

Who this policy is for

This policy is for all residents of Wydean Housing Association and any person affected by our residents' behaviour.

Introduction

The Anti-Social Behaviour Act 2003 (s218A) requires all registered housing providers in England and Wales to publish:

- a policy in relation to anti-social behaviour
- procedures for dealing with occurrences of anti-social behaviour

We treat anti-social behaviour seriously. It can affect our resident's enjoyment of their home and surroundings, seriously damage quality of life and have a negative impact on neighbourhoods and communities. Therefore, we're committed to complying with this duty and doing all we can to make sure our neighbourhoods are safe and welcoming places to live.

What is anti-social behaviour?

Anti-social behaviour (ASB) is any activity that:

- impacts on other people in a negative way, and
- interferes with a person's right to live peacefully in their home and in the surrounding area.

Different people are distressed or alarmed by different types of behaviour. Behaviour that can be classed as anti-social includes, but is not restricted to:

- violence or threats of violence
- intimidation and harassment
- hate crime
- noise nuisance
- damage to property, vandalism and graffiti
- drug, alcohol or solvent abuse
- rubbish, fly-tipping and overgrown or untidy gardens
- intimidation or harassment involving children or teenagers
- anti-social driving or parking
- animal-related issues

Incidents that relate to domestic noise are not classed as ASB. These include:

- banging doors
- footsteps from adjoining properties or communal areas
- noise of children running or playing
- loud talking from adjoining properties or communal areas



- low-level noise from TVs, radios or music
- noise from washing machines, vacuum cleaners and other domestic appliances
- one-off parties or events, such as bonfire night
- DIY at reasonable hours

In these circumstances we expect residents to show tolerance and understanding towards their neighbours.

We won't get involved in everything that's reported to us as causing a nuisance. Whether or not we consider an activity to be anti-social will depend on:

- how severely the activity or behaviour is affecting others
- how regularly it is happening, and
- whether the behaviour is considered unreasonable.

We will also need evidence to prove the ASB is taking place.

See Appendix 1 for legal definitions of ASB.

Our responsibilities

We have a range of powers we can use to deal with ASB. We'll use these powers appropriately and will only take action that is reasonable, proportionate and most likely to solve the problem. In the most serious cases, we may take enforcement action as described later in this policy.

We'll investigate issues that have a negative impact on an individual, a group of people or the wider community.

When we deal with ASB we will:

- show leadership, commitment and accountability
- recognise our shared responsibilities with other agencies
- investigate what we consider to be ASB, whether those responsible are residents, homeowners, their families, friends, or visitors
- intervene and take swift, appropriate and decisive action before the ASB escalates
- support witnesses and keep them up to date with the action we're taking
- encourage tolerance by trying to balance the needs of individuals with those of their neighbours
- encourage and support neighbours to try and resolve their problems by taking part in mediation
- when appropriate, publicise the outcome of action we've taken to deter others and increase the confidence of residents in our service
- ensure that our help is accessible to all residents.

Other agencies' responsibilities

Other agencies also have a duty and the powers to respond to ASB. Sometimes it's more appropriate for the police or a local authority's environmental service to deal with an issue.



The police

Incidents that involve possible criminal behaviour should be reported to the police. These include:

- violence and threats of violence
- harassment or abuse due to, for example, gender, age, disability, religion, sexual orientation, mental health, race or lifestyle
- drug-related crime
- public order offences including verbal abuse and intimidation
- arson
- sexual offences
- possession of offensive weapons.

We'll support the police in their investigation but expect them to take the lead. If they close the investigation without taking any action, we will not normally take any additional action ourselves or investigate the matter further.

The local authority

Issues concerning noise nuisance should be reported to the local authority.

We'll consider further investigation and possible action where:

- the incident is part of a pattern of targeted ASB against a resident
- the perpetrator has damaged our property or assets
- the victim or perpetrator has identified safeguarding issues

Residents' responsibilities

We expect all our residents, members of their household and people they are responsible for (which includes children and visitors), to comply with the obligations set out in their tenancy agreement or lease.

For example, residents must not:

- supply controlled drugs from the property or within the estate or neighbourhood
- cause a nuisance or annoyance to neighbours
- use violence or threats of violence towards other residents, visitors, staff or others engaged in lawful activity
- cause deliberate or extensive damage to property
- commit any form of harassment or threat of harassment towards other residents, visitors, staff or others engaged in lawful activity
- play a radio, television, record or tape recording, other recorded material, or musical instrument so loudly that it causes a nuisance or annoyance to neighbours, and should restrict the use of washing machines in flats to reasonable times
- play a radio, television, record or tape recording, other recorded material, or musical instrument so loudly that it can be heard outside the premises between the hours of 11pm and 7.30am.



We expect the person making the complaint of ASB to co-operate fully with the investigation. If they don't, we may close the case.

How to report ASB

You can report ASB:

- on the self-service portal or MyWyedean app
- by calling us during office hours on 01594 838000
- by emailing us at office@wyedean.org.

Please note:

If it's an emergency, please call the police on 999.

You can also call the police on 101 to report an incident of ASB that isn't an emergency.

How we respond to reports of ASB

We'll respond to reports of ASB quickly and professionally.

If the ASB reported involves the use or threat of violence, domestic abuse or a hate crime we'll aim to be in touch within 2 working days.

In all other cases we'll aim to be in touch within 5 working days.

When ASB is first reported, we'll contact the person who reported the incident so we can complete a risk assessment and action plan.

We will then:

- give the person who reported the ASB diary sheets so they can record any further ASB
- if necessary, contact the police or other agencies for further information
- review any other evidence we've been given.

We'll write (by email or letter) to the person who reported the incident to tell them that either:

- we can't open a case as we don't have enough evidence
- they must supply further evidence within a specific timeframe, or
- we'll open a case and agree a date with them to discuss it further.

If we open a case, we'll:

- try and keep the person who reported the ASB updated on the progress of the case in the way we agreed with them
- contact them when the case is closed.



Confidentiality

We'll never identify a victim of, or witness to, ASB without their permission. However, this may mean we can only take limited action to address the issue. For example, legal enforcement action may not be possible unless the witness can be identified to the court.

If we have the permission of the victim or witness, we'll tell the person (or people) accused of ASB who reported the issue and why they're involving us.

Where appropriate, we'll tell the victim or witness what action we've taken to address the ASB. We may also inform the wider community, again where appropriate. In all our communication, we'll keep to current legislation, data protection regulations and court reporting restrictions.

Interviewing the person (or people) accused of ASB

In most cases we'll need to speak to the person (or people) accused of ASB, usually at their home. We'll discuss the reports that have been made and, where possible, who has made them. If they admit they've acted in an anti-social way, in most instances we'll give them a verbal warning which we'll confirm in writing. Some people don't realise the effect their behaviour can have and did not deliberately cause a nuisance. When this is the case, we'll give them some advice, which we'll confirm in writing.

Collecting evidence

If the accused person or people don't accept or admit they've done anything wrong and continue to cause a nuisance, we'll need the person or people who reported the ASB to record any further ASB they see or hear in an incident diary. (We can suggest other ways of collecting evidence if they find this difficult.)

We may also need to collect other evidence such as photographs, videos or CCTV recordings of the ASB as it happens. And we may need to speak to other people who've witnessed the incidents.

Closing the case

We'll close an ASB case when:

- we believe we've resolved the problem, or the problem has stopped
- we think there's no case to investigate
- we believe the evidence does not warrant action
- the person who reported the ASB does not respond to our follow up
- the issue involves a dispute between neighbours and there is not enough evidence to prove that one party is more at fault than the other.

We'll record why we closed the case and will normally write to the person who reported the ASB to tell them that we've done this.



Leaseholders and shared owners

When a leaseholder or shared owner reports an incident of ASB by another leaseholder or shared owner we will, where possible, provide advice and signpost them to other agencies that have a statutory responsibility to deal with ASB.

We'll only take further action where we are obliged by the terms of the lease. If we need to instruct solicitors to take enforcement action against a leaseholder or shared owner, they'll be liable for any costs we incur.

Where a leaseholder or shared owner reports ASB committed by one of our residents, we'll follow our normal procedure.

Partnership working

To help us tackle ASB effectively, we work with other agencies. This includes strategic multi-agency partnerships that cover a large local authority area and local partnerships that support individuals.

Community Trigger

We'll help local authorities deliver their obligations to provide ASB Reviews (Community Trigger) in accordance with Part 6 of the Anti-social Behaviour, Crime and Policing Act 2014.

The Community Trigger gives victims and communities the right to request a review of their case. It brings agencies together to take a joined-up and problem-solving approach to find a solution. We'll share information in accordance with data protection rules and work within the timescales set by individual local authorities. We'll play a full part in finding a solution and will consider any recommendations made by Community Trigger panels.

Preventing ASB

We'll continue to build on the measures we use to reduce and prevent enforcement action. These include starter tenancies, sustainable lettings policies and improvements to security. Where appropriate, we'll always get involved with initiatives and projects that promote community cohesion.

Early intervention

We'll act on reports of ASB quickly to try and prevent it escalating to a more serious level. Interventions we may use include visits, warning letters, office interviews, mediation and asking the perpetrator to agree to sign an Acceptable Behaviour Contract (ABC). An ABC sets out the behaviour which will not be tolerated and the consequences of continuing the ASB.



Where a child is involved in ASB, we may encourage their parent to enter into a Parenting Contract which sets out what is expected from them and the support we and other agencies can offer.

Safeguarding vulnerable people

We provide accommodation for many vulnerable people and their families. Because vulnerable people are often more susceptible to the effects of ASB, it's important we identify them and make other agencies aware of their needs. Where appropriate, we'll refer our vulnerable residents to these agencies for support.

Support for victims and witnesses

We understand that standing up to perpetrators can be stressful. We'll support all victims and witnesses who report ASB to us and, where necessary, tailor this support to their individual needs. We'll keep in touch with them as we investigate the case and let them know what action we're taking.

Support to the perpetrator(s) to change behaviour

There are often significant underlying problems which contribute to a person's ASB. These can include abuse or neglect, alcohol and drug misuse or physical and mental ill-health.

If we think someone who has been reported to us for ASB has a problem of this kind, we may refer them to other agencies that can provide support and help them change their behaviour. However, if the ASB continues after they've received support, we may have to take enforcement action.

Enforcement

We warn those responsible for ASB about their behaviour and ask them to stop it immediately. In most cases we don't need to take any further action.

However, when the ASB persists we may have to take enforcement action. We have a range of legal powers we can use to tackle ASB, primarily through the county courts.

Where we consider enforcement action against a person who lacks mental capacity, has a medically recognised disability or is vulnerable, we'll assess their circumstances to satisfy ourselves that the proposed action is proportionate.

Enforcement measures directly available to us include:

Civil Injunction Order

Injunctions are orders which are made at the court's discretion. They can be granted against a person aged 10 or over to order them to stop their ASB or to take a specified action. We'll consult with the



youth offending service before we take legal action against anyone under 18 years of age. If a person disobeys a Civil Injunction Order, they could be fined or sent to prison. We can seek an injunction against anyone living in or visiting our estates, even if they are not our resident.

Possession Order

As the landlord, we can ask the county court for a possession order if a resident, or members of their family or friends, are behaving anti-socially. Before we ask the court for an eviction, we'll try to address the ASB and its causes in other ways.

The Absolute Ground for Possession is available to a landlord where a tenant, a member of a tenant's household, or a person visiting the property has been:

- convicted of a serious offence (specified in Schedule 2A to the Housing Act 1985)
- found by a court to have breached a civil injunction
- convicted for breaching a criminal behaviour order
- convicted for breaching a noise abatement notice, or

We can also ask for a possession order if the tenant's property has been closed for more than 48 hours under a closure order for ASB.

Demotion Order

We can also apply to replace a tenancy with a one-year demoted assured shorthold tenancy. This is a less secure form of tenancy that we would use to warn residents who have been involved in ASB that they run a high risk of losing their home if their behaviour persists. If we receive any further complaints of ASB during that year, we might be able to end the tenancy without a court order.

Parenting Order

A Voluntary Parenting Contract (VPC) is a supportive measure designed to help a parent improve their skills and tackle the underlying causes of their child's ASB. If we've entered into a VPC and it's failed, we can apply to the court for a Parenting Order. This makes the terms of the VPC compulsory and lasts for 12 months.

Other Options

There are other ways to tackle ASB which are not directly available to us but which we can influence through good partnership working, particularly with the local authority and the police. These include:

Community Protection Notice (CPN)

A CPN can be issued by council officers or the police against anyone aged 16 or over whose behaviour is spoiling the community's quality of life. To breach the order is a criminal offence resulting in a fine.

Criminal Behaviour Order (CBO)

A CBO can be issued by any criminal court against a person who has been convicted of an offence. They are designed to tackle the most persistently anti-social individuals who are also engaged in criminal activity. Breach is a criminal offence which can lead to 5 years in prison.



Closure Power

The Closure Power gives power to the police and local authorities to close premises which are being used, or are likely to be used, to commit nuisance or disorder. The order can last from 24 hours up to 6 months, depending on the circumstances. It prevents any person from entering the premises.

Planning and monitoring our service

We continually review the way we manage ASB and have clear and challenging targets for improving our performance.

We monitor how we respond to reports of ASB, including how satisfied residents are with our service. We also compare the level of reported ASB in our communities and our performance with other, similar-sized organisations.

Resident feedback

Residents can give us feedback on our service through our Complaints, Comments and Compliments Policy. The policy is available on our website, through our self-service portal and on the MyWyedean app.

Appendix 1: legal definitions of ASB

There are several legal definitions we consider when determining if an activity or behaviour can be regarded as anti-social. These include:

The Housing Act 1988 Ground 14

The tenant or a person residing in or visiting the dwellinghouse:

- (a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, has been guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwellinghouse, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions, or
- (b) has been convicted of:
 - Using the dwellinghouse or allowing it to be used for immoral or illegal purposes, or
 - an indictable offence committed in, or in the locality of, the dwellinghouse.

The Anti-social Behaviour, Crime and Policing Act 2014

This act enables civil injunctions to be applied for where there is:

- Behaviour likely to cause harassment, alarm, or distress (non-housing related anti-social behaviour); or conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and the court considers it just and convenient to grant the injunction to prevent anti-social behaviour.

