

Anti-social Behaviour and Hate Incident Policy 2025 to 2028

1. Purpose and aims	2
2. Scope	3
3. Policy Statements.....	4
4. Definitions	4
5. Categories of anti-social behaviour.....	5
6. Thresholds for action.....	6
7. Case Management	6
8. Tenant obligations	6
9. Prevention and early intervention	7
10. Support for complainants and alleged perpetrators.....	7
11. Enforcement	8
12. Partnerships, information sharing and confidentiality	9
13. Publicity	9
14. Customer impact	10
15. Safeguarding, domestic abuse and ASB.....	10
16. Legislation / Regulation	10
17. Responsibilities.....	11
18. Complaints and Reviews	11
19. Monitoring.....	11
20. Monitoring and Reviewing the policy.....	12
21. Equality and Diversity	12
22. Tenant Involvement	12

1. Purpose and aims

- 1.1 This policy sets out Westmorland and Furness Council's approach to the prevention and management of Anti-Social Behaviour (ASB).

The Housing Landlord Service are committed to working closely with our tenants to build resilient communities who are able to challenge the negative effect of ASB on their communities to make Westmorland and Furness 'a great place to live, work and thrive'. The way we as a landlord manage and prevent ASB within our communities is key to achieving this. By adopting a victim centred, trauma-informed, proactive approach to managing ASB, we can empower tenants to report concerns and instil confidence that we will act responsibly and proportionately as a landlord to address these concerns and deliver positive outcomes for our tenants.

The Council, along with our community safety partners, are committed to tackling and preventing ASB. This includes reducing the demand that reoffending anti-social behaviour, domestic abuse and hate behaviour places on services, allowing the Council and partners to focus resources on other priorities.

Through the implementation of this Policy, the Council's Landlord Service aims to:

- Prevent and minimise the amount of ASB that our tenants experience, which also impacts adversely on our communities.
- Ensure that our housing operational staff are trained and equipped to respond promptly and effectively to reports of ASB and prevent issues escalating.
- Raise awareness of the tools and powers available (as well as the constraints) to tackle ASB.
- Develop and maintain effective partnerships with local and national partners in tackling ASB
- Ensure we meet the requirements of the Regulator of Social Housing (RSH) in effectively deterring and tackling ASB and hate incidents, placing the victim at the centre of our practices.

- 1.2 This policy and supporting procedure set out:

- The principles that the Council has adopted for dealing with ASB in its social housing communities
- The service that will be delivered to tenants
- The community responsibility to address less harmful issues of ASB
- The general principles of providing tailored support to all victims of ASB and Hate incidents
- A stepped approach of support, intervention, and preventative measures to tackle offenders and their offending behaviour.

1.3 Everyone has a right to live in a safe environment, free from Anti-Social Behaviour

We aim for communities where tenants:

- take responsibility
- have the information they need to make choices
- are healthy and happy and able to thrive
- and where everyone makes a valuable contribution

1.4 Tackling ASB is a key priority for the landlord service as we recognise the impact on tenants and communities if left unchallenged.

1.5 If an ASB complaint has been received it will be handled as a request for service (ASB report) and managed through this policy. The complaint will only be handled by the Council's corporate complaints policy where there is dissatisfaction with the way an ASB case has been handled.

1.6 The Council has adopted a victim centred approach to tackling ASB and will assess the harm and risk to those suffering from such behaviour. However, tenants are expected to take responsibility for minor personal disputes with their neighbours, where there are no known additional service needs. We will provide advice and information to the customer in these circumstances.

2. Scope

2.1 The Council's approach to tackling ASB will focus on 4 key areas:

- Investigating and managing ASB complaints using prevention and early intervention, support and enforcement methods
- Having a victim centred approach and protecting vulnerable victims
- Promoting community engagement and mutual responsibility
- Building and strengthening partnerships

2.2 As a landlord, action to tackle and prevent anti-social behaviour can be taken:

- Against a tenant of the Council (the tenant is also responsible for the behaviour of their household or a visitor to their household and action can be taken directly against the tenant for the behaviour of such people)
- Against any resident in the Council's housing stock
- Against any visitor to the Council's housing stock
- Against anyone causing nuisance in the locality of the Council's housing stock including local owner-occupiers, people renting locally from other social landlords, people renting locally privately owned accommodation or anyone else causing such nuisance

3. Policy Statements

- 3.1 The Council is committed to resolving ASB issues quickly to prevent situations from escalating and causing potential harm.
- 3.2 Where we identify those responsible for the alleged ASB, we will provide them with an opportunity to remedy their behaviour and / or make referrals to support services to assist them in addressing their behaviour. However, we recognise that in serious cases, there may be times when we will depart from our usual procedures and take swift enforcement action to protect individuals and communities and to ensure we meet our obligations.
- 3.3 As part of any investigation, and where a tenant allows, the Council will look to assess the needs of the complainant and their family, to identify and offer a tailored support package to mitigate any risks or additional service needs they may have.
- 3.4 The Council may work in partnership with key agencies to fund or deliver supportive or preventative interventions to tackle ASB. We may also work in partnership with key agencies to access tools and powers available through the legal framework, which will allow for a more proportionate and effective solution to the reported behaviour.
- 3.5 This policy applies to reports of anti-social behaviour affecting the Council's landlord housing management function (see 2.2 above). Reports of anti-social behaviour in the private sector i.e. involving homeowners, private tenants and anti-social behaviour that takes place in an area where there is no link to the housing management function of the Council will be referred to the Council's wider Safe and Strong Communities team or other social housing provider where this applies.
- 3.6 There will be times when reports of anti-social behaviour will need to involve other social housing providers because either the complainant or the alleged perpetrator are tenants of that organisation. When these types of reports are made to the Council the Housing Officer will discuss with the relevant organisation who will take a lead role in coordinating specific actions and this information will be shared with everyone involved in the anti- social behaviour report.

4. Definitions

The Anti-Social Behaviour, Crime and Policing Act 2014 states: -

- a) conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person
- b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or
- c) conduct capable of causing housing-related nuisance or annoyance to any person

Examples of anti-social behaviour can include:

- noisy and/or abusive behaviour
- vandalism
- graffiti
- intimidation
- public drunkenness
- littering
- fly tipping
- illegal drug use
- excessively barking dogs

Some behaviour, even though it may cause nuisance to individuals, may not be regarded as ASB. This will be explained to the complainant at the time of any report being made with the appropriate advice given.

5. Categories of anti-social behaviour

We will categorise ASB complaints as follows:

- **Category 1 cases** – A member of the Housing Landlord Safe and Strong Communities Team will contact the tenant within 1 working day.

Category 1 cases include cases such as threats or violence, hate behaviour, or cases where there is a significant risk of harm to someone. We will also work with the police on a collaborative basis to tackle criminal activity in our neighbourhoods; we will act when appropriate and refer victims to relevant support agencies, while the Police investigate the criminal behaviour and bring charges against the perpetrator. When appropriate, we will explore our options for taking our own legal action such as no notice injunctions.

- **Category 2 cases** - A member of the Housing Landlord Safe and Strong Communities Team will contact the tenant within 5 working days.

These cases will include reports such as noise nuisance (once triaged and confirmed as an ASB case), animal nuisance, and illegal drug use or supply. Where it is appropriate, we will refer reports of excessive noise to the council's environmental health team and criminal behaviour to the police.

- **Category 3 cases** - A member of the Housing Landlord Safe and Strong Communities Team will contact the tenant within 10 working days.

These cases will include reports such as non-offensive graffiti, dumped rubbish and abandoned vehicles.

If English is not the first language of the complainant, the Officer should seek to establish the complainants' spoken language and then make interpretation arrangements.

6. Thresholds for action

- 6.1 Whilst the Council will strive to investigate all ASB reports, we may choose not to conduct a full investigation if the ASB report is a one-off event. There may be occasions where we would encourage the resident to try and resolve the problem themselves first by speaking to their neighbour. Where the ASB requires something to be removed such as discarded drugs paraphernalia or dumped rubbish in communal areas, we will remove the items but will only investigate the problem if the threshold is met.
- 6.2 We reserve the right not to investigate a case where we have evidence that the complainant is being unreasonable, vindictive or vexatious. In such instances, the complainant will be informed that we will not be taking further action in relation to that specific complaint and why.

7. Case Management

- 7.1 Our approach is to take reasonable and proportionate action, following the completion of a dynamic risk assessment and then conducting an appropriate investigation to establish the credibility of the complaint.
- 7.2 The Council will look to promote community engagement and mutual responsibility between tenants and there will be occasions where tenants report incidents of low-harm nuisance.
- 7.3 In these cases, the Council will not get involved but instead provide advice and guidance to the customer and advise them to approach their neighbour and speak directly to the alleged perpetrator, to see if the issue can be resolved. These may include (but are not limited to) complaints about:
- Feeding birds – unless this creates nuisance or hygiene issues
 - Normal day-to-day living noises i.e., children playing
 - DIY (unless at an unreasonable time)
 - Cooking odours
- 7.4 We will investigate anonymous complaints, however there may be limited action that we can take based on the information. If another organisation is better placed to investigate the complaint, then we will refer this information to this agency to investigate.

ASB cases will be closed when all agreed actions have been completed

8. Tenant obligations

- 8.1 The Council will promote community engagement and mutual responsibility. We expect and will encourage and provide advice to tenants to find their own solutions in the first instance and where it is safe to do so.
- 8.2 The Council's tenancy agreement sets out the expectations and responsibilities of its tenants. In the circumstances where the self-help option has not worked or is inappropriate, or where the behaviour is deemed to be a

breach of the tenancy agreement, then the Council will take appropriate action for breach of the tenancy.

- 8.3 The Council also believes that the customer plays a key part in investigating complaints of ASB. The customer is expected to co-operate and assist with reasonable requests in progressing the investigation (e.g. keeping appointments, recording further incidents, and taking part in early intervention methods); otherwise we may not be able to take any further action to resolve the problem.

9. Prevention and early intervention

- 9.1 The Council is committed to preventing incidents of ASB occurring in the first instance and will use a range of preventative actions to achieve this. Where incidents have occurred, we recognise that early intervention and/or prevention allows the alleged perpetrator an opportunity to address their behaviour, whilst maximising the opportunity to sustain their tenancy.
- 9.2 In some circumstances, officers investigating complaints of ASB may recommend early intervention solutions to the complainant and where these are unreasonably refused, the Council may be unable to progress the case any further.
- 9.3 We will use a range of tools including carrying out warning interviews, issuing formal warnings (CPW's) and using Acceptable Behaviour Contracts (ABC's) as appropriate methods to provide the alleged perpetrator with an opportunity to remedy his or her behaviour.
- 9.4 The Council may signpost, offer, and make referrals to support services to address factors that may be contributing to the alleged behaviour. This may include referrals to mediation or Restorative Justice Services as a method of the parties resolving any dispute.
- 9.5 On some occasions we may adopt a multi-agency approach when dealing with complex cases or areas of high Anti-Social Behaviour. We may work with partner agencies such as the Police, Probation, Social Services, local housing providers, community groups and local schools and businesses to identify interventions and / or specific diversionary activities to address any reported behaviour.

10. Support for complainants and alleged perpetrators

- 10.1 Residents are best placed to identify perpetrators of ASB and describe the effect it has had on their daily lives. ASB can become harder to deal with if not dealt with quickly and robustly. The stress of such behaviour can damage the physical and emotional health of tenants and their families and the impact on the communities can be, and often is, severe.
- 10.2 The Council wants to encourage and support tenants when making complaints about ASB. We recognise that the fears and anxieties of any

witnesses need to be addressed and that tenants need to have confidence in the Council and its partner agencies.

- 10.3 To assist in encouraging tenants to provide information, the Council is committed to providing a victim centred approach to tenants making complaints of ASB.
- 10.4 The Council recognises the importance of supporting both complainants and alleged perpetrators of ASB. Additionally, if there are Safeguarding concerns or concerns regarding Domestic Abuse then the Council will ensure that we will follow our policies to support those affected.
- 10.5 Where either a complainant or alleged perpetrator has a known service need, e.g. substance misuse, mental health impairment or is a care leaver, then the officer investigating any complaints will assess and discuss whether they may benefit from help and support from the relevant support services and make referrals where appropriate. Where the alleged perpetrator is already known to support services, we will discuss making this service aware of the complaints.
- 10.6 The Council will balance the need to act against alleged perpetrators where we are aware of their service needs or support needs. There may be occasions where we still act because of the severity of the behaviour or because the alleged perpetrator does not engage with support agencies, or the behaviour continues to affect an individual or community despite their engagement.
- 10.7 When considering action against a perpetrator with service needs, we will ensure any action we decide to take is a proportionate means to achieving our legitimate aims.

11. Enforcement

- 11.1 Where warnings and attempts at early intervention have not worked or where the ASB is serious then the Council will consider enforcement action.
- 11.2 When considering enforcement action, we will review all the evidence and decide what action is most appropriate on a case-by-case basis. There may be occasions where we pursue more than one enforcement method simultaneously to ensure protection for tenants and/or a swift resolution.
- 11.3 Ordinarily we will instigate enforcement action using the tools available directly to the Council, however, there may be occasions where we approach our partner agencies and request their assistance to tackle the behaviour.
- 11.4 The legal powers we will consider or assist partner agencies with include:
 - Application for Injunctions – with and without notice
 - Possession proceedings
 - Committal proceedings for breach of injunction / undertaking
 - Community Protection Notices
 - Closure Orders

- Criminal Behaviour Orders
- Public Spaces Protection Orders

12. Partnerships, information sharing and confidentiality

- 12.1 As part of being a good neighbour, it is reasonable to expect that complaints of ASB will be discussed between the relevant neighbours in an attempt to resolve the situation prior to our involvement.
- 12.2 There will be occasions when a customer has not done this or there is a genuine reason for not being able to approach the alleged perpetrator. This could be due to the fear of reprisals from the alleged perpetrator and/or if a complaint is very serious.
- 12.3 Where a tenant does contact the Council to report a complaint of Anti-Social Behaviour, we aim to provide a confidential service.
- 12.4 The importance of confidentiality allows us to maintain the trust of the tenant in making the complaint without identifying them to the alleged perpetrator but can also prevent further reprisals and possibly serious incidents being directed towards the complainant and / or witnesses.
- 12.5 The Council acknowledges that there will be occasions when it is extremely difficult to protect the identity of the customer due to specific incident(s). In these circumstances the customer will be advised of this.
- 12.6 The range and complexity of issues which fall within investigations of Anti-Social Behaviour mean that it can be difficult for the Council to tackle these alone and we may be able to deal with these more effectively in partnership with other agencies.
- 12.7 Partnership working, and effective use of resources, is key to identifying and responding appropriately to the diverse problems our tenants and neighbourhoods experience.
- 12.8 Where we are not duty bound to share information, the Council will only exchange information with our key partner agencies in line with a customer's consent, information sharing protocols, data protection or where it is for the prevention of crime or disorder.

13. Publicity

- 13.1 The Council recognises that publicity plays an important part in creating safer neighbourhoods and demonstrates our commitment to tackling Anti-Social Behaviour in our properties and neighbourhoods.
- 13.2 Through positive publicity our neighbourhoods can see what enforcement action has been instigated to make their community better and the consequences of perpetrating such behaviour. The Council will assess positive publicity on a case-by-case basis and look at the facts of each case and

consider if publicity is necessary. Any publicity will always be proportionate to the harm caused to the community.

14. Customer impact

- 14.1 This policy and our procedures aim is to tackle Anti-Social Behaviour and should impact positively on our tenants and neighbourhoods contributing to them feeling safer in their homes and happier within their neighbourhoods.
- 14.2 In addition, this policy seeks to ensure that those identified within its scope are supported and protected in the most appropriate way, whilst increasing confidence in the Council's ability to challenge the alleged perpetrator and take proportionate but swift enforcement action, where appropriate.
- 14.3 This policy and our procedure also aim to provide the best possible outcomes for tenants to enable them to live safely in their homes in communities that are respectful and cohesive.

15. Safeguarding, domestic abuse and ASB

We recognise that there are potential links between safeguarding, domestic abuse and anti-social behaviour cases. Our staff are trained to recognise the signs of abuse and will shift focus between the relevant policies in addressing concerns and ensure the necessary referrals and risk assessments are completed.

Our staff are trained to support tenants who may be victims of abuse, and we have developed close working relationships with specialist agencies who can offer further support (with the consent of the tenant).

16. Legislation / Regulation

- 16.1 This policy incorporates several legislative requirements, which include but are not limited to:
 - Human Rights Act 1998
 - Housing Act 1985, 1988, 1996 and 2004
 - Children Act 1989 and 2004
 - Crime and Disorder Act 1998
 - Anti-Social Behaviour Act 2003
 - Data Protection Act 2018
 - Equality Act 2010
 - Anti-social behaviour, Crime and Policing Act 2014
- 16.2 The Regulator of Social Housing (RSH) introduced new Consumer Standards for social housing landlords in England, which came into effect on April 1, 2024. These standards aim to ensure tenants receive quality homes and services and can hold their landlords accountable. There are four main

Consumer Standards: Tenancy, Transparency, Influence, and Accountability, Safety and Quality, and Neighbourhood and Community.

- 16.3 The Neighbourhood and Community Standard makes specific reference to ASB and hate incidents, recognising that such incidents can have a significant negative impact on tenants of social housing. As a result, deterring and tackling ASB and hate incidents should be a priority for landlords. To achieve this, social housing landlords should have effective policies and procedures in place and work collaboratively with key partners and agencies to deliver better outcomes for tenants and their families.

17. Responsibilities

- 17.1 The Housing Landlords Safe and Strong Communities Officers will be responsible for the management of individual reports of Anti-Social Behaviour and will be supported by the Service Manager.
- 17.2 All staff have a responsibility to report any concerns they have regarding Anti-Social Behaviour that they become aware of to the Officer responsible for the area during their duties.
- 17.3 All Managers are responsible for ensuring that they and their team members are aware of the ASB and Hate Crime Policy and Procedure that they comply with other key policies and procedures.

18. Complaints and Reviews

- 18.1 A tenant can make a complaint about the handling of an ASB case via our Complaints Policy. Complaints will be handled in line with the Councils Complaints and Compliments Policy and in line with the timescales within the Complaint Handling Code.
- 18.2 A tenant, or someone on their behalf, can also request a formal Case Review. A formal case review will take place within 10 working days wherever possible.

19. Monitoring

- 19.1 Key Performance Indicators and other performance management information will be monitored by the Service manager on a monthly basis, via supervision of staff. This management information will be reported at least quarterly to the Senior Manager. Benchmarking may also be used where appropriate. Performance information will be reported to Tenants Forum, Directorate Management Team and Members quarterly via the landlord services performance report.
- 19.2 ASB cases will form part of monthly team meetings. The meetings will discuss the number of live and closed cases and monitor the use and effectiveness of action plans. Learning through case management will be embedded and shared during housing management team meetings.
- 19.3 We aim to comply with the expectations set out in the statutory guidance for frontline professionals in relation to the ASB, Crime and Policing Act 2014 and regulatory requirements.

- 19.4 The Council has an electronic Anti-Social Behaviour management system that allows us to record and manage issues affecting our properties in an accurate and proactive way.
- 19.5 Cases are logged on the case management system and are given a case reference number. Against each case, numerous incidents may be recorded together.
- 19.6 In addition to the above, quarterly spot checks may be undertaken to monitor compliance against the policy.

20. Monitoring and Reviewing the policy

- 20.1 This policy will be reviewed and updated based on new legislation, local needs, the results of the annual Tenant Satisfaction Measures (TSM's) survey data, complaints and the feedback we receive from our residents.
- 20.2 The Service Manager will oversee the delivery of this policy and report concerns to the Senior Manager.

21. Equality and Diversity

- 21.1 We recognise that this policy operates in a community with wide social diversity and is committed to providing equal opportunities and valuing diversity and we will treat everyone fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation or marital status.
- 21.2 This policy has been scrutinised in consideration of Equality and Diversity using an Equality Impact Assessment.

22. Tenant Involvement

We recognise the importance of working in partnership with our tenants to develop and continually improve our services and raise standards and will work in line with our Tenant Engagement Strategy.