ANTI-SOCIAL BEHAVIOUR POLICY

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ANTI-SOCIAL BEHAVIOUR POLICY

1.0 Statement

1.1 Anti-Social Behaviour (ASB) can take many forms, ranging from noise nuisance, criminal damage, verbal abuse, harassment, and other types of criminality.

1.2 This Policy establishes Radcliffe Housing's (RHS) role in tackling ASB. It covers issues of ASB, harassment and hate crime. Unless stated otherwise, it uses the term ASB to incorporate harassment and hate crime. Domestic abuse and violence are managed independently through separate policies. We recognise other forms of ASB such as noise, can be an indicator of domestic abuse and we will be sensitive and consider this in our investigations.

1.3 We also recognise ASB can have a very disruptive effect on neighbourhoods and communities and does not just affect those who are directly involved in the situation. We take ASB seriously and aim to balance enforcement action and intervention, with prevention.

1.4 This Policy applies to all customers of all tenures living in a home, owned, or managed by RHS including general needs, independent living and market rent. It also applies to our residents in leasehold properties. If necessary, we may take legal action under the terms of the lease and other relevant legislation available to us.

1.5 When ASB is a result of criminal activity we expect residents to report criminal behaviour to the police. We will encourage the Police and other statutory agencies to act or enforce legislation, when they have sufficient evidence to do so.

1.6 We recognise the detrimental effect that ASB can have on the lives of our residents and communities. It is important complainants and victims of ASB are clear about circumstances in which we can intervene, and the sanctions are available to us. We will not raise expectations about taking action where we cannot do so, or where the primary responsibility and powers lie elsewhere.

2.0 Aims

2.1 This Policy aims to ensure:

- Our residents are able to enjoy quiet occupation of their homes regardless of ethnicity, religion, sexuality, age, gender and disability
- Our staff and residents understand that we take ASB seriously and are committed to tackling it robustly, with our residents
- Residents understand that the most effective resolution is often for neighbours to resolve disputes locally themselves
- We take positive action, working closely with partnering organisations, to collaborate by tackling crime and serious ASB on our estates or in or around our properties
- We use evidence obtained from a range of sources including statutory agencies to take enforcement action where appropriate
- Victims and witnesses of ASB receive a tailored response and appropriate support and advice
- We support local, regional, and national initiatives to prevent ASB occurring
- In order to achieve our objectives, we continue developing local partnerships with the Police, local authority services and a wide range of community and voluntary groups.

3.0 Definitions

3.1 Anti-Social Behaviour is defined by Section 2 (1) of the Anti-Social Behaviour Crime and Policing Act 2014 as:

(a) Conduct that has caused or is likely to cause harassment, alarm, or distress to any person

(b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises

(c) Conduct capable of causing housing-related nuisance or annoyance to any person

3.2 For possession proceedings, the grounds for possession define ASB as:

- Where the tenant or person is residing or visiting the property:
  - has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting, or otherwise engaging in lawful activity in the locality, or
  - has been convicted of using the dwelling-house or allowing it to be used for immoral or illegal purposes, or an indictable offence committed in, or the locality of, the dwelling house.

4.0 Harassment

4.1 The Protection from Harassment Act 1997 can be used to tackle harassment by a landlord, harassment by other people in the locality and discriminatory harassment. The Act makes it a criminal offence for any person to pursue a course of conduct which:

- amounts to harassment of another person and
- s/he knows or ought to know, is harassment.

4.2 A person can be said to know the course of action they are pursuing constitutes harassment if a 'reasonable person in possession of the same information' would think it was harassment.

4.3 A 'course of conduct' means (in relation to a single person) conduct that occurs on at least two occasions, or on one occasion to each of two or more people. It is a course of conduct which must constitute harassment, and it is for the courts to decide whether a course of conduct constitutes harassment.

4.4 Harassing someone includes causing them alarm or distress or putting other people in fear of violence.

4.5 The statutory definition of harassment is deliberately wide. Courts have held that in order to constitute harassment and justify sanctions of the criminal law, behaviour must go beyond circumstances which is 'unattractive or regrettable' or even 'unreasonable and disproportionate', to that which is 'oppressive and unacceptable'.

4.6 Racial harassment is where harassment is perpetrated against individuals or groups because of their colour, race, nationality or ethnic or national origins, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism. These are criminal offences that are the responsibility of the police, and we will take tenancy enforcement action against a perpetrator, as a result of evidence obtained by the Police or upon conviction.

5.0 Hate Incident or Crime

5.1 A hate incident is when the victim or anyone else thinks it was motivated by hostility or prejudice based on their race, ethnic or national origin, religion, age, sexual orientation, gender, gender orientation or identity, disability, appearance, marital or employment status or any other reason.

5.2 The Police record an incident as a hate crime, if the victim or anyone else believes it was motivated by hostility based on any of protected characteristics, as defined within the Equality Act 2010. This includes crime against a person's property as well as the individual. A victim does not have to be a member of the group, to which the hostility is targeted.

6.0 Domestic Abuse

6.1 We have a separate Policy outlining our approach to domestic abuse. We recognise some reports of noise nuisance, disturbances and or anti-social behaviour could be an indicator of alleged domestic abuse and / or safeguarding issues.

6.2 We will ensure that any potential indicators of domestic abuse or safeguarding concerns are actively considered, as part of our ASB investigations. We will take appropriate actions including raising safeguarding alerts to statutory bodies.

6.3 The Anti-Social Behaviour, Crime and Policing Act 2014 makes it a criminal offence to force someone to marry. We have a zero-tolerance approach to forced marriage and manage all cases in line with this policy, our Domestic Abuse Policy and where appropriate, our safeguarding policies.

7.0 What is not ASB?

Examples of behaviour we consider to be anti-social:	Examples of behaviour we **do not** consider to be anti-social:
Playing loud music	Babies crying
Verbal or physical abuse	One off parties / BBQ's where there's no evidence problems will re-occur
Arguing and slamming doors	Children playing
Letting dogs bark too much or foul public areas	Noise transference due to poor sound insulation
Offensive behaviour	Everyday behaviour occurring at unusual times e.g. due to different work patterns
Dumping rubbish / fly-tipping	Bonfires

7.1 In some situations, complainants will report issues which do not fall within the realms of what is defined as ASB. The actions of others may be causing distress to the complainant, but it is important to recognise that this is not always 'anti-social'. the above list is not exhaustive but provides examples.

7.2 The case officer will always consider when tackling a complaint, what action can be taken, but also as to whether it is necessary to consider any action. This will depend on the individual case. It is essential not to raise the complainant's expectations when no action may be taken.

8.0 Reporting Anti-Social Behaviour

8.1 When you report ASB we'll consider your needs and the harm the ASB causes you (and others). We will consider the risks to you, and work with other agencies to protect your immediate safety, provide you with support, investigate the ASB and take action to stop further incidents.

8.2 We will tell you who will handle your ASB case, agree an action plan with you and keep you informed of the actions we take.

8.3 We will contact you before we close a case and give our reasons for this.

8.4 We will tackle ASB regardless of tenure. There may be restrictions on the action we can take based on tenure type, but we will be clear about why.

8.5 We will take appropriate action to investigate reports of ASB and may use monitoring equipment or other independent sources to assist us.

9.0 Actions we may take

9.1 RHS aims to leave the complainant/s satisfied that their concern has been addressed and resolved where that is feasible, and to explain the reasons for actions taken.

9.2 We will work in partnership with other agencies such as the Police and use a range of preventative measures, early intervention, and legal action to tackle ASB. This includes the full range of tools and powers available to us in the ASB, Crime and Policing Act 2014 or through Local Authority powers.

9.3 The actions we take will be proportionate to the seriousness, impact and frequency of the behaviour, the level of risk that it poses to those affected and the evidence available to support the case. We're not responsible for the behaviour of people causing ASB. If ASB persists, we'll consider appropriate further action.

9.4 Where we become aware a person causing ASB needs additional support we'll take reasonable steps to help them access support. When considering action, their needs will be assessed against the impact of their behaviour on others.

9.5 We will not act where there's insufficient evidence. We will support other agencies in taking action, where they have the prime responsibility and powers to do so.

9.6 If there is an ongoing police investigation, we may wait to see the outcome of this before taking further action.

9.7 We will publicise our approach to ASB to deter incidents. We will provide colleagues with training so they can identify unreported issues, support those harmed and take effective action against ASB.

9.8 When considering outcomes for ASB cases, we have remedies available which include:

- Acceptable Behaviour Agreements
- Internal Transfers
- Mediation
- Injunctions

- Repossession of the property
- Working in partnership with other statutory agencies
- Implementation of powers, available to statutory agencies
- Restorative Justice
- Youth Intervention Schemes

10.0 Dissatisfaction in our ASB case handling

10.1 We aim to leave the complainant/s satisfied that their concern has been addressed and resolved where that is feasible, and to explain the reasons for actions taken.

10.2 You can follow our Complaints Policy or contact the Local Authority to see if they can review the case through the 'Community Trigger'.

11.0 Compliance and Monitoring

11.1 We guarantee we'll store your information securely in line with our GDPR Policy.

11.2 We may share personal information with other organisations, where we may give or receive information. We will make sure information is kept safe and confidential. We will only share information where we have sharing protocols in place and/or confidentiality agreements signed. We will also give information to other organisations where we are obliged to, by law.

11.3 This Policy fulfils our legal and regulatory requirement to publish our Anti-social behaviour (ASB) Policy (Regulator of Social Housing's Neighbourhood and Community Standard).

12.0 Review

The policy will be reviewed every 3 years, or earlier if there is significant legislative or regulatory change. It is the responsibility of the Operations Director to review.