

Anti-Social Behaviour policy

We are committed to responding to allegations of Anti-Social Behaviour (ASB) in our role as a provider of Affordable Housing.

We believe that everyone has the right to live without fear of ASB. We recognise the importance of tackling ASB and acknowledge its effect and are committed to preventing and detecting it.

Domestic Abuse - We recognise the serious impact of domestic abuse and the role we have in tackling it as part of a multi-agency approach. We may also deal with issues arising from domestic abuse allegations as ASB under this policy where the issues are affecting people not of the same household; for example, serious and persistent noise nuisance, or criminal damage.

Hate Incidents - We recognise the serious impact of hate incidents and the role we have in tackling it as part of a multi-agency approach.

Safeguarding - Where safeguarding concerns arise in dealing with allegations of ASB we will apply the Safeguarding Policy.

This policy relates to our customers living in rented and shared ownership homes, however it should be noted that some of the options available to us as a landlord may be limited.

We will decide if action is possible or necessary on a case by case basis and will be open and transparent in order to manage expectations from the outset. In situations where we do not have the powers or tools to tackle the issue, we may if appropriate work in partnership with other organisations, or signpost as necessary.

DEFINITION

Our tenancy agreement will confirm and prohibit anti-social behaviour. Legally this is often described as "nuisance or annoyance". In reality nuisance has a specialist meaning. In addition to this there will be a clause prohibiting illegal or immoral behaviour.

In the next section, you will learn what action can be taken when faced with anti-social behaviour, issues with other residents and the landlord's responsibility.

What action will be taken

Our first step will be to talk to the tenant, if possible, and make it clear that the behaviour complained of is not acceptable or if not possible, we will write to the tenant. In any case, any conversations will always be confirmed in writing.

Other residents in the property such as children can also cause problems. However, under the tenancy agreement, if it prohibits anti-social behaviour,



then the tenant will be responsible for the conduct of others living in or visiting the property.

Action must be taken by the landlord if the premises are being used for immoral purposes.

If the initial approach to the tenant does not work, then we will write to the tenant with a final warning.

Obtaining evidence

It is very important that all parties collect evidence of anti-social behaviour. Make sure that you keep a record of dates, times and places of what happened, as well as the names and details of anyone who was a witness.

Try and obtain some sort of statement at the time from a witness such as a letter setting out their record of what happened. If you take down details at the time an incident occurs (or as quickly as possible afterwards) then this will always carry more weight. Nuisance diaries can be helpful. You can ask neighbours to keep a diary of all incidents with full details, including dates and times and exactly who was involved, as well as what happened.

Taking legal action

In serious cases if we are faced with tenants or residents who are committing anti-social behaviour, we have the following options:

We can evict tenants who have an Assured Shorthold Tenancy using a Section 21 or Section 8 notice, or both.

We can use a Section 8 notice if you have broken the terms of the tenancy.

We can use a Section 21 notice to evict if:

- after a fixed term tenancy ends - if there's a written contract
- during a tenancy with no fixed end date - known as a 'periodic' tenancy

Injunctions

We can also apply to the Court for an injunction. An injunction is a Court Order ordering the tenant to refrain from a particular action and if the tenant or someone else such as a resident breaches the terms of the injunction then they can be committed to prison and/or fined.

Dealing with immoral use

It is a criminal offence if you permit premises to be used for prostitution so if we find out that this is the case, we will consider taking action. Our tenancy agreement contains a prohibition order for illegal or immoral use. Action can then be taken to enforce the tenancy agreement term.

The table below outlines what we do and do not consider to be ASB and within scope of this policy. In very exceptional circumstances, an out of scope matter may be treated as ASB.

ASB (in scope)	NOT ASB (out of scope)
Arson	Babies Crying
Assault & Threats of Violence	Children Playing
Brothels	Cooking Smells
Criminal Damage (inc offensive graffiti)	DIY Noise
Drug Dealing and Use	Dog and Cat Fouling
Noise (deemed to be a statutory nuisance)	Disputes (friends and family)
Prostitution	General Living Noise (doors banging, footsteps, etc)
Sexual Offences	Lifestyle clashes
Verbal Abuse / Harassment / Intimidation	Parking Issues (non-designated areas)
Weapons (Gun and Knife)	Parties (one off)
	Personal Disputes
	Pet Nuisance

REPORTING ALLEGATIONS

We aim to make reporting allegations easy and we accept allegations from anyone with reports able to be made online via our website, by email, by telephone, in writing and in person.

COMPLAINANT AND WITNESS RESPONSIBILITIES

We expect our customers to adhere to the terms and conditions of their tenancy agreement.

We expect allegations to be made at the time of the incident occurring and we may refuse to accept an allegation if it has not been reported to us within 72 hours of the

date of the incident. We expect allegations to be factual and detailed enough for us to take action if necessary and we may refuse to accept an allegation if we are not given sufficient information.

If an anonymous allegation is made, we will only accept it if there is sufficient information and evidence to take action if necessary.

We will not disclose a complainant or witness details to an alleged perpetrator without their consent, however if this is not given, we may then refuse to take action if our ability to do so is limited by such a refusal.

Before making allegations to us we expect complainants and witnesses to:

- take responsibility for their own behaviour and every person (including friends, family, children and lodgers) living in or visiting their property. This includes in the property itself, in communal areas (such as stairs, lifts, landings, entrance halls, gardens and parking areas) and in the immediate neighborhood;
- be considerate of others in their surroundings by being respectful and tolerant of lifestyle choices;
- where appropriate attempt to communicate with the alleged perpetrator to resolve the issue;
- report allegations to relevant statutory organisations; for example, if the allegation is of a criminal nature, we expect that it will have been reported to the Police in the first instance;
- support action recommended and/or proposed by us.

If complainants and witnesses do not follow the expectations above, we reserve the right to refuse to deal with an allegation and may be limited in our ability to act.

MANAGING ALLEGATIONS

We will take all allegations seriously and will treat each on their own merits and we will use all available tools and powers as appropriate to resolve issues. Our focus is strongly on prevention and from the outset of our relationship with customers; we deliver a strong message that ASB is not tolerated. Such messages are delivered at application and pre-sign up stages and wherever appropriate. We also do not accept applications from people with a previous history of ASB.

If an allegation meets our definition, a case will be immediately opened and categorised as either A or B:

ASB (in scope)	CATEGORY
Arson	A
Assault & Threats of Violence	A
Brothels	B
Criminal Damage (inc offensive graffiti)	B
Drug Dealing and Use	B
Noise (deemed to be a statutory nuisance)	B
Prostitution	B
Sexual Offences	A
Verbal Abuse / Harassment / Intimidation	A
Weapons (Gun and Knife)	A

We will respond to Category A cases within 1 working day of receiving the allegation and Category B cases within 3 working days of receiving the allegation.

We will carry out a risk-based assessment and will agree an action plan with each complainant or witness, which will include how and when we will keep in contact, any support needs they may have and how these are to be delivered, managing expectations and our intentions as to how we intend to manage the case with their support.

Any action we may take will be proportionate to the type allegation made and will be at our discretion. Any action taken will be one of, or a combination of the following: Preventative Measures, Other Interventions, Enforcement and Legal Action using the range of tools and powers available to us as a landlord.

The tenure of the customer(s) involved may determine the type of action we take.

Before closing a case, we will make contact with complainants and witnesses and clearly explain why we are doing so.

We may publicise action taken by us as part of our strategy to provide reassurance to the wider community and to prevent and deter ASB.

PARTNERSHIP

In some cases, as a landlord, we will not always be the organisation with the responsibility or powers to deal with the allegation(s) made. In these circumstances we adopt a partnership approach and work proactively with other professional organisations such as the Police or Local Authority and share information in line with our Confidentiality and Data Protection Policy. We may refer complainants or

witnesses to other organisations as appropriate whilst always being clear about our responsibilities and capabilities.

Where we have an interest, but another organisation is leading, we may decide not to act until the outcome of their investigation is known.

SUPPORT

When dealing with allegations we will consider early on the support needs of complainants, witnesses, alleged perpetrators, staff and contractors. Where support needs are identified we will make individuals aware of the support available to them, or we may with permission, make a specific support referral ourselves but this will be at the discretion of the officer managing the case. We recognise that providing support may fall outside of our role as a landlord and it is in these circumstances, that we may signpost to external organisations.

We will as a matter of routine, offer to make a referral to Victim Support unless another organisation has already done so.