



## Anti-Social Behaviour (ASB) Policy and Procedure

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### Policy Statement

CHADD is a charitable housing association registered with the Regulator of Social Housing and an exempt charity operating across the borough of Dudley providing a range of housing, care and support.

CHADD believes in people's potential and our aim is to support Service Users in a person-centred way which promotes choice, independence and quality of life. We aim to provide a safety net in times of crisis and transition and a springboard on to a better future, enabling people to thrive and be the best they can be.

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### Definitions

ASB is "Behaviour that unreasonably interferes with other people's rights to the use and enjoyment of their home and community." This behaviour may be by tenants, members of their household or their visitors which causes annoyance, nuisance, disturbance or fear to anyone else in the area.

The type of issues which can constitute anti-social behaviour can range from things like persistent loud noise, rubbish dumping, playing ball games close to someone else's home, using offensive language.

Through to serious criminal activity like drug dealing, violence against people or property and racial intimidation or harassment.

Harassment may be defined as any repeated and unwanted action or practice to one or more people that causes humiliation, offence or distress.

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### Purpose of this policy and procedure

In line with the above policy statement this process provides guidance on how CHADD will deal with reports of ASB and related harassment, our aim is for our tenants to feel safe in their home and be able to thrive, as a local small supported housing provider this is particularly a priority for us.

By signing a tenancy or licence agreement any CHADD tenant is agreeing not to cause or allow others in their property to cause nuisance or harassment to others, and breaking this agreement is a breach of tenancy.

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### Reference Documents

- Alcohol and Substance misuse Policy and Procedure
  - M:\Company Files\Policies and Procedures\Housing\Occupancy Agreements and Forms\Tenancy Agreements
  - Complaints policy
  - Housing Ombudsman
  - Domestic Abuse Policy
  - Safeguarding Children and Adults
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## **1. How we will deal with reports of ASB**

We will:

- Ensure we have copies of occupancy agreements signed by CHADD and the tenant(s)
- Make it easy for all to report incidents, due to our service provision we are in a position to be available on-site face to face
- Listen to the complainant with empathy and take factual notes
- Deal with reports promptly keeping all involved up to date
- Ensure confidentiality and get the complainants consent before speaking with the person alleged to be causing the problem or any witnesses
- Speak to other neighbour's and witnesses for further evidence gathering
- Take all reasonable steps to support and protect vulnerable victims and witnesses
- Only take legal action only when this is the most appropriate way to achieve the desired outcomes for victims, other residents and the association
- Legal action will only be an option once all the remedies available to us which are in line with our mission, values and ethos have been exhausted
- Promote tolerance of different lifestyles, cultures and behaviours within our services
- Work in partnership with other agencies, groups and individuals to prevent and combat anti-social behaviour and to help build inclusive communities
- Have in place clear protocols and agreements for information sharing so that the teams and tenants are clear about what information might be shared, with whom and for what purposes

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## **2. informal stage**

We want to encourage independence and for our tenants to get on with their neighbours and if needs be, try to sort out any differences they may have between themselves. So at early stages of issues we should advise the tenant to do this, coaching them to use a calm and reasonable approach, providing them with some support if needed, an informal chat will often help sort things out – the perpetrator might not even know there is an issue.

If the complainant does not feel able, is not able or does not feel safe we should have this informal chat on their behalf.

We will also provide the complainant with diary sheets to complete of ongoing incidents. Incident diaries are issued to tenants who are suffering Anti-Social Behaviour. The diaries will show a log of the anti-social behaviour that is occurring, how often it is happening, how it is affecting them and possible identification of the perpetrators. Incident diaries are an essential record of events and feelings, which will be used if we are to take further action. We cannot take any action against perpetrators unless there is intelligence to support this. (See appendix 1)

If after the above there is no improvement, or the situation escalates then we will need to take a more formal approach.

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### 2.1 ASB being caused by visitors:

If the ASB is being caused by their visitors, remind them that even if they are not personally contributing to any ASB behaviour they are responsible for their visitors as part of their occupancy agreement.

In some cases like this the person can be vulnerable, scared of the visitors and being taken advantage of. If we recognise this, follow the safeguarding process and put in place actions to support them to break away from the individual(s).

Consider if this is a 'cuckooing case':

Cuckooing is a form of action, termed by the police, in which the home of a vulnerable person is taken over by a criminal in order to use it to deal, store or take drugs, facilitate sex work, as a place for them to live, or to financially abuse the tenant.

As a support and care provider who has regular access to our service users and their homes, we are well placed to identify early signs of cuckooing.

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### 3. First letter

If there is no improvement after the informal stage or the situation worsens, a letter should be sent by the Service Manager or Team Leader. The letter should refer back to the initial informal chat by referencing the date that happened and that due to no improvement or escalation, this is a formal reminder of the tenancy or licence obligations. Advise the tenant that they are in breach of this agreement and refer to the section in their agreement, for example:

As per your tenancy/licence agreement you are in breach of the following clause in your tenancy agreement which you signed:

*8.8 (v) That You, the Permitted Occupiers, Your friends and family and Your visitors will not do, or threaten to do, anything which causes, or is likely to cause, or is capable of causing, a nuisance and/or annoyance*

The above is an example from the assured tenancy, and before devising the letter we need to ensure we refer to the correct occupancy type and clause reference.

All blank agreements here:

M:\Company Files\Policies & Procedures\Housing\Occupancy Agreements and Forms\Tenancy Agreements

We also should have a signed copy of the agreement on the service user file, and on SASSHA.

The letter should highlight what our expectations are for improvements and any next steps.

The letter should be followed up by Service Manager/Team Leader arranging to visit the perpetrator to discuss the situation, agree actions to resolve and possible consequences of no resolution.

It is best practice to:

- Hand deliver the above letter at this meeting to ensure it is received, if was posted then take a copy
  - Talk through the letter to ensure it is understood
  - Agree an action plan to resolve issues and incorporate this into car/support plan risk assessment review
  - Consider mediation as a solution
  - Consider any safeguarding concerns of occupancy being at risk
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- Does any of the ASB require reporting to Police if criminal activity involved
- Are their next of kin or agencies working with the perpetrator that need to be involved and be part of resolving the situation, ensure we have their details

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#### 4. Escalation to Head of Service

If there is no improvement or situation escalates, and the situation is having a significantly negative impact on others, the Head of Service will discuss legal action and alternative move on options with the perpetrator.

It is best practice to:

- Inform relevant agencies of this possible outcome (social services, referring partner or homeless team for example)
- Arrange a best interest meeting inviting professionals, next of kin or involved families to discuss how it can be resolved without anyone losing their home

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#### 5. Formal and legal action

The length of time between these stages and formal action has to be determined by the Manager and Head of Service considering the level of ASB, risk, type of service and best interest of the service user and others impacted.

This action should only be reached when there is no improvement or the situation has escalated and there is no attempt or commitment from the service user to work with us to turn things around, a legal notice will be served, the type of notice will depend on the occupancy agreement held as below:

Protected Licence	4 weeks' notice to leave before we apply to court for eviction date
Excluded Licence	Notice to Quit, notice period determined by CHADD, dependent on reason for notice being served (can be less than of 24 hours if severe), do not need to apply to court for eviction order.
Assured Shorthold	Serve Section 21 giving 2 months' notice before we apply to court for eviction
Assured	Serve Notice Seeking Possession (NSP), can apply immediately to court after serving notice for an eviction date if reasons are for anti-social behaviour

At this stage the tenant still has an opportunity to work with us to reach a positive outcome for all. If they demonstrate a commitment to achieving this, CHADD will work with them. We believe that everyone deserves a safe home and a chance to thrive and an outcome where someone loses their home is always one we want to avoid.

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#### 6. Where the perpetrator is not a CHADD tenant

In some cases the ASB our tenant(s) are experiencing might be from neighbours of another landlord, home owners, or people from an unknown address coming to the service or congregating in the vicinity.

Things to consider to resolve:

- Approaching the neighbour for the informal chat as per section 2
  - Involve the local authority anti-social behaviour team
  - Can we identify who the landlord is to support our tenant to access their ASB policy and process
  - Log incidents with the Police
  - Consider legal actions such as injunctions etc
  - Ask our tenant to keep an incidents diary and any other evidence
  - Are there any community groups or meetings where concerns can be raised
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Complete below section where required to evidence legislative or regulatory requirements.

Colleague to sign below to confirm that the document has been read:

**Signed:**

**Name:**

**Date:**

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Appendix 1

## Anti-Social Behaviour

### Incident Sheet

<p><b>For you to fill in</b></p> <p>Your Full Name .....</p> <p>Your Address .....</p> <p>Contact Number .....</p>
<p><b>For Office Use</b></p> <p>First complaint (date) ..... Review date .....</p> <p>Diary issued (date) .....</p>

#### How to keep the Diary

To take legal action we need a carefully written-down description of every incident. If legal action is taken a court will only accept this incident diary if it's written in a certain way.

1. This diary is **your own** personal record of what you see or hear. You can't write down something that other people (including your wife, husband or partner) have witnessed.
2. You must fill in the diary **as soon as possible** while the incident is still fresh in your mind. Do it on the same day if you can. If you leave it much longer a court might not accept it.
3. Fill in **one form** for each separate incident. If there is a second incident on the same day or night, start a new form. Put your signature and the date at the bottom of each form.
4. Write down **everything** you see and hear in as much detail as possible. A general summary isn't taken as seriously by the court as word-for-word evidence; therefore, you will have to include swear words. We're sorry if this is upsetting, but you'll have to do the same if the case is going to stand up in court.

#### Other evidence

It's a good idea to collect other evidence to back up the diary. Photographs can help in some cases - car repairs, overgrown gardens, graffiti and so on. Put the time and date the photo was taken on the back and sign it. You could make a tape-recording of very loud music or shouting.

## ***Anti-Social Behaviour***

### **Incident Diary (FORM TO BE COMPLETE)**

This form is for information about one incident only. If there is a second incident on the same day or night, start a new form.

**When did the incident happen?**

Please detail: Date of incident/Start and end time of incident

**Where did it happen?**

Put the address where the incident happened - **not** your own address, unless it's the same

House / Flat number..... Road.....

Inside / Outside property .....

**Who did it, or who was involved?**

Put the name and address of the person or people responsible. If you don't know them write "don't know"

.....

**What happened?**

Write down exactly what you saw and heard. Put all words in full, including swear words.  
continue on the other side of the form if you need to.

**Have you reported it?**

Have you told organisations like the police, the local housing team, social services? If so write down who you spoke to and where and when you made the report. (If you have reported it to police, put officer's number and crime number if there is one).

**How has it affected you?**

Write down the way the incident has made you feel. Include its effect on people who live with you. For example, has it stopped you sleeping, frightened your children and so on. Are you more affected because of age or ill health?

**Any witnesses?**

Did anyone else see or hear the incident. Put their name(s) and address(es).

Have they filled in their own diary sheet? YES  NO

**Your signature**

" I believe that the information I have given above is a true description of what I saw and/or heard"

Signed.....Date.....





# Incident Diary

Use this side of the form to put down anything that won't fit on the front

A large rectangular area containing numerous horizontal dotted lines for writing.