



# Anti-Social Behaviour Policy

## 1. Aim of policy

This policy sets out our approach to anti-social behaviour (ASB) including hate motivated behaviour. 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 and offices, by people who live in or visit any property owned, part owned or managed by us.

The policy is essential to ASB Officers who manage ASB cases. It is be important to neighbourhood teams, 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 quickly with the aim of keeping residents and staff safe. We'll meet our aims by:

- Assessing ASB cases to ensure our resources are targeted and used efficiently
- Having a specialist ASB Team to manage 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, hate motivated behaviour, assault, and criminal damage. Here are some examples of what we will investigate as ASB:

- Hate motivated behaviour
- 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:

1. Noise from children playing or babies crying
2. Normal living noise such as closing doors, going up and down stairs or people talking
3. Smells from someone cooking
4. Noise of a vacuum cleaner, washing machine or DIY
5. 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.

### **Personal disputes**

We encourage our customers to live amicably within their community. Lifestyles and personalities can be diverse and tolerances differ, and sometimes people fall out with their neighbours. This can result in disputes with neighbours which may include:

- Dirty looks
- Comments in passing
- Disagreements over bins, or parking
- Lower tolerance to kids playing
- Allegations from both sides (counter allegations) against each other, without independent witnesses

In most circumstances, we will not record this as ASB. We can offer advice and guidance and referrals to an assessment service and mediation. However, we are unlikely to be able to resolve neighbour disputes for customers.

Here are some examples of other times we won't take any action:

- 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. Noise reports about household noise will be covered in our Housing Management Policy and managed by our Neighbourhood teams.

The legal definitions of ASB and hate motivated behaviour 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 and the impact caused.
- 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.

Here are the ways that customers can report ASB to us [www.vividhomes.co.uk/contact-us](http://www.vividhomes.co.uk/contact-us)

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.

#### **4.4 What we do**

All ASB cases are managed by specialist officers in the ASB team. In every case, the team will contact you by the end of the next working day to gather more details.

After this call, you'll receive a clear action plan, including:

- Initial Assessment: Summary of what we found and the nature of your complaint.
- Objectives: What we aim to achieve.
- Responsibilities: What we'll do and what you can do.
- Timeline: Key dates and milestones.
- Contact Plan: How and when we'll keep in touch, usually fortnightly.
- Referrals: any signposting or referrals to other agencies
- Support Resources: Helpful contacts and advice.

We'll carry out an assessment to identify any risks and determine any additional support or actions needed.

#### **Early Intervention**

Addressing issues quickly before they escalate can often resolve them more effectively. Here are some early interventions we might use:

- Independent Assessment or Mediation service
- Warning Letters: Formal notices to address the behaviour.
- Meetings: Face-to-face discussions to understand and resolve the issue.
- Partnership Visits: Collaborative visits with other agencies to provide support.
- Acceptable Behaviour Agreements: Agreements outlining expected behaviour.
- Good Neighbour Agreements: Agreements promoting positive community interactions.

By using these early interventions, we aim to resolve issues swiftly and prevent them from escalating.

### **Legal Tools for Addressing ASB**

We'll consider taking legal action for ASB when there is sufficient evidence and the behaviour significantly impacts others. The decision involves assessing the severity, frequency, and impact of the behaviour on victims and the community. If appropriate and there is sufficient evidence, we may consider a range of legal tools to address ASB, including:

- Notice of Seeking Possession (NOSP): Formal notice to start possession proceedings.
- Suspended Possession Order (SPO): Court order allowing possession if conditions are breached.
- Section 21 Notices: Notice to end a tenancy.
- Possession Proceedings: Legal action to regain possession of property.
- Undertakings: Formal promises to the court to behave in a certain way.
- Mandatory Ground for Possession: Legal action here the court has to order an eviction
- Civil Injunctions: Court orders to prevent certain behaviours.
- Forfeiture of Lease: Termination of a lease due to breach of conditions.
- Demoted Tenancies: Reduction of tenancy rights due to ASB.

We carefully consider the Equalities Act and Public Sector Equality Duty when taking legal action. We review the proportionality of the action and the needs of the victim, perpetrator, and wider community to ensure fairness and effectiveness.

### **Monitoring Performance**

To ensure a consistent, high quality service to customers, we will:

Monitor and manage individual performance and the progress of ASB cases. Utilising data will help identify areas for improvement and ensure that cases are handled efficiently and effectively.

Conduct comprehensive case reviews every two months, as a minimum. These reviews will ensure that cases comply with our policy and procedures, and issues are promptly addressed. Any learning identified will be used as part of service improvement plans.

Regular performance conversations and training sessions for our staff to ensure they have the necessary skills and knowledge to manage cases effectively and empathetically.

### **4.5 Cannabis**

There has been an increase in complaints about personal cannabis use in and around our properties. Possessing or using cannabis at home is illegal unless prescribed by legally recognised prescriber for medicinal use and used legally (e.g., not smoked). This breaches the tenancy agreement, which prohibits illegal activities. Tenancy enforcement action requires proof of cannabis use and substantial evidence that it significantly impacts an individual, such as serious

health issues. This must be supported by evidence from other agencies like medical professionals or Environmental Health.

We try to resolve these cases through interventions, such as:

- Asking customers to be more considerate of neighbours
- Acceptable Behaviour Agreement
- ASB Assessment referrals
- Mediation
- Warning letters
- Passing information on to the Police

#### **4.6 Hate Crime and Hate Motivated Behaviour**

We're committed to addressing hate crimes and hate motivated behaviour to ensure the safety and wellbeing of our customers. Our procedure clearly outlines the steps for reporting, investigating, and resolving incidents of hate crimes and behaviour. We offer robust support to victims, working closely with local authorities, the police, and other relevant organisations to tackle these issues effectively. Our staff are trained to recognise and respond to hate crimes and behaviour, and we will actively raise awareness amongst customers about these issues and how they can report incidents and concerns. Regular monitoring and analysis of customer feedback will be conducted to ensure accountability and continuous improvement in our approach.

#### **4.7 Community trigger**

A Community Trigger, also known as an ASB case review, 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.

#### **4.8 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 and agreed an action and contact plan so they what is expected
- Be honest about what we can and can't do
- Assess any support or vulnerabilities, tailor our response and refer to support services where needed
- Referring to an ASB worker at Victim Support, if needed
- Using translation services if required
- Offer witnesses pre-hearing court visits, pre-trial briefings.

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.

#### **4.9 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
- Noise Abatement Notices
- Criminal Behaviour Orders (CBO)
- Public Space Protection Orders
- Dispersal 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
- Reasonable Adjustment Procedure
- Lettings Policy
- CCTV Procedure
- Complaints Policy
- Domestic Abuse Policy

## 7. Monitor and review process

Case reviews are undertaken by line managers every 2 months, as a minimum, to ensure that appropriate actions are being taken and good case management is being undertaken. Cases are also reviewed following feedback from customers via our transactional surveys.

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 Directors Group and reviewed every 3 years.

## 8. References/appendices

Appendix A: Definitions of Anti-Social Behaviour and Hate motivated behaviour

Consultation requirements	Last Consultation Date	Date for next consultation
Customer consultation	Dec 2023	Dec 2026
Equality Impact Assessment required?	Last EIA date completed	
Yes	January 2024	

Author	Owner	Approval level e.g. Board	Date approved	Review date (three year)
Beth Holmyard	Alex Nagle	Exec	January 24	January 2025
Beth Holmyard	Alex Nagle		July 2024 <i>Minor updates to contact channels only</i>	January 2027
Beth Holmyard	Alex Nagle	Directors Group		

## Appendix A: Definitions of Anti-Social Behaviour and Hate motivated behaviour

### 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 motivated behaviour

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