Midlands
Rural Housing

Anti-social Behaviour Policy Statement

October 2024

This policy is implemented by Midlands Rural Housing on behalf of four independent partner associations: Leicestershire Rural Housing Association, Northamptonshire Rural Housing Association, Peak District Rural Housing Association and Warwickshire Rural Housing Association. Midlands Rural Housing provides the full range of housing and management services for these four associations in line with a procedure agreement.

We believe our customers, colleagues and contractors have the right to live and work in a safe environment, free from the fear of anti-social behaviour.

1. Introduction

1.1 This policy sets out how we deal with anti-social behaviour (ASB) including hate crime. It applies to all residents, staff and contractors.

1.2 This Policy is published in line with the legal and regulatory requirements included in the Anti-social Behaviour Act 2003, the Regulator of Social Housing's Neighbourhood and Community Standard and Together with Tenants' Charter.

2. What is anti-social behaviour?

2.1. We use the definition of anti-social behaviour in the ASB, Crime and Policing Act 2014, which is:

2.2. 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.

2.3. The term ASB describes actions by an individual or group that unreasonably interfere with (or could) an occupier's normal use and enjoyment of their home, garden, or neighbourhood. It may also affect people connected with the property such as our colleagues and contractors. (See Acceptable Behaviour Policy.)

3. What do we consider to be ASB?

Examples of behaviour we consider to be anti-social:	**Examples of behaviour we do not consider to be anti-social:**
If it is excessively frequent such as noise caused by music, shouting	Clash of lifestyles including cultural differences or different working patterns
Frequent rowdy behaviour and drunkenness	Cooking odours, and BBQ's
Persistent dog barking or uncontrolled animals	One-off parties
Dealing or taking drugs	Children playing
Criminal damage	Noise caused by the property's design or layout
Verbal abuse	Reasonable DIY and other daily activities

Intimidation and harassment including stalking and hate crimes	Personal differences or unfriendly looks/stares
Known perpetrators of fly tipping	Correct use of CCTV and ring doorbells
Threats or physical violence. Domestic Abuse – this will be dealt with separately under our Domestic Abuse Policy.	

3.2 This is not an exhaustive list, and anti-social behaviour is not limited to these examples. The action we take will be based on the circumstances of each case and where necessary we may decide to look at alternative remedies to certain types of noise nuisance reports as it may not be appropriate to deal with these under our ASB policy.

3.3 Our Scheme and Community Management Policy will deal sensitively and proportionally with behaviours which are not necessarily defined as Anti-Social Behaviour, Hate Crimes or Domestic Abuse as its unlikely to be a tenancy breach. Matters dealt with under this policy will likely involve situations that have arisen because of circumstance, rather than a genuine intention to cause someone else harm. In these cases, we will work with residents to find alternative solutions.

4. What is hate crime?

4.1 Hate incidents or hate crimes can be acts of anti-social behaviour, where the behaviours are felt, by the victim or others, to be motivated by hostility or prejudice based on:

- Race, colour, ethnic origin, nationality or national origin
- Religion
- Age
- Transgender identity
- Sexual orientation
- Disability

4.2 Hate crime is a criminal offence. We will work in partnership with the police who can investigate incidents of hate crime and this may result in a criminal prosecution against the perpetrator(s).

4.3 Hate crime will be recorded separately on our Housing Management System.

5. What is harassment?

5.1 Harassment is a specific type of ASB defined as unwanted conduct related to a relevant protected characteristic (as defined in the Equality Act 2010) which has the purpose or the effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

5.2 Complaints of harassment are dealt with separately under the Association's Dealing with Harassment policy.

6. How can you report ASB?

6.1 Anyone can report ASB directly to us. You can report ASB by phone, in writing, in person, by email, or on our website. If you complain about someone causing ASB, we will not disclose your details to them without your consent.

6.2 We will deal with reports of ASB that affect our residents or are caused by our residents (or a person they are responsible for). We will record anonymous reports and take action where we find evidence of ASB.

7. What happens when you report ASB?

7.1 When you report ASB, we will carry out a Risk Assessment. We'll consider your needs and the harm the ASB causes you (and others). We will consider the risks to you and work with other agencies to protect your immediate safety, provide you with support, investigate the ASB and take action to stop further incidents.

7.2 We will tell you who will handle your ASB case and agree an action plan with you which may include asking you to complete diary sheets and use a noise monitoring app where appropriate. We will keep you informed of the actions we take.

7.3 We will contact you before we close a case and give our reasons for this.

8. What action will we take to deal with ASB?

8.1 We will use an incremental approach to act as a guide for when dealing with ASB. The purpose of the incremental approach is to manage ASB in a consistent and proportionate manner. The incremental approach is summarised at Appendix 1.

8.2 We will work in partnership with other agencies such as the police, and use a range of preventative measures, early intervention and legal action to tackle ASB. This includes a range of tools and powers available to us in the ASB, Crime and Policing Act 2014.

8.3 The actions we take will be proportionate to the seriousness, impact and frequency of the behaviour, level of risk that it poses to those affected and evidence available to support the case.

8.4 If ASB persists, we'll consider appropriate further action.

8.5 Where we become aware a person causing ASB who has a vulnerability, we will carry out a Public Sector Equality Duty Assessment and take reasonable steps to help them access support. When considering action, their needs will be assessed against the impact of their behaviour on others.

8.6 We will not take action where there's insufficient evidence. We will support other agencies in taking action where they have the prime responsibility and powers to do so.

8.7 If there is an ongoing police investigation, we may wait to see the outcome of this before taking further action.

8.8 We will follow our Safeguarding Adults Policy or Safeguarding Children Policy if there are concerns for the safety of someone who is vulnerable.

9. What we expect of our residents

9.1 We expect you, and anyone else whose behaviour you are responsible for (including children), not to commit ASB, hate incidents or crimes.

9.2 We expect you to resolve minor disputes with your neighbours wherever possible.

10. The Association has further policies and procedures dealing with:

- Harassment Policy
- Vulnerability Policy
- Disability Policy
- Equality and Diversity
- Safeguarding
- Starter Tenancies
- Acceptable Behaviour Policy
- Domestic Abuse Policy
- Scheme and Community Management Policy

11. How will we keep your information safe?

11.1. The Association also has policies which relate to data protection and confidentiality issues and complaints about its service.

11.2. The Association is committed to using a multi-agency approach, working with other agencies and will share information about both complainants and perpetrators in support of local strategies to reduce crime and disorder.

11.3. CCTV and photo evidence submitted by a person to the Association results in the Association becoming the controller of said evidence. A person who appears in the images may have the right to view such data under a Subject Access Request. In such cases the Association will seek guidance from the Data Protection Team before releasing any information.

11.4. We will make a complainant aware that any CCTV and photo evidence they submit could be subject to a Subject Access Request by a relevant person.

11.5. The Association understands that anti-social behaviour may be perpetrated by an individual who is not a tenant of the Association. In such circumstances, the Association will act where the law allows it to do so and/or multi-agency co-operation exists.

12. Legal and regulatory framework

12.1. The Association work within a legal framework which currently includes section 218 of the Housing Act 1996, the Crime and Disorder Act 1998, Anti-social Behaviour Act 2003, Equality Act 2010 and the Anti-social Behaviour Crime and Policing Act 2014.

12.2. The Association's policy on dealing with ASB is aligned in accordance with the Neighbourhood and Community Standard. Further information on this can be found at Neighbourhood and Community Standard - GOV.UK (www.gov.uk).

12.3. The Association will also have regard to recommendations made by the Housing Ombudsman Service for the management of ASB.

13. If you're not happy with how your ASB complaint was handled

13.1. You can follow our Complaints Policy or contact the local authority to see if they can review the case through the 'Anti-Social Behaviour Case Review' https://www.gov.uk/guidance/anti-social-behaviour-asb-case-review-also-known-as-the-community-trigger. An Anti-Social Behaviour Case Review is co-ordinated by your local authority. It involves an independent panel reviewing how all the key agencies involved have dealt with the ASB.

14. Equality of access

14.1. It is essential that the Anti-social Behaviour Policy should be equally accessible to our customers. We will ensure that the policy is provided in easy-to-read formats and provide customers access to appropriate support which will include:

- translation of communications into another language
- translation of communications into braille
- use of Language Line interpretation service
- communicating with the customer's advocate, where permission has been granted.

15. Review

15.1 We will review this Policy every 3 years and/or to address changes in legislative, regulatory, best practice or operational issues.

16. Responsibility and training

16.1 The Housing Services Manager takes responsibility for the implementation and review of this Policy. Staff will be trained to administer it to the full and to report any difficulties in its administration. Officers will be aware of the legal remedies and be trained in their use, providing them with the knowledge to deal with cases effectively and appropriately.

Appendix 1

Anti-Social Behaviour (ASB) Incremental Approach

Out of Court Stage

Advice - Letter/Verbal

Issued to highlight incidents of ASB which have raised concern.

Warning Letter

Issued to highlight a person's ongoing or more serious involvement in ASB and request for this behaviour to stop. Where appropriate offer mediation.

Acceptable Behaviour Contract

Where appropriate this may be issued to address a person's ASB and to support them in stopping this behaviour.

NOTICE SEEKING POSSESSION

Issued to notify a person that Legal Proceedings for Possession will commence.

A person can enter the incremental approach at any 'Out of Court stage' dependant on the severity of the incident reported.

Court Stage

Civil Injunction

A civil remedy intended to stop or prevent individuals engaging in ASB before incidents escalate.

Criminal Behaviour Order

Court order issued against a person involved in persistent ASB to protect the public from harassment, alarm or distress.

Closure Notice/ Order

Designed to allow the Police and Local Authority to quickly close a premises being used, or likely to be used to commit nuisance or disorder.

Other possible sanctions

- Community Protection Notice
- Demoted tenancies
- Possession Order
- Injunction against unlawful use of premises
- Exclusion Order and power to arrest.

In extreme cases a person may enter at the 'Court stage' of the Incremental Approach