



# Anti-Social Behaviour Policy

## 1.0 Purpose and scope

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We are committed to supporting residents experiencing anti-social behaviour (ASB). This policy sets out how we aim to tackle ASB in a responsive and proportionate manner. This policy also sets out a clear definition of ASB and outlines what measures we take to:

- Investigate reports of ASB in partnership with specialist agencies where appropriate
- Take action to stop ASB where there is sufficient evidence
- Support all residents to sustain their tenancy.

This policy applies to all residents, their household members and their visitors.

## 2.0 Definitions

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**Anti-social behaviour** covers a wide range of activities that have a negative effect on the quality of community life and has many causes; it is defined as:

‘Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person or 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’.

Examples include but are not limited to:

- Nuisance behaviour, i.e. swearing and fighting
- Littering
- Animal-related problems, i.e. dog fouling
- Selling and using of drugs
- Violent and criminal damage
- Vehicle- related nuisance, i.e. abandoned vehicles.

**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.

**Community trigger** is a mechanism for victims of persistent anti-social behaviour to request that relevant bodies undertake a case review. Relevant bodies include local authorities, the police, health providers and providers of social housing (like NHG). A case review would entail the relevant bodies sharing information in relation to the case, discussing what action has previously been taken, and collectively deciding whether any further action could be taken. Any individual, community or business can make an application for a case review, and the relevant bodies must carry out a case review if the threshold is met.<sup>1</sup> Our threshold is persistent ASB for 6 months without an acknowledgement or any course of action.

### **3.0 Resident's obligations**

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We are clear about the standard of behaviour that we expect from residents before they sign an occupancy agreement with us. Whether unintentional or deliberate, they must not commit, or allow their family or visitors to commit, acts of ASB towards other residents, people in the local area, or NHG staff or contractors. We stress that if ASB arises, it may lead to action being taken against them.

Any unacceptable behaviour towards staff is dealt with in accordance with NHG [Unacceptable Behaviour policy](#).

To keep NHG communities' safe, residents should always report ASB to us in the knowledge that we will be as discrete as possible in handling the case. Should a case go to court, information might have to be disclosed and the complainant will be informed of this in advance.

Where a crime has been committed, we encourage victims and witnesses to make a report to the police. We will support victims by signposting them to agencies who will work with them to take action. We will consider using the full range of civil and legal remedies against perpetrators, including injunctions and possession proceedings and the use of mandatory grounds where applicable.

### **4.0 Preventative measures for ASB**

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We understand the distress that ASB can have on communities and we aim to prevent it from occurring by:

- Ensuring that residents are aware of what constitutes anti-social behaviour, which is specified in occupancy agreements
- Conducting regular inspections of the estates that we manage and promptly reporting repairs that compromise the security of a building
- Carrying out a sensitive let where we recognise that a resident may be at risk of harm if they move into a property
- Referring cases to [Calm Mediation](#) services where we believe it will deescalate the case.

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<sup>1</sup> [Anti-Social Behaviour, Crime and Policing Act 2014 - Explanatory Notes \(legislation.gov.uk\)](#)

## **5.0 Dealing with ASB effectively**

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ASB covers a variety of activities that impact individuals differently and a wide range of responses are required to tackle it effectively. We balance enforcement action and intervention with support for residents who request help sustaining their tenancy. We record and evidence all actions taken to investigate and manage the ASB case.

### **5.1 Responding to reports**

On receiving a report of ASB, we aim to contact the complainant within 1 working day and offer to visit them within 5 working days. Our initial response is to investigate and monitor any risk. If a crime has been committed, we advise the complainant to contact the police.

In determining the seriousness of the ASB and what the proportionate action would be, we consider the nature of the ASB, the frequency of incidents and the impact that the behaviour is having on the complainant and the wider community. We complete a risk assessment and are clear and realistic about potential outcomes. During the case, we keep the risk assessment up to date, for example if we need to interview the perpetrator or if the ASB has increased. We are clear in relation to the timescales involved and we develop an action plan with the complainant, choosing from a toolkit of different actions and providing them with information on agencies who might be able to offer additional support.

On some occasions, the alleged perpetrator may report an incident involving the complainant. We adopt the same approach when responding to allegations about a complainant.

### **5.2 Early intervention**

The aim of our initial intervention is to stop the problem behaviour. The intervention we use varies according to the nature of the ASB. Early intervention tools include risk assessments, mediation, warning and acceptable behaviour contracts.

### **5.3 Tenancy support**

There are many factors that could influence a person's behaviour in ways that could lead some to perceive it as anti-social. Where the alleged perpetrator or complainant has a learning disability or ill-mental health and this is related to reported incidents or reporting of the incidents, we offer them support with sustaining their tenancy where we can or refer them to external agencies who can support them.

### **5.4 Enforcement action - tenants**

We consider legal action where there is sufficient evidence of a tenancy agreement breach. Eviction is only considered either in exceptional circumstances or where all other interventions have failed. As appropriate, we make use of legal notices, injunctions, mandatory possession, and discretionary possession. This does not apply to leaseholders.

### **5.5 Enforcement action – leaseholders and owners**

Where leaseholders and owners are victims of ASB we will consult the terms of the lease to consider what action can be taken against the perpetrator and seek legal advice as required. Where there is evidence that a crime has been committed, this would likely be considered a breach of the lease and options

including forfeiture will be considered. Alternatively, an injunction to remedy the breach might be sought.

## **5.6 CCTV and GDPR**

Where we have CCTV footage that may show ASB incidents, we will not share this information with residents or third parties without liaising with the police. This is in accordance with GDPR UK and our Data protection policy.

Where a resident records their neighbour, using a mobile device, committing ASB, NHG will not be able to act on this information as it is an infringement on the rights of the person being recorded. However, the resident should share the recording with the police, who may be able to use the recording as part of their investigation.

## **6.0 Multi-agency and partnership working**

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We recognise that any one agency alone may not be able to resolve ASB in communities. We adopt a multi-agency approach to preventing and tackling ASB and offer the police and the local authority support when they are able to take action.

We work in partnership with agencies at both the strategic level, for example on Crime and Disorder reduction partnerships, and at operational levels, for example with local police.

We support our residents by asking Police Safe Neighbourhood Teams to increase patrols in particular areas.

We co-operate fully with the Community Trigger process to help resolve cases of ASB.

Where we are made aware that social service intervention is needed, we contact the relevant service, whether adult social services, children social services or mental health services, to find out if they are aware of the resident(s) or household members. Where applicable, we work with the relevant social services and mental health services.

We will share information with third party agencies where victims have consent, in accordance with our Data Protection policy.

## **7.0 Health and ASB**

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### **7.1 Mental Health and learning disability**

We are conscious that the mental health and/or learning disability of victims can be affected by ASB cases. Similarly, we recognise that the mental health and/or learning disability of a perpetrator can be the reason why they are causing ASB. In the first instance, we will ensure that the victim and/or perpetrator are offered the support and resources they need.

When investigating cases we will always act in accordance with our ASB policy and procedure and we will adhere to our [Equality, Diversity and Inclusion](#) as well as the Equality Act 2010. We will pursue legal action where necessary.

### **7.2 Physical wellbeing**

We are mindful of the negative effects that ASB may have on the physical wellbeing of victims, for example by increasing stress levels. If we are aware of a victim's health issue that can be further worsened by ASB, we will take it into account when dealing with the case, for example by providing more or less regular updates.

## **8.0 Recording, Reporting and Sharing Information**

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We record all ASB cases. Personal or sensitive data will be processed in line with the Data Protection Act 2018 (as amended) and NHG's Privacy policy.

Staff must ensure all cases of ASB are recorded and monitored effectively on our online systems to ensure appropriate action is taken based on information provided by residents and agencies.

This data is collected to:

- Increase understanding of who is experiencing ASB
- Tailor services according to the needs of our residents
- Identify performance issues and make improvements to ensure best practice is provided for those experiencing ASB

## **9.0 Closing the case**

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After a report of ASB has been investigated, we draw it to a close. A case may be closed where:

- An investigation has been concluded, appropriate action has been taken and no further incidents have occurred over a given period (this will vary depending on the nature of the case); or
- We are unable to gather sufficient evidence in order to take any action.

We consult the complainant before proposing to close a case and explain our reasons for doing so. We listen to any reasons they give us as to why the case shouldn't be closed. Where we are informed of a new ASB case we will open a new case referring to the previous ASB history.

## **10.0 Our approach**

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In writing this policy we have carried out assessments to ensure that we are considering: Equality, diversity and inclusion. To request a copy of the assessments, please contact us at [policy@nhg.org.uk](mailto:policy@nhg.org.uk)

## **11.0 Reference**

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- Anti-social Behaviour, Crime and Policing Act 2014

## Document control

Author	Victoria Agyeman-Duah
Approval date	October 2022
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Approved by	Policy Group
Policy owner	Regional Head of Housing
Accountable Director	Director of Housing Management

## Version Control

Date	Amendment	Version
02.01.2019	New NHG policy	1.0
29.01. 2021	COVID statements added	1.1
21.03.2023	Clarified different approach to enforcement action against tenants and homeowners; new section on CCTV and GDPR; new section on health and ASB	2.0