

## Anti-Social Behaviour Policy

### 1 Policy Summary

- 1.1 Stonewater understands the impact that anti-social behaviour (ASB) can have on customers and communities. This policy sets out a broad framework for how we tackle issues of ASB within the communities in which we operate, ensuring they remain, safe, thriving places to live.
- 1.2 Stonewater are committed to tackling ASB responsively and effectively and in accordance with legal and regulatory requirements. Working closely with partners we will ensure a balanced, customer centric, proportionate approach to issues of ASB.
- 1.3 We will build and maintain proactive partnerships to ensure appropriate support and safeguards for victims of ASB and will work to promote empowerment, resilience and tolerance, ensuring that Stonewater only intervene in issues where it is appropriate to do so.

### 2 Policy Scope

- 2.1 This policy relates to properties owned and managed by Stonewater including but not limited to rented and leasehold accommodation, applying to any reports of anti-social behaviour reported by or relating to Stonewater customers.
- 2.2 Where the property is managed by another provider the managing agent's policies will apply.
- 2.3 Stonewater's separate Domestic Abuse policy sets out our victim centred approach to domestic abuse. There are links to this policy in terms of the action we will take in relation to perpetrators, our general case management and supporting those we work with. .

### 3 Definitions

#### ASB

- 3.1 Stonewater use the definition as outlined in Section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 to define ASB:
  - 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

- 3.2 Housing related conduct means nuisance and annoyance which directly or indirectly relates to Stonewater's housing management functions.
- 3.3 When assessing whether an incident amounts to ASB factors such as frequency, intensity and intentionality will be considered.
- 3.4 Behaviour Stonewater does **not** consider to amount to ASB or situations where we are unable to intervene include:
- Lifestyle differences
  - 'Tit for tat' neighbour disputes where there is no evidence of ASB concerning any one party
  - Day to day living sounds from neighbouring properties such as, footsteps, going up and down the stairs, doors closing, chair scrapes, dropped items, vacuuming, washing machines, w.c. flushing, etc.
  - Cooking smells
  - Noise from children when they are playing in or near their home
  - Ball games
  - Children falling out with each other
  - DIY during reasonable hours
  - Putting rubbish out on the wrong day
  - Inconsiderate parking unless blocking access, causing damage or posing a safety issue;
  - 'Dirty looks'

This list is not exhaustive. Where Stonewater do not consider the matter to amount to ASB, appropriate advice and information will be provided, encouraging tolerance and/or the customer to resolve the matter themselves.

#### Hate crime Incidents

- 3.5 Stonewater have adopted the definition of 'hate incident' used by the Home Office and the Association of Chief Police Officers ("ACPO"):
- "Any incident which constitutes a criminal offence, which is perceived by the victim or any person as being motivated by prejudice or hate".**
- 3.6 We are committed to tackling all forms of hate incidents and/or hate crimes that target people based on their age, disability, ethnicity, religion, sex, sexual orientation or any other protected characteristic outlined in the Equality Act 2010.
- 3.7 Hate crime can take many forms including, but not limited to: physical violence; threats of violence; offensive graffiti or other written material; online abuse; and abusive or insulting words or behaviour. If there is doubt about whether an

incident amounts to hate crime it should be treated as such if the victim has perceived it in this way.

## **4 Policy Objectives**

4.1 Through the implementation of this policy Stonewater will:

- Set out its commitment for tackling behaviour
- Seek to manage customer expectations
- Where appropriate, empower customers to address issues themselves, promoting tolerance and neighbourliness;
- Ensure that staff are equipped to respond to reports effectively, preventing issues from escalating further;
- Ensure that a balance of support, prevention and enforcement is maintained within ASB case management;
- Ensure that interventions are appropriate, proportionate and evidence based;
- Ensure effective communication to customers;
- Develop and maintain effective partnerships with relevant agencies
- Act in accordance with legal and regulatory requirements.

## **5 Policy Detail**

### **5.1 Prevention and early intervention**

5.1.1 Stonewater understand the importance of prevention and acting quickly to prevent issues from escalating, ensuring our homes remain safe places to live.

5.1.2 We will work in accordance with our Access to Housing policy and will give consideration to refusing to house applicants who have previously committed serious offences and anti-social behaviour. Our emphasis is to ensure sustainable tenancies and communities while recognising that a safe and secure home can often paramount to rehabilitation.

5.1.3 We will ensure that customers are made aware of their tenancy or lease responsibilities at or before their commencement. We will work with customers to ensure that adequate support is in place in order to promote tenancy sustainability.

5.1.4 Where we have the opportunity in new developments Stonewater will consider crime and disorder related issues in the design.

5.1.5 We will carry out estate inspections and use ASB 'hotspot' mapping data to identify opportunities to 'design out' ASB through the use of physical measures.

## 5.2 Effective Action

- 5.2.1 Stonewater will fast track serious cases such as hate crime incidents, domestic violence/abuse, severe harassment and cases where there are significant vulnerability issues. In these cases Stonewater will make contact with the complainant within **1 working day** in order to form an action plan. All other reports will be dealt with in accordance with corporate Customer Service Standards.
- 5.2.2 Where Stonewater do not believe we have a responsibility or feel we cannot intervene, we will tell the customer and make our reasons for this clear.
- 5.2.3 We will make it clear to our customers that clear, detailed accurate information is paramount to taking effective action. We may issue diary sheets or sound recording technology to support this. Where we take legal action against a perpetrator, it is likely that we will need a witness to support the case in court. Where a witness is not prepared to give evidence to support legal proceedings, this may hinder effective action.
- 5.2.4 Stonewater will record and monitor cases and incidents of ASB, hate and domestic abuse/violence to maintain a clear audit trail of actions and will ensure that customers are kept informed, agreeing the method and frequency of feedback in the case action plan.
- 5.2.5 We will provide appropriate training to staff to ensure that they are fully aware of the tools and powers available to them and know how to use them appropriately.
- 5.2.6 Stonewater will generally make use of all tools available to us to tackle incidents of ASB, hate and domestic abuse. In the case of ASB, unless the severity of the case warrants more formal action we will initially utilise more informal interventions such as direct contact with the alleged perpetrator, informal undertakings, mediation, etc.
- 5.2.7 Where incidents warrant more formal action due to their severity and/or intensity, Stonewater will utilise the following:
- Acceptable Behaviour Contracts
  - Civil injunctions
  - Possession action (including the absolute ground)
  - Criminal Behaviour Orders (in partnership with the Police/local authority)
  - Community Protection Notices (in partnership with the local authority)
  - Closure Orders (in partnership with Police/local authority)
- 5.2.8 Stonewater will only close a case after we have consulted with a complainant, or where the complainant stops engaging with us. We may close a complaint

where the complainant does not feel the matter has been resolved but we are unable to take any further action.

5.2.9 Our emphasis will be on resolving issues while keeping customers in their homes. Eviction, Management transfers and advising the customer to make a homelessness application will always remain a last resort.

5.2.10 If emergency re-housing is required, this would normally be arranged by the local authority in accordance with homelessness legislation.

5.2.11 Stonewater will proactively maximise the opportunity to gather evidence and will utilise evidence from customers, staff, local authority, Police, CCTV, sound recording equipment, etc.

### **5.3 Supporting those we work with**

5.3.1 Stonewater recognise that the needs of victims of anti-social behaviour, hate and domestic abuse/violence will differ person to person. We will agree a tailored action plan which will include the specific actions we will take and the frequency and method of feedback.

5.3.2 We will risk assess cases to ensure that we are doing everything we can to protect victims from harm and further incidents and support them so that they feel safe and secure. We will consider additional security measures where we or our partners feel that they are necessary to reduce the risk of harm or further incidents. Stonewater will also refer and signpost to specialist organisations if we feel that the victim has additional needs which we are unable to meet through our own services.

5.3.3 Where Stonewater has safeguarding concerns we will always raise these appropriately with Social Services and/or the Police if there is an immediate safety concern.

5.3.4 We understand that not all victims wish for us to take action against the perpetrator. Our action will solely depend on the needs of the victim. The victim will be advised on what options are available to them.

5.3.5 Where witnesses are providing evidence in legal proceedings we will offer meetings with our legal team and transportation to the court. We will also arrange visits to the court prior to the hearing if wanted.

5.3.6 We will endeavour to identify root causes of behaviour and where the issue is as a result of an underlying vulnerability or issue such as domestic abuse we will respond accordingly ensuring that victims are protected and will work with partners, referring or signposting to specialist organisations to access to appropriate support.

- 5.3.7 Stonewater will consider, where relevant, any rights the perpetrator may have in terms of the Equality Act 2010 or the Human Rights Act 1998 and where necessary will weigh up whether taking action is a proportionate means of achieving a legitimate aim
- 5.3.8 Stonewater will maintain and build proactive partnerships with organisations and agencies which help us in supporting those we work with.
- 5.3.9 Stonewater will respect confidentiality, and anonymity when reporting anti-social behaviour, apart from where issues relating to safeguarding are raised.
- 5.3.10 In cases of hate related incidents Stonewater will work closely with partners including the Police, Local Authority, local Racial Equality Councils and relevant community support groups to support the victim and obtain a positive outcome.

#### **5.4 Access and accountability**

- 5.4.1 Stonewater will ensure that it is as easy as possible for customers to report issues to us and we will take reports through our website, social media, email, phone and in writing. We will take reports from our customers, members of the community, our partners, the police, advocates, resident's groups and other agencies.
- 5.4.2 We will accept anonymous reports but will make it clear that this will limit the action that Stonewater are able to take.
- 5.4.3 Stonewater will ensure that any person wanting to activate the Community Trigger (a process which allows members of the community to ask the Community Safety Partnership to review their responses to complaints of anti-social behaviour) is advised how to do this. Stonewater will fully participate in case reviews where the Community Trigger is activated and will follow any recommendations arising from such a review.
- 5.4.4 Stonewater will monitor satisfaction in relation to how a case is handled, aiming to maintain a high level and ensuring scrutiny by customers, Senior Leadership Team and Housing Committee.
- 5.4.5 We will ensure a robust quality assurance framework, which will include ad hoc case reviews and audits on all domestic abuse and hate related cases by a senior officer.
- 5.4.6 Through engagement and involvement we will look for opportunities for customers to shape the direction of the service.
- 5.4.7 Performance in relation to our ASB services will be communicated to our customers, Senior Leadership team and our Housing Committee on a regular basis

## 5.5 Customer Expectations

5.5.1 In addition to adhering to the terms set out in the tenancy or lease agreement, customers will be expected to:

- Report all crime to the Police.
- Take responsibility and resolve minor disputes with their neighbours themselves.
- Have mutual respect for their neighbour and be tolerant of different lifestyles, cultures and everyday noise.
- Work with Stonewater to resolve issues such as providing accurate detailed information, providing witness statements, attending court and engaging in mediation where necessary and appropriate.
- Have reasonable expectations in terms of the action that Stonewater are able to take, remembering that eviction is a last resort.
- Where the ASB is between two leaseholders, Stonewater reserve the right to recharge any legal costs either directly or via the service charge for the scheme in accordance with the lease terms or request payment up front from the leaseholder before pursuing action on their behalf.

## 6 Responsibilities

6.1 The Customer Experience Director has ownership of this policy, ensuring appropriate review.

6.2 The ASB Strategy Manager will ensure that operational service delivery is effective and in accordance with this Policy, legislation and good practice, undertaking quality assurance and internal reviews as appropriate.

6.3 Relevant Tenant Services Officer teams are responsible for responding to ASB reports and taking action in accordance with this Policy and associated procedures.

6.4 The Customer Contact Team will be responsible for the initial triage of ASB cases in accordance with this Policy and associated procedures.

| Version | Date          | Author                  | Changes  |
|---------|---------------|-------------------------|--|
| 1.2     | 21.02.17      | Regional Director South |  |
| 1.3     | April 2019    | ASB Strategy manager    |  |
| 1.4     | December 2019 | Area Manager            | Addition of confidentiality<br>Approved by Senior Leadership team. |