

Anti-Social Behaviour (Harm Reduction) Policy

Date of policy 2025

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Section One

Overview

Wolverhampton Homes (WH) is responsible for delivering a tenure neutral anti-social behaviour (ASB) service on behalf of the City of Wolverhampton Council (CWC).

The policy applies to the City of Wolverhampton Council's managing agents which are:

- Wolverhampton Homes
- Dovecotes Tenant Management Organisation
- New Park Village Tenant Management Co-operative
- Bushbury Hill Estate Management Board

In relation to Dovecotes TMO, New Park Village TMO and Bushbury Hill these managing agents will be responsible for the management of nuisance and low level ASB cases. Wolverhampton Homes has an agreement with these managing agents to support those cases which are more serious or persistent.

Wolverhampton Homes Anti-Social Behaviour (Harm Reduction) Policy outlines the way in which we aim to address anti-social behaviour through a triple track approach of prevention and early intervention, enforcement and support

The policy does not apply to other registered social landlords (RSLs) operating in the City. Information on RSLs working in Wolverhampton can be found at:

[List of registered providers – 15 July 2024 \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/list-of-registered-providers-15-july-2024)

The City of Wolverhampton Council's Environmental Crime and Public Protection Teams manage reports about noise nuisance as well as other environmental nuisance such as fly-tipping and dog fouling which occurs in private housing or on privately owned land.

[Report noise nuisance | City Of Wolverhampton Council](#)

[Animal issues | City Of Wolverhampton Council](#)

[Environment and climate | City Of Wolverhampton Council](#)

The policy is reflective of the strategic priorities of the City of Wolverhampton Council's Community Safety Partnership. It aims to strengthen community capacity, supporting and empowering residents to resolve issues with their neighbours where possible, protect and support victims and use informal and formal tools to tackle behaviour that we know can cause distress to individuals, households and communities.

Wolverhampton Homes applies a harm centred approach to tackling ASB. Our officers will consider the harm caused to individuals, households and communities

along with the type of ASB reported and the evidence available to us. This will collectively determine what course of action is appropriate.

Focus will be placed on processes and practices that seek to resolve issues at the earliest opportunity, stopping and changing offending behaviour where possible and with an emphasis on supporting both the victim(s) and witness(es) of the ASB.

Definition of anti-social behaviour and harassment

The ASB, Crime & Policing Act 2014 defines ASB as:

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

Harassment

Harassment is a form of ASB that is targeted at a person or a group of people for any reason. The definition of harassment as set out in the Equality Act 2010 is:

- Any unwanted behaviour affecting a person's well-being or dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment

Wolverhampton Homes recognises the definition as set out in the Act.

Types of anti-social behaviour

Anti-social behaviour is wide ranging and can cover a variety of issues that may or may not include criminal activity. We will take action to investigate reports made by Wolverhampton residents, our employees and contractors. We will also accept referrals from third parties such as elected members, MPs, West Midlands Police and departments within the City of Wolverhampton Council.

Types of behaviour that Wolverhampton Homes may consider to be anti-social include (but are not limited to):

- Anti-social behaviour which happens in open spaces such as parks and shopping areas
- Criminal behaviour in all properties managed by Wolverhampton Homes, including drug use, drug dealing and the cultivation of drugs
- Damage to property
- Persistent noise nuisance, such as loud music, shouting, purposeful annoyance
- Perpetrating domestic abuse
- Exploitation / cuckooing
- Harassment
- Hate crimes / hate incidents
- Repeated abusive language or behaviour

- Use or threatened use of violence

These behaviours can have a significant impact on individuals, communities and businesses. In some cases, and where they are complex or persistent a partnership response may be required to tackle these issues.

What Wolverhampton Homes will not investigate

Wolverhampton Homes is committed to promoting a level of tolerance between neighbours and communities and to encouraging residents to try and resolve disputes between themselves without the need for our intervention. Examples of the types of reports that the ASB Team will not investigate as anti-social behaviour allegations if they happen in isolation, the following which includes but is not limited to:

- Babies crying or children playing (including ball games)
- Children falling out or comments made on social media
- Cooking smells
- Dishwashers, hoovers, tumble dryers, washing machines and or other household appliances unless their use is during unsocial hours (usually taken as between 11pm and 7am)
- Doors and drawers being open and shut
- Dropping of objects/moving of furniture
- Flushing toilets and running water
- Light switches being turned on and off
- Loud talking or laughing
- Minor personal differences
- One-off or isolated incidents such as a party or an argument
- People carrying out DIY jobs and car repairs unless this happens all the time or at unsocial hours (usually taken as between 11pm and 7am)
- People smoking inside their home
- People walking loudly on floors or upstairs
- Sexual noises
- Shift workers leaving home or returning in the evening or early morning (including vehicle noise which can be expected to occur on the starting of a car /motorbike engine)
- Where tenants haven't broken the rules of their tenancy.

When determining if a report constitutes ASB, Officers will exercise professional judgement. Where a report made does not constitute anti-social behaviour, the victim will be informed at the earliest opportunity.

For further information on our approach to reports of disputes which do not meet the anti-social behaviour threshold, please refer to Wolverhampton Homes Good Neighbour Charter - [Good Neighbour Charter 2025 to 2028.docx](#)

Our approach to anti-social behaviour

In delivering a tenure neutral ASB service, Wolverhampton Homes will take a balanced approach to tackling focusing on:

- Prevention - we understand the importance of resolving issues of ASB before it escalates. Not only in terms of making our neighbourhoods safer places, but the added value and cost effectiveness of early intervention.
- Early intervention - where appropriate we will intervene to address issues of ASB and we will work with our partners to deliver a range of interventions.
- Enforcement - where all reasonable steps have been taken to change or prevent ASB, or in serious cases of ASB, careful consideration will be given to the use of enforcement powers to deal with the problem.

Any action taken will be reasonable and proportionate and will consider all the facts of the case.

In some circumstances expectations cannot always be met; however, Wolverhampton Homes must work within the legal framework and be able to evidence the proportionality of all interventions taken.

Support for the vulnerable - when action is taken to tackle anti-social behaviour problem, whether informal or formal, we recognise the importance in ensuring that there may be a need to support victims, witnesses and perpetrators of that behaviour according to their particular needs.

Anonymous reports

Wolverhampton Homes prefers to have direct contact with the person experiencing the ASB to fully understand the problems being experienced, offer appropriate support and provide updates on the investigation. Officers will investigate an anonymous report if it can be substantiated, making best efforts to do so. However, a positive resolution (outcome) is less likely when a report is made anonymously.

Criminal activity

Acts of criminality should be reported to the police.

The ASB Team will work to support West Midlands Police to tackle such behaviour. We will take action to enforce the City of Wolverhampton Council's Tenancy Agreement where criminal activity is linked to its properties. In some cases where criminal activity is occurring, it may be appropriate that we lead on the action required, for example, by obtaining Injunctions under the Anti-Social Behaviour, Crime & Policing Act 2014.

Cross tenure issues

There will be times where Wolverhampton Homes will need to involve or refer an ASB report to other agencies. Where this is the case, the ASB Officer will discuss with the relevant organisation who will take the lead role in coordinating specific actions. A partnership approach will be taken in relation to information sharing.

Cuckooing

Cuckooing is a crime where a criminal gang exploit people by taking over their home to conduct illegal activities. This may be to deal or store drugs, use for sex work or trafficking. It can often be linked to county lines (organised criminal networks) and is a criminal offence. Cuckooing should be reported to the police as well as being reported to Wolverhampton Homes ASB Team.

[County lines | West Midlands Police](#)

Domestic abuse

Wolverhampton Homes has a separate policy for domestic abuse but recognise that some reports of anti-social behaviour could be an indicator of potential domestic abuse and/or safeguarding concerns.

ASB Officers will work in conjunction with Wolverhampton Homes Domestic Abuse team to ensure they take appropriate steps to both identify and respond to any situation where domestic abuse is being perpetrated. This will ensure that domestic abuse and any safeguarding matters are actively considered as part of the investigation and are addressed accordingly, including being mindful of the need to ensure that those experiencing domestic abuse are supported in accessing remedies, for example non-molestation orders and Domestic Violence Protection Notices/Orders.

We will also:

- Repair any damage at the home of the victim as a priority (where the victim lives in a Wolverhampton Homes property)
- Make a referral to the Sanctuary Scheme (if appropriate) which can assist in providing measures to make the home of the victim more secure
- Provide advice on emergency housing if required

Domestic abuse is a breach of tenancy and we will:

- Support the police in prosecuting perpetrators by providing evidence. We will only do this if we have permission from the victim (unless the law makes us do so).
- Consider temporarily excluding or permanently removing the perpetrator from the housing register where appropriate.
- Demotion of tenancy due to domestic abuse offending where the offender is a tenant of a Wolverhampton Homes-managed tenancy
- Charge the perpetrator for any damage they have caused
- Share information in line with data protection legislation.

Where there is a joint tenancy and a victim is unable to return to their home due to risk of harm, we may take appropriate action to bring that tenancy to an end through the courts. We may also support perpetrators into other accommodation where available and appropriate.

Hate crimes / hate incidents

Hate incidents / crimes are those perceived by the victim as being motivated by prejudice based on a personal characteristic including but not limited to:

- Disability
- Race or ethnicity
- Religion or beliefs
- Sexual orientation
- Transgender identity

Hate incidents / crime can include:

- Bullying
- Damage to property
- Graffiti and vandalism
- Harassment or threats
- Physical assault of any kind
- Verbal abuse
- Homophobia
- Racism
- Any other form of intimidation not listed above

A victim does not have to be a member of the group to which the hostility is targeted.

Reporting hate crimes / incidents to the Police

Hate crimes / incidents should be reported to the Police.

In an emergency, the victim should always call 999. If it not an emergency, call 101.

If already registered with the [emergencySMS service](#), use the textphone service 18000 or text us on 999.

Or call [999 BSL](#) to use a British Sign Language interpreter.

Reporting hate crimes / incidents to Wolverhampton Homes

When a hate crimes / hate incidents has been reported, we will liaise with the police who may be the appropriate agency to lead on the case.

In relation to the housing management response, we will:

- Contact the victim within one working day, taking into account any reasonable adjustments that are needed
- Consider legal interventions, such as injunctions
- Make a referral to the Sanctuary Scheme to provide measures to make the home of the victim more secure
- Provide advice on emergency housing

- Where the victim lives in a Wolverhampton Homes-managed property, deal with any vandalism at the home of the victim as a priority
- Work closely with other agencies such as the police and specialist support agencies to help support the victim/household. If the victim agrees, we will contact other agencies on their behalf.
- Racist or offensive graffiti will be removed as soon as possible and always within two working days. Graffiti can be reported online through the City Council Street Cleansing Team or through Wolverhampton Homes.

Support for victims of hate crimes / hate incidents

Such incidents are prioritised, with contact with the victim within one working day. Given the harmful impact of hate related incidents every effort will be made to understand the impact on the victim and respect their wishes as much as possible when determining a course of action.

Specialist support will be offered to victim and witnesses who are subject to hate incidents / crimes, including referral to Remedi via their Step Up, Beat Hate service [Remedi \(remediuk.org\)](https://remediuk.org)

Perpetrators

A scaled approach will be adopted when dealing with the perpetrators of ASB. Intervention, education and diversion will always take priority over enforcement to address and direct people away from anti-social activities.

In some cases, a perpetrator may not be aware that they are causing a nuisance. That said, Wolverhampton Homes will not be deterred from using all available sanctions when a perpetrator has not responded, heeded the warnings or the matter is serious enough to warrant immediate sanctions. Action taken to deal with perpetrators of ASB will be aimed at achieving long-term solutions that reduce the impact on victims and provide opportunity for perpetrators to change their behaviour which will enhance the quality of life for the local community.

Perpetrators who are vulnerable

Wolverhampton Homes acknowledge that the vulnerabilities of some residents contribute to behaviour which may be classed as anti-social by others. These vulnerabilities include but are not limited to, poor mental health, learning difficulties and substance misuse.

In cases where vulnerable perpetrators are involved, we will work closely with support agencies with the aim of improving the behaviour of a perpetrator whilst also ensuring that they are receiving the correct support. The ASB Team regularly refer to a range of support services, and specialist treatment providers and will work alongside partner agencies to ensure appropriate support is provided.

Recognising that a coordinated multi-agency approach is often needed, cases may be subject to a Professionals Meeting to facilitate joint working and ensure that actions are co-ordinated.

Prevention

Wolverhampton Homes seeks to minimise the risk of anti-social behaviour occurring by adopting a range of robust housing management practices such as, but not limited to:

- All new tenants being signed up as introductory tenants
- Operating a robust allocation and sign-up process that clearly outlines the roles and responsibilities both of the person themselves and Wolverhampton Homes
- Using measures to design out crime and ASB, such as CCTV, fencing, bollards etc and having a presence on our estates to provide help and reassurance to tenants and residents
- Identifying hotspot times, such as bonfire night, and proactively managing these to prevent ASB from occurring
- Monitoring ASB incidents to identify any trends. We will use this information to undertake targeted campaigns to tackle issues, raise and increase confidence within the community and identify the root causes to achieve longer term resolutions
- Publicising any positive action taken to resolve ASB wherever possible. This may include press releases to local newspapers, radio or television or other publicity materials such as social media, leaflets and posters in the locality of where legal action has been successful.

Wolverhampton Homes will use 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.

We will also seek to encourage the principles as outlined in our Good Neighbour Charter which seeks to prevent disputes arising and reduce the risk of anti-social behaviour [Good Neighbour Charter 2025 to 2028.docx](#)

Victim support

The support for victims of ASB will vary, depending on the type of anti-social behaviour they are experiencing and the harm that is being caused, and will be driven by the client's needs.

We will ensure the voice of those experiencing ASB is heard, with staff having conversations with victims with the aim of fully understanding what they want from the process and to explain what options are available so they can make informed decisions throughout.

The ASB Team will also make referrals to other support agencies, as and when required.

Once a report has converted into a case, Wolverhampton Homes will:

- Provide a point of contact for victims throughout the process

- Provide regular feedback regarding the progress of the case – officers will update victims at least once a month. This will be done to suit the need / consent of the victim i.e. by email or by telephone or via a third party
- Where appropriate, make an assessment of the victim's home for additional safety measures to be put in place

Attendance at court can assist in gaining a successful outcome. Where attendance at court is required due to the victim or witness providing a named Witness Statement, we will explain the process from the outset.

Wolverhampton Homes will help victims attend court by offering:

- Free transport to court
- Help to prepare witness statements and give advice on what will happen in court
- Reimburse the cost of childcare (if needed) to allow attendance.

Safeguarding

During any investigation of anti-social behaviour, Wolverhampton Homes will follow its safeguarding procedures. Where there are concerns regarding an adult with care and support needs or when children and/or young people are involved safeguarding referrals will be made and submitted if required. We may also arrange support from other agencies.

[WH Safeguarding Policy 2024-2026.docx](#)

Witness Support

The support for witnesses of anti-social behaviour provided by the ASB Team will vary, depending on the type of anti-social behaviour witnessed and the harm caused. The ASB Team will also make referrals to other support agencies, as and when required.

Once an enquiry has converted into a case, the following service offer will be in place:

- Where relevant, provide feedback regarding the progress of the case
- There will be one point of contact for witnesses throughout the process

Wolverhampton Homes will help witnesses attend court by offering:

- Free transport to Court
- Help prepare witness statements and advice on what will happen in Court
- Reimbursement of costs for childcare
- Reimbursement for loss of earnings

Working in partnership

Wolverhampton Homes recognises the importance of partnership working with other agencies and residents. On occasion, it may be more appropriate for other agencies to take the lead in cases and all parties involved in the case will be made aware of the lead agency and all partners involved. Personal information and case details will only be shared with partners where there is consent unless it is a safeguarding issue.

An example of agencies that we work with; West Midlands Police, City of Wolverhampton, Council Environmental Services Team, Mediation services and, if appropriate, will refer the case to a multi-agency problem solving group for further problem solving.

Section Two

ASB Case management

The ASB Procedure sets out in detail how anti-social behaviour can be reported, the response times customers can expect, based on risk, how reports of ASB will be assessed, and, detailing the rationale for how and when a report may progress into a case investigation.

In most instances, perpetrators of ASB will be given the opportunity to improve their behaviour before any decisions are made to take enforcement action. However, it is necessary to balance the needs of the individual against the needs of the community. If it is essential to act to protect the needs of the community, we make every effort to ensure that this is both swift and effective.

Enquiries will be allocated to a named ASB Officer who will review the enquiry and will progress the investigation as required. Where enquiries result in a case being opened, the named officer will lead the case and arrange for any intervention, support and/ or enforcement required to find a resolution.

The ASB procedure follows 4 stages, which are set out below. The procedure is designed to be flexible but will always be managed with the intention of meeting the needs of those involved in the case.

Stage 1 – Initial Enquiry/Report and Assessment

The initial enquiry is triggered on receipt of a new report of ASB. At this stage, the enquiry will be assessed. Depending on the nature of the report, it will follow one of the following paths:

- Allocated to an ASB Officer to be investigated
- Referred to the City of Wolverhampton Council Environmental Health Public Protection Team (see Section One)

Deemed not to meet the criteria for ASB. Where this is the case, feedback will be provided as to why it does not meet the criteria. Reference may also be made to the Good Neighbour Charter - [Good Neighbour Charter 2025 to 2028.docx](#)

How cases are prioritised

Wolverhampton Homes will prioritise reports made as follows:

Category A - including domestic abuse, hate crimes/incidents, physical violence, threats/harassment/intimidation, criminal behaviour/crime – response within 1 working day

Category B - including noise (in Wolverhampton Homes-managed tenancies), drug / alcohol related issues, street nuisance, prostitution, vandalism and damage to property – response within 2 working days

Category C - misuse of communal area / loitering, garden nuisance, litter / rubbish / fly-tipping, nuisance from vehicles, pets/animal nuisance – response within 5 working days.

Risk assessments

Risk assessments will be completed once the victim has been interviewed following the receipt of the initial report. Risk assessments are used to identify factors that might put a person at a higher risk of harm, assisting officers to identify people who are vulnerable and to reduce risk and vulnerability. This may include considering urgent legal action or referring the case to a local partnership meeting to create an action plan with our partner agencies.

Reviews of risk assessments will be carried out dynamically, taking into account any changes in the circumstances of the case or the victim. We will also review the assessment every three months where the case remains open.

Stage 2 – Case Investigation

Once the initial review is complete and concludes that there is an ASB case and the victim wishes to pursue the matter, or the matter is serious and it is in the interests of the wider community to pursue, then a full investigation will be commenced.

The ASB Officer responsible for the case will arrange to meet with the victim. A home appointment will be offered; however, the appointment can be done by telephone or at a neutral location to suit the victim. At this stage, the ASB Officer will discuss the details of the case and seek clarification of the ASB, obtain further detail if available and establish any support needs. Details of how the investigation will proceed will be provided to the victim so that the process is clear and transparent.

An action plan will then be developed. This will be used to record the chronology of incidents, agreed actions, any multi agency meetings, referrals to agencies for support, requests for information and risk assessments. Forthcoming actions will also be recorded, e.g., when contact is due, when a new risk assessment is due to be carried out.

The gathering of evidence will commence. This may include, but is not limited to:

- Interviewing witnesses and perpetrators
- Taking statements
- Liaising with West Midlands Police regarding any reports they may have received

- Sourcing CCTV footage
- Noise monitoring equipment / noise app recordings
- Liaison with other agencies
- Signposting and onward referrals

During the course of the investigation, the ASB Officer will make best endeavours to keep in contact with the victim. If the ASB Officer is unable to contact the victim by all reasonable means, including telephone, text, and email, a letter will be sent to the last known address of the victim asking for contact within 5 working days of receipt of the letter. If no contact is made, the ASB report will be closed.

Interviewing the alleged perpetrator

There will be times when urgent action is required which means Wolverhampton Homes would not be able to interview the perpetrator first. Where doing so may pose too great a risk, this may also mean an interview may not take place.

However, in the majority of cases we will contact the alleged perpetrator to arrange an interview with them. The interview can take place either by telephone or face to face. The alleged perpetrator will be informed that the purpose of the interview is to:

- Inform them of the allegation(s)
- Provide them with an opportunity to respond to the allegation and give their side of the story
- Discuss potential options to resolve the matter

Stage 3 – Initial Case Review

Case reviews will be completed following the case being open for 1 month and thereafter every 3 months.

The factors which will be considered at a review include, but are not limited to, the evidence which has been provided and whether the ASB is of a persistent and/or severe nature. Consideration at this stage may also involve a review of the Risk Assessments concerning any party involved in the case.

The following actions may apply.

No further action – case closed. There are several reasons why a decision is made to close the case at this stage, for example:

- No further reports of ASB incidents
- There is insufficient evidence to identify a perpetrator and / or ASB
- Evidence provided is found to be unreliable, or does not meet a legal threshold
- Legal or tenancy action is not proportionate for the nature of the case.

When a case is being considered for closure, the ASB Officer will contact the victim to discuss this further and decision made to close the case pending further evidence or information being received which could progress the case.

ASB continues

If there is evidence of ASB, officers will continue to investigate. If there are no reported incidents for a 4-week period or the incidents have reduced significantly in persistence and severity so that they no longer meet the threshold, the ASB Officer will consider closing the case and will discuss this with the victim(s) at the next contact, setting out why they are closing the case.

Non-legal Interventions.

The ASB Team will use a range of non-legal interventions to reduce and / or resolve the ASB. As each case is different, we are committed to finding the most appropriate intervention for each case.

If non-legal interventions are unsuccessful, the case will be considered for legal action. At this stage it is important that there is robust and sufficient evidence to secure successful legal action.

Where a victim refuses to engage in non-legal remedies to facilitate self-help and/or early interventions they will be informed that this may impact on how the case progresses.

- **Advice conversations/ advice letter**

Advice letters and conversations are used to alert a person that their behaviour may be of concern and request that it stops. They are particularly useful tools to inform parents/guardians that their child has been identified as being involved in ASB and provide details of the circumstances surrounding the incident.

Additionally, particularly in noise nuisance cases, alleged perpetrators may be unaware of the impact that their activity is having on others.

- **Verbal Warning**

A verbal warning is often used as an immediate response to an incident of proven ASB. In issuing a verbal warning it will be made clear to the individual (and the parent or guardian when a young person is involved) what behaviour is causing the issue; what affect it is having on the victim or community and the consequences should the behaviour continue.

We will make best endeavours to meet with the perpetrator face-to-face as this also provides an early opportunity to identify any contributing factors, such as substance misuse, poor mental health or a learning disability. Interventions and referrals can be offered at this stage to support the individual.

Wolverhampton Homes will ensure that it keeps a record of when a verbal warning is given and will share such information with relevant partners.

- **Mediation**

Wolverhampton Homes will encourage the take-up of external, independent mediation to help resolve anti-social behaviour. Mediation Officers are specially trained and work as an impartial third party. They help neighbours communicate and reach their own agreement to resolve their disagreements. For mediation to help, both parties must show a willingness and desire to find a solution.

Mediation is an equal process so that everyone is treated fairly. Each person is listened to and gets the chance to hear the other person's point of view.

Wolverhampton Homes mediation service is:

- Free to service users
Confidential (except for information relating to child protection and fraudulent or criminal activity)
- Provided by specialist, highly skilled and professional trained staff
- Committed to providing a quality service to meet the needs of both parties

Acceptable Behaviour Contract (ABC)

An ABC is a voluntary agreement between a person aged 10 and above who is involved in ASB. The decision to issue an ABC may be made in conjunction with partners agencies.

The ABC will outline suitable prohibitions that the perpetrator must abide by and any positive requirements that will assist in diverting the person away from ASB. The ABC will last for a 6-month period and be monitored throughout its life. The ABC will be reviewed at the mid-way point to determine if it needs to be altered. The ABC can be extended where suitable evidence is presented or cancelled early where good behaviour permits.

An ABC is not legally binding but can be used as evidence to support a more formal process such as a Civil Injunction or Criminal Behaviour Order where criminal behaviour has accelerated to such a proportion that all parties agree this is the right course of action.

Legal Action

If legal action is taken Wolverhampton Homes must, in most cases, prove on the balance of probabilities, that the behaviour meets this threshold and provide supporting evidence. We will also need to demonstrate that any action we take is proportionate.

The options outlined below are not a fixed set of instructions that must be followed step-by-step but a list of tools that will be considered by Wolverhampton Homes, sometimes in conjunction with partner agencies, at appropriate stages and seriousness of the behaviour exhibited. Where young people are involved, a variety of interventions and monitoring are likely to be tried before moving to more formal interventions.

In some instances, Wolverhampton Homes may not lead on the agreed intervention but may support the lead agency in terms of gathering evidence, supporting the victim and/or witness(es) and may take other action based on information used in the application for an intervention sought by another agency.

Levels of evidence needed for legal action

Anti-social behaviour investigations take place within a civil law framework with the appropriate standard of proof being referred to as the balance of probabilities. If the evidence provided to a Court is equally balanced or if the judge is not satisfied that, for example, there have been incidences of ASB, Wolverhampton Homes will not meet the burden of proof needed and the case will not succeed. Most cases also require Wolverhampton Homes to convince a court that the orders sought are a proportionate means of achieving a legitimate aim and that are reasonable given the circumstances of the case.

External factors beyond the control of Wolverhampton Homes can impact the progression and speed of cases, for example the availability of court dates. Any delays will be communicated appropriately to the victim(s) and witnesses.

- **Civil Injunction**

The Police, Local Authority or Registered Housing Providers can apply for a Civil Injunction to deal with anti-social individuals. The Injunction can offer effective protection for individuals and communities and sets a clear standard of behaviour for perpetrators. The civil injunction can be used as a sanction where an Acceptable Behaviour Contract is continually breached with a more formal monitoring and intervention process.

There are two tests for a Civil Injunction – has the defendant engaged in ASB and is it just to grant an injunction. The use of either test will depend on the applicant and circumstances in which the ASB has occurred.

If an application for Civil Injunction is against someone under the age of 18 the applicant must consult the City of Wolverhampton Youth Justice Service before proceeding. A Civil Injunction can prohibit a perpetrator from carrying out specific anti-social acts or from entering defined areas and can also require the individual to engage in specified positive activities, aimed at addressing the root causes of their ASB.

Breach is not a criminal offence and is dealt with as contempt of court with varying penalties for adults and young people. Breach of injunction is nevertheless serious. For an adult, the maximum sentence a sentence of two years' imprisonment, a fine (of any amount the court thinks appropriate) or seizure of assets.

- **Parenting Contract and Parenting Orders**

Parenting contracts are a formal agreement between a parent and a support worker using accredited means to develop parenting skills and to assist them to guide their child to achieve their potential. Each contract is individual to the needs and cover

such things as boundary setting, school attendance and to encourage the child to act in a positive manner.

Parenting contracts will be considered when a young person is made subject to an ABC and there has been no recognised change in behaviour.

Parenting Orders are a formal order issued by the Court where a parent or guardian has either refused to enter into a Parenting Contract or failed without reasonable cause to abide by the agreed contract when a child is displaying risk symptoms. The order will be specific to that individual and tailored to the identified requirements to effect behaviour change. A Parenting Order will be considered when a young person has been made subject to a civil injunction to compliment the requirements of the injunction to effect positive behaviour made within the household.

- **Criminal Behaviour Order (CBO)**

A Criminal Behaviour Order can be applied for by the Crown Prosecution Service when a person has been convicted of any criminal offence. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them to a criminal court. The court will not consider an application for a Criminal Behaviour Order at a hearing after the perpetrator has been sentenced, therefore it is important agencies inform partners when they are aware a perpetrator of ASB is being brought to a criminal court and that a Criminal Behaviour Order can be considered if appropriate.

If the offender is under 18 years of age the prosecution must find out the views of the local City of Wolverhampton Youth Justice Service before applying for a Criminal Behaviour Order. Like a Civil Injunction the Criminal Behaviour Order can include both prohibitions and positive requirements.

Breach (of either a prohibition or requirement) is a criminal offence.

Community protection warnings and notices

Community protection notices (CPNs) and community protection warnings (CPWs) are designed to stop a person aged 16 or over, business or organisation committing antisocial behaviour (ASB) that spoils our community's quality of life.

This can include offences such as noise nuisance, eyesore rubbish on private land and antisocial behaviour.

Wolverhampton Homes cannot issue a CPW/N due to it being an arm's length management organisation. Such warnings and notices can only be issued by the City of Wolverhampton Council, police officers or police community support officers (PCSOs).

CPN/Ws can be issued in instances in which an individual, business or organisation's behaviour is:

- having a detrimental effect on the quality of life of those in the locality

- unreasonable and
- of a persistent nature

Before a CPN/W can be issued, the person, business or organisation suspected of causing the problem must be given a written warning stating that a community protection notice will be issued unless their conduct changes and ceases to have a detrimental effect on the community. The warning will also detail that a breach of a CPN is a criminal offence.

If the person, business or organisation fails to comply with the warning, we will then issue a community protection notice.

The notice will list the following requirements:

- to stop doing something specified and/or to do some specified action
- to take reasonable steps to achieve a specified result - either preventing the unacceptable conduct from continuing or preventing the likelihood of it recurring.

If a recipient of a CPN fails to comply with its requirements, the council may take action to ensure that the failure is remedied.

Failure to comply with a CPN can lead to a court summons and, on conviction, can result in a fine of up to £2,500 for individuals, or £20,000 for businesses. On conviction, the magistrates' court would have the power to order forfeiture and destruction of any item used in the commission of the offence – for instance, noise equipment.

A fixed penalty notice may also be issued for this behaviour (maximum £100 fine).

An appeal against a CPN or its terms can be made to a magistrates' court within 21 days of issue..

- **Public Spaces Protection Order (PSPO)**

Public Spaces Protection Orders are only available to Local Authorities. They often form part of a wider problem-solving plan with Police and other agencies. They impose conditions on the use of an identified area accessible by the public in order to address a particular nuisance or problem that is, or might become, detrimental to the local community's quality of life. They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from ASB.

Breach of the order, without reasonable excuse is a criminal offence and can result in an individual being required to leave the area and not return for 24 hours, and / or receive a fixed penalty fine or a court fine up to £1,000.

- **Closure Power**

The Closure Power is a two-stage process that allows Local Authorities or Police to close premises. The first stage is the serving of a Closure Notice if the use of the premises has resulted in or is likely to result in serious nuisance to members of the public. This notice can last up to 48 hours and once served, any person apart from those with a legal right to occupy the property must leave or they will be committing a criminal offence. Unless the notice is cancelled during the period of up to 48 hours in which it is in force, the case must be heard in the Magistrates' Court immediately to consider whether a Closure Order should be made.

The Order prevents any person from entering the property (including the owner/occupier) and lasts for 3 months which can be extended by a further 3 months if evidence suggests it is necessary. A closure order can completely close the premises to everyone or can close the premises subject to exceptions to allow certain people to enter the premises, certain parts of the premises to remain open or to allow the premises to be open only at certain times. Breach of a Closure Notice or Order is a criminal offence and could result in a fine or imprisonment.

- **Dispersal Power**

This is a Police power to disperse people causing harassment, alarm or distress. It allows officers to direct a person who has committed, or is likely to commit, ASB to leave an area and not return for up to 48 hours. The Dispersal Power is a flexible power which the police can use in a range of situations to disperse antisocial individuals and provide immediate short-term respite to a local community on the authorisation and permission of an Inspector or above. Failure to comply with a direction to leave is a criminal offence punishable by fine or imprisonment.

Further Intervention Methods

Wolverhampton Homes has a range of tools and powers available to them to effectively tackle ASB in relation to their tenants. These include:

- **Introductory Tenancies**

An introductory tenancy is a trial period before a person becomes a secure tenant. Introductory tenants have fewer rights than secure tenants, and their tenancies can be ended more easily than other types of tenancies if an introductory tenant breaks their tenancy conditions.

Tenants must satisfy the landlord that they are able to abide by all conditions of their tenancy, including those regarding acceptable standards of behaviour.

Introductory tenancies are for a fixed period of 12 months but can be extended for a further 6 months in certain circumstances

- **Demotion Orders**

Wolverhampton Homes has the power to apply for a demotion order on secure tenancies, where tenants or other residents of a dwelling, or visitors to a tenant's home, have behaved in a way that is capable of causing nuisance and annoyance, or where such a person has used the premises for illegal or immoral purposes. A demotion order has the effect of ending the existing tenancy and replacing it with a less secure demoted tenancy and mandatory possession. This removes the tenant's power to exercise their Right to Buy (where it applies) and their security of tenure for at least a year. These orders can be extended for a further 6 months if necessary.

- **Absolute Grounds for Possession**

Wolverhampton Homes will be able to choose to use the Absolute Ground for Possession, in addition to or instead of the existing discretionary ground for ASB, where any of the following five conditions are met:

- The tenant, a member of the tenant's household or a person visiting the property has been convicted of a serious criminal offence (as listed in the Schedule to the Anti-Social Behaviour, Crime and Policing Act)
- The tenant, a member of the tenant's household or a person visiting the property has been found by a court to have breached a Civil Injunction.
- The tenant, a member of the tenant's household or a person visiting the property has been convicted of breaching a Criminal Behaviour Order
- The tenant's property has been closed for more than 48 hours under a Closure Order for ASB

Or

- The tenant, a member of the tenant's household or a person visiting the property has been convicted for breaching a Noise Abatement Notice or order.

Where a landlord applies for possession under the absolute ground the court would have to grant an order for possession, subject to considerations of proportionality and the landlord having followed the correct procedure.

- **Tenancy Injunction**

Social Housing Providers can apply for an Injunction against a tenant for any breach (or anticipated breach) of their tenancy agreement. Failure to comply could result in up to 2 years imprisonment.

Stage 4 – Case Closure.

The Anti-Social Behaviour procedure is designed to ensure that cases are not open for longer than necessary. However, it is important to ensure cases are closed appropriately. Cases may be closed during any stage of the procedure due to one of several factors, including:

- Lack of co-operation from the victim(s)/witness(es)

- Establishing the incident did not take place.
- Determining the issues reported are not considered by the ASB Team as anti-social behaviour.
- Not having enough evidence to prove the matter to the relevant standard of proof.
- The anti-social behaviour has stopped and risk of further ASB is low.

The ASB Officer will record the closure of a case on a Closure Notice which outlines actions taken and the decisions made.

ASB Officers will ensure they communicate to the victim/witness when a case will be closed and the reasons why. The rationale for case closure will be recorded in the case action plan - Closure Notice.

The full details of the following procedure are set out in the accompanying ASB Procedure document.

Section Three

Reporting ASB

Anti-social behaviour can be reported via the following methods:

- Email - asbu@wolverhamptonhomes.org.uk
- Email – [Wolverhampton Homes | Report anti-social behaviour](#)
- Telephone via Homes Direct 01902 556789 / 01902 551188)

Complaints about service delivery

If a victim, witness or alleged perpetrator of anti-social behaviour is dissatisfied with Wolverhampton Homes response to tackling ASB or objects to the enforcement action we decide to take them, a complaint can be made via our Complaints Policy.

[Wolverhampton Homes | Complaints and compliments](#)

ASB Case Review (formerly known as Community Trigger)

An ASB Case review gives victims of ASB or hate crimes/incidents the right to request a review if they are not satisfied with how their case has been handled.

If a request meets the required criteria (also called the threshold), the following agencies will have a duty to carry out a case review:

- City of Wolverhampton Council
- Wolverhampton Homes ASB Team
- West Midlands Police
- Social housing providers

For a review to take place, one of the following criteria needs to be met:

- an individual has reported three separate incidents relating to the same problem in the past six months to the Council, Police or your landlord
- an individual has 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
- at least 5 people 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

To qualify for a review, the ASB/hate crime must be reported within one month of the alleged behaviour taking place.

The ASB Case Review can be used by:

- A person who believes they have experienced harassment, alarm and distress and are not satisfied with the response they have received from agencies
- A person acting on behalf of a victim, for example, a family member, friend, carer, councillor, MP or another professional person. The victim's consent should be sought by the person using the ASB Case Review on their behalf
- The victim This can be an individual, a business or a community group.

[Individual request for ASB Case Review | City Of Wolverhampton Council](#)

[Group request for ASB Case Review | City Of Wolverhampton Council](#)

Section 4

Legal Framework

Wolverhampton Homes aims to comply with the expectations set out in the Home Office July 2014 statutory guidance for frontline professionals in relation to the Anti-Social Behaviour, Crime and Policing Act 2014. It is also informed by the legal and regulatory framework for tackling anti-social behaviour, including:

- Housing Act 1985
- Housing Act 1996
- Crime & Disorder Act 1998
- Equality Act 2010
- Human Rights Act 1998
- Anti-Social Behaviour Act 2003
- Data Protection Act 2018

The policy also complies with the regulatory requirements of the Regulator of Social Housing's Neighbourhood and Community Standard which requires registered providers to work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they manage homes, and specifically to publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB).

Equality and Diversity

The Equality Act 2010 provides people with a protected characteristic protection from direct or indirect discrimination, harassment or victimisation. This policy is designed to be inclusive, regardless of protected characteristics and the service provided by the Anti-Social Behaviour Team is designed to meet a range of different needs of those who use our service and those whom action may be taken against.

When considering and taking legal action against anyone involved in anti-social behaviour or introducing a Public Space Protection Order, Wolverhampton Homes will ensure that it complies with its Public Sector Equality Duty. The ASB Officer dealing with the case will carry out an Equality Act Assessment to demonstrate, amongst other things, that any protected characteristic the perpetrator(s) may have, whether they have any support services in place and whether the proposed action is a proportionate means of achieving a legitimate aim has been taken into consideration by the council and to ensure that the legal action proposed is a proportionate, reasonable and appropriate response to the anti-social behaviour committed.

Service standards & service improvement

If a full case is opened, we will ensure the following:

- A named officer will oversee the initial enquiry and where appropriate, a case investigation.
- The ASB procedure is thoroughly explained to all victims and witnesses & realistic expectations are set.
- Witness support is tailored to the needs of everyone.
- For the duration of the case, victims and witnesses will be kept updated at least once a month on the progress of their case.

In order to continuously improve our service, we ensure that victims are asked to provide feedback regarding their experience of the Anti-Social Behaviour Service via closed case questionnaires.

Wolverhampton Homes will also take into consideration the findings of the outcome of surveys done in relation to the Tenant Satisfaction Measure (TP12) which measures the landlord's approach to handling anti-social behaviour.

Information Exchange and Confidentiality

Wolverhampton Homes Anti-Social Behaviour Team is signed up to the City of Wolverhampton Council Safety Partnership's Information Sharing Protocol. Officers are aware of these procedures to ensure legal and safe sharing of information. It may be necessary to share information as part of the Team's investigations: this process will be used to facilitate this sharing of information.

The ASB Team ensures that all data handled by the team is:

- Collected for a specific and legitimate purpose and not used for anything other than this stated purpose
- Processed lawfully, fairly and in a transparent manner

- Relevant and limited to the requirements for which the data is processed
- Accurate and kept up to date, with any identified inaccuracies amended or removed without delay
- Secured using appropriate solutions, which protect against

The ASB Team will ask the victim(s) and witnesses for consent, in the format of a consent form, to act; to ensure that they agree with the action we are taking; and to refer to any support services. In cases where consent is not given to action being taken and where the ASB can be witnessed without the help of the victim or witness, the ASB Team will investigate this, but will ensure there no risk is posed to the victim.

The ASB Team will also ask consent in cases when the victim/witness wishes for another person to liaise with the team on their behalf.

ASB Glossary

Affidavit: A written description of events that have been witnessed by someone. This is sworn on a religious book such as the bible.

Affirm: Confirm the truth of something in Court (this is used as a non-religious alternative to an oath).

Anti-social behaviour case review: the anti-social behaviour case review (previously referred to as community trigger) gives individuals and communities the right to request a review of their anti-social behaviour case, where the locally defined threshold is met.

Barrister: A legal representative that can put someone's case to the Court and question witnesses.

Breach: When the terms of an Order have not been kept.

Committal case: A case, following alleged breach of injunction, where the judge hears evidence and makes a decision whether to send the person to prison.

Contempt of Court: When someone disobeys certain orders of the Court, such as injunction, or misbehaves in court.

County Court: a Court where civil cases are heard.

Defendant: The person against whom legal proceedings are brought.

Demotion Order: An Order that ends an existing assured or secure tenancy replacing it with a tenancy with less security of tenure.

Hearsay evidence: Evidence based on what someone has told the witness and not of direct knowledge that is being relied upon to demonstrate the apparent truth of what the witness was indirectly told.

Magistrates' Court: A Court where criminal proceedings are heard and that deals with the less serious offences.

Perpetrator / alleged perpetrator: Person who carried out or is alleged to have carried out anti-social behaviour

Plaintiff: The person or organisation that is bringing the case to court.

Possession case: A hearing to decide if a tenant should be evicted from their home.

Power of Arrest: The power attached to injunctions (or certain clauses of an injunction) which if a police officer suspects a person to have breached will authorise the police officer to arrest the person for breach of injunction and the person arrested must then be brought before the court within 24 hours to answer allegation of breach of an injunction.

Solicitor: A legal representative who can put someone's case to Court and obtain the use of a Barrister in Court.

Statement: A written account of events that a witness signs as a true record of what has been witnessed. Knowingly lying on a witness statement can result in prosecution.

Suspended sentence: A prison sentence that is only enforced if the perpetrator breaks the conditions on which the order is suspended within a time scale set by the judge.

Swear on oath: Confirm the truth of something in court that is sworn on a bible or other holy book.

Tenancy Agreement: A legal contract between a landlord and a tenant that defines the tenants and landlords' rights and responsibilities in respect of the property the tenant occupies.

Undertaking: A promise made to the Court by the perpetrator either to do something or refrain from doing something. Breach of undertaking carries the same penalties as breach of an injunction.

Victim: The person who allegedly suffered from, and complained about, an incident of anti-social behaviour.

Organisations that can provide support and assistance

Age UK – provides services and support at a national and local level for people over 60 in the UK.

0800 678 1602

<https://www.ageuk.org.uk>

Base 25 – supports children, young people and families in shaping their lives.

29-31 Temple Street, Wolverhampton WV2 4AN

01902 572040

info@base25.org

Changing Lives – provides support for people living in crisis, including those with addiction, homelessness and a specialist women's service.

Tel - 0191 273 8891

<https://www.changing-lives.org.uk/contact>

Citizens Advice – provides free advice in all matters, find a local Citizens Advice online.

03444 111 444 (Adviceline)

0345 000 0046 (Consumer advice)

<https://www.citizensadvice.org.uk/>

Community Support Services - A confidential advice and information service that aims to enable residents that are over the age of 18, living in Wolverhampton to continue to live independently.

Community.Support@wolverhampton.gov.uk

01902 553445

Community Support Team, Snow Hill, City Centre, Wolverhampton, WV1 3AX

Engage Youth Empowerment Services (EYES) - deliver bespoke prevention and intervention projects and services for young people who are vulnerable, at risk or caught up in the criminal justice system.

58 Bank Street, Bilston WV14 8PD

07898 599540

Leasehold Advisory Service (LEASE) – free legal advice to leaseholders and landlords. Book an appointment online.

<https://www.lease-advice.org/>

Mencap – works in partnership with people with a learning disability

0809 808 1111

<https://www.mencap.org.uk/>

Mind – mental health charity for people in England and Wales

0300 123 3393

<https://www.mind.org.uk/>

P3 - A pathway service supporting people who are experiencing homelessness

01902 296451

For emergency out of hours support call **0800 1076753**.

<https://www.p3charity.org/services/wolverhampton-housing-and-homeless-service>

Recovery Near You - a free, confidential service for anyone in Wolverhampton concerned about their own or someone else's drinking or drug use.

5-9 Pitt Street, Wolverhampton WV3 0NF

bsmhft.recoverynearyou@nhs.net

RNIB – a charity providing practical and emotional support to blind and partially sighted people.

0303 123 9999

<https://www.rnib.org.uk/>

Samaritans - a charity offering a safe place to talk about whatever's getting to you.

116 123 (freephone)

jo@samaritans.org

<https://www.samaritans.org/>

Scope - provides support, information and advice to disabled people and their families.

0808 800 3333

<https://www.scope.org.uk/>

Soldiers, Sailors, Airmen and Families Association (SSAFA) – a charity that supports ex service personnel.

0800 260 6767
<https://www.ssafa.org.uk>

The Haven Wolverhampton – provides support for women and children who have been subjected to domestic abuse, and women who are at risk of homelessness.

Domestic Abuse Helpline: (24/7) [08000 194 400](tel:08000194400)
WhatsApp Helpline: (Mon-Fri | 9.00am – 5.00pm) [07719 558 183](tel:07719558183)
Email: referralpoint@havenrefuge.org.uk

The Good Shepherd – whose mission is to end homelessness, support recovery, and create pathways out of poverty.

Good Shepherd, 65 Waterloo Rd, Wolverhampton
Phone: [\(01902\) 399955](tel:01902399955)
Email: office@gsmwolverhampton.org.uk

The Royal British Legion - provides practical care, advice and support to members of the Armed Forces, veterans and their families.

0808 802 8080
<https://www.britishlegion.org.uk/>

Victim Support – an independent charity dedicated to supporting victims of crime and traumatic incidents in England and Wales

If you have been affected by crime, call your local victim care team in the West Midlands. Lines are open 8am – 8pm Monday to Friday and 9am – 5pm on Saturday.

0300 303 1977
Out of hours 080816 89111

City of Wolverhampton Council Information Network
[Wolverhampton Information Network](#)