

Anti-Social Behaviour and Tenancy Breach Policy

Policy Statement & Purpose

This document outlines Bromford's policy and summary for dealing with nuisance and anti-social behaviour. We have separate policies for Hate Crime and Domestic Abuse.

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

Anti-social behaviour covers the range of behaviours from low-level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their homes and/or community. Bromford is committed to:

- Providing a positive response to reports of anti-social behaviour and being clear about what we can and cannot do.
- Taking a victim centred approach to responding to reports of anti-social behaviour.
- Taking a robust approach to tackling anti-social behaviour being caused by, or affecting our customers, our homeowner's other household members and their visitors and our staff.
- Using an incremental approach to tackling anti-social behaviour where possible, using legal action only when proportionate and reasonable.
- Tackling the most serious incidents swiftly and effectively.

We will use a range of ways to resolve anti-social behaviour:

- Early intervention and prevention to resolve the problem as quickly as possible.
- Use the full range of non-legal and legal tools available.
- Partnership working where appropriate.

Bromford's Neighbourhood Coaches are responsible for dealing with the many varied problems that constitute anti-social behaviour. We have also a dedicated Community Safety Team to support Neighbourhood Coaches, where required.

Contents

1. Scope
2. Reference Documents
3. Responsibilities
4. Legislative or Regulatory Requirements
5. Principles
 - 5.1 [Definition of Anti-Social Behaviour](#)
 - 5.2 [Responsibilities as a Customer](#)
 - 5.3 [What we will not investigate](#)
 - 5.4 [Preventing Anti-Social Behaviour](#)
 - 5.5 [Tackling Anti-Social Behaviour](#)
 - 5.6 [Support for customers, their families and any witnesses](#)
 - 5.7 [Support for Vulnerable Complainants and Perpetrators](#)
 - 5.8 [Multi-Agency Working](#)
 - 5.9 [Using Professional Witnesses](#)
 - 5.10 [Protecting our Colleagues](#)
 - 5.11 [Making a Complaint about how we have conducted cases and the Community Trigger](#)
 - 5.12 [Closing Cases](#)
6. Assurance Framework

1. Scope

This policy covers reports of anti-social behaviour caused by or affecting our customers, our homeowners, household members or their visitors.

2. Reference Documents

List of Referenced Documents
ASB & Tenancy Breach Procedure
Hate Crime Policy
Safeguarding Policy
Restricting Customer Access Policy
Mental Capacity Procedure
CCTV Procedure
Neighbourhood Management Policy
Neighbourhood Management Procedure
Unacceptable Behaviour Policy

3. Responsibilities

All colleagues are responsible for carrying out their work in line with this policy and associated procedure.

The Community Safety Team Manager is responsible for keeping this policy updated.

4. Legislative Requirements

Bromford's policy and summary is to comply with section 218A of the [Housing Act 1996](#) which places a duty on social landlords to publish anti-social behaviour policies and procedures. Other relevant regulation and legislation includes, but is not limited to:

[Housing Act 1985, 1988 and 1996](#)
[Protection from Harassment Act 1997](#)
Human Rights Act 1998
[Children's Act 1989](#)
[Civil Evidence Act 1995](#)
[Crime and Disorder Act 1998](#)
[General Data Protection Regulations 2016 and Data Protection Act 2018](#)
[Anti-social Behaviour Act 2003](#)
[Equality Act 2010](#)
[Anti-social Behaviour, Crime and Policing Act 2014](#)
[Care Act 2014](#)
[Regulator of Social Housing Neighbourhood and Community Standard](#)

5. Principles

5.1 Definition of Anti Social Behaviour

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

- (a) conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
 - (b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
 - (c) conduct capable of causing housing-related nuisance or annoyance to any person.
- 'Housing related nuisance' means behaviour that directly or indirectly relates to or affects our housing management function to carry out day-to-day activities and the strategic management of our stock.
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5.2 Responsibilities as a Customer

We expect our customers to do more for themselves and each other and for there to be a reasonable level of tolerance between neighbours.

Whilst we will deal quickly and firmly with any issues, we don't get involved in petty arguments or issues that do not amount to a breach of tenancy or nuisance/anti-social behaviour and expect customers to make an effort to sort out any differences that they may have themselves first.

5.3 What we will not investigate

We will seek to make a fair evaluation on whether complaints made are reasonable and will therefore not investigate the following:

- Actions which amount to no more than customers going about their normal everyday activities, for example children playing.
- Complaints which are not a breach of the terms of tenancy, for example, complaints of people staring.
- Actions which amount to people not being pleasant to each other but are not sufficiently serious to justify our involvement.
- Complaints about people being inconsiderate or thoughtless where there is no breach of tenancy.
- Complaints about other people having lifestyles that offend others, for example issues about differences in parenting, who people socialise with, how people dress and what they do in their own homes unless the behaviour is a breach of tenancy.

5.4 Preventing Anti-Social Behaviour

We aim to prevent anti-social behaviour from happening by:

- Ensuring that we match the right homes to the right customers and ensure that customers understand our expectations before being made an offer. In some cases, in line with set criteria outlined in our lettings policy, we refuse access to our homes or refuse nominations made from other organisations.
- Ensuring that all new customers are made aware of their rights and responsibilities in relation to anti-social behaviour, harassment, and intimidation.
- Using Starter tenancies in compliance with our Tenure Policy.
- Where possible recommending and ensuring 'Safe by Design' standards on new and regeneration schemes.
- Carrying out estate environmental improvements and asset replacement programs to existing schemes working with relevant police officers to achieve improved levels of safety and security.
- Taking an active role in local crime and disorder partnerships and other local multi-agency groups and initiatives. This may include contributing to funding for certain and specific projects.

5.5 Tackling Anti-Social Behaviour

Each case is different and how we deal with it will depend on the specific circumstances of the complainants/victims and the perpetrators. Our aims are to:

- Make sure colleagues are trained and supported to deal confidently with anti-social behaviour complaints and are able to prioritise complaints based on the seriousness of the case and risk of harm.
- Ensure incidents of anti-social behaviour can be easily reported, for example during a home visit or interview with a member of our team, observations made by partner agencies alerting us to problems, by letter, telephone, email, via the Bromford website, customer portal, by text, Twitter, Facebook as well as via an out of hours service.

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- Ensure compliance with the appropriate and relevant and/or linked policies and procedures.
 - Deal with incidents sensitively and appropriately taking into account the impact the behaviour is having on the wider community and housing management functions.
 - Investigate complaints fairly and impartially.
 - Ask at the outset what the complainant is expecting and what would be a satisfactory outcome for them, giving us the opportunity to be honest with them about what can and cannot be achieved.
 - Complete a risk assessment and develop an action plan with the complainant and keep complainants informed of progress during the case at least every month or in accordance with agreed frequency of contact.
 - Maintain appropriate confidentiality and act in accordance with Data Protection legislation
 - Ensure actual or potential perpetrators of anti-social behaviour are fully aware of the consequences of their actions.
 - Where appropriate, identify any support needs and where they are available engage the appropriate support services to give the perpetrator the opportunity to modify their behaviour and make positive changes.
 - On a case-by-case basis tailor the support to victims, their families and any witnesses and identify any support needs and where appropriate signpost to support services and/or any external support/witness services provided by other agencies e.g. Police, victim support or community support schemes and help them to access these.
 - Where appropriate and relevant, work in partnership with other agencies to find possible solutions.
 - Consider the most appropriate tools to use, including mediation, non-legal and legal remedies to resolve the problem according to the available evidence.
 - We may also, liaise with external agencies for example the police and local authority in relation to securing other legal tools that are available to them, for example:
 - Community protection notice.
 - Public Space Protection orders.
 - Criminal Behaviour Orders.
 - Closure notices and orders.
 - Dispersal powers.
 - Take swift and effective action against perpetrators where necessary.
 - In very serious cases, where there is an imminent risk to life, supported by evidence from statutory agencies such as the police, consider whether a move is appropriate for the victim, whether that be by way of an internal managed move or providing housing options advice for the agencies who have the statutory duty for housing.
 - Ensure incidents of anti-social behaviour are accurately recorded and monitored on the ASB database.
 - Use a range of methods including publicity to ensure a clear message that anti-social behaviour will not be tolerated is communicated to our customers, the wider community and applicants for housing with Bromford.
 - Monitor performance on how we deal with anti-social behaviour and to regularly report achievement against targets to our Executive Team and Boards of Management.
 - If there is an ongoing police investigation, we may wait to see the outcome of this before taking further action.
 - **Drugs:** Bromford has a zero tolerance to illegal drug use and/or using the property for the sale of drugs, supply of drugs, taking drugs and cultivating cannabis and/or other drugs from the property. The appropriate Notice to end the tenancy will be served in all cases.

It is expected that residents/complainants/victims of nuisance and anti-social behaviour will provide evidence in support of an ASB case, whether that be by completing incident diaries or by another agreed method of communication. If a resident/complainant/victim fails or refuses to provide such information this may result in us not being able to progress the matter.

5.6 Support for customers, their families and any witnesses

We will contact the complainant within 5 working days (or 2 working days where there is a genuine risk of harm) of reporting an incident.

In some cases, complainants may feel that they are at genuine risk of harm and we may establish that they are not. In this situation we will explain clearly what we can and cannot do and may either manage the case or close the case following a thorough investigation and signpost to another organisation.

In all anti-social behaviour cases we shall take into account the wishes of complainants, victims and witnesses. We shall:

- Assess the level of risk to victims and make appropriate plans to ensure their safety.
- Agree an action plan and how frequently we will keep in touch and review the case with them. This will be at least every month.
- Consider at an early stage and on an ongoing basis what we can do to support them considering each case individually.
- Consider how we can work with other agencies, if available in their community, to ensure the appropriate support is available.
- Work to share information and support our customer, if the anti-social behaviour caused by a customer of another landlord is impacting on one of our customers.

As a general rule complainants/victim of anti-social behaviour will not be re-housed unless as stated above there is an imminent risk to life.

5.7 Support for Vulnerable Complainants and Perpetrators

We understand that vulnerabilities may be the trigger for the anti-social behaviour being caused or for the impact of the behaviour being exacerbated. In these cases, we will take an empathetic approach and will look to work with other specialist agencies who are better placed to assist and where appropriate signpost to support services and/or any external support/witness services.

In some cases, where the risk is high, the behaviour is extreme and the behaviour has been persistent for some time, we may coordinate multi-agency case conferences to agree suitable approaches to resolve the situation.

We appreciate that some perpetrators may be vulnerable and will need help and support to enable them to sustain their tenancy and reduce the risk of losing their home. If appropriate, we will work with external support services and external specialist agencies.

5.8 Multi-Agency Working

Teams have extensive knowledge of the agencies and services that are accessible and available within our operating areas in particular our Big 4.

Multi-agency working is vital for a successful response to anti-social behaviour. We are members of many Community Safety Partnerships who are made up of organisations such as (not an exhaustive list) the Police, Local Authorities, Registered providers of social housing, ASB Teams, Health, Probation, the Youth Offending Service, Social Services, Education, Fire Brigades and other social housing providers in specific areas.

We are also signed up to many Safer Estates and Information Sharing Protocols and Agreements. Each partnership identifies its own strategic priorities specific to the area it represents, and we are committed to supporting those.

The purpose is to:

- Work together to resolve specific problems and issues and to reduce ASB and hate incidents.
- Share information to track trends and identify 'problem areas.'
- Contribute, where possible, to specific initiatives, diversionary activities, campaigns, promotions and publicity to prevent and tackle anti-social behaviour.

5.9 Using Professional Witnesses

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 equipment, whose evidence and findings may be used in legal proceedings.

We may employ external contractors to collect evidence on our behalf where there are concerns for the safety of witnesses or the complainant or victim do not want to appear in court for fear of reprisals.

5.10 Protecting our Colleagues

We will not tolerate abuse or threats towards our colleagues and/or contractors. Legal action may be taken against customers and/or other members of the community, who assault, threaten to harm or who verbally abuse our internal or external colleagues.

5.11 Making a Complaint about how we have conducted cases and the Community Trigger

If customers are not happy with the way, we are handling cases they can be referred to our complaints policy and procedure. This policy is available separately and free of charge.

If a complaint is received under the “ASB Case Review” this will be dealt with by the Community Safety Team and in accordance with the relevant local policing bodies process and will not be dealt with via the Group’s complaints policy.

5.12 Closing Cases

We will close cases when the anti social behaviour has been resolved or if the complainant fails to provide information or engage with us.

6. Assurance Framework

Bromford has adopted the ‘three lines of assurance’ model. It is built upon Bromford’s strong control culture and organisational delegation of responsibility. It is the responsibility of managerial and supervisory colleagues within business units who use the policy to ensure that the policy is communicated and effectively implemented, and to ensure colleagues are aware of their responsibilities. Adhering to policy and underpinning procedures ensures we continue to operate within our overall risk appetite as a business.

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