



ANTI-SOCIAL BEHAVIOUR POLICY STATEMENT

1.0 Introduction

Wales & West Housing (WWH) recognises the negative and detrimental impact that anti-social behaviour (ASB) can have on the lives of individuals and communities and the cost to them and WWH, if it is not addressed.

Our purpose is to create neighbourhoods that work, where our residents can feel safe and be safe, in both their homes and communities. This purpose is based on what we know matters to our residents and ensures a balanced approach when tackling ASB and actions that are proportionate to the problems.

We aim to work with our residents to resolve issues, to provide a greater understanding of how we manage reports of ASB, giving realistic advice on what options are available to resolve the problem, and the best way of approaching it.

Additionally, we will seek to provide support for those whose behaviour is deemed to be anti-social, and in most circumstances we will exhaust the most relevant preventative measures available in order that we can find a solution to the problem and assist residents to maintain their tenancies, thereby creating more sustainable communities. Where preventative measures are not an appropriate way of dealing with the issues, or if we cannot find a remedy to the problem, we will consider taking enforcement action.

ASB manifests itself in many ways and when we are unable to resolve the issues in isolation, we will work closely with other relevant agencies, who may be more equipped to deal with the problem, such as Environmental Protection and Police.

In line with statutory requirements WWH has produced a separate written summary of this policy, which is freely available by request. There is also a comprehensive procedure accompanying this policy, which provides guidance to front line staff dealing with ASB. A summary of the Procedure is also available.

2.0 Definition

WWH defines anti-social behaviour as:

“any conduct that causes or is likely to cause harassment, alarm or distress to one or more persons not in the same household” and “is conducted by a resident, any member of their household or visitor to their home who carries out, threatens to carry out, engages in, or with knowledge of, allows such conduct to occur”. (*Crime and Disorder Act 1998*)

WWH has recognised that there is behaviour and activity in our communities, which may be considered as anti-social behaviour as defined above, and may also be a breach of tenancy conditions, but does not meet a threshold for formal, legal, intervention to be pursued. It is for this reason that WWH has adopted an approach which may see complaints considered as ‘low level or low risk’ which do not have the same degree of impact on the victims and the wider community. The differentiation between these ‘degrees’ of behaviour also informs the type of response and actions that are available to resolve the issues.

3.0 Policy Statement

In addition to this policy, WWH have produced policies and procedures in other areas, such as Hate Crime and Discriminatory Behaviour; Domestic Abuse; Victim & Witness Support; and Safeguarding. In all these cases we will:

- Seek to establish any underlying cause for the ASB and take appropriate action to tackle it.
- Deal as swiftly and effectively as possible, with those individuals who are demonstrating anti-social behaviour and where evidence is available to support the intended action.
- Make clear to residents their personal responsibility for their actions, the actions of members of their household and visitors to their home.
- Adopt a victim centred approach and provide support to victims, in addition to considering Safeguarding referrals
- Expect all staff within the Wales & West Housing Group to report any concerns relating to safeguarding to their line manager as soon as they are able to do so.
- Speak with the complainant and agree the actions each party intends to take.
- Seek the co-operation of complainants and make clear that lack of evidence limits any action that can be taken.
- Ensure residents are regularly kept informed of progress, and of any actions that are ongoing.
- Demonstrate the impact their behaviour is having, and the implications on the security of their tenancy.

- Work with residents to assist them to amend their behaviour when they are serious about making positive changes to their behaviour.
- Take an individual approach to assisting a person to change their behaviour, unless the situation is very serious or prolonged.
- Work with partners of community safety partnerships to provide support or assist with taking action to address a person's behaviour as necessary.
- Deal appropriately with malicious complainants, either as individuals or under the terms of their tenancy agreement.

4.0 Preventative Measures

We will seek to identify and address support issues of individuals to assist them in amending their behaviour. We will work positively with partners such as Social Services, mental health professionals, Police and Youth Offending Teams to ensure perpetrators receive all the advice or support needed both to modify their behaviour and prevent further anti-social behaviour occurring.

If a resident is recognised as requiring support to maintain their tenancy, WWH will endeavour to work closely with the resident and support agencies to facilitate mechanisms being established.

WWH's commitment to tackling ASB ensures that where appropriate, all possible action has been taken before legal remedies are pursued. There are a number of measures that are available for consideration, and depending on the circumstances, the most relevant will be explored:

These include the following:-

- Reinforcing the conditions of any tenancy agreement or lease.
- Restorative approaches.
- Referrals to support agencies.
- Undertakings.
- Acceptable Behaviour Contracts.

The list is by no means exhaustive and other options may be considered, where appropriate.

5.0 Taking Effective Legal Action

There exists a range of legal tools available to WWH to tackle anti-social behaviour and we will use legal remedies that are appropriate and necessary to the scale of the anti-social behaviour.

These include:

- Civil Injunctions
- Demotion of Tenancy
- Possession Proceedings

We may also consider other legal measures that are available to our partner agencies, and when required to do so, will work closely with them to achieve our aims.

6.0 Specialist Support and Training

WWH will work to ensure that every member of staff is aware of the definition of anti-social behaviour, of what behaviour will not be tolerated, and the acceptance of a shared responsibility when addressing complaints of anti-social behaviour. Staff training is undertaken to provide them with the adequate skills and confidence to advise residents appropriately in a range of areas such as Domestic Abuse (DA); Mental Health; reasonable adjustments; and Equality and Diversity.

7.0 Multi Agency Partnerships

WWH is limited as a registered social landlord to the action it can take to deal with ASB in respect of the tenancy agreement, legislation and civil remedies. A multi agency approach may be considered in tackling complaints of ASB, to ensure the full and extensive range of tools available to partner agencies within the community safety partnerships are used, to bring swift and effective resolution to anti-social behaviour.

WWH is able to tackle ASB across all tenures (other landlords and owner occupiers) through our involvement in multi-agency partnerships and by sharing information. Where appropriate, WWH will use its enforcement powers to take action against individuals who are not necessarily WWH residents.

8.0 Confidentiality

WWH will ensure that personal data is managed correctly, and that information disclosed to us by complainants remains confidential. Advice on when and how the disclosure of information to other parties, their legal representatives or other interested parties, is shared at the beginning of any investigation. Any disclosure of personal data is carried out in line with the provisions of the Data Protection Act (DPA) 1998 and the General Data Protection Regulation (EU) 2016/679 (GDPR) and Human Rights Act 1998.

A key element of our effective working with our partner agencies in tackling ASB effectively, is the sharing of information. We share information with the Local Authority Community Safety Partnerships in whose areas we operate. All disclosures are considered on a case by case basis.

9.0 Publicising the Policy

This policy will be publicised to residents and partner agencies. WWH seeks to clearly define its approach to dealing with ASB, the support and action victims can expect and the consequences for those continuing with anti-social behaviour. This will be achieved by articles in the residents' magazine, information on our website and attendance at promotional events.

10.0 Community Issues

WWH ensures that regular and formal liaison with multi agency partnerships takes place at a strategic level and this is clearly translated to both staff and residents at a local level. Residents will be encouraged and supported to establish links with other service providers to produce real solutions to ASB affecting their community.

WWH acknowledges that anti-social behaviour is defined, and the impact interpreted and prioritised, differently in each community. The priorities of local communities will influence WWH's response in each area.

11.0 Complaints

WWH's complaints procedure is available to anyone who feels their report of anti-social behaviour has not been addressed adequately. After exhausting this procedure if the resident is still dissatisfied, they are at liberty to contact the Public Services Ombudsman for Wales; or local authority with a request to activate the Community Trigger. More information on the Community Trigger can be found on the Welsh Government's website.

12.0 Monitoring, Recording and Reviewing

WWH works closely with Crime and Disorder Reduction Partnerships to monitor and evaluate the type, frequency and patterns of ASB within communities.

Regular and periodic reviews of the ASB policy will be conducted in line with any changes in legislation or systems within WWHA.

13.0 Equality and Diversity Implications

This policy is applicable to all individuals. WWH pays due regard to the aims and objectives set out in the Public Sector Equality Duty in Section 149 of the Equality Act 2010, including the need in appropriate circumstances to treat persons with a disability more favourably than persons who do not, and having due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct

prohibited by the Act; advancing equality of opportunity between people who share a protective characteristic and those who do not; and fostering good relations between people who share a protective characteristic and those who do not. Early intervention will be key to finding lasting resolutions where cases of ASB affect the quality of life in our communities and effective action will be taken against those who act in a manner contrary to the aims of this policy. WWH seek to ensure all front-line staff are fully trained on the equality Act 2010 and receive ongoing training to changes in legislation as they occur.

14.0 Resident Engagement

The policy and approach to the management of ASB will be based upon what matters to residents. What matters to residents will be established by close engagement with residents at the point of service delivery. This will be a central part of any review to redesign work processes and will also be carried out on an on-going basis by continually engaging with the residents involved in the system, to fully understand what is important to them. Performance will be related to and based upon what is proven to matter to residents.

15.0 Legal Implications

This policy is fully compatible with the obligations imposed by the following legislation:

- Anti-social Behaviour Act 2003;
- Crime and Disorder Act 1998;
- Children Act 1989, S27;
- Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/670 (GDPR);
- Disability and Discrimination Act 1995;
- Equality Act 2010;
- Homelessness Act 2002;
- Housing Act 1996;
- Human Rights Act 1998;
- Crime & Policing Act 2014;
- Local Government Act 2000;
- Race Relations Act 1976, S71.

Action taken will be in accordance with current legislative powers. Early intervention will be key to finding lasting resolutions where cases of ASB affect the quality of life in our communities and effective action will be taken against those who act in a manner contrary to the aims of this policy.

16.0 Financial Implications

WWH will seek to resolve cases of anti-social behaviour. However professional legal support will be required for complex cases or those requiring legal representation.

17.0 Health and Safety Implications

All staff investigating cases of ASB are advised to consider all associated risks whilst undertaking the investigation. Protection of our staff is of paramount importance and we take our responsibilities in this area very seriously.

18.0 Welsh Language Implications

Any individual wishing to communicate in the medium of Welsh will be assisted in accordance with our Welsh Language Scheme.

19.0 Review

This policy statement will be regularly reviewed and was last reviewed in March 2022.