

# Anti-Social Behaviour Policy

April 2024

## Important

Policies and procedures must be coordinated through the Business Development Team for compliance, auditing and control purposes. A Policy Registration Form must be completed before any revisions are made by contacting the Business Development Team at [NH.Policy@networkhomes.org.uk](mailto:NH.Policy@networkhomes.org.uk)

## Title: Anti-social Behaviour Policy

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**Version Control – Change Record**

<b>Date</b>	<b>Author</b>	<b>version</b>	<b>Reason for change</b>
<b>Nov 2015</b>	<b>Research and Policy Coordinator</b>	<b>v.1.0</b>	<b>Harmonisation of policies</b>
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	and Service Quality Manager		
April 2024	Resident Consultation-led by Service Quality Manager and Customer Service Graduate	V.6.1	3 year review and added linkage to Noise Policy. Plus rebrand.

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**Appendices: None-**

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## Antisocial Behaviour Policy

### 1. Policy Summary

Sovereign Network Homes recognises that the problems created by Anti-social Behaviour (ASB) need to be addressed in a robust but proportionate manner. Residents are entitled to live in a quiet and peaceful environment and where appropriate Sovereign Network Homes will aim to act quickly and efficiently to tackle incidents of ASB.

Where an owner occupier is causing antisocial behaviour then we will provide appropriate advice and guidance which may include contacting the Police or the local authority.

### 2. Introduction

- 2.1 This Policy outlines how we deal with anti-social behaviour (ASB). The Policy applies to tenants, leaseholders, residents, businesses, visitors and any other occupants. The same principles apply to members of staff and other people working on of behalf of Sovereign Network Homes.
- 2.2 Our response to anti-social behaviour will be proportionate to the extent of harm caused (see section 8.2). We will undertake a risk assessment on the potential harm of the ASB on the person making a report.
- 2.3 Where an owner occupier is causing antisocial behaviour then we will provide appropriate advice and guidance which may include contacting the Police or the local authority.
- 2.4 We believe that everyone has the right to live the way they want as long as it does not unlawfully spoil the quality of life of others or breach the terms of their tenancy agreement or lease. We recognise that ASB can have a very disruptive effect on neighbourhoods and communities, we are therefore committed to tackling ASB using a range of approaches including early intervention and if necessary, enforcement action.
- 2.5 Our aim is to resolve ASB without causing the loss of a tenancy. However, where appropriate we will take legal action that may result in the loss of that tenancy.

### 3. Policy Statement

- 3.1 We are committed to taking effective, appropriate, and proportionate action to tackle ASB, using a full range of interventions, including the use of the legal framework and will use this policy and our ASB procedure to achieve this.

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#### 4. Aims & Objectives of Policy

4.1 The aims & objectives of this policy are to:

- Define ASB so staff and customers are clear what it is and what it isn't
- Manage customer expectations
- Ensure we always take account of the support needs of vulnerable customers
- To raise awareness amongst customers, staff and other relevant stakeholders of the tools and powers available, to both staff and customers, to tackle ASB.
- Act quickly to prevent ASB where reasonable and practical
- Support complainants and others affected by ASB
- Work with partner agencies to tackle ASB

#### 5. What is ASB

5.1 The Anti-social Behaviour Crime and Policing Act 2014 Section 2 (1) defines ASB 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.”

5.2 The definition extends to behaviour towards staff and contractors of Sovereign Network Homes. We operate a zero-tolerance policy towards any intimidating, threatening or abusive (verbal or physical) behaviour aimed at our staff or contractors, as per our Violence and Aggression Policy. ASB includes a wide range of unacceptable behaviour that affects the quality of life of customers and others living or working in the community

5.3 We have an ASB toolkit on our website and expect our residents to review the toolkit before reporting ASB.

<https://www.networkhomes.org.uk/your-home/anti-social-behaviour-and-domestic-abuse/anti-social-behaviour/what-is-asb-toolkit/>

#### 6. Resident Responsibility

6.1.1 We have an ASB toolkit on our website and expect our residents to review the toolkit before reporting ASB.

<https://www.networkhomes.org.uk/your-home/anti-social-behaviour-and-domestic-abuse/anti-social-behaviour/what-is-asb-toolkit/>

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- 6.1.2 We will encourage customers to take responsibility for solving personal disputes between themselves and other residents. Where anti-social behaviour is due to lifestyle differences, Sovereign Network Homes will encourage a degree of tolerance, understanding and co-operation between customers.
- 6.1.3 Customers are responsible for their own behaviour and also for the behaviour of anyone living with them (including children and pets) and their visitors.
- 6.1.4 Where ASB is the result of criminal activity we will expect customers to report criminal behaviour to the police and other statutory agencies for their intervention.
- 6.1.4 The Tenancy Agreement or Lease are the legally binding contracts between us and our customers.
- 6.1.5 Sovereign Network Homes will not normally consider the following examples of behaviours to be ASB (this list is not exhaustive):
- Smells from cooking.
  - Noise caused by people going about their daily lives, e.g., using staircases, flushing toilets, baby crying etc, heavy footfall. This will be managed as part of our Noise Policy and Procedure
  - One-off events like a birthday or a religious celebration
  - Putting out the rubbish on the wrong day.
  - Minor personal differences or fall outs between neighbours e.g. relating to social media posts
  - Young people and/or children playing in authorised play areas
  - Disputes between neighbours (e.g., boundary issues or shared driveways)
  - Clashes of lifestyle due to cultural differences e.g., reports of food odours
  - Inconsiderate parking
- 6.1.6 All Non ASB will be logged and recorded, and no further action taken, with the exception of daily living noise reports which will be managed by our Noise Policy. The reporting party will be advised why it will not be investigated further as ASB. Potential solutions may still be offered where appropriate.
- 6.1.7 When considering whether a case is or isn't ASB, we will take into account vulnerabilities or any other issues facing a resident, and how this might impact their ability to resolve issues without support. Where issues are not ASB other housing management-related, we may refer residents to other agencies who could offer them support where required.

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6.1.9 Although household living noise is not considered to be ASB, it may be considered in some circumstances as detailed in Housing Ombudsman spotlight report and in our ASB toolkit. Where we recognise there have been issues with a particular property due to build-type, we will flag this on our housing management system so if it becomes void, we can assess whether there are reasonable suggestions we can make or any remedial works required, to minimise the likelihood of nuisance.

## Our Responsibilities

### 7. Reporting of Anti-social Behaviour

- 7.1 We have developed a detailed procedure for staff to manage our ASB cases.
- 7.2 We ask our residents to review our ASB toolkit before reporting ASB to us.
- 7.3 The toolkit will provide information, advice and guidance to manage low level issues which would typically not be classified as ASB. Where the situation is more serious, where there is criminal activity or where there is a requirement for our involvement, then please contact us: [Contact Sovereign Network Group | SNG, formerly Network Homes](#)

### 8. Our Approach to Tackling Anti-social Behaviour

- 8.1 Sovereign Network Homes will treat those who been affected by ASB sympathetically and sensitively. During the course of receiving and logging a report we will seek to identify if there are any vulnerabilities or support needs. As per our ASB procedure, our Reasonable Adjustment Policy and our Slipping Through the Net Toolkit relating to the reporting parties, victims and witnesses, as well as of the household and the other party/alleged perpetrator who is accused of committing ASB we will adjust our approach as necessary. If we are not able to manage the report as ASB then we will ensure we explain why and give advice on what action the resident can take.
- 8.2 We are committed to preventing the incidence of ASB at the outset by doing the following:
  - Clearly explaining to all new tenants and leaseholders, the terms of their tenancy or lease that relate to ASB, so that expectations and consequences are clear.
  - Promoting our Good Neighbourhood Guide
  - Assessing what physical improvements can help reduce anti-social behaviour across our estates.
  - Working with partner agencies to apply or signpost to a range of preventative measures including Neighbourhood Watch, community development initiatives and youth diversionary activities such as summer clubs.
  - Publicising our commitment to dealing with ASB, for example in newsletters
  - Publicise successful prosecutions undertaken in our newsletter
  - Refusing applicants (from the waiting list) with a known history of serious ASB (within the last 2 years)

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- Ensure staff are well-trained, have the knowledge and confidence to identify and investigate incidents/reports of ASB and work collaboratively alongside appropriate agencies who are leading on such cases.
- A Vulnerability Risk Assessment will be completed on all high priority ASB cases (and where relevant on standard priority cases) to measure the harm caused to the victims and to guide staff on the actions to take to protect victims from further harm.
- CCTV monitoring where appropriate.

8.3 We will take a customer focussed approach to tackling ASB. Working with the customer who makes the report and the alleged perpetrator, we aim to reach agreed actions, timescales and ultimately closure. Except in very serious cases, our initial intervention aims to stop the problem behaviour. We recognise that early intervention is important to stop cases escalating. Sovereign Network Homes may use the following approaches and sanctions in its early interventions: (this is not an exhaustive list)

- Referral to support services
- Good Neighbour Guide
- Written and Verbal warnings
- Acceptable Behaviour Agreements (ABAs)
- Mediation – we will consider mediation where discussion between neighbours has not been possible or has not resolved the issue
- The use of professional witnesses
- Pre – notice warning letters
- Recharges in cases where damage has been caused to property

8.4 Where the behaviour complained of is not deemed to be ASB, we will signpost the affected customer to seek legal independent advice. This may include the right to take their own civil action against the alleged perpetrator.

8.5 We may consider using legal sanctions to address ASB if other interventions fail. We work closely with other Statutory Agencies to take legal action as follows. This list is not exhaustive:

- Community Protection Notice (CPN),
- Community Protection Warning (CPW)
- Notice Seeking Possession (NOSP)
- Injunctions
- Closure Order
- Undertakings (a promise to the court)
- Forfeiture action
- Mandatory possession order using ground 7a of the Anti-Social Behaviour, Crime and Policing Act 2014.

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8.6 Eviction - Court action will be a last resort and will only be taken once a proportionality assessment has been completed and referred to our legal team.

## 9. Supporting Customers

9.1 We recognise that experiencing ASB can be a very upsetting experience and will work with residents to try and resolve the problem. We will ensure we protect the customers information and only share information with other agencies where there is a need to do so, we will ensure we comply with Data Protection legislation.

9.2 We will always try to familiarise ourselves with the case before speaking with the customer contacting us about the ASB, so they don't need to repeat information which has previously been provided.

We can:

- Arrange access to interpreters if required.
- Make referrals to support agencies where required
- Support the perpetrators to access rehabilitation initiatives. Particularly where the perpetrator is vulnerable, and their behaviour may be the result of drug or alcohol use or mental health issues.
- Advise residents to use the noise recording app to gather evidence of noise nuisance [Trialling a new noise app to record noise nuisance | Network Homes](#)
- Provide diary sheets for residents to gather evidence

9.3 We will aim to make evidence gathering for the reporting resident/witness as straightforward and sensitive as possible.

9.4 We will consider the safety and the perception of safety, of the complainant and witnesses and if necessary, provide additional safety measures to support them. We can also make a referral to our safeguarding procedure.

9.5 We will help customers to stay in their own home.

9.6 We will make every effort to protect and support witnesses during court proceedings.

9.7 It may not be possible to take any formal enforcement action if there is a lack of sufficient and appropriate evidence.

## 9.8 Concerns for children, young people or vulnerable adults

During the course of an ASB investigation an Officer may come across a person whose welfare may raise concerns. Whether or not the subject has a direct connection to the case under

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investigation, it remains the duty of Officers to ensure that these concerns are properly logged, and Sovereign Network Homes' Safeguarding Policy is adhered to, and that where appropriate the resident is referred to the Mental Health Liaison Team.

### 9.9 Working with perpetrators

We appreciate that some perpetrators may be vulnerable and will need help and support to enable them to sustain their tenancy and reduce the risk of losing their home. If appropriate, we will work with both internal and external support services and external specialist agencies. And where appropriate the resident will be referred to the Mental Health Liaison Team.

### 9.10 Information Sharing

Where appropriate, Sovereign Network Homes will share information with relevant partners so that it can carry out its functions and duties. We will work within the provisions of the Data Protection Act which provides a background for the sharing of information and the need for confidentiality and privacy.

## 10. Discretion

This policy commits Sovereign Network Homes to deal with anti-social behaviour in a way that will be fair and, in all important respects, consistent across cases of a similar kind. However, its services are constantly evolving, and each anti-social behaviour case we deal with is likely to be unique in some or other aspect. This means that we may occasionally use its discretion to vary its approach from that described in this policy.

## 11. Partnership working

11.1 ASB cannot be dealt with by any one organisation or agency working in isolation. We work alongside other partner agencies and residents to tackle these problems together.

11.2 We have also developed formal information sharing protocols and partnership agreements to allow us to respond quickly to ASB including working with:

- Local Authorities Community Safety Partnerships
- Police
- Community and Voluntary Agencies
- Residents Groups
- Youth Offending Teams
- Other Landlords on multi – landlord estates
- Social Services
- Mental Health Teams

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- Neighbourhood Watch Schemes

11.3 We reserve the right to make a referral to Social Services or the Police, this can include a safeguarding referral without the permission of the complainant where the situation and the Data Protection Act 2018 justifies it. If it is a matter for the Police, we will expect them to take the lead.

## 12. Community Triggers

12.1 The ASB, Crime and Policing Act 2014 introduced the “Community Trigger”. This allows members of the community to ask for a review of the responses to their reports of ASB.

Any concerns raised through the Community Trigger will be dealt with in line with the local authority procedure for that area. Guidance as defined in the Anti-Social Behaviour Crime and Policing Act 2014.

## 13. Harassment and Hate Crime

13.1 We will not tolerate incidents of harassment or hate crime in any form and will work with relevant agencies to tackle such reports. The Crown Prosecution Service define a hate crime as "Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's age or perceived age, disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."

13.2 To prevent racial harassment and hate behaviour we will send out a clear message that we adopt a zero-tolerance approach.

## 14 Record Keeping

Records of all customer contacts and progress updates will be recording within our housing management systems.

## 15 Complaints

15.1 Any customer or other stakeholder who is dissatisfied with how we have managed their ASB case is able to submit a complaint using our Complaints process. Once our Complaints process has been exhausted, and if they remain dissatisfied, then they can contact the Housing Ombudsman Service, who can consider if we have acted appropriately. (Please see Complaints Policy [here](#) for more details)

15.2 Eligible complainants may have a right to request a review of persistent ASB by their Local Authority (usually the Community Safety Partnership) under the Community Trigger

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processes. Where our residents have applied to a Local Authority under the Trigger, we will cooperate fully and work with them to seek a resolution.

## 16 Performance Monitoring

We will monitor the success of this Policy by running and reviewing regular reports. A summary report will also go to our Tenant Local Panel and Customer Service Committee on a quarterly basis and will include:

Number of ASB cases by type and location

## 17 Publicity

We may use publicity in successful legal actions to:

- Increase community confidence
- Deter offenders
- Inform stakeholders of our actions

## 18 Related Documents

- Antisocial Behaviour Procedure
- Allocations and Lettings Policy
- Data Protection Compliance Policy
- Equality and Diversity Policy
- Lone Working Policy and Procedure
- Safeguarding Policy
- Safeguarding Procedure
- Fire safety Policy
- CCTV Policy
- Parking Policy
- Reasonable Adjustment Policy
- Hoarding policy
- Disclosure of Personal Data to Authority Procedure
- Sovereign Network Homes Service Charter
- Violence and Aggression Policy and Procedure
- Mental Health Liaison Policy
- Slipping Through the Net Toolkit

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## 19 Legislation and Regulation

19.1 The legislation listed in this policy is not intended to cover all legislation applicable to this policy. Sovereign Network Homes will take reasonable measures to ensure compliance with all applicable legislation by reviewing policies and procedures and amending them as appropriate. The legislation listed within this policy was considered at the time of the development of this policy, but subsequent primary and secondary legislation, case law and regulatory or other requirements will be considered, and the policy reviewed and adopted in accordance with the requirements set out therein, even should such subsequent legislation not be explicitly listed within this policy. Any queries relating to the applicable legislation should be directed to the policy author.

19.2 We will meet our legal obligations under the following (this is not an exhaustive list):

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour Crime and Policing Act 2014
- Anti-terrorism Crime and Security Act 2001
- Data Protection Act 2018
- Domestic Violence Crime and Victims Act 2004
- Equality Act 2010
- Housing Acts 1985, 1988 and 1996
- Human Rights Act 1998
- Police Reform Act 2002
- Protection from Harassment Act 1997
- Respect Standard 2007
- The Crime and Disorder Act 1998
- Regulator of social housing – neighbourhood and community standard
- Family Law Act 1996
- Civil Partnership Act 2004
- Homelessness Act 2002
- Housing Act 1996
- The Children Act 2004
- Care Act 2014
- Housing Ombudsman Spotlight Report on Noise Complaints 2022

## 20 Data Protection and Information Sharing

20.1 The Power under section 115 of the Crime and Disorder Act 1998 and the Under Schedule 2 Part 1 Paragraph 2 of the Data Protection Act 2018 agencies to disclose information for the detection and prevention of crime and anti-social behaviour. We will ensure that we have signed information sharing protocols so that information about perpetrators may be shared with other agencies for the purpose of preventing ASB or crime.

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**21. Equality and Diversity**

20.1 We will apply this policy consistently and fairly and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equality Act 2010.

**22. Review**

All policies should be reviewed every 3 years as a minimum, or sooner if there is a specific legislative, regulatory, or service requirement or change in guidance, law, or practice.

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