



Anti-Social Behaviour & Harassment Policy

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Anti-Social Behaviour & Harassment Policy Quality Record

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1. Policy statement

- 1.1 The purpose of this document is to inform tenants, leaseholders, stakeholders and the wider community of the Council's Housing policy when managing anti-social behaviour and making clear the standards of behaviour expected from the Council's customers.
- 1.2 Nuneaton and Bedworth Borough Council is committed to ensuring that all customers enjoy their right to peace and security in their homes.
- 1.3 The Council will take prompt and robust action in dealing with disruptive customers and any other visitors and/or children causing nuisance or harassment on estates or in individual dwellings. Complainants and witnesses will be given the required level of support.

2. Purpose

- 2.1 The purpose of this policy is to:
 - ensure that Nuneaton and Bedworth Council Housing & Communities team adopt a consistent, fair and transparent approach in the way it deals with anti-social behaviour.
 - to inform customers, staff and key partners of our approach to ASB. It will assist us to manage our housing stock and to ensure that our customers enjoy the basic right to use, enjoy and have security in their homes and in the communities in which they live.

3. Our Commitment

- 3.1 We want all customers to be able to enjoy living in their homes and, where proven, will take tough action against anti-social behaviour or illegal acts. Includes but is not limited to domestic abuse, Hate Crime, physical violence, damage to property, begging, use of illegal drugs psychoactive substances and other criminal acts. We comply with legislative requirements and work closely with the Police, other Council departments and other partner agencies to tackle problems and promote safer and sustainable communities.
- 3.2 We are dedicated to working with customers to resolve reports of anti-social behaviour which we will investigate and, where there is clear, proven evidence, the necessary and appropriate action will be taken. We can only do this with customer commitment throughout the process which means that we are reliant on receiving reports of anti-social behaviour as part of the case management process.
- 3.3 The Council recognises that the following people can be affected by anti-social behaviour and harassment:
 - Anyone with a right to live in our property or property that we manage.
 - People living in the locality of our property.
 - Anyone legally in our property or locality.

4. Equalities

- 4.1 This policy and associated procedures will apply to all. Nuneaton and Bedworth Borough Council is committed to promoting equality of opportunity and to eliminating

unlawful discrimination on the grounds of any protected characteristic covered under the Equality Act 2010 that could lead to discrimination or unfair treatment.

- 4.2 To support this, tackling anti-social behaviour, particularly harassment and Hate Crime, is a significant part of our approach to meeting the requirements of the Equality Act (2010). Under the Act we are required to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 4.3 We aim to make our services accessible to all customers and will take steps to overcome barriers to reporting anti-social behaviour. For example, this may mean making special arrangements for interviews in venues that meet customers' specific needs.

5. Context: Statute, Regulation and Guidance

5.1 The Anti-Social Behaviour Crime & Policing Act 2014 defines anti-social behaviour as:

(a) Conduct that has caused or is likely to cause, harassment, alarm or distress to any person

(b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of customer premises, or

(c) Conduct capable of causing housing-related nuisance or annoyance to any person.

- 5.2 Anti-social behaviour is behaviour which is unreasonable and persistently interferes with other people's ability to enjoy their home. By persistent, we mean an escalating ongoing pattern of behaviour where we have supporting evidence.
- 5.3 Any conduct that is capable of causing nuisance, annoyance, harassment, distress or alarm to any person and/or which could directly or indirectly interfere with or relate to the Council's housing management functions as a landlord. The housing management function is considered to be any activity that the landlord undertakes in the day-to-day and strategic management of its property portfolio.
- 5.4 A named customer may be liable for an act of anti-social behaviour carried out directly by him/her or a member of his/her household or any visitor(s) to the household should an incident of anti-social behaviour occur within the locality of the property.
- 5.5 In practice **anti-social behaviour** can be extremely wide ranging, some examples may include:
- Aggressive and threatening language and behaviour;
 - Intimidation causing fear, alarm or distress
 - Actual physical violence against people and/or property
 - Hate behaviour which targets members of identified groups because of their perceived differences
 - Using or selling drugs
 - Alcohol or solvent abuse
 - Illegal or immoral Acts

- Domestic violence
- Burglaries/Muggings
- Conviction of an arrestable offence committed in the locality of your home
- Excessive noise
- Vandalism and graffiti
- Littering
- Nuisance from vehicles
- The unruly behaviour of children and the lack of control exercised by their parents.

5.6 The Council defines **Harassment** as deliberate behaviour intended to intimidate, dominate or harm an individual or certain group. The protection from Harassment Act 1997 makes it a criminal (and civil) offence to harass.

This may involve attacks on property as well as on people, and may include threats as well as physical acts which may be on the grounds of:

- Race
- Nationality
- Age
- Ethnic or national origins
- Gender
- Religion or belief
- Sexuality
- Disability
- Health
- Perceived class or economic status

6. Objectives

6.1 The objectives of this policy are:-

- To work with all our customers to promote a culture of reasonable behaviour and respect for others
- To enable all customers to enjoy their homes free from anti- social behaviour or harassment
- To give people the confidence to report acts of anti-social behaviour and harassment
- To respond promptly and effectively to all complaints of anti-social behaviour or harassment.
- To provide support at the point where anti-social behaviour is first reported. Anti-social behaviour often escalates after it is reported so it is important to ensure that support is promoted to counter the potential barrier to reporting incidences of anti-social behaviour.

6.2 **The Council will take various actions to ensure that we deliver these policy objectives.**

We will:

- respect confidentiality
- provide an accessible and supportive service to investigate reports of anti-social behaviour
- investigate cases, establish the seriousness of a complaint and take appropriate and relevant measures

- provide a consistent and sympathetic approach and treat customers and witnesses of anti-social behaviour sensitively
- work with the Police and other partners to prevent and deter re-offending by perpetrators
- deter anti-social behaviour and, where appropriate, take effective action against perpetrators
- we will use a range of methods including (but not exhaustive): warning letters, Acceptable Behaviour Contracts, Good Neighbour Agreements, Closure Orders, Community Protection Notices, Injunction and possession proceedings, Criminal Behaviour Order (CBO) and Civil Injunctions.
- In some cases, we will refer complainants to the Citizens Advice Bureau for independent advice
- address the anti-social behaviour rather than move those involved in ongoing investigations
- ensure our response to anti-social behaviour is appropriate and proportionate depending on the facts of each individual case
- ensure support is offered to customers and / or witnesses throughout the investigation and any subsequent legal proceedings
- In exceptional circumstances, an officer may present hearsay evidence in court on behalf of a customer. If the Court awards an order and it is subsequently breached, the customer's evidence will be crucial to the outcome.
- Recognise that complainants, victims, perpetrators & customers may belong to groups with diverse needs, beliefs, & cultures and could be subject to inequalities & prejudice. For that reason we will prioritise our response for a case that appears to involve "hate" crimes.
- Ensure we have responsive repair and maintenance priority times for dealing with the results of ASB, such as the removal of offensive graffiti or the repair of vandalised door entry systems.
- Appraise capital work schemes to reduce or design out opportunities for ASB nuisance and harassment.
- Implement "sensitive lettings" in areas where there are special social pressures and high incidence of ASB
- Work towards achieving the Respect: ASB Charter for Housing in partnership with our customers, Police and other agencies.

6.3 In order to provide confidence Nuneaton & Bedworth Borough Council Housing & Communities team will:

- Act promptly, within set time scales, when reports are received to ensure the situation does not escalate.
- Agree with the complainant what action we will take and keep them informed of the progress that has been made.
- Deal consistently with all reported cases of ASB and harassment, in our interpretation of "reasonable behaviour" and the way we respond to it.
- Collect information impartially
- Work proactively with individuals and community groups (where appropriate in partnership with other enforcement agencies) to resolve Problems.
- Ensure that all (existing & future) tenancy agreements and Leases contain clauses that cover ASB and harassment and address specific requirements relating to behaviour within the property and local neighbourhood.
- Strive to achieve equality and opportunity in all that we do and promote positive action to overcome disadvantage and discrimination.

- Involve customers in the decision making process to ensure openness and participation in the decisions made involving their tenancies.

6.4 The Council will receive guidance and training to enable teams to effectively implement these policies. To achieve this we will:

- Have written procedures, standard forms & guidelines for staff that define responsibilities, approaches & responses.
- Have systems that monitor compliance with our procedures and allow the sharing of data with associated agencies in the prevention and cessation of ASB. (Under the Crime and Disorder Act 1998 it is lawful for organisations to exchange information in the interest of reducing crime and disorder)

Provide regular training to new and existing staff so that they are fully aware of their responsibilities in implementing these policies

- Keep abreast of current best practice; adapting and refining internal procedures and practices to ensure continuous improvement.

7. Monitoring

- 7.1 The Housing & Communities team will monitor all reported individual ASB cases and will log the action that is taken. This will include a record of the final outcome and the complainant's satisfaction with our handling of the case.
- 7.2 We aim to work with customers and to close cases when the complaint has been resolved hopefully to the customer's satisfaction. However, where we are satisfied that we have carried out all actions reasonably and appropriately, we may close cases even though the complainant may not wish us to. Case management is reliant upon the reporting of incidents from customers. If no incidents have been reported during the last 3 months (and this period may be reduced where a resident has failed to respond to requests for information), depending upon the severity and nature of the case, we reserve the right to close cases. We will re-open them in the event that fresh incidents are reported to us but this will be based on our judgement. We will not leave cases open indefinitely.
- 7.3 We will advise complainants of when we close a case; either verbally or in writing and we will advise them of the reason for closing the case and what action they can take themselves. Complainants always have the option to take their own personal action against an alleged perpetrator.
- 7.4 We will continue to review the lessons to be learned from individual incidents and identify the measures to be put in place to minimise the risk of recurrences.

8. Customer Responsibility

- 8.1 We believe that reassurance is essential for customers. We want them to feel confident to be able to come to us with a problem and to be assured that we will take their concerns seriously.
- 8.2 It is crucial that customers work with us to resolve their complaints. We expect customers to:
- Respond to our calls and letters
 - Keep accurate incident report throughout the duration of the case management

- Provide us with clear and timely reports -- we cannot act on one report of incidents that occurred a long time ago. We can only deal with incidents that have taken place in the preceding 6 months. We urge customers to make reports to us as soon as incidents occur.
- Be available to meet with us - we have a flexible approach to arranging meeting
- Be prepared to attend court if necessary - greater weight is given by the court to evidence if the customer attends in person rather than an officer giving hearsay evidence
- Be patient as it takes time to investigate and resolve complaints - but we will keep customers updated on progress (or otherwise). Progressing anti-social behaviour cases will be not resolved instantaneously. Unless we receive supporting evidence, we will have no alternative but to close a case. This will happen if there are no reported incidents for at least 3 months. Customers will be advised and we will re-open cases if there are fresh incidents reported. Re-opening cases will be at our discretion.

8.3 Working together is a two-way process and customers must recognise that they have a role to play and can take steps to resolve a problem. We use a mediation service as a means to working with customers to help them resolve neighbour disputes.

9. Supporting witnesses and vulnerable customers

9.1 Nuneaton & Bedworth Borough Council appreciate that it can be unnerving for witnesses when we are preparing to take legal action against someone who has allegedly committed anti-social behaviour. We will do our best to provide appropriate and relevant support. This may include:

- Where we require witnesses to attend court, we will explain fully what is expected when the witness attends court. We will provide witnesses with support throughout the court proceedings. This can include:
 - The cost of transport or transport itself dependent upon individual circumstances
 - Refreshments throughout the proceedings
 - Direct support from us

9.2 Staff will continue to provide support following any court hearing but the length of time will be dependent upon each case and individual circumstances. This will be agreed with the witness. Referrals can also be made to the independent Victim Support Scheme.

9.3 We recognise the importance of supporting the most vulnerable customers living in our community and we will offer a referral to the support agencies with which we work. If we receive a complaint of anti-social behaviour about someone we believe to be vulnerable we will try to work with them and their support service to help them modify their behaviour. We may take tenancy enforcement action if a vulnerable person does not engage with us or other appropriate providers.

9.4 Sometimes, perpetrators of anti-social behaviour are vulnerable and suffer from a range of different issues. These customers may be alleged to be responsible for causing anti-social behaviour in their communities but they can equally be the victims of anti-social behaviour. If an alleged perpetrator has mental health issues, we work closely with other agencies to establish mental capacity which means that they have to be able to understand the action we are taking against them. Dealing with vulnerable perpetrators is a lengthy process and we need to ensure that those who

are suffering understand the process and the difficulties as well as the fact that we are unable to divulge confidential information about individuals.

- 9.5 With regard to supporting customers, the Council's Housing & Communities directorate will work with Adult Social Care and Children's Social Care to meet the aims of the Council's safeguarding strategies. The Council will ensure that staff understand safeguarding issues and are trained to recognise the signs and symptoms of abuse and know how to report their concerns to the appropriate department. All staff working on behalf of the Council, whether permanent or temporary, directly employed by the Council or a contractor, are expected to be vigilant for signs of abuse when visiting customers in their home and they should report their concerns in accordance with agreed procedures.

10. Partnership Working

- 10.1 The Council is committed to work in partnership with other agencies where customers instigate the Community Trigger or the Community Remedy.

11. How does the Community Trigger work?

- A victim, third party (including a business or association), or local elected representative (Councillor or MP) can make a request to invoke the Community Trigger if they feel that a complaint about ASB has not been dealt with correctly and/or if they feel insufficient action has been taken.
 - If the report meets the threshold, a multi-agency case review will be carried out.
 - The threshold for Nuneaton and Bedworth is you have reported three separate incidents relating to the same problem in the past six months to the Council, Police or your Landlord, and feel that insufficient action has been taken to resolve the matter at least three people have made reports about the same problem in the past six months to the Council, Police or your landlord and feel that insufficient action has been taken to resolve the matter.
 - The application must be made within six months of the report(s) of the anti-social behaviour
 - A qualifying 'complaint' is a complaint made within one month of the anti-social incident taking place
 - The victim must be informed whether the threshold is met.
 - The partner agencies responsible to carry out the review are: the local authority, social landlords, the police, local health teams and other agencies as appropriate.
 - If it is determined that the threshold has been met, the partner agencies must meet to share information related to the case, review the action taken and decide whether further action is required.
 - An action plan will be drawn up if it is determined that additional action should be taken. The plan should include timescales and be discussed with the victim.
 - Victims must be kept informed at all stages.
 - Victims have the right to appeal all decisions (if the threshold is met, if the action plan is appropriate, etc.).
 - Agencies must publish data on the number of triggers received, how many met the threshold, and how many resulted in further action.
- 11.1 The following is not suitable for consideration under the Community Trigger:
- Any anonymous reports will not be considered for the Trigger

- Any complainant that is already being reviewed/considered under the Borough’s vexatious complainant policy.
- Any case where the issue is not considered as Anti-Social Behaviour
- If the reports were not “qualifying complaints”

11.2 Nuneaton and Bedworth Borough Council also work very closely with Nuneaton and Bedworth Safer Communities Partnership (NABSCOP). There is a dedicated case management meeting once a month to consider ASB interventions and support to vulnerable victims and further scheduled Tasking meetings. NABSCOP have implemented a Crime and Disorder Plan for 2016-2019 which will be used by those agencies within the partnership to commit resources to best ensure the partnership meet their objectives of reducing crime and disorder and the fear of crime in the Borough.

12. Publicity

12.1 We will publicise successful results of cases, whether or not there have been non-legal or legal resolutions involved. We will do this in newsletters, including our Homing In publication, and presentations at relevant meetings. We may also, where appropriate, publicise high profile cases in the local press. We will, at all times, ensure that anonymity is maintained in any public document but it is really important that we publicise outcomes of successful cases in order to maintain community support for our work and to encourage resident’s support in enforcing court orders. Where court cases have concluded and a court order has been made, they are in most cases in the public domain and we reserve the right to publicise full details of the case.

13. Responsible Person

13.1 The Head of Housing & Responsive Repairs has the overall responsibility for the implementation of this policy.

14. Related Documents

- Anti-social Behaviour Strategy 2019 – 2022
- Anti-social Behaviour Procedure
- Delivering our Future 2019 – 2031 (Review 2022)
- Nuneaton and Bedworth Housing Strategy 2018-2023
- The NABSCOP Partnership Plan 2019 – 2022

15. Review date

15.1 Every three years or on the introduction of new legislation, regulation or good practice guidance.