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Anti-Social Behaviour Policy

Title	Anti-Social Behaviour Policy
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Approver	Board of Management
Applies to	CDS general needs social tenants, shared owners and leaseholders

1 Introduction

- 1.1 This document sets out our policy on responding to harassment and anti-social behaviour (ASB). We aim to balance enforcement action and intervention with prevention and support to those experiencing ASB.
- 1.2 CDS is committed to creating an environment where race and hate crime and anti-social behaviour perpetrated against residents and our staff is not tolerated. Residents should be able to live free from violence, disturbance and nuisance. We also expect our staff to be able to discharge their responsibilities without threat of violence and harassment.
- 1.3 CDS takes ASB seriously and we are committed to prevent, and where possible, resolve ASB cases in an effective manner.
- 1.4 We recognise that if ASB is allowed to persist, it can significantly affect the quality of life.
- 1.5 We will adopt a supportive approach when dealing with victims, witnesses and alleged perpetrators working in partnership with external agencies to tackle ASB.

2 Scope of the policy

- 2.1 This policy applies to general needs accommodation owned by CDS. It does not apply to properties owned by clients, but clients may choose to adopt this policy as their own.
- 2.2 This policy also applies to leaseholders and shared owners living in properties where CDS is the freeholder. CDS may take action in accordance with the terms of the lease and other relevant legislation available to us on a case-by-case basis.
- 2.3 This policy does not apply when we receive reports from a freeholder about another freeholder or where the ASB is being perpetrated by someone who does not live in a CDS-owned property. In these cases, the remedies available will depend upon the nature of the nuisance, including Environment Health and the police.

3 Definitions

What is anti-social behaviour and race and hate crime?

3.1 CDS adopts the definition of ASB as set out in the Anti-social Behaviour, Crime and Policing Act 2014:

3.1.1 Anti-social behaviour (ASB) means

- 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.'

3.1.2 For possession proceedings, the grounds for possession define ASB as:

Where the tenant or person residing in or visiting the property (a) "has been guilty of conduct causing or likely to cause nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or (b) has been convicted of using the dwelling-house or allowing it to be used for immoral or illegal purposes, or an indictable offence committed in, or in the locality of, the dwelling-house".

3.2 **Harassment**

3.2.1 Harassment is any behaviour that intimidates, dominates or harms an individual, a family or group of individuals. The actions can either be physical or verbal. Harassment can include a range of behaviour such as threats, verbal abuse, written abuse including via social media, damage to property, violent behaviour, stalking and behaviour causing or intended to cause alarm or distress.

3.2.2 These are generally criminal offences and should be reported to the police. Where appropriate to do so, CDS will take tenancy enforcement action against the perpetrator as a result of evidence obtained by the police or upon conviction.

1.3 **Racial harassment**

Racial harassment is where harassment is perpetrated against individuals or groups because of their colour, race, nationality or ethnic or national origin, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism. Again, these are generally criminal offences that should be reported to the police. CDS, where appropriate to do so, will take tenancy enforcement action against the perpetrator as a result of evidence obtained by the police or upon conviction.

3.4 **Hate crime**

Hate crimes are crimes committed against someone because of their: disability, gender identity, race, religion or belief, or sexual orientation. This includes crime against a person's property as well as the person themselves. These crimes should be reported to the police.

3.5 Domestic Abuse

We recognise that some reports of noise nuisance, disturbance and or ASB could be an indicator of potential domestic abuse and / or be safeguarding issues (e.g. complaints about noisy arguments could suggest that a domestic argument is taking place). Any potential indicator for domestic abuse and / or safeguarding matters will be considered as part of our ASB investigation and we will take appropriate action, including raising safeguarding alerts, where appropriate, in line with our policies and procedures.

4 What is considered ASB?

The following are examples of what we may class as ASB:

- Vandalism
- Criminal activity
- Harassment / intimidation / violence or threatening behaviour
- Nuisance caused by drug dealing in shared areas of the building
- Drunken or disorderly behaviour / drinking alcohol in shared areas of the building
- Noise (outside of acceptable hours in line with the tenancy agreement or noise which is persistent, deliberate, or targeted and not caused by reasonable everyday activity)
- Being abusive towards CDS staff or contractors
- Racial harassment perpetrated against our staff
- Pets and animal nuisance
- Fly-tipping (where the perpetrator is known)
- Nuisance from vehicles (abandoned vehicles, joy riding, nuisance repairs)
- Misuse of communal areas
- Graffiti
- Absence of garden maintenance e.g overgrown, unsightly gardens and garden fires
- Damage to property
- Abandoned cars, vehicles left to advertise their sale or carrying out repairs or maintenance on a road on the estate

5 What is NOT considered ASB?

5.1 ASB does not include reasonable day-to-day behaviour or behaviour that results from different lifestyles and / or what is considered reasonable by most people. Examples of activities that will not be considered as ASB include:

- A crying baby
- Strong cooking smells
- Children playing
- Normal domestic noise like doors banging, washing-machines, vacuum cleaners, DIY noise taking place at reasonable hours as specified by the tenancy agreement
- Personal dislikes / arguments on non-housing matters
- Walking across a floor
- People talking
- Sound from TV coming from a property at a reasonable hour as specified by the tenancy agreement

- 5.2 Although these are some examples of behaviours we do not generally consider to be ASB, we understand that sometimes low-level and repeated incidents may be impacting on the victim's life.
- 5.3 Therefore, for low-level reports of ASB, if the behaviour is persistent *and deliberate* and is found to be having harmful impact on a person or they are at risk or potentially at risk then we will investigate the matter as ASB in line with this policy.
- 5.4 Other possible reasons a case may not be considered as ASB include:
- Unidentified animal fouling
 - Fly tipping where it is not known who has dumped the items
 - Anti-social behaviour perpetrated by someone who does not live in a CDS property, as CDS has no authority to take action against a non-resident
- 5.5 If the nuisance mainly concerns noise, the resident is encouraged to report the matter to the local authority's Environmental Health department. Local authorities have power under the Environmental Protection Act 1990 to act against private tenants and others who cause a nuisance to neighbours. Where the noise amounts to a statutory nuisance and is unreasonable, the authority may decide to serve an Abatement Notice. Breach of an abatement notice can amount to a criminal offence. Authorities also have powers to seize noise-making equipment in certain circumstances.

6 Prevention and early intervention of ASB

- 6.1 When assessing complaints to determine whether they constitute ASB, we will consider the frequency and severity of incidents, their effect on the victim(s), and other contributory factors such as the construction of the building.
- 6.2 To tackle ASB, harassment and hate crimes we will take preventative and early action by:
- Ensuring all new tenants are made aware of their rights and responsibilities in relation to ASB at the sign-up of their tenancy so that expectations and consequences are clear.
 - Multi-agency working, where appropriate (e.g local authorities, police, other housing providers and social services).
 - Taking appropriate enforcement action in line with the tenancy agreement, including written warnings.
 - Using mediation services and acceptable behaviour contracts (ABCs).
 - Carrying out regular estate visits to ensure CDS's estates are safe and secure.
- 6.3 We will signpost vulnerable perpetrators and victims for support, where appropriate.

7 Legal tools and powers to tackle ASB

- 7.1 Where warnings and attempts at early intervention have not worked or where the behaviour is serious, enforcement action may be considered. We will decide what enforcement action is most appropriate on a case-by-case basis and reserve the right to take whatever action we consider reasonable and proportionate in the circumstances. Legal remedies may include:

- Injunctions (with or without notice)
- Possession proceedings and eviction

7.2 There are also powers available that the police or Local Authority can use (and which we may support) which include:

- Criminal Behaviour Order
- Dispersal Powers
- Community Protection Notice
- Closure of Premises
- Injunctions

8 Sustainable tenancies and vulnerable residents

8.1 ASB can be caused by residents or their household members who are vulnerable and can be problematic to deal with. Problems often cannot be resolved without the intervention of appropriate qualified support from social services.

8.2 Although many vulnerable people successfully live in the community without difficulty, vulnerability can make a person less able than most to manage the social relationships required for living without dispute.

8.3 Vulnerable people may cause disturbance without realising the consequences for people living around them. Conversely, they can be ill-equipped to deal with neighbours who cause them nuisance or distress. It is important that vulnerable residents are properly assessed and assisted by professionals.

8.4 Being vulnerable does not mean that people cannot take responsibility for their actions. However, their personal circumstances may mean that they need help and support to live independently and to sustain a tenancy. Some residents may become vulnerable or develop mental health problems at a later point in their tenancy, for various reasons. It is important that our response in such cases is sensitive. We will make every effort to access appropriate support and assistance for them.

8.5 When we consider letting a property to a vulnerable applicant, we will give consideration to any special needs outlined, including in relation to any reports of ASB in line with our allocations policy. We will not reject an applicant without first considering whether a tenancy would be sustainable if appropriate care and support is in place.

8.6 This support may come from family, friends, and voluntary and statutory agencies. It is important that we ensure that there is an appropriate care package in place before the tenancy commences.

9 Our commitment

We will:

9.1 Log and respond to reports of ASB in a timely manner, make referrals to statutory bodies where appropriate and monitor the outcomes.

- 9.2 Recommend to customers to report any criminal activity to the police.
- 9.3 Recommend customers contact the relevant Environmental Health Department for out of hours noise nuisance.
- 9.4 Be clear and realistic with customers on the range of actions we will / might be able to take.
- 9.5 Undertake actions that are reasonable and proportionate to reported ASB.
- 9.6 Not issue diary sheets unless they will be used as part of an investigation into the case.
- 9.7 Work with other specialist agencies, as appropriate, to tackle ASB.
- 9.8 Ensure staff are supported and trained to tackle ASB.
- 9.9 Take action, as appropriate, against residents where there is evidence of violence / harassment against staff.
- 9.10 Keep customers informed of progress.
- 9.11 Explain to residents that it is their responsibility to try and resolve disagreements and neighbour disputes by talking to each other and reaching a solution based upon mutual understanding. Where resolution is not possible, we may suggest mediation where we believe it could assist in resolving a situation.

10 Residents' obligations – more about mindset and community than tenancy

- 10.1 Our tenancy agreements and leases contain clauses requiring tenants not to do, or permit, anything that causes a nuisance or annoyance to their neighbours.
- 10.2 We expect our residents to show consideration for their neighbours and community and not to commit or allow their family or visitors to commit acts of ASB. This covers actions in the communal areas as well as the home. Residents are responsible for the actions of members of their households, including children, lodgers, animals and visitors.
- 10.3 Have a degree of tolerance and respect of the different lifestyles of others and should acknowledge that day to day activities, such as noise or minor disturbances cannot be avoided.
- 10.4 Accept that sometimes, whilst the behaviour of another household is frustrating, it is not reasonable to place restrictions on the usual enjoyment of their home, especially if those activities are not a breach of their contract with us.
- 10.5 Take responsibility for minor personal disputes with their neighbours and try to resolve such problems themselves in a reasonable manner.
- 10.6 Co-operate with us to resolve disputes / issues, where possible sharing evidence with us, attending court, etc.
- 10.7 Understand that CDS is not always able to take action against an alleged perpetrator where complainant / victim involvement is withheld.
- 10.8 Report any criminal activity, i.e. hate crimes and harassment, to the police.

- 10.9 Understand that CDS will take appropriate action where there is evidence that our staff have been subjected to any form of harassment, experienced violence or were threatened whilst carrying out their duties.
- 10.10 Keep CDS updated with any changes in circumstances; for example, where the ASB has stopped or escalated.
- 10.11 Understand that CDS will look at different ways to reduce ASB, and that eviction of an alleged perpetrator will not always be the most appropriate course of action.

11 ASB Classification

11.1 CDS classifies ASB into low, medium and high categories.

11.2 Low level ASB

11.2.1 We expect tenants to resolve low level ASB themselves. The role of the housing staff is to advise them on how to go about this. Any involvement in disputes that do not have actual or potential remedies through enforcement of the tenancy conditions will be limited to advice and mediation. Low level ASB could include the following:

- Neighbour disputes normally resulting from a clash of lifestyles which do not involve violence.
- Intermittent noise ensuing from normal use of the property. For example, loud television volume.
- Nuisance as a result of someone being more messy or untidy than usual, but which does not directly impact on neighbours. For example, an overgrown garden.
- Arguments about undesignated parking.

11.2.2 Actions to deal with low level nuisance includes:

- Advising the complainant what action they can take to resolve it. In most cases, the complainant will be advised to discuss the alleged nuisance with the perpetrator.
- Tolerance and respect for the needs of others is required and should be encouraged.
- Writing to the perpetrators pointing out the alleged nuisance and asking them to take more care and to be aware of the effect on their neighbours.
- Offer of mediation – either with the housing officer or a mediation service.

11.3 Medium level ASB

11.3.1 This type of ASB is normally serious because of the effect it has on the complainant over time.

Examples of medium level ASB could include the following:

- Aggressive or threatening language or behaviour
- Letting the condition of the property deteriorate
- Regular and loud noise, particularly, but not exclusively, late at night (including music, shouting and swearing and constant noise from televisions and radios)
- Frequent loud parties
- Any behaviour which directly affects the health or safety of another tenant

- Any deliberate damage to property and vandalism

11.3.2 Our policy is for housing staff to be proactively involved in combating medium level ASB. We will use every means at our disposal to bring the dispute to an end.

11.3.3 Actions to deal with medium level ASB could include the following:

- Meeting with the perpetrator
- Advising customers to report excessive noise to their local council's Environmental Health team. We will try to work with the local environmental health service who has statutory powers to tackle noise nuisance and serve abatement notices.
- Service of injunctions if the issue persists
- Recharging for any damage caused
- Use of Acceptable Behaviour Contracts (ABCs)
- Use of mediation
- Serve legal notices (NOSP/NTQ)

11.4 High level ASB

11.4.1 This level of ASB could lead to the perpetrators losing their home.

11.4.2 Examples of high level ASB could include the following:

- Intimidation or harassment on the grounds of race, sexual orientation, religious belief, disability or age
- Severe damage to property or the threat of damage
- Drug taking or drug dealing
- Criminal activity
- Threats or actual violence against persons
- Persistent threats or verbal abuse

11.4.3 Actions to deal with high level ASB could include:

- Service of legal notices (e.g. NOSP or NTQ)
- Service of Injunctions
- Accurate record-keeping of incidents by the victims
- Taking possession proceedings through the court
- Working in partnership with agencies such as the police, social services, Environmental Health Department etc
- Use of ASB orders
- Meeting with the perpetrators
- Taking witness statements
- Ensuring that victims are supported and advised at all stages of the process
- Recharging of any damage caused

11.5 The following timescales apply:

Low level ASB: Limited to advice and mediation. We would expect the resident to try and resolve the issue themselves first by speaking to their neighbour. If the behaviour persists, we will look investigate the issue within five working days.

Medium level ASB: We will investigate the issue within five working days

High Level ASB: We will investigate immediately within 24 hours

11.6 A risk assessment and action plan will be completed for medium- and high-level ASB cases.

12 Staff training

Staff dealing with ASB will be trained and will have a working knowledge of our policy and procedures, and also of the law relating to ASB. Staff training needs are identified primarily at the annual performance appraisal meeting between a member of staff and their line manager. Refresher training and updates when the law changes will also be provided, as necessary.

13 Customers right to appeal

If a resident is dissatisfied with our response in tackling ASB, they can make a complaint via the CDS Complaints policy.

14 Protection of staff

1.1 In delivering services to our residents, we expect our employees to be treated with courtesy.

1.2 Exposure to violence and assault is not an acceptable part of an employee's everyday working life and CDS will take all reasonably practicable measures to prevent or reduce the risk of such exposure.

1.3 The highest risk is when staff are working alone. As well as a general health and safety policy, we have developed other policies and procedures, including:

- Lone working procedure
- Unreasonable behaviour policy

14.4 Support and assistance

We offer an Employee Assistance Programme giving free access to confidential specialist counsellors who can offer assistance.

14.5 Accident and Incident reporting

Any member of staff who is threatened or assaulted is required to report the incident to their line manager. If any member of staff suffers an accident at work, they are required to report the incident to the Corporate Services Director and their line manager.

In some instances, customers will be 'flagged' with a risk flag on our housing management system, to record their addresses and the potential risk they may pose to staff. If this happens, the resident will be made aware.

14.7 Legal remedies

We will work closely with the Police to ensure that criminal proceedings are taken where appropriate, for example when a member of staff is threatened, harassed, or assaulted.

15 Management Discretion

CDS may exercise discretion, as appropriate, where application of this policy would lead to inequity.

16 Equality and diversity

16.1 Anti-social behaviour can be traumatic for everyone involved with it and CDS will ensure that this policy is applied fairly and consistently and will not directly or indirectly discriminate against any person or group in line with equality laws and principles.

16.2 We will act sensitively toward the diverse needs of individuals and communities and will take positive action or make reasonable adjustments, where appropriate (i.e. where a resident is vulnerable).

17 Monitoring and compliance

17.1 This policy complies with the regulatory requirements of the social housing regulators which requires registered providers to work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where they own properties and specifically to publish a policy on how they work with relevant partners to prevent and tackle ASB in areas where they own homes.

17.2 We will monitor the implementation of this policy through analysis of customer feedback and regular case reviews by the Housing Services Manager with the relevant Housing Officer.

- 17.3 Information on cases will be logged and kept secure on our housing management system.
- 17.4 The CDS Board of Management receives a dashboard of monthly key performance indicators at each meeting, which includes basic information about ASB.
- 17.5 The Services Committee of the Board of Management receives commentary to accompany the monthly performance dashboard which provides analysis and proposes actions to improve performance on a variety of housing management areas, including ASB.
- 17.6 The Housing Officer will ensure written details of all actions taken, copies of letters, notes of interviews, risk assessment and evidence are kept on our housing management system.
- 17.7 The Housing Officer will continue to liaise closely with the complainant(s) until the case is concluded. In some cases, there may not be a satisfactory end, but this will still be discussed with the complainant(s).
- 17.8 When all agreed actions have been followed through and there have been no further actionable incidents, the case will be regarded as having been resolved and closed as far as monitoring purposes are concerned. Cases can be re-opened if the problem reoccurs within 6 months of the case being closed.
- 17.9 Complainants will be asked to complete a Satisfaction Survey.

18 Confidentiality

- 18.1 CDS will collect and process data in line with our current Data Protection Policy.
- 18.2 Personal information may be shared between agencies without the consent of the person concerned.
- 18.3 CDS is committed to working in partnership with the police, social services, and other relevant organisations in accordance with their local procedures and information sharing protocols.
- 18.4 This is essential to enable these organisations to carry out their statutory duties to investigate concerns and protect vulnerable people.

19 Legislation and Regulation

This policy meets the legal requirements set out in the following Acts and complies with the Regulatory Framework and guidance from The Regulator of Social Housing. Much of the legislation gives power to the police and local authorities and we will work with them to maximise the tools available to tackle ASB on our estates:

- Housing Act 1985, 1988 and 1996 – provides grounds for possession and seeking injunctions

- The Crime and Disorder Act 1998 – enables the police to impose changes for racially aggravated offences
- Anti-Social Behaviour Act 2003 – along with the Housing Acts provide general guidance to social landlords to take action against residents causing nuisance in or around their property and estate
- Racial and Religious Hatred Act 2006 – creates a new offence of stirring up hatred against people on religious grounds
- Anti-Social Crime and Policing Act 2014 – introduced a mandatory ground for possession for ASB; introduced a new civil injunction, abolished the ASBO and introduced a range of other new powers for the police, social landlords and local authorities to tackle ASB

20 Associated policies and procedures

The following procedures are associated with this policy:

- ASB procedure
- Sign up / lettings procedure
- Lone working procedure

The policy is supported by:

- Allocations policy
- Complaints policy
- Data protection policy
- Unreasonable Behaviour policy
- Health and Safety policy

Version control

Date	Amendment	Version control
September 2020	Approved by Board of Management 21/9/2020	V2.0

