ANTI SOCIAL BEHAVIOUR POLICY

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1. Introduction

1.1 This policy sets out the principles to our approach to dealing with antisocial behaviour (ASB).

1.2 This policy aims to:

- Prevent and minimise the amount of ASB experienced by our customers
- Ensure we take a victim-centred and robust approach to tackling ASB, including prevention and intervention
- Ensure we target support to the most severe cases and high-need customers, whilst offering early intervention to ensure customers are able to self-manage lower-level issues that they may be experiencing
- Ensure all customers are treated in a fair and equitable manner

We will work in partnership with communities and local organisations to ensure we tackle discrimination, promote equal rights and treat our customers according to their needs.

2. Scope

2.1 This policy applies to all 3CHA customers.

2.2 We encourage all customers across all tenures to respect each other's lifestyles and be mindful how their lifestyle may affect others. Sometimes these lifestyles can clash but are not considered a breach of tenancy or lease, or as behaviour not compatible with living in a neighbourly manner, or which might affect the quiet enjoyment by others of their homes.

Examples include:

- Minor disagreements between neighbours
- Noise from everyday living, such as babies crying, children, one-off parties, white goods, or noise caused by pets (barking etc.)
- Lifestyle differences, such as cooking odours, minor or irregular car repairs, putting rubbish out on the wrong day or reasonable noise occurring at unusual times because of different working patterns.

2.3 We have a separate policy for domestic abuse, but recognise that some reports of noise nuisance, disturbances or ASB could be an indicator of potential domestic abuse or safeguarding issues, e.g. complaints about arguments could be related to abuse.

We will ensure that any potential indicators are actively considered as part of our ASB investigation and raise alerts in line with our domestic abuse and safeguarding policies.

2.4 Third parties such as managing agents and contractors working on our behalf are required to meet our policy commitments.

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2.5 The approach in this policy includes hate crime. The Crown Prosecution Service and police define 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 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.

3. Key terms and definitions

3.1 Antisocial behaviour (ASB) as defined in the Antisocial Behaviour, Crime and Policing Act 2014 is:

- 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
- Conduct capable of causing housing-related nuisance or annoyance to any person. Housing-related means directly or indirectly relating to the housing management functions of a housing provider

3.2 Noise nuisance, as defined by the Environmental Protection Act 1990 must meet one of the following criteria:

- Unreasonably and substantially interfere with use or enjoyment of a home or other premises
- Injure health or be likely to injure health

4. Our approach

4.1 ASB can be reported to us in different ways, including in person, in writing, over the phone, by email and on our website. We offer anonymous reporting and facilitate the reporting of ASB by non-residents.

4.2 ASB should be reported to 3CHA as soon as possible after the event to allow for a timely investigation. ASB should be reported within six months of when the event happened.

4.3 We will provide colleagues with training, clear guidance, policies and procedures so that they can deal effectively with cases of ASB, use the appropriate enforcement tools, and are aware of the wider issues associated with ASB, including hate crime and safeguarding.

4.4 All customers who wish to report an incident of ASB will be assessed for their risk and vulnerability to ensure the appropriate level of support can be provided and any safeguarding issues are identified.

4.5 We will respond to reports of ASB within two working days.

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4.7 We acknowledge that sometimes low level and repeated incidents of noise can have a serious impact on a person's life. We may consider it appropriate to take a tenancy management approach to remind residents of their responsibilities or take other preventative action. If the behaviour continues and we can evidence that it is ASB we may investigate in line with this policy.

4.6 We will investigate noise nuisance where the noise is frequently excessive in volume and duration or occurs at unreasonable hours. It is reasonable to expect some level of noise from everyday life but if there is concern for someone's welfare this should be reported to 3CHA.

4.9 We encourage customers 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.

4.10 We will use a range of preventative measures, early intervention, signposting to mediation services and legal action to tackle ASB. This includes the full range of tools and powers available to us as outlined in the ASB, Policing and Crime Act 2014.

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.

4.11 We may consider a management transfer for those assessed as at risk.

4.12 We will consider physical improvements to properties (such as fencing, lock changes, parking markings etc.) where these will improve the situation, are cost effective, and on our property.

4.13 We will agree an action plan with the complainant and any witnesses and keep them informed of the actions we take. We will contact them when we close a case, giving our reasons for doing so.

4.14 We will close a case after investigation and appropriate action is taken and where:

- We consider all appropriate action has been taken in line with the action plan agreed with the customer
- 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 complainant
- The customer reporting the ASB fails to engage with us during the investigation
- We have evidence that the nature of the report is unreasonable or due to vindictive intentions
- No further action can be taken

4.15 We will inform customers who have reported ASB that we have closed the case by discussing the closure with them and where we are unable to make contact a

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letter or email is sent to the customer advising of this. Where the report involves domestic abuse, we may choose to inform the reporting customer in another way.

4.16 We will provide support and advice to victims and witnesses of ASB and refer them to external agencies where appropriate.

4.17 We will offer support to anyone that agrees to give evidence in ASB cases.

4.18 We consider the possible vulnerability of both victims and perpetrators of ASB when deciding the intervention actions appropriate to dealing with each case. We recognise that perpetrators may not be deliberately causing ASB and indeed may be victims themselves.

We work with local authorities and other agencies providing support to vulnerable people to obtain the appropriate support and achieve positive outcomes for our customers, including making behavioural changes or safeguarding individuals.

4.19 We will take action against complainants for breach of tenancy where we find complaints of ASB to be malicious, persistent and unfounded.

4.20 We will refer all crime, including threats or acts of violence, to the police.

4.21 We will deal with any ASB committed against our colleagues and contractors in line with our internal policies and duties as an employer. Refer to our Unreasonable communications policy.

4.22 We will share information with third parties where we have an information sharing protocol in place, there are safeguarding concerns, or we have a duty to do so for the purpose of crime prevention under the provisions of the Crime and Disorder Act 1998.

4.23 We will process personal data and information in accordance with the Data Protection Act 2018, UK General Data Protection Regulation and our Data Protection policy and procedures.

4.24 We will monitor the feedback we receive about how we manage and respond to cases of ASB and, to ensure a high standard of services.

5. Working with Other Agencies

5.1 We will work in partnership and consult with customers, the wider public, statutory services, local authorities, Youth Offending Teams, Community Safety Partnerships, support providers, community groups, registered providers, and other external agencies as necessary to tackle ASB in our neighbourhoods and provide support to those with vulnerabilities. Where we work with agencies in a planned or regular way, we will sign data sharing agreements with them.

5.2 Where the prime responsibility and power to lead an investigation lies with another service, such as the police or the local authority, we will support the investigation and take any necessary supporting action.

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5.3 When working with other agencies, we will ensure they have a prime contact within our organisation and their direct contact details. Where communication and data sharing is an urgent health or safety issue, we will share information to ensure this. We will also use these opportunities to sign up to data sharing agreements with such agencies where we have not already done so.

5.4 When we share specific personal information about residents, we will inform them, providing it is safe to do so and we do not believe this puts our staff or other residents at risk. Where this may be the case, we will take the advice of the police and/or legal advice.

5.5 Where it is more likely to lead to a better outcome, or where required, we will develop action plans with other agencies to address ASB issues.

5.6 There are a range of agencies we may work with to address issues. Whilst not an exhaustive list, this may include:

-The Police

-The Local Authority (Social care/services, Planning, Environmental Health, specific ASB or noise teams, Refuse/Waste, Parking, Housing and Housing Benefits departments)

- DWP

- Youth Offending Teams

-RSPCA

-Community Safety Partnerships

-Domestic Abuse services and co-ordinators.

6. Equality, Diversity and Inclusion

6.1 We value diversity and promote equality, ensuring people are treated accordingly to their individual needs. This ensures that no person or other organisation is discriminated against on the grounds of race, colour, nationality, ethnic origins, sex, disability, sexual orientation, gender reassignment, marital or civil partner status, pregnancy, unrelated criminal activities, illness or any other matter that may cause a person to be treated with prejudice.

6.2 We will use our ASB approach, sanctions and process to deal with Hate crime or incidents where these occur and will not tolerate any of our customers being subject to, or perpetrating, such actions.

6.3 We will endeavour to ensure that services are delivered fairly and equally to all and to the highest possible standard. We provide all customers, prospective

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customers and other stakeholders with the information they require, in a format to meet their individual needs, using clear language which is easy to understand.

7. Responsibilities

7.1 The Director of Operations has overall responsibility for delivery and compliance with the policy.

End

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