



Anti-Social Behaviour Policy

Procedure owner/author:	Housing Director
Approved by:	Stoke on Trent Housing Society Board
Date approved:	8th March 2022
Next review date:	March 2025

1.0 Policy Aims

1.1 Stoke on Trent Housing Society (the Society) recognises that all residents have a right to enjoy peace, quiet and security in and around their homes. It has a responsibility and is committed to ensuring that as far as possible the actions of its residents do not interfere with their neighbours' quiet enjoyment of their home.

The Society will not tolerate Anti-Social Behaviour (ASB) from residents, their visitors and those seeking to be customers and is clear about the standard of behaviour it expects from its tenants. Whether unintentional or deliberate, they must not commit, or allow their families or visitors to commit, acts of ASB towards other tenants or residents, people in the local area, Society staff, or contractors of the Society. If ASB takes place it may lead to actions being taken against them and or their tenancy.

1.2 This policy's aim is to prevent and minimise instances of anti-social behaviour and to resolve any instances as early as possible through timely and appropriate intervention. It outlines how we deal with ASB, including hate incidents or crimes. Instances of ASB that may be the result of Domestic Abuse will be dealt with under our Domestic Abuse Policy.

1.3 This policy applies to all residents, applicants for housing, colleagues, and contractors of the Society and to any non-service users who may make complaints about tenants of Stoke on Trent Housing Society.

1.4 We will deal with all complaints of ASB under this Policy, except for complaints about how we have handled reports of ASB, which will be dealt with under our Complaints Policy.

2.0 Policy Objectives

2.1 We will investigate and take seriously all complaints of Anti-Social Behaviour by:

- Encouraging complainants and witnesses of ASB to play a full part in resolving the issues. Wherever possible, complainants and witnesses' views will be considered when staff decide how to deal with allegations.
- Taking a victim centred approach, providing appropriate support from internal and external sources, particularly in the most serious of cases.
- Providing good, effective communication to complainants, providing regular updates and a clear point of contact.
- Ensuring that everyone involved in reports and investigations of ASB is treated fairly and equally and that any action taken is proportionate and reasonable in the circumstances.
- Using early intervention tools to establish clear standards of behaviour and to reinforce the message that anti-social behaviour is not tolerated.

- Working together and sharing information with partner agencies to quickly deal with issues as they arise ensuring that resources, expertise, and powers available to all parties can be used collaboratively to stop antisocial behaviour.
- Ensuring that all stakeholders have a clear understanding of our approach to dealing with ASB; this includes customers, staff members, Board members and partner agencies.

2.2 The Society will consider the needs and circumstances of the most vulnerable to ensure reasonableness and proportionality to satisfy the Human Rights Act 1998, the Equality Act 2010 along with other relevant legislation.

2.3 Complainants and witnesses of ASB will be encouraged to provide feedback which will be used to help shape and continually improve our services.

3.0 Legislation and Guidance

3.1 There is a range of legislation and guidance relating to Anti-Social-Behaviour, the main ones being:

- Housing Act 1996
- Anti-Social Behaviour Act 2003
- Crime and Disorder Act 1998 as amended
- Anti-Social Behaviour, Crime and Policing Act 2014 as amended
- The Social Housing Regulator's Neighbourhood and Community Standard.
- The Housing Ombudsman

3.2 At times there may be a requirement for the Society to share information with a third party under the Crime and Disorder Act 1998.

4.0 Definitions

4.1 **ASB** is defined under s105 of the Anti- Social Behaviour Crime and Police Act 2014 as:

'Conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person. Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises. Or conduct capable of causing housing-related nuisance or annoyance to any person'

The term **ASB** describes actions by an individual or group that unreasonably interfere with (or could) an occupier's normal use and enjoyment of their home, garden, or neighbourhood. It may also affect people connected with the property such as colleagues and contractors.

4.2 **Harassment** is a specific form of ASB that is targeted at a person or group of people for any reason. We base the definition of harassment on the Equality Act 2010:

'Any unwanted behaviour affecting a person's well-being or dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment'

4.3 **Hate crimes and hate incidents** are taken to mean any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people, is a factor in determining who is victimised.

5.0 ASB Definition and Service Standards

5.1 For monitoring purposes, reports of ASB will be recorded and responded to as follows

High Risk – Response to incident **within 24 hours** (or the next working day if the incident is reported on a Friday or a Bank Holiday) and agree an action plan.

- Hate related incidents (based on Age, Race, Sexual Orientation, Gender, Disability etc.)
- Domestic Abuse
- Physical Violence (other than Domestic Abuse)
- Drug production / supply
- Threatening Behaviour
- Exploitation

Medium Risk - Response to incident **within 3 working days** and agree an action plan.

- Verbal abuse / Harassment / Intimidation
- Drug smells / substance misuse
- Alcohol related ASB
- Prostitution / Sexual Acts
- Criminal Behaviour / Crime
- Dangerous dogs

Low Risk - Response to incident **within 5 working days** and agree an action plan.

- Domestic noise and smells
- Vandalism and damage to property
- Misuse of Communal areas / Public Space loitering
- Animal Nuisance exc. dangerous dogs
- Graffiti *
- Car repairs / Vehicle nuisance
- Inconsiderate parking
- Running an illegal business
- General Nuisance

*Graffiti that is offensive, racist, or that identifies individuals will be removed within 4 hours following notification.

Note - the above lists are not exhaustive.

5.2 The following categories will be treated as Tenancy Management Issues:

- Property Condition
- Hoarding
- Running a business from home
- Non-occupancy
- Garden Nuisance
- Litter / Rubbish /Fly Tipping

5.3 Residents have a right to enjoy their homes and are entitled to go about their daily lives without having concerns that complaints will be made against them. Not every allegation reported to us will be accepted as being ASB and instead will be considered as everyday living noises or minor lifestyle differences. These allegations may not be investigated as such under the terms of this policy and the Society will expect the tenant to speak with their neighbour(s) on such matters in the first instance.

Examples of such behaviour are:

- Reasonable DIY and other daily and domestic activities.
- Noise caused by the property's design or layout.

- Clash of lifestyles including cultural differences or different working patterns.
- Personal differences or unfriendly looks/stares.
- Cooking Odours.
- One off party.
- Children playing in their homes or in the locality of their homes at reasonable times.
- The use of unallocated parking spaces.
- Babies crying.
- Dogs barking intermittently.

5.4 Although people are expected to hear a certain amount of noise from their neighbours, they are not expected to have to endure unreasonable and persistent levels of noise nuisance. Some of the examples used above could be a noise nuisance if they were to regularly occur late at night or for an excessive period.

5.5 Children playing ball games will not be considered as ASB unless those playing ball are engaged in other more serious nuisance, such as verbal abuse or criminal damage.

5.6 The Society is committed to managing and minimising ASB, therefore the intervention required will be considered on a case-by-case basis at the discretion of the investigating officer. Legal action will only be sought as a last resort where all other interventions have failed.

6.0 The Tenant/Leaseholder's Obligation

6.1 Tenants and leaseholders must comply with the terms of their tenancy agreement or lease and show due consideration to their neighbours. Their household members and their visitors must not commit or allow the committing of any acts of ASB. Failure to comply with their tenancy agreement or lease could result in enforcement action being taken.

6.2 Where minor disputes exist between neighbours, generally the Society would not intervene. The Society recognises that neighbours do not necessarily get on with each other, but the expectation is, these relationships should be managed between the parties concerned.

6.3 The Society expect tenants to follow the advice given by them to help resolve the ASB. Where the tenant chooses not to follow the advice given, the ASB case will be closed. The exception to this is where the issue is more serious, such as a hate crime, and there is a defined victim and perpetrator.

6.4 It is important that all witnesses and complainants understand the importance of working with Society staff to resolve issues of ASB. This includes:

- Responding to calls and /or letters
- Providing information required
- Providing written statements to support legal action
- Attending Court to give evidence where necessary
- Engaging with suggested methods of resolution
- All complainants have a responsibility not to make malicious complaints about their neighbours, visitors or anyone engaged in lawful activity around their property.

6.5 Failure to work with the Society may lead to the case being closed due to lack of contact with the complainant.

6.6 The Society takes ASB in all its forms seriously and will investigate all cases of alleged ASB. However, should our investigation highlight that a vexatious or malicious complaint has been made against another resident, we may consider further action that is appropriate and proportionate against anyone found to be doing so.

7.0 Working with Vulnerable Persons

7.1 The Society recognises the importance of supporting vulnerable members of our communities, and recognises that, by definition, those more vulnerable members may be more likely to be a target of ASB or be the cause of ASB. A person may be considered vulnerable for many reasons, including but not limited to; age, alcohol or drug dependencies, disability (as defined by the Equalities Act 2010) or mental health issues.

7.2 When a complaint of ASB is received, we will assess vulnerability on every case. When a complainant, witness, or perpetrator of ASB is identified as being vulnerable, a referral may be made to the relevant support service, such as the local authorities Adult Social Care, Children's Services, the Mental Health Team etc.

7.3 Where a complaint is made against someone who we know or suspect is vulnerable, we will make every effort to assist them in engaging with support services. This may include liaison with the perpetrator's support network to try and find more suitable accommodation with a higher provision of support and or care.

7.4 The Society will not accept vulnerability as a reason for a perpetrator being allowed to continue to behave badly and we will make it clear to them that should they fail to engage with support services and the ASB continues, this may lead to formal action being taken against them.

8.0 Reporting Anti-Social-Behaviour

8.1 Allegations of ASB can be reported to the Society in the following ways:

- Reporting through the Society's website: www.stokeontrenthousingsociety.org.uk
- In person by speaking to a member of staff directly (subject to any pandemic or arising restrictions).
- By telephone: **01782 968566**
- Send us a direct message via our Facebook page www.facebook.com/SOTHousingsociety/
- WhatsApp us on **07876897172**
- In writing: Stoke on Trent Housing Society, The Trevor Jones Office, Hammond House, Ridgway Road, Hanley, Stoke on Trent, ST3 1AX
- Via e-mail: info@stokeontrenthousingsociety.org.uk
- Through a third party (for example a friend, councillor or relative).
- In person at the Trevor Jones Office, (office opening hours permitting and by appointment(s) only).

In an emergency, such as where there is an immediate risk to life or property, complainants and witnesses should always dial 999 and ask for the police.

9.0 Dealing with ASB

9.1 The Society recognises that responding quickly and efficiently to all reports of ASB can prevent situations from escalating. Officers will carry out a full assessment to determine whether an activity is ASB. This means gathering information on the behaviour and assessing the impact of the behaviour and harm caused to the victim.

9.2 The Society will:

- Have ASB service standards (Appendix 1)

- Listen to and record every report of defined ASB, providing and issuing diary sheets for complainants to record incidents, speaking to and obtaining reports from witnesses, and carrying out anonymous door knocking exercises.
- Agree an action plan to every victim of defined ASB that includes what the Society will do, what the tenant needs to do. The plan will be mutually agreeable.
- Consult complainants and witnesses prior to any action being taken.
- Provide regular updates to victims on a case management basis (frequency to be agreed with the complainant). This will commence from the point of complaint until resolution.
- Take the appropriate steps to investigate and address allegations of ASB in an expedient, joined up manner. This includes interviewing the alleged perpetrator/s.
- Whenever it is appropriate, adopt a multi-agency approach work closely with partner agencies such as the Police, Environmental Health, Victim Support etc, to prevent ASB from occurring and to support those who are witnessing it.
- Consider surveillance equipment where a situation warrants it. This could include the use of audio sound recording equipment or cameras and noise Apps.
- Support witnesses through the process through regular communication, visits and signposting to support agencies, for example victim support.
- Notify relevant statutory or voluntary agencies if the ASB has been proven.

9.3 The Society will not usually transfer complainants, witnesses or perpetrators who are tenants of the Society to resolve the ASB. In exceptional circumstances, and usually when backed up by evidence or support from the police, any management transfer would need to be considered and agreed by the Housing Director.

9.4 Any action that we take will always be reasonable and proportionate to the behaviour which is taking place. We will assume that all complaints are genuine unless proven otherwise.

10.0 Actions we can take

10.1 The Society will work in partnership with other agencies such as the police, environmental health, 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.

10.2 The actions we take will be proportionate to the:

- Seriousness, impact, and frequency of the behaviour
- Level of risk that it poses to those affected
- Evidence available to support the case.

10.3 Most complaints of ASB do not require legal action as a means of resolution. In the first instance, the Society will assess the type of ASB, the risk of harm to the victim and any vulnerability to identify how we will deal with the complaint.

10.4 **Early intervention** through an informal approach can be successful in stopping ASB committed by most perpetrators. These methods will be considered and exhausted first as they can stop bad behaviour before it escalates:

- **Verbal Warnings / Written Warnings** - warnings will be issued when there is evidence of ASB occurring or likely to occur. They make it clear to the perpetrator what behaviour is causing the issue and what effect this is having on the victim or the community, and the consequence of not adhering to the warning.
- **Community Resolution** - this is where a resolution is found for a less serious issue of ASB where an informal agreement is reached between the parties involved as opposed to progression through legal action.

- **Mediation** - mediation can be an effective tool, solving the issues by bringing all parties together to talk through their concerns with an independent professional. Mediation would be offered on a confidential, impartial basis.
- **Acceptable Behaviour Agreements (ABAs)/ Parenting Agreement (PAs)/Good Neighbour Agreements (GNAs)** – These are voluntary written agreements between an individual and the Society, though sometimes other agencies, like the Police, may be involved too. They contain pledges to behave in a certain manner or to stop doing certain things. ABA's / PA's /GNA's are not legally enforceable but if they are broken it is usual to proceed to another level of action, such as court.
- **Support and Counselling** - In many cases there are underlying causes of ASB. Substance misuse or alcohol dependency can drive ASB. We will signpost wherever possible to the appropriate agencies that can offer support and counselling depending on the circumstances of the person concerned in the ASB.
- **Surveillance** - as part of our response to dealing with ASB, the Society reserves the right to work with partner agencies to carry out both covert and overt surveillance. Surveillance may be visual or audio. Any surveillance will be proportionate and justified. This will include where necessary the monitoring of the Society's CCTV in our high-rise blocks. At times we will be required to disclose our CCTV images to a third party such as the police where there is a need for the prevention and detection of crime and for the apprehension of offenders.

10.5 Legal Actions - If a perpetrator is unwilling to change their behaviour following attempts along the informal intervention route there are some formal tools that the Society team may use. These include the legal powers contained in the Anti-Social-Behaviour Crime and Policing Act 2014. Examples of which are:

- **Civil Injunction** - The Civil Injunction is a court order to stop or prevent individuals engaging in ASB.
- **Closure Orders** - These can be used to close a property of any tenure when it is being used or likely to be used to commit nuisance or disorder. This is a fast and flexible power that can be used to protect victims and communities by quickly closing premises causing ASB. The Society would liaise with the Police on this type of enforcement action.
- **Community Protection Warning and Notices** - The Community Protection Warning and Notice is intended to deal with particular on-going problems, or nuisances, which negatively affect the community's quality of life, such as graffiti, rubbish or noise, by targeting those responsible. The Society would liaise with the Police on this type of action.
- **Possession Proceedings** - This is court action that can lead to the tenant being evicted from their homes. Before this stage is reached the tenants involved will have had several warnings to stop their behaviour. Evicting someone, who may have family and children, from their home, is a very serious matter. The Society would have to prove to the court that on the 'balance of probabilities' the tenants have indeed broken the terms of their tenancy agreement and that it is reasonable for the court to evict the tenant.

The Anti-Social Behaviour Crime and Policing Act 2014 (as amended), has introduced a new absolute ground for possession of secure and assured tenancies where ASB or criminality has already been proven by another court. This means that the Society will no longer need to prove that it is reasonable to grant possession and the court must grant possession, providing set procedures have been followed.

- **Demotion Orders** - Demotion orders allow us to apply to the courts to reduce the security of tenure for tenants and can be a precursor to possession. These orders remove a number of rights, including the right to buy and the right to exchange. Demoted tenancies last for a year and may be extended if notice to seek possession of the property is served during this period. The orders are a serious warning to tenants that if the negative behaviour continues, swift action can be taken to seek possession of their home.

10.6 The Society will always refer matters of a criminal nature to the Police.

10.7 Where a national situation exists such as a pandemic, the Society will follow the guidance, legislation set by government. The actions taken will be appropriate to the situation such as:

- Communicating only by telephone.
- Sending out warning letters and text to tenants to cease the inappropriate behaviour.
- Corresponding by email.
- Carrying out risk assessments before a home visit can be scheduled.
- Making use of the appropriate technology such as mobile phones for video recordings

11.0 Hate Incidents and Hate Crime

11.1 Hate crimes and hate incidents have a separate definition to ASB and come with a heavier sentence if proven. They are taken to mean any crime or incident, where the perpetrator's hostility or prejudice against an identifiable group of people, is a factor in determining who is victimised.

11.2 A hate crime or incident is any crime or incident which is perceived, by the complainant or any other person, to be motivated by hostility or prejudice based on a person's actual or perceived social group or groups. It is for the individual to decide whether they are subject to a hate incident and not the 'offender' concerned. This could be one or more of the following:

- Disability
- Gender
- Race
- Religion and Belief
- Sexual Orientation
- Transgender

11.3 Reports of hate crime or hate incidents will be dealt with as high-risk cases of ASB.

11.4 If complainants or witnesses are not comfortable reporting a hate crime incident to the police, we will help them to make a complaint and deal with the matter as part of the management of the ASB case.

11.5 Where appropriate, we will treat repairs to a victim's home as an emergency repair if it is because of hate crime. We will also offer security measures to protect the victims' homes where practicable. This will allow the victim to continue living without fear in their home.

11.6 In extreme cases where the victims' safety is at risk, we may offer alternative accommodation.

12.0 Closing Cases

12.1 The Society will close cases of ASB in the following circumstances:

- When we have successfully resolved the ASB in agreement with the complainant.
- The complaint has been investigated extensively and all options exhausted/no further action can be taken.
- There is no available evidence to support the allegations of ASB.
- When another agency is dealing with the case and no longer requires our involvement.
- When the complainant fails to assist in providing evidence to our officers, and we cannot take further action.
- Following no further reports of ASB within a given time-period.
- If we believe the ASB complaint to be vexatious.

12.2 All cases that have been closed will be confirmed in writing to the complainant outlining the reasons why the case is being closed.

12.3 Cases will be re-opened should any new instances of anti-social behaviour be reported or if new relevant evidence is provided.

13.0 ASB Case Review

13.1 An ASB case review (formerly known as Community Trigger) is a statutory requirement (ASB, Crime & Policing Act 2014) designed to provide an opportunity for victims of ASB to have their case independently reviewed, bringing agencies together to discuss what action has previously been taken and collectively taking a joined up, problem-solving approach to find a solution. Agencies including local authorities, police forces, the NHS, and local registered providers of social housing (collectively known as the "Relevant Bodies") have a duty to undertake a case review where the case meets the threshold.

13.2 An ASB case review can be requested by a victim of anti-social behaviour or by a person acting on their behalf, for example a family member, friend, carer, or other professional.

13.3 To instigate the ASB case review, the tenant/complainant must:

- Have made three reports of ASB within 6 months.
- The complaints must have been reported to the Society in each case within one month of the alleged behaviour taking place.
- The request to use the ASB case review must be made within six months of the first report of anti-social behaviour that is being cited.

13.4 Stoke-on-Trent has adopted the Staffordshire Police ASB Case Review Process. You can apply for an ASB Case Review by:

- Downloading and submitting a form via the Staffordshire Police website
- Ringing 101
- Using the Staffordshire Police live messaging service
- Writing to Staffordshire Police Central Disclosure Unit, Police HQ, Weston Road, Stafford, ST18 0YY
- Visiting a police enquiry office at Longton or Hanley

13.5 The ASB case review does not replace the Society's complaints procedure and therefore any complaint about how the Society has responded to anti-social behaviour should be made via the Society's Complaints Policy.

14.0 Data Protection and Confidentiality

14.1 Any information supplied to the Society to assist in the investigation of ASB will be taken in confidence and will only be shared to the appropriate relevant parties. The complainant will always be advised on how the information or detail they have supplied will be used in resolving the ASB.

14.2 The Society recognises that some victims will want to remain anonymous, and there may be sensitive personal information relating to victims and perpetrators which is not to be shared with a third party. This requirement will not prevent the Society from maintaining regular communication with a victim, even in instances where, for confidentiality reasons, the information to be shared is limited.

14.3 The Society will share relevant information with third parties for the purposes of preventing, investigating, and tackling ASB. When sharing personal information, we will comply with all aspects of the General Data Protection Regulation as set out in the Data Protection Act 2018. More information is available in our Privacy Policy.

15.0 Equality & Diversity and Inclusion

15.1 The Society is committed to making sure policies and services reflect the community it serves and that they support equal opportunities. Our aim is to make this Anti-Social Behaviour policy easy to use and accessible to all our customers in line with the Equality Act 2010. This policy details the multiple ways that an ASB complaint can be made, including via an advocate. This will help to remove barriers and ensure fair and equal access to the process for all customers.

15.2 We will take reasonable steps to accommodate any reasonable adjustments a complainant may have to enable them to access this policy or receive responses to ASB complaints in other formats and provide such assistance as may reasonably be required.

16.0 Monitoring and Review

16.1 To ensure this Anti-Social Behaviour Policy remains effective, the Society will:

- Review it at regular intervals, when significant changes are made to legislation or guidance or when related policies and procedures are amended.
- Present any changes to the Society Board for approval.
- Make any amendments known to employees.
- Communicate and consult with employees by bringing the Policy to their attention through continued training.
- New staff will have a thorough induction and training to ensure that they understand and can implement our policy

Anti-Social-Behaviour Service Standards

Stoke on Trent Housing Society is committed to providing high quality services to its customers. This service standard tells you what level of service you can expect from us in dealing with Anti-Social Behaviour (ASB).

We will:

- *Proactively work with residents and partner agencies to help prevent and reduce ASB.*
- *Make it easy to report incidents of ASB via our varied contact methods.*
- *Take all complaints of ASB seriously and investigate them.*
- *Complete a risk assessment to help identify vulnerable and repeat victims.*
- *Respond to **High Risk** ASB complaints **within 24 hours** (or the next working day if the incident is reported on a Friday or a Bank Holiday) and agree an action plan*
- *Respond to **Medium Risk** ASB complaints **within 3 working days** and agree an action plan.*
- *Respond to **Low Risk** ASB complaints **within 5 working days** and agree an action plan.*
- *Agree an action plan with you that includes what the Society will do and what you need to do.*
- *Keep you informed about your case and provide updates within timescales agreed with you.*
- *Monitor your satisfaction with the way we have dealt with your case.*
- *Promote another route if you are not satisfied with the outcome.*
- *Supply you with a copy of our Anti-Social Behaviour Policy on request.*

We ask you to:

- *Report ASB and hate crime promptly and give us as much information and detail as possible.*
- *Report serious crimes and illegal activity to relevant agencies, such as the police.*
- *Respond to our calls, letters and emails.*
- *Engage with our suggested methods of resolution.*
- *Help us to act against perpetrators by providing the necessary evidence, such as diary sheets and witness statements and attending court if requested to do so.*
- *Not make malicious complaints about your neighbours, visitors or anyone engaged in lawful activity around your property.*