



**Solihull**  
Community Housing  
Shaping our neighbourhoods

# Antisocial Behaviour Policy

**2020**

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## 1. Policy Statement

- 1.1 This document tells you about Solihull Community Housing's (SCH) Anti-Social Behaviour (ASB) responsibilities and what we do to tackle ASB.
- 1.2 This is SCH's policy document, which will tell you what we mean by 'anti-social behaviour' and sets out our objectives for the ASB service.
- 1.3 Solihull Community Housing is committed to ensuring all residents of Solihull enjoy their right to peace, quiet and security in and around their homes and will not tolerate Anti-Social Behaviour from residents, their visitors and those seeking to be customers of SCH.
- 1.4 SCH will challenge ASB quickly and remove activity which causes nuisance and annoyance to its customers, residents of Solihull, partner agencies and its staff, providing a high quality level of support to victims and taking efficient and effective enforcement action where appropriate.

[Antisocial behaviour ~ Solihull Community Housing Site](#)

## 2. Policy Objectives

- 2.1 We will investigate and take seriously all complaints of ASB both housing related and non-housing related, by putting the victim first. We will do this by:
  - 2.1.1 Working together and sharing information with partner agencies to deal quickly with issues as they arise.
  - 2.1.2 Giving consideration to the needs and circumstances of the most vulnerable when applying the powers to ensure reasonableness and proportionality to satisfy the Human Rights Act 1998, the Equality Act 2010 along with other relevant legislation
  - 2.1.3 Complainants and witnesses of ASB will be encouraged to play a full part in resolving the issues. Wherever possible, complainants and witnesses views will be taken into account when staff decide how to deal with particular allegations
  - 2.1.4 Using early intervention tools to establish clear standards of behaviour and to reinforce the message that anti-social behaviour is not tolerated. It also helps prevent poor behaviour from escalating. Possible interventions may include a verbal or written warning, mediation, acceptable behaviour agreement, parenting contracts, support and counselling.

- 2.1.5 In complying with the 'RESPECT - ASB Charter for Housing' we will closely monitor the quality of the service that we provide by setting challenging performance targets and audit standards for staff.
- 2.1.6 Ensuring that all stakeholders will have a clear understanding of our approach to dealing with ASB; this includes customers, staff members, elected members, SCH Board members and partner agencies
- 2.1.7 Encouraging complainants and witnesses of ASB to complete a customer satisfaction survey which will be used to assist us shape and continually improve the service
- 2.1.8 Seeking to deliver an effective and efficient service which is lean and offers value for money and in order to do this we will constantly measure our performance against similar organisations and seek out examples of best practice both locally and nationally

### **3. Introduction**

- 3.1 This policy has been developed in line with the Anti-Social behaviour Act 2003, the Crime and Disorder Act 1998 as amended and the ASB, Crime and Policing Act 2014 as amended to ensure that anti-social behaviour is dealt with consistently and robustly ensuring prompt, proportionate and justified action will always be taken using a victim centred approach.
- 3.2 The policy conforms to relevant legislation, takes account of the statutory guidance and continues to be in line with the 'Respect ASB Charter for Housing'. Additionally, the policy supports SCH'S Housing Options and Homeless Strategy and the Corporate Delivery Plan.
- 3.3 Solihull Community Housing delivers the housing management function on behalf of Solihull Metropolitan Borough Council (SMBC) and is also commissioned by SMBC and Solihull's Community Safety Partnership (CSP) to deliver an ASB service to residents across Solihull regardless of their housing tenure.

### 3.4 SCH recognises that:

- a. ASB can have a devastating impact on individuals and whole communities; it affects community cohesion and left unchallenged leads to the breakdown of communities
- b. Every individual is entitled to peaceful enjoyment of their home and surrounding areas regardless of the tenure of the property
- c. As one of the main partners in Solihull's CSP we will take a lead role in tackling all types of ASB
- d. SCH acknowledges the importance of doing everything that is reasonably possible to tackle ASB and to deliver a high quality service. To demonstrate this, we signed up to the **'RESPECT - ASB Charter for Housing'** in December 2011.
- e. The ASB Charter consists of seven commitments containing a number of building blocks. By signing up to the Charter, SCH is making a public commitment to deliver high quality ASB services which are clearly focused on outcomes for residents. The commitments we have made are as follows:
  - We demonstrate leadership and strategic commitment
  - We provide an accessible and accountable service
  - We take swift action to protect communities
  - We adopt a supportive approach to working with victims and witnesses
  - We encourage individual and community responsibility
  - We have a clear focus on prevention and early intervention
  - We ensure that a value for money approach is embedded in our service

## 4. Definitions

- 4.1 For the purpose of this policy, SCH will use the term as defined in the Anti-Social Behaviour, Crime and Policing Act 2014:-

Anti-Social behaviour means:

- 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.

4.2 Those who may be affected by the conduct include, but not limited to:

- a. Tenants and leaseholders of SCH and their visitors
- b. Owner occupiers, private rented tenants or any person suffering harassment, alarm and distress
- c. Any other person lawfully carrying out their work for SCH, SMBC or any commissioned contractor

## 5. Types of ASB by Classification and Service Standards

5.1 For monitoring purposes, reports of ASB will be logged under one of the following categories:

	Type of nuisance	Intervention available	Service Standards
VERY SERIOUS	<ul style="list-style-type: none"> <li>Hate related incidents (based on Age, Race, Sexual Orientation, Gender, Disability etc.)</li> <li>Domestic Abuse</li> <li>Physical Violence (other than Domestic Abuse)</li> <li>Drug production / supply</li> <li>Threatening Behaviour</li> <li>Exploitation</li> </ul>	<ul style="list-style-type: none"> <li>Offer advice and support, signposting where appropriate</li> <li>Work together with partner agencies including Police, Environmental Health, Social Services, Youth Offending Service, Probation Services, Education Welfare, NHS, Mental Health Team, SMBC's Neighbourhood Services.</li> <li>Warning Letter</li> <li>Acceptable Behaviour Agreement</li> <li>Parental Agreement</li> <li>Restorative Justice / Mediation</li> <li>Civil Injunction</li> <li>Criminal Behaviour Order</li> <li>Closure Order</li> <li>Notice of Seeking Possession</li> <li>Possession</li> <li>Domestic Violence Protection Order</li> </ul>	<p>1<sup>st</sup> Contact within 24 hours and agree an action plan.</p> <p>Action within 24 hrs.</p>
SERIOUS	<ul style="list-style-type: none"> <li>Verbal abuse / Harassment / Intimidation</li> <li>Drug smells / substance misuse</li> <li>Alcohol related ASB</li> <li>Prostitution / Sexual Acts</li> <li>Criminal Behaviour / Crime</li> <li>Dangerous dogs</li> </ul>	<ul style="list-style-type: none"> <li>Offer advice and support, signposting where appropriate</li> <li>Work together with partner agencies as appropriate</li> <li>Warning Letter</li> <li>Acceptable Behaviour Agreement</li> <li>Parental Agreement</li> <li>Community Resolution</li> <li>Restorative Justice / Mediation</li> <li>Civil Injunction</li> <li>Criminal Behaviour Order</li> <li>Closure Order</li> <li>Notice of Seeking Possession</li> <li>Possession</li> <li>Community Protection Notice</li> <li>Public Space Protection Order</li> <li>Noise Abatement notice/prosecution</li> <li>Community Protection Notice</li> <li>Fixed Penalty Notice</li> <li>Injunction</li> <li>Possession</li> <li>Local Resolution</li> <li>Mediation</li> </ul>	<p>1<sup>st</sup> Contact within 24 hours and agree an action plan.</p> <p>Action within 5 working days.</p> <p><i>N.B SCH has been commissioned to investigate all domestic noise cases making use of the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 as a means of handling domestic noise incidents. Where there is a proven statutory nuisance we will work with SMBC's Environmental Protection Team to take action under the Environmental Protection Act 1990.</i></p>
MINOR	<ul style="list-style-type: none"> <li>Domestic Noise</li> <li>Vandalism and damage to property</li> <li>Litter / Rubbish / Fly tipping</li> <li>Garden Nuisance</li> <li>Misuse of Communal areas / Public Space loitering</li> <li>Animal Nuisance exc. dangerous dogs</li> <li>Graffiti</li> <li>Car repairs / Vehicle nuisance</li> </ul>	<ul style="list-style-type: none"> <li>Offer advice and support, signposting where appropriate</li> <li>Work together with partner agencies as appropriate.</li> <li>Warning Letter</li> <li>Acceptable Behaviour Agreement</li> <li>Parental Agreement</li> <li>Community Resolution</li> <li>Restorative Justice / Mediation</li> <li>Civil Injunction</li> <li>Community Protection Notice</li> <li>Public Space Protection Order</li> <li>Fixed Penalty Notice</li> <li>Recharge</li> <li>Noise Abatement Notice/Prosecution</li> </ul>	<p>1<sup>st</sup> Contact within 3 working days and agree action plan.</p> <p>Action within 10 working days.</p> <p><i>N.B Graffiti service standards are separate to this &amp; are outlined in the Graffiti Service Level Agreement.</i></p>

- 5.2 Not every allegation reported to us will be accepted as being ASB; some types are considered to be everyday living noises or minor lifestyle differences rather than ASB and therefore they may not be investigated as such under the terms of this policy.

Examples of such behaviour are:

- a. People mowing their lawns or using other garden maintenance at reasonable times and frequency
- b. People vacuuming or using other domestic appliances reasonable times and frequency
- c. People carrying out DIY repairs at reasonable times
- d. Noise generated by everyday living, i.e. walking across laminate flooring wearing shoes
- e. Cooking Smells
- f. Children playing in their homes or in the locality of their homes or a designated playing area. Children playing ball games is normally not considered to be ASB

- 5.3 Although people are expected to hear a certain amount of noise from their neighbours, they are not expected to have to endure unreasonable and persistent levels of noise nuisance. Even some of the examples used above could be a noise nuisance if they were to regularly occur late at night or for an excessive period of time. Anyone in any doubt should contact us for advice and assistance as Solihull Community Housing is responsible for investigating domestic noise nuisance.

- 5.4 Children playing ball games is not considered to be ASB unless those playing ball are engaged in other more serious nuisance, such as verbal abuse or criminal damage, we will not usually take action against children for playing ball games. This would be unreasonable and disproportionate.

- 5.5 Unless there are exceptional circumstances we will not fit “no balls games” signs to our communal areas or open green spaces as they are unenforceable.

- 5.6 Solihull Community Housing is committed to managing and minimising ASB, therefore the intervention required will be considered on a case by case basis at the discretion of the investigating officer. Legal action will only be sought as a last resort where all other interventions have failed.

## 6. Reporting Methods

6.1 Allegations of ASB can be reported to us in the following ways:

- a. By telephoning the ASB hotline **0121 717 1500**
- b. By email at [info@solihullcommunityhousing.org.uk](mailto:info@solihullcommunityhousing.org.uk)
- c. On line at [www.solihullcommunityhousing.org.uk](http://www.solihullcommunityhousing.org.uk)
- d. By text on **07781 474 722**
- e. Face to face services are provided by [Solihull Connect](#).
- f. Solihull Connect offices are located in:  
  
Bluebell Centre, Chelmsley Wood  
Church Close, Kingshurst  
Touchwood Centre, Solihull  
Stratford Road, Shirley
- g. You can write to us at our freepost address:  
Freepost RLSS-UEBA-RTUZ  
Solihull Community Housing  
Endeavour House  
Meriden Drive  
Solihull, B37 6BX

***In an emergency situation, where there is an immediate risk to life or property, complainants and witnesses should always dial 999 and ask for the police***

## 7. Roles and Responsibilities

### 7.2 Complainants and Witnesses (regardless of tenure)

- 7.2.1 It is important that all witnesses and complainants understand the importance of working with our staff to resolve issues of ASB. This includes:
- a) Responding to calls and /or letters
  - b) Providing information required
  - c) Providing written statements to support legal action
  - d) Attending Court to give evidence where necessary

- e) Engaging with suggested methods of resolution
- f) All complainants have a responsibility not to make malicious complaints about their neighbours, visitors or anyone engaged in lawful activity around their property.

7.2.2 We take malicious complaining very seriously and will take action that is appropriate and proportionate against anyone found to be doing so.

7.2.3 Failure to work with us may lead to the case being closed due to lack of contact with the complainant

### **7.3 Tenants and Leaseholders**

7.3.1 There are a number of types of agreements in use in relation to the management of SCH rental and leaseholder properties and these include:

- a) Secure Tenancy
- b) Introductory Tenancy
- c) Fixed Term Tenancy
- d) Leaseholder Agreement
- e) Assured Tenancy

7.3.2 Regardless of the type of agreement, there are a number of standard requirements relating to ASB that must be adhered to by tenants and leaseholders. SCH will take legal action if:

- a. You or anyone living in or visiting your home have caused or are likely to cause a nuisance or annoyance to anyone in the locality or you have been convicted of using your home for illegal or immoral purposes or of a serious criminal offence.
- b. You or a person living in or visiting your home is guilty of conduct likely to cause nuisance or annoyance to the landlord, or someone employed in connection with their landlord's housing management functions, where the conduct relates to or affects those functions. There is no requirement for this conduct to have taken place within the locality of your home.
- c. You or a person living with you has been convicted of an offence committed at the scene of a riot anywhere in the UK.
- d. You, a member of your household or a person visiting the property has been convicted of a serious offence;

- e. You or a member of your household or a person visiting the property has been found by a court to have breached a civil injunction
- f. You, a member of your household or a person visiting the property has been convicted for breach of a criminal behaviour order;
- g. Your property has been closed under a closure order and the total period of closure was more than 48 hours;
- h. You, a member of your household or a person visiting the property have been convicted of a breach of a notice or order to abate noise in relation to your property under the Environmental Protection Act 1990.

This list is not exhaustive

#### 7.4 The Wider Community

We will encourage the wider community to challenge ASB, report it to us and work with us to resolve any issues in their area and not to engage in behaviour that constitutes ASB.

## 8. How we deal with ASB

- 8.1 We will assist residents of all tenure and communities who are suffering ASB by responding quickly and efficiently to all reports of ASB. We will recognise that this can prevent situations from escalating.
- 8.2 We have a 'no surprises' policy. Officers will effectively manage customer expectations. We will not make promises that we cannot keep and will always do our best to do what we say we will.
- 8.3 We will always discuss with you what we will do next and this will be agreed with you in the form of an action plan. This plan will include what we will do and what we need you to do and is mutually agreeable.
- 8.3 We will **not** move complainants, witnesses or perpetrators who are tenants of SCH as a means to resolving the ASB (except in exceptional circumstances, where consultation has been carried out with partner agencies and SCH Housing Options team). We will deal with the nuisance.
- 8.4 Any action that we take will always be reasonable and proportionate to the behaviour which is taking place. We will assume that all complaints are genuine unless proven otherwise.

- 8.5 Complainants and Witnesses will be consulted prior to any action being taken and we will provide complainants with a regular update on the progress of their case (at least every two weeks). This will commence from the point of complaint until resolution.
- 8.6 We will always try to minimise the burden on complainants and witnesses to collect evidence, however it is important that if we ask for diary sheets to be completed that they are filled in and returned to us. If we have asked for your to use the Noise App and record noise nuisance, please do so. This should be for a short period of time to allow us to make an informed assessment on what is happening and focus on how to resolve the matter.
- 8.7 We want complainants and witnesses to feel comfortable in reporting ASB to us and confident that we will act appropriately to deal with their concerns.
- 8.8** Complainants will be encouraged to give statements and attend court if legal action is appropriate, as it may not be possible to take action if a witness is not prepared to come forward. The officer dealing with the case will support you through the court process.
- 8.9 Where a situation warrants it, surveillance equipment may be considered. This could include the use of audio sound recording equipment or cameras.
- 8.10 We will, where possible, make environmental improvements, such as improving lighting and removing graffiti. In some cases there may be a small charge for certain improvements.
- 8.11 We will whenever it is appropriate, work close with partner agencies to prevent ASB from occurring and to support those who are witnessing it.

## 9. Partnership and Locality Working and Information Sharing

- 9.1 Partnership working is essential if we are to prevent anti-social behaviour and tackle it quickly and effectively.
- 9.2 We will work in partnership with various organisations and agencies including but not limited to:
- Solihull Metropolitan Borough Council
  - West Midlands Police
  - West Midlands Fire Service
  - NHS Medical / Mental Health Teams

- Probation Services
- Childrens Services
- Adult Social Care
- Youth Offending Team
- SIAS (Solihull Integrated Addiction Services)
- Solihull Families First
- Third or Voluntary Sector Service providers

9.3 Together these agencies make up the Safer Solihull Partnership. We have all signed an Information Sharing Protocol (ISP), which enables us to share relevant and appropriate information when dealing with cases of ASB.

9.4 Locality working in Solihull will bring together everyone who plays an active part in our communities to develop new ideas to help address local issues. Our Locality Programme will encourage everyone to get involved. There is a strong culture of working together across public services and with communities. We want to make sure we utilise all the assets, skills and resources across the borough. There are three Locality area groups, each working along side each other under the 'Solihull Together' banner.

9.5 All information shared is in line with the ISP, the Crime and Disorder Act 1998 (as amended) the Anti-social Behaviour, Crime and Policing Act 2014 (as amended). SCH will ensure that all information obtained throughout as ASB investigation complies with the General Data Protection Regulation (GDPR) as set out in the Data Protection Act 2018.

9.6 We attend a number of partnership meetings for the purpose of a multi agency problem solving approach to tackle ASB. These include Business as Usual (BAU), Harm Reduction Forum, Multi Agency Public Protection Arrangements (MAPPAs), One Day One Conversation (ODOC), Solihull Exploitation Panel (SHEP) and Multi Agency Risk Assessment Conferencing (MARAC).

9.7 We work closely with schools to try to educate children and young people about the impact of ASB on our communities.

9.8 We work closely with Solihull's Families First to provide a structured approach to parenting and family support for those families that need advice and guidance at difficult times.

## 10. Supporting Vulnerability

- 10.1 We recognise the importance of supporting vulnerable members of our communities, we also recognise that, by definition, those more vulnerable members may be more likely to be a target of ASB or be the cause of ASB.
- 10.2 A person may be considered vulnerable for many reasons, including but not limited to; age, alcohol or drug dependencies, disability (as defined by the Equalities Act 2010) or mental health issues.
- 10.3 When a complaint of ASB is received, we will make an assessment of vulnerability on every case. This will be included as part of the Risk Assessment Matrix (RAM) When a complainant, witness or perpetrator of ASB is identified as being vulnerable, a referral may be made to the relevant support service. We will work collaboratively with carers and support agencies.
- 10.4 Where a complaint is made against someone who we know or suspect is vulnerable, we will make every effort to assist them in engaging with support services, however we will make it clear to them that failure to engage with such services and the ASB continues may lead to formal action being taken against them.
- 10.5 We will not accept vulnerability as a reason for a perpetrator being allowed to continue to behave badly.
- 10.6 Where appropriate we will refer to and work with agencies that will be able to support such vulnerable people such as Adult Social Care, Childrens Services, The Mental Health Team etc.

## 11. Safeguarding

- 11.1 Safeguarding is everyone's business and we all have a part to play in protecting the most vulnerable members of our community.
- 11.2 SCH is a member of the Solihull Safeguarding Children Board (LSCB) and the Solihull Safeguarding Adults Board (SSAB) and

we actively participate in multi-agency arrangements to safeguard children, young people and adults.

11.3 The law requires us to ensure that our functions are discharged having regard to the need to safeguard and promote the welfare of children. Provisions within the Care Act 2014 (effective from 1 April 2015) mean that adult safeguarding has also been placed on a statutory footing.

11.4 We recognise that when dealing with ASB we may well come into contact with children and adults for whom there are safeguarding concerns. All SCH employees receive safeguarding training and have access to information to enable them to respond appropriately.

## 12. Supporting Complainants and Witnesses

12.1 Everyone who makes a complaint to us will be offered support and reassurance and we will consider each case with the complainant in terms of what support measures are required. We will always be open and honest about what is suitable and available.

12.2 We recognise that giving evidence in court can be a stressful and worrying time. We will provide full support and give a full explanation of what to expect, this will include a visit to the court prior to the hearing if required. 

12.3 Whilst attending court witnesses can expect:

- a. Transport to and from court
- b. A separate waiting/consultation room away from perpetrators (where possible)
- c. To be accompanied by a member of SCH staff at all times whilst in court
- d. Compensation for any loss of earnings whilst attending court
- e. Refreshments and lunch throughout the duration of their attendance at court
- f. Childcare costs

12.4 After being involved in a case that is resolved using court proceedings, the complainants and witnesses will continue to be supported by their ASB officer for a period of time after the hearing. This will vary in length from case to case and will be

agreed with the complainant on an individual basis.

- 12.5 Where an employee of SCH, a contractor or subcontractor is the complainant or witness of ASB, they are required to attend to court if necessary and act as a representative of the company. We cannot reasonably expect tenants, leaseholders and members of the community to attend court if our employees are not prepared to do so. SCH will provide all the necessary support to employees as witnesses.

## 13. Support for Perpetrators

- 13.1 We are aware that some perpetrators may have support needs and that by assessing and providing additional assistance for them can assist them in modifying their behaviour.

## 14. Action we can take

- 14.1 The majority of complaints of ASB do not require legal action as a means of resolution. We will, in the first instance, assess the type of ASB, the risk of harm to the victim and any vulnerability to identify how we will deal with the complaint. Early intervention through informal approaches will be considered in the first instance before exploring the more formal enforcement tools.

### 14.2 Early and Informal Interventions

- 14.2.1 Early intervention through an informal approach can be successful in stopping ASB committed by most perpetrators. These methods should be considered and exhausted first as they can stop bad behaviour before it escalates.

#### a. Verbal Warnings / Written Warnings

Warnings are issued when there is evidence of ASB occurring or likely to occur. They make it clear to the perpetrator what behaviour is causing the issue and what effect this is having on the victim or the community and the consequence of not adhering to the warning

#### b. Community Resolution

This is where a resolution is found for a less serious issue of ASB where an informal agreement is reached between the parties involved as opposed to progression through legal action.

**c. Restorative Justice (RJ)**

RJ gives a victim of ASB an opportunity to communicate with the perpetrator, to tell them how their behaviour is impacting on them, giving them a voice and it holds the perpetrator to account for what they have done.

**d. Mediation**

Mediation can be an effective tool, solving the issues by bringing all parties together to talk through their concerns. Our ASB Officers are able to offer mediation on a confidential, impartial basis that can easily solve many incidences of misunderstanding or anti-social behaviour. An example of when mediation would be used is when two neighbours fall out over a minor difference, such as the position of a boundary fence.

**e. Acceptable Behaviour Agreements/Parenting Agreement**

These are voluntary written agreements between an individual and SCH, though sometimes other agencies, like the Police, may be involved too. They contain pledges to behave in a certain manner or to stop doing certain things. ABA's / PA's are not legally enforceable but if they are broken it is usual to proceed to another level of action, such as court.

**f. Support and Counselling**

In many cases there are underlying causes of ASB. Substance misuse or alcohol dependency can drive ASB. We will signpost where ever possible to the appropriate agencies that can offer support and counselling depending on the circumstances of the person concerned in the ASB.

**g. Surveillance**

As part of our response to dealing with ASB, SCH reserves the right to work with partner agencies to carry out both covert and overt surveillance. Surveillance may be visual or audio. Any surveillance will be proportionate and justified. This will include where necessary the monitoring of SCH's CCTV in our high rise blocks. At times we will be required to

disclose our CCTV images to a third party such as the police where there is a need for the prevention and detection of crime and for the apprehension of offenders.

### **14.3 Legal Actions**

14.3.1 If a perpetrator is unwilling to change their behaviour following attempts along the informal intervention route then there are some formal tools that the ASB team can use.

#### **a. Civil Injunction**

The Civil Injunction is a court order to stop or prevent individuals engaging in ASB. It can resolve any issues before they escalate and can help the perpetrator to address the underlying cause of the ASB. The injunction can be obtained for people causing ASB from the age of 10 years and can be used on all tenures not just for social housing tenants. If the terms of an injunction are not adhered to it can result in a fine or imprisonment for up to two years for over 18's and for under 18's it could result in a supervision order or detention up to three months. In addition to this, the breach of an injunction means that SCH or Council tenants could be evicted following the introduction of a new mandatory ground for possession.

#### **b. Criminal Behaviour Order (CBO)**

The Criminal Behaviour Order can be issued in a criminal court against a person aged 10 upwards, who has been convicted of an offence to tackle the most persistent anti-social individuals who are also engaged in criminal activity. Breaching a CBO is a criminal offence and for over 18's can result in up to five years in imprisonment or a fine or both and for under 18's could face a two year detention order.

#### **c. Closure Orders**

This can be used to close a property of any tenure down when it is being used or likely to be used to commit nuisance or disorder. This is a fast and flexible power

that can be used to protect victims and communities by quickly closing premises causing ASB.

#### **d. Community Protection Notices**

The Community Protection Notice is intended to deal with particular, on-going problems or nuisances which negatively affect the community's quality of life, such as graffiti, rubbish or noise by targeting those responsible.

#### **e. Public Space Protection Orders**

This order imposes conditions which may include multiple restrictions and requirements in an area such as parks, alleyways or communal areas, where ASB is being detrimental to the local community. They are designed to ensure that the majority of people can enjoy public spaces and feel safe and the conditions could be around alcohol, dogs or noise for example.

#### **f. Possession Proceedings**

This is court action that can lead to SCH or council tenants being evicted from their homes. Before this stage is reached the tenants involved will have had several warnings to stop their behaviour. Evicting someone, who may have family and children, from their home, is a very serious matter. SCH would have to prove to the court that on the 'balance of probabilities' the tenants have indeed broken the terms of their tenancy agreement and that it is reasonable for the court to evict the tenant.

The Anti-Social Behaviour Crime and Policing Act 2014(as amended), has introduced a new absolute ground for possession of secure and assured tenancies where ASB or criminality has already been proven by another court. This means that SCH will no longer need to prove that it is reasonable to grant possession and the court must grant possession, providing set procedures have been followed.

#### **g. Demotion Orders**

Demotion orders allow us to apply to the courts to reduce the security of tenure for tenants and can be a precursor to possession. These orders remove a number of rights including the right to buy and the right to exchange. Demoted tenancies last for a year and may be extended if notice to seek possession of the property is served during this period. The orders are a serious warning to tenants that if the negative

behaviour continues, swift action can be taken to seek possession of their home.

## 15. Hate Incidents and Hate Crime

- 15.1 Hate crimes and hate incidents are taken to mean any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.
- 15.2 A hate crime or incident is any crime or incident which is perceived, by the complainant or any other person, to be motivated by hostility or prejudice based on a person's actual or perceived social group or groups, this could be one or more of the following:
- Disability
  - Gender
  - Race
  - Religion and Belief
  - Sexual Orientation
  - Transgender
- 15.3 We will treat all hate related incidents as very serious and ensure that all appropriate staff receive specialist training in how to deal sensitively with such issues. SCH is a hate crime reporting centre so if complainants or witnesses are not comfortable reporting an incident to the police, we will help them to make a complaint and deal with the matter as part of the management of the ASB case.

## 16. Domestic Abuse

- 16.1 Domestic abuse is a specific type of hate crime usually, but not always, directed to women.
- 16.2 Domestic abuse is controlling and coercive behaviour and includes physical, sexual or emotional abuse that takes place

within an intimate or family-type relationship. This includes gay and lesbian relationships and family relationships such as the abuse of older people, forced marriage, honour based crimes and female genital mutilation (FGM)

- 16.3 We will treat all domestic abuse cases as very serious and we are committed to providing support to complainants; where appropriate we will take action against known perpetrators of domestic abuse using the tools and powers available under the provision of the Anti-Social Behaviour, Crime and Policing Act 2015, which are complimentary to and not a replacement for specific domestic abuse legislation such as; Non Molestation Orders, Occupation Orders, Domestic Violence Protection Notices (DVPN's) and Domestic Violence Protection orders (DVPO's).
- 16.4 We may, if agreed with the complainant, work with relevant partner agencies to achieve the best level of support, protection and action in a case of domestic abuse.
- 16.5 The Domestic Abuse Bill currently going through Parliament seeks to address domestic abuse at every stage from prevention through to rehabilitation and reinforces the Governments aim to make domestic abuse everyone's business. Alongside this is a new statutory definition of domestic abuse is also proposed to cover the concept of economic rather than just financial abuse.

## 17. Protection of Staff and Contractors

- 17.1 We will not, under any circumstance, tolerate abusive, threatening or violent behaviour towards our staff or contractors and will always take swift and robust action to protect our staff. All acts of aggression towards staff members will be dealt with as very serious under this policy. We will involve the police if it is decided that it is appropriate.
- 17.2 We will ensure together with the employee or contractors line manager, that a prompt and robust response takes place. Where there is a direct threat of harm or violence towards the complainant we will commence legal action in the county court to obtain an injunction which will provide protection for the complainant and other employees or contractors.
- 17.3 Where there is a risk of harm or violence from someone at an address, a Hazard Warning Marker will be added to all SCH systems as a warning to all staff that might come into contact with this person.

## 18. Publicising our Success

- 18.1 We will consider publicity in all cases of ASB where the action we have taken has had a positive impact, whether this is legal or non legal action. We will never publicise anything with the intention of punishing anyone.
- 18.2 There are many benefits to publicity which include:
- a. Enforcement – local people will have the information they need to identify any breaches to us
  - b. Public reassurance about safety – complainants, witnesses and the community will know what action has been taken to protect them.
  - c. Public confidence in our service – local people will be reassured that if they report ASB to us, they will be taken seriously and that appropriate action will be taken
  - d. Deterrent to the perpetrator – the perpetrator will be aware that any breaches are more likely to be reported if the public know what the order is
  - e. Deterrent to others – publicity will spread the message that action will be taken against anyone who causes ASB in the community.
- 18.3 When legal action has been taken and a court order has been granted, it is expected that publicity will always take place, unless there is a legal reason for not publicising successful action.
- 18.4 Publicity relating to a court order will always be proportionate to the ASB that has taken place.

## 19. Performance Monitoring

- 19.1 We will closely monitor the quality of the service that we provide in relation to ASB. We will do this by:
- a) Setting challenging performance targets for staff to achieve
  - b) Completing customer satisfaction survey on all cases.
  - c) Ensuring managers carry out audits and reviews on a sample of cases using SCH's ASB Case Audit Standards
  - d) Ensuring that managers speak to all dissatisfied customers to try and establish why there is dissatisfaction with the ASB service.
- 19.2 We will regularly, as required, report statistical information about ASB internally both in SCH and SMBC and also to HouseMark for

benchmarking purposes and to link with other similar organisations in order to compare best practices, to identify trends and to inform service delivery.

- 19.3 The Team Leaders responsible for ASB will ensure that any issues around performance will be reported to the Head of Housing and Neighbourhoods.

## 20. Closing Cases

- 20.1 We will normally only close cases when the situation has been resolved and the complainant is happy for us to do so, however, in some circumstances it may be necessary to close the case without the consent of the complainant.
- 20.2 This might happen when we are satisfied that we have done everything we can, that is reasonable and proportionate to resolve the complaint or the complainant has failed to respond to requests for contact. We may also close the case if it is considered that the allegations made are false or malicious or if the complainant refuses to work with the ASB team to resolve the alleged ASB.
- 20.3 We will not assume that a situation has improved if we have not heard from the complainant, we will try and make contact with them before closing their case, which will include telephoning, visiting and writing, only when all of these have failed will a case be closed.
- 20.4 In all cases the complainant will be sent a letter explaining the reasons why their case has been closed.
- 20.5 To avoid cases being open indefinitely, each case classification has a target timescale for being resolved and closed; these are usually:
- Minor - 6 weeks
  - Serious - 10 weeks
  - Very Serious - 12 weeks
- 20.6 We recognise that not all cases will be closed within these timescales because of the individual circumstances of each case, but we aim to resolve the majority of cases within these timescales.
- 20.7 Where a case has been open for longer than the target timescale, the Team Leader will ensure that a review is carried out with the ASB officer to ensure that all appropriate action is being considered.

## 21. Staff Training

- 21.1 Dealing effectively with ASB requires knowledgeable and well trained staff. SCH will ensure that all staff are regularly trained, refreshed and updated on best practice and changes in policy and legislation and that officers dealing with ASB clearly understand this policy and are able to deliver it. We will also ensure that ASB officers are fully trained on our procedures.

## 22. Supporting Legislation

- 22.1 Together with our partners, we will make full use of the enforcement powers available to us under relevant legislation, including the following:-

Anti-Social Behaviour, Crime and Policing Act 2014 (As amended)

Anti-Social Behaviour Act 2003

Crime and Disorder Act 1998

Data Protection Act 1998, 2003 and 2018

Equalities Act 2010

Housing Acts 1985, 1996 & 2004

Environmental Protection Act 1990 & 2002

Mental Health Act 1983 (amended 2007)

Human Rights Act 1998

Freedom of Information Act 2000

Care Act 2014

Local Government Act 2000

*\*\*\*This list is not exhaustive \*\*\**

## 23. Supporting Policies and Strategies

- 23.1 SCH's Anti-Social behaviour policy links in with many existing strategies and policies of both SCH and SMBC that may impact on the reduction of ASB in the borough of Solihull. These can be found on either SCH's or SMBC's website:

- Solihull Housing Options Allocations Policy

- SCH Tenancy Policy
- Solihull Tenancy Strategy
- SCH Lone Working Policy
- Solihull Local Policing and Crime Plan
- Safer Solihull Strategic Assessment Plan
- Solihull Domestic Abuse Strategy
- Solihull Substance Misuse Policy
- Solihull Early Help Strategy
- Solihull Health and Well Being Strategy
- Solihull Local Safeguarding Policy
- The Home Office Statutory Guidance for Front Line Professionals 2019

## 24. Complaints and Compliments

24.1 We welcome all feedback from our customers and partners.

If you are pleased with the service that you have received and you would like to pass on your comments to the member of staff concerned or their line manager, or if you are not satisfied with the response that you have received and would like to make a formal complaint, you may do this by contacting us in the following ways:

- a) By telephoning **0121 717 1515**
- b) By email at [info@solihullcommunityhousing.org.uk](mailto:info@solihullcommunityhousing.org.uk)
- c) On line at [www.solihullcommunityhousing.org.uk](http://www.solihullcommunityhousing.org.uk)
- d) By text on **07781 474 722**
- e) Face to face services are provided by [Solihull Connect](#).

Solihull Connect offices are located in:

Bluebell Centre, Chelmsley Wood  
 Church Close, Kingshurst  
 Touchwood Centre, Solihull  
 Stratford Road, Shirley

- f) You can write to us at our freepost address:  
 Freepost RLSS-UEBA-RTUZ  
 Solihull Community Housing

Endeavour House  
Meriden Drive  
Solihull, B37 6BX

Any complaints made will be dealt with in accordance with SCH's Corporate Complaint Policy.

## 25. Community Trigger

- 25.1 The Community Trigger is designed to ensure that there is a better response from local partners to cases of persistent ASB, especially where the victim is vulnerable or at greater risk. The trigger gives victims and communities the right to request a case review to examine how local agencies have responded to previous ASB complaints and consider whether further action should be taken.
- 25.2 Solihull and the other six Community Safety Partnerships from across the West Midlands region have agreed that the threshold for invoking the trigger will be as follows:
- *You reported three separate incidents relating to the same problem in the past  
Six months to the Council, Police or your landlord;*
  - OR**
  - *You reported one incident or crime motivated by hate (due to race, religion, disability, sexual orientation or transgender identity) in the last six months and no action has been taken.*
  - OR**
  - *At least five people from different households have made reports about the same problem in the past six months to the Council, Police or your landlord  
and no action has been taken.*
- 25.3 A victim of ASB or someone acting on their behalf can ask us to look at the issue under the Community Trigger rules. Under the scheme, the Police, Council and other organisations are required to review their response if someone has complained about ASB and are not happy with the response.
- 25.4 A Community Trigger can be invoked by submitting an online form, or directly, by calling the Safer Solihull partnership administrative support officer or by letter or email.

- a) Online at: <http://www.solihull.gov.uk/communitytrigger>
- b) By phone: 0121 704 6644,
- c) By email: [safersolihull@solihull.gov.uk](mailto:safersolihull@solihull.gov.uk) or
- d) By post to: Safer Solihull Partnership, Neighborhood Services, Council House, Manor Square, Solihull, West Midlands B91 3QB

## 26. Monitoring and Review of the Policy

- 26.1 We will review this policy every three years to ensure that any changes in legislation or best practice are included and updated. We will consult with service users, staff, internal and external partners in the review.

# Get in touch

## Join us on social media:

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Solihull Community Housing



@solihullhousing



solihullcommunityhousing



Solihull Community Housing

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### **Freepost RLSS-UEBA-RTUZ**

Solihull Community Housing  
Endeavour House  
Meriden Drive  
Solihull  
B37 6BX

**Phone:** 0121 717 1515

**Typetalk:** 18001 0121 717 1515

**Text:** 07781 474 722

**Email:** [info@solihullcommunityhousing.org.uk](mailto:info@solihullcommunityhousing.org.uk)

**Website:** [www.solihullcommunityhousing.org.uk](http://www.solihullcommunityhousing.org.uk)



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