Printed paper copies of this policy are **uncontrolled**. The current version of this policy is available on the Intranet.

**Documentation Master Sheet**  
*Amendments to this document are detailed below*

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**Policy Reference**

**Policy Owner**

Next review due

**Related Document**

- Domestic Abuse Policy
- Child Protection Policy
- Hate Crime Policy
- Complaints Policy
- Allocations Policy
- Pova Policy

Include anything that links to this policy, including procedures, other policies, strategies or additional documents
Purpose

This policy sets out the approach adopted by Melin Homes with regard to:

• Dealing with complaints of Anti Social Behaviour

Scope

The principles and terms within this document apply to all Melin Employees, but primarily the Community Safety Team will use this Policy.

Anti Social behaviour is defined in the Anti Social Behaviour, Crime and Policing Act 2014 as:

• Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.
• Conduct capable of causing a nuisance or annoyance to a person in relation to that person’s occupation or residential premises or
• Conduct capable of causing housing-related nuisance or annoyance to any person.

Examples of Anti Social Behaviour include:

• Excessive noise
• Alcohol related incidents
• Nuisance from vehicles
• Intimidation/threatening acts/behaviour
• Harassment
• Garden nuisance
• Drugs/substance misuse/drug dealing
• Vandalism/other criminal behaviour
• Domestic violence/Abuse
• Verbal or physical abuse/violence
• Garden nuisance
• Pets/Animal nuisance
• Misuse of communal area/public spaces/loitering
• Litter/rubbish/fly tipping
• Hate related incidents
• Prostitution/sexual acts
• Curb Crawling
Examples of reports that may not be classed as Anti Social behaviour include:

- People walking across the floor in shoes (in flats)
- Children playing in the street where no damage has occurred
- Intolerance to normal lifestyles – flushing toilets, cooking smells, sexual noises, smoking in own property, washing machines, babies crying or playing etc.
- Pets straying across garden areas
- Staring or looking at someone
- One off discriminate noise; eg: A one off party
- Vehicle obstruction (unless the Police confirm that a genuine obstruction has taken place)
- Personal disputes where no breach of tenancy can be proven.
- Problems arising from conflicts of lifestyle, such as shift work.

**NB:** in such cases we may provide advice and guidance, but we may decide not deal with these problems under this policy.

Melin is aware that Anti Social Behaviour can have a negative impact on communities and individual resident’s lives. As a result Melins Anti Social behaviour Policy clearly sets out the organisations intentions for managing Anti Social Behaviour and its commitment to ensuring reported incidents are treated fairly and effectively in line with our Service Standards.

This Policy does not cover hate incidents or crimes or domestic abuse. Please refer to our Hate Crime Policy and Domestic Abuse Policy for further information.

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**Policy Statement and Principles**

**Preventing Anti Social Behaviour**

Melin Homes is committed to preventing Anti Social behaviour wherever we can. We aim to utilise the following approaches to prevent anti social behaviour.

- Working in partnership with stakeholders to promote diversionary activities in areas that suffer high level anti social behaviour.
- Explaining and enforcing tenancy conditions to residents
- Investing in our communities to prevent anti social behaviour
- Financial Inclusion & Money Advice
- Marketing & promotion of services and outcomes to encourage victims to report incidents as well as to discourage potential perpetrators.
- Sharing information with other agencies and departments.
- Designing out crime (Secure by Design)

This Policy takes account of the provisions of:

- Environmental Protection Act 1990
ANTI SOCIAL BEHAVIOUR POLICY

• Housing Act 1996 – Section 153a
• Housing Act 2004
• Anti Social Behaviour Act 2003
• Crime and Disorder Act 1998
• Police & Justice Act 2006
• Data Protection Act 1998
• Police reform Act 2002
• Clean Neighbourhood & Environment Act 2005
• Serious organised Crime and Policing Act 2005
• The Anti Social behaviour, Crime & Policing Act 2014

Other references include:

• The Wales housing Management standard for Tackling Anti Social behaviour – Welsh Government.
• Resolve (National group that promotes best practice for Registered Social Landlords)

Reporting Anti Social Behaviour

Melin encourages residents and the wider community to report anti social behaviour with the confidence that their complaint will be taken seriously. There are a numbers of ways to report anti social behaviour.

• In person or via a third party, eg: Support Worker
• By letter
• By telephone
• By email
• By a reporting form on Melins Website
• Outside office hours - Melins website or a report can be made via Melins out of hour’s service, who will relay this report the next working day.

Melin will support complainants by investigating all reports which are accepted as being anti social behaviour. Reported incidents will be treated fairly, recorded and monitored. We will provide regular updates on the progress of a case and aim to develop a mutually agreed tailored action plan with victims and perpetrators.

• Complainants and perpetrators will be provided with clear information on the process and the progress made with a case, adhering to the Data Protection Act and maintaining confidentiality at all times.

Supporting Victims and Witnesses

Supporting engagement with victims and witnesses is essential in helping to deal effectively with allegations of anti social behaviour. Melin will:

• Adopt a victim centred approach when dealing with anti social behaviour

Policy Name
CONTROLLED DOCUMENT
• Assess the level of risk to victims and make appropriate plans to ensure their safety
• Provide guidance and support and ensure their confidentiality
• Work with other agencies to resolve problems as quickly as possible.
• Consider legal sanctions to protect victims where an immediate serious risk is identified.
• Make regular contact with victims/witnesses and update on progress in accordance with the mutually agreed and tailored action plan.
• Consider improving home security by providing extra measures such as additional locks, security chains, letter box safes, window and door alarms for properties.

Ordinarily Melin Homes will not re-house victims or perpetrators of anti social behaviour. There may be exceptional circumstances where rehousing is appropriate, i.e.: where an immediate threat to the victim or household has been identified that cannot be removed in any other way. (Refer to Melin allocation policy)

Remedies of Anti Social Behaviour

There are several options which staff can take before considering eviction. Staff members should consider which is the most appropriate in each case.

Melin Homes may consider eviction without exhausting other available options at any stage of a case.

Melin will consider using the following remedies before court action

• Encourage residents and community to resolve matters
• Providing appropriate advice
• Negotiations
• Warnings
• Mediation
• Problem solving groups
• Acceptable behaviour contracts
• Agency referrals
• Estate/Community Agreements (Good neighbourhood agreements)
• Restorative Justice

Legal Action and Enforcement

Melin will take enforcement action when necessary (such as when cases are serious, or when instances of anti social behaviour continue and other solutions have been identified and exhausted)

When considering enforcement action, thought will be given to whether an individual approach or a referral to a problem solving group is the best way of dealing with the problem.

Melin will consider using the following legal remedies:
ANTI SOCIAL BEHAVIOUR POLICY

- Injunctions
- Undertakings
- Demotion Orders
- Suspended Possession Orders
- Eviction (absolute Possession Orders)
- Action against a starter tenancy.

Melin Homes will also consider the powers granted under the new Anti Social behaviour, Crime & Policing Act 2014, relating to the mandatory ground for possession as per the statute, where one of the five conditions set out are met. Please note that the mandatory ground will only be used where the tenancy agreement allows us to.

Melin Homes will also use the Civil Injunction, which came into effect on 23 March 2015.

Partnership working

Melin will work in partnership with other agencies to help resolve anti social behaviour, both informally and formally, recognising that often no one agency can solve problems in isolation. Melin uses several partnership approaches to help tackle anti social behaviour which includes:

- Participate in service level and neighbourhood agreements
- Fully utilise formal information exchange protocols with the Police and other statutory agencies
- Undertake physical environmental improvement work on our schemes in partnership with external agencies.
- Wales Accord on sharing personal information
- Attending PACT (Partnership and Communities Together) meetings as and when required in local communities to increase awareness of local initiatives and crime/snit social behaviour hotspots
- Sponsorship of community initiatives eg: Sponsorship of PCSO’s
- Problem Solving Groups – Meet when referrals made to discuss on-going issues with particular individuals resulting in action points which will usually be preventative, or if necessary the appropriate legal action to take.
- Police protocols for Safer Neighbourhoods Community Safety Partnerships, joint Action Group (JAG) and strategic intervention groups attended to resolve local issues, promoting community connection.
- Work with local partners to respond to any Community Trigger activations, including sitting on a review panel if called to do so.

In partnership with external agencies Melin will also consider the use of:

- Closure Orders
ANTI SOCIAL BEHAVIOUR POLICY

- Dispersal Orders
- Community remedies
- Fixed penalty notices
- Abatement notices
- Relocation – (Only as a last resort)

Melin are active in Community Safety partnerships and feed into the local crime reduction strategies. Melin are also signatories to the Wales Accord for sharing personal information in relation to anti social behaviour.

Reports of Anti Social Behaviour

- All reported instances will be treated fairly, recorded and monitored.
- Petitions will be brought to the attention of the Community Safety Team Leader
- Anonymous complaints would not normally be acted upon unless they can be substantiated either by staff or where additional evidence can be gained.
- All complaints received will be entered onto the anti social behaviour database.
- Complainants and perpetrators will be provided with clear information on the process and the progress made with a case, adhering to the Data Protection Act and maintaining confidentiality at all times.
- Melin expects residents to take responsibility for their own actions and behaviour and also the actions or behaviour of every person (including children) living in or visiting the home.
- Regular updates will be provided on the progress of a case in line with the mutually agreed and tailored action plans.

Sometimes we may not be able to resolve anti social behaviour complaints to the satisfaction of all parties. If after careful investigation officers confirm that the anti social behaviour is un-actionable, we will confirm this with the complainant and the perpetrator. Melin may decide to close the case, however where appropriate we will signpost to alternative services.

Performance Standards

The following service standards apply:

- All reported incidents will be recorded and monitored.
- All parties in an Anti Social Behaviour case will be treated fairly and listened to on an equal basis. Counter allegations will be treated as separate cases and action will be taken on the evidence available, taking into account individual needs.
- We will record anonymous reports, but only take action if Anti Social Behaviour can be authenticated, either by staff or where additional evidence can be gained.
- We will aim to deal quickly and efficiently with reports of Anti Social Behaviour in line with our published time scales. A level (urgent) complaints within 24 hours (excluding non-working days) of receipt and acknowledge all other complaints within three working days.
• We will contact you before closing a case to discuss the case closure.
• Complaints will be accepted by Telephone, Letter, email or in person.
• Complainants and perpetrators will be provided with clear information on the processes and progress of a case.
• We will adhere to Data Protection Act 1998, maintaining confidentiality at all times.
• Satisfaction and outcomes will be recorded and used to improve services

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**Equality and Diversity**

This policy is in line with the wider Equality and Diversity policy which prohibits discrimination on the grounds of age, gender, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation. We will monitor complaints to ensure that we are treating customers fairly.

Where a case is progressing to court, a formal review will be undertaken by the Community Safety Team Leader which will include the completion of a proportionality exercise to ensure there are no equality and diversity issues that may impact on the case. Other cases will be considered individually in terms of equality and diversity of victims and perpetrators within the case review meetings.

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**Risks**

This policy has been prepared to mitigate the following risks:

- The risk of customer dissatisfaction
- The risk of Melin having Inappropriate Housing management practices.
- The risk of failing to comply with regulatory requirements.
- The risk of breach or loss of data
- The risk of adverse publicity/poor public relations

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**Key Contacts**

Community Safety Team Leader

Housing Manager
Definitions

Anti Social behaviour is defined in the Anti Social Behaviour, Crime and Policing Act 2014 as:

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