



Anti-Social Behaviour Policy

SER-POL-04

Version 6.0

Date approved: November 2023

Approved by: People and Places Committee

1. Introduction

- 1.1 This policy sets out how Southway will respond to reports of anti-social behaviour (ASB) so that our customers can live safely in their homes, neighbourhoods and communities and applies to Southway affordable and social rented homes.
- 1.2 Southway recognises the negative impact that ASB can have if it is left unchallenged and will work with the Local Authority, the Police, and the community to effectively tackle and prevent ASB in our communities.
- 1.3 This policy provides customers and staff with clear guidelines to follow when responding to reports of nuisance and antisocial behaviour as well as the support that we will offer to people affected by ASB.
- 1.4 The ASB service that tenants in homes within Southway's ownership but managed by a third party receives will be set out in that organisations ASB Policy.
- 1.5 Southway recognises that other statutory and voluntary agencies may be better placed to respond to ASB, especially where a criminal offence has occurred, and our actions will be taken in partnership as part of a coordinated response to ensure community safety.

2. Legal Requirements and Definitions

- 2.1 Southway has a legal requirement under the Crime and Disorder Act 1998 to respond to ASB as a member of local community safety partnerships.
- 2.2 This policy and the related procedure fulfil the legal requirements placed on Southway as a Registered Provider by the Housing Act 1996, the Anti-Social Behaviour Act 2003 (section 12), the Crime and Disorder Act 1998, and the Neighbourhood and Community Standard of the Regulator of Social Housing.
- 2.3 Southway uses the definition of ASB included in the Anti-Social Behaviour Crime and Policing Act 2014 which defines Anti-Social Behaviour as:
 - 1) "Conduct capable of causing nuisance or annoyance to any person and which directly or indirectly relates to or affects Southway's ability to carry out its main housing management functions".

- 2) “Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by Southway for unlawful purposes.”

Southway will respond to reports about ASB caused by tenants as defined in the “Your Obligations” section of the Tenancy Agreement (Appendix 1).

3. Southway’s Approach

Responding to Reports

- 3.1 Southway will take a risk-based approach to categorising and responding to reports of ASB, based on whether a person can live safely in their own home and uses a **Category 1 and Category 2** system for these:

Category 1 Reports – these will be responded to within one working day:

- Physical violence, threats of physical violence or significant harm
- Domestic Abuse
- Hate Related Incidents
- Safeguarding where an adult or child are not able to protect themselves from abuse or neglect, include Cuckooing.
- Drug manufacturing / dealing.

- 3.2 Southway has separate policies and procedures for responding to Domestic Abuse, Hate Related Incidents and Safeguarding.

- 3.3 When **Category 1** reports are direct to Southway, we will encourage and support the person affected to also report to the relevant statutory agency such as the Police and the Local Authority.

- 3.4 Southway will report directly without the consent of an individual involved in the following circumstances:

- To safeguard an adult or child
- To prevent or detect crime and disorder.

- 3.5 Southway will work in partnership to manage the risk to any individuals in relation to **Category 1** reports.

3.6 Southway will seek to engage with agencies that are involved in managing the care and support and or the behaviour of individuals through a legal order, to ensure that they can live safely at home and are not a risk to others.

Category 2 reports - these will be responded to within 3 working days

3.7 Behaviours that may constitute a breach of the tenancy agreement and will be dealt with under **Category 2** are:

- Verbal abuse
- Use or supply of any illegal substance.
- Excessive noise e.g., music.
- Dumping rubbish.
- Not keeping your animals under control.
- Graffiti.
- Offensive drunkenness and
- Shouting and arguing.

3.8 Southway will seek to give the alleged perpetrator the opportunity to respond to the allegations and will aim to do this within 10 working days from receiving the full details of the report. Where the person making the report does not want the alleged perpetrator contacted, advice will be provided, and the matter will be closed.

3.9 The Officer responding to the allegations will:

- Notify the person of the alleged behaviour.
- Explain the impact of that behaviour on others.
- Explain how the behaviour may be in breach of the Tenancy Agreement.
- Make suggestions on how to amend behaviour.
- Agree timescales to monitor for improvement.

3.10 Where appropriate both parties will be offered solutions which may include:

- Mediation.
- A good neighbour agreement.
- An acceptable behaviour contracts.

Drug Use

3.11 Reports of being able to smell or suspecting the use of cannabis or other drugs will be responded to as **Category 2** cases. In addition, the person making the report will be encouraged to report criminal behaviour to the Police. The action Southway takes will be in response to any formal Police action such as a criminal charge and / or a conviction.

Behaviour that is not ASB

- 3.12 The following reports will not be recorded as ASB and will be responded to at the point of contact with advice only (this list is not exhaustive):
- Normal activities within the home during the day
 - One off parties and barbecues
 - Infrequent and occasional noise disturbances
 - Children's noise and playing
 - Occasional dog barking
 - Excessive noise from domestic appliances (e.g., washing machines, vacuum cleaners)
 - Minor vehicle repairs
 - Gossip, including on social media
 - Cooking odours
 - Staring (where there is no other intimidatory behaviour)
- 3.13 However, an officer may need to respond if:
- There are persistent reports by one or more affected party
 - The behaviour escalates and becomes unreasonable e.g., due to the times of the day and the impact on others
- 3.14 This will be by:
- Notifying the person of the alleged behaviour,
 - Explaining the impact that it is having on others
 - Offering solutions which may include mediation or a Good Neighbour Agreement
- 3.15 Depending on the response of the alleged perpetrator the report may become a **Category 2** ASB case.
- 3.16 Most anonymous complaints will also be responded to in the same way.
- 3.17 In situations where there is an argument, dispute or disagreement between neighbours, Southway will offer mediation.
- 3.18 An untidy garden or boundary dispute, damage to fencing or trees, will not be recorded as ASB but may be responded to by Southway under other terms of the Tenancy Agreement.
- 3.19 The Officer response as above will be within 20 working days of receiving full details of the report.

4. Case Management and Support

4.1 Southway is committed to a Trauma Informed way of working that recognises the impact of Adverse Childhood Experiences and life events that have affected adults in later life.

4.2 All **Category 1 and 2** reports will be managed using an action plan to provide a person-centred support to victims which will include, but may not be limited to:

- A named point of contact
- Keeping informed of progress
- Agreeing timescales to review evidence
- Signposting to other agencies
- Risk assessments for **Category 1** reports and on a case-by-case basis for **Category 2** reports
- Safety Planning
- Target Hardening
- Monitoring equipment
- Independent witnesses

4.3 Throughout this time Southway will attempt to negotiate and encourage behaviour change by the alleged perpetrator. This pre-legal intervention will include but is not limited to:

- Providing information and advice
- Investigatory interviews
- Restorative meetings
- Warning interviews and letters
- Good neighbour agreements
- Acceptable Behaviour Contracts
- Referrals for support or behaviour change interventions
- Regular meetings with the Local Authority, Health, Police, Probation, and other statutory representatives.

4.4 Southway will not move either a perpetrator or victim of nuisance and ASB, on a temporary or permanent basis, unless this is part of a multi-agency partnership risk-based action plan to ensure the safety of either party. In most cases this will be done in line with the Allocations Policy. Any exceptions will be approved by the Strategic Director of People and Places.

- 4.5 Southway will support diversionary activities for young people at risk of or already engaged in anti-social behaviour in our communities by working in partnership with other agencies and through our community investment work.

Case Closure

- 4.6 A case will be closed when:
- No evidence can be found to support the allegation.
 - All reasonable efforts and steps have been taken, as detailed in this Policy, to resolve the matter.

The case will not be reopened unless new information and / or evidence is provided.

Legal Action

- 4.7 Legal action against perpetrators of nuisance and ASB will be taken on a case-by-case basis in consultation with victims / complainants, interested partner agencies and Southway's solicitors.
- 4.8 In cases involving threats Southway will seek to engage with Statutory Agencies so that the most appropriate legal order can be put in place to protect victims
- 4.9 Legal action / tenancy enforcement against perpetrators includes but is not limited to:
- Injunction – with or without notice - a without notice is where the risk is so high that to give the perpetrator warning would endanger the victims.
 - Committal Proceedings for breach of Injunction/Undertaking.
 - Possession proceedings.
 - Being added to the Rehousing Review List when the tenancy ends.
- 4.10 The following can be considered by working in partnership with Local Authorities and the Police:
- Community Protection Notices
 - Closure Orders
 - Restorative Justice
- 4.11 Wherever possible Southway will seek to apply positive requirements to any orders to encourage behaviour change and to address any underlying issues that are contributing to the nuisance and ASB.

- 4.12 Authority for taking legal action will be:
- Without Notice Injunction – Community Safety Manager
 - With Notice Injunction – Community Safety Manager / Head of Service
 - Notice of Intention to Start Possession Proceedings – Community Safety Manager
 - Application to Court – Head of Service
 - Application for Eviction – Strategic Director People and Places

Age Friendly Schemes

- 4.13 Southway recognises that a robust approach and a swifter response is required to ASB within our Age Friendly Schemes to protect residents and staff (including staff who are based there and work for other agencies).

5. Partnership Working

- 5.1 Southway will work in partnership with other agencies, including Local Authorities and the Police at a strategic and locality level as well as on a case-by-case basis in the response and safe management of nuisance and ASB. Southway supports the concordat between Greater Manchester Police and Greater Manchester social housing providers, working together to build safer communities.
- 5.2 Officers will respect confidentiality and only divulge information with the consent of the person concerned. The only exception to this would be if a crime has been committed or it is necessary to safeguard anyone involved.
- 5.3 Southway is a member of the Manchester Community Safety Partnership and works closely with Greater Manchester Police, Manchester City Council, and other relevant agencies to tackle Anti-Social Behaviour and crime within Manchester.
- 5.4 Southway will positively respond to ASB Case Reviews (formerly known as Community Triggers) which is a person's right to request a multi-agency review.

6. Staff Training and Continuous Improvement

- 6.1 Southway will ensure that there are sufficient staff in place to respond effectively and within service standards to reports of nuisance and ASB within our service standards.
- 6.2 Southway will have trained and competent staff who provide an effective service and sensitive response to reports of nuisance and ASB who will exercise their professional judgement when assessing the reports that they receive.
- 6.3 Southway will have a procedure which states which staff members have responsibility for:
- Receiving and responding to reports
 - Case management
 - Legal action
- 6.4 Staff directly involved in the delivery of the service will be provided with training on:
- ACEs (Adverse Childhood Experiences) and Trauma Informed working
 - Strengths based conversations
 - Negotiation and mediation
 - Service standards
 - Pre-legal and legal tools
 - Support agencies and mental capacity.
- 6.5 Managers within People and Places will review case management monthly.
- 6.6 Dealing with ASB can be difficult for the officers involved, and managers will be concerned for staff welfare, wellbeing, and source additional support when necessary, such as specialist staff supervision.
- 6.7 Southway will collect satisfaction feedback and work with our ASB Service Improvement Group and use these to assess how cases have been handled, to enable lessons learned and improve performance.

7. Complaints

- 7.1 In general complaints about ASB will be managed using this policy. However, dissatisfaction and complaints about the handling of ASB and/or staff conduct will be dealt with through the Southway Complaints Handling Policy.

- 7.2 Complaints about the outcome of an ASB investigation or legal judgement will not be dealt with under the Complaints Handling Policy but may result in an internal learning case review.

8. Equality, Diversity, and Inclusion

- 8.1 An Equality Impact Assessment has been completed to ensure that all appropriate actions are put in place to support those tenants who have protected characteristics and Southway will work to ensure that the service offer is fair and equal for all complainants and perpetrators. This will include signposting to other agencies for support as required (examples include translation services, sign language, one to one support etc).
- 8.2 A pre-action protocol will be completed before issuing a claim for possession and this will set out the procedure that needs to be followed in line with the Human Rights Act 1988 which states that:

In any legal case, the defendant can claim that human rights have been breached on the basis of Article 8 of the European Convention on Human Rights. Which gives everyone the right to respect for her/his private and family life and home.

Related Documents

- Anti-Social Behaviour Procedure
- Hate Crime Policy and Procedure
- Domestic Abuse Policy and Procedure
- Environmental Enforcement Policy and Procedure
- Single Equality Scheme
- Allocation Scheme
- Tenancy Agreement
- Regulator of Social Housing Consumer Standards

Glossary of Terms:

Safeguarding: means protecting children and adults from abuse and promoting their wellbeing.

Cuckooing: is when professional criminals target the homes of vulnerable adults so they can use the property for drug-dealing and other criminal activities.

ACEs: Adverse Childhood Experiences.

Trauma Informed Understanding: the impact trauma can have.

Strengths Based Approach Services: that support and promote an individual's independence resilience and ability to make choices based on their own strengths and capabilities.

Hate Crime / Incidents: any criminal offence or non-criminal incident which is perceived by the victim or any other person to be motivated by hostility prejudice or hate based on a person's personal characteristics.

Domestic Abuse: Any incident or pattern of controlling coercive threatening behaviour violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.

Mediation: A way of sorting out differences between parties, facilitated by a third party to resolve disputes. It can be face to face or not which is called "shuttle" mediation.

Injunction: A Civil Court Order that requires someone to do or not do something.

Possession Proceedings: Seek a court order to gain control of a property through discretionary grounds-where a judge can use their discretion, or through mandatory grounds -judge must give possession (providing all the legal tests have been met).

Eviction: The court enforces the possession order by instructing a (court) bailiff to execute a warrant.

Absolute Ground 7a: Mandatory Possession

Mental Capacity: This is about the person's ability to make their own decisions. The Mental Capacity Act 2005 is designed to protect and empower individuals who lack the capacity to make decision about their care and support. This may include about where they live and their ability to abide by tenancy conditions and / or legal orders.

Pre-Action / Eviction Protocol: The landlord must ensure that the tenant is aware that the process could result in them being evicted but this is a last resort. The landlord must ensure that the tenant is aware of the process for ending a tenancy (which will

depend on the type of tenancy) and that this could result in them being evicted. Its aim is to encourage more pre-action contact and exchange of information between landlord and tenants.

POLICY REVIEW HISTORY	
<i>To be completed during each review</i>	
Previous versions (version number – approved by – approval date – title if different)	
V1 – Shadow Board – 19/06/2007 V2 – Board – 02/03/2010 V3 – Board – 21/01/2014 V3.1 – Board Written Resolution – 15/11/2014 V4.0 People and Places Committee January 2016 Add here	
Date of last EIA:	add here
Review lead by:	Claire Davies Head of Housing Management and Support
Main points or amendments made and reasons	
<ul style="list-style-type: none"> • Policy re-written following research and comparison with other agencies. • Introduces categories of ASB, includes reference to the Tenancy Agreement • Clear on our response to ASB and service standards • Amended authorisation levels to approve legal actions • Reference to Human Rights Act and the Pre-Action Protocol 	
Next review due:	Q3 2026/27
Approval Level:	People and Places Committee