



ANTI SOCIAL BEHAVIOUR POLICY

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1 REVISION/REVIEW SHEET

Issue	Brief Description of Reason for Change	Document Owner	Date Issued
1	Review of original April 2010 Document	Geraint Jones	August 2012
2	Amendments to policy template	Geraint Jones	September 2012
3	Amendments to paragraph 12.1	Geraint Jones	May 2013
4	Review of Policy in accordance with inception of ASB Crime & Policing Act 2014	Geraint Jones	May 2015
5.	3 Year Review of Document	Geraint Jones	September 2018
6.	Amendment to S 7.1 in relation to Intermediate & Market Rent Tenancies	Geraint Jones	April 2019
7.	Update to include Adra branding	Geraint Jones	October 2019



2 INTRODUCTION AND POLICY STATEMENT

- 2.1 This Policy outlines how Adra (Tai) Cyfyngedig deals with Anti-Social Behaviour (ASB).
- 2.2 Adra’s aim as a Landlord is to sustain tenancies, whilst also protecting the quiet enjoyment of the communities. In most cases of ASB, early informal interventions will be considered to resolve problems as quickly as possible without recourse to legal action.
- 2.3 In some cases, for example where there is evidence of serious criminal behaviour, Adra may decide to take stronger enforcement measures at an early stage.

3 RESPONSIBILITIES

- 3.1 It is the role of the Neighbourhood Services Team to deal with ASB within Adra. The team works closely and liaises with other services within Adra such as the Customer Service Team, who are trained to provide signposting at the first point of contact.

4 DEFINITIONS OF ANTI SOCIAL BEHAVIOUR

- 4.1 The Anti Social Behaviour Crime and Policing Act defines ASB 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 residential premises, or
 - (c) Conduct capable of causing housing-related nuisance or annoyance to any person.”
- 4.2 A distinction needs to be drawn between petty low-level nuisance and persistent and serious misconduct. Adra will satisfy itself that allegations made constitute ASB and are not made due to conflicting lifestyles.

4.3

Examples of behaviour Adra considers to be anti-social	Examples of behaviour we do not consider to be anti-social
Excessive noise (e.g. playing loud music, screaming, shouting)	Babies/toddlers crying
Harassments/Threats	One off parties/BBQs where there’s no evidence problems will re-occur
Garden nuisance	Children’s Play
Pets/animals (e.g. making noise, behaving in a threatening manner, fouling areas)	Noise transference of day to day activities due to poor sound insulation (e.g. domestic appliances, cupboard doors etc)

Loitering in communal areas	Everyday behaviour occurring at unusual times (e.g. due to different work patterns)
Leaving litter/rubbish in areas other than bins	
Vandalising	
Taking/ dealing or selling drugs	
Domestic Abuse	
Alcohol related behaviour	
Hate and race related incidents	
Prostitution/sex	
Inappropriate behaviour in relation to vehicles (e.g. driving dangerously, making excessive noise with vehicle, parking in inappropriate areas)	
Other criminal behaviour	

4.4 The above is not a definitive list of categories. Its intention is to illustrate the type of behaviour involved.

5 PREVENTION AND ENFORCEMENT MEASURES

5.1 Adra staff have the discretion to determine the best course of action in dealing with ASB. A case by case approach is adopted and monitored in accordance with Adra's Service Standards. The following prevention and/or enforcement tools may be used:

5.1.1 Prevention measures

- (a) **Mediation**
- (b) **Final Warning**
- (c) **Preventative Services**
- (d) **Procedures within housing allocation**
- (e) **Multi Agency Meetings**
- (f) **Restorative Justice with the Police and other Partners**

5.1.2 **Enforcement Measures** - Adra's Policy is to try and resolve problems as quickly as possible and whenever appropriate without recourse to legal action. However, the Association does have the following Enforcement measures at its disposal to tackle ASB:

- (a) **Injunctions**

(b) **Undertakings**

(c) **Demotion Order Possession proceedings against assured and Shorthold Tenants -**

5.2 **Environmental Protection Act 1990** Adra is aware that when taking legal proceedings, it should comply with the requirements of various legislation

6 SUPPORT FOR VICTIMS AND WITNESSES

6.1 Adra understands the important role that complainants and witnesses play in detection, prevention and action against ASB and crimes. Therefore, we will deal with all complaints promptly and keep complainants informed of all developments relating to their case. The Officer dealing with the case will offer advice and support to complainants in accordance with our Service Standards. We do not underestimate the level of fear and intimidation that witnesses, and victims have to live with. The safety and wellbeing of witnesses and victims comes first in all cases.

6.2 Support can be offered to witnesses and victims by neighbourhood services staff, or if appropriate by a relevant Support Agency. In cases that progress to a Court hearing, Adra can request a quiet place separate from the Defendant to wait before and during the hearing. Adra will ensure that all witnesses are aware of the process involved and where appropriate, arrangements will be made for the witness to meet the Association's Legal representative prior to the hearing day.

7 SUPPORT FOR VULNERABLE TENANTS AND REHABILITATION OF PERPETRATORS

7.1 Adra's aim is to prevent the ASB from reoccurring. The evidence in each case will be investigated to ascertain whether there is an underlying cause for the behaviour, for example:

- A clash of lifestyles
- Historical disputes between families
- Breakdown in relationships
- School truancy / exclusion issues
- Mental Illness
- Learning difficulties
- Substance misuse / dependency
- Adra may offer support, where appropriate, to the underlying causes and / or refer the perpetrator to supporting agencies
- If a vulnerable person is perceived to be at risk of significant harm Adra will disclose to other relevant agencies or persons in accordance with the H&Spol34 Safeguarding Vulnerable Groups Policy

7.2 With problems involving children and young people, attempts shall be made to identify the underlying cause of their ASB and involve their parents / guardians to try and change their behaviour. Relevant cases can be referred to the Social Services Department, Youth Justice Service and Education Welfare / schools service.

8 DRUGS

8.1 Adra has a zero-tolerance approach to the use of its properties and estates for the keeping and/or use and/or supply and/or production of illegal substances, including controlled drugs (as defined by the Misuse of Drugs Act 1971). Adra will act against any person whom is found to have used (whether by him or herself or by instructing, encouraging or permitting any other person) its property or land for such purposes. Adra have the discretion to decide what course of action to take in such circumstances.

9 DOMESTIC ABUSE

9.1 Adra will not tolerate Domestic Abuse. We recognise Domestic Abuse as a crime and a breach of tenancy conditions.

9.2 Adra will act in accordance with our TSpol01 Domestic Abuse Policy, and work with the Police and other agencies to utilise legal powers, including where appropriate, the provisions within the Housing Act 1988 or the ASB Crime & Policing Act 2014 to address domestic abuse offenders.

9.3 We will aim to:

- Offer support through related partner agencies
- Provide temporary alternative accommodation when necessary
- Re house victims if appropriate
- Work with other agencies to secure a positive outcome
- Work with the Police family protection unit where enforcement action is necessary

10 HATE AND RACE CRIME

10.1 Adra will not tolerate any individual being targeted and subjected to hate crime and or harassment. This includes harassment on the grounds of gender, sexual orientation, religion, ethnic origin, disability, nationality or any other grounds.

10.2 Although the procedure for tackling racial harassment has much in common with the general aspect of ASB, it is important to make a distinction between the two. Adra will refer to the guidelines set out in it's E&Dpol01 Equality & Diversity Policy as well as this NSpol01 Anti-Social Behaviour Policy

10.3 Adra identifies racial harassment as a deliberate and premeditated act against someone, causing severe distress, solely based on their ethnic origin. The feature

that distinguishes racial incidents from ordinary crime and ASB is the element of racial motivation.

- 10.4 It is a crime as well as a breach of Tenancy Conditions. Therefore, co-operation with the Police will ensure that the most effective measures are taken in respect of the offenders.

11 DISABILITY DISCRIMINATION

- 11.1 Adra is aware of the needs of people with disabilities and/or mental health problems, whether they are the victim or the perpetrator. Partner agencies with specialist knowledge and expertise will be consulted to ensure the needs of the individual are met. Adra will refer to its E&Dpol01 Equality & Diversity Policy when dealing with issues pertaining to Disability Discrimination

12 CROSS TENURE ISSUES

- 12.1 Whilst Adra cannot impose contractual obligation on individuals who are not a Tenant of Adra, Adra shall take all reasonable steps to safeguard our Tenants, Employees, Agents and Properties who are victims of ASB in or around our Properties.
- 12.2 If a complaint is made to Adra where no party is a Tenant of the Association, we may refer the matter to another agency for example Police or Environmental Health.
- 12.3 Adra may consider using injunctions to prohibit a person partaking in ASB from entering a Property or Land owned by Adra. Adra may also assist an individual in preventing a person who demonstrates ASB from entering onto a property, where Adra is prevented from taking such action.
- 12.4 In cases where a complaint relates to a Tenant of another Registered Social Landlord, Adra will consult with or refer the matter to the relevant Landlord.

13 CONFIDENTIALITY, DATA SHARING AND DATA PROTECTION

- 13.1 Adra has signed up to the North Wales Community Safety information sharing protocol, under the provision of Section 115 of the Crime & Disorder Act 1998. Adra also shares information with other agencies under Memorandums of Understanding and other agreements, for safeguarding the interests of Adra and/or others and to deter ASB. The Association is committed to abide by the terms of Data Sharing agreements as well as any relevant legislation.
- 13.2 When information or complaints are received anonymously, care will be taken to ensure that the information is not false or malicious.

14 STAFF TRAINING

- 14.1 Adra staff who deal with ASB are trained appropriately. Training updates and seminars are attended when changes in ASB legislation occur, or when managers or staff identify a training need. Staff will also have received training as to the preparation of files for court cases and statement taking.

15 PROTECTION OF STAFF

15.1 As will all staff, the wellbeing of Housing Services staff and their health and safety is taken very seriously, and several measures are in place to safeguard staff which include:

- Lone working procedures
- Joint visits with other staff members and/or Police
- Issue of mobile phones and personal alarms
- Role Risk Assessments
- Issue of Personal Protection Equipment (PPE)

15.2 Incidents where staff are threatened, abused or even harmed are taken very seriously, and we will take the necessary action to deal with such incidents using the powers available. In all cases where the wellbeing and the health and safety of staff are compromised, the matter will be reported to the Police.

16 EQUALITY AND DIVERSITY

16.1 Adra recognises that ASB may include racial harassment and other forms of harassment motivated by prejudice, the E&Dpol01 Adra Equality and Diversity Policy applies to all aspects of our work including Service Delivery. The policy states that everyone will have equal opportunity when accessing services. When applying this policy, tenants subjected to targeted ASB in respect of hate, race and disability discrimination will be offered a range of support arrangements, depending on the victim's needs in line with the Service Standards.

17. REFERENCES

- Housing Act 1988
- Housing Act 1996
- Anti Social Behaviour Act 2003
- Anti Social Behaviour, Crime & Policing Act 2014
- Equality Act 2010
- Environmental Protection Act 1990
- Misuse of Drugs Act 1971
- Crime & Disorder Act 1998
- Adra Service Standards

18. REVIEW

18.1 This procedure will be reviewed every 3 years, or in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Adra Policy.

SCHEDULE 1

ANTI SOCIAL BEHAVIOUR STATEMENT OF PROCEDURES

1 Introduction

1.1 This document explains how and when to report anti-social behaviour (ASB) to Adra (Adra), and what may be done to rectify the situation.

Examples of behaviour Adra considers to be anti-social	Examples of behaviour we do not consider to be anti-social
Excessive noise (e.g. playing loud music, screaming, shouting)	Babies/toddlers crying
Harassments/Threats	One off parties/BBQs where there's no evidence problems will re-occur
Garden nuisance	Children's Play
Pets/animals (e.g. making noise, behaving in a threatening manner, fouling areas)	Noise transference of day to day activities due to poor sound insulation (e.g. domestic appliances, cupboard doors etc)
Loitering in communal areas	Everyday behaviour occurring at unusual times (e.g. due to different work patterns)
Leaving litter/rubbish in areas other than bins	
Vandalising	
Taking/ dealing or selling drugs	
Domestic Abuse	
Alcohol related behaviour	
Hate and race related incidents	
Prostitution/sex	
Inappropriate behaviour in relation to vehicles (e.g. driving dangerously, making excessive noise with vehicle, parking in inappropriate areas)	
Other criminal behaviour	

2 Reporting anti-social behaviour

2.1 By Phone or in person at Adra's offices.

- 2.2 If you wish to make a complaint outside office hours, you should initially contact North Wales Police on **101** to report the matter but should also contact Adra as soon as possible to inform them of the incident.
- 2.3 If you believe that the anti social behaviour is of a criminal nature, or may lead to a crime being committed, then you should contact North Wales Police immediately on **999**.
- 2.4 Written complaints should be marked for the attention of the Neighbourhood Services Officer for your area and sent by post or e-mail to:
- Post - Adra, PO BOX 206, Bangor, Gwynedd, LL57 9DS
 - E-mail - ymholiadau@adra.co.uk

3 Processing a complaint of ASB

3.1 Adra will aim to:

3.2 Deal with your complaint promptly

- When you register a complaint by telephone, our Contact Centre Staff will try and deal with your complaint. If it is of a complex nature, you will be referred to the Neighbourhood Services Team.
- The complaint will be allocated to a dedicated worker with the Neighbourhood Services Team as soon as possible.
- Aim to formally acknowledge your report within 3 working days
- Aim to contact you within:
 - 5 working days to obtain full details of your ASB report
 - 3 working days if your complaint involves hate crime, domestic abuse or serious ASB.

This may be done face to face, in writing, or by telephone in some cases.

- Provide advice and support if you become involved in a dispute with a neighbour, and where appropriate offer to mediate.

3.3 Be clear about what we can do

- Arrange to visit you to discuss matters in the privacy of your own home, or if you prefer, at any of our Area Offices
- Advise you what we are able to do to deal with the problem, and also establish what we can't do
- Work with you to set out an action plan, outlining what will be done and by whom
- Treat information and or complaints as confidential when requested to do so

- If appropriate, work with you to try and resolve the problem, explaining clearly to you what will happen at each stage of the case
- Contact and interview the people responsible for the ASB where they have been identified within 10 working days of interviewing the person who made the complaint
- Consider the case for offering mediation if all parties involved agree
- Offer advice and signposting to other more appropriate agencies when we cannot help

3.4 **Make sure you are supported**

- Offer support to the person complaining of ASB, and to other witnesses or people affected, by informing you of a nominated officer to deal with your case and arrange visits and phone calls from our Officers or Partners.
- If vulnerable people are involved as victims or perpetrators we may offer support to both the complainant and the person causing the ASB e.g. where there are issues such as mental health to consider
- Explain clearly the procedure to witnesses where cases are referred for Legal action and ultimately to Court
- Arrange for you to speak to our Legal team personally where possible
- Provide you with diary sheets to record details of any incident you experience or witness. This information will help us decide on a particular course of action and may also be used as evidence if a case progresses to court. Other means of recording incidents can be arranged if you have any difficulty with completing the sheets.

3.5 **Work with other agencies**

3.6 Adra will aim to work with others to try and resolve the situation. They may contact other statutory agencies and partners to share information that will help tackle the problem. These may include e.g. Police, Social Services, Community Mental Health Team or Women's Aid.

4 **Options available to Adra**

4.1 There are a range of legal and non-legal actions available to Adra. These include, but are not limited to:

- **Mediation**
- **Final Warning**
- **Preventative Services**
- **Restorative Justice with the Police and other Partners**
- **Housing Injunctions**

- **Undertakings**
- **Demotion Order**
- **Possession proceedings**
- **Environmental Protection Act 1990**

4.2 Adra may combine the tools available in order to get the result that they need.

5 Monitoring of service provided by Adra

5.1 Adra will monitor ASB and the service we provide to tackle it. We will use performance measures as well as feedback from service users to ensure continuous improvement of the Service

5.2 External monitoring of the service is done by way of a Service User Questionnaire, completed by way of a telephone call upon case closure.

5.3 If you are not happy with the service you receive following the report of an incident of ASB, Adra will:

- Refer you to the complaints policy
- Allow you to register your complaint in a number of ways e.g. by phone, letter, email or in person at any of our offices
- Refer your complaint to our Customer Service Manager to be investigated.

6 Data Collection

6.1 When requesting information, or giving information to other agencies, e.g. the Police, Adra will adhere to agreed protocols. The exception to this is where it is considered that an individual is at risk in any situation or if there is a high risk of serious harm to anyone in the situation described. Information will not be given to third parties who are not involved in the case without the express permission of the complainant, however we have a duty of disclosure where a matter of significant risk or harm is identified in accordance with Adra's H&Spol34 - Safeguarding Vulnerable Groups Policy.

7 EQUALITY AND DIVERSITY

7.1 Adra recognises that ASB may include racial harassment and other forms of harassment motivated by prejudice, the Adra's E&Dpol01 - Equality and Diversity Policy applies to all aspects of our work including Service Delivery, the policy states that everyone will have equal opportunity when accessing services. When applying this policy, tenants subjected to targeted ASB in respect of hate, race and disability discrimination will be offered a range of support arrangements, depending on the victim's needs in line with the service standards.

8 REVIEW



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- 8.1 This procedure will be reviewed every 3 years, or in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Adra Policy.