

Antisocial Behaviour

Policy



1. Purpose and scope

Papworth Trust recognises that Antisocial Behaviour (ASB) can have a significant impact on the lives of tenants and believes that everyone has the right to the lawful and peaceful enjoyment of their home and the local neighbourhood. The Trust is committed to developing sustainable communities and reducing failed tenancies.

This policy applies to all people living in Papworth Trust homes or those who have been affected by a Trust resident and sets out the approach to tackling ASB through:

- Prevention
- Proactive Intervention
- Enforcement

As a Registered Provider of Social Housing, the Trust also has a regulatory responsibility to take all accounts of ASB seriously as part of the Regulator of Social Housing's Neighbourhood and Community Standard. This policy sets out how we will deal with these effectively by using a range of reactive and preventative measures.

This policy sends out a clear message that we will not tolerate ASB from tenants, members of their family or visitors to their home and we expect them to show consideration for their neighbours and the wider community in which they live.

Papworth Trust will seek to deliver these commitments by working with our tenants and partners; by following our policy and procedures and by our attitude and general approach to tackling ASB.

2. Aims

The aim of this policy is to reduce the amount of ASB that impacts adversely on the lives and environment of our tenants and the wider community. It also defines what ASB is, ways in which we tackle it, and what our tenants can expect from us.

- We will investigate each complaint impartially, take action against offenders and support and protect victims and witnesses
- We will keep an open mind and investigate complaints made against alleged perpetrators in a fair and impartial way

- We will look initially at ways to resolve ASB without the use of legal enforcement and in proven cases provide opportunity for alleged perpetrators to improve their behaviour
- We will follow our Safeguarding Policy if there are concerns for the safety of someone at risk of abuse.
- We will work in partnership with the Police, local housing authorities, social services and other agencies to ensure that ASB is dealt with effectively through a multi-agency approach

3. Equality, Diversity and Inclusion

As a specialist provider of adapted and supported housing Papworth Trust understand that people have different needs and therefore may need to be treated differently, but at all times fairly and impartially.

We will:

- Consider issues of vulnerability or disability in all parties when incidents of Neighbour Nuisance and ASB are reported.
- Aim to identify potential additional needs at the application stage to ensure appropriate support services are in place at the very start of a person's tenancy
- Take reasonable steps to safeguard those tenants with support needs at risk of abuse involved in ASB, by working with Social Services and other key agencies that can offer support to them
- Only take legal action against alleged perpetrators when we have considered and taken all reasonable steps to resolve the case

4. What is ASB?

For the purposes of this policy, Anti-Social Behaviour is defined under Section 2 of the Antisocial Behaviour, Crime and Policing Act 2014 as being:

- 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.

This is a complicated definition, so we have provided a simplified version below:

The term ASB describes actions by an individual or group that unreasonably interferes (or could reasonably interfere) with a person's use and enjoyment of their home, garden or neighbourhood.

It also includes other people connected with the property that could be affected, such as Trust staff and contractors.

This overarching definition encompasses harassment, hate crime and domestic violence.

Whilst the Courts have the final decision should a case escalate that far, we will initially decide what constitutes ASB.

ASB may be categorised broadly into three main areas and includes, but is not limited to:

(i) **Personal ASB**, such as

- Intimidation/harassment
- Verbal or physical abuse
- Cyber bullying and/or on line harassment
- Domestic Abuse

(ii) **Environmental ASB**, such as

- Criminal damage, graffiti or vandalism
- Litter/rubbish
- Fly tipping
- Abandoned cars

(iii) **Disregard for community wellbeing**, such as

- Persistent and unreasonable noise
- Nuisance behaviour
- Hoax calls
- Animal related problems

Below is a list of examples of behaviour the Trust does not consider to be ASB (list not exhaustive)

- One off parties / BBQ's where there's no evidence problems will re-occur
- Children playing
- Occasional noise over and above the usual sounds of daily living, such as opening and closing doors or using a washing machine
- Clashes of lifestyle, including cultural differences
- Babies crying
- Bonfires
- Inconsiderate parking

4.1 Hate-related Behaviour

Papworth Trust defines a hate related behaviour or incidents as: “any type of behaviour or action carried out against another person on the grounds of race, religion, disability, gender or gender identity, sexual orientation, social class or age”.

Hate related behaviour could amount to a hate crime and should be reported to the Police.

Papworth Trust will treat all reports of harassment and hate related behaviour seriously and deal with them in a sensitive way. We will take effective action in accordance with this policy.

4.2 Abuse of Staff and Others

Papworth Trust promote a positive and safe culture for our staff to work in and will not tolerate ASB aimed at our members of staff or people working in or around our properties on our behalf. This includes acts committed against family members of our staff and contractors.

We will act quickly and decisively in dealing with these cases, with the focus on the protection of the member of staff or contractor.

4.3 Domestic Violence/Abuse

Papworth Trust believes everyone has a right to live in safety in their home without fear and defines domestic abuse as:

“A pattern of abusive behaviour by one partner against another in an intimate relationship; by another family member, or by current or former partners, regardless of gender or sexuality”.

This may include psychological, physical, sexual, financial or emotional abuse.

Papworth Trust treat all reports of domestic abuse seriously and we will deal with them in a sensitive way. We will take effective action in accordance with this policy.

4.4 Neighbour Nuisance

Papworth Trust understand that neighbour disputes can escalate to ASB, if not dealt with promptly and effectively. However, neighbour disputes are different from ASB both in their nature and scope.

Neighbour disputes essentially are:

- Differences between tenants concerning their understanding of their obligations as good neighbours in line with the conditions of their tenancy agreement (for instance, differences about the use of communal facilities; keeping their gardens tidy; keeping children under control or noise (other than noise associated with everyday living))
- Disagreements between previously friendly neighbours who have now fallen out with each other - typical disagreements may occur because of stoppage of previous mutual help; stoppage of previously agreed access to each other's space, for instance parking spaces and irritation over children's behaviour or flow of visitors where previously there had been tolerance.
- Queries, comments and complaints made in a way that is offensive or insensitive to the other party which can be dealt with through an apology or and a better appreciation of different religious and cultural values.
- Any other dispute that falls below the threshold of anti-social behaviour as defined by the Trust.

All tenants will be expected to take reasonable action to resolve minor neighbour disputes with their neighbours.

5. Reporting ASB

We encourage our tenants to report any problem as soon as possible to the Trust. All reported cases of antisocial behaviour will be rated as High, Medium, Low or no risk. After completing a risk assessment the grade of case will be communicated to residents. Our response times will be as follows:

Level 1: high risk – response within 24 working hours:

This covers the most serious or urgent types of ASB where there is an immediate risk to the complainant

Level 2: medium risk - response within 5 working days:

This covers ASB where there is no immediate risk to the complainant

Level 3: low risk - response within 10 working days:

This covers low level ASB that is unlikely to cause harm in the short term

Level 4: no risk:

This level acknowledges one-off complaints or neighbour disputes and incidents where there may be insufficient information to investigate the case

Anyone can report ASB by contacting the Trust using the following methods, with as much information as possible:

- Telephone 0330 678 0008 (option 2)
- Talking directly to your Housing Officer
- Email housing@papworthtrust.org.uk
- Written correspondence
- Through a third party (e.g. councillor, friend or relative)

6. Investigating and Tackling ASB

In responding to ASB, Papworth Trust will:

- Investigate each complaint, take action against offenders where necessary and support victims and witnesses.
- Take all accounts of ASB seriously and deal with them in a proportionate way
- Inform complainants on the progress of their complaint and any action we may be taking
- Ensure the action we take is consistent and our tenants know what action and support they can expect from us
- Use the tools available reasonably to tackle the ASB rather than moving or displacing the alleged perpetrator through eviction or re-housing in cases where a tenancy agreement has been breached through ASB
- In line with our Safeguarding Policy, take responsibility to safeguard the welfare of children and adults at risk of abuse, where there is reasonable cause to suspect a child or young person living in a Papworth Trust home, is or is likely to suffer from harm
- Recognise the importance of supporting the needs of the person reporting the ASB and any witnesses involved.

As part of Papworth Trust investigation into ASB, complainants will be expected to fully assist in this process, recognising that additional support may be required for the complainant.

We expect the complainant to help us by:

- Disclosing to us all relevant information to the case
- Returning diary sheets and other evidence as requested
- Maintaining contact with their Housing Officer dealing with their case.

Persistent failure of a complainant to engage with Papworth Trust as required may result in an ASB case being closed.

6.1 Non-legal action

To ensure legal action is used only when all other reasonable solutions have been considered Papworth Trust use non-legislative measures available to stop the problems escalating. These include:

- a. Written or verbal warnings

We may write to, or visit the perpetrator, where appropriate to explain that they are causing a nuisance, remind them of the clauses in their tenancy agreement if appropriate, warn them of the consequences of continued nuisance and ask them to stop the nuisance behaviour.

- b. Home visits/Office interviews

We may meet with the complainant, where applicable to gain further information, establish their support needs and the involvement of relevant agencies

- c. Referral to Environmental Health to investigate a statutory nuisance

Where ASB is specifically noise related, local authorities have greater powers to investigate and tackle statutory noise nuisance

- d. Acceptable Behaviour Contracts

This is a written agreement between an individual and Papworth Trust (in some cases also the Police). The agreement is not legally binding but sets out certain types of behaviour and acts that the individual promises not to carry out. The contract may also include support for the individual to help them stop the behaviour, or help with any issues, which may be underlying it, such as drug or alcohol misuse.

- f. Extension of Starter Tenancies (or probationary period)

In line with the Starter Tenancy Policy, a starter tenancy or probationary period may be extended by up to six months to provide an opportunity for a tenant to modify their behaviour.

- g. Multi agency partnership working

Papworth Trust will work with partner agencies to ensure a multi-agency approach to resolving ASB

6.2 Legal Action

We may pursue legal action if the ASB is serious and or/criminal, or non-legal measures have not resolved the problem.

Legal action we may take includes:

- o Issuing a Notice of Seeking Possession
- o Issuing a Notice to Quit
- o Possession Orders
- o Injunctions
- o Demotion of Tenancy
- o Parenting Orders
- o Premises Closure Orders
- o Eviction

The legal options available to the Trust will be considered on a case by case basis and may vary depending on:

- o The type of behaviour and the impact it has on others
- o The age of the alleged perpetrator
- o The nature of the alleged perpetrators disability, or if they are an adult with care and support needs at risk of abuse
- o Whether the alleged perpetrator is a resident or non-resident
- o Willingness of the alleged perpetrator to engage with the support/intervention packages offered
- o The evidence we have to support the case
- o Any ongoing criminal investigation into the alleged perpetrator

Criminal cases will be referred to the Police. If the complainant reporting the ASB wishes to pursue their own action (e.g. civil action) to resolve a problem and we feel there is sufficient evidence to do so, we will provide advice and support to assist them.

7. Support for ASB Complainants and Witnesses

Papworth Trust will provide reasonable support to complainants of ASB throughout all stages of the process. This may include:

- Simple reporting channels
- A prompt response to reports of ASB (as detailed above)
- Re-assurance that all reports will be dealt with in a sensitive and confidential manner
- Identifying any support needs and involving the relevant agencies at the earliest possible stage
- Discussing proposed action with the complainant
- Informing relevant partner agencies of incidents to enable them to monitor the situation and provide ongoing support

For successful legal action, witnesses will usually be required to say what they have seen. We understand that people may often be unwilling to do this for fear of intimidation. Witness support can be facilitated through the relevant Court or partner agency.

In some cases our staff may be able to give witness statements to the Court on behalf of witnesses. Also, if they have witnessed the nuisance directly, we will encourage our staff to provide personal evidence to the Court, subject to any legal advice we may receive.

8. Preventing ASB

Papworth Trust recognises that one of the most effective ways to tackle ASB is to take preventative and supportive measures to discourage ASB from occurring in the first place. Papworth Trust will work with partner agencies to take a range of measures including:

- Allocating properties in accordance with the allocations and lettings policies of each local housing authority (general needs and independent living) and/or in line with operations/service level agreements with commissioning agencies (supported housing)
- Using starter and fixed term tenancies, where applicable, to allow greater powers to tackle ASB when a tenant breaches the conditions of their tenancy agreement
- Making it clear what behaviour is expected by new tenants within the tenancy agreement and during the application and sign up process
- Using easy-read resources where appropriate to ensure tenants with additional needs understand what behaviour is expected
- Providing information on what a tenant can do to combat ASB and what we can and cannot do to help
- Working with partner agencies to take a multi-agency approach to resolving ASB
- Early referral to support agencies
- Ensuring that all information is available and accessible to all tenants

9. Information Sharing

Section 115 of the Crime and Disorder Act 1998 allows Papworth Trust and its partners to share information for the purpose of preventing and detecting crime and disorder.

Papworth Trust recognises that confidentiality is important to develop a relationship of trust with complainants and will only share information where it is lawful to do so.

10. Training and Guidance for Staff

Papworth Trust is committed to:

- ensuring its staff are aware of the importance of dealing with reports of incidents of ASB quickly and effectively and provide complainants with practical help, advice, information and support

- o ensuring new staff are aware of and understand the ASB policy and procedure as part of the induction process
- o ensuring staff can prioritise complaints effectively ensuring they have the confidence and knowledge to investigate incidents and reports of ASB
- o Supporting staff and encouraging learning to understand the legislation and powers available to tackle antisocial behaviour
- o ensuring staff are sensitive to issues of equality, diversity, inclusion, tenancy sustainability and homelessness

11. Legal Considerations

Papworth Trust does not operate in isolation and this policy takes into account the following legislation, but is not limited to:

- o Anti Social Behaviour Act 2003
- o Crime and Disorder Act 1998
- o ASB Crime and Policing Act 2014
- o Housing Act 1985 (Schedule 2- Grounds for Possession)
- o Housing Act 1996
- o Police Reform Act 2002
- o Disability Discrimination Act 1995
- o Environmental Protection Act 1990
- o Human Rights Act 1998
- o Noise Nuisance Act 1993
- o Equality Act 2010

12. Document Control

Owner	Business Manager – Housing Management
Consulted	Tenant Scrutiny Panel
Approver	Senior Business Manager - Property
Date Approved	May 2023
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Ratified by	Not required

13. Version tracker

Version number	Date approved	Approved by	Comments/Reason for issue
1.0	01.06.2018	Head of Property	New policy
2.0	10.05.2023	Senior Business Manager - Property	Review. Minor changes to definitions and types of ASB, and revised response times.

If you have any feedback or want to suggest corrections to this policy, please contact the policy owner.

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