

**CONTROLLED DOCUMENT**

N.B. Employees should be discouraged from printing this document. This is to avoid the risk of out of date printed versions of the document. The Intranet should be referred to for the current version of the document.

**ANTI-SOCIAL BEHAVIOUR (ASB) AND  
HATE CRIME POLICY**

<b>CATEGORY:</b>	Policy
<b>CLASSIFICATION:</b>	Housing and Property
<b>PURPOSE:</b>	To document Brunelcare’s approach to anti-social behaviour, and hate crime. This includes investigation, prevention, and enforcement.
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**Document Consultation and Review Process**

<b>Groups/Individuals who have overseen the development of this Policy:</b>	Housing team ECH team Woodland Court
<b>Groups/Individuals Consulted:</b>	

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<b>14 November 2022</b>	<b>V003</b>	Update roles outlined in the policy following restructure of SLT and The Housing Team	<b>SLT</b>

**For the Use of the Corporate Governance Team only:**

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## 1. POLICY STATEMENT

- 1.1 Brunelcare takes a zero-tolerance approach towards anti-social behaviour and is committed to making our communities safe and peaceful places to live.
- 1.2 Brunelcare will:
- 1.2.1 ensure an effective response to complaints of anti-social behaviour as defined within this Policy;
  - 1.2.2 work in partnership with other key stakeholders as necessary, and use a broad range of legal and non-legal tools available to support victims and deal with the perpetrators of anti-social behaviour;
  - 1.2.3 act early to intervene and prevent anti-social behaviour from escalating; providing or referring to support as necessary; and
  - 1.2.4 respond to complaints of anti-social behaviour from whatever source if it is alleged that our residents, members of their families, or visitors are perpetrators.

*Deborah Evans*

Deborah Evans  
Chair of the Board

*Oona Goldsworthy*

Oona Goldsworthy  
Chief Executive Officer

## 2. AIM OF THE POLICY AND RELATED LEGISLATION

- 2.1 The aim of this policy is to set out an approach to the effective management of anti-social behaviour which is in line with our approach as an organisation, working with residents and promoting tolerance to make our communities and neighbourhoods safe places to live.

### Relevant Legislation and Guidance

[Anti-Social Behaviour, Crime and Policing Act 2014](#)

[Equalities Act 2010](#)

[Housing Act 1985](#)

[Housing Act 1988](#)

[Housing Act 1996](#)

[Anti-Social Behaviour Act 2003](#)

[Human Rights Act 1998](#)

[Police and Justice Act 2006](#)

## 3. SCOPE OF THE POLICY

- 3.1 This policy documents Brunelcare's approach to anti-social behaviour, including hate crime and Domestic Violence. This includes investigation, prevention and enforcement.
- 3.2 This Policy applies to complaints related to residents, members of their families and visitors which take place on Brunelcare property or in the locality of our properties and communities, and applies to all types of tenure that we own and manage, unless deemed not to be ASB as defined in section 4 (other Complaints (not considered to be ASB)).

## 4. DEFINITIONS

- 4.1 *Anti-social behaviour* is defined in the *Anti-Social Behaviour, Crime and Policing Act 2014* as:
- 4.1.1 Conduct that has caused, or is likely to cause, harassment alarm or distress to any person;
  - 4.1.2 Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
  - 4.1.3 Conduct capable of causing housing related nuisance or annoyance to any person, that is, directly or indirectly relating to our housing management functions.

- 4.2 *Person* includes anyone who has the right to live in the property owned or managed by Brunelcare, those living in any other property in the neighbourhood (e.g. owner occupiers, tenants of other landlords) and anyone else lawfully in such property or in the locality.
- 4.3 *Housing-related* means any activity that directly, or indirectly relates to our housing management functions, and work that is undertaken in the day-to-day management of our properties and neighbourhoods. This can include resident involvement, repairs and maintenance and neighbourhood management.
- 4.4 Alongside the definition of anti-social behaviour at 4.1, above, the *Housing Act 1996* defines anti-social behaviour as “*engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to persons engaged in lawful activities*”.
- 4.5 Both the *Anti-Social Behaviour, Crime and Policing Act 2014* and *Housing Act 1996* alongside the provisions of the *Housing Act 1988*, support the taking of appropriate action in relation to anti-social behaviour. Brunelcare will investigate and if appropriate, take action where the anti-social behaviour is persistent, ongoing and preventable or is a single serious incident that comes within the above definitions.

### Classifications of Anti-Social Behaviour

- 4.6 Anti-social behaviour will be classified further in the following ways:
- 4.6.1 **Low level** - where it is considered there is no risk of immediate harm. This is classed as less serious anti-social behaviour. An interview will be carried out either in person or over the phone within 5 working days. This includes but is not limited to:
- Excessive noise (howsoever caused) which causes, or is capable of causing, a nuisance to another person.
  - Vandalism and damage to property.
  - Pet and animal nuisance.
  - Nuisance from vehicles, including where vehicles are parked inconsiderately (e.g. in ambulance bays, double yellow lines, blocking entrances and exits, taking up multiple spaces), or where people carry out work on one or more vehicles which causes a nuisance to others.
  - Drugs/substance misuse (e.g. smoking of 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 are unsightly.
- Nuisance related to disposal of rubbish.
- Noisy parties which cause, or are capable of causing, nuisance to others.

4.6.2 **High level** - where it is considered that there is, or may be, a genuine risk of immediate harm. This is classed as serious anti-social behaviour. In these cases, an interview will be held either by telephone or in person within 1 working day. This includes, but is not limited to:

- Criminal behaviour (including incidents that may be considered a Hate Crime).
- Threatening behaviour, including verbal abuse and/or threats of violence.
- Where the complainant is being targeted for a specific reason (e.g. learning difficulties/vulnerable).
- Aggressive animal complaints.
- Drug dealing.
- Fly-tipping.
- Noise, where the noise is frequently excessive in volume and duration or occurs at unreasonable hours, between 11pm and 7am.
- Making false allegations against another person in order to cause them nuisance, alarm or distress (these are vexatious complaints and could also be subject to the Complaints Policy).

4.6.3 **Urgent level** - where it is considered there is, or may be, a serious risk of immediate harm. This is classed as urgent anti-social behaviour. In these cases, an interview will be held either by telephone or in person within 24 hours. This includes, but is not limited to:

- Acts of physical violence, such as attacks on a person.
- Cannabis farms or factories.
- Domestic abuse or hate incidents.
- Presence of illegal weapons or explosive devices.
- Serious sexual offences.

4.7 Where there is an ongoing police investigation, whereby contact cannot be made with the perpetrator or victims, response times may be delayed/varied.

## Other complaints (not considered to be ASB)

4.8 The following are not classed as anti-social behaviour under this policy and therefore they may be recorded but will not be investigated under this policy:

- Noise from children playing during daytime hours (7am - 11pm).
- One off parties and religious festivals.
- Clash of lifestyles (e.g. due to working patterns) or family disputes.
- Children falling out with each other.
- Cooking smells or smoking smells.
- Routine DIY activity between the hours of 8am and 9pm.
- Animals straying and/or fouling in gardens (e.g. cats).
- Babies crying.
- People being inconsiderate or thoughtless.
- People looking or staring, unless this is part of a wider case of anti-social behaviour.
- Noise caused by people walking across their floor in shoes.
- Parking problems (such as where there are no spaces available).
- Garden maintenance issues.
- Lawn mowing.

4.9 Whilst it is understood that living or domestic noises (e.g. vacuum cleaners, washing machines) can be annoying, unless this noise is excessive or unreasonable, it will not be investigated as anti-social behaviour.

4.10 Any definitions of anti-social behaviour as stated in an individual's tenancy agreement or lease will be considered when taking actions to manage anti-social behaviour.

4.11 In the first instance, serious criminal offences will be referred to the police.

## Hate Crime

4.12 *Hate crime* is classed as a criminal offence or a crime committed against a person or property that is motivated by a person's hatred of someone because of their race, colour, ethnic origin, nationality, religion, gender or gender identity, sexual orientation, or disability.

4.13 For the purposes of this policy complaints of hate crime will be dealt with as high level anti-social behaviour.

4.14 It is recognised that hate crime can take many forms, including but not limited to, physical attacks, a threat of attack, or verbal abuse and insults. Hate crime 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 a hate crime, but this does not mean that Brunelcare will be prevented from taking action on a person's behalf as ASB.

- 4.15 Brunelcare will not tolerate residents perpetrating hate crime and will take action, working in partnership with the police and independently, to ensure that all residents feel safe in their community.
- 4.16 When appropriate, referrals may be made to appropriate support agencies to provide additional support. This will be in line with data protection principles and Brunelcare's Data Protection Policy.

### Domestic Abuse

- 4.17 Brunelcare is committed to tackling all forms of domestic abuse, and anyone found committing it will be in breach of their tenancy conditions. This may lead to further action being taken against them or their tenancy. Brunelcare's Domestic Abuse Policy will be referred to in addition to this policy.
- 4.18 'Domestic violence and abuse' is defined by the [Home Office](#) as

*“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:*

- *Psychological*
- *Physical*
- *Sexual*
- *Financial*
- *Emotional*

- 4.19 When an incident of domestic abuse is reported, the complainant will be contacted within one working day to agree an action plan with them.
- 4.20 Brunelcare will work with relevant multi-agency partners to make referrals for additional support and re-housing where appropriate. All complainants and witnesses will be supported throughout the investigation and will be dealt with in a supportive and sensitive way. It is important to note that no guarantees can be made regarding the outcome or speed of any re-housing referrals.

## 5. KEY PRINCIPLES AND REQUIREMENTS

### Prevention

5.1 Brunelcare will engage in the following approaches to prevent anti-social behaviour where possible:

- Engage with communities to identify environmental factors.
- 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 communities to prevent anti-social behaviour.
- Promote sustainable communities during the letting of homes.
- Ensure all new tenants pass a probationary period. All new tenants of Brunelcare will be given a 12-month probationary 'starter' tenancy.
- Consider if age or nature of the housing scheme (such as sheltered) 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 staff will seek to obtain advice and support from the tenant's relatives where appropriate.
- Consider the design of new estates to reduce anti-social behaviour at the development stage.

### Reporting Anti-Social Behaviour

5.2 In the first instance, residents will be encouraged to approach each other to resolve their problems themselves, where this is 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 anti-social behaviour can be reported:

- In person or via a third party.
- By letter.
- By telephone.
- By email.
- Through Brunelcare's website.
- By using the Noise app.
- By using the Reportable app.

### Investigating Anti-Social Behaviour

5.3 Reports of anti-social behaviour will be taken seriously. Interviews will be conducted with anyone who reports anti-social behaviour in line with the definitions and timescales (section 4) above.

5.4 Any documentation/reports made may have to be passed on to the police if they are investigating the matter. This will be in line with data protection principles and Brunelcare's Data Protection Policy.

5.5 The following steps will be taken when interviewing the complainant:

5.5.1 During the first interview with the complainant, an action plan will be developed for how the case will be progressed with the cooperation of the complainant, and a risk assessment completed to establish risk of harm. The action plan will:

- Determine whether the anti-social behaviour is low level, high level or urgent, or whether it is a matter that can be best resolved by the complainant in the first instance.
- Set out what the options are and what first steps might be taken.
- 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 the frequency of contact with the complainant.
- Consider anything else relevant to the case.
- Agree what a successful resolution or outcome will be.

5.5.2 A successful outcome might not necessarily involve eviction, and the complainant's expectations will be managed accordingly.

5.5.3 In some cases an investigation may establish that there is no nuisance being caused, or that there are no grounds for action to be taken within this policy. In this situation, it will be explained clearly to the complainant what Brunelcare can and cannot do.

5.5.4 An assessment will be undertaken where the anti-social behaviour is putting a person at risk of harm due to its seriousness, persistency, or where the victim has vulnerabilities. Where it is assessed that someone is at risk of harm, the following will be considered:

- Referral to a specialist support agency such as victim support.
- 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.
- Any other measures that will assist to reduce the risk of harm.

### **Further Investigation**

- 5.6 In the case of high level or urgent anti-social behaviour, where an incident is of such severity that an immediate legal response may be required, action will be considered in line with this policy. Where this is the case, action will be taken swiftly to gather evidence to take legal action if appropriate.
- 5.7 In the case of low level anti-social behaviour, complaints will be investigated over a 4-week period. This will include reviewing incident diaries, speaking to other neighbours who are being affected by, or have witnessed, the anti-social behaviour, and, if appropriate, seeking disclosure from the police, or liaising with other agencies.
- 5.8 If the perpetrator makes counter allegations, these will be investigated separately. If a counter allegation is received from the perpetrator after a court application has been made, this will be dealt with as part of the legal process, and the counter allegations will not be investigated separately by Brunelcare.

### **Anti-Social Behaviour Caused by Occupiers, Visitors or Other Non-Tenants**

- 5.9 All tenants are responsible for members of their household and visitors to their property. Appropriate action will be taken against the tenant(s) where it is deemed that the tenant(s) are in breach of their tenancy conditions by encouraging or allowing, or doing nothing to stop the anti-social behaviour being caused. Action may also be taken where the tenant omits to prevent anti-social behaviour, fails 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).
- 5.10 Where the perpetrators are the tenants of another landlord, in the case of low level anti-social behaviour, support will be given to the complainant by contacting the other landlord to report the issues directly to them.
- 5.11 In the case of high level or urgent anti-social behaviour perpetrated by a non-tenant Brunelcare will consider taking legal action in our own right.

### **Where We Decide Not to Act**

- 5.12 Residents will be encouraged and expected to take responsibility for solving minor personal disputes between themselves where appropriate, and to involve Brunelcare only where a resolution has not been possible.
- 5.13 In some cases, for example if we are of the view that the complaint is trivial or unreasonable, further action will not be taken.

- 5.14 In a limited number of cases, if a complainant persists with further complaints that we decide are trivial or unreasonable, it will be considered whether those complaints are in fact vexatious complaints (designed to cause another person harassment, alarm, or distress). Vexatious complaints are also classed as anti-social behaviour and it will be considered whether action needs to be taken against that complainant to compel them to stop making those complaints.
- 5.15 Brunelcare is subject to the '*Response to Complaints*' section of the Anti-Social Behaviour, Crime and Policing Act 2014, Community Triggers enable a victim of anti-social behaviour to request the relevant Local Authority review responses to their anti-social behaviour complaints if they feel that they did not get a satisfactory response and the threshold for review has been met. The threshold for the Community Trigger will be met if someone has complained to Brunelcare 3 times in a 6-month period and feels that nothing has been done.
- 5.16 In this scenario the Local Authority will carry out the review and must inform the applicant of the outcome, as well as any recommendations to be implemented.

### **Role of the Complainant**

- 5.17 Where anti-social behaviour is reported, complainants will be asked to record any incidents as soon as possible after the incident. Alternatively, notes could be kept which include:
- The date.
  - The start and finish times.
  - The exact nature of the problem.
  - What effect it had on the individual.
  - Whether there were any witnesses.
- 5.18 Pre-printed logs can be supplied to assist in recording anti-social behaviour.
- 5.19 Complainants may be asked to attend court to give evidence. This evidence will be requested as the court will want to know the effect any behaviour is having on neighbours as part of its considerations. Individuals can be supported through this process, as set out below.

### **Early Intervention**

- 5.20 Appropriate action will be considered on a case-by-case basis. This will include the use of the following remedies:
- Encouraging and supporting residents to resolve disputes between themselves.
  - Issuing of Formal Warning letters.

- Mediation and restorative justice.
- Support being given to perpetrators whose vulnerabilities may affect their ability to fully understand their actions.
- Working in partnership with other agencies.
- Acceptable Behaviour Contracts (ABCs).
- Injunctions to stop anti-social behaviour.
- Serving a Notice of Seeking Possession.
- Extending a starter tenancy.

5.21 If the perpetrator does not modify their behaviour or engage with Brunelcare, further action may be taken against them or their tenancy. There will be occasions that, due to the detrimental effect that the anti-social behaviour is having on the community, legal action will be taken. This may include legal action, in the form of an injunction and/or a claim for possession of a person's home.

5.22 A range of preventative measures, early intervention, and legal action will be engaged to tackle anti-social behaviour. This includes the full range of tools and powers available to Brunelcare 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.

5.23 Requests for re-housing will be considered and supported where we are satisfied that it is reasonable and necessary to do so to protect the victim or witness alongside advice from appropriate external agencies.

### **Vulnerabilities and Support Needs (Complainants)**

5.24 Brunelcare seeks to create sustainable communities and an environment where victims and witnesses feel confident and safe coming forward to report anti-social behaviour. Support will be provided to complainants and witnesses of anti-social behaviour by:

- dealing with their reports promptly;
- involving them in discussions about the action plan to resolve their issue;
- keeping them informed of any developments;
- referring them to appropriate support services where necessary; and
- providing them with a single point of contact for the case.

5.25 Generally, agreement will be sought with complainants about the particular actions to be followed. There may be occasions where the complainant would wish that no specific action is taken on their report. The situation may however be serious enough that it is felt there is little option but to pursue the

issue against their wishes. In such circumstances appropriate measures will be taken to protect all those affected.

- 5.26 In contrast, a complainant may wish action is taken against an alleged perpetrator that Brunelcare considers to not be appropriate to the alleged incident. In such circumstances a different course of action may be followed. This will be communicated to the complainant to make them aware of our proposed action plan.
- 5.27 Brunelcare is committed to resolving reports of anti-social behaviour, and will endeavour to be realistic about the chances of success, thereby creating reasonable optimism while avoiding unreasonable expectations.

### **Vulnerabilities and Support Needs (Perpetrator)**

- 5.28 Brunelcare will 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. Any underlying factors will be taken into account that may be causing their behaviour, such as family or relationship breakdown, age, clash of lifestyles, or mental health and/or learning difficulties. Where possible, offers of referral will be made to support agencies such as social services, floating support services, mental health partnerships, and other support groups that are available to provide additional support.
- 5.29 A resident's failure to engage with the support service offered to correct their behaviour may result in further appropriate action being taken against them or their tenancy, should their behaviour continue to have a negative effect on others.
- 5.30 However, it is recognised that this is not possible in some cases and therefore immediate legal action may be taken, for example where violence is involved. When a complaint of anti-social behaviour is received, contact will be attempted with the alleged perpetrator to explain the complaint to them. An interview will also try to be arranged so that this can be discussed with them and a resolution agreed.
- 5.31 In certain cases, if the perpetrator does not modify their behaviour or engage with Brunelcare, it may be considered that further action will be taken against them or their tenancy. If the perpetrator is a resident and causes damage to their property as a result of anti-social behaviour they will be recharged for the damage to their property under the terms of our Recharge Policy except in the event of exceptional circumstances.

- 5.32 Consideration will always be given to issues of vulnerability where, for example, it is felt that anti-social behaviour is associated with a person's disability, mental health, or drug and alcohol abuse. In such cases the relevant provisions of the Equality Act 2010 will be considered alongside other relevant legislation; seeking support of other partnership agencies as appropriate.
- 5.33 Where there appears to be a connection between any vulnerabilities and the anti-social behaviour, it will be considered whether it is proportionate to take action. This will also take into account the effect of the behaviour on other residents, and the likely ongoing effect, unless the behaviour is addressed.

### Legal Action

- 5.34 Where early intervention remedies have been exhausted, or where an incident is of such severity that an immediate legal response is required, the following legal remedies will be considered:
- 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 process to end a starter tenancy.
  - 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 or Anti-Social Behaviour, Crime and Policing Act 2014.
  - Demotion of tenancy proceedings.
  - Parenting contracts.
- 5.35 The action to be taken will be decided on the circumstances of each individual case and will be proportionate to the behaviour exhibited.
- 5.36 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. Support will be offered to anyone that agrees to give evidence in anti-social behaviour cases.

## **Support for Witnesses During Legal Action**

- 5.37 Attending court to give evidence is likely to be a very daunting experience, especially for witnesses who may be required to provide evidence. Support will be given to witnesses as necessary to ensure they are not liable to intimidation from perpetrators. Prior to a witness needing to give evidence, time will be taken to ensure that the witness understands what they need to do and the process that will be followed if they need to give evidence.
- 5.38 Alternative steps will also be considered at court, such as asking to use separate entrances from the perpetrators, whether anonymised statements are appropriate (whilst also considering if this will detract from the strength of evidence), and the use of an advocacy service on the individual's behalf.

## **Use of Mandatory Grounds for Possession**

- 5.39 Mandatory possession grounds will be used to deal with anti-social behaviour where the circumstances include serious criminal offences and serious anti-social behaviour.
- 5.40 If it is decided to take this step, the use of Ground 7A of Schedule 2 of the Housing Act 1988 will be authorised by the Operations Director/Director of Housing Services, due the consequences of using such a possession ground.
- 5.41 Where Ground 7A is used, the tenant will be offered a chance to ask for a review of our decision and to give them the opportunity to put forward any personal circumstances that they want to be taken into account.
- 5.42 Any request for a review will be carried out by the Operations Director/Director of Housing Services, and the decision of the review will be communicated to the tenant.

## **Possible Outcomes of Legal Action**

- 5.43 Complainants should be aware that with any legal action, there are several possible outcomes, not all of which result in the eviction of the perpetrator.
- 5.44 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.

## **Partnership Working**

- 5.45 A multi-agency approach will be adopted to tackling anti-social behaviour which will provide benefits from sharing expertise and resources, including feeding back on the effectiveness of services and working towards solutions to specific area issues. Brunelcare will work in partnership with statutory

organisations, partnering agents, community groups, professional bodies, and other stakeholders, to support individuals who report anti-social behaviour, witnesses and perpetrators, and to manage behaviour. This will be in partnership at a strategic and operational level.

### **Alternatives to Legal Action**

5.46 It may be considered appropriate for matters to be resolved without legal action. Such alternative actions can include (but are not limited to) the following:

- Good Neighbour Agreement.
- Acceptable Behaviour Contract.
- Mediation.
- Formal meetings.
- Warnings.
- Parenting contracts/agreements.

5.47 The use of these alternative steps will be decided on the circumstances of each case in turn and will be proportionate to the behaviour exhibited.

### **Closing a Case**

5.48 A case will be closed after investigation and appropriate action is taken and where:

- it is successfully resolved;
- there are no further reports for a period of 6 weeks (unless legal action has begun or further evidence is being gathered); or
- no further action can be taken.

### **Unacceptable Behaviour Towards Brunelcare Staff and Contractors**

5.49 Brunelcare will not tolerate threatening, abusive, or violent behaviour towards staff and/or contractors from customers, their relatives, their visitors, or occupants of their household. Where incidents of unacceptable behaviour occur towards staff and contractors, appropriate action will be taken. Due to our duty to our employees, such incidents will always be treated as high or urgent level anti-social behaviour.

### **Sharing of Information**

5.50 Brunelcare is committed to working in partnership with other agencies to resolve anti-social behaviour. This includes working closely with Police Neighbourhood Beat teams, sharing information and carrying out joint visits when required. Personal information will not be disclosed to residents or Board members and handled/shared in line with Brunelcare's Data

Protection Policy. However residents need to be aware that when making a complaint about another resident and agreeing to action with Brunelcare, the alleged perpetrator is likely to know who has made the complaint.

- 5.51 Under the Crime and Disorder Act, the police are able to disclose information in the interests of the prevention and detection of crime, and Brunelcare will disclose information that helps to resolve anti-social behaviour. If information is required when considering court action, disclosure will be requested from the police.
- 5.52 Brunelcare forms part of a data sharing protocol with the local police forces where our properties are located. This means that Brunelcare and the police pass each other information relating to criminal and anti-social behaviour.
- 5.53 There may be circumstances where a perpetrators' confidentiality cannot be preserved, 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.
- 5.54 Multi-agency meetings will be 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.

## **6. ROLES AND RESPONSIBILITIES**

### **The Board of Brunelcare (Employer and Landlord)**

- 6.1 The Board has overall accountability for the activities of the organisation, which includes arrangements for addressing anti-social behaviour. The Board will ensure that it receives appropriate assurance that the requirements set out in this policy are being met.
- 6.2 The Board discharges its responsibilities for addressing anti-social behaviour through the Chief Executive Officer. It will report back to tenants and residents or their family representatives on how Brunelcare manages and addresses anti-social behaviour

### **Chief Executive Officer**

- 6.3 The Chief Executive Officer has overall accountability for the provision of efficient and effective anti-social behaviour arrangements.
- 6.4 The Chief Executive Officer discharges the day to day operational responsibility for anti-social behaviour through the Operations Director/Director of Housing Services.

## Operations Director/Director of Housing Services

- 6.5 The Operations Director/Director of Housing Services is responsible for the operational delivery of this Policy and the associated procedures.
- 6.6 The Operations Director/Director of Housing Services will put clear mechanisms in place:
- to monitor and measure compliance with the policy, setting a performance framework that includes key Performance Indicators (KPIs);
  - provide regular performance reports to the Board (via the Performance, Quality and Experience Committee); and
  - ensure performance against key performance indicators is regularly reported to Brunelcare's customers.
- 6.7 Everyone working for Brunelcare has professional, individual and collective responsibility to implement the policy with guidance and advice from the Tenancy Services Manager and the ECH & Community Support Manager as necessary.
- 6.8 Overall responsibility for the effective management of each individual case lies with the relevant Housing Team Manager or the Tenancy Officer/ECH Officer for the patch.

## 7. EQUALITY AND DATA PROTECTION

### Equality and Diversity

- 7.1 Brunelcare seeks to embed an environment where all clients, visitors and employees are treated as individuals, fairly and in a consistent way. We work within the spirit and the practice of the Equality Act 2010 by promoting a culture of respect and dignity and actively challenging discrimination, should it ever arise. This policy will be applied in a way that is consistent with these principles.
- 7.2 Brunelcare will act sensitively towards the diverse needs of individuals and communities and take positive action to reduce discrimination and harassment.
- 7.3 This policy is available on request in other formats (for example in an alternative language, in Braille, on tape, in large type). All requests to be submitted to a member of the Housing Team or Customer Service Team.

### Data Protection

- 7.4 Brunelcare is committed to ensuring protection of all personal information that we hold, and to provide and protect all such data.

- 7.5 Brunelcare is dedicated to safeguarding the personal information under our control and in maintaining a system that meets our obligations under the General Data Protection Regulation (GDPR). Our Practice is set out in our Data Protection Policy.
- 7.6 It is recognised that dealing with anti-social behaviour, hate crime and domestic abuse will involve sensitive data, particularly from complainants and third party agencies and therefore particular thought and care will be taken when processing data relating to this policy.
- 7.7 Any evidence used in court cases is likely to have any rights of privacy removed once it is heard in open court.

## **8. IMPLEMENTATION AND TRAINING**

- 8.1 The Tenancy Services Manager and ECH & Community Support Manager are responsible for the day-to-day implementation of this policy and ensuring Housing staff refer to this policy as part of their day to day duties.
- 8.2 Regular training will be provided to housing staff on anti-social behaviour, hate crime and domestic abuse. This will cover prevention as well as legal action.

## **9. MONITORING AND REVIEW**

- 9.1 The Operations Director/Director of Housing Services will regularly monitor each case of anti-social behaviour, provide appropriate advice and support to individual case officers, ensure they receive appropriate training and ensure that all cases are appropriately recorded and dealt with in line with operating procedures.
- 9.2 Performance will be benchmarked with other organisations, and regular summary reports will be provided to the Senior Leadership Team and the Board on the volume, progress reports, action taken and case outcomes, together with an analysis of resident satisfaction in the provision of the service to residents.
- 9.3 This policy will be reviewed every three years or sooner should the author or legal/regulatory requirements deem it to be required.
- 9.4 The effectiveness of this policy will constantly be monitored and used inform any further reviews alongside the above