

Our Anti-Social Behaviour Policy



Anti-Social Behaviour Policy

1. Introduction

We believe that everyone has the right to live without fear of Anti-Social Behaviour (ASB). We recognise the importance of tackling ASB and acknowledge its effect and are committed to preventing and detecting it.

2. Purpose

This policy demonstrates our strong commitment and outlines our response to dealing with allegations of ASB in our role as a Registered Provider.

The purpose of this policy is to set out:

- our commitment to tackling ASB and Hate related incidents / crime.
- the methods we use to prevent and tackle anti-social behaviour.
- our commitment to partnership working.
- our commitment to support customers and victims.
- our commitment to sustain tenancies.
- our commitment to support and train staff to tackle ASB and hate related incidents /crime.
- how we meet our regulatory and legal requirements.

3. Scope

This policy and associated procedure are designed to deal with ASB that directly affects the housing management function of Moat as a “relevant landlord” as defined by and incorporated into sections 153a and 153b of the Housing Act 1996 and by section 12 of the ASB Act 2003.

This policy applies to all our customers, and their visitors, whether they are the perpetrator or the reporting party, where the ASB affects the housing management functions of the organisation

Where Moat has contractual arrangements in place with third party providers to deliver housing management services to our customers and occupants in supported housing schemes, providers will follow their own policies and procedures. We may consult our policies and procedures in instances where alternative responsibility has been agreed with the provider, or for the purpose of quality monitoring.

4. Definitions

The terms “**we**”, “**our**” and “*us*” means Moat.

Starter Tenancy is the tenancy type given to applicable new customers, it has a 12-month trial period, it is a type of assured shorthold tenancy. On a successful 12 months the tenancy converts to an Assured tenancy.

Reporting party is someone who reports an alleged incident of ASB they can also be a victim of ASB or a witness to an incident(s). They do not have to be a Moat customer and can remain anonymous.

Victim, will typically have been hurt, damaged, or suffered as a result of the action of the alleged perpetrator A victim can also be a reporting party.

Witness will have seen or heard an event happening which is alleged to be ASB.

Perpetrator is someone who is accused or been found to have committed ASB.

Sensitive Let is a letting of a home in an area which has been impacted by anti-social behaviour, in an attempt to bring some stability and balance to the community.

5. Roles and Responsibilities

Customer	We have an expectation of customers to take responsibility for their own behaviour and that of their household and visitors. Our tenancies, leases and license agreements place a duty on our customers to respect others and not cause anti-social behaviour.
Customer Services Advisors	First point of contact for the customer, logging recording and categorising ASB cases. Including the initial risk assessment of the case.
Neighbourhood Response officers	Provide a response to communal environmental nuisance, for example in the removal of offensive graffiti.
ASB Team	Those cases with a High priority categorisation will be managed by an ASB officer who will carry out the investigation and case management. Work with partner agencies and attend relevant multi agency meetings specific to the needs of the case.
Neighbourhood Services Manager (NSM)	Carry out the investigation and case management of ASB cases, working with partner agencies and attending relevant multi agency meetings specific to the needs of the case.
Neighbourhood Operations Manager (NOM)	Supervises the management of Neighbourhoods Service Managers. Carry out compliance reviews of case management. Agree legal action. Countersign equality assessments and manage risk and attend relevant multi agency meetings. Will identify and produce local lettings/sensitive letting plan to bring stability to communities.
Head of Neighbourhoods	Responsible for ensuring compliance with the policy and procedure . Management of the regional legal spend.
Voids and Lettings	Pre-allocation checks for new rented homes. Implementation of sensitive relets and local lettings plans to create sustainable communities.
Property Services	Provision of emergency repairs and security works to enhance safety and security

Development	Integrate crime and ASB prevention principles, to design out areas of anti-social behaviour when we design new homes.
Insight Team	Conduct a customer satisfaction survey with a specific question about how we handle ASB; the results of which feed into continuous improvement.

6. Anti-Social Behaviour

We use the definition found within part 1 of the ASB, Crime and Policing act (2014).

- *Conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person.*
- *Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or*
- *Conduct capable of causing housing-related nuisance or annoyance to any person.*

On receiving a report to assess if it meets the definition of ASB (as above). This is a tailored bespoke process based on the individual factors in each case. Factors that are likely to be considered include:

- Whether the behaviour is unreasonable. There are times when a customer may report something which is causing them a nuisance or annoyance but where the behaviour is not unreasonable. Example might include (this list is not exhaustive).
 - Mowing of lawns or other garden maintenance at reasonable times of the day.
 - Carrying out DIY repairs at reasonable times.
 - Noise generated by everyday living, for example walking across laminate flooring wearing shoes.
 - Noise from domestic appliances during reasonable times.
 - Cooking smells.
 - A crying baby/child.
 - Children playing in the locality of their home or a designated playing area, as long as the "playing" does not include behaviour which could be considered nuisance behaviour.
 - Putting the rubbish out on the wrong day.
 - Minor personal differences or fall outs between neighbours (including stares, social media fallouts) .
- Whether the behaviour represents a pattern of behaviour. We are only likely to intervene when the behaviour has occurred more than once, unless it is of a particularly serious nature.
- The vulnerabilities of the customer and how this might impact their ability to resolve issues without support.

Incidents of harassment

We are committed to ensuring customers are able to live without fear or harassment, intimidation or attack motivated by hate.

We take a victim centred approach in supporting individuals who are affected by incidents motivated by hate or harassment as a result of any of the protected

characterises in the Equalities Act (2010). We recognise that harassment could also be motivated by a number of other factors including appearance, perceived differences, mannerisms, or any other prejudice.

What is harassment

Harassment is a specific form of ASB that is targeted at a person or group of people for any reason. We use the definition of harassment in the Equality Act 2010: *“Any unwanted behaviour affecting a person’s well-being or dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment”*

What is a hate incident /crime

Hate incidents and hate crimes are acts of violence or hostility directed at a person based on a protected characteristic, whether real or perceived. Reports of this nature will be dealt with as high-risk case of ASB. As incidents motivated by hate crime fall under criminal law, we will provide information and advice on what we can do and work with those affected and other statutory agencies such as the police, to ensure those affected have the right support and are clear on the best path to find a resolution

We have a separate policy on hate related incidents.

Domestic Abuse

There are times when reports of ASB are made but upon investigation these amount to domestic abuse. Domestic abuse is managed separately from ASB and is covered within our Domestic Abuse policy. However, given the complexities in this area, we will aim to:

- provide training to all relevant staff to ensure cases of domestic abuse are recognised
- avoid treating the victim as the perpetrator in cases of domestic abuse where neighbours can hear disturbances.

Reporting Anti-Social Behaviour

ASB can be reported by a customer, a resident of another landlord, third parties or a by a member of staff observing or experiencing ASB within a property or estate in our management. We accept anonymous reports of ASB even though it can be difficult to conduct a full investigation without knowing the identity of the reporting party. This will be explained to the reporting party and they will be asked how they want to be advised of the outcome of the investigation.

In situations where someone or a property is in danger, a serious disruption to the public is likely or when a crime is taking place, the reporting party should contact the police on 999 before contacting us. Reporting parties should call 101 for non-emergency enquiries.

We aim to make reporting allegations of ASB easy, and we accept reports from anyone impacted by ASB in our neighbourhoods.

Reports can be made by:

- our mymoat portal www.moat.co.uk/MyMoat
- our Webchat [Moat - MyMoat](#)
- email asb@moat.co.uk
- phoning our customer Services team on 0300 323 0011. Calls outside of office hours are taken by our out of hours service and reported back the next working day.
- making a scheduled visit or at our regional offices in person.

- by writing to us.

There are agencies with responsibilities to deal with ASB, each with different powers. In some situations, we will not always be the organisation with the responsibilities or powers to deal with the allegation(s) made. In these circumstances we adopt a partnership approach and work proactively with other organisations such as the Police and Local authority and share information in line with our Privacy Policy. We may refer reporting parties, victims or witnesses to other organisations as appropriate whilst always being clear about our responsibilities and capabilities.

It is unlikely we will deal with cases that involve neighbour disputes. We define neighbour disputes as situations where people do not get on with each other or a friendship has broken down. Exceptions would be where there is a clear vulnerable victim, or the behaviour of the parties has escalated or is affecting the wider community. We will use early interventions measures such as mediation where appropriate in such cases.

If a reporting party continues to make reports that we have already explained do not meet the definition of anti-social behaviour, we will consider whether we need to take action. For example, repeat calls may suggest a reporting party has a particular need or vulnerability, and we may be able to offer support for or refer to another agency. Alternatively, the reports may be malicious in nature and/or have an unreasonable drain on our resources. We may consider acting in line with our Unacceptable Behaviour policy.

Categories of Anti-Social Behaviour

When categorising ASB it is important to consider the harm that can be caused. Through our initial risk assessment, we will assess the level of vulnerability of the reporting party and potential risk and harm based on the information provided.

ASB categorisation is subjective and is not a completely reliable process due to personal tolerances and perceptions as to what constitutes acceptable behaviours.

We will assign a risk priority for every case based on the type of ASB reported and assess reports using the evidence available, the harm or potential harm to the reporting party, victims and witness, other residents and the local community, and the apparent motivation.

Risk	Examples of Behaviour	Response time
High Risk ASB	Threats of violence, actual violence, hate crime/incidents or matters where the victim has high levels of vulnerability.	Contact with the reporting party will be attempted within one working day of the report being received.
ASB	All forms of ASB that are not categorised as high risk.	Contact with the reporting party will be attempted within 48 hours or in two working days of a report of any medium or low risk case.

Please note this will go live as part of changes to CRM.

Prevention and Early Intervention

We aim to prevent anti-social behaviour from happening by adopting several approaches including:

- we will integrate crime prevention principles when designing new homes, for example ensuring external spaces have defined uses.
- in some cases, in line with criteria outlined in our lettings policy, we refuse access to our homes.
- use of effective and robust pre-tenancy checks to ensure the tenancy is sustainable.
- identifying support needs of prospective and new customers and working with customers and partners to support needs.
- setting out clear expectations on behaviour when new customers sign their tenancy or lease agreement.
- use of Starter Tenancies.
- working in partnership with local authorities, the police, and other agencies on preventative strategies and planned solutions.
- having clear and specific tenancy clauses on hate crime, illegal drug use and distribution and harassment.
- use of Neighbourhood Agreements for new and existing communities.

We recognise by taking prompt, appropriate, and decisive action we are more likely to stop problems escalating.

Examples of the informal actions we take include:

- providing advice and assistance to victims at an early stage.
- interviewing the perpetrator.
- issuing verbal and written warnings.
- making referrals for support.
- using mediation services at an early stage and where appropriate.
- use of Acceptable Behaviour Agreements.
- use of Good Neighbour Agreements.

Customers with a Starter Tenancy may not have their tenancy converted if they have carried out anti-social behaviour during their probationary tenancy or may have their Starter Tenancy extended. We have a separate Starter Tenancy policy.

Customers with a fixed term tenancy may not have their Tenancy renewed and enforcement action to recover the tenancy commenced. Which is detailed within the fixed term tenancy procedure.

Enforcement and Legal Action

We will use the full range of tools and legal powers available to us, as set out in law and within the tenancy and lease. Enforcement action will be based on the nature of the ASB and the responsibilities of the other party, e.g., in the tenancy or lease agreement. We will ensure enforcement action is proportionate and achieve a legitimate aim (e.g., to prevent a tenant perpetrating further ASB and protect the community from further harm)

We will take a multi-agency approach to preventing and tackling anti-social behaviour. By this we mean that we will work with agencies such as social services, environmental health, the police, mediation services, local authorities, youth offending teams and any other statutory or non-statutory agency that could contribute to the prevention or resolution of anti-social behaviour. We will ensure that where required the relevant agencies are consulted before deciding on legal action.

Where we are considering taking possession action, we will ensure the case satisfies the required legal conditions.

Customers have a legal right to request a review of the decision if we pursue eviction using the grounds for absolute possession or early termination of a starter or fixed term tenancy.

Support for Reporting Parties, Victim and Witnesses

We recognise that victims may be vulnerable for a number of reasons, including but not limited to age, mental and/or physical health, proximity to and frequency of the ASB, whether the ASB is targeted at them directly and whether they live alone and /or have a strong support network.

Our risk assessment will determine whether the risk is low and can be managed by the officer or whether support referrals and/or partnership response is required.

We understand a person's vulnerability is fluid and may change during the course of a case. We will continue to review the risk assessment during the management of the case and take action if the risk level increases.

We will offer all our reporting parties a level of support appropriate to their needs and the circumstances of the case. This support may include.

- Being clear on the actions we can and cannot take to manage expectations.
- Ensuring that the reporting parties has a point of contact and contact details for the staff member.
- Maintaining regular contact with the reporting parties to update them on the progress of their case (within the realms of confidentiality) via their action plan.

Whilst our preference is always to try and deal with problems through informal methods, we recognise that legal action may be inevitable in some situations. In order to take legal action, we require evidence and often this will come from customers giving evidence in Court. We appreciate this can be very daunting and aim to make the witness feel as comfortable and supported as possible throughout.

Support for Perpetrators of ASB

Perpetrators of ASB may be vulnerable for a range of reasons, including but not limited to mental and/or physical health or substance dependency. We do not allow a vulnerability to excuse anti-social behaviour, however we do recognise that certain vulnerabilities may make it harder for a person to sustain their tenancy. We will ensure that we signpost perpetrators to appropriate support, however where a person is not able to mitigate behaviours caused by a vulnerability, we may consider enforcement action

When we do take enforcement action, we will carry out an equality impact assessment and make adjustments to our approach in order to avoid causing any disadvantage to those protected by the Equality Act 2010.

We will consider the needs of the perpetrators and will consider whether we can offer any further support or whether a referral should be made into a support agency or a multi-agency group. This will be decided based on whether the support is necessary and available.

Information Sharing /confidentiality

The power under section 115 of the Crime and Disorder Act 1998 and the Data Protection Act 2018 allows agencies to share information for the detection and the prevention of crime and anti-social behaviour. We ensure that where appropriate, we have signed local information sharing protocols so that information about reporting parties and perpetrators may be shared with other agencies for the purpose of preventing ASB or crime. Any information exchange will be compliant with the Human Rights Act 1998. More information about how we process data can be found within our Privacy Statement which is available on our website at www.moat.co.uk/privacy-statement

If you are not happy with how your ASB case was handled.

We aim to provide high quality services to all our customers. However, if you are not satisfied with the way in which your case has been handled you may raise a formal complaint with moat. Alternatively, you have the right to raise a community trigger via your Local Authority. Any victim of ASB, who has made three or more reports within a six-month period and feels they have not had a satisfactory response, can request a 'Community Trigger'. If this threshold is met, a review will be led by a local multi-agency panel which has the power to make recommendations to the agencies involved.

7. Training

We will ensure that staff receive regular and up to date training to deal with ASB matters in accordance with their job roles and responsibilities in what is a complex area. Relevant staff will receive annual training in safeguarding and equalities awareness and ASB case management. Ad hoc training will be identified for specialist areas or gaps in knowledge and implemented as necessary.

Supporting our staff.

We take the safety of all our staff seriously, and this extends to any person working for contractors or sub-contractors who carry out a service for us. We will treat any acts of ASB or Hate Incidents/Crime towards our people in the same way as we do if they were customers and will follow the ASB policy and procedures to take proportionate action.

8. Impact Assessments

Equality. This policy is in line with Moat's commitment to Equality and Diversity and in line with current legislation. An Equality Impact assessment has been carried out in respect of this policy to ensure our actions have not disadvantaged a protected characteristic group Data Protection Impact. Moat will process your data only for the purpose it has been provided and in compliance with data protection law. All information will be held securely and in accordance with our 'privacy statement' which is available at www.moat.co.uk/privacy-statement

9. Review

Three years. This document will be reviewed more frequently if changes in legislation, regulation or the service requires it.

10. References

Statute:

Anti-Social Behaviour Act 2003

Anti-Social Behaviour, Crime and Policing Act 2014

Care Act 2004
Crime and Disorder Act 1998
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Domestic Violence, Crime and Victims Act 2004
Environmental Protection Act 1990
Equalities Act 2010
Housing Act 1985
Housing Act 1996
Licensing Act 2003
Misuse of Drugs Act 1971
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Racial and Religious Hatred Act 2006
The Clean Air Act 1993
The Crime and Disorder Act 1998
The Disability Discrimination Act 1995

RSH Regulatory Framework: Neighbourhood and Community Standard

Policies

CCTV Policy (once approved)
Complaints Policy
Data Protection Policy
Data Retention schedule
Domestic Abuse
Fixed Term (Renewable) Tenancy
Lone working Policy
Neighbourhood Management Policy (Once approved)
Unacceptable Behaviour policy.
Rehousing Potentially dangerous offenders
Safeguarding Policy
Starter Tenancy
Termination of Tenancy

Internal Research

Customer satisfaction
Insight research – ASB

11. Appendices

Appendix 1 : ASB Categories .

Appendix 1 – ASB categorisation

Please note this will go live as part of changes to CRM.

Main Category	Subcategory
Noise where it is persistent, deliberate, or targeted	Loud music/TV Late night visitors Banging doors/floors/ DIY Domestic dispute Mechanical noise/ alarm Business being run from the premises. Other noise
Harassment and Intimidation	Verbal abuse Harassment Intimidation Threatening behaviour Other harassment and intimidation
Hate Related Incidents	Race related including refugee/asylum seeker Sexual orientation related Gender related Disability (physical, mental health or learning disability) related Religion related Age related Other hate related incident
Vandalism and Damage to Property	Vandalism Arson Graffiti Other vandalism or damage to property
Pets and Animal Nuisance	Dog barking/noise, Dog fouling/mess/smell, Un-controlled or dangerous dogs, Other pet or animal nuisance (e.g., feeding vermin /pigeons etc)
Environmental Nuisance	Parking dispute Abandoned vehicles Major car repairs Joy riding, scooters etc driven inappropriately Vehicle damage Other nuisance from vehicle.
Drugs	Substance misuse Drug dealing Cuckooing Other drug related incident
Physical Violence /Threat of violence	Assault Other physical violence Threat of violence / presence of a weapon or indication of one.