



Anti-Social Behaviour Policy

Version 1

Approved by: Executive Team
Approved date: 25 March 2019

1.0 Introduction

- 1.1 This Policy outlines how we deal with ASB, including hate incidents or crimes. It applies to all residents, colleagues and contractors. Optivo deals with domestic abuse through a separate [Domestic Abuse Policy](#).
- 1.2 This Policy fulfils our legal and regulatory requirement to publish our Anti-social behaviour (ASB) Policy ([ASB Act 2003](#) and the [Regulator of Social Housing's Neighbourhood and Community Standard](#)).
- 1.3 We want to strike a balance between protecting the quiet enjoyment of the community, and helping individuals sustain their tenancies.
- 1.4 Through delivering our services we want to prevent ASB from occurring. We will take action to stop further incidents if they occur.
- 1.5 Our response to anti-social behaviour will be proportionate to the extent of harm caused (see [section 8.2](#)). We will undertake a risk assessment on the potential harm of the ASB on the person making a report.
- 1.6 Where we use 'you' and 'your' in this Policy we mean our customers. The terms 'we', 'our', and 'us' mean Optivo.

2.0 What is ASB?

- 2.1 We use the definition of anti-social behaviour in the [ASB, Crime and Policing Act 2014](#) which is:

“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”.

- 2.2 The term ASB describes actions by an individual or group that unreasonably interfere with (or could) an occupier’s normal use and enjoyment of their home, garden or neighbourhood. It may also affect people connected with the property such as our colleagues and contractors.

3.0 What is harassment?

- 3.1 Harassment is a specific form of ASB that is targeted at a person or group of people for any reason. We base the definition of harassment on 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”.

4.0 What is a hate incident / crime?

- 4.1 Hate incidents and hate crimes are acts of violence or hostility directed at people because of who they are or who someone thinks they are. They can cause high levels of harm to individuals, households and communities.
- 4.2 A hate incident is when the victim or anyone else thinks it was motivated by hostility or prejudice based on their race, ethnic or national origin, religion, age, sexual orientation, gender, gender orientation or identity, disability, appearance, marital or employment status or any other reason.
- 4.3 When hate incidents become criminal offences they’re known as hate crimes.

5.1 What do we consider to be ASB?

Examples of behaviour we consider to be anti-social:	Examples of behaviour we do not consider to be anti-social:
Playing loud music	Babies crying
Verbal or physical abuse	One off parties / BBQ’s where there’s no evidence problems will re-occur
Arguing and slamming doors	Children’s play
Letting dogs bark too much or foul public areas	Noise transference due to poor sound insulation
Offensive behaviour	Everyday behaviour occurring at unusual times e.g. due to different work patterns
Dumping rubbish / fly-tipping	Bonfires

- 5.2 Some examples of anti-social behaviour are listed above. It is not an exhaustive list and anti-social behaviour is not limited to these examples. The action we take will be based on the circumstances of each case.

6.0 How can you report ASB?

- 6.1 Anyone can report ASB directly to us. You can report ASB by phone, in writing, in person, by email, on our website or via your personal online account with us. If you complain about someone causing ASB we will not disclose your details to them without your consent.
- 6.2 We will deal with reports of ASB that affect our residents or are caused by our residents (or a person they are responsible for). We will record anonymous reports and take action where we find evidence of ASB.

7.0 What happens when you report ASB?

- 7.1 When you report ASB we’ll consider your needs and the harm the ASB causes you (and others). We will consider the risks to you and work with other agencies to

protect your immediate safety, provide you with support, investigate the ASB and take action to stop further incidents.

- 7.2 We will tell you who will handle your ASB case and agree an action plan with you. We will keep you informed of the actions we take.
- 7.3 We will contact you before we close a case and give our reasons for this.
- 7.4 We will tackle ASB regardless of tenure. There may be restrictions on the action we can take based on tenure type.
- 7.5 We will take appropriate action to investigate reports of ASB and may use monitoring equipment to assist us.

8.0 What action will we take to deal with ASB?

- 8.1 We will work in partnership with other agencies such as the police and use a range of preventative measures, early intervention and legal action to tackle ASB. This includes the full range of tools and powers available to us in the [ASB, Crime and Policing Act 2014](#).
- 8.2 The actions we take will be proportionate to the seriousness, impact and frequency of the behaviour, the level of risk that it poses to those affected and the evidence available to support the case. We're not responsible for the behaviour of people causing ASB. If ASB persists, we'll consider appropriate further action.
- 8.3 Where we become aware a person causing ASB needs additional support we'll take reasonable steps to help them access support. When considering action, their needs will be assessed against the impact of their behaviour on others.
- 8.4 We will not take action where there's insufficient evidence. We will support other agencies in taking action where they have the prime responsibility and powers to do so.
- 8.5 If there is an ongoing police investigation, we may wait to see the outcome of this before taking further action.
- 8.6 We will publicise our approach to ASB to deter incidents. We will provide colleagues with training so that they can identify unreported issues, support those harmed and take effective action against ASB.
- 8.7 We will follow our [Safeguarding Adults Policy](#) or [Safeguarding Children Policy](#) if there are concerns for the safety of someone who is vulnerable.

9.0 What we expect of our residents

- 9.1 We expect you and anyone else whose behaviour you are responsible for (including children) not to commit ASB, hate incidents or crimes.
- 9.2 We expect you to resolve minor disputes with your neighbours.

10.0 If you're not happy with how your ASB complaint was handled

- 10.1 You can follow our [Complaints Resolution Policy](#) or contact the local authority to see if they can review the case through the 'Community Trigger' (introduced by the [ASB, Crime and Policing Act 2014](#)).

11.0 How will we keep your information safe?

- 11.1 We guarantee we'll store your information securely in line with our [Data Protection Policy](#).
- 11.2 We may share personal information with other organisations; we may give or receive information. We will make sure information is kept safe and confidential. We will only share information where we have sharing protocols in place and/or confidentiality agreements signed. We will also give information to other organisations where we have to by law.

12.0 What have we done to make sure this Policy is fair?

- 12.1 An Equality Impact Assessment has been completed to consider the positive and negative impacts this Policy may have on people with protected characteristics under the [Equality Act 2010](#). Action has been taken to reduce the risk of this Policy discriminating against these groups. This Policy should have direct and positive equality and diversity impacts.

13.0 Review

- 13.1 We will review this Policy to address legislative, regulatory, best practice or operational issues.