

## SAXON WEALD

# ANTI-SOCIAL BEHAVIOUR POLICY

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### 1.0 Introduction and aim

- 1.1 We are committed to ensuring our residents enjoy the right to the peaceful and secure enjoyment of their homes and neighbourhoods. We have a balanced approach to dealing with anti-social behaviour (ASB) focussing on prevention, early intervention, support and enforcement where necessary. While recognising that we work in communities where ASB is not widespread, we treat it seriously and will take appropriate and prompt action against those responsible.
- 1.2 This policy sets out Saxon Weald's approach to dealing with ASB. Harrassment and racial harassment are some of the most serious examples of ASB and are also included within this policy. Saxon Weald has a separate policy for domestic abuse.
- 1.3 This policy is supported by a framework of related procedures and processes.

### 2.0 Definitions

- 2.1 The definition of ASB used by social landlords is set out in the Housing Act 1996. It applies equally to tenants, members of their household and their visitors. For the purposes of this policy, this also applies to leaseholders and shared owners. ASB is defined as:

*'Behaviour which causes or is likely to cause a nuisance or annoyance to another person or the use or threat to use housing accommodation for immoral or illegal purposes.'*

- 2.2 In addition, we recognise the following definitions:

- Harassment - any incident or intimidating act that is persistent and deliberately directed at a person or group of people for a specific reason (for example, this could be sexual, cultural, ageist or homophobic) and which, as a result, causes offence, concern and distress to that person or group of people;

- Racial harassment – an incident or series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion or nationality.

### 2.3 Anti-social behaviour can include:

- intimidation of neighbours and others through threats or actual violence;
- harassment (including racial harassment);
- domestic abuse (covered in a separate policy);
- verbal abuse or abusive behaviour;
- homophobic behaviour;
- noise nuisance;
- dumping rubbish;
- animal nuisance, including dog fouling;
- vandalism, property damage and graffiti;
- use of the property for illegal purposes.

This list is not exhaustive.

2.4 For the purposes of this policy, we do not recognise minor disputes between neighbours as anti-social behaviour. In such circumstances we encourage those involved to resolve these issues between themselves.

## 3.0 Background

### Legal requirements:

3.1 The following legal requirements affect this policy:

- **Family Law Act 1996** – This Act protects victims of domestic abuse with two different types of legal orders. The first is a Non-Molestation Order, which will prevent another person from harming you or a child; and the second is an Occupation Order, which will say who can live in the family home and can order another person to leave the home.
- **Protection from Harassment Act 1997** – This Act makes it a criminal offence to harass a person. A court may issue a restraining order against someone found guilty of such an offence. Domestic abuse includes verbal and emotional harassment, amongst others.
- **Domestic Violence, Crime and Victims Act 2004** (amended 2012) – This act includes a range of measures that increase the protection of victims of domestic abuse, including making common assault an arrestable offence and extending the availability of injunctions to same sex couples.
- **Public Order Act 1986** – Section 4 of this Act, entitled '*Fear or provocation of violence*', makes it illegal for a person to intentionally instil fear of immediate violence into another person.

- **Housing Act 1996, S.153** defines ASB and sets out the powers available to social landlords in dealing with it.
- **Anti-Social Behaviour Act 2003**, setting out how social landlords should manage ASB and additional powers available to us and our partners.
- **Anti-Social Behaviour, Crime and Policing Act 2014**, consolidating the tools available to Saxon Weald in managing ASB.
- **Equality Act 2010**, requiring social landlords to have regard to disability in the actions taken and the support provided.
- **Human Rights Act 1998**, requiring that responses will be proportionate and necessary and will defend the right to respect for private and family life.
- **Crime and Disorder Act 1998**, helps local authorities and the police to promote community safety and public protection.
- Information sharing and exchange protocols with local authorities, police and other partners within a community.
- Homelessness and housing strategies of the local authorities.

#### Regulatory requirements

- 3.2 The Regulator for Social Housing's regulatory framework requires housing associations to work in partnership with other public agencies to prevent and tackle anti-social behaviour (including harassment) in the neighbourhoods where they own homes.
- 3.3 The Neighbourhood and Community Standard, within the Regulator of Social Housing's regulatory framework, requires housing associations to have strategies in place to tackle anti-social behaviour, including domestic abuse. The framework also requires housing associations to assist local authorities in fulfilling their duties to homeless people and those in priority need.

## **4.0 Policy**

- 4.1 We recognise the importance of being proactive in the prevention of ASB and the instigation of early action when it does occur. We use probationary (starter) tenancies, which enable us to deal quickly and effectively with any ASB that occurs in the first 12 months of the tenancy. New tenants are given clear information on the terms and conditions of the tenancy agreement including ASB and the consequences of causing ASB.
- 4.2 We approach all cases of ASB in an objective and open way and ensure our actions are not based on pre-judgement of any individual or situation.
- 4.3 We have a sensitive and respectful approach to victims and witnesses of ASB. We support victims and witnesses at every stage of the process. We are very aware that dealing with ASB can put victims, witnesses, staff and families at risk. We ensure staff use appropriate measures to assess risk to protect residents, families and themselves.

- 4.4 We aim to remove barriers, whether actual or perceived, which may lead to the under-reporting of ASB, including issues related to equality and diversity, Our approach includes:
- Promoting and communicating our services in a variety of ways so they can be accessed by different groups;
  - Tailoring our approach in line with the needs and circumstances of individuals (particularly where victims or perpetrators have a vulnerability, disability or long-term life-limiting health condition);
  - Providing additional support to those who may be vulnerable or feel excluded.
- 4.5 We have a clear and straightforward reporting process, which enables customers to report issues easily in a variety of ways. Once reported, we record, action and monitor cases through an ASB digital system in line with detailed procedures. Cases are closed upon resolution or where we have exhausted all remedial action available to us.
- 4.6 We work in partnership with other agencies to prevent and resolve ASB. This includes the police, local community safety partnerships, local ASB teams, racist incident case workers, social services, local health services, environmental health, victim support and voluntary agencies such as the mediation service.
- 4.7 We will use appropriate legal remedies to enforce any serious or repetitive breaches of the tenancy agreement due to ASB. This may include seeking possession of the property and the use of injunctions.

## **5.0 Data protection, information exchange and confidentiality**

- 5.1 All information regarding incidents of ASB will be dealt with in accordance with General Data Protection Regulations (GDPR). All information is stored securely and will not be disclosed unless the complainant has given their consent or there is a clear duty to do so (for example, under an information sharing agreement with the police).

## **6.0 Value for money**

- 6.1 We will train staff to be able to write standard legal documents to avoid expensive legal fees.
- 6.2 Where legal advice is required, we use fixed fees or obtain at least two quotes received to ensure costs are minimised.
- 6.3 In an effort to sustain tenancies, we will actively encourage the use of mediation and regard legal action as an expensive last resort.

## **7.0 Monitoring and review**

- 7.1 The management of ASB cases will be monitored for quality assurance and compliance purposes on a regular basis by the relevant Regional Manager. The service is also subject to regular scrutiny through the internal audit process.
- 7.2 The number and type of ASB cases, the outcomes and methods of resolution are monitored by the Assistant Director - Housing and reported to Board annually.
- 7.3 This policy will be reviewed every three years to ensure that it reflects the needs of our customers, good practice, and changes to legislation or regulation.

## **8.0 Equality and diversity**

- 8.1 Equality and diversity affects all aspects of our business and, as such, its principles are integral to everything we do. As a landlord and an employer, Saxon Weald aims to recognise and respond positively to people's differences, while providing equality of opportunity in relation to the services and careers we provide and support.

This means that no person or group of people, either working for Saxon Weald or seeking housing, services, employment or contracts from us, will be treated less favourably because of their or their partner's, family's, friend's or associated person's protected characteristics, which are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, gender and sexual orientation. This includes individuals either already serving on or applying to join our Board.

<b>Version</b>	<b>Amendment</b>	<b>By</b>	<b>Date</b>
1.0	Harassment policy merged within ASB policy	Les Marjoram	May 2017
2.0	Changes to role titles following policy review	Laura Anderson	May 2020