

Policy title	Anti-Social Behaviour Policy
Directorate	Customers & Communities
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Policy Scope/Users	This Policy outlines MSV's approach to Community Safety issues, including how MSV will deal with Anti-social Behaviour (ASB) reports directly, and how MSV will work in partnership with the community as well as other agencies, to tackle wider issues relating to Crime and Disorder, through a collaborative approach.
Date EIA done	January 2023

1 Introduction/Policy purpose

This Policy outlines MSV's approach to Community Safety issues, including how MSV will deal with Anti-social Behaviour (ASB) reports directly, and how MSV will work in partnership with the community as well as other agencies, to tackle wider issues relating to Crime and Disorder, through a collaborative approach.

MSV is a diverse housing group, with a strong local focus. As a community based housing provider, one of our key aims is to work in partnership with our tenants and residents, community members, and key stakeholders, to invest in places where residents from all backgrounds feel safe, can aspire and live well.

MSV recognises the adverse impact that ASB can have on its tenants and residents as well as the wider communities in which we operate and is committed to working effectively in our approach to prevent and tackle ASB.

Our aim is to ensure our customers and our colleagues can enjoy a peaceful and safe environment in which to live, work and play, and applies to all areas where we own, and manage properties. MSV recognise that we cannot effectively deal with ASB and crime related issues without the support of our communities, and we hope that our customers will work with us and engage with us, so that we can tackle ASB issues together.

MSV is strongly committed to fairness and making sure that everyone has the same opportunities to achieve the same or similar outcomes. This Policy recognises the requirements set out by the Equality Act 2010 and aims to prevent unlawful discrimination. We recognise that ASB can disproportionately impact those people with protected characteristics. We will take appropriate additional steps in the application of this policy where they are identified and will aim to make reasonable adjustments to ensure compliance with MSV's duties under the Act.

Although we recognise that we might not be able to resolve all complaints of neighbour disputes to the satisfaction of all parties, we will endeavour to investigate all complaints that we receive which have been assessed as incidents of ASB.

MSV has a separate Policy related to:

- Domestic Abuse
- Hate Behaviour

2 Description of the Policy

2.1 Our Commitment

- To ensure a service for reporting ASB is available and accessible for customers, colleagues, partner agencies and members of the public.
- To respond to reports of ASB in a timely manner, based on risk and take all reports seriously.
- Acknowledge that each case of anti-social behaviour is different and take a harm centred approach to dealing with the issue, tailoring the support offered to victims and witnesses appropriately.
- To support those who are experiencing ASB, and stay in contact with them, keeping them informed of progress throughout their case.
- Use a national standard risk assessment matrix, (therefore recognised by other agencies) applied to any case of ASB irrespective of type or category – where there is an identifiable complainant.
- To liaise with partner organisations and where possible work together to find solutions.
- To identify additional support needs of ALL the parties involved and make appropriate referrals to specialist agencies.
- To use our professional judgement as to whether reports of ASB can be realistically investigated and resolved.
- To undertake action that is reasonable and proportionate and be clear with customers on the range of interventions and solutions available.
- Have in place a robust tenancy agreement clearly outlining our stance on anti-social behaviour, use Starter tenancies, and adopt sensitive local lettings where appropriate.
- Suspend applicants from obtaining accommodation with MSV if they or a member of their household have been responsible for acts of anti-social behaviour in accordance with City Council Allocations Policy.
- Record information received by MSV about violent and abusive behaviour committed by our tenants and residents in accordance with our GDPR (Data Protection) obligations.
- Provide easy to read information approved by customers which summarises how MSV will manage ASB including timescales for responding to reports. We will translate this information for those customers whose first language is not English on request and provide it in any other format that may be required depending upon the customer's needs
- Where appropriate, publicise successful enforcement and prevention actions and initiatives.

2.2 Our Aim

- To meet relevant legal requirements – publishing a policy and procedure statement in accordance with Section 218 A of the Housing Act 1996 and Section 12 of the ASB Act 2003.
- To comply with the ASB requirements of the Neighbourhood and Community Regulatory Standard.
- To define what we mean by ASB in terms of community safety and what customers can reasonably expect from us.
- Use evidence based, effective intervention models, as well as legal tools to assist us in developing an effective approach in the prevention and management of ASB.
- To encourage our residents, where possible to try to resolve their disputes themselves without the need for MSV to be involved as this can often create unnecessary conflict.
- To raise awareness amongst residents and customers the need to act reasonably and be considerate of the different values and lifestyles reflected across our neighbourhoods and communities.
- To ensure relevant employees of MSV are trained and equipped to respond quickly and effectively to reports of ASB, and to prevent reports escalating into more serious incidents.
- Where there is serious persistent ASB, MSV will look to take enforcement action against the person causing the problem. This may include taking action against any person, who may or may not be our tenants.
- Ensure that information is treated confidentially.
- Not tolerate any behaviour that is designed to threaten, intimidate or abuse our staff or contractors. If necessary, we will seek legal remedies should staff be subjected to this type of behaviour from our customers.
- Promote fair and equal treatment for everyone.

2.3 Scope- ASB Threshold

MSV adopts the legal definition of ASB outlined in the Anti-Social Behaviour Crime & Policing Act of 2014 which defines ASB as:-

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

In order for MSV to be able to take action the ASB should directly or indirectly affect the housing management function of the Landlord. This can be applied to non-tenants where the subject has been causing problems that affects MSV's housing stock or housing management functions, MSV will rely upon this definition in our assessment of a report of ASB and will also rely upon the nuisance and annoyance clauses within our tenancy agreements.

MSV tenants are responsible for: -

- their own behaviour
- the behaviour of any other person living in the tenancy
- the behaviour of any person visiting the tenancy

The legal definition of ASB is very broad and is open to interpretation, ASB can mean different things to different people and therefore MSV has developed a threshold and a framework within which it will operate, in order to assess those behaviours that are not acceptable and are considered to be unreasonable standards of behaviour

MSV considers the following as some examples of the more common types of ASB, but this is not an exhaustive list.

- Vandalism and damage to property
- Actual violence/threats of violence against people or property
- Domestic abuse /Violence
- Repeated verbal abuse, harassment, intimidation or threatening behaviour
- Hate-related incidents (based on race, ethnicity, nationality, sexual orientation, gender, disability, religion, age)
- Extreme noise that is persistent and unreasonable, and is causing nuisance or annoyance to a reasonable person
- Persistent pet and animal nuisance where the animal's behaviour is unreasonable and is causing nuisance or annoyance to a reasonable person
- Fly tipping
- Offensive Graffiti
- Unacceptable property and garden condition

2.4 Criminal Activity and drug related crime

MSV recognise that some types of ASB and crime related activity cannot be effectively tackled without collaborative working relationships with the Police as the lead agency, as well as those members of the public who are being affected by the criminal activity. MSV will always seek to work with other partner agencies where possible.

Cases of illegal drug use, including cannabis and cannabis smells, drug dealing and drug abuse are all criminal activities and difficult for MSV to investigate directly, unless there is clear evidence of associated ASB, for example, noisy, rowdy behaviour, unreasonable disturbances from the property, drug paraphernalia being discarded or targeted ,aggressive behaviour towards residents.

In cases where illegal drug use, including cannabis and cannabis smells, drug dealing and drug abuse are reported and there is no clear evidence of associated ASB, tenants and residents will be advised to report crime related activity directly to the Police or to

Crimestoppers. If MSV receives reports of drug dealing or drug use, including cannabis, MSV will forward these reports to the Police in order to support the Police in any criminal investigation. MSV will expect witnesses and those affected by the criminal activity to work with us and the Police, to bring about positive resolutions which in some cases may result in a criminal prosecution as well as action against a tenancy.

In the event the Police successfully prosecute these types of crimes, MSV may consider their own legal action, and this will be decided on a case by case basis taking into account a number of factors which may include (but not limited to)

- The prospects of success
- The impact on the local community
- The seriousness of the offence
- The age of the offence
- The reasonableness of taking legal action

2.5 Reports that may be assessed as NON ASB

MSV recognise that sometimes customers will report certain types of behaviour as anti social, but following an assessment we may conclude that the reported behaviour is not antisocial in accordance with the definition and the framework we use.

MSV does expect its customers to be tolerant of other people's lifestyles and will not accept reports of behaviour that most people accept as a reasonable part of everyday life, although some behaviour can be perceived as unpleasant, undesirable, or inconsiderate, it may not be Antisocial behaviour. We must all accept that we will experience reasonable levels of disturbance from time to time. MSV therefore will not investigate reports of:-

Babies crying
Children playing outside
Children falling out with each other
Giving dirty looks or stares
Unpleasant behaviour or inconsiderate behaviour
Reasonable actions that are considered to be part of everyday activities
Reasonable household noise
Name calling and social media disputes unless it is deemed to be harassment
Unpleasant smells
DIY activities at reasonable times
Isolated and short incidents of dog barking
Cats roaming in gardens
Neighbour disagreements

MSV staff are appropriately trained and will exercise their professional judgement when assessing reports that they receive, and in situations where MSV assess the behaviour reported is not ASB, we will refer those involved to take part in mediation activities, which are very effective if the parties involved are wanting to focus on resolution, or we can provide advice on alternative methods of conflict resolution and self-help.

2.5 Case Priority and investigation

Reports of ASB will be assessed and prioritised at the point of contact. This will involve the reporter being asked a series of questions relating to the ASB, so that we can assess the potential risk of harm being caused. The following lists are not exhaustive, and priority will be allocated on a case by case basis.

Priority 1 cases - such as:

- Incidents of violence including assault, threats and harassment
- Hate Crime e.g. harassment because of race, religion & disability, gender identity, sexuality or any other perceived difference
- Drug Paraphernalia (risk of physical danger)
- Gang related
- Physical attack by animal
- Domestic Abuse

Priority 2 cases - such as:

- Criminal Behaviour
- Verbal Abuse/intimidation
- Misuse of communal areas, public spaces & loitering
- Alcohol Related
- Drug, substance misuse and drug dealing
- Arguing and/or screaming
- Rowdy/fighting and/or inconsiderate behaviour

Priority 3 cases, such as:

- Nuisance from vehicles
- Vandalism and damage to property
- Pets and animal nuisance
- Noise

All reports of ASB will be taken seriously, assessed appropriately, and recorded on our internal reporting systems.

For all reports the Community Safety Team will aim to contact the Reporter within 1 working day. If the report involves a recent threat or use of violence or there is a significant risk of harm i.e., hate crime or domestic abuse, this will be prioritised and the Community Safety Officer will contact the Reporter within 1 working day.

All ASB cases will be regularly assessed throughout the investigation.



Case Officers will maintain high quality standards of casework activity and robust record keeping throughout the investigation of a case.

The Case Officers will keep in regular contact with the parties involved in the case, agree action plans and provide feedback on a regular basis using the customers preferred method of communication.

MSV will require the parties involved to engage with us and work with us to resolve the issues and where the ASB is continuing the reporter will be expected to provide further details of any ongoing incidents of ASB that they may be experiencing.

Throughout the case, MSV will continuously assess and review progress of the case, taking reasonable and proportionate steps at all times.

MSV will provide an Out of Hours service for ASB to take details of incidents where possible.

2.6 Interventions and actions

MSV uses a wide range of tools and powers to challenge unacceptable behaviour and will decide on a case by case basis which tools and powers will be the most appropriate to use.

Generally, in those cases that have been assessed as non-urgent, where there is no ongoing serious risk of harm or imminent danger, early interventions tools and techniques will be applied based on tried and tested casework resolution. All parties involved will be encouraged to engage and participate in order to stop incidents from escalating.

If the reporter or the person causing the ASB has any support needs, where MSV are aware of them, these will be discussed with the case officer, and the case officer will, where appropriate, encourage engagement with appropriate support services by making referrals and signposting the person to the appropriate specialist agencies.

MSV believe that in most of these types of reported cases, customers can bring about sustainable solutions just by communicating with each other, respecting one another's point of view and reaching a compromise.

MSV will aim to take enforcement action where early intervention techniques have not been successful and the harmful behaviour is continuing, or where reporters need protection to prevent further ASB incidents from occurring and where the person causing the harmful behaviour is refusing to engage with MSV and/or appropriate support services.

MSV will only take enforcement action if it is reasonable and proportionate to do so.

If court action is required, we will support reporters and witnesses throughout the court process and beyond. We understand that not everyone feels able to give evidence in court, but ASB cases are most successful where we have witnesses who can give their own account of what they have been experiencing.

Where ASB is linked to Domestic Abuse or is Hate related we will follow the relevant policies associated with these serious offences and take appropriate action against those responsible and ensure that the victims and witnesses in such cases receive appropriate levels of support and advice.

We will not tolerate abuse towards our staff, or our contractors or anyone else providing services on our behalf. This includes threats of violence, verbal abuse and intimidation, harassment and actual violence. In such situations MSV will always take appropriate action against those who perpetrate these types of serious offences.

2.7 Closing a case

MSV will look to close a case in the following circumstances :-

- Reasonable and Proportionate steps have been taken and the ASB is no longer being reported.
- The Subject is engaging with support services and they are no longer causing ASB.
- The Subject has moved and the ASB has stopped.
- There is insufficient ongoing evidence that ASB is still being perpetrated.
- The case has been referred for Mediation.

Where possible we will inform the Reporter and any witnesses about the case closure.

We will always take into account the customers views when closing a case, however, we cannot guarantee that the action we take will be what the customer is expecting or wants. MSV operates within legal guidelines and our policy framework which focusses on reasonableness and proportionality.

We will not re-open a case without good reason, for example, where there has been a change in circumstances or fresh evidence has come to light that satisfies MSV that ASB is occurring.

2.8 Customer Responsibilities

We do expect customers to take responsibility for their own behaviours and actions. In situations where there is a dispute or disagreement between neighbours MSV would expect customers to resolve matters themselves, unless there is a serious risk of harm/violence or abuse.

MSV expect residents to show consideration to their neighbours and their community, and not commit, or allow their family or visitors to commit acts of ASB .this includes harassment, unreasonable excessive noise nuisance, unreasonable disturbance to other residents or other people in the area, including colleagues and contractors.

We will encourage our customers to:

- Report all crimes, including threats or acts of violence to the Police.
- Report all incidents of ASB, harassment, Hate Crime and domestic Abuse to MSV and to the Police and other relevant statutory agencies.
- Take responsibility for minor personal disputes with their neighbours – resolve problems in a reasonable manner.

- Respect other peoples right to their chosen lifestyle and everyday reasonable level of disturbance.
- Work with MSV to resolve ASB by reporting incidents to us and providing us with ongoing evidence and engaging with us in casework progression.

2.9 Safeguarding

Our Safeguarding Policy ensures that all front line MSV staff are trained to identify and prevent safeguarding issues, and understands the different aspects of safeguarding that they have a duty to report.

MSV operate a harm centred approach when dealing with reports of ASB and housing related nuisance, and where a customer is assessed as vulnerable we will offer support as well as signposting to other agencies.

2.10 Working together in Partnership

MSV is committed to working collaboratively, with partners both operationally at a local level as well as strategically. We work in partnership with both statutory, and non-statutory agencies, as well as members of our community, to maintain a safe environment for our tenants and residents.

We invest and participate in the wider partnership approaches to tackling Crime and Disorder across our local and regional areas, and support the work that is being done strategically to address and combat the complex issues that cause Crime and Disorder in our communities.

On a case by case basis, we will assess which partners and agencies may need to be involved, so that a holistic approach to case resolution can be identified.

2.11 Data Protection and Information sharing

We will share information with our partners in accordance with relevant legislation such as the General Data Protection Regulations 2018, Data Protection Act 2000 and the Crime and Disorder Act 1998, to help protect vulnerable victims and detect, prevent and take coordinated action against crime and ASB.

We are committed to ensuring customer confidentiality and will not disclose their identity unless they agree that we can, or unless there is a need to share that and other information with other agencies for lawful purposes, such as where there is a need to safeguard someone at risk.

2.12 Staff Training and Support

MSV will ensure that relevant staff are confident in their ability to identify and investigate incidents and reports of ASB by providing appropriate induction training, refresher training, updates on relevant legislation and changes in national policy drivers. We are committed to continuous personal development and training and will access both internal and external training appropriately.

2.13 ASB Case Review – Community Trigger

In situations where a reporter is not satisfied that MSV has taken appropriate action/steps to deal with their ASB report, they have the legal right under the Anti-Social Behaviour Crime & Policing Act of 2014 to request a formal review of the ASB case. This is known as the Community Trigger.

3 Roles, Responsibility and Policy Implementation

- 3.1 The Community Safety Manager is responsible for implementing and reviewing the Policy.
- 3.2 The Community Safety Manager/Assistant Director of Customers & Communities is responsible for developing partnerships with local authorities and other agencies.
- 3.3 The Community Safety Manager is responsible for developing the procedure which meets the principle and purpose of this Policy.
- 3.4 The Community Safety Manager is responsible for managing day to day ASB cases through Officers and Administrators.

4 Monitoring, Review and Evaluation

Cases will be closely supervised and managed by the Community Safety Manager on a regular basis with the case officer. The Manager will provide appropriate advice and support to case officers, and provide direction ensuring that cases are progressed in line with operating guidelines and procedures.

Performance Management information about the casework activity will be presented to the Senior Management Team and to the Committee on a quarterly basis.

This Policy and associated procedures and guidance will be reviewed every two years or sooner if there are significant changes to legislation, regulatory changes, national policy changes or there is an operational need to do so. Any amendments will be appropriately consulted on and signed off, and clearly communicated to the wider MSV staff groups as well as our tenants and residents.

5 Related Documents

- Anti Social Behaviour Policy
- Domestic abuse policy
- Hate Behaviour Policy
- Equality and diversity policy
- Safeguarding policy
- Starter tenancy policy.
- CCTV Policy
- Data Protection Policy
- Allocation Policy & Procedure
- Sensitive Let Policy
- Rent Arrears Policy & Procedure

Relevant Legislation

ASB Crime and Policing Act 2014
Equality Act 2010
Housing Acts 1985, 1988 and 1996
ASB Act 2003
Crime and disorder Act 1998
GDPR 2018
Data Protection Act 2000
Public Order Act 1986

6 Appendix

Appendix 1 – Single Equality Impact Assessment

Equality Impact Assessments – Pro-forma

Policy/Procedure being assessed	Community Safety Policy		
Section	Customer & Communities		
Date of assessment	January 2023		
Person(s) responsible for assessment	Shaheen Yousaf, Neighbourhood Manager North		
Is this a new or existing policy?	Existing		
1. Briefly describe the function being assessed	How as an organisation we ensure that all aspects of our work is tenant led and customers are at the heart of what we do.		
2. Who are the main stakeholders in relation to the function?	Customers, Staff, Agencies and Committee		
3. Who will be consulted as part of this EIA? What times of consultation will be carried out?	Tenants, Staff and Committee		
4. <u>Could</u> the function have a differential impact on racial groups ?	Yes	No	
What evidence exists to support your analysis?	Language and cultural barriers where Reports and Subjects cannot understand English.		
5. <u>Could</u> the function have a differential impact due to gender or gender reassignment ?	Yes	No	

What evidence exists to support your analysis?			
6. <u>Could</u> the function have a differential impact on <u>disabled people</u> ?	Yes	No	
What evidence exists to support your analysis?	Possible access issues for customers who cannot make it to interviews. Reasonable adjustment will be considered, once the matter has come to our attention and appropriate measures put in place where possible. Equality Act Assessment will be carried out when vulnerability has been identified.		
7. <u>Could</u> the function have a differential impact due to <u>age</u> ?	Yes	No	
What evidence exists to support your analysis?			
8. <u>Could</u> the function have a differential impact due to <u>sexuality</u> ?	Yes	No	
What evidence exists to support your analysis?			
9. <u>Could</u> the function have a differential impact due to <u>religion or belief</u> ?	Yes	No	
10. <u>Could</u> the function have a differential impact due to any other protected or vulnerable characteristic including marriage or civil partnerships, pregnancy or maternity?	No		
What evidence exists to support your analysis?			
If the answer is NO to <u>all</u> questions 4-10 and no differential treatment has been found there is no requirement for a full Equality Impact Assessment. Please go back regularly and review the cycle.			

If the answer is YES to any of the questions 4-10 please continue to question 11							
11. In what areas could the differential impact identified in 4-10 be considered to be an adverse impact in this function? (Please tick if yes)	Any other protected or vulnerable characteristic	Race	Gender/ Gender	Disability	Age	Sexuality	Religion /belief
12. What solutions will be introduced to overcome these adverse impacts?	<ul style="list-style-type: none"> • Use of profile data to look at customers needs • Provide translation and interpreter services when required • Reasonable adjustments will be considered • Reviewing Customer Satisfaction Surveys 						
13. In what areas could the differential impact identified in 4-10 be considered a positive impact in this function? (Please tick if yes)	Any other protected or vulnerable characteristic	Race	Gender/ Gender	Disability	Age	Sexuality	Religion /Belief
14. What strategies will be introduced to safeguard and spread these positive impacts?	Advertising on MSV website Customer Communications Partnership Working Community Meeting						
15. Which action plans have these solutions/strategies been transferred into?	Marketing Partnership Working						