

# ANTI-SOCIAL BEHAVIOUR POLICY

## 1. Policy Statement

- 1.1 North Wales Housing (NWH) is committed to addressing incidents of Anti-Social behaviour (ASB) across its housing stock. We have adopted a person centred approach to ASB and will investigate all reported incidents sensitively.
- 1.2 We will work in partnership with other organisations to prevent, address and resolve incidents using a variety of remedies.
- 1.3 We will ensure that staff are trained in legislation, good practice and communication skills to ensure a good and effective service to our residents and their communities.

## 2. Purpose

- 2.1 This document sets out our approach to dealing with reports of ASB and how NWH define ASB which is compliant with legal requirements. Our policy and procedure statement is also in accordance with Section 218 A of the Housing Act 1996 and Section 12 of the ASB Act 2003.

## 3. Scope

- 3.1 The policy and associated procedures relate to current tenants and leaseholders/ shared owners and prospective tenants. The policy also relates to incidents which may be cross-tenure and may involve tenants of other landlords or owner occupiers.

## 4. Definition: What is Anti-Social behaviour?

- 4.1 The legal definition of ASB outlined in the Anti-Social Behaviour Police and Crime Act of 2014 defines ASB as :-  
*“Conduct that has caused or is likely to cause harassment, alarm or distress to any person”* - which covers non housing related ASB where the ASB has occurred in a public space such as a town or city centre, shopping centre, or local park. This behaviour does not affect the housing management functions of NWH, and therefore NWH will not rely upon this definition in our assessment of a report of ASB, but instead relies on the following clauses from the ASB Crime & Policing Act for relevancy within a housing context:

*“Conduct capable of causing nuisance and annoyance to a person in relation to that person’s occupation of residential premises.*

*Conduct capable of causing housing related nuisance or annoyance to any person.”*

As well as relying on this definition in our assessment of a report of ASB, NWH will also rely upon the nuisance and annoyance clauses within our tenancy agreements to address ASB affecting housing management function. In accordance with our Tenancy Agreements, NWH tenants are responsible for :- *'Their own behaviour, the behaviour of any other person living in the tenancy and the behaviour of any person visiting the tenancy.'*

The legal definition of ASB is very broad and is open to interpretation, ASB can mean different things to different people and therefore NWH has developed a threshold and a framework within which it will operate, in order to assess those behaviours that are not acceptable and are considered to be unreasonable standards of behaviour.

4.2 NWH considers the following as some examples of the more common types of ASB, but this is not an exhaustive list:

- Hate-related incidents (based on race, ethnicity, nationality, sexual orientation, gender, disability, religion, age);
- Domestic abuse /Violence;
- Actual violence/threats of violence against people or property;
- Serious vandalism and damage to property;
- Repeated verbal abuse, harassment, intimidation or threatening behaviour;
- Extreme noise that is persistent and unreasonable, and is causing unacceptable levels of nuisance or annoyance to a reasonable person;
- Persistent pet and animal nuisance where the animals behaviour is unreasonable and is causing unacceptable levels of nuisance or annoyance to a reasonable person;
- Fly tipping;
- Offensive Graffiti;
- Unacceptable property and garden condition;
- Intimidation and harassment;
- Dogs fouling in public areas;
- Using homes to sell drugs, or for other unlawful purposes;
- Nuisance from vehicles, including inconsiderate parking and abandoned cars.

4.3 NWH recognise that sometimes customers will report certain types of behaviour as anti-social but following an assessment we may conclude that the reported behaviour is not antisocial in accordance with the definition and the framework we use. NWH does expect its customers to be tolerant of other people's lifestyles and will not accept reports of behaviour that most people accept as a reasonable part of everyday life. Although some behaviour can be perceived as unpleasant, undesirable, or inconsiderate, it may not be anti-social behaviour. We must all accept that we will experience reasonable levels of disturbance from time to time. NWH therefore will not generally investigate reports of:

- Babies crying
- Children playing outside
- Children falling out with each other
- One off parties and BBQ's
- Giving dirty looks or stares
- Unpleasant behaviour or inconsiderate behaviour
- Reasonable actions that are considered to be part of everyday activities
- Reasonable household noise
- Name calling and social media disputes unless it is deemed to be harassment
- Unpleasant smells
- DIY activities at reasonable times

- Isolated and short incidents of dog barking
- Cats roaming in gardens

## **5. Case priority and investigation**

- 5.1 Reports of ASB will be assessed and prioritised at the point of contact. This will involve the reporter being asked a series of questions relating to the ASB, so that we can assess the potential risk of harm being caused. The ASB report will then be allocated to a named officer.

If the initial report involves a recent threat or use of violence, or there is a significant risk of harm, i.e. a hate crime or domestic abuse, an officer will aim to contact the reporter within 1 working day. For all other reports of ASB an Officer will aim to contact the reporter within 5 working days. All reports of ASB will be taken seriously, assessed appropriately, and recorded on our internal reporting systems.

The Case Officers will keep in regular contact with the parties involved in the case, agree action plans and provide feedback on a regular basis, using the customers preferred method of communication.

NWH will require the parties involved to engage with us and work with us to resolve the issues, and where the ASB is continuing the reporter will be expected to provide further details of any ongoing incidents of ASB that they may be experiencing.

We will usually request the reporter to keep a written record of what is happening, and ask them to submit these to their case officer on a regular basis. Where this is not possible, the case officer will agree more appropriate options for collecting the details of any further incidents.

Throughout the case, NWH will continuously assess and review progress of the case, taking reasonable and proportionate steps at all times.

## **6. Criminal Activity**

- 6.1 Some types of ASB is crime related and cannot be effectively tackled without collaborative working relationships with the Police as the lead agency, as well as those members of the public who are being affected by the criminal activity. In cases where criminal activity is taking place, tenants and residents will be advised to report crime related activity directly to the Police or to Crime stoppers, and NWH will support the Police in any way it can to support any criminal investigation and subsequent prosecution.

## **7. Partnership Working**

- 7.1 NWH is committed to working collaboratively, and we work in partnership with both statutory, and non-statutory agencies, as well as members of our community, to maintain a safe environment for our tenants and residents to prevent and address ASB.

On a case by case basis, we will assess which partners and agencies may need to be involved, so that a holistic approach to case resolution can be identified.

## **8. Prevention and Early Intervention**

- 8.1 Where appropriate NWH will consider non legal remedies to prevent and tackle ASB in the first instance. Remedies used will depend on the nature of conduct or ASB reported. NWH uses a wide range of tools and powers to challenge unacceptable behaviour and will decide on a case-by-case basis which tools and powers will be the most appropriate to use.

Generally, in those cases that have been assessed as non-urgent, where there is no ongoing serious risk of harm or imminent danger, early interventions tools and techniques will be applied based on tried and tested casework resolution e.g., good neighbour agreements, mediation, conflict resolution or warnings. All parties involved will be encouraged to engage and participate in order to stop incidents from escalating.

If the reporter or the person causing the ASB has any support needs, these will be discussed with the case officer, and the case officer will encourage engagement with appropriate support services by making referrals and signposting the person to the appropriate specialist agencies.

## **8. Effective Legal Action**

- 8.1 Where legal action is required (for example, where any non-legal steps are not appropriate) NWH will use the range of legal remedies available to prevent and tackle ASB. NWH will only take enforcement action if it is reasonable and proportionate to do so. NWH will work collaboratively with partners and may support the legal action of partners as a more appropriate way to address the issues. This will be assessed on a case-by-case basis.

## **9. Closing cases**

- 9.1 The policy should set guidelines for circumstances when an anti-social behaviour case will be closed e.g., following no further reports of anti-social behaviour within a given period, when the issue is resolved or when no further action can be taken. Cases will be re-opened should any new instances of anti-social behaviour be reported or if new relevant evidence is provided beyond that time frame.

NWH will look to close a case in the following circumstances :-

- Reasonable and Proportionate steps have been taken and the ASB is no longer being reported.
- The perpetrator is engaging with support services and s/he is no longer causing ASB.
- The perpetrator has moved and the ASB has stopped.
- There is insufficient, ongoing evidence that ASB is still being perpetrated.

## **10. Hate Crime**

- 10.1 A hate crime is a criminal offense which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a personal characteristic. This can be committed against a person or a property. Incidents can range from low level ASB to harassment, abusive language, criminal damage / damage to property, threats and physical violence. The impact on the victim and their family can be devastating and life changing. Hate crime can also have a negative impact on cohesion and integration in communities if incidents are not dealt with quickly and effectively.

- 10.2 NWH will not tolerate any form of hate crime. We will work in partnership with North Wales Police and other agencies to investigate complaints and deal with subjects quickly and firmly. If the Association receives a report of a Hate Crime, we will follow the Safeguarding and Equality and Diversity Policy.

## **11. Domestic Abuse**

- 11.1 NWH recognises that Domestic Abuse can include all kinds of physical, sexual and emotional abuse and can occur within all kinds of intimate relationships.
- 11.2 NWH has a separate policy in place to deal with domestic abuse, which states that we will give advice and support to the victim and assist them to access help from the relevant agencies.

## **12. Supporting Reporters and Witnesses**

- 12.1 NWH will offer support to residents who report incidents of ASB. We will offer residents encouragement and give them the confidence to deal with neighbour disputes for themselves, where appropriate. We will also encourage residents to contact other agencies for help where appropriate.
- 12.2 NWH have close links with North Wales Police, the County Borough Councils, the Probation service and the Youth Offending team. We will also work with voluntary agencies, including Victim Support. Victim Support is a national charity, which helps people cope with the effects of crime. Victim Support offers emotional support and practical information about what happens in court but cannot offer legal advice.
- 12.2 NWH seeks to support vulnerable reporters and subjects, especially to those who exhibit vulnerabilities or support needs. This is subject to availability of the resource and will be based on the needs of each person in turn. A balance will be struck whereby the needs of witnesses will be prioritized, but in some cases action may come before the offer of any support i.e. for without notice matters, but this will be in line with NWH policies and procedures.

## **13. ASB towards NWH staff**

- 13.1 Although most residents behave in appropriate ways, some can become angry and upset. Appropriate action will be taken against any person who behaves in an anti-social way to any member of staff, contractor or representative of NWH. In serious cases involving aggressive, abusive or offensive behaviour, including making malicious or false allegations, legal action may be taken.
- 13.2 NWH staff have the right to end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make the decision and inform the caller of this. Staff will follow health and safety procedures and lone working procedures at all times.

## **13. Obligations of tenants**

- 13.1 NWH tenants sign a tenancy agreement when they first become tenants of the Association and we therefore expect customers to take responsibility for their own behaviours and actions. The agreement clearly sets out the rights and

responsibilities of the tenant and NWH. In situations where there is a dispute or disagreement between neighbours NWH would expect customers to resolve matters themselves unless there is a serious risk of harm/violence or abuse.

NWH expect for residents to show consideration to their neighbours and their community and not to commit or allow their family or visitors to commit acts of ASB. This includes harassment, unreasonable excessive noise nuisance, unreasonable disturbance to other residents or other people in the area, including colleagues and contractors.

We will encourage our customers to: -

- Report all crimes, including threats or acts of violence to the Police;
- Report all incidents of ASB, harassment, Hate Crime and Domestic Abuse to NWH and to the Police and other relevant statutory agencies;
- Take responsibility for minor personal disputes with their neighbours – resolve problems in a reasonable manner;
- Respect other people's right to their chosen lifestyle and everyday reasonable level of disturbance;
- Work with NWH to resolve ASB by reporting incidents to us and providing us with ongoing evidence and engaging with us in casework progression.

#### **14. Safeguarding**

- 14.1 Our Safeguarding Policy ensures that all NWH staff are trained to identify and prevent safeguarding issues and understands the different aspects of safeguarding that they have a duty to report.

#### **15. Staff Training**

- 15.1 NWH has a commitment to service improvements and the steps that taken to ensure this occurs include: ongoing staff training, regular case reviews, seeking customer feedback, consulting with residents before making service changes.

#### **16. Service Monitoring**

- 16.1 NWH will monitor and report on the effectiveness of the ASB service. This includes ASB satisfaction feedback from customers and performance reports to measure the service provided which is reported to Line Managers.

#### **17. Data Protection and Information Exchange**

- 17.1 NWH has signed up to the North Wales Community Safety Partnership Crime and Disorder Information Exchange Protocol. This agreement allows us to exchange information with other agencies, such as the police and social services. We can exchange information about subjects of ASB to help us work together to manage ASB.

#### **18. Confidentiality**

- 18.1 Housing Officers will discuss the next steps to be taken at each stage of the investigation with the reporter, including issues of confidentiality. NWH recognises that there may be instances whereby we cannot preserve someone's confidentiality,

even where they have requested your do so, e.g., where a criminal offence has been committed or where someone is a serious risk to themselves or others.

## **19. Equality & Diversity**

19.1 This Policy meets the requirements set out by the Equality Act 2010 and aims to prevent unlawful discrimination, we recognise that ASB can disproportionately impact on those people with protected characteristics. We are strongly committed to fairness and making sure that everyone has the same opportunities to achieve the same or similar outcomes and we will take additional steps in the application of this policy and make reasonable adjustments to ensure compliance with the Act. NWH regards all forms of harassment and victimisation by those we work with as customers, employees, contractors, and partners, as an infringement of individual dignity and rights, and have appropriate procedures to deal with this in line with NWH's Equality & Diversity Policies.

## **20. Complaints**

20.1 Any party involved in an ASB case can make a complaint to NWH if they are not satisfied about how their case has been handled. When a complaint of this type is made, NWH will follow the process set out in our complaints policy and process.

## **20. Community Trigger**

20.1 In situations where a reporter is not satisfied that NWH have taken appropriate action/steps to deal with their ASB report, they have the legal right under the ASB Police and Crime Act 2014 to request a formal review of the ASB case. This is known as the Community Trigger.

A customer can invoke the trigger by contacting the local authority Community Safety Partnership who can provide them with advice on how to invoke the trigger through their local authority.

## **21. The Legislative and Strategic Context**

21.1 This policy complies with the legislative and good practice requirements, having regard to the following legislation:

- Anti-social Behaviour, Crime and Policing Act 2014;
- Anti-social Behaviour Act 2003;
- Crime and Disorder Act 1998;
- Data Protection Act 1998;
- Equality Act 2010;
- Homeless Act 2002;
- Housing Acts, 1985, 1996 and 2004;
- Human Rights Act 1998.

## **22. Policy Review**

22.1 This Policy will be reviewed every three years.

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