



SW9 Anti-Social Behaviour Policy

April 2024

1. Policy Statement

- 1.1 We believe that everyone has the right to live the way they wish, always providing that the behaviour does not unlawfully or unreasonably spoil the quality of life of others or breach the terms of their tenancy agreement or lease. We recognise that Anti-Social Behaviour (ASB) can have a disruptive effect on neighbourhoods and communities. We are committed to providing a high quality ASB service that addresses ASB through early intervention and enforcement action. This means we will take effective, appropriate, and proportionate action to tackle ASB, using a full range of interventions.
- 1.2 This policy applies to anyone living in or visiting a property managed by SW9 Community Housing (SW9) and includes all rented tenants, shared owners, leaseholders and stakeholders. Much of our stock forms parts of multi-tenure estates.

2. Aims & Objectives of Policy

- 2.1 The aims & objectives of this policy are to:
- Define ASB so staff and residents are clear what it is and what it isn't, and where there might be some crossover
 - Assist residents in understanding the powers and remedies that are available to deal with ASB and the timescales and actions necessary to progress a case.
 - Ensure that SW9 always considers the support needs of residents, but particularly where we are aware that a resident has a particular vulnerability or disability.
 - Provide clarity for residents, staff and other relevant stakeholders of the tools and powers available to tackle ASB.
 - Promote partnership working when dealing with ASB
 - Ensure the service is easily accessible and meets the needs of the individuals

3. Definitions

Anti-Social Behaviour

- 3.1 The Anti-social Behaviour, Crime and Policing Act 2014 Section 2 (1) defines ASB as:

“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.”

- 3.2 The definition of ASB includes behaviour directed towards staff and contractors of SW9. ASB includes a wide range of behaviour that includes but is not limited to the following:

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 2 of 14

Type of ASB	Examples of ASB incidents
Verbal abuse, intimidation, threatening behaviour and harassment	Threats to cause harm to people or property, groups of people causing intimidation to others by blocking communal areas or passageways, use of foul or abusive language or gestures, shouting or calling out names. .
Hate Crimes	Any incident where there is a suggestion that the reason for the behaviour related to a person's race, sexual orientation, belief, gender, disability or other protected characteristic.
Domestic abuse	Abuse of a partner or household member. Please note SW9 has a separate policy on Domestic Abuse and any ASB case including domestic abuse.
Noise Nuisance	Where there is noise from persistent dogs barking, persistently loud music during the day and the night. DIY during unsociable hours and repetitive noise from house and car alarms.
Communal nuisance	Damage to or vandalism of communal areas including graffiti, setting fires, flying tipping, inconsiderate disposal of household items, dropping items from windows or balconies into private or communal areas, or dumping of items in communal areas.
Animal/pet related problems	Animals fouling communal areas or not under proper control.
Drugs, substance or alcohol abuse	Possession, use or supply of illegal drugs. Behaviour arising out of the excessive or repeated and uncontrolled consumption of alcohol. Use of otherwise lawful substances in a way that causes harm to any person, e.g. glue sniffing.
Vehicle related nuisance	Inconsiderate, obstructive, or dangerous parking, abandonment of vehicles, engine revving, or car repairs.
Other Criminal Behaviour	Violence against people and property, arson, prostitution and other sexual acts, gang, gun and knife crime, social media abuse.
Private nuisance	This includes hoarding, or dumping of materials or rubbish within the home or its vicinities or in communal areas. Keeping inappropriate items within the home that does not amount to hoarding, for example storage of dangerous substances such as petrol, storage of excessive items such as newspapers, storage of foul or unpleasant items such as human or animal waste.

3.3 There are some behaviours that are highly unlikely to ever be considered ASB. Examples of these include but are not limited to:

- Footsteps
- Children playing in their own home or in a designated play area
- Babies crying
- DIY/moving furniture at a reasonable time of day

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 3 of 14

- Noise generated from domestic appliances at a reasonable time of day
- Closing of cupboard doors
- Cooking smells
- People talking at normal volume
- Other undefined daily living noise

Hate Crime

- 3.4 Hate crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice towards a particular class or type of person. The classes of persons includes, but is not limited to:
- Sex
 - Age
 - Religion
 - Sexual orientation
 - Trans status
 - Race
- 3.5 We work in partnership with other agencies on incidents of hate crime. All staff will receive training to help them recognise hate crime and understand how to respond to it.

Domestic Abuse

- 3.6 SW9 recognises the definition of domestic abuse as set out in the Domestic Abuse Act 2021. We have a separate policy that sets out how cases involving domestic abuse will be dealt with and you should refer to the Domestic Abuse Policy for further information.

4. ASB Casework

Reporting of Anti-social Behaviour

- 4.1 We will seek to adopt a problem-solving approach to all incidents of ASB wherever possible. Reports can come from any source including residents, partner agencies, members of staff, and contractors. SW9 will handle all reports of ASB consistently and fairly in line with this policy and the associated procedures. All incidents of ASB reported to SW9 will be acknowledged. SW9 can receive reports of ASB through a number of channels including:
- Our website <https://www.sw9.org.uk/>
 - Phoning us on **02073263700**;
 - Writing to us or visiting us in person at our offices: SW9 Community Housing, 6 Stockwell Park Walk, London, SW9 0FG ;
 - Emailing us at Neighbourhood.Enquiries@sw9.org.uk
 - Asking a friend, relative, neighbour or advocate to report issues of anti-social behaviour to us on your behalf.

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 4 of 14

4.2 The SW9 ASB Toolkit is available on our website here: <https://www.sw9.org.uk/asb>

4.3 The Toolkit supports anyone reporting ASB. The Toolkit is designed to help with the decision on whether to report an incident and what steps they could take before reporting to us.

Our Response

4.4 We aim to respond within five working days of receiving a report of an incident. If an incident reported is identified as being high level, then we will contact you within one working day of receiving the report.

High Level incidents may include:

- Harassment
- Domestic violence
- Hate Crime
- Offensive Graffiti
- Drug dealing
- Another kind of incident where there is believed to be an immediate and/or serious risk of harm or threat to life

4.5 In order to ensure we are able to address an incident of ASB, it is important for anyone reporting an incident to cooperate with the investigation as fully as possible. This includes providing information promptly and may require the completion of Incident Log Sheets (also known as Diary Sheets). We may also ask you to attend mediation, provide a witness statement, or attend court among other things. We will offer support and assistance wherever possible to facilitate any request for information or cooperation and will work with you on an individual basis to identify any support needs.

4.6 When we receive your report of ASB, we will make it clear whether we consider the report to be ASB and what action, if any we can take. We will ask you what your desired outcome is, and we will be clear and honest about whether the outcome you are seeking is likely based on the reported incident(s). If we determine that the incident is not ASB, we will ensure we give you clear reasons why we have reached that decision and we will provide you with advice on what alternatives might be open to you. We will give you a copy of our reasons in writing.

4.7 Once we have determined that an incident is ASB, we will :

- Manage all ASB including the initial report and any follow up contacts through SW9 CH's Customer Hub and give you a case number.
- Assign a dedicated officer to the case. They will be your primary point of contact. This officer will agree an action plan with you, conduct the investigation, and undertake a Proportionality Assessment under the Equality Act 2010 to identify any vulnerabilities or other support needs.
- Carry out risk assessments and refer to other agencies and support services where appropriate.

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 5 of 14

- Keep you informed on what is happening and provide regular updates in line with the agreed action plan.
- If property has been damaged, we will take steps to make the home safe again within 24 hours of the report. This might include an initial temporary fix such as boarding up a broken window, whilst we organise a more permanent repair.

Closing a Case

4.8 A case will be closed when:

- It has been successfully resolved; or
- The behaviour has changed, the perpetrator leaves or, in the last resort, the perpetrator is evicted; or
- By mutual agreement, there is no further action which can be taken; or
- There is insufficient evidence available to support the allegations despite our investigation; or
- No further contact has been received from a complainant and there is no other indication that unacceptable behaviour by the perpetrator is continuing or that there is any remaining risk of harm to any person.

4.9 Officers should never raise a complainant’s expectations falsely. Clarity is essential. If there is no rational basis for the complaint, or rigorous investigation cannot verify the problem, the complainant must be advised that the case is closed unless further evidence is available.

4.10 A decision to close a case should always be discussed, and ideally agreed, with the complainant in a formal review meeting before confirming this in writing. Where possible, formal closure of a case should be in writing to both the complainant and alleged perpetrators, clearly explaining the reasons.

5. Our Approach to Tackling ASB

5.1 We are committed to preventing ASB by doing the following:

- Clearly explain to all new tenants and leaseholders, the terms of their tenancy or lease that relate to ASB and causing a nuisance, so that expectations and consequences are clear.
- Encourage residents to be good neighbours and promote our Good Neighbourhood Guide issued at sign up
- Assessing what physical improvements can help reduce anti-social behaviour across our estates.
- Working with partner agencies to apply or signpost to a range of preventative measures including Neighbourhood Watch, community development initiatives and youth diversionary activities such as summer clubs.
- Publicising our commitment to dealing with ASB, for example in newsletters
- Publicise successful prosecutions undertaken in our newsletter
- Refusing applicants (from the waiting list) with a known history of serious ASB (within the last 2 years)

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 6 of 14

- Ensure staff are well-trained, have the knowledge and confidence to identify and investigate incidents/reports of ASB and work collaboratively alongside appropriate agencies who are leading on such cases.
- CCTV monitoring where appropriate.
- Promote involvement in community events to build community cohesion and good relationships between different community groups.

5.2 We will take a resident focused approach to tackling ASB. Working with the resident who makes the report and the alleged perpetrator, we aim to reach agreed actions, timescales and ultimately closure. Except in very serious cases, our initial intervention aims to stop the problem behaviour. We recognise that early intervention is important to stop cases escalating. SW9 may use the following approaches in its early interventions: (this is not an exhaustive list)

- Referral to support services
- Good Neighbour Guide
- Written and Verbal warnings
- Acceptable Behaviour Agreements (ABAs)
- Mediation – we will consider mediation where discussion between neighbours has not been possible or has not resolved the issue
- The use of professional witnesses
- Pre – notice warning letters
- Community Protection Warnings
- Before taking any legal action, warnings can be issued to the perpetrator. All issued warnings are recorded and monitored.

5.3 We may consider using legal sanctions to address ASB if other interventions fail or the case is so severe that we feel the behaviour requires an immediate recourse to legal action. We work closely with other agencies when considering legal action including the police, local authority and support services. Legal action may include, but is not limited to:

- Community Protection Notice (CPN),
- Criminal Behaviour Order (CBO)
- Notice Seeking Possession (NOSP)
- Injunctions
- Closure Order
- Undertakings (a promise to the court)
- Forfeiture action
- Possession claims relating on any and all grounds for possession including mandatory grounds for possession available to SW9 under relevant legislation.

5.4 Any court action will be a last resort and will only be taken once a proportionality assessment has been completed and the matter has been referred for legal advice. Where ASB endangers life or property and requires immediate legal protection, then we may take urgent action on a more immediate basis. We will only seek to evict someone where all other actions to tackle the ASB have not achieved a satisfactory outcome.

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 7 of 14

5.5 Reports of ASB are always taken seriously. If a report is made without basis or foundation, we may consider that report to be malicious and within the definition of harassment. In such cases we may take action against the person reporting if proven to be so.

6 Supporting Residents

6.1 We recognise that experiencing ASB can be a very upsetting experience and will work with residents to manage the ASB and to try and resolve the problem.

6.2 We will always try to familiarise ourselves with the case before speaking with the resident contacting us about the ASB, so they don't need to repeat information which has previously been provided.

We can support people experiencing ASB in a number of ways including:

- Arrange access to interpreters if required.
- Make referrals to support agencies where required
- Support the perpetrators to access rehabilitation initiatives, particularly where the perpetrator is vulnerable, and their behaviour may be the result of drug or alcohol use or mental health issues.
- Use a noise recording machine to gather evidence of noise nuisance
- Signpost to an approved Noise App to enable the recording of noise levels

6.3 We will aim to make evidence gathering for the reporting resident/witness as straightforward and sensitive as possible.

6.4 We will consider the safety and the perception of safety, of the complainant and witnesses and if necessary, provide additional safety measures to support them. We can also make a referral under our safeguarding procedure.

7 Resident Responsibilities

7.1 We will encourage and expect residents to take responsibility for solving personal disputes between themselves and other residents. Residents are responsible for their own behaviour and also for the behaviour of anyone living with them (including children) and their visitors.

7.2 The tenancy agreement or lease is the legally binding contract between the landlord Sovereign Network Group and our residents. It sets out expectations of both parties. Both the lease and the tenancy agreement contain clauses on ASB.

7.3 We expect neighbours to try and get on with each other. Where neighbours are in dispute, we will always aim to make a fair evaluation on whether complaints made are reasonable. An important factor of sustaining communities is the recognition and acceptance by our residents that the initial responsibility to resolve disputes with others lies with them. Therefore, we may be able to provide advice on how to manage the situation. Examples

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 8 of 14

of incidents where we will not treat the report as ASB include but are not limited to the following:

- Actions which are because of a resident going about their daily activities and everyday use of the property. For example, children playing in their own home, babies or children crying, toilets flushed.
- Complaints which do not breach the tenancy agreement for example people smoking, cooking odours, smells from burning incense, displays of festive decorations visible outside a home, clashes of lifestyle due to cultural differences.
- Complaints about people staring or pulling faces – these are too subjective to be able to assess if they occur alone without other associated behaviour.
- Actions which involve residents not being pleasant to each other, but which are not serious enough to justify our involvement, for example rolling eyes or kissing teeth.

7.4 Sometimes repeated low level incidents that in isolation do not appear to be serious may be having a detrimental impact on the complainant, particularly if they continue over a prolonged period of time. If the repeated incidents are having a harmful impact or causing a risk then we will investigate in accordance with this policy. We understand that people will experience the impact of ASB differently; depending on numerous factors. We are committed to recognising the different needs of both victims and perpetrators. We will consider:

- The type of ASB/nuisance;
- The impact the behaviour is having on the victim;
- The impact of the behaviour on other residents who have not reported anything;
- The vulnerability of the victim and of the perpetrator, including age, mental and physical disabilities and any other relevant information;
- What evidence there is to support the allegation;
- What is the most appropriate action to consider to resolve the ASB;
- What enforcement and support action could be taken by partnering agents.

7.5 In order to assist us in making these decisions, we will complete a Risk Assessment with the complainant. Risk Assessment scores may be used in some cases to speed up our response to a complaint but will not be used to reduce our response time.

7.6 Everyone has a different tolerance level when it comes to noise. If the local authority has determined there is no 'statutory noise nuisance' but the noise persists may still decide to investigate.

8 Partnership working

8.1 We work alongside other partner agencies and residents to tackle ASB together. We have developed local partnerships and multi-agency working to address ASB with a view to signposting or referring residents where appropriate as well as seeking support for our ASB investigations.

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 9 of 14

8.2 We have also developed formal information sharing protocols and partnership agreements to allow us to respond quickly to ASB including working with:

- Local Authorities Community Safety Partnerships
- Police
- Community and Voluntary Agencies
- Residents Groups
- Youth Offending Teams
- Other Landlords on multi – landlord estates
- Social Services
- Mental Health Teams
- Neighbourhood Watch Schemes

8.3 In some cases, SW9 may have a legal obligation to make a referral to Social Services or the Police where the relevant threshold tests are met. this may mean that in some cases we have to make a referral even in circumstances where the complainant or the alleged perpetrator does not given permission, for example when we are meeting our safeguarding obligations for adults or children.

9 ASB Case Reviews (Formerly Community Triggers)

9.1 The ASB, Crime and Policing Act 2014 introduced the “Community Trigger” now called ASB case reviews. This allows members of the community to ask for a review of the responses to their reports of ASB.

9.2 Any concerns raised through an ASB case review will be dealt with in line with the local authority procedure for that area. Guidance as defined in the Anti-Social Behaviour Crime and Policing Act 2014.

10 Harassment and Hate Crime

10.1 We take a zero-tolerance approach to hate crime and we will not tolerate incidents of harassment or hate crime in any form. The police and the Crown Prosecution Service define a 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 age or perceived age, 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.”

10.2 We will ensure our staff are sufficiently equipped and trained to deal with any reports of hate related behaviour and we will seek to create a safe and welcoming environment for people to report hate related behaviour.

10.3 We will ensure all reports of perceived hate incidents are treated consistently, promptly, effectively, and confidentially.

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 10 of 14

10.4 We will work in partnership with other agencies to promote social cohesion as part of our overall strategy to reduce and eradicate hate related behaviour.

11 Complaints

11.1 Any person dissatisfied with how we have managed the ASB case is able to submit a complaint. Residents or stakeholders can also contact the Housing Ombudsman. Our Complaints Policy is available on our website, or a copy can be provided on request.

12 Performance Monitoring

12.1 We will monitor the success of our ASB case management through regular reporting and monitoring. This includes sharing information on our performance with our Tenant Local Panel and Resident Service Committee on a quarterly basis.

13 Publicity

13.1 SW9 recognises that publicity is an essential part of the strategy to tackle anti-social behaviour, in terms of reassuring complainants and the wider community that action is being taken to tackle anti-social behaviour.

13.2 In circumstances where a court has not imposed reporting restrictions SW9s may issue publicity to existing residents via a local press release, newsletters, or the website.

14 Related Documents

- Antisocial Behaviour Procedure
- Allocations & Lettings Policy
- Data Protection Compliance Policy
- Equality and Diversity Policy
- Lone Worker Policy
- Safeguarding Policy
- Safeguarding Procedure
- Fire safety Policy
- CCTV Policy
- Vulnerable Residents Policy
- Hoarding policy
- Disclosure of Personal Data to Authority Procedure
- SW9 CH Service Charter
- Habitual Complaints Policy
- Domestic Abuse Policy
- Complaints Policy

15 Legislation and Regulation

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 11 of 14

15.1 The legislation listed in this policy is not intended to cover all legislation applicable to this policy. SW9 will take reasonable measures to ensure compliance with all applicable legislation by reviewing policies and procedures and amending them as appropriate. The legislation listed within this policy was considered at the time of the development of this policy, but subsequent primary and secondary legislation, case law and regulatory or other requirements will be considered and the policy reviewed and adopted in accordance with the requirements set out therein, even should such subsequent legislation not be explicitly listed within this policy. Any queries relating to the applicable legislation should be directed to the policy author.

15.2 We will meet our legal obligations under the following (this is not an exhaustive list):

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour Crime and Policing Act 2014
- Anti-terrorism Crime and Security Act 2001
- Data Protection Act 2018
- Domestic Violence Crime and Victims Act 2004
- Equality Act 2010
- Housing Acts 1985, 1988 and 1996
- Human Rights Act 1998
- Police Reform Act 2002
- Protection from Harassment Act 1997
- Respect Standard 2007
- The Crime and Disorder Act 1998
- Homes & Communities Agency Neighbourhood and Community Standard
- Family Law Act 1996
- Civil Partnership Act 2004
- Homelessness Act 2002
- The Children Act 2004
- Care Act 2014
- Domestic Abuse Act 2021

16 Data Protection and Information Sharing

16.1 The Power under section 115 of the Crime and Disorder Act 1998 and the Under Schedule 2 Part 1 Paragraph 2 of the Data Protection Act 2018 agencies to disclose information for the detection and prevention of crime and anti-social behaviour. We will ensure that we have signed information sharing protocols so that information about perpetrators may be shared with other agencies for the purpose of preventing ASB or crime.

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 12 of 14

17 Equality and Diversity

17.1 We will apply this policy consistently and fairly and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equality Act 2010.

18 Review

18.1 All policies should be reviewed every 3 years as a minimum, or sooner if there is a specific legislative, regulatory, or service requirement or change in guidance, law, or practice.

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 13 of 14

Policy author:	Interim Director of Customer Service and Operations	
Policy owner:	Director of Finance and Resources	
Adopted from Network Homes: y/n	No	
Review schedule (1, 2 or 3 years):	3 years	
Equality Impact Assessment (EIA)	Date completed	September 2023
	Initial or full EIA	Full

Change Record

Date	Reviewed by (name and title)	Version	Summary of changes
October 2018	Director of Housing	v.1	Adopting policy from Network Homes
November 2021	Housing Services Manager	v.2	Adapted by SW9 CH
February 2024	Director of Customer Service and Operations	v.3	Amended by SW9

ASB Policy	Approved: April 2024	Approver: Services Committee
Version 3.0	Review Date: April 2027	Page 14 of 14