Anti-Social Behaviour Policy

National Standards/Regulation: 3.5: Housing associations must provide good-quality housing services for residents and prospective residents.

Legislation: ASB Act 2003  
ASB Crime and Policing Act 2014  
The Crime and Disorder Act 1998  
Housing Act 1996

Introduction

As a responsible social landlord, Shian Housing Association is committed to preventing and addressing incidents of anti-social behaviour and supporting tenants and other residents who suffer as a result.

1. Scope

1.1 This policy applies to customers of Shian Housing Association Ltd (Shian):

1.2 This policy applies when we receive reports from or about the following tenure/s: Assured, Assured Shorthold, supported housing, licenses, leaseholders, shared ownership, intermediate market rent, private market rent and commercial premises.

1.3 This policy does apply when we receive reports from a freeholder or a non-service user about any of the above; however, where we receive reports from a freeholder about another freeholder or a non-service user about another non-service user, this does not apply.

1.4 The policy provides that:

- We will respond to reports of anti-social behaviour (ASB) from whatever source if it is alleged that our residents, members of their household or visitors are perpetrators of ASB;
- We are committed to finding ways of acting with and on behalf of our residents who experience ASB caused by people who are not our residents; and
- We will provide a range of measures designed to prevent ASB.

2. Main Provision of Policy

2.1 Shian will strive to create an environment in which anti-social behaviour of any nature will not be tolerated and which empowers communities to deal with problems before they escalate.

2.2 We will deal sensitively with all reports of anti-social behaviour and also promote a culture that encourages victims to report any incidents that affect them.
2.3 We will investigate all reported incidents and deal with incidents of anti-social behaviour appropriately and flexibly and as quickly as possible.

2.4 We will seek to support victims of anti-social behaviour by working with them to find and agree an approach with which they are comfortable.

2.5 We will ensure victims of anti-social behaviour are kept up to date with issues relating to them and agree when and how we will communicate them.

2.6 We consider all available management and legal remedies to deal with anti-social behaviour.

2.7 Shian also aims to take tough action against the perpetrators of anti-social behaviour where it has the powers to act as a landlord. To this purpose, where appropriate, we will take possession action against perpetrators. In some cases where the perpetrator is not the tenant we will take action against any tenants who are responsible for the perpetrator.

2.8 Where we do not have the power to act, or where other agencies are better placed and equipped to deal with a solution, we will make this clear in our response to a complaint of anti-social behaviour. In such situations we will work with other agencies and, where possible, take action to complement their approach. For example, where an instance of anti-social behaviour is also a criminal offence, Shian will work with the police to deal with the problem.

2.9 Shian will also work with other agencies to find strategies for supporting victims and dealing with the perpetrators of anti-social behaviour.

2.10 We will actively promote any partnerships with other Housing Associations, the Local Authority or Police to combat and /or prevent anti-social behaviour.

**Responsibility**

2.11 Shian expects all tenants to comply with the standards of acceptable behaviour which are set out in the tenancy agreement.

2.12 The Senior Management Team is responsible for the effective operation of this policy. All Staff are responsible for complying with and implementing this policy.

**Monitoring, Review and Evaluation**

2.13 We will review and the effectiveness of our policy and procedures regularly and individual cases will be monitored and reported to our board.

**3. Policy Statement**
3.1 This policy and the associated procedure sets out our approach to tackling ASB, through prevention, enforcement and support. Its purpose is to prevent and minimise the amount of ASB that our residents and service users suffer, which impacts adversely on our communities.

3.2 This policy sets out what we expect from our residents and service users and what they can expect from us to protect their right to peaceful enjoyment of their home and their community.

3.3 Shian accepts that:

- Everyone has the right to their chosen lifestyle providing this does not spoil the quality of life of others. This implies tolerance, consideration and respect for the requirements and needs of others;
- Shian has a role as landlord in ensuring that such rights and obligations are realised in individual cases; and
- The Local Authority and Police Authority have a larger role within the arena of the public interest to promote and protect the interests of those living within their boundaries.

3.4 Shian will demonstrate by its actions that it will not tolerate ASB. We will make this absolutely clear to our residents and service users and to any person who is seeking or entering into a tenancy or lease.

4. **Policy Aims**

- To ensure that the relevant employees of Shian are trained and equipped to respond swiftly and effectively to reports of ASB and prevent reports escalating into more serious incidents.
- To raise awareness amongst residents, staff and other relevant stakeholders of the tools and powers available, to both staff and residents, to tackle ASB.
- To minimise the amount of ASB that our residents experience through preventative action, rehabilitation of perpetrators and community cohesion activities including diversionary activities for young people.
- To develop and maintain effective partnerships with local and national agencies with whom we can collaborate in tackling ASB.

5. **Definitions**

   a. **Anti-Social Behaviour**

5.1 This policy and associated procedure is designed to deal with ASB that directly affects the housing management functions* of Shian, as a ‘relevant landlord’, and as defined by and incorporated into Sections 153A and 153B of the Housing Act 1996 by Section 12 of the ASB Act 2003:

- "Conduct which is capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions* of a relevant landlord”;
- "Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose”.
5.2 The term ‘anti-social behaviour’ is used to describe actions that unreasonably interfere with or could interfere with an occupier’s normal use and enjoyment of their home, garden or neighbourhood. The definition extends to behaviour that can create a nuisance or annoyance for another person connected with the property, including Shian staff and contractors.

5.3 The housing management function of the landlord covers any activity that the landlord would undertake in the day to day and strategic management of their properties. This would include but is not limited to:

- Tenant and leaseholder participation;
- Maintenance and repairs;
- Rent collection;
- Estate management.

5.4 Matters that might indirectly affect the housing management function include social care and housing support, environmental health, disposal of rubbish and other services that enable the efficient operation of the landlord.

b. Hate Crime

5.5 Shian defines Hate Crime as any crime or incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s race, religion, sexual orientation, disability or gender identity. Hate crime include but are not limited to:

- Threatening behaviour;
- Assault;
- Robbery;
- Damage to property;
- Inciting others to commit hate crimes;
- Harassment.

c. Domestic Abuse

5.6 Shian uses the Home Office definition of Domestic Abuse, which is:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- Psychological;
- Physical;
- Sexual;
- Financial;
- Emotional.
5.6.1 Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for person gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

5.6.2 Coercive behaviour is: an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim,”*

*This definition includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

6. ASB or not ASB?

6.1 Shian accepts that many neighbours will naturally have different values or opinions and sometimes this can cause problems. We expect our residents to show consideration to their neighbours as well as understanding that we all have a right to live our lives.

6.2 Not all reports relating to behaviour that impacts on an individual can be deemed anti-social behaviour. It is important to show tolerance and be respectful of differing lifestyles and circumstances.

6.3 The following are some examples of reports that are not deemed as anti-social behaviour:

- Noise or disturbance from children when they’re playing;
- Family disputes;
- Babies crying;
- Smells from cooking;
- Sounds of normal living that we can hear such as opening and closing of doors, going up and down stairs;
- One-off parties such as BBQs, birthday or Christmas parties providing they don’t cause an unacceptable disturbance;
- Clashes of lifestyle, including cultural differences;
- Minor personal differences such as dirty looks or fall outs between children;
- Putting rubbish out on the wrong day;
- Parking in the wrong bay.

6.4 We will work to manage resident’s expectations in regards to behaviour that is not deemed anti-social behaviour. We will offer advice and guidance to encourage and enable them to deal with or manage the situation themselves.

7. Resident’s Responsibilities 7 Conditions of Tenancy Agreement

7.1 We expect our residents not to commit, or allow their family, household members, visitors or pets to commit acts of ASB. This includes harassment, noise nuisance, annoyance or disturbance, whether to other residents, their visitors or other people in the area, such as our staff and contractors.
7.2 In addition to the legal responsibilities set-out in their tenancy or lease agreement, we will encourage all residents to:

(i) Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner.
(ii) Report all incidents of ASB.
(iii) Report all crimes, including threats or acts of violence, to the Police.
(iv) Respect other peoples’ right to their chosen lifestyle and be tolerant of everyday, reasonable level of disturbance; examples may include cooking smells, babies crying or religious practices.
(v) Work and cooperate with us fully to resolve disputes/issues, for example by attending mediation, providing witness statements, attending court etc.

8. Action to Deal Effectively with ASB

8.1 Our response to allegations of ASB will be proportionate and appropriate and will commit to the following:

- Preventative action;
- Early intervention;
- Provision of support and advice for those reporting ASB and witnesses;
- Provision of support for perpetrators;
- Legal action against perpetrators (whether by us or another agency).

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

8.3 We aim to provide a balanced approach between protecting the quiet enjoyment of the community with helping individuals to sustain their tenancies by addressing the ASB.

8.4 We believe that in many incidences, ASB can be stopped when challenged early enough. Wherever possible, we will use early non-legal remedy intervention measures.

8.5 Where non-legal remedy is unsuccessful in resolving the ASB, we will consider taking legal action in order to do so.

8.6 We will only consider eviction as a last resort either where other action has been unsuccessful or where the anti-social behaviour is of a very serious nature.

8.7 We will ensure any legal action is taken in line with the Pre-Court Action Protocol.

9. Service Standards

9.1 Shian’s service standards in relation to ASB are:

- Respond within our published timescales when you report ASB.
For high-risk cases, we will develop an appropriate action plan with you (high-risk cases, for example, are those involving hate crime, domestic violence, or violent actions).

Agree a timescale with you for keeping you informed of the progress of your case.

Contact you to discuss your case before we close it.

9.2 We aim to deal quickly and effectively with all cases to resolve them at the earliest opportunity. We will record anonymous reports, but only take action if the ASB can be substantiated either by staff or where additional evidence can be gained.

9.3 All parties in an ASB case will be treated fairly and listened to on an equal basis. Counter allegations will be treated as separate cases and action will be taken based on the evidence available.

10. Support

10.1 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:

- Dealing with their reports promptly;
- Managing their expectations and being realistic about what we can and can't do;
- Involving them in discussions about the action plan to resolve their issue;
- Communicating with them by their preferred method and frequency;
- Carrying out risk assessments and referring them to appropriate support services where necessary;
- Signposting and referring to other agencies;
- Providing good, regular and up-to-date information on the progress of cases; and
- Offer assistance with re-housing, in high risk cases, where we are satisfied that it is reasonable and necessary to protect the individual.

10.2 Shian recognises that we cannot always prevent people becoming repeat victims of anti-social behaviour; therefore, it is important that we ensure there is a suitable and appropriate support network around each individual to enable them to manage their situation until a satisfactory resolution is achieved.

10.3 We will offer support to perpetrators of ASB in order to assist them in resolving problems on a long term basis; we will support perpetrators by:

- Giving them a chance to resolve the problem by changing their behaviour;
- Signpost and refer to other agencies who can offer support.

10.4 In extreme cases where anyone involved is at risk of violence or threat of violence, we may proceed immediately to legal action, without offering any form of support to the perpetrator.

11. Partnership Working
11.1 Shian will adopt a multi-agency approach to tackling ASB to benefit from sharing of expertise, data and resources, including feeding back on the effectiveness of services and working towards solutions to specific area issues. We will work in partnership with statutory organisations, partnering agents, community groups, professional bodies and other stakeholders to support individuals who report ASB, witnesses and perpetrators’ and to manage behaviour. We will work in partnership at a strategic and operational level.

12. **Protection of Staff**

12.1 Shian acknowledges that all of our staff, agents or contractors are entitled to expect to work in an environment that is safe, secure and free from fear of violence, threats of violence or abuse. As such, any behaviour of this nature directed at Shian’s staff, agents or contractors is deemed to be unacceptable and appropriate action will be taken against those responsible.

13. **Regulatory Code & Legal Framework**

13.1 The Homes and Community Agency’s Neighbourhood and Community Standard for ASB require Registered Providers to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where they own homes. This standard also requires that in their work to prevent and address ASB Registered Providers demonstrate:

- That tenants are made aware of their responsibilities and rights in relation to ASB
- Strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
- A strong focus exists on preventative measures tailored towards the needs of tenants and their families
- Prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available
- All tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not
- Provision of support to victims and witnesses.

14. **Training**

14.1 We are committed to ensuring staff have the confidence and knowledge to identify and investigate incidents and reports of ASB. All relevant staff will receive an induction into ASB and access to up-to-date ASB information.
15. **Monitoring, Review & Evaluation**

15.1 Monitoring of ASB cases will be done on a regular basis.

15.2 We monitor satisfaction levels and use resident’s views to improve our ASB service.

15.3 We will provide regular summary reports to the Executive Management Team.

15.4 This policy will be reviewed at least every three years and updated to reflect any changes to corporate/customer requirements and targets; and updates to legislation.

16. **Diversity & Inclusion**

16.1 Shian will treat all customers with fairness and respect. We recognise that we have an ethical and a legal duty to advance equality of opportunity and prevent discrimination on the grounds of age, sex and sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

16.2 All customers will have access to this document either through our website or on request from our office.

17. **Publicising the Policy**

17.1 Shian will publicise its policy on ASB to customers, staff and other stakeholders in a number of ways:

- Promoting the action taken or success with dealing ASB;
- Residents newsletters;
- Residents handbook;
- Leaflets;
- Policy briefings and training.
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Examples of Grade 1 ASB

- Acts of physical violence or threats of violence or acts that represent a significant risk of harm (physical, mental, emotional) to the complainant or their household or visitors to their household;
- Racial abuse / harassment / graffiti;
- Arson to property;
- Homophobic or sexist abuse / harassment/ graffiti or that which identifies an individual or is directed at them.

How we respond to Grade 1 ASB

We aim to:

- Interview victims within 3 working days of the complaint being received or 1 working day if there have been threats or actual violence.
- Interview the perpetrator within 3 working days or 1 working day if there has been violence or the threat of.
- Interview any witnesses to the incident within 5 working days of the complaint being received.
- After carrying out the interviews the initial grade will be reassessed and an appropriate action plan will be drawn up with the victim.

Examples of Grade 2 ASB

- Serious anti-social behaviour in terms of its nature and frequency; causing fear and intimidation;
- Noise nuisance deliberately aimed at an Individual;
- Intimidating and threatening behaviour by an individual or a group of individuals, aimed at complainant or member of their household or their visitors;
- Confirmed / evidenced threatening or offensive material / correspondence;
- Using premises for immoral / unlawful behaviour e.g. prostitution or drug dealing.

How we respond to Grade 2 ASB

We aim to:

- Interview the victim and any witnesses within 5 working days of the complaint being received.
- Interview the perpetrator within 5 working days of the complaint being received.
- After carrying out the interviews the initial grade will be reassessed and an appropriate action plan will be drawn up with the victim.

Examples of Grade 3 ASB
- Behaviour which, although a breach of tenancy, is neither intimidating nor threatening and does not appear personally targeted;
- Drinking and associated rowdy behaviour (non-threatening);
- Abandoned cars that are clearly unroadworthy and/or dangerous;
- Conducting a business from someone’s home;
- Regular noise nuisance between the hours of 11pm and 7am (or at other times, according to reported severity and frequency);
- Blocking access to communal areas;
- Criminal damage to communal areas and association property;
- Persistent/frequent dumping of rubbish /fly-tipping/posting.

**How we respond to Grade 3 ASB**

We aim to:
- Interview the victim and any witnesses within 10 working days of the complaint being received.
- Interview the perpetrator within 10 working days of the complaint being received.
- After carrying out the interviews the initial grade will be reassessed and an appropriate action plan will be drawn up with the victim.

**Examples of Grade 4 ASB**

- Acts of anti-social behaviour that have either not occurred before and do not, by their nature, belong in categories 1, 2 or 3 and/or are not in themselves, breaches of tenancy;
- Doing one’s own car repairs;
- Car parking;
- One-off / intermittent indiscriminate noise nuisance (e.g. a party);
- Cycling/skateboarding in communal areas;
- Urination in public;
- Setting fires in external communal areas (e.g. bonfires);
- Throwing things (unless deliberately aimed at someone, in which case, according to what exactly is being thrown, would put the behaviour into categories 2 or 3);
- Climbing up on buildings (if no damage occurs);
- Ball games (this could be put in category 3 if persistent and against someone’s wall, for instance);
- Letting down tyres (this is a criminal offence and should be reported to the police);
- Animal problems (e.g. dogs barking; but would be Grade 3 if persistent/frequent);
- One-off neighbour arguments.

**How we respond to Grade 4 ASB**

- We will record your complaint but will take no further action. Instead we would encourage you to reconcile the difference yourselves or to consider mediation.
- If any action is required we aim to interview both the victim and the perpetrator within 20 working days of the complaint being received.
- After carrying out the interviews the initial grade will be reassessed and an appropriate action plan will be drawn up with the victim.