

# Anti-Social Behaviour and Harassment Policy

VERSION [2.0]

## Version Control

*Note: minor updates increase version number by 0.1, major updates increase version number by 1.0.*

Version Number	Sections Amended	Date of update	Approved by
1.0	Combining of legacy policies within Abri template	December 2020	SLT
1.1	Minor updates	March 2022	Director of Housing and Community Investment
1.2	Minor amendments to 3.3 to reflect current Abri set-up	October 2023	Head of Customer Partnership 28.11.2023
2.0	Amendments to reflect customer consultation and new ways of working following the regional model	23 June 2025	Exec Board

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## 1. Introduction

- 1.1 We recognise the impact and damage that 'Anti-Social Behaviour' (ASB) and harassment can have on the communities we serve. Failure to deal with it can result in feeling unsafe, which can lead to high levels of customer dissatisfaction and a breakdown of sustainable communities.
- 1.2 We are committed to creating neighbourhoods that people are proud of and will do all we can, within our powers, to prevent, investigate, manage and tackle ASB and harassment. Where it is proportionate and appropriate to do so, we will also consider taking tenancy enforcement action in relation to cases of criminal activity within the locality of the property and, where a customer has received a conviction on a case by case basis depending on the nature of the criminal activity and impact on the wider community.
- 1.3 We are committed to tackling cases of proven ASB and harassment and will investigate reports of ASB that fit our criteria as part of our wider objective of creating communities that residents are proud of. We will work with our local authority partners and the Police to achieve this objective and will take proportionate action. Where there is criminal behaviour, we will expect the police to take the lead.
- 1.4 This policy sets out how Abri will tackle, prevent and manage ASB, harassment and criminal activity. It relates to ASB which directly affects the housing management of Abri as defined and incorporated in the ASB Crime and Policing Act 2014. A separate policy outlines our commitment to tackle Domestic Abuse and associated violence, and a separate policy for Hate Crime.
- 1.5 This policy aims to achieve compliance with the Neighbourhood and Community Standard which states that 'registered providers must work in partnership with appropriate local authority departments, the police and other relevant organisations to deter and tackle ASB and hate incidents in the neighbourhoods where they provide social housing'.
- 1.6 We will develop communities that promote inclusion, community cohesion, challenge discrimination, discourage ASB and improve the quality of life.
- 1.7 When dealing with a case of ASB or harassment, we will remain sympathetic and sensitive to the needs of Party 1 (the person experiencing the ASB or harassment, sometimes referred to as a 'complainant') as well as objective and impartial in our approach.

## 2. Definitions

- 2.1 ASB (from the ASB, Crime and Policing Act 2014):
  - a) conduct that has caused, or is likely to cause, harassment, harm 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.

2.2 ASB ([police.org.uk](http://police.org.uk)) encompasses various actions that disrupt the lives of individuals, communities, and the environment. It leaves victims feeling helpless and anxious and reduces their quality of life. Based on number of people affected, there are mainly three categories of anti-social behaviour:

1. **Personal:** It involves an individual targeting a specific person or group.
2. **Nuisance:** In this category, a person causes trouble, annoyance, or suffering to society.
3. **Environmental:** Actions that impact the environment, including public spaces and buildings, fall under this category.

2.3 Harassment (from the Protection from Harassment Act 1997):

"A person must not pursue a course of conduct:

- (a) which amounts to harassment of another; and
- (b) which he/she knows or ought to know amounts to harassment of the other"

Harassment includes causing someone alarm or distress. A course of conduct must involve at least two occasions. Such actions can be:

- Physical conduct.
- Verbal conduct; and non-verbal conduct

The Equality Act 2010 prohibits harassment on the grounds of a protected characteristic however, Abri takes a broader view in that any act that is continuous, intentional and targeted could be deemed as harassment and as such reports outside of a protected characteristic will also be investigated.

2.4 Racist Incident: we adopt the definition as provided by the Macpherson Inquiry Report 1999:

- A racist incident is any incident that is perceived to be racist by the victim or any other person.

2.5 This is further supported by the Crown Prosecution Service definition which is agreed with the National Police Chiefs' Council to identify racist incidents/crimes as:

*"Any incident/crime which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's race or perceived race."*

Criminal activity is where the Police have arrested and charged a customer, occupant or visitor with a crime that has been conducted within the vicinity of one of our homes, and this has resulted in a conviction in the criminal courts.

### 3. Application

This policy applies to all officers who act and deal with ASB within the Abri Group.

### 4. Our Approach

#### 4.1 We will deal with a case of ASB, harassment or criminal activity by:

- Providing dedicated, well trained, community safety officers who will be empowered to deal with all levels of ASB, harassment and serious criminal activity for our customers in all tenures.
- ASB that occurs in our Partnership Living (PL) accommodation maybe investigated and responded to differently due to the additional vulnerabilities of many of the customers. The PL team will work in conjunction with the Community Safety Team if enforcement is necessary.
- Provide an In-House Lawyer supported by a legal framework, to work with officers to ensure that appropriate legal action is taken to tackle ASB, harassment and serious criminal activity.
- Where possible and where requested we will provide a member of staff of the same sex, sexual orientation or similar ethnic background. We will provide an interpreter to assist if necessary.
- Ensure that residents are able to report incidents of ASB easily through a range of ways, and that effective early action will be taken wherever possible.
- Categorise and respond to reports of ASB appropriately based on the type and severity. Details of the categories are included in the **ASB Procedure**:
  - Category 1 - High harm
  - Category 2 - Low/medium harm
  - Category 3 - Environmental nuisance and housing management issues - managed by our Housing Partnership, Independent Living and Specialist Residential Services teams with support from our Estate Services Team under the **Neighbourhood Policy and Procedure**
- Respond quickly to reports of ASB, harassment and serious criminal activity in an efficient, sensitive and consistent manner and investigate complaints fairly and thoroughly.
- Encourage all parties of a case to consider assessment and mediation as a means of dispute resolution where appropriate.
- Ensure our website is up to date to assist with guidance and signposting as well as managing expectations as we acknowledge that perceptions of ASB may vary.

### Support

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- 4.2 Our approach is harm centred, and we will carry out an assessment to establish if either Party is considered vulnerable (and where vulnerability is established and consent given, make referrals to support agencies to assist with the Party's vulnerability).
- 4.3 We will support all parties including witnesses, using partnership agencies if required. We will ensure that the well-being and safety of witnesses is a high priority.
- 4.4 In appropriate cases where the witnesses of ASB and harassment are reluctant to provide evidence due to fear of repercussions; we will consider other options in gathering evidence which may include the use of professional witnesses.

### Partnership Working

- 4.5 We recognise that the alleged perpetrator, also known as Party 2 may have a wide range of factors contributing to their behaviour, such as:
  - Substance dependency
  - Mental health
  - Other disabilities, or health problems, which may have an effect on their conduct.
- 4.6 As far as reasonably practicable and possible, we will work with external agencies to assist Party 2 in order that they do not repeat the behaviour.
- 4.7 Attempts to resolve some factors will require close working with specialist agencies and will take account of the Equality Act 2010 and the Human Rights Act 1998 and best practice.
- 4.8 We will work collaboratively with other Abri teams and stakeholders to identify priority neighbourhoods and to implement improvement plans.
- 4.9 We will work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where we own homes.
- 4.10 We will contribute to Community Safety Partnerships and crime reduction meetings of our partnering agencies where we have a high proportion of properties.
- 4.11 We will participate fully in any process with partnering agencies for cases where Party 1 has requested an ASB Case Review.
- 4.12 With partnering agencies, we will encourage the use of Community Resolution.

### Communication

- 4.13 We will promote positive outcomes of ASB, harassment and serious criminal activity and raise awareness as part of national campaigns such as ASB Awareness week and White Ribbon Day
- 4.14 We will promote good neighbour relations and encourage tolerance of lifestyle differences through the Good Neighbourhood Charter and in-line with the **Neighbourhood Policy and Procedure**.
- 4.15 We will ensure that customers are aware of the obligations contained within their tenancy agreement or lease and that they are responsible for the behaviour of other members of their household including children, lodgers, visitors or pets. All tenancy agreements or leases contain clauses that require customers not to do or permit anything that causes a nuisance or annoyance to others in the locality.
- 4.16 We will maintain regular, appropriate contact with all parties involved in a case as set out in the **ASB Procedure**, and we will be clear about the investigations and actions we can take throughout the case and at the end when it is closed.
- 4.17 We will provide clear information to manage customers' expectations regarding behaviour that is not ASB, and we will offer guidance and advice to encourage them to deal with a situation themselves.

## 6. Legal & Regulatory Framework

- Housing Act 1985, 1988, 1996, 2004
- Children Act 1989
- Equality Act 2010
- Anti-social Behaviour Act 2003
- Crime and Disorder Act 1998
- Police and Justice Act 2006
- Data Protection Act 1998
- Race Relations Act 2000
- Protection from Harassment Act 1997
- The Human Rights Act 1998
- Anti-social Behaviour, Crime and Policing Act 2014
- Counter-terrorism and Security Act 2015
- Anti-Social Behaviour, Crime and Policing Act 2014: Anti-Social Behaviour Powers: Statutory Guidance for Frontline Professionals
- Social Housing (Regulation) Act 2023
- The Consumer Standards 2024

## 7. Related Policies

- Allocations and Lettings Policy
- Neighbourhood Policy
- Repairs and Maintenance Policy

## Anti-Social Behaviour and Harassment Policy

- Domestic Abuse Policy
- Hate Crime Policy
- Safeguarding Policy
- Data Protection Policy
- Equality, Diversity and Inclusion Policy
- Tenancy Management Policy
- Complaints Policy
- Unacceptable Behaviour (vexatious contact) Policy
- Customer Behaviour and Visiting Conditions Policy

### **8. Related Procedures**

- Anti-Social Behaviour and Harassment Procedure
- Allocation and Lettings Procedure
- Neighbourhood Procedure
- Noise Transference Procedure
- Domestic Abuse Procedure
- Data Protection Breach Procedure
- Alternative Evidence Gathering Procedure
- Mental Capacity & Assessment Procedure
- Complaints Procedure
- Safeguarding Procedure

### **9. Appendices**

None