

# Anti-Social Behaviour and Harassment Policy

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Combining of legacy policies within Abri template	December 2020	SLT
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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 high levels of customer dissatisfaction and a consequent downward spiral in the condition of neighbourhoods and the breakdown of sustainable communities.
- 1.2 We are committed to do all we can, within our powers, to prevent, investigate, manage and tackle ASB and harassment. We will also consider taking tenancy enforcement action in relation to cases of criminal activity, where a customer has received a conviction.
- 1.3 We are committed to tackling cases of proven ASB and harassment 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.
- 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.

## 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 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

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The Equality Act 2010 prohibits harassment on the grounds of a protected characteristic. The protected characteristics under the Equality Act 2010 include:

- age
- race
- disability
- sex
- sexual orientation
- belief or religion
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity

### 2.3 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

**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. Policy

4.1 We believe that residents have the right to enjoy the peace, quiet and security of their property and the wider locality.

4.2 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) as well as objective and impartial in our approach.

## 5. Our Approach

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

- Providing dedicated, well trained, community safety officers who will deal with all levels of ASB, harassment and serious criminal activity for our general needs customers. For other tenancy types, the relevant team will manage the case though it may be transferred to the community safety team if legal interventions are required

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- Provide an In-House Solicitor 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
- Develop communities that promote inclusion, challenge discrimination, discourage ASB and improve the quality of life
- Ensure that residents are able to report incidents of ASB easily and that effective early action will be taken wherever possible
- Respond quickly to reports of ASB, harassment and serious criminal activity in an efficient sensitive and consistent manner and investigate complaints fairly and thoroughly
- Offer support to Party 1 and Party 2 (the alleged person causing the ASB, harassment or committed the serious criminal activity).
- Encourage all parties of a case to consider mediation as a means of dispute resolution where appropriate
- We will work with Abri Support Officers and other agencies to assist Party 2 in order that they do not repeat the behaviour
- We will work in partnership with other agencies to prevent and tackle ASB in the neighbourhoods where we own homes
- Contribute to Community Safety Partnerships and crime reduction meetings of our partnering agencies
- Participate fully in any process with partnering agencies for cases where Party 1 has requested an ASB Case Review
- With partnering agencies we will encourage the use of Community Resolution
- Empower staff and communities through appropriate training and support

### Confidentiality

5.2 We will sign up to Information Protocols where they have been established.

5.3 We will treat as confidential all ASB and harassment related information provided by either Party in accordance with Data Protection legislation and Abri's policies and procedures under this Act. We will, however, disclose information to the Police, Children and Adult Services and associated agencies for the purpose of prevention and detection of crime, apprehension or prosecution of offenders and the protection of children, young people and vulnerable adults or where failure to disclose would be likely to prejudice these objectives.

### Support

5.4 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*).

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- 5.5 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.
- 5.6 In appropriate cases where the witnesses of ASB and harassment are reluctant to provide evidence, we will consider other options in gathering evidence which may include the use of professional witnesses.
- 5.7 We recognise that Party 2 may have a wide range of factors contributing to their behaviour, such as:
- Drug abuse
  - Alcohol abuse
  - Mental health
  - Other disabilities, or health problems, which may have an effect on their conduct.
- 5.8 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.

### Communication

- 5.9 We will promote positive outcomes of ASB, harassment and serious criminal activity.
- 5.10 We will promote good neighbour relations and tolerance of lifestyle differences.
- 5.11 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.
- 5.12 We will maintain regular, appropriate contact with all parties involved in a case.
- 5.13 We will work to manage customers' expectations regarding behaviour that is not ASB. 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

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- 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
- Regulator of Social Housing's Neighbourhood and Community Standard
- [*Anti-Social Behaviour, Crime and Policing Act 2014: Anti-Social Behaviour Powers: Statutory Guidance for Frontline Professionals?*]

### 7. Related Policies

- Allocations and Lettings Policy
- Neighbourhood Policy
- Repairs and Maintenance Policy
- Domestic Abuse Policy
- Hate Crime Policy
- Safeguarding of Vulnerable Adults & Children Policy
- Data Protection Policy
- Equality Policy
- Tenancy Policy
- Mental Capacity Policy
- Complaints Policy

### 8. Related Procedures

- Anti-Social Behaviour and Harassment Procedure
- Allocation Procedure
- Estate Management Procedure
- Domestic Abuse Procedure
- Safeguarding Children and Young Persons Procedure
- Safeguarding Vulnerable Adult Procedure
- RSO and PPO Procedure
- Data Protection Breach Procedure
- Starter Tenancy Procedure
- Alternative Evidence Gathering Procedure
- Mental Capacity & Assessment Procedure
- Complaints Procedure

### 9. Appendices

None