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SW9 Anti-Social Behaviour Policy

November 2021

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1. Introduction

- 1.1 Our policy sets out how SW9 CH manages anti-social behaviour (ASB). This policy applies to anyone living in or visiting a property managed by us and includes all rented tenants, shared owners, leaseholders and stakeholders. Much of our stock forms parts of multi-tenure estates.
- 1.2 Where an owner or occupier is causing antisocial behaviour, we will then provide appropriate advice and guidance which may include contacting the Police or the local authority.
- 1.3 We believe that everyone has the right to live the way they wish if it does not unlawfully spoil the quality of life of others or breach the terms of their tenancy agreement or lease. We recognise that ASB can have a very disruptive effect on neighbourhoods and communities, we are therefore committed to tackling ASB through balancing early intervention with enforcement action.
- 1.4 We are committed to delivering and managing ASB and providing a high quality ASB service which meets the Respect Standard, the Regulatory Neighbourhood and Community Standard.

2 Policy Statement

- 2.1 We are committed to taking effective, appropriate, and proportionate action to tackle ASB, using a full range of interventions, including the use of the legal framework.

3 Aims & Objectives of Policy

- 3.1 The aims & objectives of this policy are to:
 - Define ASB so staff and residents are clear what it is and what it isn't
 - Manage resident expectations
 - Ensure we always consider the support needs of vulnerable residents
 - To raise awareness amongst residents, staff and other relevant stakeholders of the tools and powers available, to both staff and residents, to tackle ASB. To act quickly to prevent ASB where reasonably practical
 - Support complainants and others affected by ASB
 - Support stakeholder initiatives to rehabilitate offenders
 - Work with partner agencies to tackle ASB

4 What is ASB

- 4.1 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

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relation to that person's occupation of residential premises or conduct capable of causing housing-related nuisance or annoyance to any person."

- 4.2 The definition extends to behaviour towards staff and contractors of SW9 CH. We operate a zero-tolerance policy towards any intimidating, threatening or abusive (verbal or physical) behaviour aimed at our staff or contractors. ASB includes a wide range of unacceptable behaviour that affects the quality of life of residents and others living or working in the community. It is not limited to but includes the following:

Type of ASB	Examples of ASB incidents
Verbal abuse, intimidation, threatening behaviour and harassment	Threats to cause harm to an individual(s), persistent behaviours which cause fear or upset.
Hate Crimes	Hate crimes incidents based on race, sexual orientation, belief, gender, disability.
Domestic violence	Abuse of a partner or household member.
Noise Nuisance	Where there is noise from persistent dogs barking, persistently loud music during the day and the night. DIY during unsociable hours and noise from house and car alarms.
Communal nuisance	Where youths have been hanging around in our blocks and are causing rowdy/ threatening behaviour or vandalism of SW9 CH property.
Nuisance on our estates	Where groups of people congregate to meet and socialise but are not causing criminal damage, we would not routinely respond.
Animal related problems	Animals fouling communal areas or not under proper control.
Neighbour disputes	Arguments about shared amenities and parking or differences in lifestyles which are not in breach of tenancy conditions.
Environmental abuse	Dumping rubbish in corridors and fly tipping. Bonfires, should not be used to burn anything that would cause pollution or harm to health, graffiti.
Drugs, substance or alcohol abuse	Use of and supply of illegal drugs, this is criminal offence. Alcohol related ASB. Any reports of cuckooing will be managed under our Safeguarding Policy.
Vehicle related nuisance	Abandoned cars, inconsiderate or dangerous parking, engine revving and car repairs.
Other Criminal Behaviour	Violence against people and property, arson, prostitution and other sexual acts, gang, gun and knife crime, social media abuse.

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5 Resident responsibilities

- 5.1 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.
- 5.2 The Tenancy Agreement or Lease are the legally binding contracts between the landlord Network Homes and our residents. It sets out expectations of both parties. Both the lease and their tenancy agreement contain clauses on ASB.
- 5.3 We expect a reasonable level of tolerance between neighbours and will seek 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, however we will not investigate the following:
- Actions which are because of a resident going about their daily activities and everyday use of the property. For example, children playing, loud footfall, noise caused by wooden flooring, moving of furniture, babies and children crying, television noise, occasional loud music, toilets flushed, etc. (Please note that this is not a definitive list).
 - Complaints about noise occurring at different times due to different working patterns, or one-off parties.
 - Complaints which do not breach the tenancy agreement, for example people staring, smoking or cooking odours, or clashes of lifestyle due to cultural differences.
 - Actions which involve residents not being pleasant to each other, but which are not serious enough to justify our involvement.
 - Complaints about residents being inconsiderate or thoughtless where there is no breach of tenancy
 - Boundary disputes
 - Putting rubbish out on the wrong day
- 5.4 Although these are some examples of behaviour we do not generally consider to be ASB, sometimes repeated low level incidents that in isolation do not appear to be serious may be having a detrimental impact on the complainant. Therefore, if the repeated incidents are having a harmful impact or causing a risk we will investigate in accordance with this policy.
- 5.5 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 we will investigate further providing we have received a minimum of 2 weeks completed Incident Log Sheets, which can be found on our website [Anti-social behaviour and harassment | SW9](#). Residents can ask for assistance if they have genuine difficulties in completing these.

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6 Reporting of Anti-social Behaviour

- 6.1 To assist with our investigation we will require full cooperation by those reporting to us. This includes providing information when requested including the provision of Incident Log Sheets and to work and cooperate with us fully to resolve disputes/issues, for example by attending mediation, providing witness statements, attending court etc. as requested. Without this cooperation we may be unable to resolve the ASB and may have to close the case.
- 6.2 Before reporting ASB we ask the resident to review our ASB Toolkit on our website <https://www.sw9.org.uk/asb> This enables them to determine whether their report can be classified as ASB and what steps they may need to take before reporting to us.

The toolkit will provide information, advice and guidance to manage low level issues which would typically not be classified as ASB. Where the situation is more serious, where there is criminal activity or where there is a requirement for our involvement, then reports can be made via

- SW9 CH 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.
- 6.3 We aim to respond within five working days of you making contact unless you're reporting a high-level incident. In this case 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

Low level incidents may include:

- Noise nuisance
- Neighbourhood disputes
- Animal nuisance
- Environmental damage
- Communal nuisance
- Vehicle nuisance

6.4 SW9 CH 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.

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- Assign an experienced Neighbourhood officer to the case. They will manage your report and be your primary point of contact. This officer will conduct an interview, complete an action plan and identify any vulnerabilities.
- Carry out risk assessments and refer to appropriate support services where necessary
- Advise what will happen next, provide progress updates on an agreed frequency basis and share the action plan with you.
- If property has been damaged SW9 CH will make the house safe again within 24 hours of the report.

7 Our Approach to Tackling Anti-social Behaviour

- 7.1 We will make it clear when we receive a report whether we consider the report to be ASB and what action, if any we can take to achieve your desired outcome. If we are not able to manage the report as ASB then we will ensure we explain why and give advice on what action the resident can take.
- 7.2 We are committed to preventing the incidence of ASB at the outset 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)
 - 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.
- 7.3 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 CH may use the following approaches in its early interventions: (this is not an exhaustive list)
- Referral to support services
 - Good Neighbour Guide

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- 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.

7.4 Where the behaviour complained of is not deemed to be ASB, we will close the case and send a letter to the complainant informing them of the outcome. Officers will then signpost if possible to an appropriate agency or local group for further assistance.

7.5 We may consider using legal sanctions to address ASB if other interventions fail. We work closely with other Statutory Agencies to take legal action as follows. This list is not exhaustive:

- Community Protection Notice (CPN),
- Criminal Behaviour Order (CBO)
- Notice Seeking Possession (NOSP)
- Injunctions
- Closure Order
- Undertakings (a promise to the court)
- Forfeiture action
- Mandatory possession order using ground 7a of the Anti-Social Behaviour, Crime and Policing Act 2014.
- Eviction

Any court action will be a last resort and will only be taken once a proportionality assessment has been completed and referred to legal services. However, where ASB endangers life or property and requires immediate legal protection urgent action will be taken. Court action can include injunctions and ultimately eviction. However, an eviction will only be pursued where all other actions to tackle the ASB have failed. Legal action will take into account a perpetrator’s capacity as well as issues raised under the Equality Act 2010.

7.6 Investigating reports of ASB takes time and resources. If we consider a report to be malicious, we may take action against the person reporting if proven to be so.

8 Supporting Residents

8.1 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.

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8.2 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:

- 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

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

8.4 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 to our safeguarding procedure.

8.5 We will help residents to stay in their own home.

8.6 We will make every effort to protect and support witnesses during court proceedings.

9 Partnership working

9.1 ASB cannot be dealt with by any one organisation or agency working in isolation. We work alongside other partner agencies and residents to tackle these problems together. We have developed robust local partnerships and multi-agency working to address ASB with a view to signposting or referring residents where appropriate.

9.2 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

9.3 We reserve the right to make a referral to Social Services or the Police, this can include a safeguarding referral without the permission of the complainant where the situation and the Data Protection Act 2018 justifies it.

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10 Community Triggers

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

Any concerns raised through the Community Trigger 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.

11 Dealing with Domestic Abuse

11.1 We believe that all our residents should be able to live without fear of abuse from a spouse, former spouse or partner, or another member of their household. Domestic abuse will not be tolerated by us. The definition of Domestic Abuse is contained in *Section 1, Domestic Abuse Act 2021* which states that:

“The behaviour of person (“A”) towards person (“B”) who are personally connected (i.e. are/have been married, agreed to marry, civil partners, intimate and/or have a parental relationship in relation to their children or are related) and are over the age of 16 and the behaviour is abusive. Behaviour is “abusive” if it consists of any of the following, but not limited to-

- *Physical or sexual abuse*
- *Violent or threatening behaviour*
- *Controlling or coercive behaviour*
- *Economic abuse (any behaviour that has a substantial effect on B’s ability to (a) acquire , use or maintain money or other property or (b) obtains goods or services*
- *Psychological, emotional or other abuse*

And it does not matter whether the behaviour consists of a single incident or a course of actions.”

11.2 We understand that any person can experience domestic abuse. We are committed to offering victim-centred, accessible, and flexible assistance to any of our residents who are suffering from this type of physical, sexual, emotional, or verbal abuse.

11.3 We take a victim centred approach to dealing with domestic abuse. Victims of domestic abuse will be given the relevant advice and support by the Neighbourhood Officer at the earliest possible opportunity. Where appropriate, the perpetrator may be signposted for support or referred to behavioural / specialist courses if locally available. We provide the victim with a list of emergency contact and support details including: the local police station, the local authority homeless persons’ unit, Citizens Advice Bureau, law centre emergency hotlines.

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11.4 We recommend that all crimes are reported to the Police. However, unreported allegations of domestic abuse will not prejudice advice given regarding signposting victims to relevant organisations or offering support.

11.5 All reports of domestic abuse that are a safeguarding concern are reported in line with our policy and procedures on safeguarding.

11.6 Maintaining confidentiality is essential. We will take measures to ensure that confidential information provided by the victim is not seen by the perpetrator. We:

- Are careful about disclosing information about the victim's current address
- Ensure the victim's records clearly show that the address must not be disclosed.

Information is only provided to external agencies as agreed with the victim, where it is required by law or where there is an overriding need.

11.7 Where there is a joint tenancy and one of the tenants has been the victim of domestic abuse, we will explain the judicial process for assigning the tenancy to the victim. We advise victims about seeking independent legal advice on their rights.

12 Harassment and Hate Crime

12.1 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."

12.2 To prevent racial harassment and hate behaviour we will send out a clear message that we adopt a zero-tolerance approach. We make it clear to new residents moving into their home that harassment of any kind is a breach of their tenancy or lease agreement.

12.3 We will ensure our staff are equipped to deal with any reports of racial harassment or other types of hate behaviour.

12.4 We will create a safe and welcoming environment for people to report racist incidents or hate behaviour.

12.5 We will ensure incidents of perceived racial harassment or hate incidents are treated consistently, promptly, effectively, and confidentially.

12.6 We will work in partnership with other agencies and use community resources available to promote social cohesion.

13 Complaints

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Any tenant, resident, or other stakeholder who is dissatisfied with how we have managed the report against our policy, is able to submit a complaint using our Complaints process. Once our Complaints process is exhausted and if they remain dissatisfied then they can contact the Housing Ombudsman or the Charity Commission..

14 Performance Monitoring

We will monitor the success of this Policy by running and reviewing regular reports. A summary report will also go to our Tenant Local Panel and Resident Service Committee on a quarterly basis and will include:

- Number of ASB cases by type and location
- Percentage of ASB cases with action plans in place
- Percentage of ASB cases responded to on time

15 Publicity

We may use publicity in successful legal actions to:

- Increase community confidence
- Deter offenders
- Inform stakeholders of our actions

16 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
- Violence and Aggression Policy

17 Legislation and Regulation

17.1 The legislation listed in this policy is not intended to cover all legislation applicable to this policy. SW9 CH will take reasonable measures to ensure compliance with all applicable legislation by reviewing policies and procedures and amending them as

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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.

17.2 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
- Housing Act 1996
- The Children Act 2004
- Care Act 2014
- Domestic Abuse Act 2021

18 Data Protection and Information Sharing

18.1 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.

19 Equality and Diversity

19.1 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.

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20 Review

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.

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Approved by (Board/ELT/Committee)	Services Committee	
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Date	Author	version	Reason for change
October 2018	Director of Housing	v.1	Adopting policy from Network Homes
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