



Women's Pioneer Housing

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1. Introduction

- 1.1 Residents should be able to live peacefully and securely in their homes and property and that the living environment should be respected.
- 1.2 Wherever it is practicable and considered appropriate, we will take action to try to stop incidents of Anti-Social Behaviour (ASB), lessen the effects and support residents affected by it.

2. Purpose

- 2.1 This policy sets out WPH's approach to managing ASB and should be read in conjunction with other housing management policies and procedures including the Anti-Social Behaviour Procedure.
- 2.2 This policy aims to:
 - Minimise occurrences of ASB
 - Ensure swift, impartial and fact driven investigations into ASB cases
 - Manage expectations of complainants
 - Deliver a clear approach to closing case.
- 2.3 Where it is our responsibility, WPH will take prompt, appropriate and decisive action to deal with Anti-Social Behaviour (ASB) before it escalates and will work with relevant partners (e.g. local authorities and police) to meet our responsibilities.

2.4 We aim to resolve ASB cases within 82 days of the initial report, which is based on sector best practice as reported through House Mark.

2.5 Domestic abuse is not dealt with under the Anti-Social Behaviour Policy, please see the Domestic Abuse Policy.

3. Definition of ASB

3.1 ASB is defined as conduct that has caused, is likely to cause or is capable of causing harassment, alarm or distress to any one person, in particular in relation to their occupation of residential premises.

3.2 Anti-social behaviour does not include reasonable day to day behaviour. The following may be used as examples of what we may class as ASB:

- Vandalism
- Criminal activity
- Violence or threatened violence
- Taking drugs or drinking alcohol in areas of the building that you share
- Drunken or disorderly behaviour
- Aggravated noise (noise which is persistent, deliberate or targeted and not caused by reasonable everyday activity)
- Out of control animals
- Graffiti
- Abusing our staff or contractors
- Discrimination or harassment

3.3 Behaviour that results from different lifestyles or would not be considered unreasonable by most people is not ASB. Examples of activities that cannot be considered as ASB include:

- A crying baby
- Strong cooking smells
- Children playing
- Normal domestic noise like doors banging, or washing-machines and vacuum cleaners (in reasonable hours)
- Personal dislikes/arguments on non-housing matters

3.4 Some behaviours such as undue interference with staff or contractors may be dealt with under our Unreasonable Behaviour Policy.

4. Prevention

- 4.1 We will assess a tenant's needs and background at the sign up, according to our Tenancy Lettings Policy and Procedure in order to establish any support needs they have to prevent anti-social behaviour.
- 4.2 Each tenancy agreement type all have clauses relating to ASB.
- Secure tenancies contain clauses relating to harassment of neighbours and their guests and prevention of nuisance.
 - Starter (periodic assured shorthold tenancies), fixed term, assured tenancies and assured shorthold tenancies all have comprehensive and robust ASB clauses.
- 4.3 Further, since the Anti-Social Behaviour, Crime and Policing Act 2014 mandatory repossession using ground 8 can be used following serious ASB.
- 4.4 We will inform residents of their responsibility to adhere to these clauses, and the consequences of not doing so, at sign-up and throughout their tenancy. In particular new tenants with a starter tenancy will have the consequences of ASB explained to them on the continuation of their tenancy with us.
- 4.5 We carry out estate inspections to identify and respond to environmental issues on estates and maintaining and managing communal areas to minimise crime and ASB.

5. Resident's responsibility

- 5.1 In line with their occupancy agreements, residents are expected not to commit ASB, or to allow household members, visitors or pets to commit ASB.
- 5.2 Residents should acknowledge that day to day activities, such as noise or minor disturbances cannot be avoided, especially in much of WPH's stock of converted houses. Residents should accept that sometimes, while the behaviour of another household is frustrating it is not reasonable to place restrictions on their usual enjoyment of their home.
- 5.3 Should ASB occur residents should report this as soon as possible to their Housing Officer or Scheme Manager so WPH can investigate and act in a timely manner. Resident may report ASB to WPH through usual communication channels; phone, letter, email etc.
- 5.4 Residents should cooperate with our investigation, where possible sharing evidence with us.

6. Investigating ASB

- 6.1 WPH will conduct an assessment to establish whether the reported behaviour is ASB as defined above. If the behaviour is not ASB the complainant will be notified immediately and we will consider whether a referral to support would be appropriate for either or both the complainant and alleged perpetrator. If the reported behaviour is classed as ASB a new case will be opened.
- 6.2 The assessment takes into account if the tenant has any vulnerabilities and we will vary our approach accordingly.
- 6.3 We take all cases of ASB seriously, considering their persistence, nature and impact on the complainant and wider community and will act in an empathetic manner to the complainant.
- 6.4 Once a case is opened we will investigate in a timely manner in accordance with our Anti-Social Behaviour Procedure.
- 6.5 During the investigation we will take an impartial approach, be fact driven and manage expectations. The ASB Investigation Procedure and Toolkit will support staff to work in this way.
- 6.6 We will treat all complaints sympathetically and can be flexible in our approach to meeting the complainant, for example in a neutral place, or in the office, however it helps to meet at the complainant's home in order to have an opportunity to witness the alleged behaviour.
- 6.7 During the initial meeting of the investigation an action plan will be completed and agreed with the resident who has complained of ASB. We will ensure that we manage expectations from the outset. We will support the complainant to gather further evidence for example through diary sheets or recorders and can put in place appropriate additional security measures if needed.
- 6.8 We will invite the alleged perpetrator to a meeting to discuss the allegations in writing, and set out an overview of the allegation/s made. A timetable for the investigation is set out in the Anti-Social Behaviour Procedure.
- 6.9 Wherever possible we will protect the complainant's identity however in many cases the complainant will be identifiable through the nature of the allegation, in these cases the complainant will be fully informed of this possibility. We will not accept anonymous reports of ASB.
- 6.10 We will ensure cases are recorded on our Housing Management Systems and links established to other complaints or historic cases to form part of the investigation.
- 6.11 During the investigation we may need to interview multiple victims, alleged perpetrators, witnesses and staff. Throughout the investigation we will keep in regular contact with the complainant updating them as we complete each step by both telephone and in writing.

- 6.12 We will follow safeguarding procedures if there are concerns regarding a vulnerable adult at risk or where children are involved. We may also, arrange support from other parties who can help, including the police and local authorities.
- 6.13 Wherever possible we will work with residents to rebuild relationships with each other during the course of the investigation.

7. Working with third parties

- 7.1 In some ASB cases we will need to work with third parties such as witnesses, police or the local authority. We will ensure we comply with all data protection legislation We will endeavour to put in place Information Sharing Protocols with key local agencies as and when needed, designed specifically to facilitate and govern the effective use of information sharing relating to the prevention, detection and reduction of ASB. These ensure that all personal and sensitive information is protected in line with data protection law.

8. Counter allegations

- 8.1 In some cases we will receive counter-allegations from the alleged perpetrator. In these circumstances we will conduct an assessment to establish whether the allegation is ASB, if it is we will open a new case for the counter allegations and link it to the original case. This case will then be managed in line with this policy.

9. Making a decision at the end of an investigation

- 9.1 We will always make contact with the complainant at the point we have completed our investigation and decided to close the case.
- 9.2 There are three possible outcomes following an investigation:
- Complaint founded – there is evidence to demonstrate **ASB has** occurred
 - Complaint unfounded – there is evidence to demonstrate **ASB did not** occur
 - Complaint inconclusive – there is no evidence to demonstrate whether ASB has or has not occurred.
- 9.3 If there has been a decision that the complaint is unfounded, and there was evidence to suggest the ASB did not occur and the allegation was false, the Housing Officer should decide, based on the evidence, whether this was a mistake or a malicious false accusation. In the event of the latter, a warning letter should be sent to the complainant.
- 9.4 If the decision is that the complaint is inconclusive this should be recorded and kept on file as a record.

10. Actions available if complaint is founded

- 10.1 We will use whatever powers and remedies are available and appropriate, including those that can be used in respect of non-WPH residents who are causing ASB. We will also work with partners, the police and local authorities to take preventative and enforcement action.

- 10.2 If an allegation of ASB is founded WPH can take a range of action varying in severity, this includes actions against low to medium level ASB:
- Request to modify behaviour in writing
 - Written warning of a tenancy breach
 - Mediation provided by professionals
 - Acceptable Behaviour Agreement (ABC)
 - Work with partners to serve notices such as a Noise Abatement Notice or Police Harassment Notice.
- 10.3 In the case of serious and/or persistent ASB we may take action following legal such as:
- Taking possession proceedings
 - Taking proceedings to demote a tenancy.
 - Gaining an injunction
 - In extreme circumstances we will facilitate the relocation of one of the tenants
- 10.4 A decision on preferred action under 3.38 will be based on the severity of the ASB or the ongoing persistence of low level ASB and will always be made in conjunction with a manager. The Director of Housing's approval is required before legal advice is sought and before any legal action is initiated. In an extreme case if following possession proceedings, eviction is sought the Chief Executive's approval is required in accordance with the Eviction Policy and Procedure.

11. **Closing a case**

- 11.1 If there has been no repeat of ASB after a monitoring period of one month following action or the complaint was unfounded or inconclusive, then the case will be closed. We will call the tenant to inform of our decision to close the case and a letter will be sent to both the complainant and perpetrator.
- 11.2 In some cases the ASB will not have been resolved to the complainant's satisfaction or low level behaviour continues which we have decided to take no further action on, in this case the ASB case will be closed as no further action is possible from WPH. This may include situations such as:
- Where remedies to deal with the problem have been exhausted (e.g. there is insufficient evidence to take legal action and the complainant is not willing to attend as a witness).
 - Where the complainant refuses to consider mediation or to co-operate with the investigation.

12. Supporting staff

- 12.1 Some cases will be difficult for staff to manage, in particular cases relating to hate crime. Where a staff member is managing such a case and needs support they will receive this from their manager, this could include a joint interview or reallocating the case to another team member.

13. Equality and diversity

- 13.1 WPH will ensure that this policy is applied fairly and consistently. We will not directly or indirectly discriminate against any person or group of people in line with our Equality and Diversity Policy. We will act sensitively towards the diverse needs of individuals and communities and will take positive action or make reasonable adjustments where appropriate.