

Birmingham Civic Housing Association

POLICY AND PROCEDURES DOCUMENT **ANTI-SOCIAL BEHAVIOUR**

1. Introduction

Section 218A of the Housing Act 1996 places a duty on social landlords to publish anti-social behaviour policies and procedures. This document sets out Birmingham Civic Housing Association's (BCHA) approach to preventing anti-social behaviour and the measures BCHA will take to respond to incidents of anti-social behaviour.

2. Policy Statement

BCHA believe that everyone has the right to feel safe in their home and to quiet enjoyment of their home and neighbourhood.

BCHA will not tolerate nuisance or anti-social behaviour directed towards tenants and their families, their visitors or any others engaged in a lawful activity in the locality of its homes, including colleagues, contractors and others acting on behalf of the association.

BCHA aim to achieve a balance between:

- Prevention
- Enforcement
- Support

BCHA aim to resolve anti-social behaviour swiftly and prevent it from re-occurring, taking a balanced approach between prevention, self-help, intervention and enforcement.

BCHA will work with other agencies to develop effective partnerships to resolve anti-social behaviour and support victims and witnesses.

BCHA will use a range of non-legal and legal interventions to resolve anti-social behaviour from advisory letters and warnings through to injunctions and possession proceedings.

3. Definition

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

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

- ***Conduct that is capable of causing a 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 nuisance may include conduct by the tenant or a person residing in or visiting the property where they have been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality

Or

Guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the property or, a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions

Or

Convicted of:

- ii) Using the property or allowing it to be used for immoral or illegal purposes, or*
- ii) A criminal offence committed in, or in the locality of the property.*

Examples of ASB include, but are not limited to:

- Rowdy behaviour including verbal abuse, insults, bullying, shouting, swearing
- Noise nuisance (e.g. music, shouting)
- Graffiti
- Drugs related incidents
- Alcohol-related incidents
- Litter /rubbish/fly-tipping
- Misuse of communal areas
- Intimidation and harassment
- Aggressive, abusive and threatening language and behaviour
- Hate crime that targets members of identified groups because of their perceived differences
- Violence against people or property
- Domestic Abuse or violence against women and girls (including psychological, physical, sexual, financial or emotional abuse) See separate Domestic Abuse Policy and Violence Against Women and Girls (VWAG) policy.

4. Hate Crime

BCHA will deal with complaints of "Hate Crime" or "Hate incidents" (incidents that do not constitute a criminal offence) under this policy.

“Hate Crime” and “Hate Incidents” are defined as any criminal offence or anti social behaviour that is perceived by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic:

- race or ethnicity;
- religion or beliefs;
- sexual orientation;
- disability;
- transgender identity.

5. Domestic Abuse

Incidents of domestic abuse or domestic violence will be dealt with under the Domestic Abuse and Violence Against Women and Girls policy.

6. Exclusions - What is not ASB

BCHA expect a reasonable level of tolerance between neighbours and will seek to make a fair evaluation on whether complaints made are reasonable. A behaviour may not be considered as ASB if it is not regular or persistent and there is no risk of harm, examples may include, but are not limited to:

- Actions which amount to no more than customers going about their normal everyday activities, for example, children playing; youths congregating
- Parking disputes
- Complaints relating to domestic living noise, such as washing machines, banging doors
- Car and intruder alarms sounding
- Dogs barking at reasonable times
- One-off incidents such as parties
- Actions which amount to people not being pleasant to each other but are not sufficiently serious to justify BCHA involvement;

BCHA have limited powers to resolve environmental anti-social behaviour, for example, fly-tipping on land not owned by the association, in these instances, the complainant will be signposted to the relevant organisation.

7. Reporting Anti Social Behaviour

BCHA will accept complaints of anti-social behaviour from:

- A tenant of BCHA
- A person acting on behalf of a tenant of BCHA
- Any other person or organisation reporting anti-social behaviour where a tenant of BCHA, or a member of their household, is the perpetrator of the anti-social behaviour.

Anti-social behaviour can be reported in any way the complainant chooses, for example:

- In person at BCHA office to a member of staff
- By email to bcha@bcivic.co.uk
- By letter to BCHA offices
- During a home visit
- By phone
- Online via the BCHA website (www.bcivic.co.uk)
- Via a third party person or organisation acting on behalf of the complainant

8. Responding to Anti Social Behaviour

The response to each case will depend on the seriousness of the anti-social behaviour and the individual circumstances of the complainant and the alleged perpetrator. Investigation of the complaint will involve speaking to the complainant and in most cases the alleged perpetrator.

The priority of the complaint is based on the following:

High Priority: ASB targeted at an individual or group with a high risk of causing harassment, alarm or distress such as hate crime, violence, aggressive and threatening behaviour. Contact will be made with the complainant by the end of the **next working day**.

Medium Priority: ASB causing annoyance to the wider community such as rowdy behaviour, loud music, and misuse of common areas. Contact will be made with the complainant within **6 working days**.

Low Level: ASB impacting on the environment such as rubbish, fly-tipping, and graffiti. Contact will be made with the complainant within **12 working days**.

The following principles will be applied in investigating and responding to reports of anti-social behaviour:

- Record all reports of anti-social behaviour and a log of incidents/actions taken
- Appoint a Housing Manager to be the contact point for the complainant
- Inform the complainant if responsibility for dealing with the anti-social behaviour rests with another organisation and signpost them accordingly
- Establish at the outset what the complainant is expecting and what would be a satisfactory outcome for them, giving the opportunity to be honest with them about what can and cannot be achieved
- Agree a plan of action with the complainant with realistic timescales
- Keep the complainant informed regularly of progress with the investigation and action plan
- Be sensitive taking into account the impact the behaviour is having on the complainant
- Investigate complaints fairly and impartially in an open manner
- Keep the complaint confidential disclosing information on a need to know basis only and in accordance with data protection legislation
- Engage other agencies, for example where the seriousness of the matter may constitute a criminal offence
- Take swift and effective action against perpetrators, in conjunction with other agencies where necessary, to resolve anti-social behaviour and prevent it from escalating
- Consider the most appropriate tools to use, including non-legal and legal remedies to resolve the problem according to the available evidence
- Work in partnership with the police, local authority and other agencies to identify and implement possible solutions including legal remedies such as:
 - Community Protection Notice
 - Public Space Protection Orders
 - Criminal Behaviour Orders
 - Closure Notices and Orders
 - Dispersal Powers
- Ensure perpetrators of anti-social behaviour are fully aware of the consequences of their actions. Identify any support needs and engage the appropriate support services to assist the perpetrator in modifying their behaviour.
- Consider the support needs of victims, their families and any witnesses, such as interpretation and translation services.

- Identify external support/witness services provided by other agencies e.g. police, victim support or community support schemes and help them to access these.
- Report any concerns that adults or children are at risk of harm or abuse to the police and/or local authority as a Safeguarding concern.
- Consider if additional security measures are required e.g. bell camera, locks etc.
- In very serious cases and where this is the most appropriate solution; attempt to facilitate a temporary or permanent move for the victim - subject to recommendations from statutory agencies such as the police.
- Monitor satisfaction with performance on dealing with anti-social behaviour and report this regularly to the Board of Management.

9. Preventing Anti Social Behaviour

BCHA aim to prevent anti-social behaviour by adopting a number of approaches including;

- Decline nominations where the applicant has a history of perpetrating anti-social behaviour.
- The Tenancy Agreement includes clauses relating to Nuisance, Racial and other Harassment
- Ensure that tenants are aware of their rights and responsibilities under the terms of the tenancy agreement in relation to anti-social behaviour.
- Discuss acceptable/unacceptable behaviour during the letting interview.
- Engage with local crime and disorder partnerships and other local multi-agency groups and initiatives. This may include contributing to funding for certain and specific projects.
- Keep homes secure with good standard doors and locks.
- Provide support to tenants through a programme of Tenant Liaison Visits
- Encourage and support tenants to resolve low-level neighbour disputes before they escalate.
- Early intervention to resolve issues swiftly, including:
 - Interview with the alleged perpetrator
 - Advisory letters
 - Mediation
 - Acceptable Behaviour/Good Neighbour Agreements
 - Referrals to other agencies
 - Restorative Justice practices
 - Formal warning letter/s

10. Enforcement

BCHA will attempt to resolve anti social behaviour by agreement and non-legal remedies, however, where early intervention and the use of non-legal remedies have been unsuccessful in bringing about a change in behaviour, or the behaviour is so serious, legal enforcement action will be taken this may include:

- Injunctions
- Community Protection Notices
- Closure Powers
- Possession Proceedings

In serious cases and where non-legal remedies have been unsuccessful, BCHA reserves the right to seek possession of the property on Ground 12 and Ground 14 of Schedule 2 of the Housing Act 1988 (as amended).

11. Use of professional witnesses

BCHA may employ external contractors to collect evidence on our behalf where there are concerns for the safety of witnesses or the complainant /victim who may not want to appear in court for fear of reprisals. The term 'professional witness' is used to describe anyone who is working in a formal capacity by observing, recording incidents, making witness statements and giving evidence in court when required. This includes contractors that provide and install CCTV surveillance equipment, whose evidence and findings may be used in legal proceedings.

12. Training

Training and development activities will be facilitated to ensure that all relevant employees have the knowledge and skills to respond effectively to reports of anti-social behaviour and hate crime.

13. Protecting Employees

BCHA will not tolerate abuse or threats towards employees, contractors or others acting on behalf of the association. Legal action may be taken against tenants or other members of the community, who assault, threaten to harm or who verbally abuse employees or contractors. Support will be provided to employees and any others impacted by anti-social behaviour when working for, or on behalf of, the association.

14. Complaints

Complaints about the way BCHA has responded to a complaint of anti-social behaviour will be dealt with under the Complaints Policy.

If a complaint is received under the 'Community Trigger' (Anti Social Behaviour, Crime and Policing Act 2014) this will be dealt with by the Community Safety Team and in accordance with the relevant local policing bodies process and not BCHA complaints policy.

15. Monitoring of anti-social behaviour policy, summary and procedures

Performance in dealing with anti-social behaviour will be monitored and satisfaction results will be reported to the Board of Management.

16. Review

This policy will be reviewed every three years or more frequently if there are changes in relevant legislation or regulation.

Date: February 2022