



Anti-Social Behaviour Policy

Department: Housing

Version: 2

Author: CEO

Date approved: 29th November
2021

To be reviewed: 29th November
2022

Contents

1. INTRODUCTION
2. DEFINITIONS
3. AIMS & OBJECTIVES
4. POLICY STATEMENT
5. LEGISLATION, REGULATION & GUIDANCE
6. CONFIDENTIALITY
7. MONITORING & REPORTING

1. INTRODUCTION

- 1.1. Hill Homes is committed to delivering a high-quality housing, care and support service that is customer focussed and promotes best practice in all areas of performance, value-for-money and satisfaction.
- 1.2. This policy ensures Hill Homes meets its legal and regulatory requirements as a social housing landlord, specifically its duty to publish policies and procedures to help it deal with reports of Anti-Social Behaviour (ASB).
- 1.3. Hill Homes recognises that its tenants may suffer distress, fear and insecurity as a result of ASB.
- 1.4. ASB, whilst undertaken by the minority, can have a disproportionately large adverse effect on the lives of our tenants and hinders the creation of sustainable communities.
- 1.5. This policy outlines examples of what is, and what is not, considered to be ASB and the approach Hill Homes takes to resolving ASB issues.

2. DEFINITIONS

- 2.1. Hill Homes refers to the group of companies comprised of Hill Homes Housing Association, Hill Homes Care Ltd and Hill Homes Care Services Ltd.
- 2.2. For the purposes of this policy, “tenant” refers to all tenants of Hill Homes Housing Association.
- 2.3. The Crime and Disorder Act (1998) defines of ASB as:

‘Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant).’
- 2.4. The Housing Act 1996, as amended by the Anti-Social Behaviour Act 2003 defines ASB as:

‘Conduct which is capable of causing nuisance or annoyance to any person and which directly or indirectly relates to or affects our housing management function.’
- 2.5. The definition of ‘nuisance’ refers to behaviour that unreasonably interferes with the rights of other people to use and enjoy their home and community. It is a term with legal standing in relation to nuisance grounds for possession and statutory nuisance.

Examples of activities that may constitute nuisance would include the following:

- playing loud music at night
- not disposing of rubbish properly
- misuse of communal areas

2.6. Harassment is defined as “to worry, trouble or attack someone repeatedly”. Harassment can occur towards other tenants, staff or members of the public. It is likely to include one or more of the following behaviours:

- unprovoked violence or threats of violence
- abusive or insulting words
- damage or threats of damage to property
- threatening or abusive letters or phone calls
- arson or attempted arson

2.7. Harassment that is based on the victim’s:

- race, including colour, ethnic or national origin;
- gender, including transgender;
- sexual orientation;
- marital status;
- disability;
- age; and,
- religion or belief

could also be classed as a hate crime

2.8. ASB includes, but is not limited to:

- noise nuisance
- neighbour nuisance
- verbal abuse and threatening behaviour
- harassment/bullying/intimidation
- misuse of drugs/alcohol
- animal nuisance.
- cyber bullying
- domestic abuse
- hate crime
- disability hate crime

2.9. The following are some examples of reports that are not generally included in this policy’s definition of anti-social behaviour:

- 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 BBQ’s, birthday or Christmas parties providing they don’t cause an unacceptable disturbance
- minor personal differences such as dirty looks
- clashes of lifestyles, including cultural differences
- putting rubbish out on the wrong day
- parking disputes aside from those where spaces relate to disability

2.10. Hill Homes' tenancy agreements states that tenants must agree to make sure you, members of your household and your invited visitors:

- show proper consideration towards members of the Support Team, Core Care Provider staff or other people working at the Scheme and neighbours;
- do not do anything which may cause discomfort or annoyance to others or which causes a nuisance from unnecessary noise, unreasonable behaviour or in any other way;
- do not discriminate against or cause any harassment to neighbours, or to Hill Homes staff, their agents or contractors, or to any other person in the Scheme or in the locality of the Scheme, because of their race, ethnic origin, religion or for any other reason;
- do not use your Home for immoral or illegal purposes or commit an arrestable offence in the locality.

2.11. Tenant obligations include:

- you are responsible for the behaviour of anyone visiting your home;
- you must not damage, or threaten to damage, any property belonging to Hill Homes or your neighbours;
- you will not behave unreasonably in a way that causes nuisance or annoyance to your neighbours or anyone who is lawfully in, or in the locality of, your home; and,
- you will not harass any person on the grounds of sex, race, colour, ethnic or national origin, caring responsibilities, appearance, religion, marital status, sexual orientation, disability or any other reason.

2.12. The Anti-Social Behaviour, Crime & Policing Act 2014 provides for a 'community trigger'.

The community trigger is a mechanism for victims of persistent anti-social behaviour to request that relevant bodies undertake a case review. A case review entails the relevant bodies sharing information in relation to the case, discussing what action has previously been taken, and collectively deciding whether any further action could be taken.

Relevant bodies are set out in the Act and include local authorities, the police, health providers and providers of social housing.

The onus is on the victim to activate the community trigger.

3. AIMS AND OBJECTIVES

3.1. This policy aims to ensure Hill Homes has a consistent, and fair, approach to resolving reports of ASB quickly to the satisfaction of the victim.

3.2. This policy complies with the Regulator of Social Housing's standard which relates to Neighbourhoods and Communities. This standard requires Registered Providers to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where they own homes.

3.3. When assessing reports of anti-social behaviour, Hill Homes will consider:

- the severity and frequency of incidents;
- how they have affected victims; and,
- any other relevant factors. This could include whether the alleged perpetrator is vulnerable or has any disabilities.

3.4. Hill Homes aims to achieve, and maintain, a peaceful and secure environment by working in partnership with tenants and other agencies to create sustainable communities.

4. POLICY STATEMENT

4.1. Hill Homes accepts that tackling ASB is a priority for its tenants and that to provide sustainable communities it needs to play its part in managing and tackling ASB.

4.2. Hill Homes will ensure:

- its stance on ASB is clearly explained during the tenancy sign-up process;
- its policy on ASB is made available to all tenants;
- offer support to vulnerable tenants who may be unaware of how their behaviour is impacting others; and,
- refer ASB cases to mediation at an early stage to prevent problems from escalating.

4.3. Hill Homes recognises that not all reports relating to behaviour that impacts on an individual can be deemed anti-social behaviour. It is important to show tolerance and be respectful of differing lifestyles and circumstances.

4.4. Hill Homes will work to manage tenants' expectations regarding behaviour that is not defined as anti-social behaviour and offer advice and guidance and where appropriate will expect them to take steps to resolve the situation themselves.

4.5. Hill Homes expects tenants to:

- take responsibility for minor personal disputes with their neighbours and try to resolve any such problems themselves in a reasonable manner;
- where appropriate, talk to their neighbour first and try to resolve any pet or noise related problems;
- report any crimes, including threats or acts of violence to the Police;
- respect other people's rights to their chosen lifestyle and be tolerant of everyday reasonable levels of disturbance – examples may include cooking smells and religious practices; and,
- work and co-operate with us fully to resolve disputes/issues

4.6. Hill Homes will support tenants regarding tackling behaviour that is not defined as ASB and offer advice and guidance.

4.7. Reports of ASB can be made by:

- telephone;
- email;
- letter; or,
- in person to the Housing Support Officer, or the Senior Housing Officer in their absence.

4.8. Hill Homes may utilise a variety of methods when investigating an allegation of ASB, including:

- visiting the victim;
- interviewing the alleged perpetrator;
- installing noise monitoring equipment;
- door knocking exercises;
- issuing diary sheets; and,
- speaking to, and obtaining statements from, witnesses.

4.9. Hill Homes will support those making allegations of ASB by:

- dealing with the allegation promptly – written acknowledgement of the allegation will be provided within two working days;
- keeping them regularly informed about any developments related to their allegation; and
- where appropriate, referring them to specialist agencies who can offer further support e.g., local authority, social and health care agencies, police, voluntary agencies.

4.10. There will be occasions when Hill Homes can find no evidence to support an ASB complaint and/or has made all reasonable efforts to resolve an issue. In these circumstances, the case will be closed and will not be re-opened unless there is new information/evidence to support this.

4.11. Where there is evidence of a malicious complaint or continuous unfounded complaints, this in itself may well constitute anti-social behaviour/harassment and as such, appropriate action will be taken against the person reporting the complaint(s).

4.12. Hill Homes will utilise a wide range of available tools to help manage and tackle ASB. These tools include:

- action plans;
- issuing good neighbour agreements;
- mediation;
- verbal and written warnings;
- acceptable behaviour contracts;
- ASB injunctions/civil injunctions;
- possession action/eviction;
- diversionary activities (including activity or training related); and,
- preventative measures (including publicity and awareness raising)

- 4.13. Hill Homes recognises that some of its tenants that are perpetrators of ASB are vulnerable. In such cases, Hill Homes will work with their support network to try and find more suitable accommodation with a higher level of care provision.
- 4.14. Hill Homes will ensure tenants are aware of the community trigger, where appropriate.
- 4.15. Hill Homes takes a zero-tolerance approach towards any threatening, aggressive or abusive behaviour directed at, or carried out against, our staff or any contractor employed on our behalf and has robust procedure in place to deal with any reported incidents of such behaviour. Appropriate action will be taken against any person found responsible for such behaviour.

5. LEGISLATION, REGULATION AND GUIDANCE

5.1. Hill Homes policy and procedures for dealing with ASB take into account the main legal and regulatory requirements including:

- The Housing Acts 1985, 1988, 1996 and 2004
- Environmental Protection Act 1990
- Noise Act 1996
- Crime and Disorder Act 1997, as amended 2002
- Human Rights Act 1998
- Data Protection Act 2018
- Regulation of Investigatory Powers Act 2000
- Anti-Social Behaviour Act 2003
- Criminal Justice Act 2004
- Equalities Act 2010
- Anti-Social Behaviour Crime and Policing Act 2014

6. CONFIDENTIALITY

- 6.1. All reports of anti-social behaviour are dealt with in confidence and Hill Homes will adhere to data protection legislation.
- 6.2. As far as is legally possible, Hill Homes will not reveal the identity of a person making an allegation of ASB. However, there may be circumstances where Hill Homes is obliged to share information under the terms of the Crime and Disorder Act 1998.
- 6.3. Hill Homes will not reveal any sensitive personal information to another party.
- 6.4. All documents relating to ASB incidents will be stored confidentiality, accessible only be those necessary.

7. MONITORING AND REPORTING

- 7.1. The Senior Housing Officer will maintain records of allegations of ASB, together with the outcome of any investigation. This will be used to identify any repetition of, or trends in, behaviour.
- 7.2. The CEO will report instances of ASB to Hill Homes' board as part of their regular reporting. This will not include names of those involved.