

## SAXON WEALD

# ANTI-SOCIAL BEHAVIOUR POLICY

**First Introduced: May 2002**

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**Next Review: March 2027**

### **1.0 Introduction and aim**

- 1.1 We are committed to ensuring our customers enjoy the right to 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. We treat ASB 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, including hate incidents. 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 Anti-Social Behaviour Act 2003 and Police Reform and Social Responsibility Act 2011. 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 by a person which causes, or is likely to cause, harassment, alarm or distress to persons not of the same household as the person.*

- 2.2 Hate incidents are defined as:

*Any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender.*

- 2.3 Anti-social behaviour includes:

- Acts of violence.

- Drug misuse and alcohol-related nuisance.
- Hate incidents motivated by someone's age, disability, faith, sexual orientation or race.
- Noise nuisance at high levels or unreasonable hours.
- Vandalism and graffiti.
- Environmental health issues such as rubbish dumping.
- Dog fouling, uncontrolled and noisy pets.
- Inconsiderate or dangerous parking and abandoned cars.

This list is not exhaustive.

#### 2.4 We do not recognise the following as ASB:

- Noise from children when they are playing.
- Family disputes.
- Babies crying.
- Smells from cooking.
- Sounds of normal day to day 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 fall outs between children.
- Putting rubbish out on the wrong day.
- Parking in the wrong bay.
- Smoking in communal hallways.

In such circumstances, we encourage those involved to resolve these issues between themselves. We will manage customer expectations regarding behaviour that is not ASB and offer advice and guidance where appropriate.

#### 2.5 Not all reports relating to behaviour that impacts on an individual is considered ASB. It is important to show tolerance and be respectful of differing lifestyles and circumstances. These are some examples of times where we won't take action:

- The alleged perpetrator is not a customer or visitor to our properties.
- There isn't enough evidence or support from victims or witnesses.
- The alleged nuisance is caused by everyday behaviours, such as living noise.
- We believe the complaints are malicious.

In these cases, we will signpost customers to other agencies who may be able to provide support, such as the local authority or mediation service. Where ASB is caused by someone who is not a Saxon Weald customer or visitor, this should be reported to the local authority community safety partnership or the police.

### 3.0 Background

#### Legal requirements:

#### 3.1 The following legislation applies to 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.
- **Housing Act 1996**, S.153 defines ASB and sets out the powers available to social landlords in dealing with it.
- **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.
- **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.
- **Anti-Social Behaviour Act 2003**, setting out how social landlords should manage ASB and additional powers available to us and our partners.
- **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.
- **Equality Act 2010**, requiring social landlords to have regard to disability in the actions taken and the support provided.
- **Police Reform and Social Responsibility Act 2011**
- **Anti-Social Behaviour, Crime and Policing Act 2014**, consolidating the tools available to housing associations in managing ASB.

#### 3.2 Regulatory requirements

- The Neighbourhood and Community Standard, within the Regulator of Social Housing's regulatory framework, requires housing associations to work in partnership with other public agencies to prevent and tackle anti-social behaviour (including hate crime) in the neighbourhoods where they own homes.
- It also requires housing associations to have a policy in place to tackle anti-social behaviour and hate incidents. The framework requires housing associations to take prompt, appropriate and decisive action to deal with ASB.

#### 3.3 Other

- Information sharing and exchange protocols with local authorities, police and other partners within a community.
- Homelessness and housing strategies of the local authorities.

## 4.0 Policy

- 4.1 All residents will be expected to show consideration to their neighbours by complying with the terms of their tenancy agreement and not to commit or allow their household members, visitors or pets to commit acts of ASB. This includes harassment, annoyance or disturbance to other residents, their visitors or other people in the area, such as our staff and contractors whether unintentional, deliberate or personally motivated. In addition to the legal responsibilities set out in our tenancy agreements, we will encourage all residents to:
- Be realistic about what we can do as a landlord.
  - Try to solve problems with neighbours themselves, acting reasonably and not retaliating.
  - Respect other peoples' right to live as they choose and be tolerant of minor differences.
  - Let us know when ASB is happening, including the dates, times, who was involved and what happened.
  - Report crimes to the police.
  - Co-operate with us to help resolve the issues, for example attending mediation, providing statements, attending court etc.
  - Report any safeguarding issues to relevant authorities.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.

- 4.6 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 in line with detailed procedures. Cases are closed upon resolution or where we have exhausted all action available to us.
- 4.7 We work in partnership with other agencies to prevent and resolve ASB. This includes the police, local community safety partnerships, local ASB teams, racism incident case workers, social services, local health services, environmental health, victim support and voluntary agencies such as the mediation service. We will refer any safeguarding concerns to the relevant authorities.
- 4.8 We will use early interventions such as warning letters, meetings, partnership visits, Acceptable Behaviour Agreements and Good Neighbour Agreements. If appropriate, we may refer the case to an assessment or mediation service. These services are provided by an independent company.
- 4.9 We will consider legal action where there is sufficient evidence. This may include seeking possession of the property and the use of injunctions. Eviction will only be considered where other interventions have failed and will be used as a last resort.
- 4.10 We will not tolerate abuse against staff or contractors, whether physical or verbal. We will take appropriate action against customers and members of the public who are abusive, as set out in this policy and our Unacceptable Behaviour Policy and procedures.
- 4.11 We are committed to ensuring the safety of our staff. We will provide support which may include appropriate training to help staff to be confident and knowledgeable to identify and investigate ASB reports, to cope with difficult and challenging situations, and to keep staff up to date with current best practice and legislation including awareness of child protection and protection of adults from abuse.
- 4.12 The ASB Case Review is a process customers can use if they have reported ASB and think that no action has been taken. It makes the police, local council and housing associations look at the situation and what has been done to resolve it. The ASB Case Review is managed by the Community Safety Partnership and customers can contact their local council for more information.

## **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 legal fees.
- 6.2 Where legal advice is required, we use fixed fees or obtain at least two quotes 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 a 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 and ethnicity, nationality, immigration status, 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>
<b>1.0</b>	Harassment policy merged within ASB policy	Les Marjoram	May 2017
<b>2.0</b>	Changes to role titles following policy review	Laura Anderson	May 2020
2.1	Change to equality and diversity statement following review by ET	Nikki De Sousa	July 2021
<b>3.0</b>	Three-year policy review – amendment to regulatory requirements and what is not ASB	Laura Anderson	March 2024