

What happens if you have been accused of Antisocial Behaviour (ASB)?

Q What is ASB?

A ASB is where someone behaves in a way that causes (or is likely to cause) nuisance or annoyance to anyone living in a Clanmil home or a nearby property.

It can also mean when someone is threatening that they will behave in that way.

ASB can be seen as someone behaving in a way that annoys a resident's visitors or neighbours, or anyone living nearby. It can also impact our staff, as well as contractors or suppliers carrying out work on our behalf.

A person can be seen as having acted in an antisocial way if they have been convicted of an offence that involved using a Clanmil house or apartment, or allowing it to be used for something illegal or immoral.

Q What happens if I have been named in a report of antisocial behaviour (ASB)?

A At Clanmil, we want everyone to live well and feel safe in their home.

When someone makes a report of ASB, we act with integrity, fairness and respect, no matter what the circumstances are. We will look at the report to assess if it can be categorised as ASB, or if it is about something else.

If you have been accused of being responsible for ASB then we may take a statement from you. If you have evidence that supports your position, you can share that with us.

You may benefit from having some support around this time and we can make referrals for you should this be helpful. This is something your Housing Officer can support you with.

Q How do you decide what is ASB and what isn't?

A Judging if an incident meets the definition of ASB depends on the circumstances. We will look at what kind of behaviour has been reported, how often it has happened, if it is still happening, and the effect it is having on the person who reported it, and the people around them.

Our Housing Officers will consider the impact of the behaviour on the person who reported it, and we will look at the intent of the accused person, in other words, what they wanted to happen if and when they committed the alleged offence.

We sometimes work with other organisations to help resolve ASB and what powers they hold will affect the outcome. E.g We will ask Environmental Health to work with us if there is a noise nuisance case, as they have a statutory responsibility for these types of incidents. We may also use information provided by partner organisations as supporting evidence.

All reports of ASB will be treated as allegations. We will decide, based on information available, whether or not an incident has happened. In other words, we will not make a decision on if an incident has happened until the investigation is complete. Everyone involved will be interviewed, including the person who reported the ASB and the accused person.

Q How long does it take for a case to be resolved?

A A case will normally be investigated and closed within 15 or 20 working days. This could take longer in more complex cases.

Q What about cases that are not ASB?

A Sometimes we receive reports from people that are not classified as ASB. These may be about minor differences in lifestyle and reports of noise associated with everyday living, e.g mowing the lawn during the day, smoking in a garden, children playing in a communal area during the day. These will not be investigated under our ASB policy and procedures. We understand that behaviours that are not ASB can still affect other neighbours. We can help customers to try and resolve these, for example by providing mediation.

Q What about anonymous complaints?

A Anyone can make an anonymous complaint of ASB, but investigating the report will be more difficult, and supporting evidence will need to be found by Clanmil. If a case is brought before the court, the right to anonymity may be waived - in other words - the person will have to be identified. If someone makes malicious, persistent and unfounded reports of ASB, action may be taken against them. This may be done through the use of our Unacceptable Behaviour Policy, tenancy enforcement or, if significant, legal action.

Q What happens if we consider you to be responsible for ASB?

A Clanmil wants you to be able to sustain your tenancy and we can provide you with help and support to do so. This may include helping you to change behaviour that is considered to be ASB.

When there is a serious and/or persistent issue with ASB then you could lose your home.

Categories of Complaints

Complaints are described in categories from A to C

Category A - Very Serious Complaint

These are very serious incidents and, with supporting evidence, you could end up losing your tenancy. The police will normally be involved in these cases.

Examples include: Criminal behaviour involving serious incidents of violence or threats of violence towards any member of the public including members of staff; hate crime or behaviour that targets members of identified groups, because of their perceived differences (e.g., race, religion, political affiliation, disabilities, or sexual orientation); Domestic violence (including where a person has left the home as a result of violence or threats of violence by their partner); serious damage to property, including fire raising.

Category B - Serious Complaints

These cases will result in enforcement action if they are proven to be true. In these cases there may be separate engagement or action by the Police or Environmental Health.

Examples include: drug dealing, harassment, aggressive/abusive behaviour, vandalism and noise nuisance ((e.g. persistent noise, rowdy parties particularly after 9:00pm and before 7:30am, loud music/TVs, dog barking)

Category C - Nuisance Complaints

These complaints are normally dealt with by a Housing Officer and may involve engagement with other agencies like the police.

Examples include: Environmental issues (e.g. graffiti, fly tipping, nuisance), minor neighbour disputes, pet or animal incidents