

Title:	Anti-Social Behaviour Policy
Issue Date:	January 2025
Effective Date:	Immediately
Document Owner:	Natasha Roberts
Post of Document Owner:	Director of Operations
Date Approved by SMT:	December 2024
Date Approved by HASC:	22 nd January 2025
Version number	2
Date of Next Review	January 2028

1. Introduction

- 1.1.1 Residents should be able to live peacefully and securely in their homes.
- 1.1.2 Wherever it is practicable and considered appropriate, we will take action to try to stop incidents of Anti-Social Behaviour (ASB), lessen the effects and support residents affected by it.

2. Scope

- 2.1 This policy applies to all tenants, their household members, and visitors residing in or visiting properties managed by Women's Pioneer Housing. It also extends to individuals in the surrounding community where their behaviour impacts WPH tenants, staff, or property.

3. Purpose

- 3.1.1 This policy sets out WPH's approach to managing ASB and should be read in conjunction with other housing management policies and procedures including the Anti-Social Behaviour Procedure.
- 3.1.2 This policy aims to:
 - Minimise occurrences of ASB

- Ensure swift, impartial and fact driven investigations into ASB cases
- Manage expectations of complainants
- Deliver a clear approach to closing case.

3.1.3 Where it is our responsibility, WPH will take prompt, appropriate and decisive action to deal with ASB before it escalates and will work with relevant partners (e.g. local authorities and police) to meet our responsibilities.

3.1.4 We aim to resolve ASB cases within 85 days of the initial report, which is based on sector best practice as reported through HouseMark.

3.5.1 Domestic abuse is not dealt with under the Anti-Social Behaviour Policy, please see the Domestic Abuse Policy.

4. Definition of ASB

4.1.1 ASB is defined under Section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 as conduct that has caused, is likely to cause or is capable of causing harassment, alarm or distress to any one person, in particular in relation to their occupation of residential premises.

4.1.2 Anti-social behaviour does not include reasonable day-to-day behaviour. The following may be used as examples of what we may class as ASB:

- Vandalism
- Criminal activity
- Violence or threatened violence
- Taking drugs or drinking alcohol in areas of the building that you share
- Drug dealing
- Drunken or disorderly behaviour
- Frequent, very loud noise which is not caused by reasonable everyday activity
- Out of control animals
- Graffiti
- Abusing other residents, our staff or contractors
- Discrimination or harassment
- Hate crime incidents based on race, sexual orientation, belief, gender, disability
- Domestic Abuse -see Domestic Abuse Policy

4.1.3 Behaviour that results from different lifestyles or would not be considered unreasonable by most people is not ASB. Examples of activities that cannot be considered as ASB include:

- A crying baby
- Strong cooking smells
- Children playing
- Normal domestic noise like doors banging, going up and downstairs, washing-machines and vacuum cleaners (in

reasonable hours)

- Personal dislikes/arguments on non-housing matters.
- Family disputes
- One off parties such as BBQs, birthday or Christmas parties providing they don't cause an unacceptable disturbance
- Minor personal differences such as dirty looks or fall outs between children

4.1.4 Low level neighbour disputes would not be considered Anti-Social Behaviour; however, we recognise that sometimes-repeated low-level incidents that do not appear to be serious can have a detrimental impact on residents. If there are repeated incidents which are having a harmful effect on the complainant, then we will consider them under this policy.

4.1.5 Everyone has a different tolerance level when it comes to noise. Many of our properties are heritage buildings and noise transference from neighbouring properties is something that many of our residents will have to live with. In addition, the quality of sound insulation has changed over the years. In older properties or properties built using certain building methods, noise will carry more than in new build properties which have to meet more stringent regulations. If the local authority has determined there is no "statutory noise nuisance" but incidents persist, we may investigate further, providing we have received a minimum of 2 weeks' worth of incident diary sheets and/or recordings made using the Noise App. We can support residents if they have difficulty completing diary sheets or with using the Noise App. We will also encourage all parties to agree to independent mediation.

4.1.6 Some behaviours such as undue interference with staff or contractors may be dealt with under our Unreasonable Behaviour Policy.

5. Prevention

5.1.1 We will assess a tenant's needs and background at the sign up, according to our Allocations and Lettings Policy and Procedure in order to establish any support needs they have to prevent anti-social behaviour.

5.1.2 Each tenancy agreement type holds clauses relating to ASB.

- Secure tenancies contain clauses relating to harassment of neighbours and their guests and prevention of nuisance.
- Starter (periodic assured shorthold tenancies), fixed term, assured tenancies and assured shorthold tenancies all have comprehensive and robust ASB clauses.

5.1.3 We will inform residents of their responsibility to adhere to these clauses, and the consequences of not doing so, at sign-up and throughout their tenancy. In particular, new tenants with a starter tenancy will have the consequences of ASB explained to them on the continuation of their tenancy with us.

5.1.4 We carry out inspections to identify and respond to environmental issues on estates, street properties and communal areas to minimise crime and ASB.

6. Resident's responsibility

- 6.1.1 In line with their occupancy agreements, residents are expected not to commit ASB, or to allow household members, visitors or pets to commit ASB.
- 6.1.2 Residents should acknowledge that day-to-day activities, such as noise or minor disturbances cannot be avoided, especially in much of WPH's stock of converted houses. Residents should accept that sometimes, while the behaviour of another household is frustrating it is not reasonable to place restrictions on their usual enjoyment of their home.
- 6.1.3 Should ASB occur residents should report this as soon as possible to their Housing Officer or Scheme Manager so WPH can investigate and act in a timely manner. Residents may report ASB to WPH through usual communication channels; phone, letter, email etc.
- 6.1.4 Residents should cooperate with our investigation, where possible sharing evidence with us.

7. Investigating ASB

- 7.1.1 We take all cases of ASB seriously, considering their persistence, nature and impact on the complainant and wider community and will act in an empathetic manner to the complainant.
- 7.1.2 Once a case is opened, we will carry out a risk assessment and investigate in a timely manner in accordance with our Anti-Social Behaviour Procedure to determine what is high level and low level ASB._

High level incidents may include:

Domestic Abuse (see separate Domestic Abuse policy)
Drug Dealing
Hate Crime
Offensive Graffiti
Violence

Low level incidents may include:

Noise Nuisance
Neighbour disputes
Animal nuisance

- 7.1.3 During the investigation we will take an impartial approach, be fact driven and manage expectations. The ASB Investigation Procedure and will support staff to work in this way.
- 7.1.4 We will treat all cases sympathetically and can be flexible in our approach to meeting the complainant, for example in a neutral place, or in the office,

however it helps to meet at the complainant's home in order to have an opportunity to witness the alleged behaviour.

- 7.1.5 We will use action plans that have been agreed with the complainant resident.
- 7.1.6 We will ensure that we manage expectations from the outset.
- 7.1.7 We will support the complainant to gather further evidence for example through diary sheets or Noise App recordings and can put in place appropriate additional security measures if needed.
- 7.1.8 We will invite the alleged perpetrator to a meeting to discuss the allegations in writing and set out an overview of the allegation/s made. A timetable for the investigation is set out in the Anti-Social Behaviour Procedure.
- 7.1.9 Wherever possible we will protect the complainant's identity however in many cases the complainant will be identifiable through the nature of the allegation, in these cases the complainant will be fully informed of this possibility. We will not accept anonymous reports of ASB.
- 7.2.0 We will ensure cases are recorded on our Housing Management System and links established to other cases or historic cases to form part of the investigation.
- 7.2.1 During the investigation we may need to interview multiple victims, alleged perpetrators, witnesses and staff. Throughout the investigation we will keep in regular contact with the complainant updating them as we complete each step by both telephone and in writing.
- 7.2.2 We will follow safeguarding procedures if there are concerns regarding a vulnerable adult at risk or where children are involved. We may also, arrange support from other parties who can help, including the police and local authorities.
- 7.2.3 Wherever possible we will work with residents to rebuild relationships with each other during the course of the investigation.
- 7.2.4 For ongoing or complex cases, a formal review meeting will take place every six months to reassess progress and determine whether additional measures are necessary.
- 7.2.5 We will ensure that residents are regularly updated on the progress of their ASB reports, including when investigations are complete, and the outcome has been reached. Tenants will have the opportunity to provide feedback on how their case has been handled, and this feedback will be used to improve our approach to ASB

8. Working with third parties

8.1.1 In some ASB cases we will need to work with third parties including Local

Authority Community Safety Partnerships, the Police, Community and Voluntary Agencies, Social Services and Mental Health Teams. We will ensure we comply with all data protection legislation. We will endeavour to put in place Information Sharing Protocols with key local agencies as and when needed, designed specifically to facilitate and govern the effective use of information sharing relating to the prevention, detection and reduction of ASB. These ensure that all personal and sensitive information is protected in line with data protection law.

8.1.2 The ASB, Crime and Policing Act 2014 Introduced measures designed to give individuals and communities the right to ask for a multi-agency review of their case where a local threshold is met. The process is usually led by the local authority or the Police and we will co-operate with this process. We will inform residents about their right to request a review under the '**ASB Case Review**'; formally known as the Community Trigger. Each local area sets a threshold which must be met for the trigger to be used. The threshold must include:

- the frequency of complaints
- effectiveness of the response
- potential harm to the victim or victims making the complaint

The threshold is about the incidents reported, not whether the agency responded. Residents can request the review by contacting their local authority.

8.1.3 Community MARAC (Multi Agency Risk Assessment Conference) is a monthly multi-agency meeting where information is shared about victims, witnesses and those causing risk and harm. A case can be referred to a CMARAC if the victim or perpetrator are vulnerable or at risk to either themselves or others and the case would benefit from a multi-agency action plan. MARACs are led by the Police and we will co-operate with this process.

9. Counter allegations

9.1.1 In some cases we will receive counter-allegations from the alleged perpetrator. In these circumstances we will conduct an assessment to establish whether the allegation is ASB, if it is we will open a new case for the counter allegations and link it to the original case. This case will then be managed in line with this policy.

9.1.2 We will ensure that all parties, including the alleged perpetrator and complainant are given the same opportunity for support, impartial investigation and clarity around outcomes.

10. Making a decision at the end of an investigation

10.1. We will always make contact with the complainant and alleged perpetrator at the point we have completed our investigation and decided to close the case.

10.2.1 There are three possible outcomes following an investigation:

- Case founded – there is evidence to demonstrate ASB **has** occurred
- Case unfounded – there is evidence to demonstrate ASB **did not** occur
- Case inconclusive – there is no evidence to demonstrate whether ASB has or has not occurred.

10.2.2 If there has been a decision that the case is unfounded, and there was evidence to suggest the ASB did not occur and the allegation was false, the Housing Officer should decide, based on the evidence, whether this was a mistake or a malicious false accusation. In the event of the latter, a warning letter should be sent to the complainant.

10.2.3 If the decision is inconclusive this should be recorded and kept on file as a record.

11. Actions available if case is founded

11.1 We will use whatever powers and remedies are available and appropriate, including those that can be used in respect of non-WPH residents who are causing ASB. We will also work with partners, the police and local authorities to take preventative and enforcement action.

11.2 If an allegation of ASB is founded WPH can take a range of action varying in severity, this includes actions against low to medium level ASB:

- Request to modify behaviour verbally and in writing
- Written warnings of a tenancy breach and possible consequences
- Mediation provided by an independent service
- Referral to support services
- Acceptable Behaviour Agreement (ABA)
- Work with partners to serve notices such as a Noise Abatement Notice or a Community Protection Warning

11.3 In the case of serious and/or persistent ASB we may take action following legal advice such as:

- Mandatory possession order using ground 7a of the Anti-Social Behaviour, Crime and Policing Act 2014
- Notice of Seeking Possession
- Injunctions
- Closure Orders
- Undertakings (a promise to the court)
- Community Protection Notice
- Criminal Behaviour Order
- Eviction
- In certain circumstances we will facilitate the relocation of one of the tenants

11.4 A decision on preferred action will be based on the severity of the ASB or the ongoing persistence of low level ASB and will always be made in conjunction

with a manager. The Housing Manager's approval is required before legal advice is sought and before any legal action is initiated. In an extreme case if following possession proceedings, eviction is sought the eviction panel's approval is required in accordance with the Eviction Policy and Procedure.

- 11.5 In the event of a closure order WPH will not provide alternative or emergency accommodation and the tenant is encouraged to seek help from the local authority.

12. Closing a case

- 12.1 If there has been no repeat of ASB after a monitoring period of one month following action or the case was unfounded or inconclusive, then the case will be closed. We will call the tenant to inform them of our decision to close the case and a letter will be sent to both the complainant and perpetrator.

- 12.2 In some cases the ASB will not have been resolved to the complainant's satisfaction or low level behaviour continues which we have decided to take no further action on, in this case the ASB case will be closed as no further action is possible from WPH. This may include situations such as:

- Where remedies to deal with the problem have been exhausted (e.g. there is insufficient evidence to take legal action and the complainant is not willing to attend as a witness).
- Where the complainant refuses to consider mediation or to co-operate with the investigation.

13. Supporting staff

- 13.1 Some cases will be difficult for staff to manage, in particular cases relating to hate crime. Where a staff member is managing such a case and needs support they will receive this from their manager, this could include a joint interview or reallocating the case to another team member.

14. ASB Communications

- 14.1 WPH will Regularly communicate through our website and other channels on:
- What constitutes as ASB
 - How residents can report incidents
 - How we handle reports of ASB

15. Legislation and relevant WPH Policies and Procedures

- 15.1 This policy is underpinned by key legislation and regulatory frameworks. These frameworks include:
- Anti-Social Behaviour Act 2003
 - Anti-Social Behaviour, Crime and Policing Act 2014

- GDPR
- Human Rights Act 1998
- Neighbourhood and Community Consumer Standard
- The Data Protection Act 1998
- Crime and Disorder Act 2014
- Protection from Harassment Act 1997
- The Equality Act 2010
- The Housing Act 1996
- Noise and Statutory Nuisance Act 1993
- Environmental Protection Act 1990

15.2 In addition, there are other WPH policies and obligations that influence this policy, they include:

- Safeguarding Policy
- Equality Diversity and Inclusion Policy
- GDPR Policy
- Eviction Policy
- Unacceptable Behaviour Policy
- CCTV Policy
- Domestic Abuse Policy and Procedure
- Pet Policy
- Tenancy Audit Policy
- Tenancy Sustainment Policy

16. Equality and diversity

16.1 WPH will ensure that this policy is applied fairly and consistently. We will not directly or indirectly discriminate against any person or group of people in line with our Equality and Diversity Policy. We will act sensitively towards the diverse needs of individuals and communities and will take positive action or make reasonable adjustments where appropriate.