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| <b>Title:</b>                             | Anti-Social Behaviour Policy                                                                                                                                                                             |
| <b>Person responsible:</b>                | Director of Housing & Insight                                                                                                                                                                            |
| <b>Customer consultation arrangement:</b> | Consultation required? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/><br>If no, please explain why:                                                                                 |
| <b>EIA required:</b>                      | Yes                                                                                                                                                                                                      |
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| <b>Approval date:</b>                     | July 2023                                                                                                                                                                                                |
| <b>Links to other key policies:</b>       | Customer Experience Strategy<br>Allocations Policy<br>Income Management Policy<br>Tenancy Management Policy<br>People Strategy<br>People and Culture Policies<br>Data Protection and Data Privacy Policy |
| <b>Review date:</b>                       | July 2026                                                                                                                                                                                                |

| Document management |              |                                                                                                                    |
|---------------------|--------------|--------------------------------------------------------------------------------------------------------------------|
| Version             | Date amended | Amendments                                                                                                         |
| 1                   | July 2023    | Updated ASB Policy, taking into account HOS spotlight report and cases and proposed changes to consumer standards. |
| 2                   | August 2026  | Restructure, changes to job role titles and responsibilities.                                                      |

## 1. Purpose and Scope

- 1.1 This document outlines South Lakes Housing's (SLH's) policy for dealing with nuisance and anti-social behaviour (ASB), including domestic abuse. We are committed to delivering an excellent service to prevent ASB and minimise its impact, creating a culture of respect, encouraging reporting of incidents and keeping people safe. We will work in partnership with key stakeholders to deliver this commitment and the wider corporate objectives of South Lakes Housing (SLH).

SLH recognise the rights of every person to live a life without fear of facing ASB, including specifically that of hate crime and domestic violence and safe from fear and abuse in their own home.

## 2. Regulatory and Legislative Requirements

- 2.1 This policy complies with the Regulator of Social Housing's Standards, particularly the Neighbourhood and Community Standards that relates specifically to this service.
- This policy adheres to compliance 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 legislation and reference points include, but are not limited to:
- Anti-social Behaviour, Crime and Policing Act 2014
  - Anti-Social Behaviour Act 2003
  - Crime and Disorder Act 1998, as amended 2002
  - Equality Act 2010
  - Housing Act 1996
  - Civil Evidence Act 1995
  - Housing Act 1988
  - Domestic Violence Crime & Victims Act 2004
  - Criminal Justice Act 2003
  - Family Law Act 1996
  - Protection from Harassment Act 1977
  - The Serious Crime Act 2015
  - CIH (Chartered Institute of Housing) Make a Stand Pledge
  - Housing Ombudsman Service – Spotlight on Noise Complaints 2022
  - Government Anti-Social Behaviour Action Plan 2023
  - SLH Neighbourhood Plans
  - RSH Consumer Standards

### **3. Definitions**

#### **3.1 Anti-Social Behaviour**

- 3.1.1 This policy is designed to deal with ASB that directly affects the 'housing management function' of SLH, as a 'relevant landlord', and as defined by and incorporated into Sections 153A and 153B of the Housing Act 1996 by Section 12 of the ASB Act 2003:

"Conduct which is capable of causing nuisance or annoyance to any person and directly or indirectly relates to or affects the housing management functions\* of a relevant landlord"; or

"Conduct which consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose".

#### **3.2 Reporting anti-social behaviour (ASB)**

- 3.2.1 We know the impact that anti-social behaviour and hate crime has on individuals and community safety. We take a victim centred approach to dealing with it and offer a wide range of ways that customers can report it,

including via My Account, our website, email, by phone or to a colleague in the community.

- 3.2.2 We expect our tenants to act reasonably and be considerate of the different values and lifestyles reflected in our neighbourhoods and where the anti-social behaviour is a criminal offence, we encourage those affected by it to report the matter to the police.

### **3.3 What is our definition of ASB?**

- 3.3.1 The term “anti-social behaviour” is broad in its definition and will mean different things to different people.

- 3.3.2 Below are some examples of the more common types of anti-social behaviour, but this list is not exhaustive.

- Harassment
- using or threatening to use violence
- bullying or intimidation
- repeated abusive language or behaviour
- actions of hostility or prejudice against anyone because of their actual or perceived identity, whether that be their race, religion, disability, sexual orientation, gender identity or alternative sub-culture (this is known as a hate incident or hate crime)
- Causing nuisance through burning fires which have a negative impact on neighbours or people visiting the locality
- Loud music and/or noise nuisance that is capable of causing nuisance or annoyance to a reasonable person. This includes noise from visitors and/or pets
- Repeated dog barking and/or fouling that is capable of causing nuisance or annoyance
- Making false or malicious complaints about someone else’s behaviour
- Using the property or allowing it to be used for any immoral or illegal purpose
- Cases of illegal drug use, production or supply when there is no associated ASB. Residents will be advised to report such issues to Cumbria Constabulary to allow for criminal investigations alongside SLH intervention
- Causing or committing any act of violence or any form of harassment, intimidation or abuse against any member of our staff or anyone authorised to act on our behalf

### **3.4 Nuisance & Harassment**

- 3.4.1 Behaviour that unreasonably interferes with or could interfere with an occupier’s normal use and enjoyment of their home, garden or neighbourhood and which is likely to cause offence, alarm, or distress to another individual or household. The definition extends to behaviour that can

create a nuisance or annoyance for another person connected with the property, including SLH colleagues and contractors. The Equality Act 2010 defines harassment as: Unwanted conduct, and the conduct has the purpose or effect of: violating the victim's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the victim.

### **3.5 Hate Crime**

3.5.1 SLH recognises the Crown Prosecution Services definition of Hate Crime as any crime or incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a persons' race, religion, sexual orientation, disability or transgender identity. Hate crimes can include but are not limited to:

- Threatening behaviour
- Assault
- Robbery
- Damage to property
- Inciting others to commit hate crimes
- Harassment

### **3.6 Domestic Abuse**

3.6.1 SLH uses the Home Office' definition of Domestic Abuse, which is: Any incident or pattern of incidents of controlling, coercive or 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. This can encompass but is not limited to the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

3.6.2 **Controlling behaviour** is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

3.6.3 **Coercive behaviour** is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim. The definition also includes "honour" based violence, female genital mutilation and forced marriage, as well as elder abuse.

## **4. Action to Effectively Deal with ASB**

4.1 The purpose of intervention is to stop the problem behaviour, prevent re-occurrence, achieve effective and long-lasting solutions and protect the victim. Our response to allegations of ASB will be balanced and

proportionate, emphasising early intervention and resolution. Where possible and appropriate we will seek non-legal remedies. Eviction will only be used as a last resort. We will where appropriate, seek the cooperation of statutory agencies in carrying out their duties to protect the public and will commit to working in partnership with residents and other agencies.

The actions we take include the following, depending on the nature, time and severity of the ASB:

- Preventative action, such as diversionary work or changes to the environment to avoid ASB incidents occurring in the first instance
- Early intervention, including:
  - Visits
  - Warning letters
  - Formal interviews
  - Use of noise recording equipment
  - Signing of Anti-social Behaviour Contracts
  - Mediation
- Legal action:
  - Serving Notice Seeking Possession
  - Requesting an Injunction
  - Seeking Criminal Behaviour Orders
  - Seeking Community Protection Notices
  - Seeking suspended or immediate Possession Orders
- Provision of support and advice for those reporting ASB and witnesses
- Provision of support for perpetrators where appropriate (for example where they are vulnerable or at risk).
- Where appropriate and there is sufficient evidence - legal action against perpetrators (whether by us or another agency).

Where the behaviour is of a criminal nature, the Police may be the lead agency in the investigation. In these cases, we will support and work with them and our own actions will be guided by their findings and outcome.

We will record anonymous reports, but only act if the alleged incident is an immediate threat to life or is a serious safeguarding issue. Other anonymous complaints will only be investigated fully, where they can be substantiated either by colleagues or where additional evidence can be gained.

Counter allegations will be treated as separate cases and action will be taken based on the evidence available.

## **5. What We Will Not Investigate**

- 5.1 SLH accepts that many neighbours will naturally have different values or opinions and sometimes this can cause problems. We expect our residents to

show consideration to their neighbours as well as an understanding that we all have a right to live our lives. Not all reports relating to behaviour that impacts on an individual can be deemed anti-social behaviour. It is important to be good neighbours and show tolerance and be respectful of differing lifestyles and circumstances and to listen to any concerns raised and see if you can find a solution.

- 5.2 We will triage cases to identify whether a noise report should be handled as a tenancy management case or under the ASB policy and inform the complainant.

The following are some examples of reports that are not included in this policy definition of anti-social behaviour:

- Noise from children when they're playing
- Family disputes, unless there are safeguarding or domestic abuse concerns
- Babies crying
- Smells from cooking
- Sounds of normal day to day living that we can hear such as opening and closing of doors, going up and down stairs
- One-off parties such as BBQs, birthday or Christmas parties providing they don't cause an unacceptable disturbance
- Clashes of lifestyle, including cultural differences
- Minor personal differences such as dirty looks or fall outs between children
- Putting rubbish out on the wrong day
- Parking in the wrong bay

- 5.3 We will work to manage resident's expectations regarding behaviour that is not defined as anti-social behaviour and offer advice and guidance and where appropriate will expect residents to take steps to resolve the situation themselves.

## **6. Tenants Responsibilities**

- 6.1 We expect our tenants and residents not to commit, or allow their family, household members, visitors or pets to commit acts of ASB. This includes harassment, noise nuisance, annoyance or disturbance, whether to other residents, their visitors or other people in the area, such as our colleagues and contractors.

In addition to the legal responsibilities set out in their tenancy or lease agreement, we will expect all residents to:

- Take responsibility for minor personal disputes with their neighbours and to try to resolve any such problems themselves in a reasonable manner
- Where appropriate, talk to their neighbour first to try to resolve any pet or noise-related problems
- Report incidents of ASB, nuisance and harassment
- Report crimes, including threats or acts of violence, to the Police
- Respect other peoples' right to their chosen lifestyle and be tolerant of everyday, reasonable levels of disturbance; examples may include cooking smells, babies crying or religious practices
- Work and cooperate with us fully to resolve disputes/issues, for example by providing us with updates of incidents and evidence, attending mediation, providing witness statements, attending court etc.

6.2 When a complainant fails to engage with us during a case investigation and this impedes our ability to address the issues being raised, we may close the case.

## **7. Our Approach to Domestic Abuse**

7.1 SLH aims to support people experiencing domestic abuse and will co-operate with appropriate local authority departments to support the local authority in meeting its duty to develop a strategy and commission services for victims of domestic abuse and their children within safe accommodation.

7.2 Anyone can experience domestic abuse regardless of gender, race, sex, ethnic or religious group, sexuality, class, or disability, amongst any other characteristic but some people who experience other forms of oppression and discrimination may face further barriers to disclosing abuse and finding help.

7.3 SLH aims to treat victims sensitively and respectfully at all times, listening to them and being guided by their needs. We will respect their personal safety by always ensuring that they are offered a private room when talking to us. We will use interpreting services should the victim require it, and we will offer a same sex colleague to speak to, if preferred.

7.4 Working with the Police Protection Unit, SLH will support those suffering domestic abuse, including, referral for sanctuary measures (such as changing locks, installing external lighting, etc), ensuring that their property is safe to live in, or supporting referrals to a refuge if appropriate. A trained colleague (a Domestic Abuse Champion) will liaise with victims and support agencies.

7.5 Working with Victim Support, SLH will carry out a risk assessment of anyone who identifies as a victim of domestic abuse, and where necessary (if they are deemed high risk) will refer into Multi-agency Risk Assessment Conferences (MARAC), as well as into the Independent Domestic Violence

Advisor (IDVA) service for support. Where they are not deemed high risk, SLH will signpost to other agencies that can offer advice and support, whilst continuing to support with any presenting housing issues.

## **7.5 Advice and Support**

- 7.5.1 We will make information available to residents on our website of agencies that provide support and advice.

## **8. Data Protection**

- 8.1 All data handled in ASB, Hate Crime and domestic abuse cases will be done so in accordance with SLH's Data Protection and Data Privacy Policy.
- 8.2 Disclosures to Multi-agency Risk Assessment Conferences (MARAC) are made under the Data Protection Act, the Human Rights Act and the Caldicott Guidelines. Relevant information can be shared when it is necessary to prevent a crime, protect the health and/or safety of the victim and/or the rights and freedoms of those who are victims of violence and/or their children. It must be proportionate to the level of risk of harm to a named individual or known household.
- 8.3 The Domestic Violence Disclosure Scheme (Clare's Law) is a mechanism whereby SLH, or a third party (a parent, sibling, neighbour or friend) can make an application to the Police if they are concerned about whether a partner may have been violent or abusive in the past. SLH will promote this where applicable.

SLH will keep records of all disclosures of domestic abuse in a controlled environment to be used for internal reporting and reference only.

## **9. Service Standards**

- 9.1 SLH's service standards in relation to ASB, Hate Crime and Domestic Abuse are:
- Demonstrate a commitment to preventing and tackling ASB
  - Respond within our published timescales when you report ASB - 2 working days for serious ASB, including all cases of hate crime and domestic abuse or 10 working days for routine nuisance or environmental nuisance.
  - Agree an initial action plan with the complainant in writing.
  - Agree a timescale with the complainant and keep them informed of the progress of the case
  - Encourage individual and community responsibility where appropriate
  - We aim to deal quickly and effectively with all cases to resolve them at the earliest opportunity
  - Deal with complaints in the strictest confidence and in accordance with our legal obligations
  - All parties in an ASB case will be treated fairly and with respect and listened to on an equal basis

- Contact the complainant to discuss closing the case

## **10. Support for Complainants and Witnesses**

10.1 We adopt a victim-centred approach to ASB incidents, so victims and witnesses feel confident and safe reporting and providing evidence of ASB. We will provide support to the person making the report and any witnesses to ensure their own well-being by:

- Dealing with reports promptly
- Managing their expectations and being realistic about what we can and cannot do
- Involving complainants in discussions about the action plan to resolve their issue
- Communicating with them by their preferred method and frequency
- Carrying out risk assessments and referring people to appropriate advice and support services where necessary
- Signposting and referring to other agencies
- Providing good, regular and up-to-date information on the progress of cases as agreed in the complainant's action plan
- If appropriate, a Safeguarding case may be opened alongside the ASB case to support the complainant if a safeguarding issue is identified

SLH recognises that we cannot always prevent people from becoming repeat victims of anti-social behaviour; therefore, it is important that we ensure there is a suitable and appropriate support network around each individual to enable them to manage their situation until a satisfactory resolution is achieved.

Ensure that people experiencing domestic abuse can access appropriate services as early as possible and are given advice to allow them to make choices about what to do next.

Ensure that where children and young people are affected by domestic abuse, they too have access to services as early as possible.

## **11. Support for Perpetrators**

11.1 We recognise the complexity of some cases where perpetrators can be both perpetrator and victim. We will offer support to perpetrators of ASB to assist them in resolving problems on a long-term basis; we will support perpetrators by:

- Giving them a chance to resolve the problem by changing their behaviour
- Signpost and refer to other agencies who can offer support
- Offering support to perpetrators of domestic abuse who recognise and seek to change their behaviour
- If appropriate a Safeguarding case may be opened alongside the ASB case to support the perpetrator if a safeguarding issue is identified

However, where there is a serious risk of harm and in a case of proven domestic abuse, we will proceed immediately to legal action, without offering any form of support to the perpetrator.

## **12. Partnership Working**

- 12.1 SLH will cooperate and work in partnership at both a strategic and operational level with relevant partners to promote social, environmental and economic well-being and contribute to initiatives to create safer neighbourhoods in the areas where we provide social housing. SLH will adopt a multi-agency approach to tackling ASB to benefit from sharing of expertise, data and resources, including feeding back on the effectiveness of services and working towards solutions to specific area issues.

We will work in partnership with appropriate statutory organisations, such as Local Authorities and the Police, community groups, professional bodies and other stakeholders to deter and tackle anti-social behaviour (ASB) and hate crime and support individuals who report incidents, witnesses and perpetrators, and to manage behaviour in the neighbourhoods where we provide social housing.

## **13. Protection Colleagues**

- 13.1 SLH acknowledges that all of our colleagues, agents or contractors are entitled to expect to work in an environment that is safe, secure and free from fear of and actual violence, threats of violence or abuse. As such, any behaviour of this nature directed at SLH colleagues, agents or contractors is deemed to be unacceptable, and appropriate action will be taken against those responsible.

Where a SLH colleague is experiencing abuse our People and Culture team should be notified, and a manager will be appointed to investigate the allegations.

## **14. Equality, Diversity and Inclusion**

- 14.1 SLH is committed to equality, diversity and inclusion, and we will endeavour to provide a service that seeks to meet the needs of a particular individual or household and ensure no one is disadvantaged in accessing our services. We recognise that some of our customers may have permanent or transitory vulnerabilities, and where customers require additional support, we will endeavour to make reasonable adjustments. We will also take vulnerability into account when carrying out case risk assessments.

## **15. Monitoring and Review**

15.1 We will use an electronic case management system with reporting facilities, which will enable us to report against a range of performance measures. Performance is measured against our service standards and reported to SLH's Board, SLT (Senior Leadership Team) and Housing & Communities Committee. Our performance measures include:

- The total number of ASB cases recorded
- Anti-social behaviour cases relative to the size of the landlord
- Satisfaction with the landlord's approach to handling anti-social behaviour
- The number of cases escalated to possession proceedings

This policy will be reviewed every three years, or where there have been significant changes to regulation, legislation, operations or best practice to warrant a further policy review.

If you have any questions about this policy, please contact SLH via email [customerservices@southlakeshousing.co.uk](mailto:customerservices@southlakeshousing.co.uk)