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| Anti Social BehaviourPolicy |  |
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Useful Definitions:

**The Councils** – Refers to the South Oxfordshire District Council and Vale of White Horse District Council.

**Landlord** – This will be the named Landlord on the Tenancy Agreement and will be either South Oxfordshire District Council **OR** Vale of White Horse District Council

**The Service Provider –** This means the appointed sub-contractor for the Councils who will implement the terms of the Policy. As of 30 October 2023, this will be Soha Housing.

**Tenant/s –** Person/s who occupy the property which is owned or leased by the Landlord.

Anti-Social Behaviour Policy

**Policy Statement**

1. The Councils are committed to preventing, identifying, and dealing with all types of Anti-Social Behaviour (ASB) and hate related behaviour and crimes.
2. In accordance with the ASB, Crime and Policing Act 2014, and for the purpose of this policy, anti-social behaviour will be defined as:

*Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant). The Crime and Disorder Act (1998)*

1. Domestic Abuse is covered specifically under the Domestic Abuse Policy.
2. The Councils and the Service Provider believes that everyone has the right to live peacefully in their own homes and recognise the effect that ASB can have on communities so will seek to prevent and tackle anti-social behaviour, abuse, or hate related crime quickly, effectively, and sensitively.
3. Where there is no evidence of ASB The Service Provider will explain these findings to the claimant but where it is believed that a complaint is malicious or unreasonable, the case may be closed and where appropriate act against the claimant. Cases of ASB are monitored by diversity strands – for both claimants of ASB and respondents and analyse this data. This is to:
* Increase understanding of which groups are respondents and/or claimants of ASB
* Determine which groups may not be reporting ASB, or which certain groups may be disproportionately represented amongst respondents or claimants
* Tailor and target services accordingly.

**Aim of the Policy**

1. The Service Provider aims to prevent ASB in the first instance through early intervention and effective neighbourhood solutions such as mediation, but where incidents do occur then they will endeavour to identify the root cause of the behaviour and take appropriate actions.

**Unwelcome Behaviour**

1. The Councils and The Service Provider defines Unwelcome Behaviour as activities that people find upsetting but are not a breach of a tenancy agreement, or criminal act. The Councils and Service Provider expects a reasonable level of tolerance and will not investigate cases about:
* People’s day to day activities
* General household noise
* Thoughtlessness
* Uncourteous behaviour
* Posts on social media
* Poor parking
* Children playing
* Lifestyle differences
* Looking or staring at others
1. If you are affected by such activities, you are encouraged to speak politely to the person affecting you; or write them a polite letter explaining how it makes you feel and suggest some ways you could reach a compromise.

**Criminal Acts**

1. The Councils and Service Provider do not have powers to enforce criminal law (e.g., assaults, drug dealing, theft, etc). Where you have been the victim of a crime, you must report it to the police. You can let the Service Provider know too, and where the Service Provider can support the police in sharing evidence, or working together on preventing further crimes, they will do so. The police will take the lead in investigating and responding to crimes. Should the police choose not to take further action on a crime, The Service Provider has no additional powers to investigate or stop criminal acts.

**Implementation**

1. The Service Provider will communicate clearly with all residents before and at the beginning of their tenancies about our expectations regarding ASB. This includes explaining the implications of breaching their tenancy agreement.
2. As part of the Service Providers case management, they will record all claims of ASB and will liaise with partners such as police and support agencies and will use various methods to gain evidence such as diaries, witness statements, and noise monitoring equipment / The Noise App.
3. The Service Provider will prevent incidents of ASB in communities by:

Raising awareness of the Service Provider’s robust approach to ASB and hate crimes

* Providing new tenants with clear guidelines and expectations
* Providing access to local support agencies
* Working closely with partnering agencies and our communities
* Publicising the work that The Service Provider are doing to prevent ASB and enforcement action taken.
1. The Service Provider will provide a claimant centred approach and will support claimants (and respondents where appropriate) throughout their claim by:
* Dealing quickly and sensitively with all claims of ASB and hate crimes
* Setting clear and published service standards
* Providing a named officer to manage the case
* Providing access to mediation and victim support services
* Providing additional advice and support through The Service Provider Out of Hours service
* Keeping all parties advised of the progress of the case with regular updates
* Agreeing action plans and timescales with customers
* Respecting confidentiality of claimants while recognising that evidence is normally vital in successful case resolution. When a claimant does not allow The Service Provider to use their evidence then The Service Provider will not retain that evidence. This will be conveyed to the claimant. Where evidence is provided of abuse, crime, or disorder, The Service Provider reserves the right to share the evidence without consent of the evidence holder.
* Recognising the vulnerability of all those parties involved
* Only closing a case with the agreement of the claimant or once The Service Provider has completed all actions agreed with the claimant at the outset of the case
* Asking for customer feedback once the case is closed
1. The Service Provider will only use legal action where necessary and will work with those involved to resolve the situation by using:
* Restorative approach sessions
* Mediation
* Victim support services
* Informal agreements
* Acceptable Behaviour Contracts
* Diaries/Noise App/Noise monitoring equipment
1. Where these tools fail to achieve the desired outcome (or the ASB is of a serious nature) we will enforce the tenancy by using our tenancy clauses as well as the tools established by the ASB, Crime & Policing Act (2014):

**Tools available to Social Landlords under the ASB, Crime & Policing Act (2014)**

1. Absolute Ground for Possession

Intended to expedite possession where another court has proven significant antisocial behaviour or criminality in the locality of the property. It is intended to provide better protection and faster relief for those affected/ witnesses. However, The Service Provider would have to wait until a criminal case is concluded prior to acting. This delay might lead The Service Provider to still progress with discretionary powers / a civil injunction if that is in the better interests of the community.

1. Criminal Behaviour Order

Police led action against persons convicted of criminal activity. These can also require positive action to address the anti-social behaviour. The Service Provider can assist the police with CBOs.

1. Civil Injunctions

These will allow the requirement for positive actions, as well as prohibitions, to tackle anti-social behaviour. These will require civil standards of proof (balance of probabilities) to obtain and will be part of the approach to bring about long-term solutions as well as address immediate impacts for individuals/ communities affected by anti-social behaviour. Can be used from the age of 10 and up.

1. Community Protection Notice

Police or Local Authority led action. Can be issued to prevent a person engaging in ongoing or persistent anti-social behaviour that is unreasonable and has a detrimental effect on the lives of others in the community. The Service Provider can assist the agency in obtaining a CPN.

1. Community Trigger

The Community Trigger is for claimants who feel that no one is dealing with the anti-social behaviour problems they have been reporting. If the claimant has already reported the problem to the council, police or Service Provider, the community trigger is a way for them to ask agencies to review their case. It will make sure agencies work together to try and solve the problem. They must have reported the behaviour to an agency three or more times within a 6-month period before requesting a trigger. The Community Trigger can also be used by any person on behalf of a claimant, for example a family member, friend, carer, councillor, Member of Parliament, or other professional person. This is intended to ensure that all claimants can use the Community Trigger. However, the claimant’s consent should be sought by the person using the Community Trigger on their behalf.

**Equality, Diversity and Inclusion**

1. The Service Provider will take protected characteristics into account when responding to ASB reports. For example, disabled residents may experience ASB in a more intense way, owing to being at home more often. The Service Provider will ensure this is taken into account in the manner that we respond to, and seek solutions to, ASB.
2. People from protected characteristics may experience hate crimes, The Service Provider will work with the police to investigate and respond to hate crimes quickly and effectively. We will aim to protect the claimant from further abuse.

**Monitoring and Responsibility**

1. The Head of Service for The Councils has overall responsibility for implementation of this policy.
2. Context

This Policy is based on current legislation and best practice. The Councils will amend it in line with any changes.