



Anti-Social Behaviour Policy

Ref: 801

1 Aim

This document outlines our policy and summary for dealing with anti-social behaviour. We have separate policies for Hate Crime and Domestic Abuse.

We recognise that anti-social behaviour (ASB) can have an adverse impact on those who live and work in our communities. Anti-social behaviour covers a range of behaviours from low-level nuisance to serious harassment. ASB can damage quality of life and interfere with the ability of people to use and enjoy their homes and/or community. Pioneer will not tolerate anti-social behaviour directed towards our customers their visitors or any others engaged in a lawful activity in the locality of our homes, including our colleagues, contractors and others acting on our behalf.

Our Community Housing Officers are out in our communities and support with low-level ASB, and we have a dedicated Community Safety Officer who supports the team and responds to more serious cases. We are committed to working in collaboration with a range of partners and the wider community to tackle ASB. We want our neighbourhoods to be places where people are proud to live, an environment that is safe and free from nuisance, intimidation and harassment. To do this we aim to:

- Respond promptly and with an open mind to all complaints of ASB
- Ensure reports of serious ASB are responded to with urgency and purpose.
- Take a victim centred approach and carry out a vulnerability risk assessment
- Be clear about what we can and what we cannot do
- Use a range of interventions to tackle ASB, including legal action when proportionate and reasonable
- Support customers to understand the crucial part they play in helping to resolve complaints of ASB swiftly and effectively
- Develop action plans tailored to the type of ASB reported
- Consider the needs of individual needs and the wider community
- Take a multi-agency partnership approach to support victims, witnesses and perpetrators, where appropriate
- Work with statutory partners and a range of regional and local agencies
- Consider the issues, which may have contributed to ASB and take any reasonable or appropriate steps to support perpetrators to adjust their behaviour
- Protect staff by responding to incidents of unacceptable behaviour

2 Scope

This policy applies to anyone who experiences the effects of or commits ASB in the communities in which we work. This includes ASB caused by or affecting:

- Our customers, including tenants, leaseholders and homeowners, any member of their household and any visitors to their home.
- Our staff or anyone working or acting on our behalf

All colleagues are responsible for carrying out their work in line with this policy and associated procedures.

3 Reference Documents

This overarching policy is supported by policies, procedures and other documents:

- Anti-Social Behaviour Procedure
- Domestic Abuse Policy
- Hate Crime Policy
- Tenancy Agreements
- Complaints Policy.
- Starter Tenancy Policy
- Safeguarding Policies
- Good Neighbourhood Management Policy.
- CCTV policy
- [Government publication on ASB for social housing tenants](#)

4 Compliance

4.1 The Regulator of Social Housing

Consumer Standards – Neighbourhood and Community Standard

Registered providers must work in partnership with the appropriate local authority departments, the police and other relevant organisations to deter and tackle anti-social behaviour (ASB) and hate incidents in the neighbourhoods where they provide social housing

Registered providers shall co-operate with relevant partners to help promote social, environmental and economic wellbeing in the areas where they own properties.

4.2 Legislation

- [Anti-Social Behaviour, Crime and Policing Act](#)
- Housing Act [1985](#), [1988](#) and [1996](#)
- [Anti-Social Behaviour Act 2003](#)
- [Crime and Disorder Act 1998](#)
- [Data Protection Act 2018](#)
- [Social housing regulation act 2023](#)
- [Human Rights Act 1998](#)
- [Protection from Harassment Act 1997](#)
- [Equality Act 2010](#)
- [Consumer Standards Code of Practice](#)
- [Civil Evidence Act 1995](#)

5. Definition

5.1 What is anti-social behaviour?

The Anti-social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as:

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

Anti-social behaviour includes a range of nuisance and criminal behaviours which are causing distress to others. Whether someone's actions can be classed as anti-social behaviour relies heavily

on the impact it has on other people. Behaviour that is frequent or persistent is more likely to be considered as anti-social behaviour. The type and intensity of the behaviour also matters. Examples of anti-social behaviour can include:

- noisy and/or abusive behaviour
- vandalism
- graffiti
- intimidation
- public drunkenness
- littering
- fly tipping
- illegal drug use
- excessively barking dogs

Some behaviour, even though it may cause nuisance to individuals, may not be regarded as ASB. For example, this can include:

- one-off parties and barbecues
- infrequent and occasional noise or disturbances
- children's play
- occasional dog barking
- excessive noise from domestic appliances (e.g. washing machines, vacuum cleaners)
- minor vehicle repairs
- gossip
- escalated disputes

What we do not consider as ASB

We will make a fair evaluation of all reports of ASB. We expect our customers to show a reasonable level of tolerance between neighbours in their community. Whilst we will act swiftly and firmly to reports of ASB, there are some complaints that we will not investigate as ASB and in these circumstances we will not open an ASB case. We will not investigate the following as ASB:

- Actions which amount to no more than customers going about their normal everyday activities, for example, children playing or babies crying
- Complaints which are not a breach of the terms of tenancy, for example, complaints of people staring or being impolite.
- Actions which amount to neighbours bickering or not being pleasant or friendly to each other that are not sufficiently serious to justify our involvement, for example, people gossiping about each other
- Complaints about people being inconsiderate or thoughtless where there is no breach of tenancy, for example, parking inconsiderately but not illegally
- Complaints about other people having lifestyles that offend others, for example issues about differences in parenting, who people socialise with, how people dress and what they do in their own homes, unless the behaviour is a breach of tenancy

In these instances we would encourage neighbours to talk to each other to resolve these minor disputes in a neighbourly way.

6. Policy Principles

Each case is different and how we deal with it will depend on the specific circumstances of the complainants/victims and the perpetrators. Our aims are to:

- Ensure incidents of anti-social behaviour can be easily reported in a way that meets individual preferences
- Ensure compliance with the appropriate policies and procedures
- Communicate quickly once a report has been received, to confirm if we are treating it as an ASB case.
- Make sure colleagues are trained and supported to deal confidently with anti-social behaviour
- Prioritise cases based on the seriousness of the case and risk of harm
- Deal with cases sensitively and appropriately, considering the impact of the behaviour
- Investigate complaints fairly and impartially.
- Ask at the outset what the complainant is expecting and what outcome they wish to achieve.
- Be honest and realistic about what can and cannot be achieved.
- Develop an action plan with the complainant and keep them informed.
- Maintain appropriate confidentiality and act in accordance with Data Protection legislation
- Ensure perpetrators of anti-social behaviour are fully aware of the consequences
- Identify any support needs and signpost to appropriate support services for either party
- Ensure incidents of anti-social behaviour are accurately recorded and monitored
- In serious cases, where this is the most appropriate solution, attempt to facilitate a move for the victim.
- Monitor performance on how we deal with anti-social behaviour reporting against targets
- Use a range of methods including publicity to ensure a clear message that anti-social behaviour will not be tolerated
- Operate a zero tolerance of illegal drug use in our properties and/or using the property for the sale, supply, taking and cultivating of drugs from the property. The appropriate Notice to end the tenancy will be served in all cases.

6.1 Partnership Working

As members of the Birmingham Social Housing Partnership (BHSP) we work with other registered providers and Birmingham City Council to contribute to and deliver Birmingham's Community Safety Strategy, operating through data exchange protocols within legal boundaries.

Assessment of harm and severity of ASB will be taken through the ASB Risk Assessment tool to ensure we are consistent with Police and partners with whom we may work.

In some cases, where the risk is high, the behaviour is extreme and the behaviour has been persistent for some time, we may coordinate multi-agency case conferences to agree suitable approaches to resolve the situation. 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.

We will work with internal departments and external community safety partner agencies such as Compass Support, Police, Probation, Fire Services, Health and Social Care Services, and Youth Services. We will attend events and case conferences to discuss specific cases and/or make customer referrals to other agencies.

Customers will be advised to report matters of a criminal nature to the police. We will work with the police to share intelligence and information which may enable us to gather evidence to take enforcement action against a tenancy due to criminal activity. We will share information under the requirements of the Crime and Disorder Act 1998.

6.2 Prevention

Our approach to prevention and resolution without formal action is an essential part of our approach, utilising a full range of good practice initiatives and measures, which include:

- Informal discussions and practical solutions
- Where appropriate, encouraging neighbours to communicate with each other.
- Formal warnings and agency support referrals
- Neighbourhood Agreements
- Acceptable Behavior Contracts
- Parenting Contracts
- Family and Youth intervention projects
- Starter tenancies
- Out-of-hour ASB reporting through the website
- CCTV intelligence gathering
- Target hardening initiatives
- Housing options reviews for both victims and perpetrators on a case-by-case basis

6.3 Mediation and Restorative Justice

Mediation can be an effective and successful way to resolve ASB without the need of legal action or involvement by other agencies. Support is provided by a trained mediator to support customers to talk to each other and try to agree solutions. Mediation can be particularly successful in:

- Allowing customer time and space to communicate in a safe environment
- Giving space to hear from others and consider situations from their perspective
- Exposing a clash of lifestyles and agreeing how these might be resolved
- Reaching a level of understanding if all parties are willing

The mediator will attempt to assist all parties with the aim of reaching a resolution between them. Mediation requires agreement to participate by all parties if it is to be successful. There are occasions where mediation is not appropriate, for example in cases where there is intimidation or fear of violence. Our Informal Resolution Procedure sets out how we will attempt to use mediation to resolve these types of disputes.

Restorative Justice is an effective way to deal with incidents that prevent crime occurring or situations escalating to a criminal issue by agreeing restorative solutions with all parties involved. We will consider how this can be used on a case-by-case basis.

6.4 Enforcement

We will utilise the full range of legal tools and remedies available to us to ensure we respond to ASB in a proactive way. Action will be proportionate to the incident reported and relevant to the circumstances, and tenure. While legal action is an option, it will be used when all other avenues have been considered, and it is proportionate to do so. This could include but is not exhaustive of:

- Civil injunctions
- Possession orders
- Use of mandatory grounds for possession

We will work with our partners to deal with ASB and access to tools and remedies that include:

- Dispersal orders (Police)
- Closure Orders (Police and Local Authority)
- Criminal Behaviour orders (Police)
- Community Protection Notice (Police/Local Authority)
- Public Spaces Protection Order (Police/Local Authority)

We will work in partnership with Police through relevant referral systems.

When we act as outlined above, we will always consider our obligations under the Equality Act 2010.

6.5 Accessing the ASB Service

We will not be restrictive in the ways that customers can report ASB to us and we will not ask a customer to submit their complaint in writing. Our aim is to make reporting ASB as easy as possible and all staff members will be able to take a report of ASB and pass details onto the relevant Community Housing Officer who will then lead the case and liaise with the Community Safety Officer. Reports can be made in any format, or through a third party. Where complaints are made anonymously, we will be restricted from substantiating reports. Customers may elect to have a third-party act on their behalf. Providing there is appropriate consent to share data, we will cooperate fully with that third party.

We will provide information on our service in a variety of formats and translate materials on request. We will frequently remind customers of the service through our online and off-line communication methods.

6.6 ASB Cases and Action Plans to deal with ASB.

Once a complaint is considered to be ASB (see definition above) we will open an ASB case. At the start of the case we will discuss appropriate options and outcomes and agree on an action plan with the complainant which sets out actions, by whom and when. This may include actions to be taken by the complainant and any other people involved. In addition, we will be transparent in case management by ensuring our communication with the complainant is effective and consistent. As part of our action plan, we will agree how we will update on case

progress and the frequency of updates. This will be recorded and actioned by the Community Housing Officer or the Community Safety Officer.

Where no incidents have been reported for at least two weeks after a remedy has been put in place, we will contact the complainant with a view to closing the case, subject to agreement with the complainant. Court orders and/or injunctions are considered as part of the resolution, and a case will not be kept open during the monitoring period after the order is issued. Where a customer ceases to cooperate with us to resolve a case, we will be clear that this will result in us not being able to explore further solutions.

We will always discuss with a customer when we are considering closing an ASB case and the reasons why we intend to close it. Should customers disagree, they can ask for a review of the decision. This will be conducted by the Community Housing Manager, should the customer remain unhappy with the decision we will signpost them to our complaints policy.

6.7 Supporting Perpetrators of ASB

In some cases, there may be underlying reasons why acts of unacceptable behavior take place such as relationship breakdown, mental health issues or substance abuse and dependency. We will support perpetrators to access services to get help with their issues with the aim of achieving positive outcomes. Where a perpetrator of ASB is at risk of homelessness owing to enforcement action we have undertaken we will signpost them to relevant partners and agencies for support.

6.8 Publicity and Media

Publicity is important when dealing with ASB as it can:

- Reassure the complainant and the wider community that successful action is being taken to tackle ASB.
- Send a message to perpetrators of ASB that we will take appropriate tenancy action and actively pursue a resolution through the Courts if necessary.

7 Data Protection Statement

We manage all the data referred to in this policy in accordance with the Data Protection Act 2018. For more information on how Pioneer group and CVCH handles information please see our privacy statement – <https://www.pioneergroup.org.uk/privacy-policy>