

---

## Anti Social Behaviour Policy

---

### Document History

Version	Date	Change	By
1.0	15 Jul 2019	Policy amended following training and lessons learnt	T Coggins

### Approvals

Version	Date	Approved By (Note minute number if applicable)	Equality & Diversity Impact Analysis Completed By
1.0	15 Jul 2019	M Margrie, CEO	

Review Cycle	Next Review Date
As required.	

# Table of Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
<b>2</b>	<b>Definitions.....</b>	<b>1</b>
<b>3</b>	<b>How to report ASB.....</b>	<b>2</b>
<b>4</b>	<b>Responding to ASB .....</b>	<b>2</b>
<b>5</b>	<b>Supporting complainants and witness confidentiality.....</b>	<b>3</b>
<b>6</b>	<b>Hate Crime .....</b>	<b>4</b>
<b>7</b>	<b>Domestic Abuse.....</b>	<b>4</b>
<b>8</b>	<b>Complaint handling .....</b>	<b>4</b>
<b>9</b>	<b>Tenant’s responsibilities .....</b>	<b>5</b>
<b>10</b>	<b>Staff support .....</b>	<b>5</b>

## 1 Introduction

- 1.1 The Housing Act 1996 requires registered providers of social housing to publish policies and procedures for dealing with anti-social behaviour. The term Anti-Social Behaviour (ASB) covers a wide range of unacceptable activities that have a negative impact on the community. Cirencester Housing (CH) does not accept ASB and will make this clear to all tenants, leaseholders and to any person who is seeking a tenancy or property with us. CH will take appropriate and proportionate action to prevent and deal with ASB on a case by case basis.
- 1.2 CH has identified the categories of behaviour that assists us in responding to behaviour concerns raised about and/or by tenants, residents and their visitors:
  - 1.2.1 Safeguarding and abuse
  - 1.2.2 Domestic abuse
  - 1.2.3 Antisocial behaviour
  - 1.2.4 Low level nuisance
- 1.3 All concerns that may indicate a safeguarding concern, abuse or domestic abuse will be responded to as provided for in our *Safeguarding & Domestic Abuse Policy & Procedure*.
- 1.4 This policy sets out how CH responds to concerns raised about low-level nuisance and antisocial behaviour.
- 1.5 CH is committed to:
  - 1.5.1 Ensuring that the welfare of residents is always paramount
  - 1.5.2 Maximising people's choice, control and inclusion and protecting human rights
  - 1.5.3 Working in partnership with others to support safer communities, resolve community concerns, safeguard children and vulnerable adults, and respond to abuse
  - 1.5.4 Ensuring safe and effective working practices are in place
  - 1.5.5 Supporting staff within the organisation
  - 1.5.6 Ensure our customers understand what neighbourhood nuisance and ASB is and how they can report incidents to us
  - 1.5.7 Publicising our approach on our website, in newsletters and the tenant handbook.

## 2 Definitions

- 2.1 **Abuse:** A range of behaviours that may cause harm and/or constitute abuse. Please refer to CH's *Safeguarding & Domestic Abuse Policy & Procedure* for further information.
- 2.2 **Antisocial behaviour:** CH has adopted the Anti-social Behaviour, Crime and Policing Act 2014 definition of ASB that covers:
  - 2.2.1 conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
  - 2.2.2 conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
  - 2.2.3 conduct capable of causing housing-related nuisance or annoyance to any person.
- 2.3 **Harassment:** unwanted behaviour which you find offensive or which makes you feel intimidated or humiliated.
- 2.4 **Unlawful Harassment:** harassment and/or discrimination under the *Equality Act 2010* that is because of, or connected to, age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation.
- 2.5 **Low level nuisance:** Behaviour that may be considered an annoyance or difficult to accept but is unlikely to have a significant impact on quality of life and to which the police and/or local authority would be unlikely to respond to in a partnering approach to address.

- 2.6 **Statutory Noise Nuisance:** For noise to amount to a statutory nuisance, it must be "prejudicial to health or a nuisance" - see section 79(1)(g) and (ga) of the Environmental Protection Act 1990. Local authorities have a duty to deal with statutory nuisances under the Act.
- 2.7 **Safeguarding:** violence and abuse committed against an under 16 is a child safeguarding issue, and violence and abuse against a vulnerable adult is a safeguarding issue. Please refer to CH's *Safeguarding & Domestic Abuse Policy & Procedure* for further information.
- 2.8 The following behaviours covered by this Policy are examples of ASB but doesn't constitute an exhaustive list;
- 2.8.1 Violence or threats of violence to any person
  - 2.8.2 Abusive or insulting words or behaviour
  - 2.8.3 Offensive behaviour under the influence of drugs or alcohol
  - 2.8.4 Damage or threat of damage to property including graffiti. Intimidation and harassment including the targeting of groups because of their perceived differences
  - 2.8.5 Using or selling drugs or other illegal substances
  - 2.8.6 Use of the property for unlawful purposes
  - 2.8.7 Making an unreasonable level of noise by any means including shouting, slamming doors, operating tools or machinery or playing music, radio, television or other sound making equipment so as to annoy neighbours or anyone else in the locality
  - 2.8.8 Allowing pets to make excessive noise, or to be a danger to others
  - 2.8.9 Fouling of public areas
  - 2.8.10 Excessive accumulations of refuse or dangerous or polluting materials and Hoarding.

### 3 How to report ASB

- 3.1 Incidences of ASB can be reported to CH in a variety of ways by anyone affected by the behaviour through the following methods:
- 3.1.1 By phone – 01285 658 377
  - 3.1.2 Email – [contact@cirencesterhousing.org.uk](mailto:contact@cirencesterhousing.org.uk)
  - 3.1.3 Website - <https://www.cirencesterhousing.org.uk/contact-us/>
  - 3.1.4 By post or in person – Cirencester Housing, First Floor South Wing, Cotswold District Council Offices, Trinity Rd, Cirencester, GL7 1PX.

### 4 Responding to ASB

- 4.1 CH recognizes that to effectively tackle persistent ASB, community engagement is paramount. Where it is not appropriate to encourage community engagement, CH will look to undertake partnership working through a multi-agency approach. CH should refer to one or more of the following agencies as early as possible once persistent ASB is identified in order to achieve the best possible outcome for the victim(s).
- 4.1.1 Police
  - 4.1.2 Police Community Support Officers
  - 4.1.3 Social Services (Adults & Children)
  - 4.1.4 Environmental Health (Local Authority)
  - 4.1.5 Citizen Advice Bureau
  - 4.1.6 Families First
  - 4.1.7 P3 Charity
  - 4.1.8 Cotswold District Council housing advice (HomeSeeker Plus)
  - 4.1.9 General Practitioners
  - 4.1.10 Community Mental Health service
  - 4.1.11 Fire and Rescue Service
  - 4.1.12 Gloucestershire Domestic Abuse Support Service (GDASS)

- 4.2 Suspected perpetrator(s) of ASB should be advised of the consequences of their actions as soon as unacceptable behaviour has been identified. Referrals should also be made to appropriate agencies in supporting perpetrators understand how consequences may affect their tenancy and address the root cause of ASB.
- 4.3 CH recognizes the stress and disruption to lives that can be caused by the ASB of others and will look to ensure that complaints of ASB are dealt with quickly and effectively using early intervention where this is necessary. Responding to ASB is an essential element of Housing Management and the services provided will be coordinated by CH Housing staff.
- 4.4 CH will provide tenants with a tenancy agreement and Tenant Handbook, which clearly outline rights, responsibilities and CH's role in terms of ASB. CH will seek to ensure tenancy conditions are complied with and enforce them as appropriate and proportionately.
- 4.5 In cases of low level ASB such as noise complaints, if a situation becomes "one word against the other", CH may ask the complainant to keep a diary record of occurrences in order to assess level of persistence in determination of necessary actions. Diary records may be requested to cover timeframes of between 1 and 4 weeks.
- 4.6 To ensure a consistent approach in tackling ASB and CH will consider any Equality Act implications with all decision making. Tenant involvement will be considered where appropriate, when early intervention is deemed achievable for example; through mediation.
- 4.7 ASB should be tackled head on with the source of the behaviour addressed and resolved rather than looking to undertake tenant internal transfers.
- 4.8 Any action CH takes will be proportionate to the complaint, ensuring it conforms to tests of reasonableness and / or proportionality that housing legislation requires. Therefore, CH will work with complainants, the local community and other persons involved in the witnessing of ASB in order to obtain evidence impartially.
- 4.9 Where low level ASB occurs or when ASB begins, the following tools can be used in escalation.
  - 4.9.1 Warning (Official & Final Letter)
  - 4.9.2 Mediation
  - 4.9.3 Dispute resolution
  - 4.9.4 Acceptable Behaviour Contract
  - 4.9.5 Good Neighbourhood Agreement
  - 4.9.6 Injunction (with powers of arrest if necessary)
  - 4.9.7 Ending of a Starter Tenancy
  - 4.9.8 Suspended Possession Order (with terms agreed)
  - 4.9.9 Outright Possession Order
- 4.10 However, Circumstances may arise where early intervention is inadequate and robust enforcement is necessary. When severe ASB arises that requires a legal intervention, permission should be sought from the Chief Executive. Before applying for possession, the two following tests must be considered:
  - 4.10.1 Is there a ground for possession, as set out in Schedule 2, Housing Act 1985 or in Schedule 2, Housing Act 1988?
  - 4.10.2 Is it reasonable to make the Order?

## **5 Supporting complainants and witness confidentiality**

- 5.1 CH will ensure that ASB complaints are dealt with promptly and that complainants are kept advised of and involved in the progress of a case.
- 5.2 Complainants will not remain anonymous by default unless the complainant so requests from the start of the complaint. When a complainant wishes to remain anonymous, reasonable steps will

be taken by CH in respect of privacy. Inevitably, situations will arise through the detail of the complaint that may reveal who the complainant is.

- 5.3 The option to retain anonymity may be withdrawn by CH throughout the ASB complaint in cases where a suspected perpetrator of ASB makes a counter claim or the original complaint is a suspected vexatious complainant.
- 5.4 Disclosure of complainant details may subsequently be necessary for evidential purposes if legal action is to be undertaken but again, this should not be done without the complainant's consent.

## **6 Hate Crime**

- 6.1 If someone is being harassed because of one of following protected characteristics under the Equality Act 2010 (disability, gender-identity, race, religion or belief, or sexual orientation), this can be reported as a hate crime. Hate crimes should also be reported to the police. CH will encourage the reporting of racially motivated incidents to the Police, supporting complainants and their families and taking action against perpetrators (in partnership with other agencies) as appropriate.

## **7 Domestic Abuse**

- 7.1 CH aims to offer assistance to any of its tenants who are suffering from domestic abuse or threats of violence either from someone within their own home, or from someone outside their home, such as a boyfriend/girlfriend or former civil partner or partner, or any other member of their household including carers. . Please refer to CH's *Safeguarding & Domestic Abuse Policy & Procedure* for further information.

## **8 Complaint handling**

- 8.1 When a complaint of ASB is made, CH will deal with it as quickly and sensitively as possible and will aim to resolve the complaint wherever possible by discussing the matter with the complainant either in person or over the phone. Understanding the complainant's expectations will assist CH in the decision-making process. Where a complaint is found to be valid, an understanding of the complainants' expectations helps ensure the victims interests are considered throughout the investigation.
- 8.2 CH may investigate a complaint by requesting information from the local community (excluding complainant) who may have also been affected by the reported ASB, to gain impartial evidence and aid an investigation. This might be undertaken by phone calls or visits, using non-leading questions (eg How have you found living at 12 Smith Rd recently?).
- 8.3 Where a lack of investigation evidence is available, external professional input may help achieve a solution. CH should initiate a multi-agency approach by referring to one or more agencies. Joint agency visits may be appropriate and should be coordinated by CH Housing staff. Before any referral to an external agency is made, consent from all parties involved should be sought. If consent is not given, CH may still share information on a lawful basis to achieve legitimate interests. Further information can be found of CH's use of personal data contained within our Privacy Notice:  
  
<https://www.cirencesterhousing.org.uk/wp-content/uploads/2018/06/CH-Privacy-Notice-FINAL.pdf>
- 8.4 A complaint will usually be investigated by inviting the suspected perpetrator into the CH office or where appropriate and necessary, a home visit undertaken. The perpetrator should be advised of the detail of the complaint, how it has impacted the victim and any tenancy breaches highlighted.

- 8.5 The perpetrator should be giving the opportunity to respond with their version of events and the conversation summarized through recorded minutes and held on CH's housing management system.
- 8.6 Attempts should be made by CH to agree a way forward with the perpetrator taking into account victims wishes, if proportionate, to encourage tenancy sustainability.
- 8.7 The perpetrator and complainant should then be written to confirming the outcome of the situation. If actions have been agreed, they should be detailed within both letters. Where no evidence of ASB can be obtained or no actions have been agreed, the complainant must be advised of this in writing. CH should outline in communications to the complainant possible signposting options to support agencies.
- 8.8 CH should advise both the complainant and perpetrator separately if a complaint investigation is to be held open for ongoing enquiries or that the complaint is considered addressed and closed.
- 8.9 If a complainant of ASB is unsatisfied with the service offered by CH in response (or lack of) to an ASB complaint, a service complaint can be raised in accordance with CH Complaints Policy.  
<https://www.cirencesterhousing.org.uk/wp-content/uploads/2018/10/Complaints-Policy-v1.0.pdf>

## **9 Tenant's responsibilities**

- 9.1 You are responsible for everyone living in and visiting your home (including children).
- 9.2 We promote the approach that tenants should always try to discuss any issues with the other party or neighbour in the first instance, providing they feel happy and safe to do so.
- 9.3 Tenant's or persons making a complaint about another person's behaviour should be prepared to provide evidence of the problem.
- 9.4 All tenants, regardless of whether they are the person reporting or on the receiving end of a complaint must not retaliate as this is likely to increase tensions between the parties. Any retaliatory or unacceptable behaviour may result in a valid complaint being raised that could result in CH taking action under the terms of your tenancy agreement.
- 9.5 We do not tolerate abuse against staff or contractors, whether physical or verbal. We take appropriate action against tenant's who are abusive.
- 9.6 ASB will not be tolerated and may lead to legal action being taken which may result in the loss of your tenancy and home.

## **10 Staff support**

- 10.1 We do not tolerate abuse against staff or contractors, whether physical or verbal. We take appropriate action against tenant's and members of the public who are abusive.
- 10.2 We are committed to ensuring are staff are supported and capable of delivering this policy, and as such provide support and/or training to enable them to:
  - 10.2.1 confidently identify and investigate ASB reports
  - 10.2.2 support and advise tenants and customers as provided for in this policy
  - 10.2.3 cope with difficult and dangerous situations
  - 10.2.4 keep up-to-date with current best practice and legislation, including awareness of child protection and protection of adults from abuse.