

ANTI-SOCIAL BEHAVIOUR

Policy Statement

1.0 Introduction

- 1.1 HYELM (“us”, “our”, “we”) is committed to tackling anti-social behaviour (ASB) in a responsive, proportionate and robust manner.
- 1.2 We are committed to challenging discrimination and promoting equality of opportunity in every area of our work. This policy is written from an equal opportunities perspective.
- 1.3 This policy, and others, if requested, are available in different formats, such as languages, large print and recorded form.

2.0 Scope and Objectives

- 2.1 This policy sets out our approach to dealing with ASB.
- 2.2 This policy aims to:
 - Prevent and minimise incidents of ASB experienced by our residents, corporate tenants, staff, contractors and users of our housing developments.
 - Investigate reports of ASB, in partnership with specialist agencies where appropriate.
 - Offer early intervention, where appropriate, to ensure residents are able to self-manage lower level issues of ASB that they may experience.
 - Ensure there is a robust approach to tackling more severe cases of ASB and those involving vulnerable adults.
 - Ensure all people are treated in a fair manner. We will work with our communities to ensure we tackle discrimination, promote equal rights and treat our residents according to their needs.
- 2.3 This policy applies to all residents, their visitors, corporate tenants and users of our communal spaces.

3.0 Related Documents

- 3.1 This policy should be read in conjunction with:
 - Tenancy Agreement.
 - Guide for Residents.
 - Data Protection Policy.
 - Equalities and Diversity Policy.
 - Safeguarding Policy.
 - Smokefree Policy.
 - Complaints Policy.

4.0 Definitions

4.1 Anti-social Behaviour

Anti-social behaviour is defined by the 'Anti-social Behaviour, Crime and Policing Act 2014' as:

Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person or 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.

4.2 The types of behaviour that we consider to be anti-social include, but are not limited to:

- Physical violence (or threats of violence), such as attacks on a person.
- Harassment.
- Hate crime.
- Domestic abuse.
- Verbal abuse, harassment, bullying, intimidation or threatening behaviour.
- Criminal behaviour or activity.
- Substance misuse, cultivating drugs or drug dealing.
- Repeated and prolonged noise nuisance.
- Loitering or misuse of communal areas or public spaces.
- Vandalism, damage to property and graffiti.
- Smoking within our properties.
- Dumping rubbish.
- Housing-related nuisance.

4.3 Harassment

Harassment is a criminal offence under the 'Protection from Harassment Act 1997'. It is defined as:

Behaviour that the perpetrator knows (or ought to know) amounts to harassment of the victim and which occurs on at least two occasions.

4.4 Harassment can include behaviour that is deliberately intended to annoy, intimidate, dominate or harm an individual or group of people because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (the protected characteristics).

4.5 Housing-related Nuisance

Housing-related nuisance means behaviour that directly or indirectly relates to or affects our housing management function to carry out day-to-day activities and the strategic management of our properties.

5.0 Low Level Disagreements

5.1 Low level disagreements between residents where there is no breach of tenancy will generally not be considered to be ASB cases. We may, however, offer mediation and other support to help people resolve these issues amongst themselves.

6.0 Resident Obligations

- 6.1 Residents, whether unintentionally or deliberately, must not commit, or allow any guests or visitors to commit, acts of ASB towards other residents, people in the local area, staff, contractors or other users of our housing developments.

7.0 Preventing ASB

- 7.1 We understand the impact ASB can have on our communities and the people within them. As such we have measures in place to try and reduce the potential for ASB to occur. These measures include:

- Having effective designs for new developments and making reasonable improvements to existing properties.
- Explaining to new residents what ASB is when they move into our properties.
- Having a robust Equalities & Diversity policy.
- Publicising our approach to tackling ASB in leaflets, resident newsletters, our website and social media, where appropriate.

8.0 Dealing with ASB

- 8.1 ASB covers a variety of activities that impact individuals differently and a wide range of responses are required to tackle it effectively. We balance enforcement action and intervention with support for residents who request help sustaining their tenancy.
- 8.2 Reports of ASB can be made to the Management Team in person, by email or over the phone.
- 8.3 On receiving a report, we will normally contact the complainant within one working day (Monday to Friday) for the most serious of cases and within five working days for less serious cases.
- 8.4 If a suspected crime has been committed, we advise the complainant to contact the police.
- 8.5 We will refer all crime, including threats or acts of violence, to the police.
- 8.6 In determining the seriousness of the ASB and what the proportionate action for resolving it would be, we consider the nature of the ASB, the frequency of incidents and the impact that behaviour is having on the complainant and the wider community.
- 8.7 Being clear and realistic about the potential outcomes and the timescales involved, we will then develop an action plan with the complainant and provide them, as appropriate, with information on other agencies who might be able to offer additional support.
- 8.8 We will keep the complainant informed of the actions we take.

- 8.9 On some occasions, the alleged perpetrator may report an incident involving the complainant. We adopt the same approach when responding to allegations about the complainant.
- 8.10 Where the prime responsibility and power to lead an investigation lies with another service, such as the Police or the Local Authorities, we will support the investigation and take any necessary supporting action.
- 8.11 We will encourage and expect residents to take responsibility for solving personal disputes between themselves where appropriate. This may include collating evidence, liaising with other agencies and taking part in mediation.
- 8.12 There are many factors that could influence a person's behaviour in ways that could lead some to perceive it is anti-social. Where the alleged perpetrator is vulnerable, and this vulnerability is related to the reported incidents, we will offer them support with sustaining their tenancy where we are able to or refer them to external agencies who can support them.
- 8.13 We will take action against complainants for breach of tenancy where we find complaints of ASB to be malicious, persistent and/or unfounded.
- 8.14 We will deal with any ASB committed against or by our employees and contractors in line with our internal policies and duties as an employer.

9.0 Enforcement Action

- 9.1 We will use a range of preventative measures, including where appropriate early intervention and legal action to tackle ASB.
- 9.2 This includes the full range of tools and powers available to us as outlined in the 'Anti-social Behaviour, Crime and Policing Act 2014'.
- 9.3 The methods used will be proportionate to the seriousness, impact and frequency of the behaviour, the level of risk that it poses to those affected and the evidence available to support the case.
- 9.4 We will consider legal action where there is sufficient evidence of a tenancy breach.

10.0 Closing the Case

- 10.1 We will close a case after an investigation has been concluded and appropriate action is taken and where:
- It is successfully resolved.
 - There are no further reports for a period of 6 weeks (unless we have begun legal action or are gathering further evidence) or earlier if agreed with the complainant.
 - We are unable to gather sufficient evidence in order to take any action.
 - No further action can be taken.

- 10.2 We will consult the complainant before proposing to close the case and explain our reasons for doing so. We will listen to any reasons they give us as to why the case shouldn't be closed and will take them into consideration before making a final decision.

11.0 Multi-Agency and Partnership Working

- 11.1 We recognise that any one agency alone may not be able to resolve ASB in communities. We adopt a multi-agency approach to preventing and tackling ASB and offer the Police and Local Authorities support when they are able to take action.
- 11.2 We co-operate fully with the Community Trigger process to help resolve cases of ASB.
- 11.3 We will process your data in line with our Data Protection policy. In doing so it may become necessary to share data with external agencies, like the Police or Local Authorities, if we have safeguarding concerns or we have a duty to do so for the purpose of crime prevention.

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