**ANTI-SOCIAL BEHAVIOUR POLICY & PROCEDURE**

**POLICY**

**INTRODUCTION**

## Under Section 12 of the Anti-Social Behaviour Act 2003 Trustees of an Almshouse Charity registered with Homes England must publish a statement of policy and procedure for dealing with anti-social behaviour. It is good practice for Trustees of all Almshouse Charities to comply with the principles of this legislation.

* DMC works in partnership with other agencies where appropriate to prevent and tackle anti-social behaviour in the local area.

## The Trustees of DMC take anti-social behaviour extremely seriously. This Policy and Procedure sets out how Dorchester Municipal Charities (DMC, ‘the Charity’) addresses problems of anti-social behaviour towards Residents, Trustees and Employees on-site.

* Anti-social behaviour covers any kind of nuisance, unreasonable behaviour or harassment. See Appendix 1 for definitions.
* DMC Trustees are keen to prevent anti-social behaviour so encourage a culture of respect. This includes the Equality and Diversity Policy. The Trustees of DMC will not tolerate anti-social behaviour that affects the quality of life of a Resident or the management of the Charity for the benefit of all its Residents.
* DMC will respond to anti-social behaviour quickly and effectively, and will try where possible to resolve such situations at the earliest opportunity.
* DMC will aim to deal with anti-social behaviour in a consistent, sensitive and objective manner.
* Residents, Trustees and Employees are encouraged to report any behaviour considered by them to be anti-social by any person. The Trustees will investigate such reports (in confidence when this is appropriate) and keep the person informed about the progress of their case (where DMC is responsible) or signpost them to alternative services.
* DMC will provide support to victims and witnesses. Alleged perpetrators may be referred for support if it could prevent further anti-social behaviour in the future.
* Wherever possible DMC will try to resolve disputes informally and help the people involved to resolve their differences.

# ANTI-SOCIAL BEHAVIOUR

# Anti-social behaviour is defined (Section 2, Anti-Social Behaviour, Crime and Policing Act

# 2014) as:

# Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person

# Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation or residential premises, or

# Conduct capable of causing housing related nuisance or annoyance to any person.

**REQUIREMENTS**

* DMC residents are required, as per their Letter of Appointment, to occupy the property quietly and with thought for other residents and/or neighbours. Visitors should be made aware of this condition of occupancy.
* DMC Trustees are required, as per their Roles and Responsibilities, to act first and foremost in the best interests of the Charity and to promote the wellbeing of residents.
* DMC Employees are required, as per their contract of employment, to refrain from conduct such as harassment, victimisation or discrimination.

**MEDIATION**

* Should mediation be appropriate, the Trustees may refer the matter to an independent, external mediation service. This will enable an impartial person to view the matter from an unbiased perspective in order to help find a resolution to the problem.
* If the matter cannot be resolved by mediation the Trustees will not hesitate to act on behalf of a resident affected by anti-social behaviour. If this is caused by another resident in contravention of the Letter of Appointment, the Charity will follow its internal procedures. After a due process of verbal and written warnings the resident’s appointment to the almshouse may be set aside.
* In the case of anti-social behaviour by an Employee, the Trustees may consider using the Disciplinary Policy.
* In the case of anti-social behaviour by Trustees, the Trustees may consider that the Trustee is in breach of their Roles and Responsibilities contract and take appropriate action.

**PROCEDURE**

**Reporting Anti-Social Behaviour**

1. If a Resident, Trustee or Employee wishes to report anti-social behaviour they should contact The General Manager in the Clerk’s Office. If the behaviour involves the General Manager they may contact a member of the Management Team directly.
2. The General Manager will gather information about the incident(s) and request the behaviour stops (Resident, Employees) or refer the matter to the Management Team (Trustees).
3. The General Manager will then report to the Welfare Group (Residents) or Management Team (Employees).
4. Upon receiving a report of anti-social behaviour, the appropriate Working Group will decide whether appropriate to:
   1. Resolve the matter within the charity eg meet with the alleged perpetrator if the behaviour continues, to seek an acceptable solution. The person reporting the behaviour shall be kept informed of progress. The victim and witnesses shall be offered support. Alleged perpetrators may be referred for support if it could prevent further anti-social behaviour in the future.
   2. Refer the matter for external mediation
   3. Seek a civil injunction or a Community Protection Notice (CPN).

**Dealing with Anti-Social Behaviour**

1. If the Trustees conclude anti-social behaviour has been committed they will take the following steps:
   1. **Residents:** Consider setting aside the appointment in accordance with the resident’s Letter of Appointment
   2. **Trustees:** Consider the Trustee’s position within the Charity and whether this should be terminated
   3. **Employees:** Consider implementing the Disciplinary Policy & Procedures
   4. **Visitors or Neighbours**: Consider seeking a civil injunction or a Community Protection Notice (CPN).
   5. If necessary refer the matter to other agencies to resolve the problem, e.g. criminal proceedings by the police.
2. A record will be kept of the incident and processed in accordance with the DMC Privacy Notice.

**BIBLIOGRAPHY**

Almshouse Association, *Model Policy: Anti-Social Behaviour, version 4,* January 2020 <https://www.almshouses.org/model-policies-and-templates/>

Homes and Communities Agency, *Neighbourhood and Community Standard*, 2015

**Appendix 1**

**DEFINITIONS**

**Harassment**

Harassment is any behaviour that intimidates, dominates or harms an individual, family or group of individuals. The actions can be either physical or verbal. Harassment differs from nuisance and ASB in that it is targeted against particular individuals, households or groups of people, for example:

* Abusive or insulting behaviour – written or verbal
* Violence and threats of violence
* Vandalism
* Repeated or unfounded complaints against another resident, family or group
* Abusive telephone calls
* Uninvited visits to someone’s home
* Placing rubbish, excrement or offensive materials near or in someone’s home.

**Hate incident / crime**

A hate incident is any kind of behaviour that causes fear, alarm or distress where the victim or any other person feels that they have been targeted because of their racial heritage, religion or beliefs, disability, gender identity or sexual orientation.

A hate incident becomes a hate crime if a criminal offence has been committed.

**Nuisance**

Nuisance is more likely (but not always) to affect more than one individual or household. Nuisance also covers behaviour that unreasonably interferes with other people’s rights to the use and enjoyment of their home and community, for example:

* Noise nuisance, including parties
* Intimidating behaviour from groups of people
* Car repairs and abandoned vehicles
* Drug and alcohol related incidents
* Rubbish dumping
* Using premises for commercial gain or outworking
* Graffiti, vandalism and damage to communal areas
* Nuisance caused by pets and other animals.