- Domestic Abuse
- Drug use or dealing
- Drunkenness
- Criminal behaviour
- Nuisance from pets and animals
- Fly tipping, litter and misuse of communal areas

The following examples are not deemed ASB (this list is not exhaustive)

- Noise or disturbance from children when they’re playing
- Babies crying
- Smells from cooking
- Sounds of normal living such as opening and closing of doors, going up and down stairs, people talking, walking across floors.
- One-off parties such as BBQs, birthday or Christmas parties
- Vacuum cleaner, washing machine or DIY noise (unless late at night or repeated)
- Clashes of lifestyle, including cultural differences
- Minor personal differences such as dirty looks or fall outs



- Parking in the wrong bay. We will not to manage residents' parking issues, we recognise that parking is limited in many areas and expect customers and their visitors to act in a reasonable manner and communicate with each other to minimise disputes.
- We encourage children to have an active, healthy lifestyle and do not consider children playing ball games to be ASB. Unless the children playing ball games are engaged in verbal abuse, criminal damage, targeting behaviour or more serious nuisance we will not take action.
- We will work to manage residents' expectations in regards to behaviour that is not deemed ASB. We will offer advice and guidance to encourage and enable them to deal with or manage the situation themselves.

Sometimes we won't take any action. Examples of these situations are below but are not exhaustive.

- When a customer makes a complaint about ASB and the perpetrator is not our customer or a member/visitor to our property.
- When there is insufficient evidence or support from customers of other agencies is not available
- We cannot take action when nuisance is suffered as a result of others doing
- something that is not deliberate and/or reasonable everyday living noise
- Where the complaints are Vexatious or Malicious in nature.

4.2 HATE MOTIVATED BEHAVIOUR

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

1) A hate incident is defined as:

Any incident which may or may not constitute a criminal offence which is perceived by the victim or any other person as being motivated by prejudice or hate

2) Whereas a hate crime is defined as:

Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person as being motivated by prejudice or hate.

4.3 DOMESTIC ABUSE

VIVID has adopted the cross government 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 partners or family members regardless of gender or sexuality".



The abuse can encompass, but is not limited to:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

4.4 CUSTOMERS' RESPONSIBILITIES

We expect our customers not to commit, or allow their family, household members, visitors or pets to commit ASB. This includes harassment, noise nuisance, disturbance or annoyance. This is whether this is to other customers, their visitors or other individuals in the area including our staff or contractors.

In addition to the legal responsibilities set out in tenancy (licence or lease) agreements, we will encourage all residents to:

- i. Be realistic in their expectations of what we can do as a Landlord
- ii. Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner before contacting us
- iii. Report all incidents of ASB
- iv. Report all crimes to the Police
- v. Report noise complaints to Environmental Health
- vi. Not to retaliate, this could result in counter allegations being made
- vii. Co-operate with our investigations and gather evidence, keep a record of incidents, including dates, time, who was involved and what happened.
- viii. Respect other peoples' rights to their chosen lifestyle and to be tolerant of everyday, reasonable level of disturbance
- ix. Work and co-operate with us fully to resolve disputes/issues, for example by attending mediation, providing statements, attending court etc.
- x. We will investigate anonymous complaints if the complaint can be substantiated, such as over-grown gardens, or evidence from a third party. If allegations cannot be substantiated such as drug-dealing we may refer this information to a more appropriate agency to investigate.

4.5 ACTING ON REPORTS OF ASB

We will initially categorise all reported incidents depending on our assessment of the seriousness of the incident, the risk posed to the victim(s) and impact on the neighbourhood. The categories are:



Category A: Serious nuisance (E.g. Domestic Abuse, Hate Crime)
Category B: Neighbour Disputes (E.g. Serious noise disturbance, Suspicion of drug dealing)
Category C: Minor Disputes (E.g. Non offensive graffiti, inconsiderate household noise)

- Category A – We will contact complainants on the same working day
- Category B & C – We will contact complainants in line with our call back procedure

A case may be re-categorised at any stage during the investigation.

VIVID will assess each case and use early interventions if appropriate to do so, example of early interventions include, but are not limited to, warning letters, meetings, partnership visits, Acceptable Behaviour Contracts (ABC), Good Neighbour Agreements (GNA).

Where appropriate VIVID may refer an ASB case to an Assessment or Mediation service, these services are offered by an independent company to VIVID.

A range of tools and legal remedies are available to VIVID providing sufficient evidence is available – these include, but are not limited to:

- Notice of Seeking Possession (NOSP)
- Section 21
- Undertakings
- Civil Injunctions
- Demoted tenancies
- Forfeiture of Lease
- Suspended Possession Order (SPO)
- Possession Proceedings
- Mandatory Ground for Possession - Customers can appeal this decision by writing to us within 10 working days of being served with a Notice Seeking Possession.

We will consider the Equalities Act and Human Rights Act when undertaking legal enforcement; we will review the proportionality of the action against the case, the needs of the victim, perpetrator and wider community.

a) Support

We aim to create sustainable communities and an environment where victims and witnesses feel confident and safe in coming forward to report ASB. We will provide support to the person making the report and witnesses to ensure their own well-being and that action against perpetrators is as successful as possible. We will support complainants of ASB by:



- Offering a variety of methods to report ASB – Face to face, via email, letter via our web-site
- Use translation services if required
- Deal with reports promptly
- Manage customer expectations and be realistic about what we can and can't do
- Discuss the issue and our action plan with the customer to try and resolve their case
- Carry out risk assessments during the initial investigation, assessing any support or vulnerabilities, signpost and make referrals to Tenancy Support and/or other support agencies where necessary
- Offer witnesses pre-hearing court visits, pre-trial briefings, reasonable travel and work expenses covered.

We appreciate that some perpetrators may be vulnerable and will need help and support to enable them to sustain their tenancy and reduce the risk of losing their home. If appropriate, we will work with both internal and external support services and external specialist agencies.

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.

b) PARTNERSHIP WORKING

We do not and cannot operate in isolation in tackling anti-social behaviour. We work in partnership with other agencies to find solutions and we will advise residents about other agencies who have effective powers to deal with the problem. If appropriate, we will support the agency with any action they may take. This could be formal action (as listed below) or lower level interventions.

These tools/powers include but are not limited to:

- Community Trigger
- Closure Notices & Orders
- Noise Abatement Notices
- Criminal Behaviour Orders (CBO)
- Dispersal Orders
- 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 crime and disorder
- Preventing anti-social behaviour
- 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

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 three years.



Author	Owner	Date approved	Review date
Derek Streek	Operations Director		