ASB & Hate Crime Policy

Should colleagues require any reasonable adjustment to allow for engagement with this document please contact the policy lead

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You are advised that a printed version may not be the latest available version. The latest version, which supersedes all previous versions, is available on the Brighter Places Policy Index Sheet. Those to whom this policy applies, are responsible for familiarising themselves with the latest version and for always complying with the policy requirements.

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1. Policy Statement

This policy outlines our commitment to preventing and addressing Anti-social Behaviour (ASB) and Hate crime within our neighbourhoods. We will work with customers, other landlords and partner organisations to take all reasonable steps to promote and ensure the safety of our residents whilst in their own homes and using their communal areas and shared spaces.

Whilst we will support our customers with reports of ASB, we will encourage our customers to report any criminal behaviour to the Police for their investigation and action. We will work closely with the Police wherever possible to provide a joined-up approach, and in some cases may take joint action to address ASB.

Brighter Places takes a zero-tolerance approach towards ASB. We want to make our communities safe and peaceful places to live. We will ensure an effective response to all complaints of ASB as defined within this Policy. This may include formal tenancy warnings and legal action if needed. We may seek to end tenancies if the reports are serous.

Our approach to the effective management of ASB is in line with our approach as an organisation, working with our customers to promote tolerance, making our neighbourhoods great places to live. We will act early to intervene and prevent ASB from escalating, directly providing or referring to support as necessary.

This includes specialist support providers where we have an agreed service level with them such as Resolve West (Conflict Resolution) and SARI for Hate crime (Stand against Racism and Inequality.)

We will take all complaints of ASB seriously. We will investigate thoroughly. We will respond to complaints of ASB from whatever source, if it is alleged that our tenants, members of their families or visitors are perpetrators.

We will investigate anonymous complaints as far as we can; however we will not be able to provide feedback to the complainant and our ability to gain further information is likely to be limited. Therefore this is likely to curtail the amount of action we are able to take. We will investigate where complainants will give us their details but want to remain anonymous to the perpetrator, however it may limit the action we are able to take. We will encourage and support complainants throughout the process, including attending court if legal action is required.

We will provide complainants with the tools and guidance to resolve their own complaints wherever possible, taking a victim focussed approach, identifying those vulnerable individuals, communities and environments most at risk, and offering the right level of support where needed. We aim to support vulnerable perpetrators as well as complainants wherever possible.

We will take appropriate and proportionate action against perpetrators of ASB, including the use of legal remedies where necessary. We will also consider any

Safeguarding issues or criminal acts and to make appropriate referrals. We will endeavour to obtain consent for referrals and always act within or Data Protection Policy, however there may be cases where if we believe thresholds have been met and we have a statutory duty, then a referral may be made without consent.

We will not usually move either the perpetrator or the complainant to tackle ASB. Our aim is to work with all parties to resolve the nuisance behaviour.

If the ASB is considered high risk as part of risk assessment process, the ASB Officers will consider whether an internal move is pertinent. This would need to be agreed by two Housing Managers and have appropriate Police support that a move is the best way to resolve the ASB case. The aim of our work is to keep our customers safe and happy in their own home.

1.1 Response to Other Landlords

Brighter Places offers housing management services to other local landlords. In cases where we are not the landlord, we will engage and take actions with the landlords consent at all times, taking into account any management agreement requirements and policies that the landlord themselves operate within.

1.2 Measuring Customer Satisfaction

We measure ASB delivery including resident satisfaction using Tenant Satisfaction Measures taking into account regulatory and good practice KPI's that are reported to Board.

Our resident satisfaction is captured via transactional surveys, and residents with closed ASB cases are all contacted to capture views. We use feedback pertinent feedback to improve our services.

2. Commitment

In line with the Consumer Standards 2024 we will :

- Treat all customers and complainants with fairness and respect.
- Be clear with customers about the services we offer and what to expect from us.
- Maintain this policy and set out how work with relevant organisations to deter and tackle ASB in our neighbourhoods.
- Clearly set out our approach for how we deter and tackle hate incidents in our neighbourhoods.
- Make it easy for residents to report ASB and hate incidents and keep them informed about the progress of their case.

- Provide prompt and appropriate action in response to ASB and hate incidents using the appropriate method from the full range of tools and legal powers available us.
- Risk assess all ASB cases and keep the risk assessment under review.
- Set up an action plan with the complainant so our customer is clear on what we can and cannot do.
- Support customers who are affected by ASB and hate incidents, including by signposting them to agencies who can give them appropriate support and assistance.
- Support customers to maintain their tenancy or licence. Applying to end a tenancy is a only done after all other actions have been considered. We will offer all affected customers advice and assistance.
- Will provide services that support customers to maintain their tenancy or licence and prevent unnecessary evictions.

3. Linked Documents

- Domestic Abuse Policy
- Safeguarding Policy for Adults
- Safeguarding Policy for Children
- Pets Policy
- Equity, Diversity and Inclusion Policy
- Customer Feedback Policy
- CCTV Guidance
- Dealing with Challenging Behaviours Policy

4. Legal and Regulatory Compliance

- Anti-Social Behaviour, Crime and Policing Act 2014
- The Equality Act 2010
- Housing Act 1985, 1988 and 1996
- Anti-social Behaviour Act 2003
- Human Rights Act 1998
- Police and Justice Act 2006
- Government guidance – “Reform of anti-social behaviour powers: statutory guidance for frontline professionals” last updated August 2019
- Neighbourhood and Community Consumer Standard 2024
- Tenant Satisfaction Measures

5. Policy Detail

5.1. Introduction and scope

5.1.1 Definition of Antisocial behaviour (ASB)

The Anti-social Behaviour, Crime and Policing Act 2014, defines ASB as:

- 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, that is, directly or indirectly relating to our housing management functions.

'Person' includes anyone who has the right to live in the property owned or managed by us, those living in any other property in the neighbourhood (for example: owner occupiers, tenant of other landlords) and anyone else lawfully in such property or in the locality.

'Housing-related' means any activity that directly or indirectly relates to housing managements functions carried out by us and work that is undertaken in the day to day management of our properties and neighbourhoods.

This can include:

- Customer engagement and involvement
- Repairs and maintenance including planned repairs
- Compliance and other communal area visits
- Neighbourhood management including lettings and income

ASB includes a range of nuisance and/or criminal behaviours which are causing distress to others. Whether someone's actions can be classed as ASB relies heavily on the impact it has on other people.

Behaviour that is more frequent or persistent is more likely to be considered as ASB. The type and intensity of the behaviour also matters. We will consider all these factors when deciding how best to deal with reports of ASB. Each report is looked at individually by considering the suffering of the victims and the impact on the wider community.

5.1.2 Other Definitions

Complainant: For the purposes of this policy, the Complainant is defined as: the individual(s) who reports to Brighter Places the behaviour that has caused or was likely to cause nuisance, annoyance, harassment, alarm or distress.

Perpetrator: For the purposes of this policy, the Perpetrator is defined as: the individual(s) who it is either alleged or proven, to be responsible for the behaviour that has caused or was likely to cause nuisance, annoyance, harassment, alarm or distress.

Customer: For the purposes of this policy, the customer is defined as anyone who is or could receive our services, either as a complainant or an alleged perpetrator. Some parts of this document refer specifically to the tenant where that person is responsible for ensuring they, their household and visitors keep to the tenancy conditions.

Cuckooing: For the purposes of this police, cuckooing is a practice where people take over a person's home and use the property to facilitate exploitation. There are different types of cuckooing:

- Using the property to deal, store or take drugs.
- Using the property to sex work.
- Taking over the property as a place for them to live.
- Taking over the property to financially abuse the tenant.

Noise nuisance: For the noise to count as a statutory nuisance it must do one of the following:

- Unreasonably and substantially interfere with the use or enjoyment of a home or other premises.
- Injure health or be likely to injure health.

5.1.3 Classifications of ASB

At Brighter Places we acknowledge the impact that ASB can have on our customers and their families and will investigate all reports, unless we deem a report is not ASB.

As part of all investigations the Housing Officer or ASB Officer will carry out a risk assessment to assess the seriousness of the alleged behaviour, and the impact it is having on the victim.

If an incident is made up of several types of ASB, we will treat the most serious part of the complaint first. If the risk assessment determines the complainant is vulnerable and at risk, the case will be escalated to a specialist Anti-Social Behaviour Officer to oversee.

Low Risk of Immediate Harm

Where the outcome of the risk assessment shows there is either 'zero' or 'low' risk of immediate harm, this case will be managed by a Housing Officer. The Housing Officer will make contact within 5 working days to discuss and agree an action plan, in person or over the telephone. This includes but is not limited to:

- Noise Nuisance (howsoever caused) and noisy parties which causes, or is capable of causing, nuisance to others.
- Vandalism and criminal damage to property.
- Pet and animal nuisance.
- Nuisance from vehicles including where vehicles are parked inconsiderately, or where people carry out work on one or more vehicles which causes a nuisance to others.
- Drugs/substance misuse (see Section 5.1.5 on cannabis.)
- Loitering on the estate causing nuisance to others, with or without alcohol or drugs.
- Garden nuisance including messy or overgrown gardens (which encourage rodents) or storing belongings in gardens which is unsightly.
- Nuisance related to disposal of rubbish / fly-tipping.
- Making false allegations against another person in order to cause them nuisance, alarm or distress (If proven, these are unreasonable complaints and could also be subject to action as per our Dealing with Challenging Behaviours policy.)
- Verbal abuse which is non threatening in nature.

Criminal offences should also be reported and referred to the Police. We will work closely with the Police where any criminal activity is reported and will share information with them in confidence. It may be necessary to collect on-going evidence before action can be considered or taken.

Brighter Places will not do anything that may jeopardise any current criminal investigations.

We may refer any fly tipping, noise and animal nuisance complaints to Environmental Health for further investigation. This will depend on the individual case.

We will consider any definitions of ASB as stated in an individual's tenancy agreement or lease before taking any necessary action.

High Risk of Immediate harm

Where there is, or may be, a genuine risk of immediate harm as identified in the risk assessment this case will be managed by an Anti-social Behaviour Officers. In these cases, the ASB Officers will interview either by telephone or in person. Our ASB Officers will contact customers within 1 working day and agree an action plan.

This includes ASB cases of :

- Proven Statutory Noise Nuisance
- Proven false allegations against another person(s) in order to cause them nuisance, alarm or distress. (If proven, these are unreasonable complaints and could also be subject to action as per our Dealing with Challenging Behaviours policy.)
- Criminal behaviour. E.g. Burglary, theft, arson.
- Threatening behaviour, including verbal abuse and/or threats of violence.
- Where the complainant is being targeted for a specific reason (e.g. hate related, learning difficulties/vulnerable due to a protected characteristic as set out in the Equality Act 2010.)
- Complaints about aggressive animals, including dangerous dogs.
- Drug dealing.
- Hate Incidents and Crime.
- Acts of physical violence, such as attacks on a person.
- Cannabis farms or factories.
- Domestic Abuse.
- Presence of illegal weapons or explosive devices.
- Serious sexual offences.
- Reports of cuckooing.

Unacceptable behaviour towards our colleagues, volunteers, Board members or contractors

We will not tolerate threatening, abusive or violent behaviour towards our colleagues volunteers, Board members and/or contractors from customers, their relatives, their visitors, any animals or occupants of their household.

Where incidents of unacceptable behaviour occur we will take appropriate action. Due to our duty to our employees, we will always treat such incidents as high level ASB.

5.1.4 What Brighter Places are not able to investigate

ASB includes a wide range of behaviour that can affect the lives of people experiencing it. However, we do not consider everything that is reported to us to be ASB.

We will not investigate the following if it is reported as ASB:

- Noise generated by everyday living, i.e: children playing, babies crying, walking across laminate flooring wearing shoes, talking.
- People mowing their lawns or other garden maintenance at reasonable times and frequencies.
- People vacuuming or using other domestic appliances at reasonable times and frequencies.
- People carrying out DIY repairs at reasonable times.
- Washing machine or vacuuming noise.
- Children falling out with each other.
- Children playing ball games, unless this involves other ASB or criminal damage.
- One off parties.
- Clash of lifestyles (e.g. due to working patterns) or family disputes.
- Cooking smells.
- Animals straying and / or /fouling in gardens (e.g. cats.)
- People looking or staring, unless this is part of a wider and high level case of ASB.
- Where behaviour is as a result of disability or protected characteristic we will offer to support all parties to find a resolution. We will work with relevant services where practicable and possible taking in to account our EDI and Safeguarding Policies (E.g. if there is a mental health crisis) See Section **5.3** and **5.9.2** for further information. We may still take legal action if the perpetrator is vulnerable or has a protected characteristic.

In most of these cases we will only give advice and guidance to the complainant. We may however, offer a referral for conflict resolution to resolve the matter by using Resolve West.

In these cases we will arrange and pay for conflict resolution services. In order for referral to be considered, one of the parties involved must be a Brighter Places tenant. When complaints are being investigated by Brighter Places officers on behalf of other landlords (where we manage accommodation on behalf of other property owners,) we will ensure that the landlord understands they are liable for any dispute resolution costs.

We will not fit “no balls games” signs to our communal areas or open green spaces as they are unenforceable.

We will not routinely install CCTV.

5.1.5 Cannabis

Possession, use, manufacture and distribution of cannabis is illegal and a breach of the tenancy agreement. If a customer suspects drug use they should report their concerns to the police on 101 or via the Police website.

We will contact the tenant and the alleged user and tell them they must stop using cannabis at their property or within any communal areas.

If it is confirmed that cannabis is being used or stored on the property, we will take appropriate legal or non-legal action, considering the risks, vulnerabilities, and support needs of those involved, as well as the impact on the complainant(s) and the community. We may refer cannabis users to available support services or their GP.

If the exact location of cannabis use is unclear, we will ask customers to keep both Brighter Places and the Police informed of any ongoing concerns. In cases where multiple reports are made over time, we will collaborate with the Police to investigate further.

Managing Expectations

Cannabis use is a criminal offence and it is the Police who are responsible for criminal enforcement. As landlords, we are not responsible for enforcing the criminal law related to cannabis use.

If there is no concrete evidence of cannabis use, eg, when there is not more than just a smell, we may not be able to take decisive action until more substantial evidence is obtained by the Police.

Evidence and Enforcement

If drugs are found on the premises or arrests are made, we can take stronger action. However, acting solely on reports of a cannabis smell can be challenging, as legal action requires substantial corroborative evidence to succeed in court.

The Housing Ombudsman has recognised the difficulty for housing associations when dealing with reports of cannabis:

‘This is the type of situation for which there is no straightforward answer, which will be little comfort to the resident. For a landlord to take action against a tenant in respect of ASB it requires corroborative evidence to support taking such action. Formal legal action is only likely to succeed in the most serious cases, with a substantial amount of

supporting evidence to convince a court that it would be just and proportionate to grant an order.' – **Complaint 201805041 – Point 35- Optivo – 13 May 2021**

In such situations, we may still take steps to address the issue, such as communicating with nearby residents, advising alleged perpetrators to cease their use, issuing tenancy warnings, and working with the local Police to develop an action plan. We will maintain regular communication with those who have reported the issue and create an action plan setting out what we can and cannot do.

Cannabis Cultivation or Supply

In cases where there are allegations of cannabis cultivation or supply, we will collaborate with Police and other agencies to gather facts. If evidence is found, we will work with the police to address the issue through legal channels or other remedies. We will always take reasonable and proportionate action, considering the risks, vulnerabilities, and support needs of those involved, as well as the impact on the complainant(s) and the community.

In some instances, we may rely on the Police to lead the investigation. If sufficient evidence is gathered or a conviction is secured, we will take further action, which may include seeking injunctions, requesting closure orders as appropriate.

Medicinal Cannabis

Cannabis may be prescribed for certain medical conditions. If this is the case, we will require written confirmation from a qualified NHS practitioner. Issues typically arise when residents use private clinics for "vaping" methods of administration, and we will address these on a case-by-case basis.

5.2 Hate Incidents and Hate Crime

All complaints of Hate incidents or Hate Crime will be dealt with by an Anti-social Behaviour Officer. The Officer will contact the complainant within 1 working day of the report in line with other serious ASB cases, and complete an action plan.

Hate crime can take many forms, including but not limited to physical attacks, a threat of attack or verbal abuse and insults; it will also include any incident which constitutes a criminal offence, or which is perceived by the victim as being motivated by hate or prejudice.

Not all Hate incidents will be regarded by the Police as Hate Crime but this does not mean that we will be prevented from taking action on a person's behalf.

There is a distinct difference between a Hate Incident and a Hate Crime.

A Hate Incident is defined as: 'Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.'

Home Office & Association of Chief Police Officers (ACPO) 2005.

A Hate Crime is defined as:

'Any Hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or Hate crime.'

Home Office & ACPO 2005.

It is a Hate Incident or Crime if the victim or anyone else thinks it was motivated by hostility or prejudice based on one of the aspects below:

- Disability.
- Gender Identity.
- Race, Ethnicity or Nationality.
- Religion, Faith or Belief or
- Sexual Orientation

Harassment is not specifically defined by any one piece of legislation. It can include repeated attempts to impose unwanted communications and contacts upon a victim in a manner that could be expected to cause distress or fear in any reasonable person.

When a Hate Crime or Incident is reported to us, we will investigate it thoroughly and sensitively.

After the investigation of an incident it may become clear that the harassment is not motivated by prejudice or hate, but by using the complainant's perception, we ensure that any prejudice or Hate is fully considered throughout the investigation.

Where a Hate Crime or Incident is reported to us we cannot always take enforcement action without evidence, nevertheless, all complainants and witnesses will be supported sensitively throughout the investigation.

We will always offer a referral to SARI, (Stand Against Racism or Inequality) and any other appropriate support agency (with the complainants consent.) to any customer reporting a Hate crime or Incident. SARI and Brighter Places can consider what target hardening measures could be provided.

SARI - **0117 942 0060** or https://saricharity.org.uk/

Where there is damage to a property or offensive graffiti on a property as a result of a Hate Crime or Incident we will repair the damage or remove it as soon as reasonable practicable.

We will not tolerate residents perpetrating Hate Crime and will take action working in partnership with the Police independently to ensure that all of our residents feel safe in their community.

Anyone found as a perpetrator of a Hate Incident or Hate crime will place their tenancy with us at risk.

5.3. Domestic Abuse

Brighter Places does not tolerate any form of domestic violence or abuse. Any form of domestic abuse experienced and reported by customers and employees of Brighter Places will be taken seriously. Anyone found committing domestic abuse could lead to further action being taken against them or their tenancy.

Brighter Places ensure that as an organisation we are committed to addressing abuse and violence faced by both men, women or other gender identity.

The Home Office definition of domestic violence and abuse which is:

“Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partner or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- Coercive control (a pattern of intimidation, degradation, isolation and control with the use or threat of physical or sexual violence.)
- Psychological and/or emotional abuse.
- Physical or sexual abuse.
- Financial or economic abuse.
- Harassment and stalking.
- Online or digital abuse.

When an incident of domestic abuse is reported to us, the report is referred as a serious case to an Anti-social Behaviour Officer to identify a safe method of communication with the victim. In line with our policy the Officer will endeavour to make contact with the complainant within 1 working day to agree an action plan with them. We will then carry out a thorough investigation and discuss possible resolutions with them. We strongly rely on specialist domestic abuse support services and will encourage their involvement at the earliest opportunity.

- We will work with our multi-agency partners to make referrals for additional support and re-housing where appropriate.
- We will follow the relevant Safeguarding procedures if we believe a child is at risk due to an abusive relationship or a vulnerable adult is at risk due to an abusive relationship

- We will work in partnership with other agencies and support victims to employ the use of civil and criminal laws which can offer them protection and also act as a preventative measure to avoid further abuse.

All complainants and witnesses will be supported sensitively throughout the investigation.

Advice and Support - Domestic Abuse cases

National Advice

If a customer is in immediate danger, advise them to call the Police on 999 straight away. If they are unable to talk they can press 55. This will transfer the call to the relevant police force who will assist the caller without them needing to speak.

If someone is experiencing domestic abuse or violence, details of how to report it and where to get help is available at www.gov.uk/report-domestic-abuse.

For **Bristol, South Glos and North Somerset** Contact Next Link https://nextlinkhousing.co.uk/ 0800 4700 280

For **BANES** contact Southside,

https://south-side.org.uk/domestic-abuse-services/ 01225 331243

For **Swindon** contact Swindon Women's Aid:

https://swadomesticabuse.org/ 01793 864984

If a customer advises they are concerned about their own behaviour and worry that they already are or could become abusive, they are able to get support at disrespectnobody.co.uk or call Respect on 0845 122 8609 or visit https://www.respect.org.uk/

We have a separate policy on Domestic Abuse and this should be referred to in addition to this policy.

5.4 Transfers and Short-Term Emergency Housing.

Whilst our aim is to resolve issues and enable people to remain in their home, it is important to note that Hate Crime, Domestic Abuse and other high risk ASB cases may necessitate an offer to rehouse customers temporarily in alternative accommodation or permanently within Brighter Places stock. This offer will be investigated and actioned for complainants and not perpetrators.

High risk cases will be reviewed on a case by case basis and take into account the availability of appropriate properties. The ASB Officer will work with the Housing and Lettings Team to look at all ways of helping to secure a suitable move. This will include Homeswapper and registering with the relevant Choice Based Lettings delivery. We cannot guarantee the outcome or speed of any re-housing referrals.

In very serious cases, we may offer temporary relief through accommodation in the private sector where no other alternative option is available, however this will be temporary until a plan has been agreed with partner agencies.

5.5 Prevention

In line with our approach we will engage in the following approaches to prevent ASB where possible:

- Engage with communities and other agencies to identify negative environmental factors and address them wherever possible to create places where people feel safe.
- Work in partnership with other stakeholders to provide and promote diversionary activities in areas that suffer high levels of anti-social behaviour.
- Explain and enforce tenancy conditions.
- Invest in our communities to prevent ASB.
- Invest in our properties and consider solutions such as improved insulation, carpeting or fencing.
- Promote sustainable communities during the letting of our homes.
- Work to help our tenants sustain their tenancies and pass the probationary period. All new tenants are given a 12-month probationary ‘starter’ tenancy.
- Consider if age or nature of the housing scheme (such as sheltered accommodation) may be causing some of the issues because of the close proximity within which people live. In such circumstances staff can advise on various aids available to help tenants with hearing and colleagues will seek to obtain advice and support from the tenant’s relatives where appropriate.
- Consider the design of new estates to reduce ASB at the development stage.
- Relet our properties sensitively if there has been recent or current high levels of ASB in a location.
- Offer local lettings plans as part of Section 106 agreement with our partners. S106 agreements are set up as part of our new development plans.

5.6 Reporting ASB

Tenants, leaseholders, Shared Owners, their representatives, volunteers, Board members, members of the community, the Police and other agencies are encouraged to report ASB to Brighter Places.

We will also work with our colleagues in the business so that they understand the definitions of ASB and know how to report issues to the housing team. Colleagues outside of the housing team are not expected to action reports of ASB.

In the first instance, unless there is serious criminal activity, we encourage our customers to approach each other to resolve their problems themselves where possible and safe to do so. Where this is not possible or the complainant does not feel comfortable to do so, there are a number of ways that ASB can be reported to us:

- In person or via a third party
- By letter to Eden House, Eastgate Office Park, Bristol, BS5 6XX
- By telephone on 0117 942 4600
- By email info@brighterplaces.co.uk
- On our website https://www.brighterplaces.co.uk/antisocial-behaviour/
- For reporting noise issues, using the Noise app Version 2 https://www.thenoiseapp.com/

The reporting process is as follows:

- A report of ASB will be logged in the first instance by the Customer Services team or other officer as a case using our housing management system. The case will be passed to the relevant Housing Officer or ASB Officer to action, dependant on whether the case is identified as low or high risk.
- A risk assessment will be undertaken by the relevant officer, as well as an Action Plan. Urgent cases (ASB Officer) will be actioned within 1 working day. Less urgent ASB cases (Housing Officer) will be actioned within 5 working days.
- If we do not believe a customer is reporting what we would define as an ASB case, we will inform them and coach them to find an appropriate solution.
- Where the Complainant, Victim or a Witness fails or refuses to provide supporting evidence, this will be a factor in our assessment of the case.
- If after assessing the report of an incident, we are unable to take action on behalf of the complainant, we will explain why and signpost the complainant towards agencies who may be able to offer advice and support.
- We accept anonymous reports and assess them based on the evidence available, including previous reports, and take necessary action when and if possible.
- We will open a separate case for counter-allegations, but they will be linked to the case from the original reporting party/parties. This is to ensure that the investigations and assessments address the full circumstances.
- Complainants may have a right to request a review of persistent ASB by their Local Authority under the Anti-social Behaviour Case Review. Where the Local Authority has issued a Case Review, we will cooperate fully and work with them to seek an appropriate resolution.

5.7 Our Investigation

We take all reports of ASB made to us seriously. We will interview anyone who reports ASB (as defined in Section 5 of this Policy) in line with the timescales above.

5.7.1 Interviewing the Complainant

During our first interview with the complainant, we will develop an action plan for how we intend to progress the case with the co-operation of the complainant and complete a risk assessment to establish and manage any risk of harm.

The action plan will:

- Determine whether the report is ASB and whether it is a matter that can be best resolved by the complainant in the first instance.
- Set out what the options are to the complainant and what first steps we might take.
- Signpost the complainant to other agencies for support.
- Plan for how and when to approach the alleged perpetrator(s.)
- Gather evidence and consider what further evidence might be available. (including from the complainant, other witnesses or other professionals.)
- Agree with the complainant how frequently we will keep in contact and by which methods.
- Include any other information that is relevant to the case.
- Agree what a successful resolution or outcome will be if possible.

Less than 1% of ASB cases result in an eviction and our aim is to maintain people's tenancies.

Therefore, the complainant's expectations must be managed accordingly. In some cases, we may investigate and establish that there is no nuisance being caused, or that there are no grounds for us to take action within our ASB Policy. In this situation, we will explain clearly to the complainant what we can and cannot do.

We risk assess all cases and if an officer assesses someone as being at risk of harm, due to its seriousness, persistency or where the victim has vulnerabilities, we will consider the following:

- Referral to a specialist support agency such as victim support or SARI.
- Referral to conflict resolution service.
- Additional security measures in a person's home.
- Referral to the police or other crime agency.
- Referral to multi-agency partnerships to support the victim.

- Where the victim includes a child or disabled person, referral to the Local Authority Safeguarding Unit.
- Any other measures that will assist to reduce the risk of harm.

5.7.2 Role of the complainant

Where the customer reports ASB to Brighter Places we will ask them to record any incidents as soon as they can after any incident. We will offer Incident log sheets via email, collected at reception or sent in the post for customers to be able to log concerns manually if preferred.

The customer should be advised that when taking records they can use the Noise app. Video or audio evidence collected via mobile phone or other devices gives us the best opportunity to resolve an issue.

Incident reports need to include:

- The date of the incident and the date the report is completed.
- The start and finish times of any incident.
- The exact nature of the problem.
- What effect the incidents(s) had on the complaint and/or their family *and*
- Whether there were any witnesses, and if so their names and addresses/ contact details.

If a case is serious enough to warrant court action, complainants are likely to be asked to attend Court to give evidence.

This is because the Court will want to know the effect any behaviour is having on the complainant and their family as part of its considerations. Complainants will need to be advised that if they refuse to attend court or do not feel able to do this, this is likely to undermine the legal process and may mean we cannot continue with a court case. Section **5.9.1** includes information about support for vulnerable complainants.

We will take legal advice around these matters and communicate fully with the tenants involved throughout the process, so they are fully aware of the implications of their actions.

Examples of evidence that we use are:

- Audio recordings via The Noise App.
- Photos and videos.
- Screenshots of abuse.
- CCTV and Ring doorbell footage.
- Police Crime reference numbers.
- Diary sheets of events/incidents.

- Witness statements, from colleagues at Brighter Places and complainants.

The amount and the strength of the evidence we receive will dictate how we are able to progress a case and will greatly influence our ability to act, especially for legal redress.

5.7.3 Interviewing the alleged Perpetrator

We will present the alleged perpetrator with the details of the complaint and hear their side. We will also conduct a risk assessment when we do this and ascertain any vulnerabilities. We will complete an action plan with the perpetrator to agree our next steps. Also see section **5.9.2** about supporting vulnerable perpetrators.

Depending on the nature of the complaint we cannot guarantee anonymity when speaking to the perpetrator. E.g. in cases between two parties. We will always explain this to the complainant.

5.7.4 Further Investigation

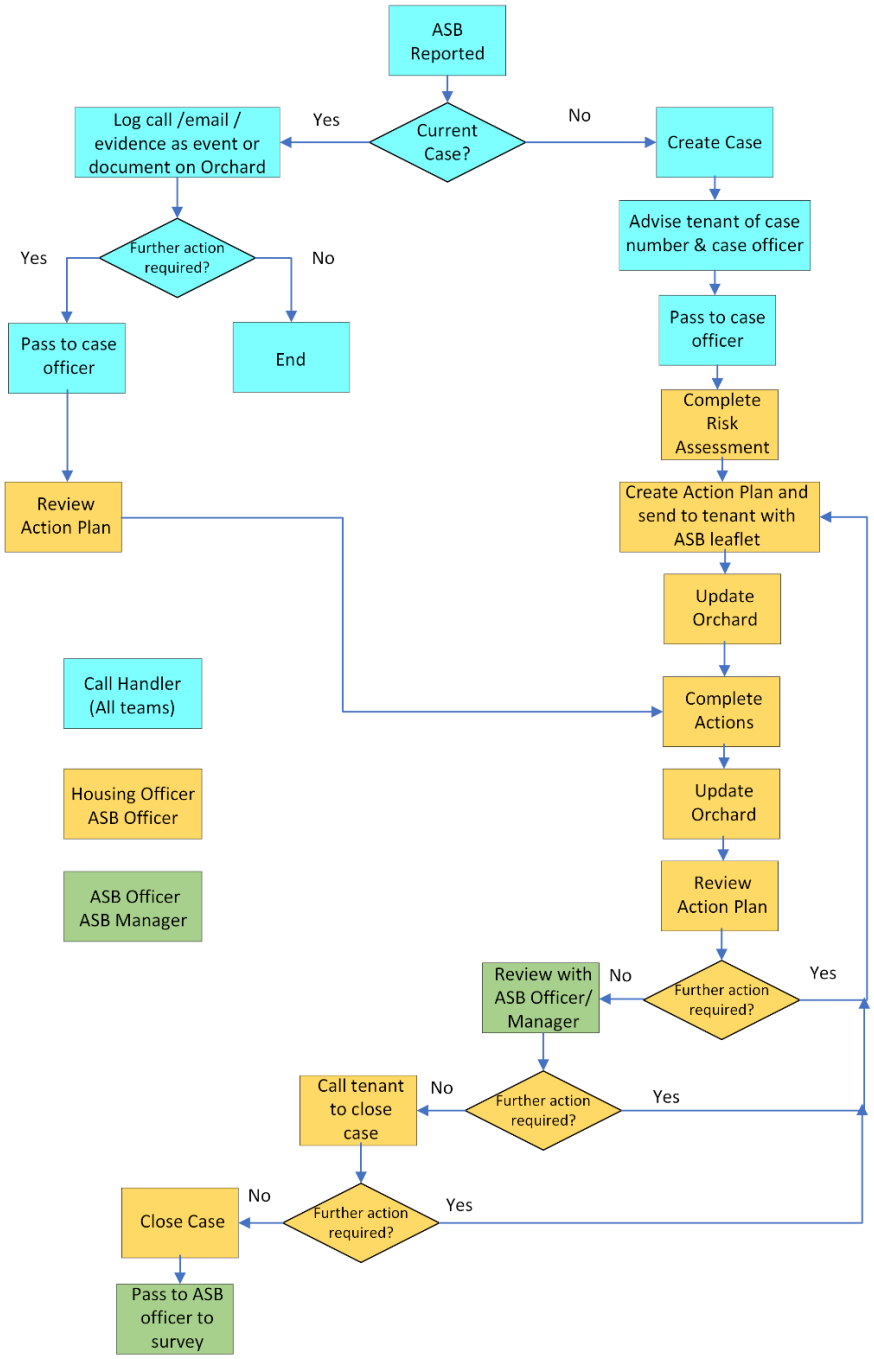
In the case of ASB where an incident is of such severity that an immediate legal response may be required, action will be considered in line with Section **5.8** of this policy. Where this is the case, we will act swiftly to gather evidence to take legal action if appropriate. Various officers from Brighter Places may be involved in this process.

With less serious cases, Housing or ASB officers will investigate the complaints over a rolling 4-week period. This will include reviewing incident diaries, speaking to other neighbours who are being affected by or have witnessed the ASB, and, if appropriate, seeking disclosure from the police or liaising with other agencies.

If the perpetrator makes counter allegations, we will investigate the counter allegations separately. If a counter allegation is received from the perpetrator after we have applied to court, this will need to be dealt with as part of the legal process, and we will not investigate the counter allegations separately.

We will 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 as outlined in the Anti-social Behaviour, Policing and Crime Act 2014. The methods used 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.

5.7.5 ASB Case Management Process



5.7.6 Where we decide not to act

We will encourage and expect customers and residents to take responsibility for solving minor personal disputes between themselves where appropriate, and to involve us only where a resolution has not been possible.

In some cases, for example if we take the view that the complaint is not ASB, or does not constitute a breach of the tenancy, or is unreasonable, we may decide not to take action.

In a limited number of cases, if a complainant persists with ongoing complaints that we believe are trivial, relentless and/or unreasonable, we will consider whether those complaints are in fact unreasonable tenant behaviours (designed to cause another person harassment, alarm or distress.)

Unreasonable customer complaints are also classed as ASB and we will consider taking action against that complainant to compel them to stop making these complaints, if we deem that the complaints are persistent and unreasonable. We may use a Communication Plan to ensure we continue to deliver core services whilst managing the customers ongoing complaints.

We are subject to the 'Response to Complaints' section of the Anti-social Behaviour, Crime and Policing Act 2014.

Antisocial Behaviour Case Review enables a victim of ASB to request the relevant Local Authority to review our responses to their ASB complaints if they feel that they did not get a satisfactory response and the threshold for review has been met.

The threshold for the Antisocial Behaviour Case Review will be met if someone has complained to us 3 times in a 6-month period and feels that nothing has been done. The Local Authority will carry out the review and must inform the applicant of the outcome, as well as any recommendations to be implemented.

Brighter Places will co-operate and support the review if requested to attend.

5.8 Tools and Remedies

5.8.1 Early Intervention

Brighter Places will consider on a case-by-case basis what action is most appropriate in every case that is reported to us. We will also consider the use of the following support and remedies:

- Encouraging and supporting residents to resolve disputes between themselves.
- Issuing of formal warning letters.
- Conflict resolution (mediation) and restorative justice.

- Support to perpetrators whose vulnerabilities may affect their ability to fully understand their actions.
- Third party Support providers (usually as an advocate for a customer.)
- Work in partnership with other agencies.
- Acceptable Behaviour Contracts (ABCs.)
- Good Neighbour Agreements.
- Referring to our Tenancy Sustainability Team.
- Extending a Starter or Probationary tenancy.

5.8.2 Legal Action

If the perpetrator does not modify their behaviour and/or refuse to engage with us we may consider taking further action against them and/or against their tenancy. There will be occasions, that due to the detrimental effect that the ASB is having on the community, we will take legal action. This may be in the form of an injunction and/or a claim for possession of a person's home.

We will consider the following legal remedies:

- Injunctions (with power of arrest and/or an exclusion if there has been violence or if threats of violence have been made or risk of serious harm.)
- Referral to a multi-agency panel for consideration of partnership legal action.
- Using Section 21 (6A) process to end a Starter (Probationary) or Assured Shorthold tenancy. This includes the right of review and how we do this is set out in our Tenancy Policy.
- Applying to court on discretionary grounds for possession of the property.
- Applying to court on mandatory grounds for possession of the property (please see below in relation to the use of mandatory grounds.)
- Other remedies available to us under the Anti-social Behaviour Act 2003. and/or Anti-social Behaviour, Crime and Policing Act 2014.
- Demotion of tenancy proceedings.

The action to be taken will be decided on the circumstances of each individual case and will be proportionate to the behaviour exhibited.

In order to progress a case to court it is often the case that a complainant will need to be a witness in court. This involves that witness keeping diaries of the behaviour complained of and coming to court to give evidence. We will offer support throughout the court process to anyone that agrees to give evidence in ASB cases.

We will consider and support requests for re-housing if we are satisfied that it is reasonable and necessary to do so to protect the victim or witness, and with advice from appropriate external agencies.

5.8.3 Use of Mandatory Grounds for possession

We will make use of mandatory possession grounds to deal with ASB where the circumstances include serious criminal offences and ASB poses a serious risk to the community or an individual and their family.

If we decide to take this step, then the use of Ground 7A of Schedule 2 of the Housing Act 1988 will be authorised by the Head of Housing or the Director of Customer Services due to the consequences of using such a possession ground.

Where we use Ground 7A we will offer the tenant a chance to ask for a review of our decision and give them the opportunity to put forward any personal circumstances they want us to take in to account.

Any request for a review will be carried out by the relevant seniority in the company and the decision of the review will be communicated to the tenant in writing.

5.8.4 Possible outcomes of legal action

Complainants should be aware that with any legal action there are several possible outcomes which do not necessarily result in the eviction of the perpetrator.

Sometimes it will be in the best interests of all parties for someone to remain in their property under strict conditions. Most of the time, this will be the decision of the Court.

5.9 Vulnerabilities and support needs

5.9.1 Vulnerable Complainants

We aim to create sustainable communities and an environment where victims and witnesses feel confident and safe coming forward to report ASB. We will provide support to complainants and witnesses of ASB by:

- Dealing with reports promptly.
- Involving the appropriate people in discussions about the action plan to resolve issues.
- Have an awareness and understanding of EDI so that we can respond to our complainants and witnesses individual circumstances that may affect how complainants view or react to incidents and our case management.
- Keeping the complainant and any witnesses informed of any developments.
- Referring complainants and witnesses to appropriate support services where necessary; working with those support providers *and*

- Providing the complainant or witness with a single point of contact for the case.

Generally, we would wish to obtain agreement with complainants about the actions to be followed. There may be occasions where the complainant would wish that we take no specific action on their report. The situation may however be serious enough that we feel we have little option but to pursue the issue against their wishes.

In such circumstances we will take appropriate measures to protect all those affected. On the other hand, a complainant may wish us to act against an alleged perpetrator that we consider to not be proportionate or appropriate to the alleged incident. In such circumstances we may decide to follow a different course of action. We will always communicate and make the complainant aware of our proposed action plan.

We are committed to resolving reports of ASB and will endeavour to be realistic about the chances of success thereby creating reasonable optimism while avoiding unreasonable expectations.

5.9.2 Vulnerable Perpetrators

We will attempt to work with perpetrators to help them to understand the impact of their behaviour on others with a view to helping them to stop that behaviour and make positive changes.

We will consider any underlying factors that may be causing poor behaviour, such as family or relationship breakdown, age, clash of lifestyles, mental health and/or learning difficulties.

Where possible, we will offer to make referrals to support agencies such as social services, floating support services, mental health partnerships, and other support groups that are available to provide additional support.

Where we believe that the alleged perpetrator is a victim of cuckooing, we work closely with local authorities, the police, and support services to identify and protect at-risk individuals. We will report cuckooing to Local Authority Safeguarding services and the Police routinely.

Our colleagues are trained to recognise signs of cuckooing, and we encourage residents to report any suspicious activity. When cases are identified, we act swiftly by providing support to the affected tenant, increasing security measures, and, where necessary, working with the Police to remove the perpetrators from the property.

Consideration will always be given to issues of vulnerability where, for example, it is felt that ASB is associated with a person's disability, mental health, or drug and alcohol abuse. In such cases we will consider the relevant provisions of the Equality Act 2010 and other relevant legislation, seeking support of other partnership agencies as

appropriate. We will complete a proportionality assessment prior to taking any legal action.

Where there appears to be a connection between any vulnerabilities and the ASB, we will consider whether it is proportionate to act. This will also consider the effect of the behaviour on other residents and the likely ongoing affect unless the behaviour is addressed.

Should a perpetrator fail to engage with the support service offered to correct poor behaviours, or their behaviour does not change and their behaviour continues to have a negative effect on others, we may take further action against them or their tenancy.

If the perpetrator is a resident and causes damage to their property because of ASB they will be recharged for the damage to their property except in the event of exceptional circumstances.

We may set up or attend multi agency meetings with partners to discuss complex cases.

5.9.3 Support for witnesses (including complainants) during legal action

Attending court can be a daunting experience, especially for complainants and witnesses who may be required to give evidence. We will support witnesses as necessary to ensure they are not liable to intimidation from perpetrators. Prior to a witness needing to give evidence, we will take time to ensure that they understand what they need to do and the process that will be followed if they need to give evidence.

We provide a handout that has been written jointly with our Solicitor that can be shared with our customers. This document sets out the process and expectations of what will be needed, as well as how we support people attending court. It attempts to place our customers at ease, so they are fully aware of the process and actions of a court hearing.

We risk assess all court hearings for our colleagues and witnesses to minimise and mitigate risks.

The risk assessment includes considering how we could take alternative steps at Court, such as asking to use separate entrances from the perpetrators, considering if anonymised statements are appropriate (whilst also considering whether this will detract from the strength of evidence) and the use of an advocacy service on their behalf. Alternate steps at court can always be requested but can only be allowed by the Judge /Court.

We will ensure that we arrange transport to and from the court, as well as reimburse any reasonable expense to our customers. We will make sure that the customer always has access to a Brighter Places Officer at court.

5.10 ASB caused by occupiers, visitors or other non-tenants

All tenants are responsible for members of their household as well as any visitors and any pets at the property. We will take appropriate action against the tenant(s) where it is deemed that the tenant(s) is in breach of their tenancy conditions by encouraging or allowing or doing nothing to stop the ASB being caused.

We may also act where the tenant fails to prevent the ASB or to control their family or visitors and where criminal behaviour takes place at the property or in the locality (whether the tenant states that they are aware of it or not.)

Where the perpetrators are the tenants of another landlord, in the case of Low level ASB we may support the complainant by contacting the other landlord to report the issues directly to them. In the case of High level ASB perpetrated by a non-tenant, we will consider taking legal action in our own right.

5.11 Review and closure of cases

Cases are reviewed by Housing Officers and ASB officers at each Performance 1-2-1 meeting. This may occur more regularly if the case is complex, or the team member has requested further support from their line manager.

We will close a case after investigation and appropriate action is taken and where:

- The case is successfully resolved.
- There are no further reports for a period of 6 weeks (unless we have begun legal action or are gathering further evidence.)
- No further action can be taken, *or*
- The complainant fails to provide us any required evidence or fails to engage with the action plan within a reasonable timescale.

In all cases the complainant will be written to explaining the reasons why their case has been closed.

Cases can be re-opened at any time, but there must have been a further incident connected to the case to enable us to do so.

If a complainant or perpetrator is not happy with how a case has been handled or that this policy has not been followed, they can log a formal complaint with the Feedback team. https://www.brighterplaces.co.uk/contact/

5.12 Partnership working

We will adopt a multi-agency approach to tackling ASB, to benefit from sharing expertise and resources, including feeding back on the effectiveness of services and working towards solutions to specific area issues.

We will work in partnership with statutory organisations, partnering agents, community groups, professional bodies and other stakeholders to support individuals who report ASB, witnesses and perpetrators and to manage behaviour. We will work in partnership at a strategic and operational level.

We are strategic partners with Bristol Safer Communities. We work operationally with all relevant partners, and this includes but not is not exclusively limited to Police, local Councils, SARI, Next Link, Resolve West, GPs, Mental Health Services, Social Services, Adult and Children Safeguarding services, other housing providers, Voluntary Care Services and Southern Brooks.

Multi-agency meetings will be actioned and/or attended when appropriate, so that joint action can be planned, and vulnerable victims identified. Where formal enforcement action is needed, cases will be referred to the local authority's case conference which other statutory agencies attend.

5.13 Sharing of information

We are committed to working in partnership with other agencies to resolve ASB. We will work closely with Police Neighbourhood Beat teams, sharing information and carrying out joint visits when required.

Personal information will not be disclosed unless it is within the terms of the Data Protection Act. Customers need to be aware that when making a complaint about another resident and agreeing action with us, the alleged perpetrator may work out who has made the complaint.

Under the Crime and Disorder Act, the Police can disclose information in the interests of the prevention and detection of crime, and we will disclose information that helps to resolve ASB. If we require information when considering court action, we will request disclosure from the Police.

We are part of a data sharing protocol with local Police forces where our properties are located. This means that we and the Police pass each other information relating to criminal and ASB.

There may be circumstances where we cannot preserve a perpetrators' confidentiality, even where they have requested us to do so. This is most likely to be the case where a criminal offence has been committed or where someone is at risk of harm.

6. Training Requirements

- Housing and ASB Officers are subject to regular training on how to manage cases and achieve best outcomes
- Brighter Places' Solicitor provides inhouse training and advice

- Customer Services Team receive training on logging ASB cases and incidents, and where they refer the case to within the teams.
- All relevant colleagues to be aware of this policy and procedure and any related documents as part of their induction
- Additional training needs to be identified by managers in individual 121s

7. Monitoring and Review

7.1 Monitoring

The Housing Managers responsible for ASB will regularly monitor each ASB case, provide appropriate advice and support to individual case officers, and ensure they receive appropriate training. All cases must be appropriately recorded and dealt with in line with operating procedures.

The Housing Managers will audit a minimum of 3 cases each quarter to ensure adherence to our policy and procedure. Good practice will be shared with the team and celebrated.

Any issues identified will be rectified promptly if feasible. The Housing Manager will ensure that any extra training that may be required as part of what has been identified is actioned promptly.

We will benchmark performance with other organisations and will provide regular summary reports where requested to the Executive Management Team, Board, Committees and the Tenant Engagement Panel on the volume, progress reports, action taken and case outcomes, together with an analysis of resident satisfaction in the provision of the service to our customers.

When we close a case, we will offer a satisfaction survey for every customer to complete so they are able to feedback their thoughts, comments and satisfaction on our service. We will use the results of surveys to monitor levels of customer satisfaction and improve our service. We will also continually review Key Performance Information, including cases closed and resolved.

We will use feedback to shape and improve services wherever possible.

We will set up the ability to log feedback from the complainant, before, during and after the case has been closed to monitor feedback and satisfaction. This will be completed as part of our work in 2024/25.

7.2 Review

This Policy is due for review annually. The effectiveness of this Policy will be constantly monitored and may be updated before this date or should there be any changes to relevant legislation

8. Data Protection

Any personal data created or used in the application of this policy must be done so in line with the Brighter Places data protection policy and privacy notices.

9. Equity, Diversity and Inclusion

We will ensure that this policy is applied fairly and consistently with all our residents.

We will act to protect the diverse needs of individuals and communities. We are bound by the Equality Act 2010, and we will not directly or indirectly discriminate because of age, race, disability, sexual orientation, religion or belief, gender, transgender status, marriage or civil partnership and pregnancy or maternity.

We will act sensitively towards the diverse needs of individuals and communities, and we will take positive action to reduce discrimination and harassment.

This policy can be requested in other formats (for example in an alternative language, in Braille, on tape, in large type).

10. Summary Roles and Responsibilities

Activities	Board	CEO	Customers	Head of Hsg	Exec	Managers	All staff	HR	Gov
Owner of the policy				X					
Monitoring & review of the policy			X	X		X			
Approval of changes to the policy			X		X				
Responsible for policy implementation				X		X			
Addressing issues in the implementation of the policy			X	X		X	X		
Version control of live policy									X

Activities	Board	CEO	Customers	Head of Hsg	Exec	Managers	All staff	HR	Gov
Training of colleagues				X		X		X	